

Myth-Busting the MBTA Communities Law

There are several misconceptions about what the MBTA Communities Law is and what its impact on municipalities will be. Here we respond to some of the common myths.

The state is requiring us to build all this housing.

The MBTA Communities Law doesn't require the production of any units. It simply requires zoning that allows property owners the option to construct multifamily housing without discretionary permits. The zoning can also be in areas that are already developed; it does not need to be located on vacant lots.

We value the small-town character of our community. The state wants to turn us into Boston.

The required density of Section 3A-compliant zoning districts is 15 units per acre. This density doesn't mean high-rises will be built. In many places, this density can be achieved by allowing for a maximum height of only two or three stories. If you live in a community with a historic downtown, it is likely that the densities of the historic buildings are even higher than 15 units per acre.

If multifamily housing is allowed by-right, our municipality won't have any say about its look and layout.

Just because the MBTA Communities Law won't allow for discretionary approval processes like special permits, it doesn't mean that the municipality will have no say about the new development. Site plan review, a process by which a local board reviews and imposes conditions on the appearance and layout of a specific project prior to the issuance of a building permit, can still be required for multifamily housing. Site plan approval criteria typically cover matters such as vehicular access and circulation on a site or screening of adjacent properties.

The MBTA Communities Law is just a giveaway to make developers rich.

It is incredibly expensive to build housing in Massachusetts. In the region, total development costs range from \$350k to \$550k per unit, depending on the community. When costs are too high, housing simply doesn't get built, which is a major reason for the housing shortage in the state. Like in any businesses, developers need to make a profit so they can invest in their next project. A certain density is usually necessary to make development feasible because the costs can be spread out across multiple units. In addition, discretionary permits add to housing prices because of costly administrative expenses to manage the review process and potential legal action. Allowing more by-right housing shortens the permitting timeline and allows construction to begin more quickly.

Our schools are already overcrowded. Multifamily housing will cause enrollment numbers to increase too much.

MAPC has conducted substantial research on the relationship between new multifamily development and school enrollment numbers. Analyzing changes in housing units and school enrollment across 231 public school districts in Massachusetts from 2010 to 2020, MAPC found that the development of new housing units does not account for the changes in school enrollment seen over the decade. Instead, the analysis found that demographic trends, parental preferences, and the characteristics and affordability of available housing often play a much larger role than housing development in enrollment growth and decline.

New development will cause too much traffic in our community.

Section 3A-compliant districts are designed to be in areas served by public transit and/or located in walkable neighborhoods to reduce the number of car trips that are necessary for residents to get to work and access services and amenities. A municipality can also help mitigate increased traffic reducing parking requirements under the new zoning. Providing too much parking encourages multifamily housing residents to have a car that they might not otherwise need because it is easy to park it. MAPC's Perfect Fit Parking research has found that,



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overall, off-street parking tends to be oversupplied in Greater Boston. Further, traffic mitigation or transportation demand management techniques (such as developers providing an MBTA pass for tenants' first month) can and should complement new multifamily zoning.

We don't have the water and sewer infrastructure for all this new development.

Municipalities don't need to spend money upgrading their water and sewer infrastructure in anticipation of new development associated with the MBTA Communities Law. When multifamily housing is proposed, the developer will need to make the case that there is adequate infrastructure to support their project. For example, they may choose to construct an on-site sewer treatment facility if there is no existing municipal capacity. Further, compliance with Section 3A allows municipalities to access MassWorks and HousingWorks, two state programs that provide substantial capital grants to help cities and towns fund public infrastructure projects that support and accelerate housing production.

Multifamily housing will hurt my property value.

Because of the high costs associated with building multifamily housing, developers are most likely going to produce market-rate housing units that are in attractive buildings with substantial amenities. Multifamily housing provides options for people with all incomes, including for local workers such as firefighters, teachers, and municipal employees (especially if the development includes affordable units). If this housing is replacing a former use such as an auto-repair shop or a package store, your property value will likely increase, not decrease.

Our community needs housing that is affordable, not luxury housing units.

Section 3A is important because it will encourage different types of housing, creating relatively more affordable housing options than single-family homes for young people, seniors, and families. However, even building luxury housing units helps to reduce housing prices across the board because it generates badly-needed supply. Basic economics tells us that costs continue to rise when there isn't enough supply to meet demand, which is what we have been seeing in the Greater Boston area. Additionally, if your community has an inclusionary zoning ordinance, a certain percentage of new units must be deed-restricted to be affordable to lower-income families.

Building new multifamily housing is bad for the environment.

New construction buildings must meet higher energy saving requirements and therefore are more energy efficient than old buildings. They require less energy to heat and cool each housing unit than single-family houses do, and they further contribute to key climate goals by minimizing impervious surfaces and water usage per capita. Building compact housing in more walkable, transit-oriented locations means communities can meet multiple objectives of providing housing and preserving open spaces such as forests and agricultural lands. Encouraging housing where people can rely less on private vehicles and have options of using more sustainable ways to get around is also a key way to reduce greenhouse gas emissions that contribute to our climate crisis. Lastly, local regulations around wetlands and stormwater management are still applicable to new development built under Section 3A-compliant zoning.

It doesn't matter if we don't comply with the MBTA Communities Law.

Not complying with Section 3A is against the law. Municipalities that don't comply will lose access to substantial grant funding that your city or town likely relies on to avoid local property tax increases. The Attorney General has also made clear that municipalities subject to Section 3A cannot opt to avoid compliance by foregoing their eligibility for state funding sources. Noncompliant municipalities also risk liability under federal and state fair housing laws. Finally, communities that don't adopt a Section 3A-compliant district are missing the opportunity to offer diverse housing options for their residents and encourage sustainable development.

Visit MAPC's website for the [Show Your Support Toolkit](#) for helpful myth-busting resources.

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