

More than Compliance: Multifamily Districts That Work in Your Community

Encouraging Family-Friendly Housing in MBTA Districts

October 12, 2022



Welcome!



What We'll Cover

- » Fair housing and families
- » What is “housing suitable for families?”
- » Barriers
- » Compliance with Section 3A
- » Beyond Compliance



M.G.L. Chapter 40A Section 3A

“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.”

Why care about family housing?

- » It's the law!
- » Lack of different types of family housing means unmet need for many families in our communities
- » Housing market dynamics and local regulations make it difficult to build diverse types of family housing
- » Key to vibrant and thriving communities



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Fair Housing and Families

Federal Fair Housing Act of 1968

Prohibits discrimination in the sale, rental, and financing of housing because of race, color, religion, sex, national origin, disability, and family status (presence of children)



Federal Fair Housing Act of 1968

Examples of familial status discrimination:

- » Refusing to rent to families with children
- » Evicting families once a child joins the family
- » Requiring families with children to live on specific floors or in specific buildings
- » Overly restrictive rules about children's use of common areas
- » Advertising that prohibits children

Fair Housing in Massachusetts

- » **M.G.L. Chapter 151B reinforces federal protections and includes additional protected classes**
- » **Many current zoning ordinances and bylaws contradict federal and state fair housing law**

I. No dwelling unit in any building of two or more dwelling units shall be designed, constructed, or altered to have more than two bedrooms. For the purposes of this provision, each room in excess of four rooms, exclusive of bathrooms, closets, or other small service rooms of less than 48 square feet, shall be considered a bedroom.

(18) Residential units with greater than two bedrooms shall be allowed in not more than ten (10%) percent of all residential dwellings in the CBD and BSBZ.

Discrimination is not always intentional

- » Policy or action that appears to be neutral can be discriminatory if it has a disproportionately adverse effect on groups protected by the Act (“disparate impact”)



