



Housing Choice Legislation: MBTA Communities

Docket #39-22
Zoning and Planning Committee

January 10, 2022



Before We Begin

- Initial presentation
- Many questions remain
- Guidance is still a draft
- Will provide more analysis
- Additional meetings to come



Agenda

- What is the Housing Choice Legislation
- Why Housing Choice
- Draft guidance for MBTA Communities/ what does this mean for Newton
- Next Steps

What is the Housing Choice Legislation?

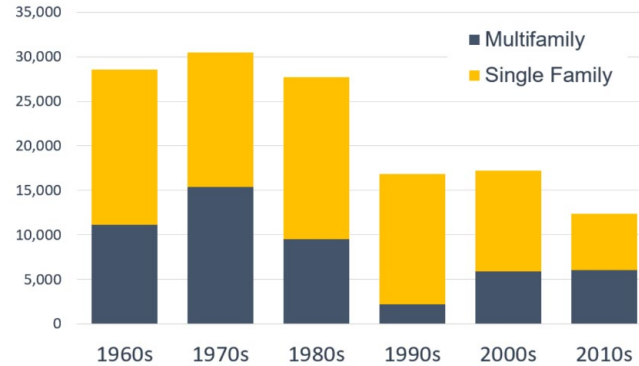
- Amendments to Chapter 40A of the General Laws (the Zoning Act) that:
 - Reduce the number of votes required to enact certain kinds of zoning ordinances from a $\frac{2}{3}$ supermajority to a simple majority
 - Similarly reduce the voting thresholds for the issuance of certain kinds of special permits
 - **MBTA community shall have at least one zoning district of reasonable size in which multi-family housing is permitted as of right or lose eligibility for certain State funding**



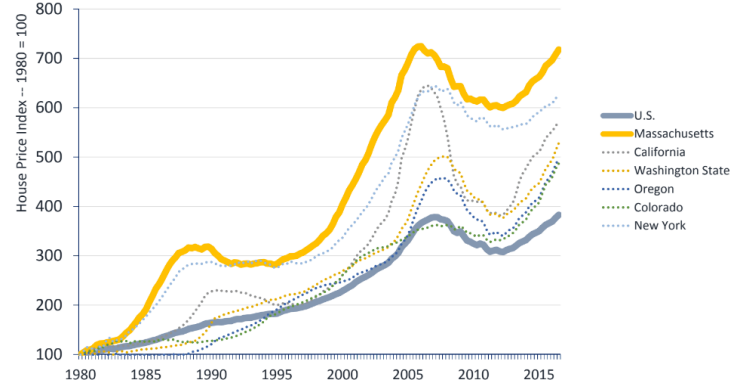
Why Housing Choice?

- “Make it easier to approve *housing supportive zoning*”
- “To grow Massachusetts’ stock of housing, combat the long-standing housing crisis, and reenergize neighborhoods and communities”

