

# ADU REGULATIONS AND GUIDELINES

Building an Accessory Dwelling Unit (ADU) — like with any building — requires consideration of several regulations before the project is approved. This section provides a brief overview of some major and minor regulations that property owners must follow, as well as other considerations for ADU design.

## BUILDING CODE, FIRE CODE, AND RELATED LAWS

The safety of Boston's buildings and people within them is regulated by a group of state and local laws implemented. These codes sometimes overlap and regulate the same ideas. In those cases, the strictest regulation will apply. As a homeowner pursuing an ADU, you will rely on an architect (and consultants they may hire) to understand these laws and design within them. Most decisions related to the Building Code, Fire Code, and related laws will not be noticeable to people not professionally involved in development. However, these codes can mandate certain high-cost building systems, like sprinkler systems or additional exit routes, that are a major financial consideration for homeowners.

### Building Code

The [Massachusetts State Building Code](#) is an implementation of international building safety standards, amended to meet the needs of the Commonwealth.

These codes cover a great deal of building issues, such as materials, construction techniques, room size requirements, egress (exit) standards, and much more. The Building Code is codified as 780 CMR (Code of Massachusetts Regulations), and comes in two variants. The International Residential Code (IRC, or Residential Volume) applies to single-unit structures, two-unit structures, townhouses with three stories or less, and accessory structures. The International Building Code (IBC, or Base Volume) applies to all buildings not covered by the IRC, including three- and four-unit structures. Depending on your existing building, the ADU configuration you want to build, and other factors, your ADU will either need to follow the IRC or the IBC. In general, IRC regulations are easier and less expensive to achieve than IBC regulations. The City of Boston's [Inspection Services Department](#) enforces the Building Code at the local level through permit application review and construction inspections.



An aerial view of Jamaica Plain.

*“I would love to see clear guidelines I can follow so I can convert my garage to a dwelling for my elderly father on a predictable budget and timeline — and before he is too frail to move him here.”*

**STEPHANIE** • JAMAICA PLAIN

### Fire Code

The [Massachusetts Comprehensive Fire Safety Code](#), codified as 527 CMR, specifies statewide requirements for buildings and infrastructure related to fire prevention and mitigation. In the case of ADUs, some of the most relevant provisions in these laws include distance of each residential structure to the street, the width and configuration of fire access, and sprinkler system requirements. The Boston Fire Department's [Bureau of Fire Prevention](#) enforces the Fire Code locally through permit application review and construction inspections. See the City of Boston's [Guidance on ADUs and Fire Safety](#) document for more information.

### Other Regulations

Beyond the Building and Fire Codes, there are other laws and regulations related to life safety in residential construction. For instance, sprinkler systems are also regulated by state-level statute, and the absolute minimum standards for health and safety in human habitation are covered by the sanitary code.



An aerial view of Roslindale and the Arnold Arboretum.



A home in Jamaica Plain.

*“I would love to see more multigenerational homes. My heart broke when my 90-plus-year-old neighbors had to move from their home of 55+ years to Natick. If they had made an ADU in the cellar, they could have lived comfortably with one of their kids living upstairs. I would like to build an ADU for my adult children now, and then switch spots when stairs aren't feasible for me.”*

**ELAINE** • BRIGHTON

*“I have a big attic and a two-car garage that I would love to turn into a unit for my son and his family.”*

**BLANCA** • WEST ROXBURY

## ZONING

Zoning is a set of laws that dictates what can or can't be built in a city and where. In Boston, zoning controls things like the types of activities allowed on a lot (uses), how many units a building can have (density), dimensional factors like the required distance between the building and the lot lines, building height, off-street parking, and other design elements. Right now, 98% of small-scale residential properties in Boston have zoning that will prohibit them from building an ADU (or even from building the current house). Many of the designs in this guidebook will require homeowners to seek zoning relief from the Board of Appeal to build them. The City of Boston is working to create new residential zoning that matches the City's small-scale residential fabric and allows ADUs. Refer to Boston's [zoning viewer](#) for an interactive map of zoning districts. For more information on zoning boundaries and requirements, contact the [Planning and Zoning Division](#) of the Planning Department ([planningzoningqs@boston.gov](mailto:planningzoningqs@boston.gov)).