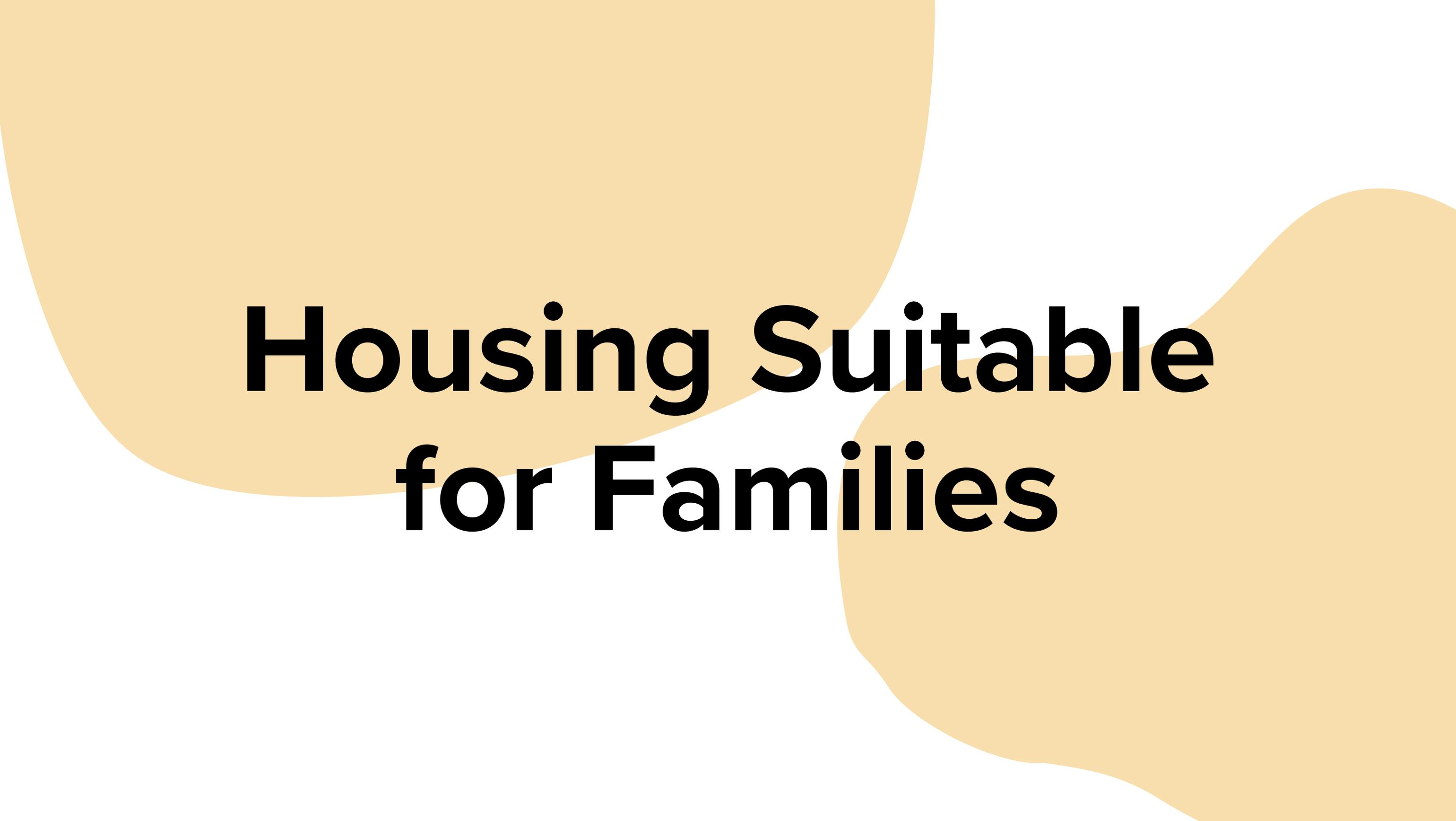
OFFICE OF ATTORNEY GENERAL MAURA HEALEY
COMMONWEALTH OF MASSACHUSETTS

LEAD PAINT DISCRIMINATION: AN ADVISORY FOR TENANTS, LANDLORDS, AND REAL ESTATE PROFESSIONALS

Massachusetts Attorney General's Office provides this advisory to tenants, landlords, and real estate professionals to remind them of their rights and obligations under the Massachusetts Lead and Anti-Discrimination Laws.

Lead Paint and Discrimination Against Tenants with Children

Landlords are obligated to abate lead paint hazards in any rental unit occupied by a child under age six. This obligation to remove lead hazards extends to all properties, including owner-occupied properties.



Housing Suitable for Families

Section 3A Guidelines

» Section 2: Definitions

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no zoning restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“Family” means many different things



**Parents with
school-age
children**



**Adult children
living with
parents**



**Multi-
generational
households**

Common Vision of “Family Housing”

