

# MBTA Communities: Requirement to zone for multifamily housing

As part of the Housing Choice provisions of the 2021 Economic Development Bill:

All communities served by the MBTA need to zone to allow for multifamily housing by-right, with a greater obligation for communities with higher levels of transit service.

# *The Bottom Line*

As part of the Housing Choice provisions of the 2021 Economic Development Bill:

All communities served by the MBTA need to zone to allow for multifamily housing, as of right, with a greater obligation for communities with higher levels of transit service.

# Chapter 358 of the Acts of 2020 SECTION 18

Chapter 40A is hereby further amended by inserting after section 3 the following section:

## Section 3A. (a)

An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall:

- (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and
- (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

# Chapter 358 of the Acts of 2020 SECTION 18

- (b) An MBTA community that fails to comply with this section shall not be eligible for funds from:
- i. the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017;
  - ii. the Local Capital Projects Fund established in section 2EEEE of chapter 29; or
  - iii. the MassWorks infrastructure program established in section 63 of chapter 23A.

# Chapter 358 of the Acts of 2020 SECTION 18

(c) The department\*, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.

\* Department of Housing and Community Development (DHCD)

# The Guidelines

Under the Guidelines, finalized in August, 2022:

- Bedford is designated as an “adjacent” community
- At least 50 acres must be zoned for multifamily housing at a gross density of at least 15 units per acre, for a minimum unit capacity of 750 units
- Wetlands constraints are acknowledged in calculating density but the overall unit capacity must still be met
- “As of right” zoning means no special permit or other discretionary approval, but site plan review can be applied
- The housing cannot be required to be in a mixed-use development or to meet other special requirements (although requiring inclusion of affordable units may be allowed in some circumstances)

# The Compliance Process

- Action Plan to be submitted by January 31, 2023
- Complying zoning district to be created and submitted by December 31, 2024
- Technical assistance is offered through various agencies