

What is the MBTA Communities Act? More towns move to block multi-family zoning

Nearly 60 towns and cities out of 177 have complied with the MBTA Communities Act, a law to increase zoning for multi-family housing near MBTA stops.



A view of the Green Line at the Coolidge Corner stop in Brookline. *David L. Ryan/Globe Staff*

By **Molly Farrar**

May 14, 2024



35

An increasingly controversial state law aims to expand zoning for multi-family housing in commuting communities, but a growing number of towns are rejecting the law and opting to keep their zoning laws as they are.

The **MBTA Communities Act**, signed by former Gov. Charlie Baker in 2021, has faced pushback from residents across dozens of communities. Opponents say the law is

overstepping and will force communities to change their identity by rezoning for apartment complexes. Proponents **say the law** is needed to address the state's housing crisis, which they say all cities and towns must help combat.

Nearly 60 communities out of the 177 covered by the law have already rezoned to comply with it, according to the Executive Office of Housing and Livable Communities (EOHLC).

“Right now, seniors, young families, and essential workers are being priced out of their communities due to a lack of available and affordable housing,” EOHLC Secretary Ed Augustus said in a statement. “[The nearly 60 communities] recognize that laying the foundation for more housing in the future will support the long-term needs of their residents.”

Since the Town of Milton **refused to rezone**, becoming one of the few communities in open noncompliance, opposition to the law in Town Meetings and in court has escalated.

About the MBTA Communities Act

The MBTA Communities Act requires 177 cities and towns in Eastern Massachusetts — designated as rapid transit, commuter rail, adjacent, and adjacent small town communities — to rezone near T stops to allow for multi-family housing as of right. “As of right” means multi-family housing would be allowed to go up in the rezoned areas without special permits or other discretionary processes.

What the law doesn't require? Actually building the housing.

“This idea that you're going to see huge increases in student population and what have you, no,” Healey **said** on Boston Public Radio in March. “The reality is the reason that people are locating to other places ... is because of the high cost of housing. That shouldn't be a reason people leave our great state.”

The law calls for the multi-family housing zoning to be without age restrictions and suitable for families with children, but the housing doesn't necessarily have to be officially designated as affordable.

The actual rezoned area must be a “reasonable size,” the law states. This varies by community, but should be about the size of a neighborhood instead of one single parcel. The size should not exceed 50 acres, which is about 750 tennis courts or 38 football fields.

Each designation also determines a different minimum of multi-family unit capacity. For rapid transit communities, it's at least 25% of all housing units in the community, 15% for commuter rail communities, 10% for adjacent communities, and 5% for adjacent small towns. At a minimum, this comes to about 15 units per acre.

The percentage of the district located near the station varies by community, from 0 to 90% depending on the developable land in the station area.

For example, Cambridge had 53,907 housing units in 2020. This means **the city must rezone** at least 13,477 units across at least 32 acres of land. With more than a thousand developable land near stations, 90% of the city's rezoned districts have to be in station areas.

'Rapid transit communities': How Milton has led the way of non-compliance

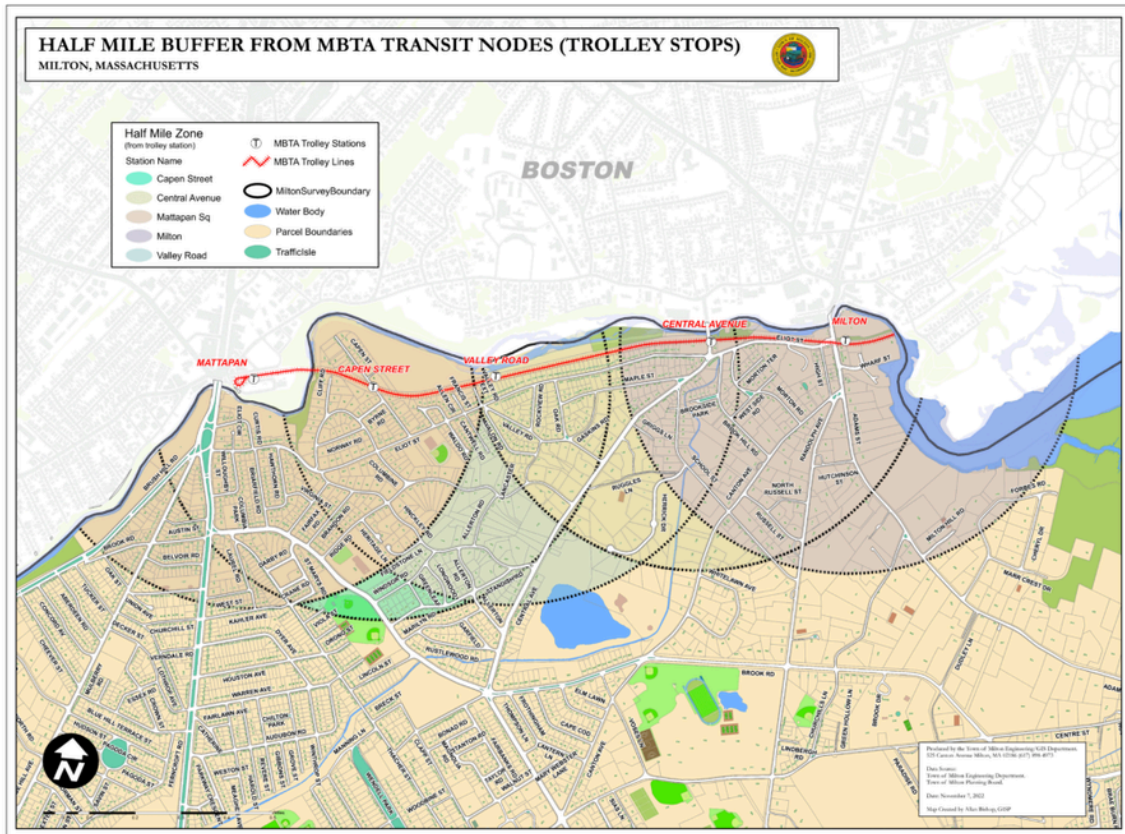
Milton, a suburb south of Boston, initially complied with the state's deadline, but a **historic petition** of more than 3,000 signatures forced a second vote. At a Special Town Meeting in February, Milton became one of the first communities to openly rebel against the state law, and the only rapid transit community to do so.