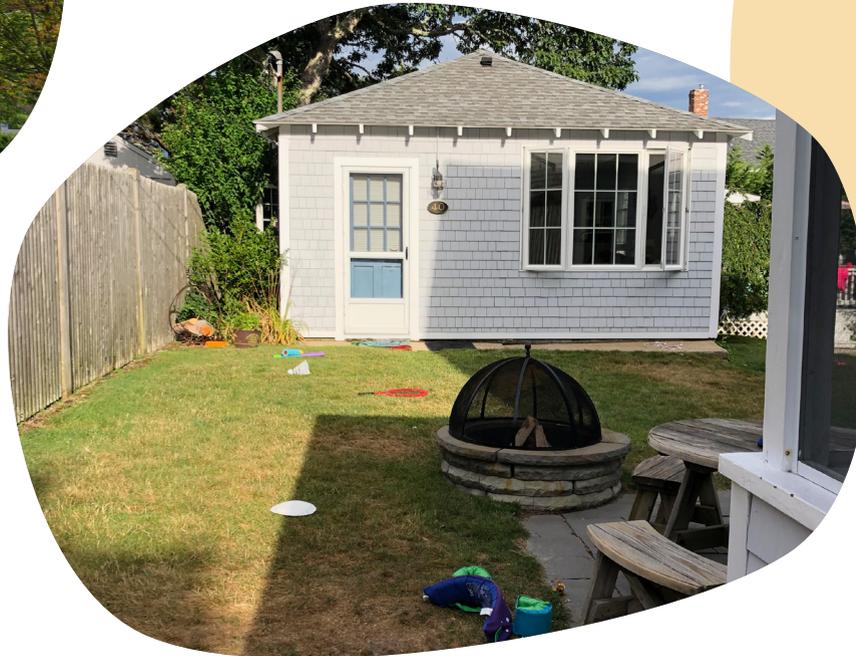


Typically most expensive type of housing

- » Detached
- » Large lot
- » Suburban

Family housing is not one size fits all

» Different types of families need different types of homes



- » Housing costs
- » Accessibility
- » Low-maintenance
- » Close to extended family and social networks

