

ACEC/MA Housing Conference

October 24, 2023



Innes
Associates Ltd





Innes
Associates Ltd

- ▶ Urban planning and design firm
- ▶ 5 professionals
- ▶ Based in Newburyport, MA
- ▶ Founded in November 2020
- ▶ Certified as a Woman-Owned Business by MA SDO



Emily Keys Innes, AICP,
LEED AP ND

President

- ▶ Urban planner and designer
- ▶ Over 13 years experience

Housing and the MBTA Communities Act



Assisted the Massachusetts Housing Partnership (MHP) and the Executive Office of Housing and Livable Communities (EOHLC) with the development of the **Compliance Model**,

- ▶ the **Sample Zoning** (Innes Associates), and
- ▶ the **Economic Feasibility Analysis** (EFA) (RKG Associates)

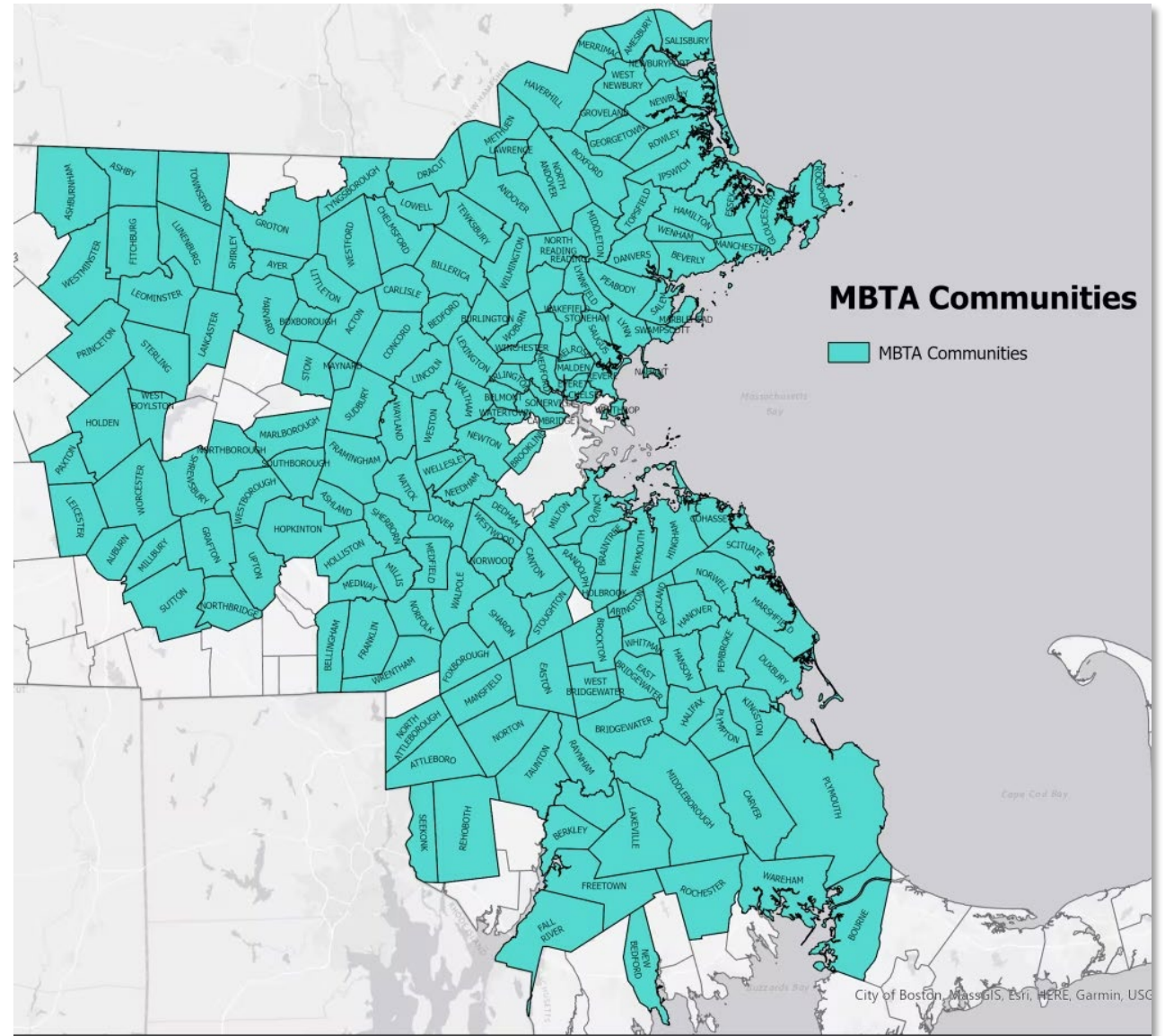
Together, we have assisted **over fifteen communities** and individually we are working with more.

