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Chapter 40R

Chapter 40R seeks to substantially increase the supply of housing and decrease its cost, by increasing the amount of land zoned for dense housing.

The Smart Growth Zoning Overlay District Act, Chapter 149 of the Acts of 2004, codified as M.G.L. chapter 40R (the Act), encourages communities to create dense residential or mixed-use smart growth zoning districts, including a high percentage of affordable housing units, to be located near transit stations, in areas of concentrated development such as existing city and town centers, and in other highly suitable locations.

Projects must be developable under the community's smart growth zoning adopted under Chapter 40R, either as-of-right or through a limited plan review process akin to site plan review.

Upon state review and approval of a local overlay district, communities become eligible for Chapter 40R payments, as well as other financial incentives.

Chapter 40R seeks to substantially increase the supply of housing and decrease its cost, by increasing the amount of land zoned for dense housing. It targets the shortfall in housing for low- and moderate-income households, by requiring the inclusion of affordable units in most private projects.

40R News/Highlights

Effective December 29, 2017, DHCD has amended the Chapter 40R Regulation and adopted Guidance for Chapter 40R and the 40R Regulation. See [General Information About 40R Below](#).

40R Profiles

- [Haverhill \(/files/documents/2016/07/xj/profile-haverhill.pdf\)](/files/documents/2016/07/xj/profile-haverhill.pdf)
- [Northampton \(/files/documents/2016/07/vv/profile-northampton.pdf\)](/files/documents/2016/07/vv/profile-northampton.pdf)
- [Reading \(/files/documents/2016/07/qz/profile-reading.pdf\)](/files/documents/2016/07/qz/profile-reading.pdf)

[Compact Neighborhoods Policy \(/files/documents/2017/10/26/compact-neighborhoodspolicy.pdf\)](/files/documents/2017/10/26/compact-neighborhoodspolicy.pdf) (effective 11-14-12)

[State Applauds Easton's Affordable Housing Efforts, March 2012](#)

[MassHousing 40B Project Eligibility Denial \(/files/documents/2016/07/xv/masshousing-40bprojecteligibility.pdf\)](/files/documents/2016/07/xv/masshousing-40bprojecteligibility.pdf)- Easton

[State gives \\$800K boost to Natick High project \(/files/documents/2017/10/26/stategives800k-boost-natick.pdf\)](/files/documents/2017/10/26/stategives800k-boost-natick.pdf)

[A Road Less Traveled - MassHousing 40B Decision Recognizes Town's 40R Efforts](http://masshousing.typepad.com/my_weblog/2011/03/the-road-less-traveled.html)

(http://masshousing.typepad.com/my_weblog/2011/03/the-road-less-traveled.html)

General Information About 40R

- [Chapter 40R Activity Map \(/doc/chapter-40r-activity-map-0/download\)](/doc/chapter-40r-activity-map-0/download)
- [40R Districts / Activity Summary \(/doc/40r-districts-activity-summary/download\)](/doc/40r-districts-activity-summary/download)
- [Chapter 40R Regulation \(/files/documents/2017/12/29/ch40r760CMR592017final.rtf\)](/files/documents/2017/12/29/ch40r760CMR592017final.rtf) - Effective December 29, 2017
- [Chapter 40R Regulation \(/files/documents/2017/12/29/ch40r760CMR592017redlined.rtf\)](/files/documents/2017/12/29/ch40r760CMR592017redlined.rtf) - Redlined amendments effective December 29, 2017

(Older versions of the Chapter 40R Regulations may be available upon request)

- [Guidance for M.G.L. c. 40R and 760 CMR 59:00:Smart Growth Zoning and Starter Home Zoning \(/doc/guidance-for-mgl-c-40r-and-760-cmr-5900smart-growth-zoning-and-starter-home-zoning/download\)](/doc/guidance-for-mgl-c-40r-and-760-cmr-5900smart-growth-zoning-and-starter-home-zoning/download) - September 2018
- [Chapter 40R Statute \(https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40R\)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40R)
- [Transition Guidelines for 2013 Version Chapter 40R Regulation \(/files/documents/2017/10/26/regulationtransitionguidelines760cmr59-00.pdf\)](/files/documents/2017/10/26/regulationtransitionguidelines760cmr59-00.pdf)
- [Chapter 40S Statute \(https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40S\)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40S)
- [40R District Application for Preliminary Determination of Eligibility \(/doc/40r-district-application-for-preliminary-determination-of-eligibility/download\)](/doc/40r-district-application-for-preliminary-determination-of-eligibility/download)
- Density Data and District Summary Information Spreadsheets
- [Housing Production Summary Template \(/doc/housing-production-summary-template/download\)](/doc/housing-production-summary-template/download)
- [Annual Update Form \(Districts in Active Development\) \(/doc/annual-update-form-districts-in-active-development/download\)](/doc/annual-update-form-districts-in-active-development/download)
- [Annual Update Form \(Future Districts\) \(/doc/annual-update-form-future-districts/download\)](/doc/annual-update-form-future-districts/download)
- [Annual Update Form \(Districts Effectively Built Out\) \(/doc/annual-update-form-districts-effectively-built-out/download\)](/doc/annual-update-form-districts-effectively-built-out/download)
- [Chapter 40R Local Starter Home Zoning Bylaw Guidance and Sample Zoning Bylaw with Comments \(/doc/chapter-40r-local-starter-home-zoning-bylaw-guidance-and-sample-zoning-bylaw-with-comments/download\)](/doc/chapter-40r-local-starter-home-zoning-bylaw-guidance-and-sample-zoning-bylaw-with-comments/download)
- [Chapter 40R Starter Home Zoning Bylaw Template \(/doc/chapter-40r-starter-home-zoning-bylaw-template/download\)](/doc/chapter-40r-starter-home-zoning-bylaw-template/download)
- [Density Bonus Payment Application \(/doc/density-bonus-payment-application/download\)](/doc/density-bonus-payment-application/download)
- [Density Bonus Payment Definitions \(/files/documents/2016/07/vr/densitybonusdef.doc\)](/files/documents/2016/07/vr/densitybonusdef.doc)
- [The Use of Chapter 40R in Massachusetts \(/files/documents/2016/07/ug/theuseofch40rin-ma.pdf\)](/files/documents/2016/07/ug/theuseofch40rin-ma.pdf)
- [40R Design Standards Guidebook \(/files/documents/2016/07/xn/40rdesignstandardsguidebook.pdf\)](/files/documents/2016/07/xn/40rdesignstandardsguidebook.pdf) (March 2008)