

Housing Choice

Brief Overview

**Zoning reforms Governor Baker enacted as a part of the
Economic Development Bill in Jan 2021**

Pam Wright

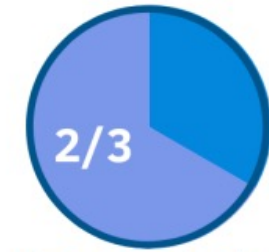
Newton Ward 3 Councilor At Large

2/10/22

Overview of Housing Choice



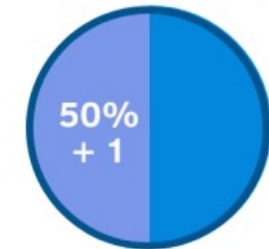
- Targeted changes to M.G.L c. 40A to reduce the threshold of votes needed to adopt certain zoning measures that promote housing production from 2/3 to simple majority.
 - These changes apply to all cities and towns in Massachusetts, except the City of Boston (which has its own zoning enabling act).
- The goal is to make it easier for local governments to approve housing supportive zoning and development.
- The new law outlines a series of housing best practices that can be enacted by simple majority vote (e.g. reducing residential dimensional requirements, adopting 40R “Smart Growth” or “Starter Home” zoning, allowing accessory dwelling units or “in-law” units by right, etc.)
 - More detail on this in later slides...



Supermajority



Simple Majority



Housing Choice Law is made up of 2 parts

1. MBTA Communities Housing Choice Law
2. Other portions of the Housing Choice Law

- Projects 0.5 miles from transit with a minimum 10% affordable housing only need a simple majority to approve it
- Lowers the required vote from a two-thirds majority to a simple majority for passing for the following zoning ordinances or bylaws:

To allow the following as of right:

- Multifamily housing or mixed-use development in an eligible location;
- Accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; or
- Open-space residential development.

Housing Choice for MBTA Communities

What is the new requirement?

The requirement is codified a Section 3A of M.G.L. ch. 40A and it provides:

Section 3A. (a)(1) An MBTA community shall have 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; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) 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; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.

(c) The department, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.



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Multi-Family Zoning Requirement for MBTA Communities

This page includes Draft Guidelines on new Section 3A of MGL c. 40A and how MBTA Communities can comply in 2022.

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 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.