Average annual housing permits by decade in Massachusetts



Change in home price index since 1980





Draft Guidance for MBTA Communities

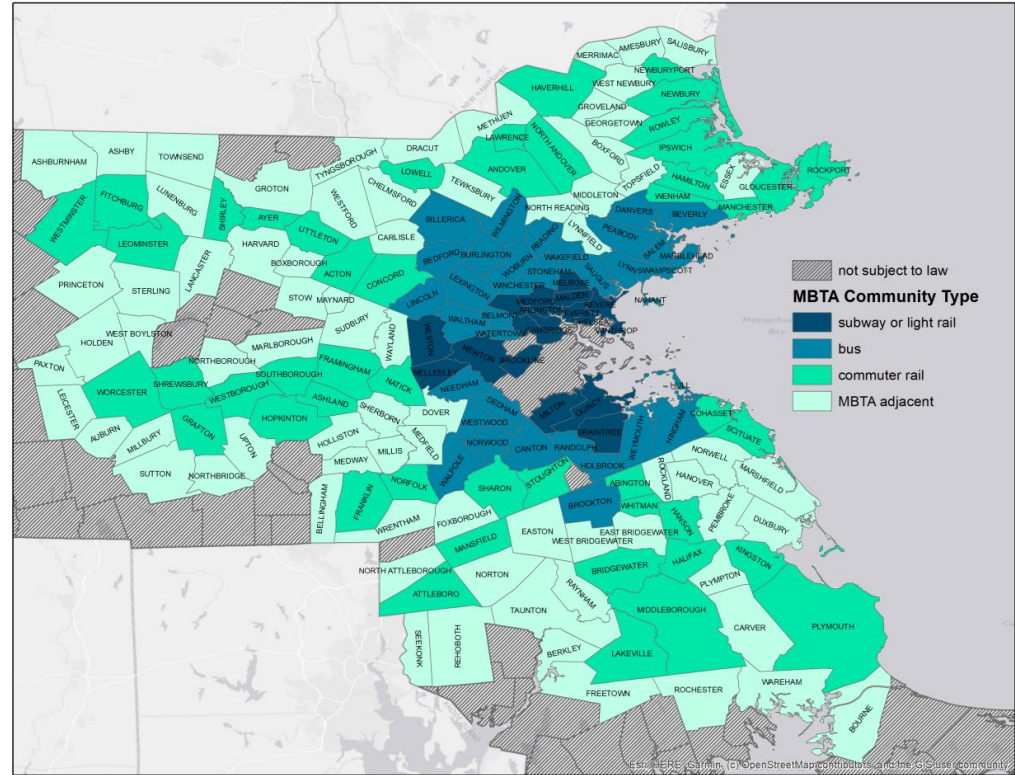
Draft Guidance: <https://www.mass.gov/info-details/draft-compliance-guidelines-for-multi-family-districts-under-section-3a-of-the-zoning-act>

At least one zoning district of reasonable size permits multi-family housing by-right meeting the following criteria:

- Minimum gross density of 15 units per acre
- Within 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station
- No age restrictions
- Suitable for families with children

Newton is one of
175 MBTA
Communities

Newton is considered a *Rapid Transit Community* (highest level of service)





What Does This Mean for Newton

- Newton does not have a zoning district that meets all of these requirements
- To comply Newton would need to create a zoning district or districts of a “reasonable size” and allow for a minimum “unit capacity”
- Newton is not required to comply. Non-compliance means Newton would no longer be eligible for certain State funds.



By-Right Requirement

- Allow “the construction and occupancy of multi-family housing is allowed in that district without the need to obtain any discretionary permit or approval.”
- “Site plan review and approval may be required for multi-family uses allowed by-right.”
 - “...may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties.”
 - “...may not be used to deny a project that is allowed as of right, nor may it impose conditions that make it infeasible or impractical to proceed with a multi-family use that is allowed as of right.”
- Staff expect to still require a special permit for certain multi-family projects above a certain unit threshold





Unit Capacity

- Allow for a minimum of 25% multi-family units as a percentage of total housing stock
- Allow for, not require the construction of, 8,330 units

MBTA Communities - Cohort Designations and Capacity Calculations

Show entries

Search:

Municipality 	MBTA Community Type 	2020 Housing Units (Census PL-94) 	Minimum multifamily district unit capacity requirement 
Cambridge	subway or light rail	53,907	13,477
Quincy	subway or light rail	47,009	11,752
Somerville	subway or light rail	36,269	9,067
Newton	subway or light rail	33,320	8,330
Brookline	subway or light rail	27,961	6,990

