

# MBTA Communities Draft Guidelines

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Citizens' Housing and Planning Association

# Statutory Requirements

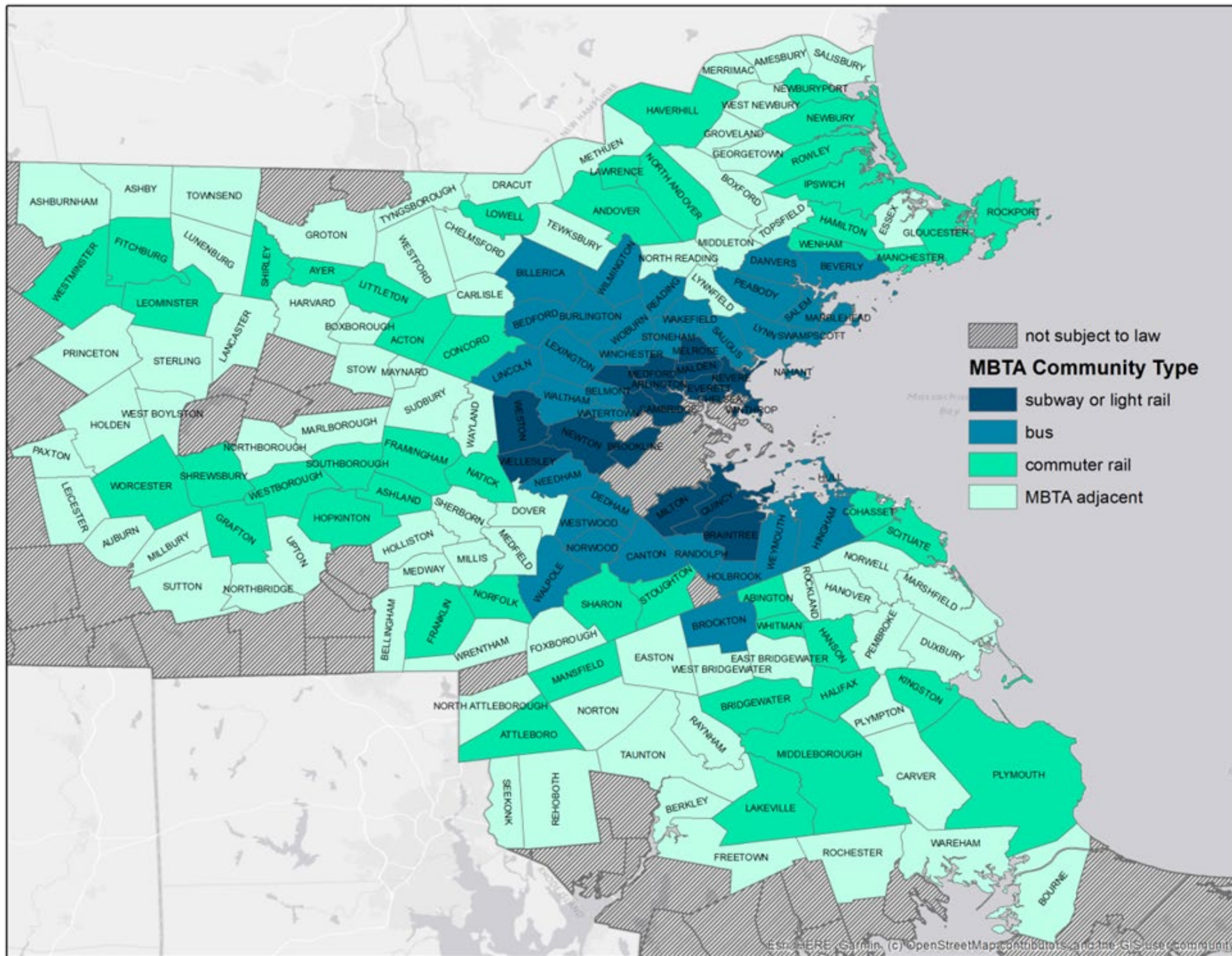
- Zoning must allow multifamily housing “as of right”
- Zones must be of “reasonable size”
- Minimum gross density of 15 units per acre
- No age restrictions
- Suitable for families with children
- Not more than ½ mile from a commuter rail station, subway station, ferry terminal or bus station, if applicable

