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MBTA zoning law subject of multiple amendments in Senate



Boston, MA – Commuters board a commuter rail train at South Station. (Nancy Lane/Boston Herald)



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The budget fight due to take place in the senate this week will apparently include at least some discussion about revisiting the [MBTA zoning law](#) which has caused no small amount of trouble for a number of Bay State municipalities in recent months.

The [fiscal 2026 senate budget proposal](#) includes hundreds of amendments, and some are aimed at helping cities and towns deal with the impacts of a law that senate Minority Leader Bruce Tarr said “is with us to stay.”

“We are trying to find a compromise, we are trying to find some middle ground here,” Tarr told the Herald. “We are trying to spend less time and fewer resources and less energy on confrontation, and litigation, and vilification of our communities, and more time creating paths to build housing.”

An amendment to the state budget offered by upper-chamber Republicans aims to help the Legislature understand the impacts of the MBTA communities law, also known as Section 3A of the Zoning Act, which requires towns and cities serviced by the state’s public transportation system to provide multifamily zoning somewhere in the community.

The proposed rule change would require that every three years the Executive Office of Housing and Livable Communities “study, analyze, and make determinations” on the number of homes produced under the law, the effects on “municipal water supplies, wastewater treatment, and transportation infrastructure of such units,” and the impacts of increased housing stock on local school districts.

Another Republican proposal (offered as more than one amendment) would allow municipalities to appeal to the state for relief from the zoning law if they find that compliance would result in an inability to meet drinking water or sewage treatment requirements for new units, or would negatively impact the safety on municipal roads, or for “any adverse environmental impacts attributable to the developments of housing units.”

A similar amendment offered by State Sens. Kelly Dooner and Patrick O’Connor would add “any adverse impacts on historical properties” as a reason for a city or town to seek relief from the zoning law.

A proposal offered by Sens. Dooner, Tarr, Peter Durant, and Ryan Fattman would aim to give those cities and towns not directly crossed by an MBTA route but nevertheless defined as an “Adjacent Community” or an “Adjacent Small Town” a further two years to come into compliance with the law.

Another Dooner proposal would allow cities and towns to be exempted from the law if less than 8,000 people live there, the state hasn’t “approved an increase in the town’s water withdrawal permit necessary to support additional housing development,” the municipality already has more than 15% low or moderate income housing stock, or the majority of the land in the municipality designated for rezoning is greenspace or contains “protected natural resources.”

According to Tarr, none of these amendments represent a “free pass” for cities and towns not to comply, but rather an acknowledgement that “very real problems” have been identified by those municipalities attempting to.

“We can’t ignore those if our goal is to build housing as opposed to just the blind pursuit of strict technical compliance,” he said.

The Senate will begin budget debate on Tuesday.

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