**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**

