



# Multifamily Zoning Requirements

MBTA COMMUNITIES

# *An Act Enabling Partnerships for Growth*

## Chapter 358 of the Acts of 2020

Multi-family zoning requirement for MBTA communities signed into law January 2021.

Requires 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*.

Multi-family housing shall be without age restrictions and shall be suitable for families with children.

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 and

(ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, *if applicable*.



# WHY REFORM IS NECESSARY

- Massachusetts has among the highest, and fastest growing, home prices and rents of any state in the nation.
- Between 1960 and 1990, Massachusetts communities permitted almost 900,000 housing units.
- Since 1990, communities have permitted fewer than 470,000 new units.
- There is an estimated shortage of up to 200,000 housing units.



- Mass Housing Partnership (MHP) evaluated 261 station areas in Greater Boston and found the median housing density across all station areas is roughly 6.2 homes per acre.
- MHP concluded that a modest increase to just 10 homes per acre could yield approximately 253,000 additional housing units over time

# THE COMMONWEALTH ADDRESSES HOUSING NEEDS

## 2018 Housing Bond Bill:

- Largest housing bond bill in state history, authorizing more than \$1.8 billion to the future of affordable housing production and preservation.

## 2021 Economic Development Bill:

- Housing Choice Zoning Reforms: Changes to M.G.L c. 40A reduce the threshold of votes needed to adopt certain zoning measures that promote housing production from 2/3 to simple majority.
- \$50M for Transit Oriented Housing Development to produce new, high density, mixed-income affordable housing developments located near major transit nodes and help mitigate environmental/traffic concerns.
- \$50M for Neighborhood Stabilization to return blighted or vacant units back to productive use, including in communities disproportionately affected by COVID-19.

- \$10M for Climate-Resilient Affordable Housing Production of affordable, multi-family housing developments, with the goals of equipping homes to better respond to climate changes and reducing greenhouse gas emissions.

## ARPA Spending Package:

- *Homeownership:* \$115M for the **CommonWealth Builder Program** and \$65M for **First-Time Homebuyer Assistance**
- *Affordable Housing:* \$115M for **Affordable Rental Units** and \$150M for **Supportive Housing**