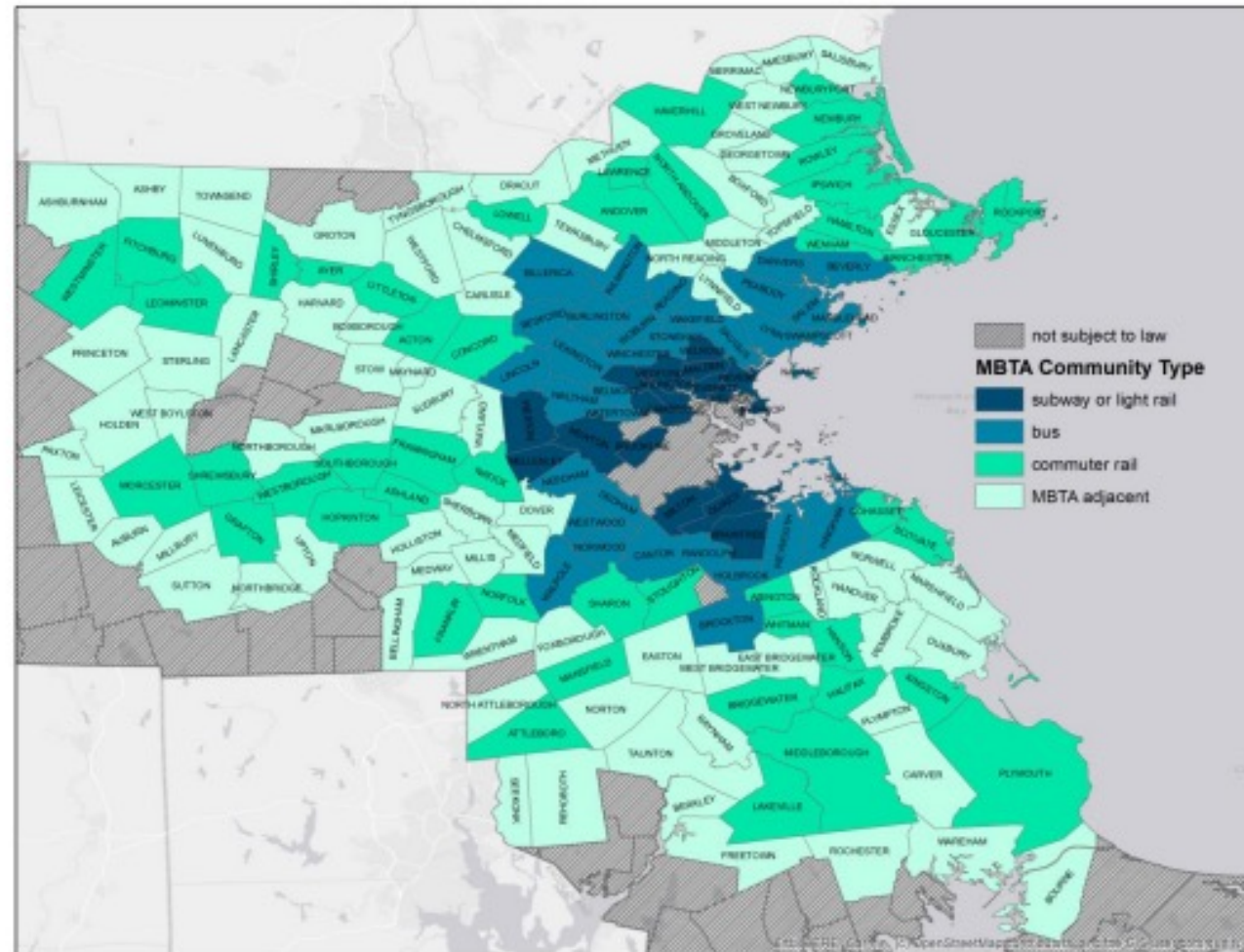
Categories of MBTA Communities

Service Type/Category	Minimum MF % of Total Housing Stock	# of communities
Subway or light rail communities	25%	17
MBTA bus communities	20%	35
Commuter rail communities	15%	48
“Adjacent” communities, no MBTA transit service	10%	75

On December 15, 2021, the Department of Housing and Community Development (DHCD) issued [draft guidelines to implement and comply with this new requirement for MBTA communities.](#)

Newton is one of 175 MBTA Communities

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



Newton Requirements

Municipality	MBTA Community Type	2020 Housing Units (Census PL-94)	Minimum multifamily district unit capacity requirement
Newton	subway or light rail	33,320	8,330 *

Unit Capacity: means an estimate of the total number of multi-family housing units that can be developed as of right within the multi-family district

Since 2020, Newton has approved or pending 2336 housing units per our special permit process. That's a 7% increase in total housing in 2 years.

Housing Units

Housing Units*							
	Single Family	Condominium Units	Two Family Units	Three Family Units	Apartment Units	Accessory Apts	Total Housing Units
2010	17,210	4,391	5,890	888	3,535	3	31,917
2015	17,214	4,705	5,692	864	3,899	18	32,392
2020	17,184	5,235	5,386	819	4,328	102	33,054
Approved**		38			2,286		
Pending**		0			12		

Additional units

From previous line

+ 475

+ 662

+ 2336

Apartment Units by Bedroom						
	Efficiency Units	Studio Units	One Bedroom Units	Two Bedroom Units	Three Bedroom Units	Four Bedroom Units
2010	10	122	1,693	1,427	243	40
2015	12	131	1,875	1,567	268	46
2020	12	150	2,010	1,808	298	50
Approved	0	158	1,097	894	137	0
Pending	0	0	0	0	12	0

Sources: Existing housing units and apartment units by bedroom are provided by the Assessing Department, accessory apartments are provided by the Inspectional Services Department, and approved/pending and affordable housing data are provided by the Planning Department.

* Two- and three-family units represent the total number of units, not the number of buildings. For example, one two family building contains two units. The number of two- and three-family units have decreased over time, which is likely due largely to the conversion to condos, not demolition of those units. Apartment units represent the total number of apartments, not apartment buildings. And properties assessed as "mixed-use" have been added to the single family units as those are primarily how Assessing classifies home businesses. Housing units do not include beds in nursing homes, assisted living facilities, congregate homes and dormitories.

