



Getting Started for MBTA Communities

Interim Compliance with Section 3A

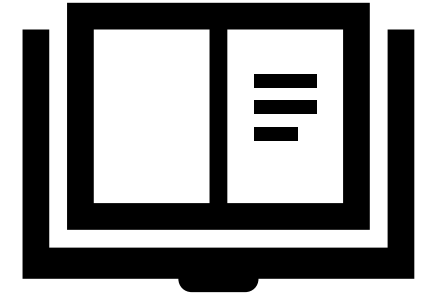
October 19, 2022

MBTA Community Webinar Series by MHP



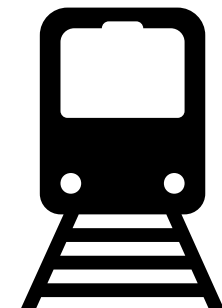
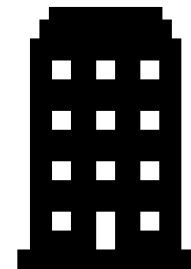
Overview of MBTA Communities technical assistance (“3A TA”):

- *Goal:* Provide TA to every municipality that wants it. This goal will be achieved through a multi-year effort starting FY23 and carrying out over the next several years.



Resources and TA Available to Help Municipalities Achieve Compliance:

- Upon the release of the final guidelines, HED/DHCD launched an online form to serve as an entry point for technical assistance requests from municipalities. The form requests basic information relative to the technical assistance needs which will help HED, DHCD, and MHP staff coordinate on guidance.
- Sample Zoning By-Law/Ordinance being completed and available in November.



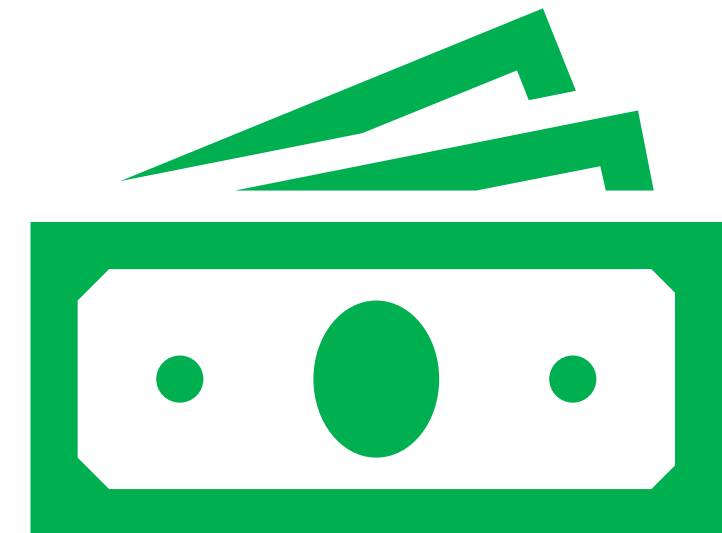


Assistance will be provided to communities through collaboration and coordination:

- DHCD: Via the Community One Stop, the following grant programs are available: Housing Choice Grant Program, Community Planning Grants, and the Rural and Small Town Development Fund. MBTA compliance activities eligible for bonus points.
- EEA: Land Use Planning Grant program will also prioritize MBTA municipalities.
- Regional Planning Agencies: Support from eight Regional Planning Agencies through prioritization of Commonwealth-provided District Local Technical Assistance (DLTA) funding.
- Mass Housing Partnership: Leveraging a variety of resources MHP is developing a comprehensive program including tools, resources and direct technical assistance for MBTA Communities. Applications for Round I Technical Assistance are being accepted now through November 10, 2022. For more information see www.mhp.net



Community One Stop awarded grants to 14 MBTA Communities to work on 3A compliance
All 14 applications for 3A compliance were funded for a total of \$770,000
Specific awardees will be announced next week!!





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 of housing and community development, 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

Compliance in the Guidelines



“DHCD interprets Section 3A as allowing every MBTA community a reasonable opportunity to enact zoning amendments as needed to come into compliance. Accordingly, DHCD will recognize both interim compliance, which means an MBTA community is taking active steps to enact a multi-family zoning district that complies with Section 3A, and district compliance, which is achieved when DHCD determines that an MBTA community has a multi-family zoning district that complies with Section 3A. The requirements for interim and district compliance are described in more detail below.” ~ Section 9

- Section 3A Guidelines introduce the concept of Interim Compliance
- Interim compliance allows MBTA communities to retain eligibility for the funding sources at stake in Section 3A while developing and adopting compliant zoning districts
- Interim compliance is achieved by submitting (and having approved) an “Action Plan”



