



# 760 CMR 76.00

## Seasonal Communities Final Regulations

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Stockbridge Affordable Housing Trust

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Presentation by Patrick White, Chair • March 3, 2026*

# What the Regulations Cover



## Zoning Mandates

Tiny houses & undersized lots



## Tax Exemption Increase

Residential exemption up to 50%



## Year-Round Housing Trust

Municipal or regional trust fund



## Essential Worker Preference

Housing priority for public employees



## Artist Housing

Programs for artistic vocations



## 250% AMI Attainable Housing

Broader income eligibility

# Stockbridge Housing Challenges

## Stockbridge Faces Unique Housing Challenges

- Especially as it relates to middle class homeownership.
- 50 years ago, an entry-level house cost approximately 4x an entry level salary. Now that number is 15-20x.
- As a result, we've seen steady erosion in:
  - Children (~ 300 in 1980 vs. ~ 70 as of 2030 in K-12)
  - Housing that electricians, plumbers, teachers, nurses, paramedics, even doctors can afford. Just look at the crisis at Fairview.
- Affordable homeownership builds equity, stabilizes communities, and keeps Stockbridge well-rounded with a strong middle class.

### Key Fact

Jobs that local kids use to do are no longer easy to staff. One case in point: The Red Lion Inn imports workers from Europe every summer. This may become increasingly difficult due to federal administration policies.



**Who is going to teach our children, transport us in an ambulance, care for us in the hospital, or repair our homes in a crisis if none of these workers can afford housing?**



# Zoning Mandate: Tiny Houses

§76.04(1)(a) • §76.02

## Requirements

- Must be allowed as of right in all single-family residential zoning districts
- Maximum 400 sq ft floor area; must be a detached dwelling and the principal dwelling on the lot
- Must be designated as year-round housing units (10-month occupancy)
- Must comply with the state building code (780 CMR) and any local building code
- Movable tiny houses may be allowed or further regulated at the town's discretion — not required to be permitted

## Key Fact

No existing Stockbridge bylaw bans tiny homes, so compliance should be straightforward.



**Zoning adoption deadline: 24 months from acceptance or regulation effective date (whichever is later)**



# Zoning Mandate: Undersized Lots

§76.04(1)(b)

## Minimum Lot Size Formula

**Greater of 10,000 sq ft OR 25% of zoning district minimum**

## Example Calculations

Zoning District	Min Lot Size	25% Calculation	Effective Minimum
1-Acre Zone	43,660 sq ft	10,860 sq ft	<b>10,860 SF (1/4 acre)</b>
2-Acre Zone	87,120 sq ft	21,780 sq ft	<b>21,780 SF (1/2 acre)</b>
4-Acre Zone	174,240 sq ft	43,560 sq ft	<b>43,560 SF (1 acre)</b>

**To meet our Housing Production Plan goals of 25 new houses in five years would require approximately 15 acres of relaxed zoning, in a town with 15,168 acres of total area.**

## Additional Rules

### Setbacks

Max 1 ft per 1,000 sq ft of lot; hard cap of 15 ft

### Frontage

Hard cap of 20 ft

### Occupancy

Year-round restriction required on all units

### STR/Seasonal

Must comply with local restrictions; min 6-month residency; occupancy may be higher

### Wastewater

Must comply with all federal, state, and local sewer/wastewater laws

# Residential Tax Exemption Increase

§76.10

35%

Previous Maximum

50%

New Maximum

*of average assessed value of all Class 1 residential parcels*

## How It Works

- Applies only to the principal residence of the taxpayer, as used for income tax purposes
- Shifts tax burden from year-round residents to seasonal and higher-valued properties
- Requires vote of the select board
- If designation is revoked, exemption reverts to the standard M.G.L. c. 59 §5C cap

# Year-Round Housing Trust Fund

§76.05

## Structure & Governance

- May be municipal or regional (multiple Seasonal Communities)
- Minimum 5 trustees; must include chief executive officer or designee
- Trustee terms up to 3 years, renewable
- Regional trusts expire after a set term and require reauthorization
- Annual independent audit required
- Trust is a public employer and governmental body under state law