** Approved and Pending numbers represents Special Permits that have been approved by or filed with the City Council and Comprehensive Permits that have been approved by or filed with the Zoning Board of Appeals

FUTURE CONSTRUCTION (From planning dept memo)

Approved but not yet constructed (non-congregate housing only)					
Address	Studio	1 bed	2 bed	3 bed	Total
283 Melrose	0	6	10	0	16
432 Cherry				3	3
15-21 Lexington	4	13	7	0	24
280 Newtonville		8	10		18
Northland	80	360	320	40	800
956 Walnut				7	7
1149-1151 Walnut	8	10	7		25
15 Riverdale	20	87	74	23	204
160 Stanton Avenue		59	10		69
264 Pearl				3	3
20 Kinmonth	0	13	9	2	24
Riverside	27	291	208	24	550
Dunstan East	19	165	85	33	302
Opus (333 Nahanton)		68	106		174
1114 Beacon	0	16	17	1	34
967-969 Washington		1	27		28
145 Warren			4	1	5
Total	158	1,097	894	137	2,286
Percent of Total	7%	48%	39%	6%	100%

Pending Approval (non-congregate housing only)					
Address	Studio	1 bed	2 bed	3 bed	Total
667 Boylston				4	4
1092-1094 Chestnut Street					4
304 Walnut	2	16	9		27
383 Boylston/50 Jackson				12	12
Total	2	16	9	16	47

In discussion with city or councilors

Address	Total units	status
Craft St senior Living	209	
389-394 Watertown St	10	
50 Highland Ave.	4	approved
West Newton Armory	43	
63-65 Broadway	3	
Santander Bank	50	
106 River St	10	DRT
416-418 Langley	6	DRT
300 Elliot St	4	DRT
340 River	6	DRT
189 Adams	18	
345 Boylston	14	DRT
136-144 Hancock	15	
Northland 40B	410	
Total	802	
Newtonville	213	
West Newton	103	
Auburndale	21	
Nonantum	31	

	Housing Choice by Right	Special Permit
Weigh in on architecture	yes	yes
Approve site plan	yes	yes
Limit parking spots	no	yes
Require electric charging stations in parking area	no	yes
Require LEED or Passive house	no	yes
Require all electric	no	yes
Require additional open space	no	yes
Additional requirements for transit - shuttle bus	no	yes
Require discount T passes	no	yes
Require solar on roof	no	yes
Require other environmental standards	no	yes
Require underground utilities	no	yes
Require additional amenities	no	yes
Require additional funds for schools	no	yes

How big does the district need to be? Can it be multiple districts?

To be compliant a district needs to be at least 50 acres. If it is just one district those 50 acres need to be contiguous. An **overlay district** could include multiple areas across the city and would need **at least one area that contains 25 contiguous acres** and **all other areas must be at least 5 contiguous acres**. An overlay district could also have subdistricts with different densities as long as the overall gross density of the entire district is at least 15 units per acre.

Newton MBTA Service

The state requires subway communities to increase housing 25% and only 15% on commuter train line