Go to DHCD's MBTA Communities website at mass.gov/mbtacommunities

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- What is an "MBTA Community"?
- Why is multi-family zoning near transit and in neighboring communities important?
- What is the new law?
- Review the Section 3A Guidelines
- Complying with Section 3A Guidelines**
- Technical Assistance for Municipalities
- Section 3A Guidelines Webinar
- Contact



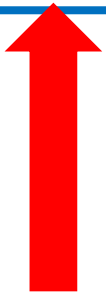
Interim Compliance - Action Plan

An MBTA community that does not have zoning in place that complies with Section 3A must take active steps towards achieving compliance in order to remain eligible for certain annual funding rounds. The Guidelines allow communities to create and complete an online Action Plan form that outlines the municipality's process for adopting compliant zoning. When DHCD approves the Action Plan, then the community will achieve "interim compliance" and will retain eligibility for the funding sources that require compliance with Section 3A.

- To remain eligible for the calendar year 2023 round of MassWorks and Housing Choice grants, as well as the Local Capital Projects Fund, an MBTA community must submit an Action Plan no later than January 31, 2023.
- No MBTA community may remain in interim compliance after its district compliance deadline has passed.
- A copy of the Action Plan form and access to the online Action Plan form are available below

Submit an Action Plan →

Action Plan Form (PDF) →





For all MBTA communities that have not achieved DHCD-certified district compliance, the deadline to submit this Action Plan is January 31, 2023. Action Plans submitted after January 31, 2023 will not establish FY2024 eligibility for the funds described in Section 3A. Please scroll down to begin filling out the form.

Action Plan for MBTA Communities

Please read the [Section 3A Guidelines](#) before attempting to complete this form.

Please note: Action Plan Forms must be submitted by a municipal official with authority to act on behalf of the municipality on matters of zoning, such as the municipal CEO or planning director.

- Action Plan deadline is **January 31, 2023** for all community categories
- Must have authority to submit an Action Plan
- Residents **cannot** submit an Action Plan on behalf of a municipality



Section 1: Identification

The Section 3A Guidelines establish zoning metrics that apply uniquely to each MBTA community based on its local transit stations, existing housing stock, population, and developable land. This section of the Action Plan helps to identify the transit stations that determined each community's category.

Appendix 1 of the Section 3A Guidelines lists each community's category and minimum multi-family unit capacity requirement.

1.1 MBTA Community Name *

1.2. Community Category *

- Rapid transit community
- Commuter rail community
- Adjacent community
- Adjacent small town

Community categories are listed in Appendix I of the Guidelines. For more information about the methodology that was used to determine community categories, please refer to the Definitions of each category in Section 2 of the Guidelines.

- Identification section ensures that MBTA communities know their requirements and the logic behind them
- Community name available by dropdown menu
- Community category is listed in Appendix I of the Guidelines



1.3. Multifamily Unit Capacity Requirement*

Multifamily unit capacity requirements are listed in Appendix I of the Guidelines. For more information about the methodology that was used to determine capacity requirement, please see Section 5 of the Guidelines. The capacity requirement represents the number of multifamily housing units that a compliant district's zoning must accommodate. It does not represent a production requirement or expectation.

1.4. Does this municipality have any MBTA rapid transit stations within its boundaries?*

- Yes
- No

1.5. Does this municipality have any MBTA commuter rail stations within its boundaries?*

- Yes
- No

1.6. Does this municipality have any other MBTA transit stations that are located outside of its municipal boundaries that may have "developable station area" within them?*

- Yes
- No

Generally, stations located within 0.5 miles outside of municipal boundaries can cause developable station area to be inside of the municipal boundaries.

- Multi-family Unit Capacity requirement is available in Appendix I of the Guidelines
- 1.4 – 1.6 are logic-driven questions that help communities identify why they are in certain community categories
- Transit stations alone may or may not affect district location requirements

Section 1: Identification



1.4. Does this municipality have any MBTA rapid transit stations within its boundaries?*

- Yes
 No

1.4a. Please list MBTA rapid transit stations that are located within this municipality's boundaries *

Please enter all station names separated by commas

1.4. Does this municipality have any MBTA rapid transit stations within its boundaries?*

- Yes
 No

Although there are no MBTA rapid transit stations within its municipal boundaries, this municipality's community category is Rapid Transit. This is because the methodology used to determine community category considers not only stations located within municipal boundaries, but also any stations that create 100 or more acres of "developable station area" within the boundaries. Section 1 of the Guidelines provides definitions of "transit station area", "developable station area", and "developable land" to explain how this determination was made. Developable station area from stations located outside of municipal boundaries may also affect district location criteria as further described in Section 8 of the Guidelines.

