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A surprising history of how a bill became the MBTA Communities law

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FILE - In this Nov. 16, 2011 photo, a for sale sign hangs in front of a home, in Milton, Mass.

Steven Senne / AP



By **Katie Lannan**

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All Things Considered

The first domino from Milton's Feb. 14 vote to reject a multifamily zoning plan fell this week, when the state pulled back \$140,800 recently awarded to the town for seawall and dock upgrades.

The Healey administration revoked the grant because Milton's vote brought the town of about 28,000 out of line with the MBTA Communities law, a 2021 requirement that 177 cities and towns served by the T (excluding Boston) allow denser, multi-family housing in at least one zoning district near public transit.

Eligibility for certain state grants hinges on compliance with the MBTA Communities law, so the cancellation of the funding was not a surprise. When town staff reported the grant award to the Milton Planning Board last month, they noted it depended on the vote's outcome.

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Minutes from that Planning Board meeting also recall the law's muddled origins: in a summarized description, one board member is said to have referred to the MBTA zoning law as a provision "buried in a 3,000-page economic bill."

Hyperbole aside (the final, \$626 million bill clocked in at a still-hefty 101 pages), it's not an unfair characterization. Now the subject of headlines and the center of big, swirling questions around how to solve a housing crisis and where to draw the line on local control, what we call the MBTA Communities law found its way onto the law books without much fanfare.

When then-Gov. Charlie Baker signed the bill in January 2021, much of the focus landed on a different zoning measure: a lower, simple-majority threshold for towns to adopt some zoning changes. That's in no small part because Baker had been trying to get that particular measure passed for years. In February 2021, Baker's

The zoning requirements — and the grant eligibility rules — had emerged in a late-night, last-minute compromise between House and Senate lawmakers before the curtain officially closed on their 2019-2020 legislative session. Before Baker signed it, the Massachusetts Municipal Association **urged the governor** to veto the MBTA Communities language, arguing it would "override local-decision making" and penalize communities that fail to meet the mandate.

But Baker wasn't swayed. He told lawmakers that while he didn't propose the section, he would still sign it into law because it gave his administration "considerable discretion to determine compliance."

And now, three years later, Gov. Maura Healey and her administration are the ones tasked with determining the cost of non-compliance.



Katie Lannan X

Katie Lannan covers the State House for GBH News. Feedback? Questions? Story ideas? Reach out to Katie at katie_lannan@wgbh.org.

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