

# DEDHAM PLANNING BOARD

## *Housing Choice Legislation: MBTA Communities*



# Agenda

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- What is the Housing Choice Legislation?
- Why Housing Choice?
- Draft Guidance for MBTA Communities
- Next Steps



# What is the Housing Choice Legislation?

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Amendments to Chapter 40A of the General Laws (the Zoning Act) that:

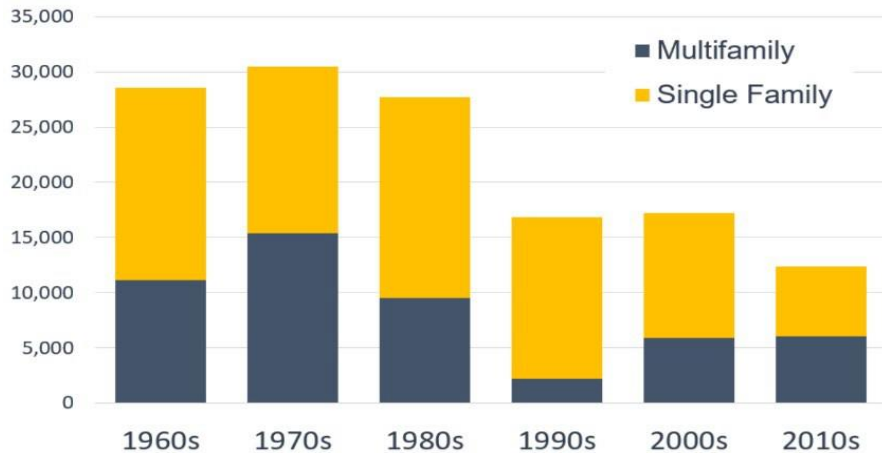
- Reduce the number of votes required to enact certain kinds of zoning bylaws from a 2/3 supermajority to a simple majority
- Similarly reduce the voting thresholds for the issuance of certain kinds of special permits
- *MBTA community shall have at least one zoning district of reasonable size in which multi-family housing is permitted as of right or lose eligibility for certain State funding*



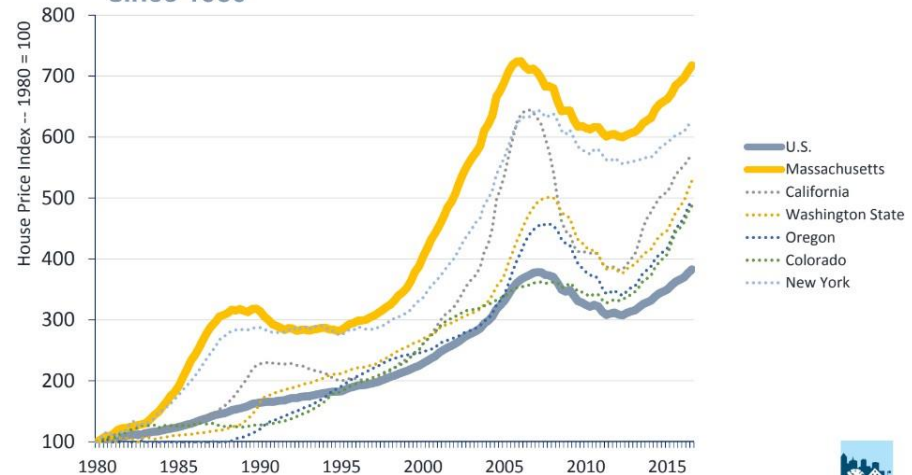
# Why Housing Choice?

