

**HOUSE . . . . . No. 3923**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***William J. Driscoll, Jr.***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act addressing the requirement that multi-family districts in MBTA communities be within 0.5 miles of a commuter rail station, subway station, ferry terminal or bus station.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>	<i>1/20/2023</i>

**HOUSE . . . . . No. 3923**

By Representative Driscoll of Milton, a petition (accompanied by bill, House, No. 3923) of William J. Driscoll, Jr., that zoning ordinances in MBTA communities require certain housing be located within high-capacity public transportation areas. Municipalities and Regional Government.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act addressing the requirement that multi-family districts in MBTA communities be within 0.5 miles of a commuter rail station, subway station, ferry terminal or bus station.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 40A of the General Laws is hereby amended by striking out section 3A, as  
2 appearing in the 2022 Official Edition, and inserting in place thereof the following section:-

3 (a) For the purposes of this section the following words shall, unless the context clearly  
4 requires otherwise, have the following meanings:

5 “Bus rapid transport terminal”, a bus rapid transit stop serving as a point of embarkation  
6 along a bus rapid transit corridor for a high capacity bus rapid transport system that either meets  
7 the standards of a bus rapid transit system set forth by the Institute for Transportation and  
8 Development Policy or the Massachusetts Bay Transportation Authority’s silver line.

9 “Commuter rail station”, a transit stop that provides year-round commuter rail service.

10 “Ferry terminal”, a transit stop where passengers board and disembark a Massachusetts  
11 Bay Transportation Authority ferry service.

12 “High capacity public transportation area”, a bus rapid transport terminal, a commuter  
13 rail station, a ferry terminal or rapid transit station.

14 “Rapid transit station”, Massachusetts Bay Transportation Authority’s green, red, blue  
15 and orange subway stations, but not including the Ashmont-Mattapan High-Speed trolley line  
16 and stations.

17 (b) An MBTA community shall have a zoning ordinance or by-law that provides for at  
18 least 1 district of reasonable size in which multi-family housing is permitted as of right provided,  
19 however, that such multi-family housing shall be without age restrictions and shall be suitable  
20 for families with children. A district of reasonable size shall be located within a high capacity  
21 public transportation area and be both of the following:

22 (i) a minimum gross density of 15 units per acre, subject to any further limitations  
23 imposed by section 40 of chapter 131 and title 5 of the state environmental code established  
24 pursuant to section 13 of chapter 21A; and

25 (ii) the entire district shall be located on not more than 0.5 miles of contiguous land area  
26 from the geographic center point of a rapid transit station, commuter rail station, bus rapid  
27 transport terminal or ferry terminals.

28 (c) An MBTA community that fails to comply with this section shall not be eligible for  
29 funds from: (i) the Housing Choice Initiative as described by the governor in a message to the  
30 general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in

31 section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in  
32 section 63 of chapter 23A.

33 (d) The department of housing and community development, in consultation with the  
34 Massachusetts Bay Transportation Authority and the Massachusetts Department of

35 Transportation, shall promulgate guidelines to determine if an MBTA community is in  
36 compliance with this section.