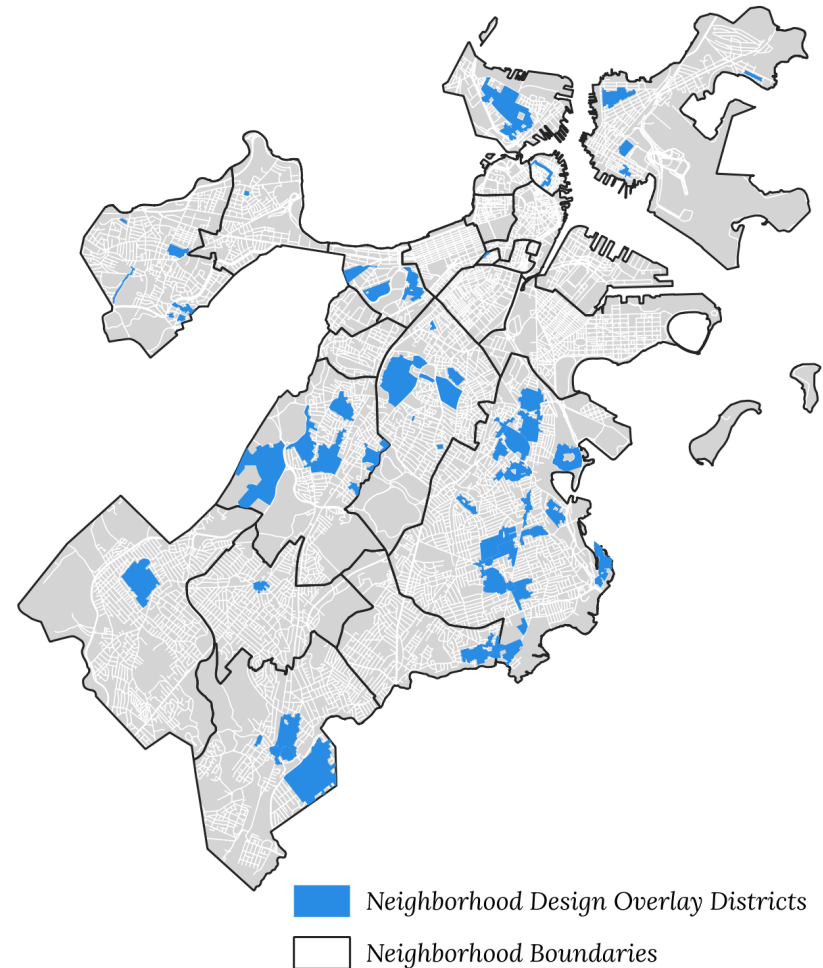
### Neighborhood Design Overlay Districts

Several areas of Boston have areas called Neighborhood Design Overlay Districts (NDODs) that require a notification process and design review for projects that involve exterior alterations such as changes to the roof shape, cornice line, building height, or height of the street-facing wall, building massing, size and location of doors and windows, buildings or additions of 300 square feet or more in gross floor area. There are 53 NDODs across the city, covering significant portions of neighborhoods like Charlestown, Dorchester, East Boston, Fenway, Hyde Park, Jamaica Plain, and Roxbury. Refer to Boston's [zoning viewer](#) for an interactive map of NDOD areas.

Certain types of ADU projects within NDODs may trigger this design review process, subject to the specific language for the zoning code for the NDOD it is located in. You can consult the [Boston Zoning Code](#) for detailed information or contact the [Planning and Zoning Division](#) ([planningzoningqs@boston.gov](mailto:planningzoningqs@boston.gov)).

## HISTORIC DISTRICTS

The City of Boston has 10 historic districts designated by the Boston Landmarks Commission. Within these areas, additional regulations control how property owners design new buildings or major renovations, especially those that impact the exterior of buildings. In each Historic District,



a commission specific to that district reviews proposals and can approve or deny projects. The districts (which have specific boundaries mapped by the City) include the following:

- Aberdeen, Brighton
- Back Bay
- Bay State Road/Back Bay West
- Bay Village
- Beacon Hill
- Fort Point Channel, South Boston
- Mission Hill Triangle
- South End
- St. Botolph Area, East Fenway
- Highland Park, Roxbury

Contact the [Boston Landmarks Commission](#) ([BLC@boston.gov](mailto:BLC@boston.gov)) for questions about the historic districts.



Top: An aerial view of the South End.

## PARKS COMMISSION REVIEW

Under City of Boston Ordinance 7-4.11, the construction or alteration of a building within 100 feet of a park or parkway requires the approval of the Boston Parks and Recreation Commission prior to the issuance of building permits. Contact the [Parks and Recreation Commission](#) ([prc@boston.gov](mailto:prc@boston.gov)) for more information.



Left: A rowhome in Mission Hill.