- Logic in the identification questions points communities towards the mechanics of the Guidelines.
- The concept of developable station area may be introduced when a community's transit stations don't match its community category

Section 1: Identification



1.7. Please provide the name of the person filling out this form *

First Name

Last Name

1.7a. Title *

1.7b. Email Address *

1.7c. Phone Number *

1.8. Please briefly describe other members of the core team developing the multi-family zoning district. *

(Municipal staff, planning board members, regional planning agency, private consultants, etc)

- The person filling out the form may be DHCD's point of contact for 3A-related communications
- Listing other members of the team helps communities and DHCD know who is involved



Section 2: Housing Overview

2.1. Does this municipality have any established housing related goals or strategies from municipal planning documents, such as a Housing Production Plan, Master Plan, or Economic Development Plan? *

- Yes
- No

2.1a. Please briefly describe any relevant strategies, goals, or objectives, and the work that has been done to date. *

2.2. Is this municipality currently working on any other planning for housing? *

- Yes
- No

- Allows communities to think about how Section 3A districts intersect with other municipal housing goals

- Allows DHCD to receive feedback about MBTA communities current housing goals



Section 3: Preliminary Zoning Strategies

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3.1. To the best of your knowledge, which of the following zoning strategies is this community most likely to use for compliance? (Select all that apply) *

- a. An existing zoning district or districts that might already comply with the Section 3A Guidelines
- b. An existing zoning district or districts that must be amended to comply with the Section 3A Guidelines
- c. A new 40R or other overlay zoning district
- d. A new base zoning district or districts
- e. Other zoning strategy

3.1b. Please select the changes that may be necessary for the existing district to comply. Optional: Attach any supporting documents that describe this district. *

- District boundaries
- Use schedule
- Dimensional regulations
- Parking requirements
- Other:

Select all that apply

- Preliminary zoning strategies are NOT binding answers
- Purpose is for communities to think about what changes may be necessary to adopt compliant zoning
- Allows DHCD to better understand where communities stand now and what amendments might be necessary to comply with 3A

Section 3: Preliminary Zoning Strategies



Explanation: *

File (optional)

Choose File Remove File No File Chosen

File uploads may not work on some mobile devices.

3.2. What non-housing characteristics are important for this community to consider in its 3A zoning district? *

(For example: walkability, bike lanes, street retail, bus connections, accessibility, street tree canopy, municipal services, etc)

- Opportunity to provide DHCD with additional information and feedback.
- Optional file upload is available for communities that wish to provide additional materials
- Non-housing characteristics may help communities plan for objectives that are inside of, or outside of, their 3A districts

Section 4: Action Plan Timeline



Section 4: Action Plan Timeline

This section creates a framework to input preliminary plans for a zoning adoption process. On the table below, please use Column 1 (from the left) to describe a task, Column 2 to input a start date, and Column 3 to input a finish date. Every community must provide a timeline for the below-listed tasks.

Additional space is provided for any other tasks that a community wishes to list. DHCD will review proposed timelines for feasibility before approving an Action Plan.

- Public outreach
- Developing zoning
- Applying DHCD's compliance model to test for density and unit capacity
- Holding planning board hearings
- Holding legislative sessions and adopt compliant zoning
- Submit District Compliance application to DHCD

<u>Task</u>	<u>Start</u>	<u>Finish</u>
Short Answer *	*	*
<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>

- Most important part of the Action Plan
- Identifies the tasks and general timelines for developing compliant zoning
- Communities must set forth a path to comply by their community category deadline

Action Plan Implementation



Implementation of the action plan. After DHCD approves an action plan and issues a determination of interim compliance, an MBTA community must diligently implement the action plan. DHCD may revoke a determination of interim compliance if an MBTA community has not made sufficient progress in implementing an approved action plan. DHCD and EOHED will review an MBTA community's progress in implementing its action plan prior to making an award of funds under the Housing Choice Initiative and Massworks infrastructure program. ~Section 9a

- DHCD's Action Plan implementation review will focus on **major** departures from the plan. The schedules set forth in the plan are **estimates**

Community Category (# municipalities)	Action Plan Submission Deadline (if applicable)	District Compliance Submission Deadline
Rapid Transit (12)	January 31, 2023	December 31, 2023
Commuter Rail (69)	January 31, 2023	December 31, 2024
Adjacent (59)	January 31, 2023	December 31, 2024
Adjacent Small Town (35)	January 31, 2023	December 31, 2025

Action Plan Suggestions



1. Consider waiting to submit Action Plan until after the Compliance Model and supporting materials are released
2. It may make sense to develop a more robust Action Plan locally
3. Leave a timeline contingency/buffer before district compliance deadline



Guidelines and resources available at: mass.gov/mbtacommunities



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