

MBTA Communities Zoning Requirements

Affordable Inclusive Milton/Milton Housing Coalition Meeting
December 15, 2022



Milton Department of Planning and Community Development

What is the MBTA Communities legislation?

Enacted as part of the economic development bill in January 2021, new Section 3A of M.G.L. c. 40A (the Zoning Act) requires that an MBTA community shall have at least one zoning district of reasonable size in which multi-family housing (three or more units) is permitted as of right and meets other criteria set forth in the statute:

- Minimum gross density of 15 units per acre
- Not more than ½ miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.
- No age restrictions
- Suitable for families with children.

Towns that do not comply with the new requirements will be ineligible for **MassWorks**, **Housing Choice**, and **Local Capital Projects** funds.



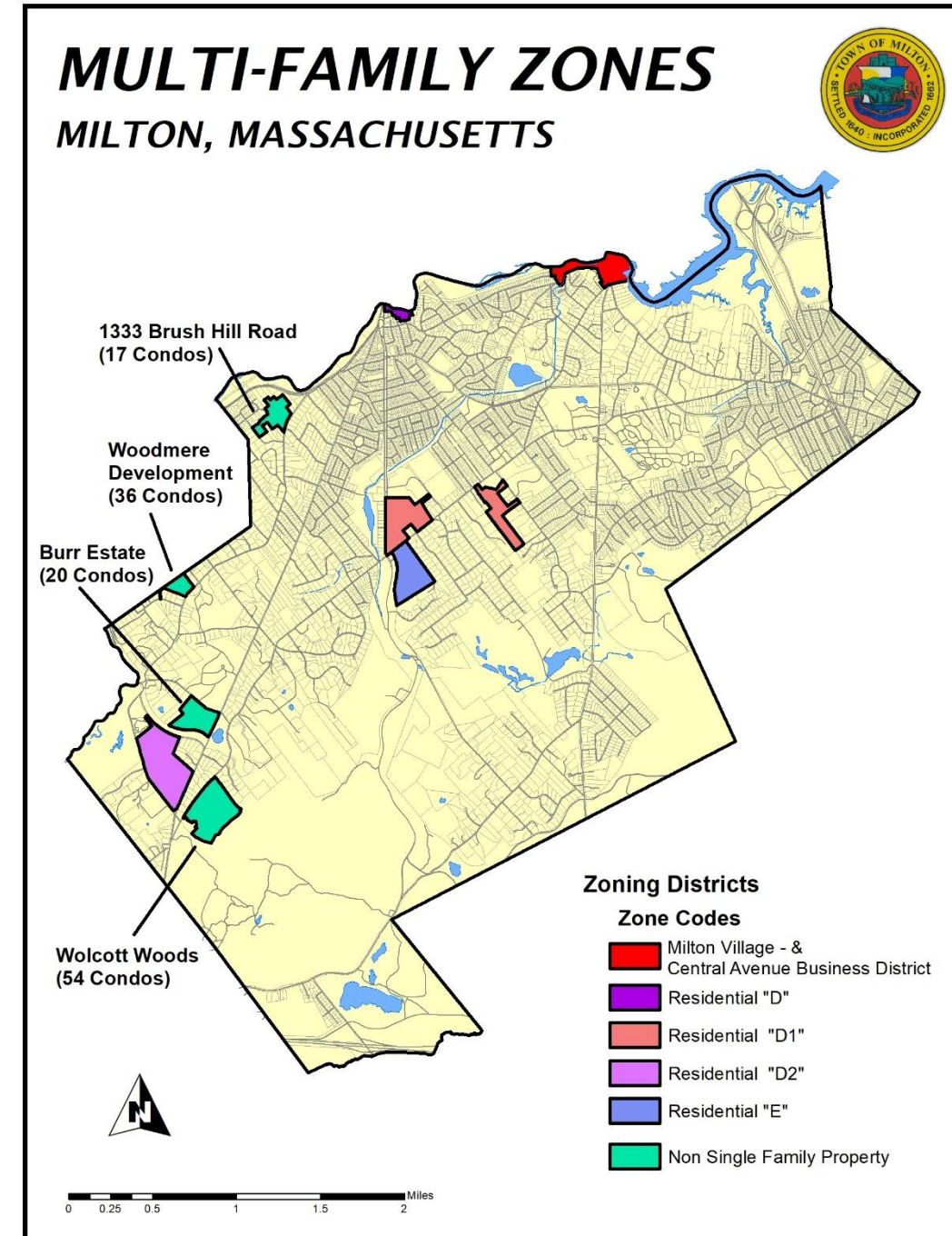
Options for Compliance

- Towns with existing compliant districts could potentially count that zoned capacity toward their requirements. Compliance means multi-family by right at a density of 15 units per acre with no age restrictions.
- Does Milton have any existing compliant districts?
 - No.
 - The overwhelming majority of land in Milton is zoned for a single housing unit per parcel.
 - Where townhouse and multifamily development is allowed, it is by special permit, not by right.
 - Much of our multifamily development is age restricted.