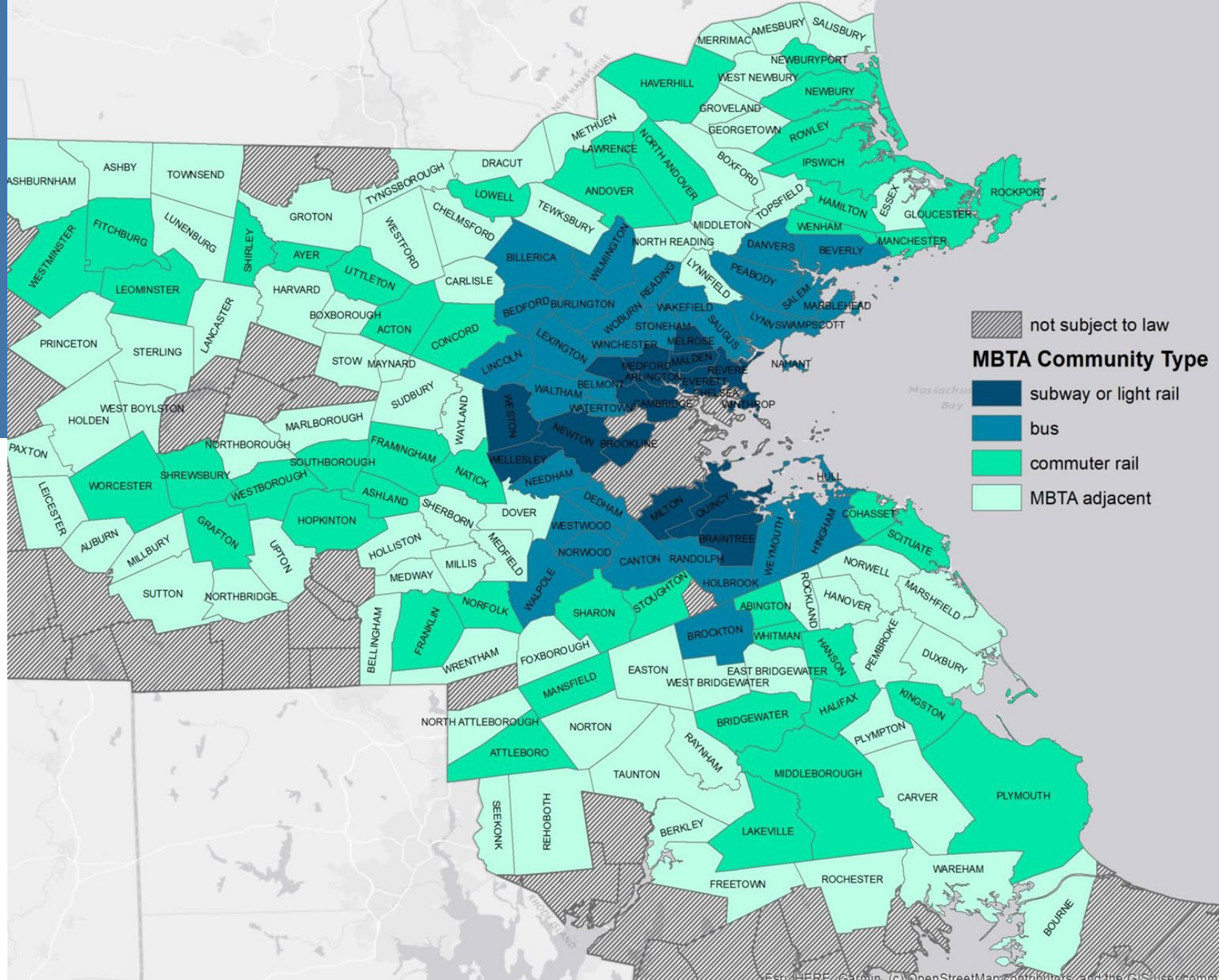


# MBTA Communities

“MBTA community” is defined by reference to G.L. c. 161A, sec. 1.

175 municipalities\* subject to the law.

If a community has multiple modes of MBTA access, the highest threshold is used to determine compliance.



# THE BASIC REQUIREMENTS

1. **Minimum Land Area:** multi-family districts must comprise at least 50 acres of land—or approximately 1/10 of the land area within 0.5 mile of a transit station -- with a **minimum gross density of 15 units per acre**, subject to any further limitations imposed by relevant aspects of the state environmental code.
2. **Minimum Multi-Family Unit Capacity:** The multi-family unit capacity is a number of units based on a percentage of total housing units within the community.

Service Type/Category	Minimum MF % of Total Housing Stock	# of communities
Subway or light rail communities	25%	17
MBTA bus communities	20%	35
Commuter rail communities	15%	48
“Adjacent” communities (no MBTA transit service)	10%	75



# WHAT DOES IT MEAN FOR RANDOLPH?



- MBTA communities categorized based on whether there is transit service within the municipality or within 0.5 miles of the municipal boundary.
- A community with access to more than one type of transit is classified with the higher unit capacity requirement.
- **Randolph is classified as a BUS COMMUNITY**

- Minimum unit capacity determined by the number of housing units existing in the community and the factor associated with the type of service.
- Randolph has 12,901 housing units as of 2020 census data.
- As a bus community, the factor is 20%
- Randolph's compliant district(s) must accommodate 2,580 housing units



# STRUCTURE OF REGULATIONS

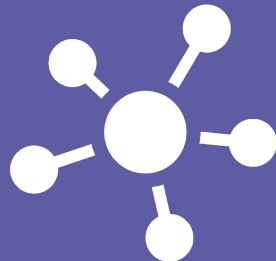


## Focuses on zoning

The local rules that govern where housing can be built.

## Provides local control

Municipalities have discretion where multi-family districts are located and the rules established in those districts.



## Not a “one size” approach

Recognizes that a multi-family district that is reasonable in one city or town may not be reasonable in another city or town.

Actual production depends on factors including developer interest, infrastructure, market dynamics, etc.







Townhouses at 15 units per acre

Townhouses at 27 units per acre



Multiple housing styles at 15 units per acre

## Residential Multifamily Density Examples

A person's silhouette is shown in the foreground, looking through a telescope. The telescope is pointed towards a city skyline at sunset. The sun is low on the horizon, creating a warm, orange glow. The city buildings are silhouetted against the bright sky. The overall mood is contemplative and forward-looking.

# LOOKING AHEAD

# TIMELINE

Submit the MBTA  
Community  
Information Form

May 2, 2022

Submit an Action  
Plan or Request for  
Compliance  
Determination to  
DHCD

December 31, 2022

Receive DHCD  
approval on the  
Town's Action Plan  
Approval

March 31, 2023

Adopt zoning  
amendments

December 31, 2023

Notes: **Public comment period ended on March 31, 2022**  
Final guidelines in development.



# NON-COMPLIANCE

- An MBTA community that fails to comply 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 2EAAA of chapter 29; or
  - (iii) the **MassWorks** infrastructure program established in section 63 of chapter 23A.



# TECHNICAL ASSISTANCE AVAILABLE

- Online tools and a clearinghouse of information
  - Webinars and training modules, best practices, model ordinances and bylaws, and sample public outreach materials
- Grant monies for third-party assistance based on readiness and need for support
  - Drafting/amending bylaws and ordinances, conducting build-out analysis, drawing/mapping district boundaries, etc.
- FY23 Community One Stop: assistance through programs like the Housing Choice Grant Program, Community Planning Grants, and the Rural and Small Town Development Fund
- FY23 EOEEA Land Use Planning Grant program will prioritize MBTA municipalities
- Support from Regional Planning Agencies through prioritization District Local Technical Assistance (DLTA) funding



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**HOUSING TOOLBOX**  
for Massachusetts Communities 