- “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



Source: Massachusetts Housing Partnership



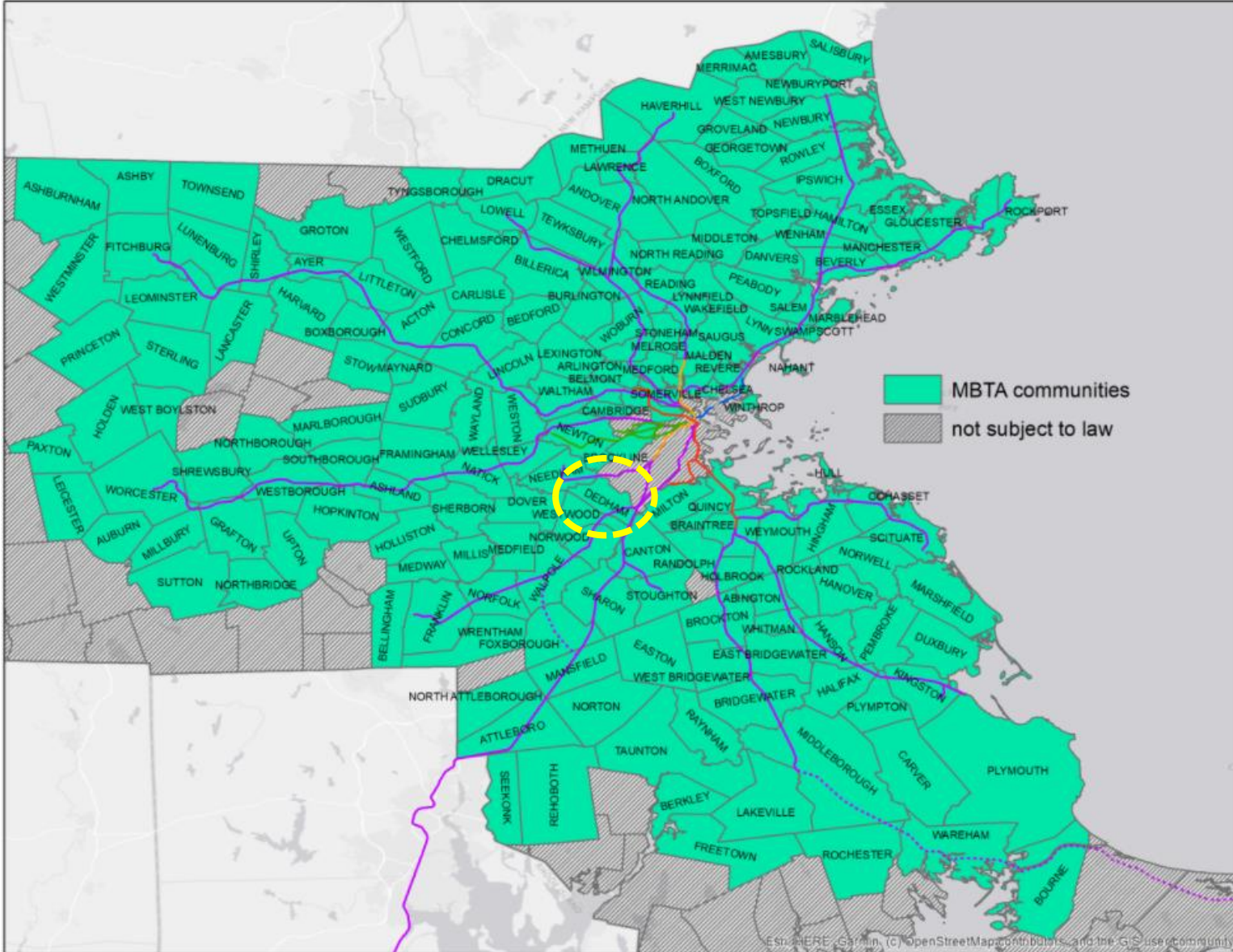
## ➤ MGL Chapter 40A, Section 3A

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- *“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.”*