Options for Compliance

- Towns are allowed to count units in existing zoning districts toward their total only if they would be allowed by-right.
 - Milton's zoning is predominantly single family
 - AA zone: 80,000 sf minimum lot
 - A zone: 40,000 sf minimum lot
 - B zone: 20,000 sf minimum lot
 - C zone: 7,500 sf minimum lot
 - Any development more than a single-family house requires a special permit



Effect of Noncompliance

- If at any point DHCD determines that an MBTA community is not in compliance with Section 3A, that MBTA community will not be eligible for funds from the following grant programs:
 - Housing Choice Initiative
 - Local Capital Projects Fund
 - MassWorks

DHCD may, in its discretion, **take noncompliance into consideration** when making other discretionary grant awards.



Effect of Noncompliance

- MassWorks at a glance
 - “The MassWorks Infrastructure Program is a competitive grant program that provides the largest and most flexible source of capital funds to municipalities and other eligible public entities primarily for public infrastructure projects that support and accelerate housing production, spur private development, and create jobs throughout the Commonwealth.”
 - \$66 to \$95 million distributed annually
 - Milton has received \$2.8 million in MassWorks grants since 2011
 - 2011: \$1.8 million for Houghton’s Pond improvements
 - 2012: \$1 million for Central Ave./Milton Village public realm improvements
 - Similar-sized towns (within 10% of Milton’s population) have averaged two awards worth \$2.2 million since 2011



Effect of Noncompliance

- Local Capital Projects Fund at a glance
 - Statewide fund derived from a portion of casino revenue
 - Legislature has typically appropriated money from this fund for subsidies to local housing authorities
 - Percentage of DHCD subsidies to housing authorities from LCPF
 - FY23: 10.6%
 - FY22: 10.1%
 - FY21: 9.6%
 - FY20: 9.7%
- Six noncompliant communities have already seen a 10.6% reduction in allocations to their housing authorities
 - Milton Housing Authority has received between \$235,000 to \$255,000 in state subsidies every year since 2018.



Current Planning Efforts

- DHCD has set a January 31, 2023 deadline for the next interim compliance step, the submission of an Action Plan
 - The Action Plan includes a description of current housing planning, potential locations of compliant districts, and a timeline for drafting and approving zoning
 - Planning staff has created a draft plan for Planning Board comment and Select Board approval
- Planning staff has secured \$65,000 in state and private grant funds for consultant services. Currently finalizing a request for proposals
 - Planning Board priorities include buildout analysis, analysis of potential municipal impacts, community outreach plan
- Planning staff has secured up to \$20,000 in technical assistance from Massachusetts Housing Partnership for drafting zoning
- Planning staff is familiarizing itself with DHCD's Compliance Model



MBTA Communities and Milton Planning Goals

Much of the commentary and discussion around the MBTA Communities law has centered around potential negative impacts, but the law could also be a tool to help the Town achieve many of its housing and economic development goals

Milton Master Plan (2015)

Objective 3.2 Increase and Expand the Range of Housing Types

- Strategy 1: Create smaller housing units
 - Multifamily units created under MBTA Communities zoning will invariably be smaller than typical single-family houses
- Strategy 2: Increase market rate and subsidized housing for the elderly
 - Although age-restricted housing is not allowed under MBTA Communities, zoning for multifamily will open up opportunities for seniors to downsize within the community



MBTA Communities and Milton Planning Goals

Housing Production Plan (2020)

- “Priority Housing Needs Require a Greater Diversity of the Housing Stock”
 - Goal of 250 affordable units over the next five years reflecting about 10% to the total estimated unmet housing need and annual housing production goals.
 - Affordable units are impossible outside of multifamily production.
 - Rental development goal of 85% of all new units created.
 - About half of rental units produced directed to seniors or single individuals (many with special needs) through one-bedroom units, 40% for small families with two bedrooms, and 10% of units for larger families with at least three bedrooms (required by state for units that are not age-restricted or for single person occupancy.)
 - Although the guidelines prohibit age and occupant restrictions, new multifamily construction will be smaller than single-family



MBTA Communities and Milton Planning Goals

Final Report of the Equity and Justice for All Advisory Committee (2022)

- The report of the Equity and Justice for All Advisory Committee focuses almost exclusively on affordable housing and 40B compliance
 - MBTA Communities guidelines allow for a 10 percent inclusionary zoning requirement, which would create deed restricted units that are impossible under single-family zoning.
 - The MBTA Communities legislation is designed to increase housing supply region-wide with the goal of stabilizing rents and prices



MBTA Communities and Milton Planning Goals

Ongoing climate change and sustainability planning

- Transportation emissions are the number 1 contributor to green house gases in the United States. Enabling more people to live near transit will reduce vehicle miles traveled.
- Households in denser, more walkable neighborhoods have a lower carbon footprint than households in single-family neighborhoods.



MBTA Communities and Milton Planning Goals