## Key Trust Powers

- Accept gifts, grants, and contributions including CPA funds (separately accounted)
- Purchase, sell, lease, exchange, and manage real and personal property
- Borrow money and mortgage trust assets
- Employ advisors and agents (accountants, appraisers, lawyers)
- Receive zoning fees and private contributions directly without further appropriation
- Funds carry over across fiscal years

# Housing Preference: Essential Public Employees

§76.06 • §76.02

## Who Qualifies

Households where at least one person is a municipal, county, or state employee necessary to maintaining a year-round community, including:

- Teachers at public institutions
- Public safety employees & first responders
- Public works employees
- Town administrators
- Other employees essential for municipal operations

## Compliance Requirements

- Must comply with all state and federal fair housing laws
- Must maintain detailed records: narrative of need, employment determination, selection process, unit data, demographic info
- Must follow EOHLC Affirmative Fair Housing Marketing guidelines for SHI-eligible units
- Must notify EOHLC Office of Fair Housing within 10 days of any fair housing complaint
- May cite preference as state program for §42(g)(9) Internal Revenue Code purposes

# Artist Housing

§76.07 • §76.02



*An Attainable Housing Unit designed for occupancy by households containing at least one person who produces or supports artistic and literary activities and will use the unit in pursuit of that vocation.*

## Requirements

- Community may expend funds for creation and preservation of Artist Housing
- Must comply with all state and federal fair housing laws
- Must maintain narratives describing: the need, how housing supports artistic vocations, and how qualification is determined and applied
- SHI-eligible units must follow EOHLC Affirmative Fair Housing Marketing guidelines
- Must notify EOHLC Office of Fair Housing within 10 days of any discrimination complaint

# Attainable Housing & Occupancy Restrictions

§76.02 • §76.09

## 250% AMI Income Ceiling

- Attainable Housing Units limit occupancy to households earning  $\leq$  250% AMI
- Community may set a lower cap
- Does not count on the Subsidized Housing Inventory unless it independently meets 760 CMR 56.03(2) criteria
- Subject to an Affordable Housing Restriction or other use restriction recorded by deed
- Broadly targets middle-income households priced out of the market but ineligible for traditional subsidized housing

## Year-Round Occupancy Restrictions

- Primary residence for not less than 10 months per 12-month period
- Reasonable exceptions for temporary absences permitted
- Must be recorded with the registry of deeds
- Default term of 30 years if no term specified (M.G.L. c. 184, §23)
- If an Affordable Housing Restriction already exists, the year-round restriction must be subordinated to it
- Community, Trust, or Regional Trust may hold and enforce restrictions

# Waivers, Compliance & Revocation

§76.11 • §76.12 • §76.04(2)

## Waivers (§76.11)

- May apply to EOHLC for a waiver from any requirement
- Must provide written statement of facts and supporting documentation
- EOHLC considers whether compliance can be met by existing or regional staff
- EOHLC considers whether compliance would cause undue hardship

## Revocation Risks (§76.12)

- Failure to adopt required zoning within 24 months of acceptance or regulation effective date (whichever is later)
- Failure to meaningfully permit new residential units under the zoning — measured by number and growth rate of year-round units
- Community no longer meets designation criteria for 5+ consecutive years



## Submission & Recordkeeping (§76.04(2))

Submit adopted zoning text to EOHLC within 60 days of final AG action. Maintain records of all development permitted under the new zoning (addresses, floor area, income restrictions) and make available to EOHLC upon request.

# Comprehensive Housing Needs Assessment

§76.08

Stockbridge has already funded and completed a housing needs assessment up to twice per calendar year. The assessment includes all of the requirements under the Comprehensive Housing Needs Assessment:

## **1** Demographics & Housing Stock

Existing population and housing inventory, plus projections of future population and housing needs

## **2** Infrastructure Capacity

Ability of current infrastructure to support the population now and anticipated future growth

## **3** Development Constraints

Limitations including water and sewer capacity, availability of developable land, and environmental factors

# Next Steps for Stockbridge

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- Vote to accept the Seasonal Community designation (majority vote of Town Meeting)
- Amend zoning bylaws within 24 months to allow tiny houses and attainable housing on undersized lots as of right
- Submit adopted zoning text to EOHLC within 60 days of AG approval
- Evaluate establishing a Year-Round Housing Trust Fund
- Develop housing preference and artist housing programs as needed

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