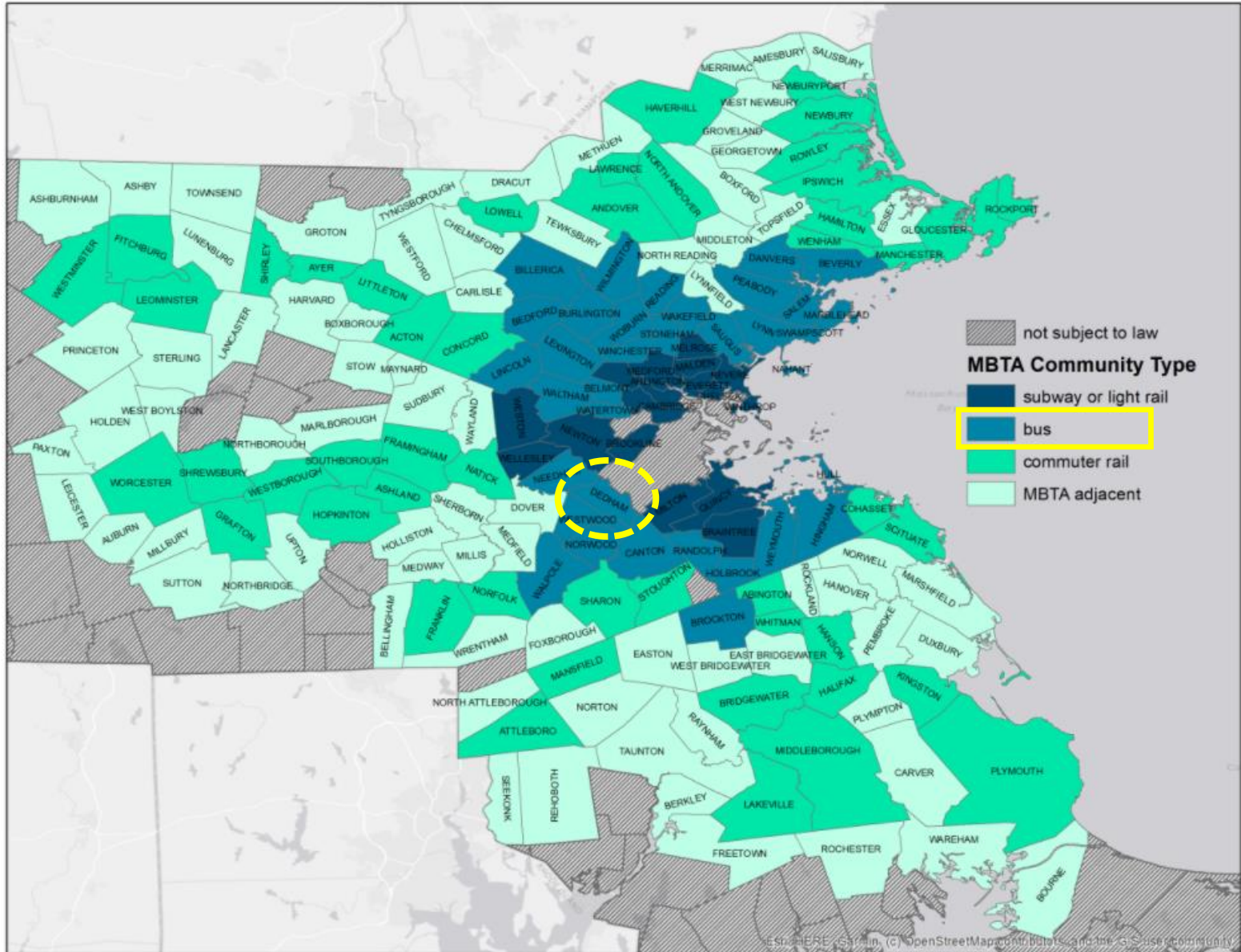
# MBTA Communities (MGL Chapter 40A, Section 3A)



➤ Dedham is one of 175 MBTA Communities



# MBTA Communities (MGL Chapter 40A, Section 3A)



➤ Dedham is considered a *MBTA Bus Community*



# Draft Guidance for MBTA Communities

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## MBTA Bus Community:

- “Bus service community” means an MBTA community with a bus station within its borders or within 0.5 miles of its border, or an MBTA bus stop within its borders, and no subway station or commuter rail station within its border, or within 0.5 miles of its border.





# Draft Guidance for MBTA Communities

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## Principles:

- All MBTA communities should contribute to the production of new housing stock.
- MBTA communities with subway stations, commuter rail stations and other transit stations benefit from having these assets and should provide opportunity for multi-family housing development around these assets.
- MBTA communities should adopt multi-family districts that will lead to development of multi-family housing projects of a scale, density and character that are consistent with a community's long-term planning goals.



# Draft Guidance for MBTA Communities

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## Principles (cont'd):

- “Reasonable size” is a relative rather than an absolute determination. Because of the diversity of MBTA communities, a multi-family district that is “reasonable” in one city or town may not be reasonable in another city or town.
- To the maximum extent possible, multi-family districts should be in areas that have safe and convenient access to transit stations for pedestrians and bicyclists.



# Draft Guidance for MBTA Communities

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## Overview:

- DHCD has issued draft compliance guidelines for Section 3A as of December 15, 2021
- Multi-family housing “as of right”
- To comply, Dedham would need to create a zoning district or districts of a “reasonable size” and allow for a “minimum capacity”
- A compliant multi-family district must have a minimum gross-density of 15 units per acre, subject to certain limitations
- A compliant multi-family district shall “be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station



# Draft Guidance for MBTA Communities

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## By-Right Requirement:

- “The construction and occupancy of multi-family housing is allowed in that district without the need to obtain any discretionary permit or approval.”
  - *Multi-family housing means 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.*
  
- “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.”*
  
- Dedham **does not** have a zoning district that provides “by-right” multi-family housing

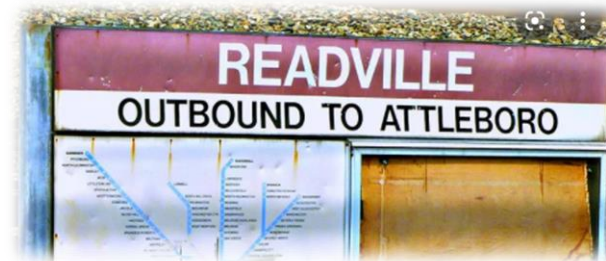


# Draft Guidance for MBTA Communities

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## Reasonable Size (minimum land area):

