

MBTA Communities Fact Sheet

About MBTA Communities:

The Multi-Family Zoning Requirement for MBTA Communities Amends Chapter 40A (the Zoning Act), Section 3A to require:

- 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.
- District of reasonable size.
 - 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.

About the Zoning:

- MBTA Communities mandates that multi-family housing shall be allowed by-right. Compliance is not dependent on any housing being built, simply that it is **zoned to allow for it to be built**.
 - A compliant zoning district can exist in an area that is already developed.
 - A compliant zoning district does not have to be one singular area.
- Age Restrictions are **not allowed** in a compliant district, and they must be suitable for families with children, i.e., no bedroom or occupancy caps.
- The proposed district's eligible acreage cannot include wetlands, environmentally sensitive resource areas, or publicly owned land.
- The percentage of affordable units cannot be required to **exceed 10%** unless an Economic Feasibility Analysis (EFA) is completed. Up to 20% can be approved by the State if it is shown through the EFA that a higher affordable requirement does not place an undue burden on developers.
- Multi-family housing **must be allowed by-right**, but a site plan review can be required.

Section 3A is a zoning *mandate*, there is no opt out mechanism.

Non-Compliance:

- Failure to comply results in ineligibility for:
 - Housing Choice Initiative grants.
 - MassWorks infrastructure program.
 - Local Capital Projects fund.
- Failure to comply, according to the Attorney General, will be subject to other consequences, including:
 - **Risk liability under federal and state fair housing laws.**
 - **May be subject to civil enforcement action.**
- Statute makes clear that the state can choose to increase funding constraints:

“DHCD may, in its discretion, take non-compliance into consideration when making other discretionary grant awards.”

Townsend’s Obligations:

Townsend MBTA Communities Minimum Requirements:
MINIMUM MULTI-FAMILY UNITS: 178
MINIMUM DENSITY PER ACRE: 15 UNITS
MINIMUM SIZE OF DISTRICT: 11.8 ACRES

Final Deadline for Townsend to Submit District Compliance: December 31, 2025