MBTA Communities Act

What is the MBTA Communities Act (MGL c. 40A Section 3A)?

The law established a requirement that each of the 177 designated MBTA Communities (MGL c. 161A Section 1) must have zoning that:

- ▶ Provides for at least 1 district of reasonable size in which multifamily housing is permitted as of right.
- ▶ Cannot have age-restrictions and shall be suitable for families with children.
- ▶ Must have a minimum gross density of 15 dwelling units per acre.
- ▶ Part of the district must be located within 0.5 miles from a commuter rail, subway, ferry, or bus station, as applicable.



MBTA Communities Act

What is the purpose behind the new law?

- ▶ Massachusetts **has a housing shortage**, and we need to produce more housing.
- ▶ The amount of housing that is **financially attainable** to most households is **dwindling**.
- ▶ The **Commonwealth is at a disadvantage** to compete for businesses, jobs, and talent.
- ▶ Placing housing near transit is **good housing, economic, transportation, and climate policy**.

What the MBTA Communities Act is **NOT**.

- ▶ It is **NOT**: A mandate to build housing.
- ▶ It is **NOT**: A housing production target.
- ▶ It is **NOT**: Restricted to only addressing affordable housing needs.
- ▶ It is **NOT**: A one-size fits all tool to address all housing needs in a community.
- ▶ It is **NOT**: Viewed as optional by the Commonwealth & Attorney General.

MBTA Communities Act

MBTA Communities is a tool, it is not the tool.

Unsheltered	Extremely Low/ Low Income	Moderate Income/Workforce	Market Rate
<ul style="list-style-type: none"> ▶ HUD Funding (ESG, HPRP, CoC) ▶ Emergency Shelters ▶ Permanent Housing 	<ul style="list-style-type: none"> ▶ Public Housing ▶ Project Based Vouchers ▶ Mobile Vouchers ▶ Rental Assistance Programs ▶ Rental Assistance Demonstration (RAD) Conversions ▶ Low Income Housing Tax Credits ▶ Community Land Trust ▶ Local Affordable Housing Trust ▶ 40B Developments 	<ul style="list-style-type: none"> ▶ Inclusionary Zoning ▶ First Time Homebuyer Program ▶ Zoning Incentives ▶ Local Affordable Housing Trust ▶ 40B Developments ▶ 40R Districts ▶ MBTA Communities 3A ▶ MassHousing Workforce Housing Initiative ▶ UCH-TIF 	<ul style="list-style-type: none"> ▶ Zoning Incentives ▶ 40R Districts ▶ MBTA Communities 3A ▶ Accessory Dwelling Units ▶ UCH-TIF ▶ HDIP

MBTA Communities Act

Zoning is not housing production, there are additional factors that guide production:



Market Strength

- ▶ Community must show demand for housing and price points that support new construction/rehab.



Financial Feasibility

- ▶ Revenue must be higher than cost with favorable lending conditions for development to occur.



Developable Sites

- ▶ Community must have developable sites that are right for multifamily housing production.



Willing Sellers

- ▶ Must be property owners willing to sell their land to spur new development projects.



Available Labor

- ▶ Must be adequate and available labor in the trades to build the housing.



Desirability of the Community

- ▶ Community must be a place people want to live, work, and enjoy to create market demand and development interest.

MBTA Communities Act

What are the implications if municipalities do not comply?

Loss of the opportunity to:

- ▶ Support economic development by locating housing near centers of economic activity.
- ▶ Address housing needs identified through other planning processes, including the current master plan process.