- At least 50 acres of land – or approximately one-tenth of the land within 0.5 miles of a transit station
  - *There may be flexibility to the 0.5 miles of a transit station requirement*
- At least one portion of the overlay district must include at least 25 contiguous acres
- No portion of the district that is less than 5 contiguous acres will count toward the minimum size requirement
- Can be one multi-family zoning district or a number of districts (overlay) that meet the reasonable size and unit capacity requirements



# Draft Guidance for MBTA Communities

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## Reasonable Size (minimum multi-family capacity):

- Allow for a minimum of 20% multi-family units as a percentage of total housing stock
- Allow for, *not require the construction of*, 2,092 housing units

Municipality ↕	MBTA Community Type ↕	2020 Housing Units (Census PL-94) ↕	Minimum multifamily district unit capacity requirement ↕
Chelsea	subway or light rail	14,554	3,639
Cohasset	commuter rail	3,341	750*
Concord	commuter rail	7,295	1,094
Danvers	bus	11,763	2,353
Dedham	bus	10,459	2,092



# Draft Guidance for MBTA Communities

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## Reasonable Size (minimum multi-family capacity):

- District shall provide for 2,092 housing units, don't have to be constructed
- “Each MBTA community must estimate how many units of housing could be constructed on each parcel of developable land within the district”
- Density shall take into consideration dimensional requirements, limitations/restrictions, wetlands, sewer, etc.



# Draft Guidance for MBTA Communities

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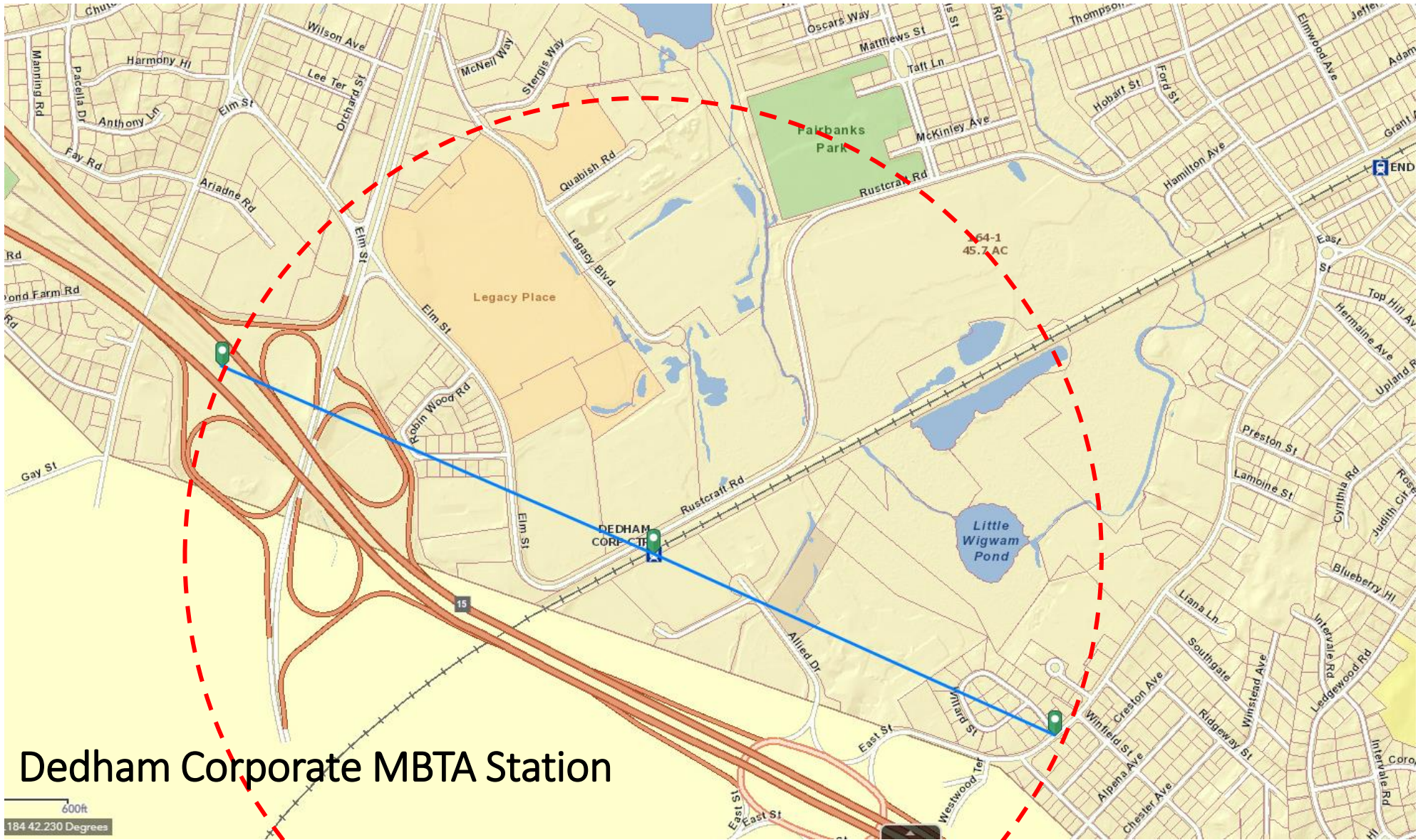
## Minimum Gross Density:

