



Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: nmilano@townofmilton.org

February 19, 2025

Town Administrator Nicholas Milano
Town of Milton
525 Canton Avenue
Milton, MA 02186

Re: Milton – Notification of noncompliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Milano:

I am writing to officially notify you that, for the reasons explained below, the Town of Milton is noncompliant with M.G.L. c. 40A, § 3A (the MBTA Communities Law).

On January 8, 2025, the Supreme Judicial Court published its opinion in the case of *Attorney General v. Town of Milton*, confirming Section 3A is constitutional and valid, and that the Attorney General has the power to enforce it. The Court also held that the Executive Office of Housing and Livable Communities (EOHLC) must promulgate the law's implementing guidelines through the Administrative Procedures Act if they are to be enforceable. In response, EOHLC filed emergency regulations with the Secretary of the Commonwealth on January 14, 2025, and plans to adopt permanent regulations after a public comment period. The regulations are filed as: 760 CMR 72.00 Multifamily Zoning Requirement for MBTA Communities. They can be viewed at mass.gov/mbtacommunities.

The emergency regulations provided Milton an opportunity to come into interim compliance by submitting a new Action Plan by February 13, 2025. EOHLC has not received an action plan from your Town. **Milton is therefore noncompliant with Section 3A.**

The consequences of noncompliance are significant. As Attorney General Andrea Campbell advised communities on [March 15, 2023](#), compliance with the MBTA Communities Law is mandatory. All discretionary grant programs across the Healey-Driscoll Administration take compliance with the MBTA Communities Law into consideration when making funding decisions.

While we are disappointed that Milton has not submitted an action plan, we are hopeful that we can continue to work with the Town to ensure that Milton can achieve compliance with the MBTA Communities law. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci at nathan.carlucci@mass.gov.

Sincerely,

A handwritten signature in cursive script, reading "Edward M. Augustus, Jr.", written in dark ink.

Edward M. Augustus, Jr.
Secretary

cc: Attorney General Andrea Campbell
Senator William Driscoll, william.driscoll@masenate.gov
Representative Richard Wells, Richard.Wells@mahouse.gov
Representative Brandy Fluker, Brandy.FlukerOakley@mahouse.gov
Secretary Yvonne Hao, Executive Office of Economic Development
Naveet Bal, Executive Director MassDevelopment