

# PREFACE TO THE 2025 SUPPLEMENT

This 2025 Supplement to the *Massachusetts Conveyancers' Handbook with Forms, 4th Edition*, contains updates drawn from 2024 and 2025 cases decided by the Massachusetts Supreme Judicial Court, the Massachusetts Appeals Court, the Massachusetts Superior Court, and the Massachusetts Land Court. The remaining updates come from state legislation enacted in 2024.<sup>1</sup>

Recent developments in this release include:

- 1) In *Carroll v. Select Bd. of Norwell*, 493 Mass. 178, 223 N.E.3d 1178 (2024), the Massachusetts Supreme Judicial Court held that a municipality may not transfer land held for a specific municipal purpose to be used for another, inconsistent use without a determination of the board or individual charged with the land that the land is no longer needed for that purpose, where totality of the circumstances indicates a clear and unequivocal intent by the town to hold the land for such specific purpose.
- 2) In *Bristol Asphalt, Co. v. Rochester Bituminous Products, Inc.*, 493 Mass. 539, 227 N.E.3d 1019 (2024), the Massachusetts Supreme Judicial Court streamlined the analytical framework for anti-SLAPP motions, requiring an anti-SLAPP movant to show that claims against it are based on its petitioning activities alone, with no substantial basis other than or in addition to the petitioning activities, at which point the burden shifts to the claimant to show that the movant's petitioning was devoid of any reasonable factual support or any arguable basis in law and caused actual injury.
- 3) In *Attorney Gen. v. Milton*, 495 Mass. 183, 248 N.E.3d 635 (2025), the Massachusetts Supreme Judicial Court upheld the constitutionality of M.G.L. c. 40A, § 3A (the MBTA Communities Act) requirements that certain communities benefitting from having local access to MBTA services have a zoning by-law or ordinance that provides for at least one zoning district of reasonable size in which multi-family housing is allowed as of right.
- 4) The legislature passed the Massachusetts Affordable Homes Act, amending M.G.L. c. 40A, § 3, the so-called Dover Amendment, to prevent municipalities from prohib-

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<sup>1</sup> All research conducted between January 1, 2024 and February 28, 2025.

iting, or requiring discretionary zoning relief for the creation or rental of accessory dwelling units in single-family zoning districts, and further prohibiting any requirement that the accessory dwelling units or principal dwelling be owner occupied.