- Minimum gross density of 15 units/acre
- Subject to limitations (wetlands & sewers)
- Zoning act (40A) defines gross density as including “land occupied by public rights-of-way and any recreation, civic, commercial and other nonresidential uses”
- Sub-districts with different density requirements are allowed, as long as minimum gross density across district is maintained





# Draft Guidance for MBTA Communities



Dedham Corporate MBTA Station



# Draft Guidance for MBTA Communities



Endicott MBTA Station



# Draft Guidance for MBTA Communities



Dedham, MA



# Draft Guidance for MBTA Communities

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## Non-Compliance:

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



# MBTA Communities-Non-Compliance

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## Housing Choice Initiative

- Program to reward municipalities producing certain rates/amounts of housing
  - Past five years
  - Adopted best practices for housing production
- Housing Choice designation required to access Housing Choice Grant Program
- In FY 2023, \$4 million is available in grants
- Eligible activities include construction, modernization, or major repair of infrastructure, acquisition of property or interests in property, long-lived equipment or feasibility, engineering or schematic designs for capital projects



# MBTA Communities-Non-Compliance

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## Housing Choice Initiative-Housing Production

- Threshold for qualification is over past five years:
  - 5% increase or 500 housing units
  - 3% increase or 300 housing units
- Dedham has constructed 164 new housing units between 2016-2020 per Census
- Dedham has 10,459 housing units per 2020 Census
- Result is 1.6% increase in housing stock
- Current pipeline of development projects, if approved, would likely cause the Town to qualify for at least the 3% and 300 units in the next 1-2 years.



# MBTA Communities-Non-Compliance

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## *Local Capital Projects Fund*

- Established in 2012, collects 11% of one-time gaming licensing by Category 1 or Category 2 licensees
- In FY2014, this amount was \$19.25 M
- The fund is a state budget source, not a “grant program”
- This fund has provided as a source for a variety of state programs in the past (state housing assistance, MassWorks, etc.)



# MBTA Communities-Non-Compliance

## MassWorks

➤ “The MassWorks Infrastructure Program is a competitive grant program that provides the largest and most flexible source of capital funds to municipalities and other eligible public entities primarily for public infrastructure projects that support and accelerate housing production, spur private development, and create jobs throughout the Commonwealth”

<p><b>Framingham, Marble Street Improvement Project</b></p>  <p>\$1.1M grant to support the city’s first TOD project under its new Central Business District zoning: a 270-unit development on former MBTA land.</p>	<p><b>Holyoke, Lyman Terrace Phase II</b></p>  <p>\$1.4M grant to support rebuilding of the public housing development, preserving 167 units, and creating walkable, transit supported neighborhood in a TDI District.</p>
<p><b>New Bedford, Union Street Improvement Project</b></p>  <p>\$2.5M grant to upgrade infrastructure along Union Street. Supports economic activity in TDI District, including \$10M investment in 68-room hotel.</p>	<p><b>Charlemont, Town Bridge Repair Project</b></p>  <p>\$949K grant to repair three Town bridges. One at-risk and two already weight-restricted, affecting an evacuation route and commercially accessible roads. Regionally significant to Towns of Heath and Rowe.</p>





# MBTA Communities-Non-Compliance

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## MassWorks

- Dedham received \$1.7 million from MassWorks in 2010/2011 for Dedham Sq.



# Next Steps

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# Next Steps

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- Submit any public comments to DHCD by **March 31, 2022**
- Submit by **May 2, 2022**, MBTA Community Information Form
- Procure technical support for analysis Spring/Summer 2022 *(or determine to not comply)*
- Submit an Action Plan for compliance by December 31, 2022 *(or determine to not comply)*
- Zoning Amendments by December 31, 2023 *(or determine to not comply)*