Thinking outside the unit

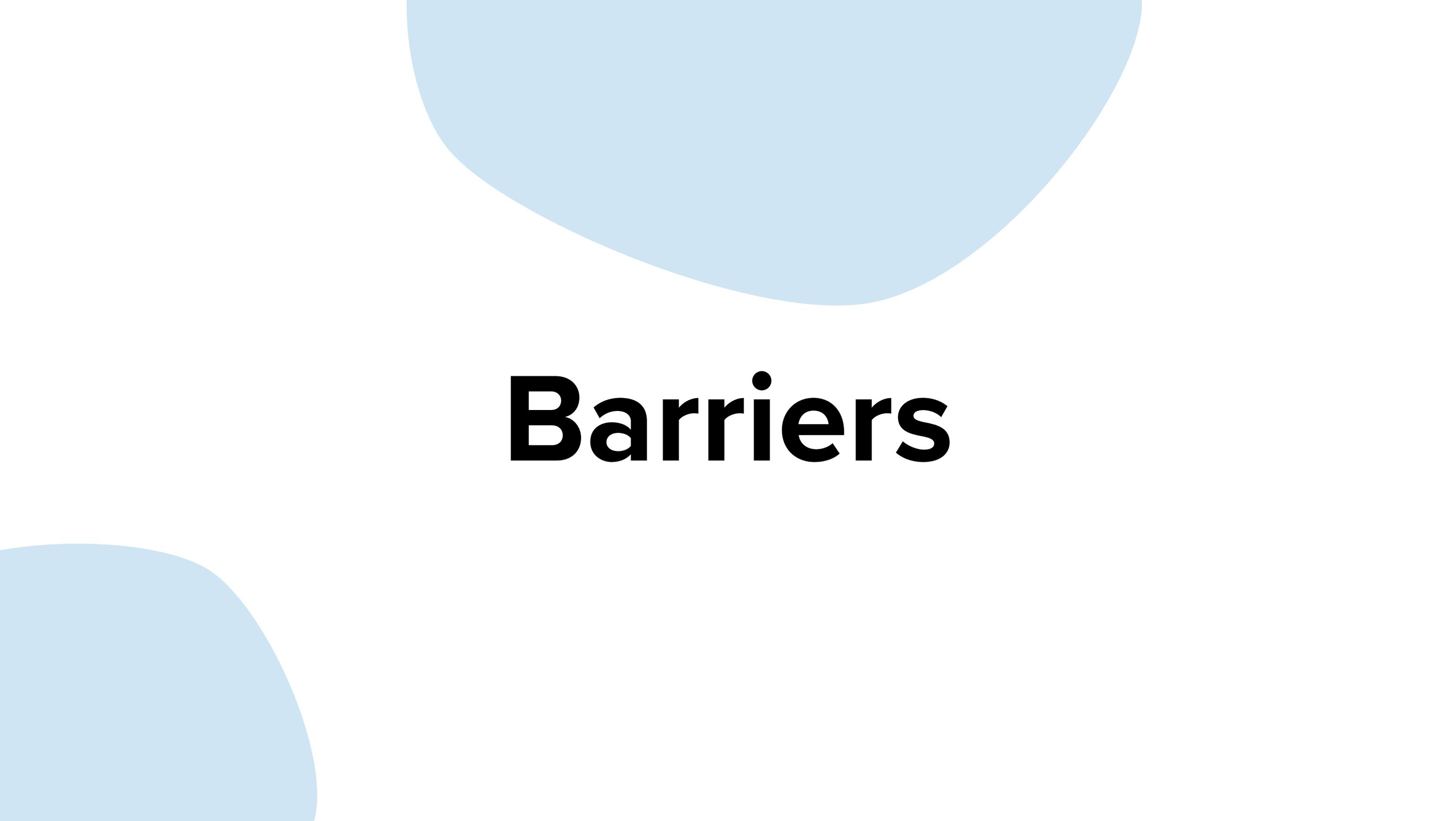
» More than just units with 3+ bedrooms



- » Safe streets and walkability
- » Access to child care, school programs
- » Transit and job access

Need for diverse family housing options



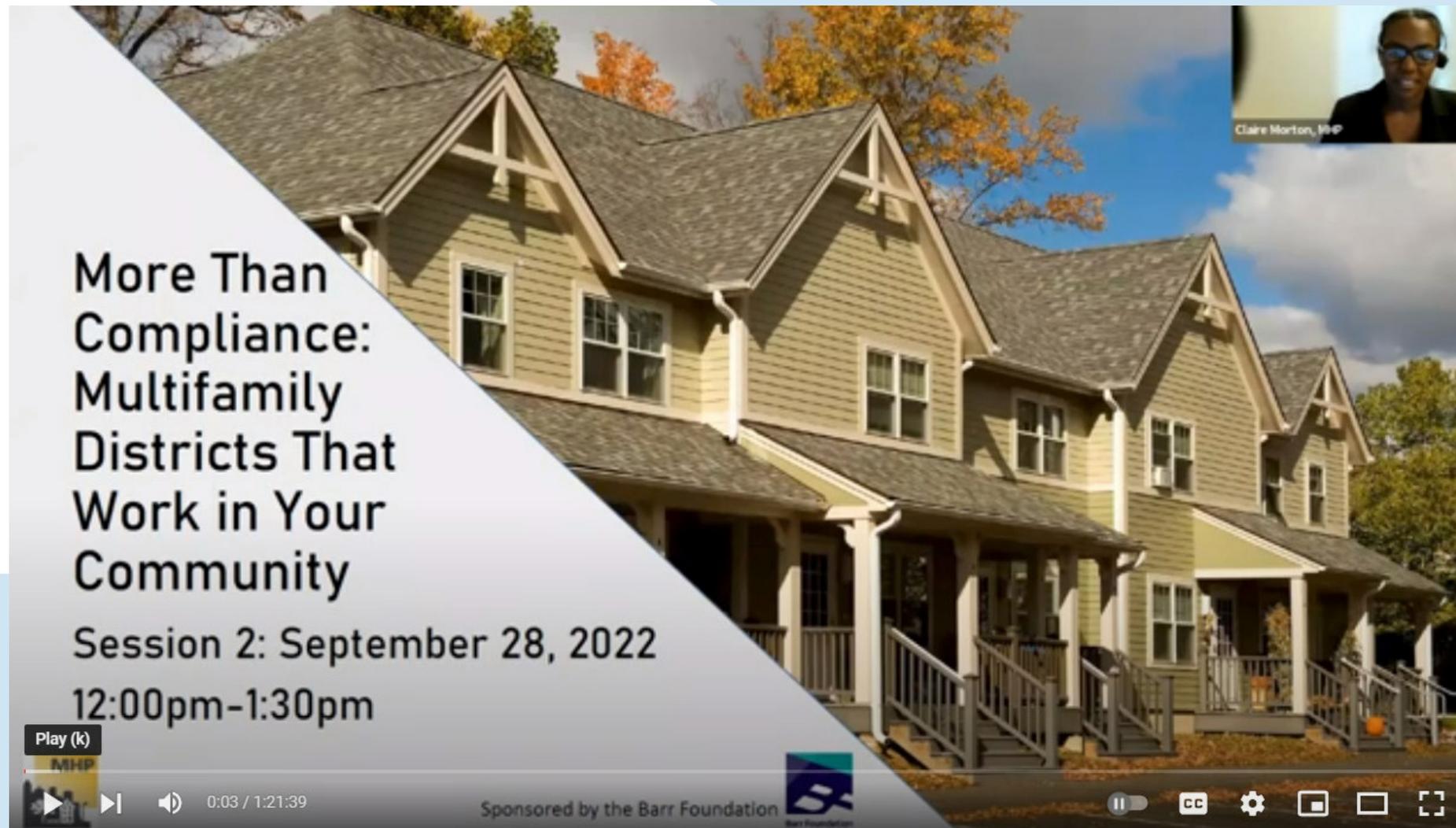
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Barriers

