



NOTICE OF CHANGE TO THE DOVER AMENDMENT, M.G.L. c. 40A, § 3

As part of the FY25 enacted budget signed by Governor Healey on July 29, 2024, changes were made to the so-called Dover Amendment, M.G.L. c. 40A, § 3.

The amended Section 3 reads:

Section 3 of chapter 40A of the General Laws, as so appearing, is hereby amended by striking out the fifth paragraph¹ and inserting in place thereof the following paragraph:-

Family child care home and large family child care home as defined in section 1A of chapter 15D **shall be an allowable use** and **no city or town shall prohibit or regulate such use** in its zoning ordinances or by-laws.

M.G.L. c. 40A, § 3 (emphasis added).² As detailed above, the Legislature has amended G.L. c. 40A, § 3 to explicitly provide that family child care homes and large family child care homes are an **allowable** use, which **shall not be prohibited or regulated** by a city or town's zoning ordinances or by-laws.

¹ The now stricken paragraph 5 of M.G.L. c. 40A, § 5 previously read: "Family child care home and large family child care home, as defined in section 1A of chapter 15D, shall be an allowable use unless a city or town prohibits or specifically regulates such use in its zoning ordinances or by-laws."

² FY2025 enacted budget Outside Section 76, available at <https://budget.digital.mass.gov/summary/fy25/outside-section/section-76-family-childcare-zoning/>.