

# WAC Housing Choice Update

February 10 2022

Preliminary discussion of the  
implementation and implications of  
Housing Choice for Waban and  
Newton

The zoning reforms Governor Baker enacted as a part of the [Economic Development Bill](#) in **January 2021** year created a requirement that MBTA communities **have at least one zoning district of reasonable size in which multi-family housing is permitted as of right and meets other criteria**, including:

- Minimum gross density of 15 units per acre
- No age restrictions
- Suitable for families with children
- Not more than 1/2 mile from a commuter rail station, subway station, ferry or terminal or bus station, if applicable



# Relevant Section from the Economic Development Bill:

## Chapter 358 of the Acts of 2020

SECTION 18. Said chapter 40A is hereby further amended by inserting after section 3 the following section:-

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.

# Definition of Multifamily Housing

The draft guidelines define “multifamily housing” as a building with:

- Three or more residential units; or
- Two or more buildings on the same lot with more than one residential unit in each building.

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.

# Categories of MBTA Communities

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









# Reasonable Size: Land Area & Unit Capacity

DHCD issued preliminary guidance on January 29, 2021. The preliminary guidance provided that MBTA Communities will be deemed to be in compliance with this new section until more detailed compliance criteria are established. These draft guidelines propose those compliance criteria.

The draft guidelines outline a two-part test to determine reasonable size:

- 1. Minimum Land Area:** multi-family districts must comprise at least 50 acres of land—or approximately 1/10 of the land area within 0.5 mile of a transit station -- with a **minimum gross density of 15 units per acre**, subject to any further limitations imposed by relevant aspects of the state environmental code.
- 2. Minimum Multi-Family Unit Capacity:** The multi-family unit capacity is a number of units based on a percentage of total housing units within the community. This represents the number of multi-family housing units that can be developed as of right within the multi-family district. That percentage varies by access to transit:

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

# Minimum Multifamily Unit Capacity

Municipality	MBTA Community Type	2020 Housing Units	Multifamily Unit Capacity
Needham	bus	11,891	2,378
Newton	subway/light rail	33,320	8,330
Watertown	bus	17,010	3,402
Wellesley	subway/light rail	9,282	2,321

**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. **It does not take into account built or approved units.**

# Size and Density Requirements



Section 3A requires districts be of “reasonable size” **and** have a minimum gross density of 15 units per acre:

- **Unit capacity** is the minimum number of multi-family units the zoning allows as of right. Each community’s minimum unit capacity is a percentage of its existing housing stock.
- The **gross density requirement** is a simple formula: 15 units times the number of acres in the district. A district comprising 50 acres (i.e. the minimum land area) must allow as of right at least 750 units (15 x 50) to meet the gross density requirement.

Each multi-family zoning district must satisfy **both tests**. In some cases, the minimum number of units will be equal to the minimum unit capacity. In other cases, the minimum number of units allowed as of right will be determined by the gross density requirement.

- This explains why **750 units is a floor for all communities** under the draft guidelines.

Municipality, MBTA Community Type, " 2020 Housing Units",  
Minimum multifamily district unit capacity requirement

Cambridge, subway or light rail, "53,907", "**13,477**"

Somerville, subway or light rail, "36,269", "**9,067**"

Newton, subway or light rail, "33,320", "**8,330**"

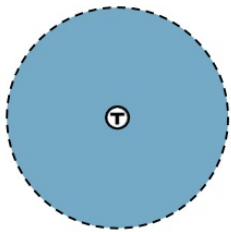
Brookline, subway or light rail, "27,961", "**6,990**"

Wellesley, subway or light rail, "9,282", "**2,321**"

If Newton is required to zone for the unit capacity of 8,330 units then at a minimum density of 15 units/acre that means creating by right MF zoning districts for 555 acres.



