



Town of Walpole
Commonwealth of Massachusetts
Office of Community & Economic Development

JAMES A. JOHNSON
Town Administrator

Patrick Deschenes
*Community & Economic
Development Director*

Memo

To: Select Board

Jim Johnson, Town Administrator

From: Patrick Deschenes, Director of Community & Economic Development

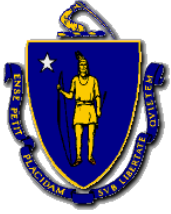
Date: 4/12/2022

Subject: Multi-Family Zoning Requirements for MBTA Communities

In January of 2021 the State passed legislation that created Section 3A of Massachusetts General Laws, Chapter 40A (the Zoning Act). This new section created a requirement that designated MBTA communities were to provide through their zoning at least one zoning district of reasonable size in which multi-family housing would be permitted as of right. Primary criteria for this district would be a minimum gross density of 15 dwelling units per acre, no age restriction, suitable for families with children, and the district was to be not more than a half mile from a community rail station, subway station, ferry terminal, or bus station if applicable. Beyond the primary criteria, Section 3A also stated that the Executive Office of Housing and Economic Development, in consultation with the MBTA and MassDOT were to create guidelines to determine if an MBTA community is in compliance with this new legislation.

On December 15, 2021 draft guidelines were published for comment and review. In order to meet compliance for 2022, MBTA communities are to hold a briefing on the draft guidelines with their City Council, Town Council or Select Board by no later than May 2, 2022, and attest to that briefing through the MBTA Community Information Form provided by the Department of Housing and Community Development. Any MBTA Community that does not comply with Section 3A of M.G.L.c.40A, will not be eligible for funding from the Housing Choice Initiative, the Local Capital Projects Fund, or the MassWorks Infrastructure Program.

To learn more about the multi-family zoning requirements for MBTA Communities, and the draft guidelines, please visit the Executive Office of Housing and Economic Development's webpage. From here you can access an article that provides specifics on the requirements of an MBTA Community and on the draft guidelines themselves: <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

December 15, 2021

MBTA COMMUNITIES: HOW TO COMPLY IN 2022

New section 3A to the Zoning Act (Chapter 40A of the General Laws) requires each of the 175 MBTA communities to have a zoning district in which multifamily zoning is permitted as of right, and that meets other requirements set forth in the statute. An MBTA community that does not comply with Section 3A is not eligible for funding from the Housing Choice Initiative, the Local Capital Projects Fund, or the MassWorks Infrastructure Program.

This document describes the actions MBTA communities must take to remain eligible for these funding sources for the next One Stop application cycle, which formally opens on May 2, 2022 and closes on June 3, 2022. These requirements supersede and replace the Preliminary Guidance for MBTA Communities Regarding Compliance with Section 3A of Chapter 40A (By Right Multifamily Zoning) issued on January 29, 2021.

How to Comply in 2022

Simultaneously with the release of these 2022 compliance requirements, the Department has issued Draft Guidelines for public comment, which can be found here: www.mass.gov/mbtacomunities. To remain in compliance with Section 3A while DHCD is collecting public comment on the Draft Guidelines, an MBTA community must take the following actions by no later than 5:00 p.m. on May 2, 2022:

1. Include a presentation of the Draft Guidelines in a meeting of the Select Board, City Council or Town Council, as applicable;
2. Complete and submit the MBTA Community Information Form, found here: www.mass.gov/forms/mbta-community-information-form; and
3. Submit updated GIS parcel maps to MassGIS if the most recent updated parcel maps were submitted prior to January 1, 2020. DHCD will contact each of the 14 MBTA communities that need to submit updated GIS parcel maps.

Up-to-date standardized parcel maps are important to assist your community in determining whether an existing or proposed new multi-family zoning district meets the criteria established in the Draft Guidelines. To submit updated parcel update, or if you have questions about it, please contact MassGIS staff Craig Austin craig.austin@mass.gov.

These requirements are effective as of December 15, 2021 and will remain in effect until the issuance of final compliance guidelines, or until modified or revoked by DHCD.