# Determining Reasonable Size

- Be at least 50 contiguous acres; and
- Have a unit capacity to meet or exceed certain unit requirements based on the municipality's assigned category of MBTA community.
- An overlay district can be used to achieve compliance if the overlay is not a collection of small, non-contiguous parcels and at least one portion at least 25 contiguous acres

# Categories of MBTA Communities

Type of Community	Definition
Rapid Transit Community	Community with subway station within its border or within a ½ mile of its border even if there is one or more commuter rail stations or MBTA bus lines in that community
Bus Service Community	Community with a bus station or MBTA bus stop within its border or within ½ mile of its border AND no subway station or commuter rail station in or within ½ mile of its border
Commuter Rail Community	Community with commuter rail station within its border or within a ½ mile of its border AND no subway station in or within a ½ mile of its border
Adjacent Community	Community with no transit station within its border or within ½ mile of its border



# Zoning Capacity Requirements

<b>Type of Community</b>	<b>Minimum multifamily units as % of total housing stock requirement</b>
Rapid Transit Community	25%
Bus Service Community	20%
Commuter Rail Community	15%
Adjacent Community	10%

[Chart for multifamily unit capacity for each MBTA community](#)

# Housing Suitable for Families with Children

- No age-restrictions for those 55+
- No legal restrictions on
  - Number of bedrooms
  - Size of bedrooms
  - Number of occupants

# Location of Districts

- Districts must be within  $\frac{1}{2}$  miles of a transit station, if applicable
- Distance to be measured from the boundary of any parcel of land of that transit station, such as an access roadway or parking lot
- For communities with some land within a  $\frac{1}{2}$  mile of a station, a substantial portion—or at least half—of the multifamily district must be located within that distance
- For communities with no land within a  $\frac{1}{2}$  mile of a station, the multifamily district should, if feasible, be located in an area with reasonable access to a transit station or in an area near an existing downtown or village center



# Compliance

- *Full Compliance*: An MBTA community may receive a determination of full compliance when a multifamily district meets all the requirements of the law. For communities seeking a determination of full compliance, a community must provide DHCD with certain information on the multifamily zoning district that the community has already enacted or amended.
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- *Interim Compliance*: A community may receive a determination of interim compliance for a limited amount of time to allow the community to plan for and pass a multifamily district to achieve full compliance.

# Compliance

- By May 2, 2022, a community must:
  - Include a presentation on the draft guidelines at a meeting of the Select Board, City Council, or Town Council;
  - Complete and submit a [Community Information Form](#); and
  - Submit updated parcel maps to DHCD.
- By December 31, 2022, a community must either:
  - Submit a request for a determination of full compliance; or
  - Notify DHCD that there is no existing/compliant multifamily zoning district and submit a proposed action plan by certain deadlines.

# Compliance

<b>Type of Community</b>	<b>Action Plan Approval Deadline</b>	<b>Multifamily Zoning Adoption Deadline</b>
Rapid Transit Community	March 1, 2023	December 31, 2023
Bus Service Community	March 1, 2023	December 31, 2023
Commuter Rail Community	July 1, 2023	December 31, 2024
Adjacent Community	July 1, 2023	December 31, 2024

# Effect of Non-Compliance

- Failure to comply with the multifamily zoning requirements would make a community ineligible for funds from:
  - Housing Choice Grants;
  - Local Capital Fund Projects; and
  - MassWorks Infrastructure Program
- DHCD may, in its discretion, take non-compliance into consideration when making other discretionary grant awards.

## Public Comment Period

The public comment period to solicit feedback on the draft guidelines is open until **March 31st, 2022**. [Submit Written Comments](#).

## Technical Assistance

Massachusetts Housing Partnership will be providing [technical assistance](#) to communities as they work to comply with the MBTA multifamily zoning requirements.