Commuter Rail: 11 stops each way per weekday; 10 on weekend

- 6.5 hours inbound no train
- 7 hours outbound no train

Green line: 105 trains per weekday with service 5 am to 1 am

- **31 peak stops**
- **74 off peak stops weekday**
- **98 stops weekend**

Peak Service

Weekdays 7 – 9 AM, 4 – 6:30 PM

Trains arrive every 8 – 9 minutes

Off Peak / Weekends

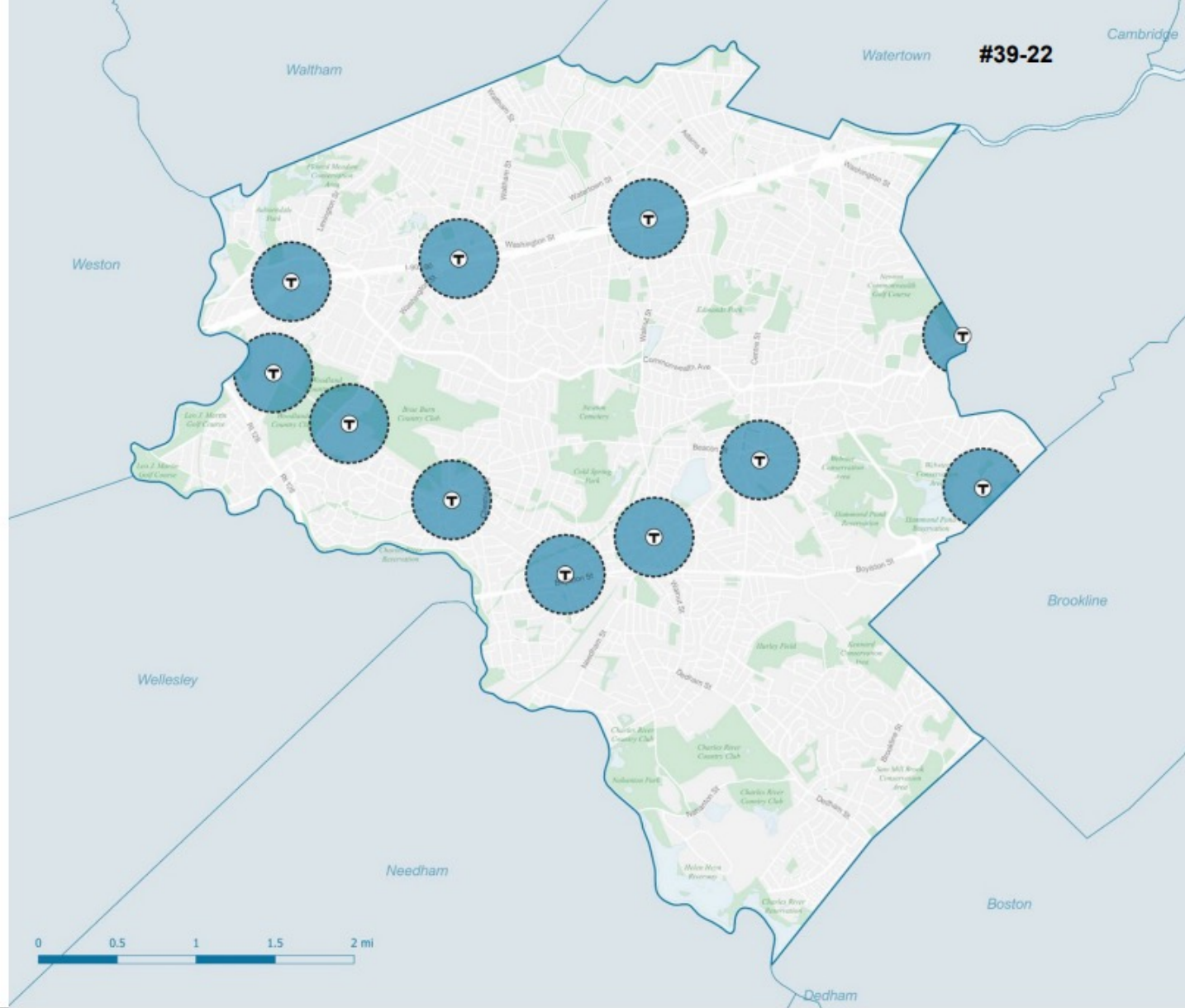
Trains arrive every 10 – 12 minutes

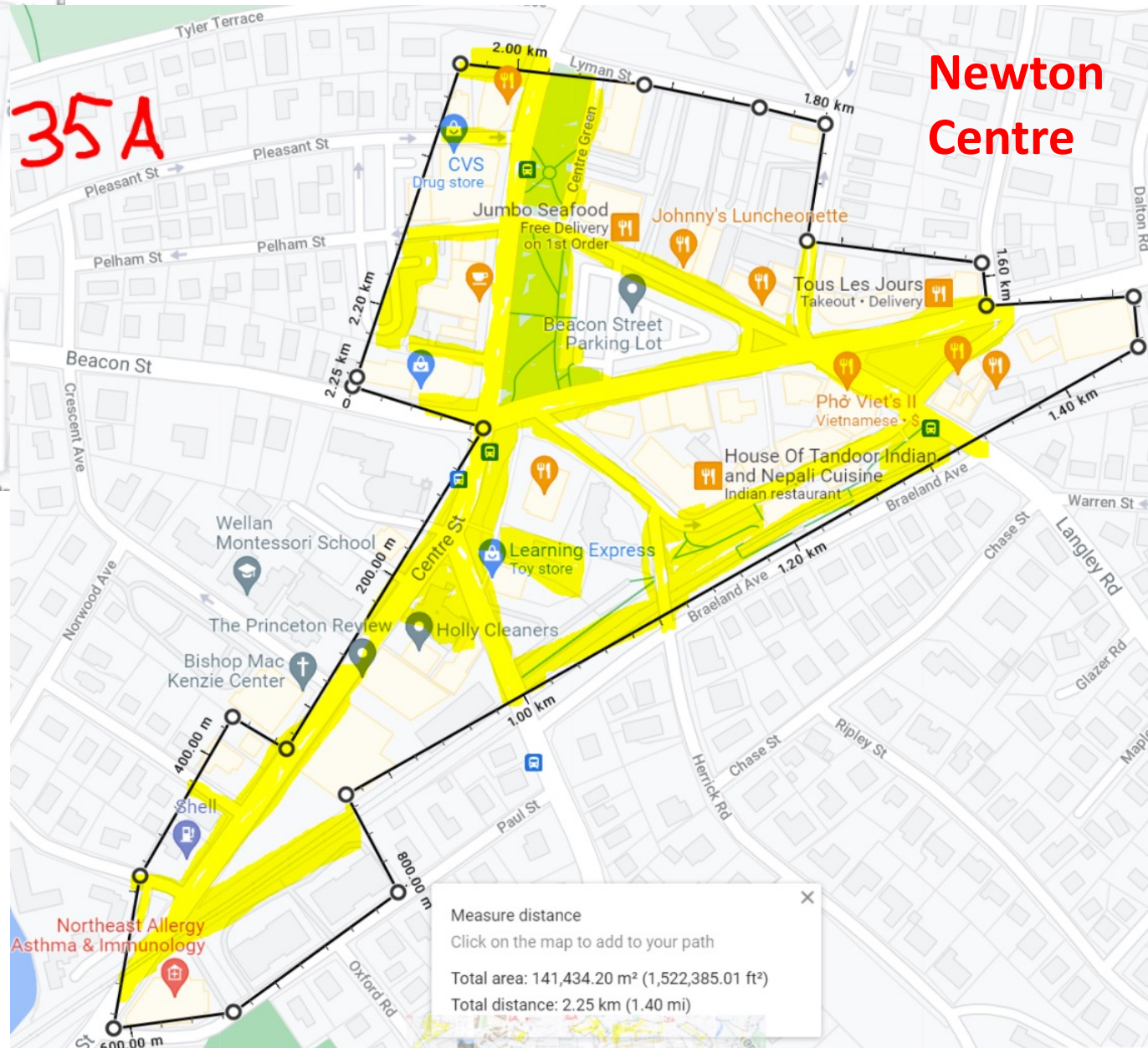
1,260 acres



1/4 mile around
transit stop

Even within 0.25 miles, Newton
has more land than is needed
for compliance.

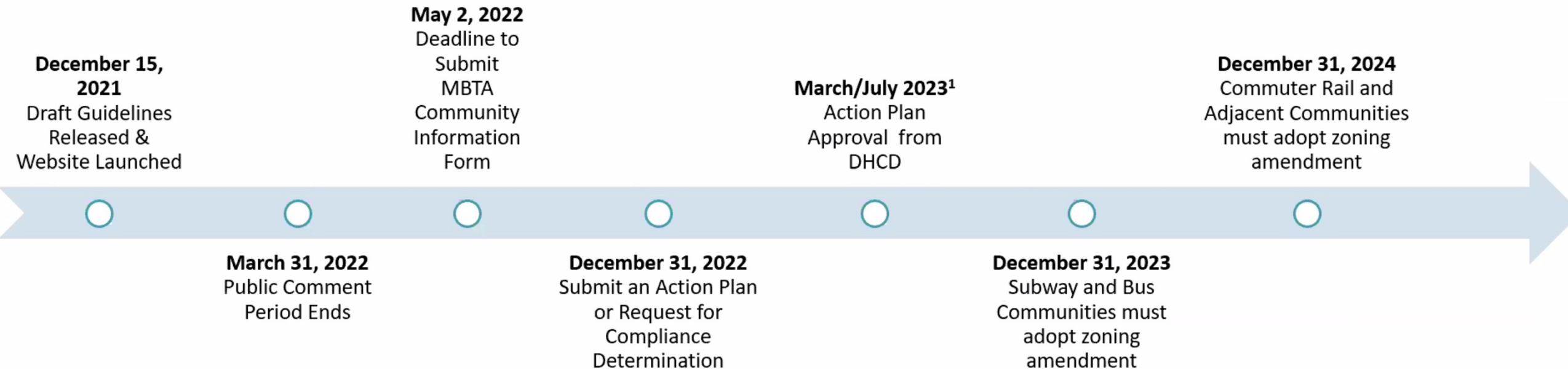




Timeline for Compliance

According to the draft guidelines, Rapid Transit communities like Newton, **must adopt a zoning amendment or amendments by December 31, 2023** to comply with the Act.

MBTA Communities Timeline, as outlined in Draft Guidelines



What happens if you don't comply?

An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2E of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A. DHCD may, in its discretion, take non-compliance into consideration when making other discretionary grant awards.

The City of Newton has received both Massworks and Housing Choice grant funding in recent years and would anticipate seeking future funding under these programs to further economic development and affordable housing. These funding grants include:

- \$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

In the last 5 years, this has averaged \$460,000

MBTA Communities Housing Choice

Conclusions

- Per Housing Choice, Newton needs to zone for 8330 multi family units by right
- In the past 2 years, Newton has approved or pending 2336 housing units per our special permit process. That's a 7% increase in total housing
- Over 800 more units are coming into the pipeline
- Newton loses control in by right developments
- Special permits allow more control of projects including our climate action goals like passive house, all electric, limiting parking, etc
- Special permits give us better projects
- Developers are still building in Newton with our special permit process

END