The 11 other rapid transit communities — defined by the law as having at least 100 acres of developable station area near one or more of the MBTA's subway stations — all passed rezoning measures to comply by the December 2023 deadline. This includes Newton, Braintree, Quincy, Brookline, Revere, Cambridge, Somerville, Chelsea, Everett, Malden, and Medford.

One after another, these communities approved plans to comply. After years of advocacy, **Brookline passed** a plan at Town Meeting in December to rezone for more than 800 new units along Harvard Street. Newton also **struggled with compliance** but voted for a compromise plan less than a month before the deadline, which marked a significant rezoning in the wealthy suburb.

Milton's designation as a rapid transit community has put the town of 27,000 at odds with the state. Home to the rickety Mattapan Trolley, the town is beholden to similar rezoning requirements as nearby Brookline and Newton, which boast most of the Green Line's C and D branches. The Mattapan Trolley services a tiny corner of Milton along border of Boston.

“If you want your kids to be able to afford to live here in Massachusetts, if you want to be able to continue to live in Massachusetts as you get older, if you want our companies and our businesses growing and expanding, we need housing across the state,” Healey **told** reporters before Milton voted against the rezoning. “We need communities like Milton and communities across the state to do what needs doing in terms of creating more housing opportunities.”



The Milton Neighbors for Responsible Zoning shared this map of the Mattapan Trolley. – *Milton Neighbors for Responsible Zoning.*

Milton Neighbors for Responsible Zoning led the signature drive to stop the rezoning that passed at a Town Meeting in 2023. The group is advocating for a reclassification from rapid transit to adjacent communities, a move that would reduce the units from nearly 2,500 to less than a thousand, their website said.

“To this day, the Mattapan line remains a detached suburban trolley system essentially untouched from when it opened in the 1920s,” the organization’s website reads. “It is truly a heritage railway and a vestige of the gentle suburban trolley network that connected communities across suburban Boston in centuries past — a far cry from the speedy modern rapid transit networks operating in the state today.”

Since then, residents in Hopkinton, Rowley, Norwell, **Marshfield**, **Marblehead**, Hanson, **and more** have voted down attempts to rezone at Town Meetings, filed legislation to

challenge the law, and launched grassroots movements to stop the “irresponsible zoning.”

What happens to towns that are out of compliance?

Two communities are currently not compliant with the state’s law: Milton and Holden. While Milton has submitted an approved action plan, Campbell sued the town when it missed the deadline to change its zoning, voting down a measure to do so in February.

“We’re simply keeping our word of suing the town,” Campbell **said at the time**.

Milton will also lose out on state money, including infrastructure grants and **at least \$140,000 to improve a seawall** at Milton Landing. The Supreme Judicial Court is expected to hear the case in the fall.

Towns were required to submit an action plan that lays out current zoning, any past plans for multi-family housing, and an outline for potential new zoning.

Holden, a town of about 20,000 north of Worcester, is the only other community in direct noncompliance with the MBTA Communities Act. The town is the only community to not submit an action plan, which was required by Jan. 31, 2023.

The town, classified as an adjacent community due to its proximity to Worcester’s commuter rail stop, is required to zone for at least 750 units of multi-family housing.

Last fall, Holden **was sued** by the Central Massachusetts Housing Alliance for not adhering to the law, but the case was dismissed in Worcester Superior Court. The judge said the plaintiffs lacked jurisdiction to sue the town. The case was appealed by the Housing Alliance in March.

Campbell **won’t sue** Holden until the town’s deadline to comply passes at the end of this year. This is the same for other towns that have voted down rezoning attempts, such as Marshfield and Marblehead.

“The Town of Holden wants to zone the way the Town of Holden wants to zone,” Town Manger Peter Lukes said earlier this year, **the Worcester Telegram & Gazette** reported. He said the law would force buildings that don’t fit the character of the town, which is filled with mostly single-family homes.

Lawyers for Civil Rights Boston argue that suburban towns like Holden are keeping low-income residents and people of color out of their communities by not adhering to

the law. Last year, the group worked with the Central Massachusetts Housing Alliance on their lawsuit.

“Every municipality covered by this Law, especially predominantly white, affluent towns like Holden, must relinquish exclusionary zoning and contribute to the cause,” Jacob Love, an attorney with Lawyers for Civil Rights, said in a statement last year.

The EOHLA tracks the status of the 177 municipalities’ compliance. You can check [your town’s status here](#).

READERS WEIGH IN

The MBTA Communities Act requires commuting towns to expand their zoning for multi-family housing. Should your town comply? *(Required)*

- Yes, my town should comply
- No, my town should not comply

Tell us more about why you voted the way you did above.

Name



Your name may be published.

Neighborhood/Town

Your neighborhood/town may be published.

What are your preferred pronouns?

- He/Him
- She/Her
- They/Them
- Other

Please select your preferred pronouns so we may correctly refer to your response in an article.

Email or phone

Please enter an email address and/or a phone number that we can easily contact you with. We may reach out for more information. It will NOT be published.

Submit

Newsletter Signup