Showing 1 to 5 of 175 entries

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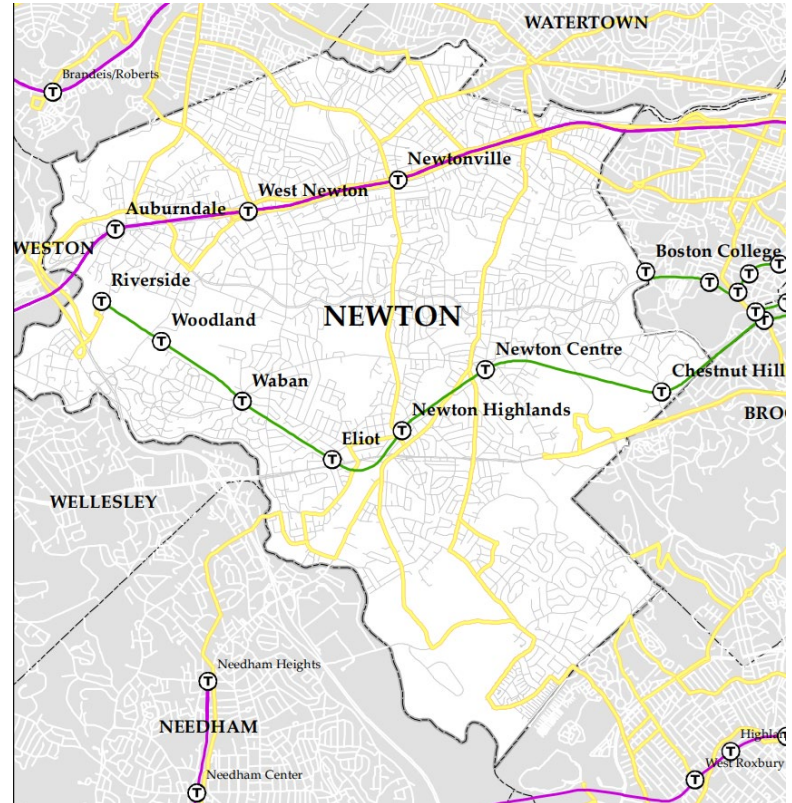
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Next

Reasonable Size

- “At least 50 acres of land - or approximately one-tenth of the land within 0.5 miles of a transit station”
- Not required, or needed, to zone all land within 0.5 miles of transit to allow multi-family for compliance
- Can be one multi-family zoning district or a number of districts that meet the reasonable size and unit capacity requirements



Density Requirement (capacity + size)

- There is an inverse relationship between the district size and density per acre requirement to meet the allowed unit capacity
- Multiple districts, with varying density allowances, could be used to create a gross density of 15 units per acre



Density Requirement (many options)

- Newton already has a variety of housing types that meet or exceed the required density
- None of these housing types are allowed by-right and most are considered non-conforming to the current zoning



16 units
53 units / acre



3 units
15 units / acre



8 units
40 units / acre



10 units
21 units / acre



17 units
45 units / acre



3 units
32 units / acre



Non-Compliance

- Newton would no longer be eligible for funds from the following grants:
 - Housing Choice Initiative
 - Local Capital Projects Fund
 - MassWorks
- DHCD may consider non-compliance when making other discretionary grant awards

Recent grants received:

- \$7 million in Massworks funding for Route 9 improvements (2012-2014)
- \$1.6 million in Massworks funding for Oak Street/Needham Street Intersection (2019)
- \$400,000 in Masswork funding for design of Pettee Square (2021)
- \$220,000 in Housing Choice funding to undertake affordable housing feasibility study for West Newton Armory
- \$75,000 in Housing Choice funding to examine zoning options for California Street manufacturing area



Next Steps

Key dates per State guidance in 2022:

- March 31, 2022 - State public comment period ends
- May 2, 2022 - City Council must be briefed
- Summer 2022 - Finalized guidance from the State
- December 31, 2022 - Action Plan must be submitted to DHCD

- Additional analysis would help to decide whether to pursue compliance (build out, development scenarios, lookbook)
- The City Council must be briefed by the beginning of May to remain in compliance
- Recommend a Committee of the Whole meeting in March so staff can compile/send questions and comments before the State public comment period closes



Thank you