Housing market dynamics

- » New multifamily development tends to be studios and one-bedroom units
- » Competition for family-sized homes from non-family households

Infrastructure constraints



The image shows a video player interface. The main video content is a photograph of a large, multi-story residential building with a grey roof and light-colored siding. In the top right corner of the video frame, there is a small inset video of a woman wearing glasses and a headset, identified as 'Claire Morton, BPP'. The video player has a dark grey control bar at the bottom with various icons for play, volume, and settings. The text 'Sponsored by the Barr Foundation' is visible in the bottom right corner of the video frame.

More Than Compliance: Multifamily Districts That Work in Your Community

Session 2: September 28, 2022
12:00pm-1:30pm

Play (k)

MHP

0:03 / 1:21:39

Sponsored by the Barr Foundation

Session 2

Water and Wastewater Basics for MBTA Communities

<https://www.mhp.net/news/2022/register-for-mhps-mbta-community-webinar-series>

Zoning

- » Limits on number of bedrooms
- » Age-restricted overlays
- » Parking requirements that scale with unit size

Use	Minimum Number of Spaces
Residential Uses	
Single-, two-, or three-family dwelling	1 space per dwelling unit
Apartment building	1 space per efficiency dwelling unit; 1.15 space per 1-bedroom dwelling unit, 1.5 spaces per 2-bedroom dwelling unit, and 2 spaces per 3 or more bedroom dwelling unit, and 1 space per 5 units of public housing for the elderly.

Zoning

- » Assumption that all families live in detached houses
- » No option for “missing middle” housing types



Public perception

- » Concerns over school and fiscal impacts
- » Bias against renting to families with children

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Compliance with Section 3A

Section 3A Guidelines

» Section 7: Determining Suitability for Families with Children

Section 3A states that a compliant multi-family zoning district must allow multi-family housing as of right, and that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.” DHCD will deem a multi-family zoning district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions, and does not limit or restrict the size of the units, cap the number of bedrooms, the size of bedrooms, or the number of occupants, or impose a minimum age of occupants. Limits, if any, on the size of units or number of bedrooms established by state law or regulation are not relevant to Section 3A or to determinations of compliance made pursuant to these guidelines.”

Section 3A Compliance

- » **No age restrictions**
- » No restrictions on unit size
- » No restrictions on number of bedrooms per unit
- » No restrictions on size of bedrooms
- » No restrictions on number of occupants



Beyond Compliance

Encouraging family housing

- » Articulate diverse types of family housing as a goal of the district



Encouraging family housing

» Location, location, location!



Encouraging family housing

» Pedestrian-centric site planning



Encouraging family housing

- » Broaden definition of “multifamily” to allow for “missing middle” housing types

Section 3A definition of Multi-family housing: a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

Encouraging family housing

- » Don't forget other medium-density family-friendly housing types in addition to multifamily



Encouraging family housing

- » Make sure that dimensional requirements allow for different housing types
- » Setbacks and allowable distance between buildings



Encouraging family housing

- » Be cognizant of predominant lot sizes in your 3A district



Encouraging family housing

- » Balance lot coverage requirements and height requirements



Encouraging family housing

» If included, open space requirements should be reasonable and flexible



Encouraging family housing

- » Reasonable parking requirements and flexibility in meeting them

Encouraging family housing

» Don't forget that not every family needs or wants a large detached house!



Thank you!

