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Dear Local Officials in MBTA Communities:

Today, we are excited to share with you the final guidelines to determine compliance with section 3A of the Zoning Act—the new requirement for every MBTA community to have at least one zoning district in which multi-family housing is allowed as of right, and which is located near a transit station, if applicable.

In December 2021, the Baker-Polito Administration released draft guidelines on the new multi-family zoning requirement for MBTA communities. At the time, we stated that the final guidelines would be issued after consideration of feedback from a robust stakeholder engagement process and public comment period. The public comment period ran from December 15, 2021 through March 31, 2022. During that time, EOHED, DHCD, and the Massachusetts Housing Partnership (MHP) conducted approximately 24 engagement sessions and collected nearly 400 public comments. We want to express our appreciation for those that participated in that important process. The guidelines we are releasing today are informed by the feedback you provided.

The final guidelines incorporate several changes, including:

- **Revised Community Categories:** MBTA Communities are now categorized as rapid transit, commuter rail, adjacent, or adjacent small town. The “bus service” category has been eliminated.
- **Significant Adjustments for Small and Rural Towns with No Transit Stations:** The final guidelines eliminate the minimum land area requirement and reduce the multi-family unit capacity requirement for communities with a population of less than 7,000 or less than 500 residents per square mile.
- **Changes to the Reasonable Size Criteria:** The guidelines establish “circuit breakers” that prevent multi-family unit capacity from exceeding 25% of a community’s existing

housing stock, or the minimum land from exceeding 1.5% of its total developable land area.

- **Tailored District Location Requirements:** The portion of a multi-family zoning district that must be located within a half mile of a transit station now varies based on the amount of developable station area within each MBTA community. Communities with more developable station area land will be required to have more of their multi-family districts within a half mile of transit stations. A community with less than 100 developable acres within a half mile of a station will be free to choose any appropriate location.
- **Multi-family Unit Capacity Tool:** To help communities calculate multi-family unit capacity in a consistent, transparent, and data-driven way, we built a compliance model workbook tool. The compliance model will provide a GIS land map for each municipality and calculate a zoning district's multi-family unit capacity and gross density based on inputs provided by each community. This tool will be widely available for use in the fall.

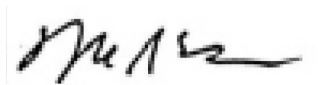
The final guidelines also include refinements and adjustments in other key areas, such as affordability, local site plan review, and other technical matters, including updated definitions.

Please visit mass.gov/mbtacomunities for the guidelines and other relevant information, including forms pertaining to the compliance process. The website also includes an online form for technical assistance requests. With the release of these guidelines, we stand ready, willing, and able to make resources and technical assistance available to help municipalities comply with the law. In that spirit, a webinar will be held on September 8, 2022 at 1:00pm to explain the guidelines in more detail.

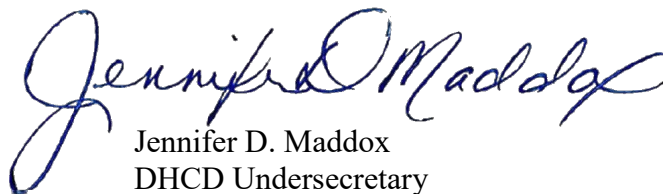
As you review the guidelines and begin work to comply with the new law's zoning requirement, keep in mind: If Massachusetts is to remain a desirable place for individuals, families, and businesses, then we need to confront the housing crisis together. This law is not a housing production mandate. It is all about setting the table for more transit-oriented housing in the years and decades ahead—which is not just good housing policy, but good climate and transportation policy, too.

We are excited to start the next chapter in the implementation of this new requirement, so we can lay the groundwork for a better future in the Commonwealth of Massachusetts.

Thank you,



Mike Kennealy
EOHED Secretary



Jennifer D. Maddox
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