Loss of access to grant funds:

- ▶ Per Section 3A:
 - ▶ Housing Choice Initiative
 - ▶ Local Capital Projects Fund
 - ▶ MassWorks infrastructure program
- ▶ Additional grant programs:
 - ▶ Community Planning Grants, EOHL
 - ▶ Massachusetts Downtown Initiative, EOED
 - ▶ Urban Agenda, EOED
 - ▶ Rural and Small Town Development Fund, EOED
 - ▶ Brownfields Redevelopment Fund, MassDevelopment
 - ▶ Site Readiness Program, MassDevelopment
 - ▶ Underutilized Properties Program, MassDevelopment
 - ▶ Collaborative Workspace Program, MassDevelopment
 - ▶ Real Estate Services Technical Assistance, MassDevelopment
 - ▶ Commonwealth Places Programs, MassDevelopment
 - ▶ Land Use Planning Grants, EOEEA

- ▶ Local Acquisitions for Natural Diversity (LAND) Grants, EOEEA
- ▶ Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, EOEEA

Attorney General's Advisory Guidance (March 2023)

- ▶ **“All MBTA Communities must comply with the Law.** Communities that do not currently have a compliant multi-family zoning district must take steps outlined in the DHCD guidelines to demonstrate interim compliance. Communities that fail to comply with the Law may be subject to civil enforcement action.”

Community Concerns

What we are learning:

- ▶ Housing is a hot button topic in many communities.
- ▶ Concerns about housing are expressed with a range of topics:



Community Concerns

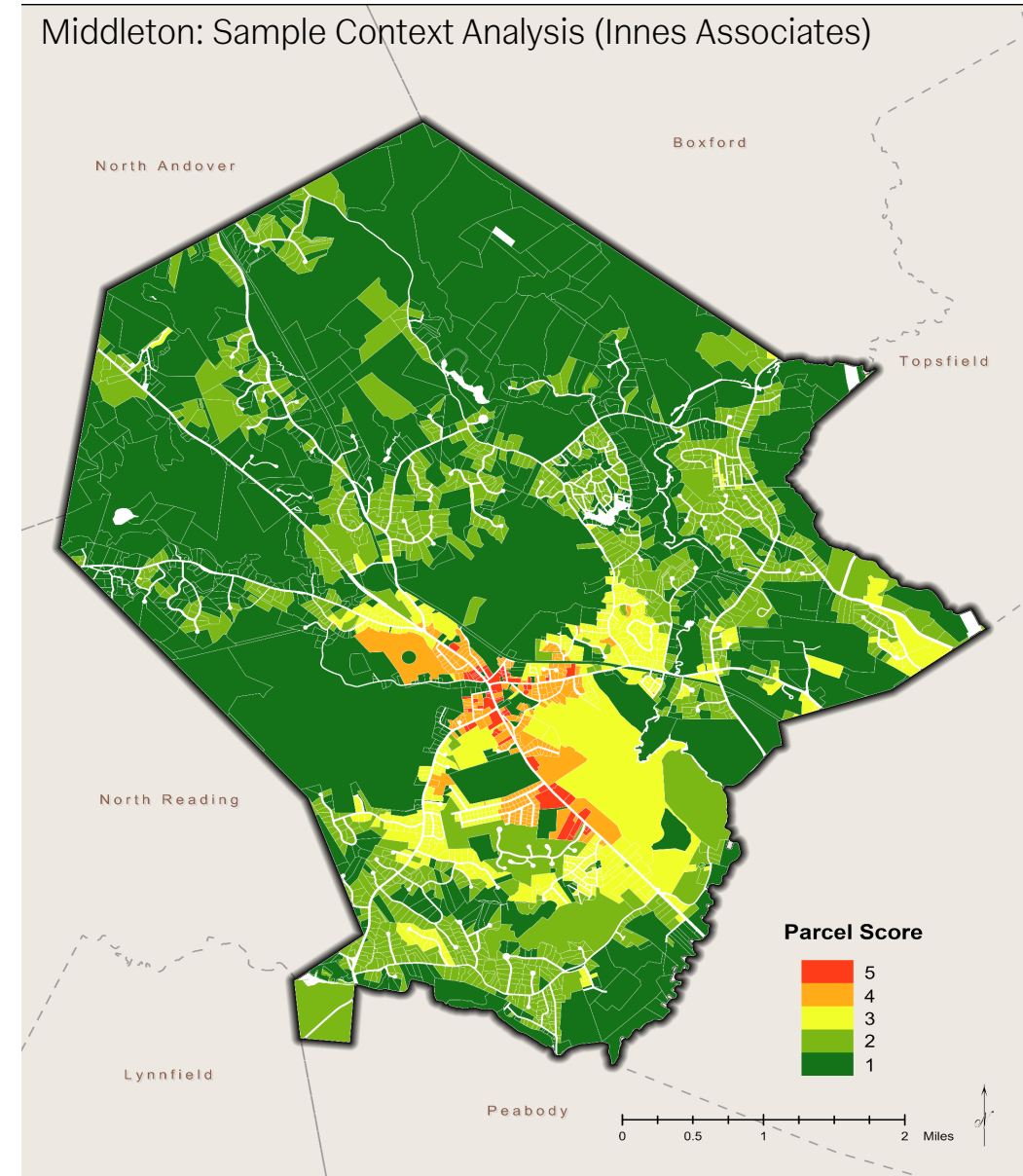
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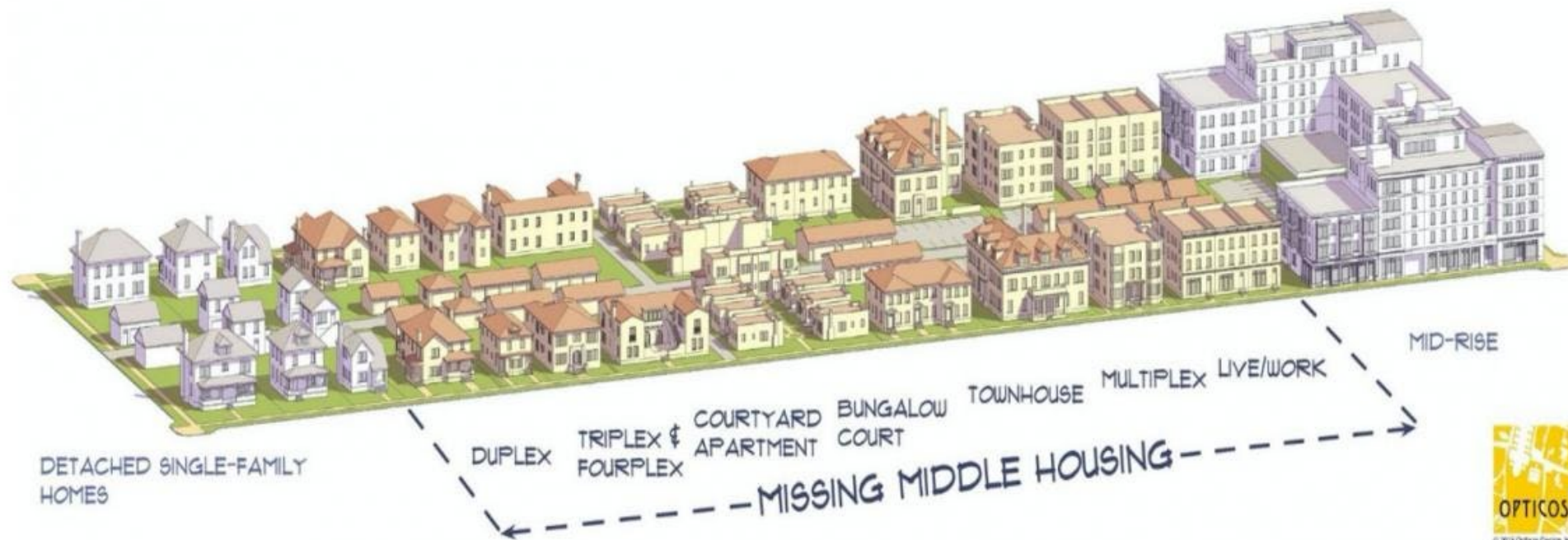
How do we address concerns?

- ▶ Working **with elected and appointed officials** to help them understand the requirements of the law and the compliance Guidelines (MBTA Communities Act 101).
- ▶ Working with the community to help them understand **how the requirements of the law can address community needs**.
- ▶ **Right-sizing the zoning** for the community based on community needs and context.



How do we address concerns?

- ▶ Many of the communities we are working in are adjacent communities or those with commuter rail but a more suburban to rural context.
- ▶ Taller, block-size buildings are less appropriate.