## BUILDING ENERGY CODE

Boston has recently opted into Massachusetts' "Specialized Energy Code" for new construction and major renovations, such as the development of ADUs. This Specialized Code implements the policy of net zero greenhouse gas emissions from building operations, by requiring high levels of energy efficiency and using clean energy.

ADU developments can meet the specialized code requirements by using (1) net zero energy and pre-wiring all appliances for electrification, (2) using all-electric energy sources (i.e., avoiding fossil fuels altogether), or (3) using a mix of electric and fossil fuel sources, but pre-wiring for electrification and installing solar panels where feasible. The new energy code is both an important step forward for Boston and a potential driver of costs that must be considered in ADU projects.

## ACCESSIBILITY

Accessibility for people with disabilities is a driving factor among many people interested in ADUs. Often, property owners considering ADUs may be owner-occupants looking for an accessible apartment to age within, or they are people looking to house aging relatives. ADUs may also be used to provide housing for live-in homecare providers, such as nurses, health care aides, PCAs, physical therapists, and others. When thinking of building an ADU, homeowners should consider that accessibility is a spectrum.

- A "visitable" unit can be easily visited by someone using a wheelchair. As defined by the Fair Housing Act Design Manual, a visitable home would feature a zero-step entrance, door widths with sufficient wheelchair clearance, and a wheelchair-accessible ground floor bathroom.
- "Adaptable" units are built to easily transition to accessible units if needed. They may have removable base cabinets and reinforced walls at key locations for the installation of grab bars.



An aerial view of Roslindale.

- More accessibility features include turning space that accommodates wheelchairs, accessible room thresholds, lower cabinets and shelving, wheelchair-aligned outlets, etc.
- There are also features for sensory disabilities such as auxiliary visual alarms, which provide a visual alert for fire alarms, visual notification devices for doorbells, adjustable lighting, etc.
- Because there are many uses for ADUs, using Universal Design principles when constructing ADUs can ensure the unit is usable to the greatest extent possible by all users regardless of their age, size, or disability. "Universal Design" is an accessibility paradigm that promotes designing for all potential users. This approach has been described in guides like the [Standards for Universally Accessible Homes](#).

Fair Housing laws at the federal, state, and local levels make discrimination on the basis of disability illegal. This includes making reasonable modifications so that people with disabilities have full enjoyment of the unit. Even if a property owner does not need to make an accessible unit, it would be wise for ADU designs to be easily adaptable to meet this reasonable modification requirement.

State building code (521 CMR) has specific accessibility requirements for buildings and facilities with three or more units. If the building already has three or more units, or constructing the ADU adds a third unit, these requirements may be applicable.

Accessibility features, like home elevators and lifts, may be eligible for the [Home Modification Loan Program](#). Veterans may also be eligible for grants to fund accessibility features. Other nonprofit and for-profit lenders offer grants or loans for accessibility features, independent of financing strategies for an ADU generally, which could also cover installation of accessibility features.

For more information on accessibility in ADUs, contact the [Mayor's Office of Housing \(housing@boston.gov\)](#) and/or the [City of Boston Disabilities Commission \(disability@boston.gov\)](#).



A triple-decker in Allston.

## FAIR HOUSING LAWS

Beyond accessibility and accommodation, Fair Housing laws at the federal, state, and local levels prohibit discrimination based on listed characteristics of a person or household engaging in the following activities: renting or buying a home, getting a mortgage, and seeking housing assistance. It is illegal to discriminate on demographic factors or household characteristics including, but are not limited to race, religion, age, national origin, sex, sexual orientation, family status, the presence of children, and military status. In most cases, these laws do not affect the design of the unit itself. However, property owners looking to add an ADU should be aware that building a unit for a specific demographic and attempting to select occupants based on their demographic characteristics is illegal. Contact the [Office of Fair Housing and Equity \(fairhousing@boston.gov\)](#) for more information.

## FLOODING

Flooding from extreme weather and storm surges are a serious concern as coastal cities like Boston deal with climate change. ADU projects within a FEMA flood zone, which are vulnerable to flooding today, will need to follow all rules for flood hazard zones. Properties in the Coastal Flood Resiliency Overlay District, which will be vulnerable in the future under conditions of sea level rise, will need to ensure the ADU is above the base flood elevation or sea level rise design flood elevation. As flooding becomes less predictable in climate change, ADU projects should take into account the potential impacts of stormwater flooding to an ADU, particularly to any areas below grade. Contact the Planning Department's [Planning and Zoning Division \(planningzoningqs@boston.gov\)](#) for more information on the Coastal Flood Resiliency Overlay District.