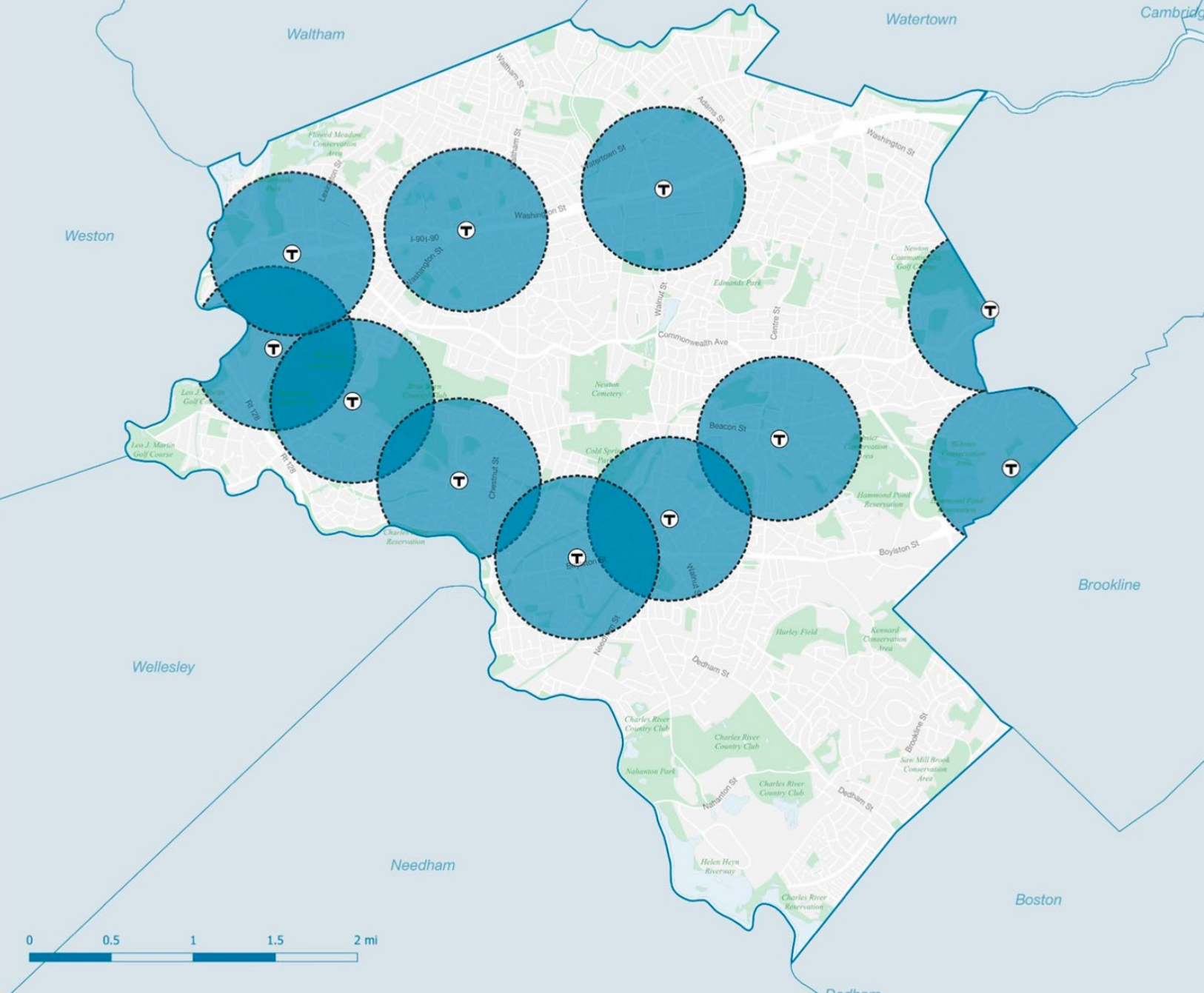
# 4,340 acres



1/2 mile around transit stop

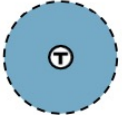
**Newton does not need to rezone all land within 0.5 miles of transit to comply.**