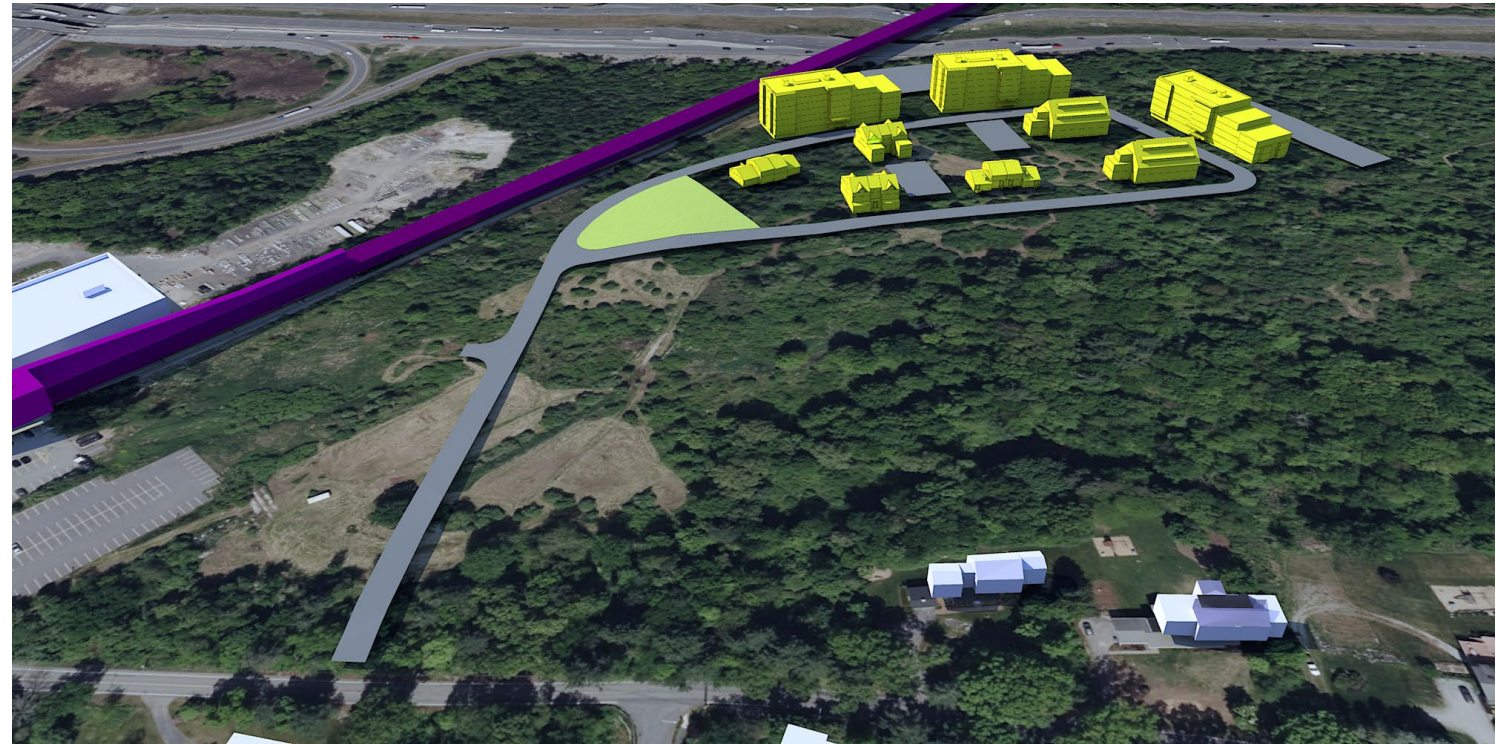


How do we address concerns?

- ▶ In these communities, the choice between height and a more spread-out development becomes a difficult conversation.



Littleton: Illustrative Fit Studies (RKG Associates)



How YOU can help!

- ▶ Get involved in the discussion in your community!
 - ▶ Communities need strong voices that are knowledgeable about why housing is critical to our communities and our economy.
- ▶ Work with your clients to understand how best to propose housing in the community.
 - ▶ Some housing types are more appropriate than others – can you and your clients find ways to build missing middle in these communities?

How YOU can help!

Innes Associates and RKG Associates would love to hear from firms that are working on missing middle housing and innovative wastewater treatment systems in communities without town sewer.

If you would be willing to chat, please contact me at:
emily@innesassocltd.com