**Many transit stops allow for greater flexibility to comply.**



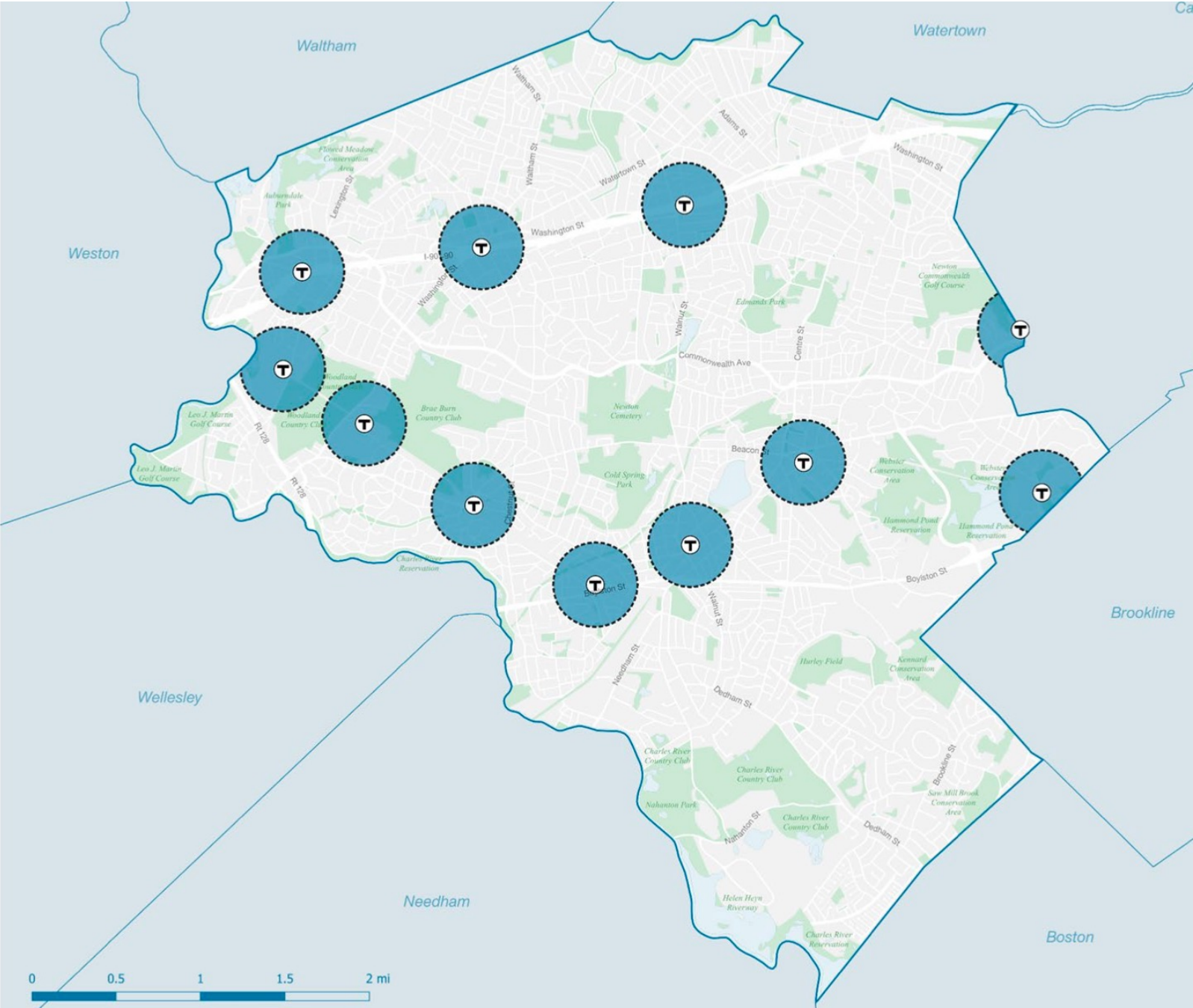


# 1,260 acres



1/4 mile around transit stop

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

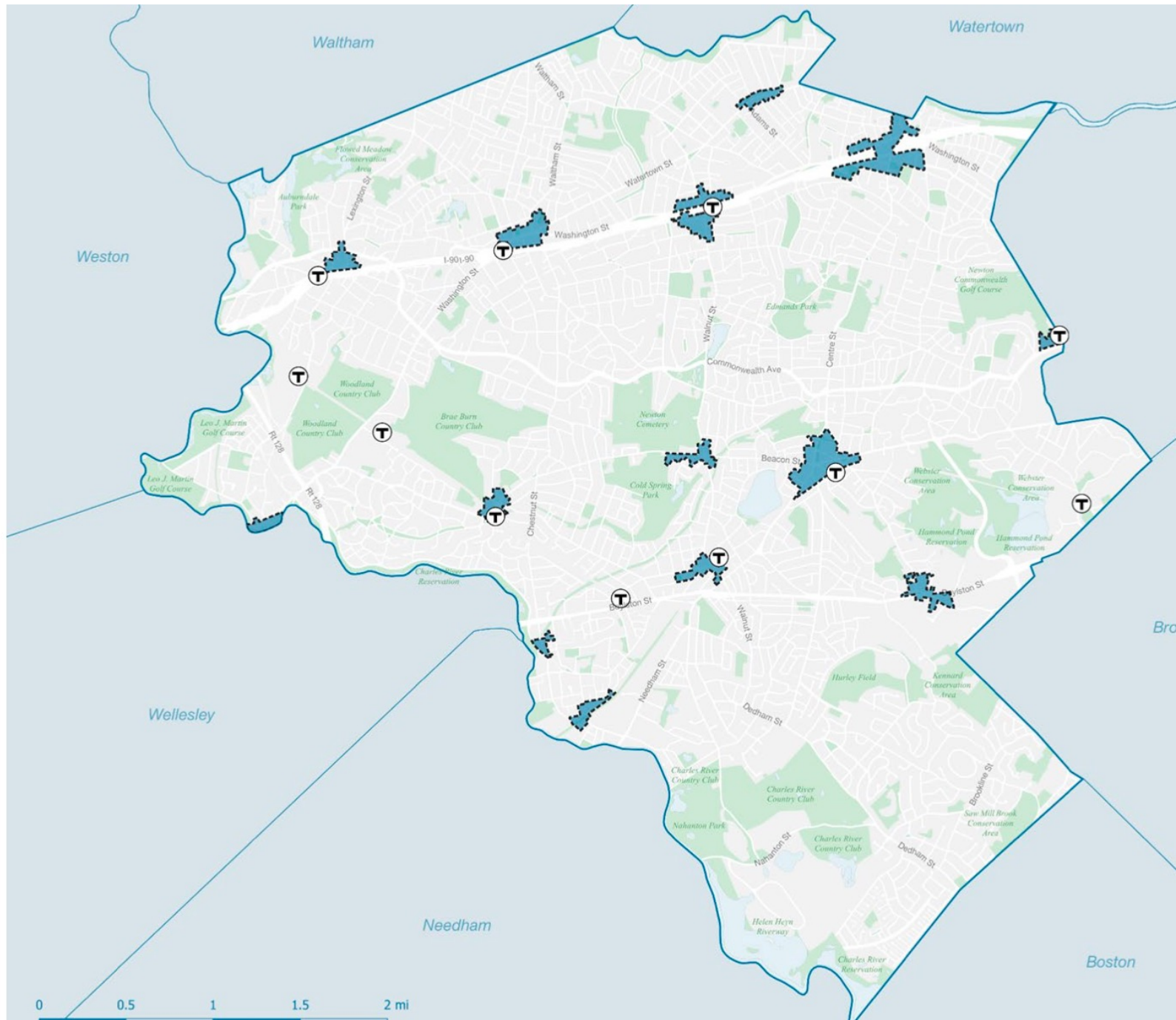


# 240 acres



Village Center  
boundaries from  
pattern book

Hypothetically, allowing multi-family within the village centers only could bring Newton into compliance.







# Examples of ~15 Units Per Acre:



**Source:** *The Urbanist* illustrating new mixed-housing-type subdivision at ~15 units per acre



Westwood, MA



Norfolk, MA



Sudbury, MA



Lexington MA

Credit: Amy Dain



# MBTA Communities Timeline, as outlined in Draft Guidelines



**#39-22**

**Requesting discussion on state guidance for implementing the Housing Choice Bill**

COUNCILOR CROSSLEY on behalf of the Zoning & Planning Committee requesting discussion on state guidance for implementing the Housing Choice element of the MA Economic Development legislation. (formerly #131-21)

Next ZAP meeting is scheduled for Monday, February 14<sup>th</sup>, 7pm.



# How to Comply in 2022

- Each MBTA community will be deemed to achieve interim compliance—and remain eligible for the 2022 One Stop—as long as it completes the “MBTA Community Information Form”.
- This online form includes some straightforward requests:
  - Provide basic information about existing zoning via online form
  - Discuss the MBTA draft guidance at a meeting of the select board, city council or Town Council
  - 12 communities need to update GIS parcel data needed to make unit capacity and density calculation
- To be eligible for MassWorks & Housing Choice Community Grants via the 2022 One Stop Process, you must complete this form by May 2nd, 2022.

