

## **Statement on Zoning Reform Legislation (Senate 2311)**

*June 6, 2016*

---

The Metropolitan Area Planning Council strongly supports *An act promoting housing and sustainable development (S. 2311)*. This historic legislation will give city and towns the tools they need to plan for and manage growth more effectively. It will also facilitate increased production of homes, more affordability, and development in appropriate locations. This is critical for our Commonwealth's economic competitiveness, as well as for helping protect our natural and working landscapes.

We have worked with the Massachusetts Municipal Association on many of the provisions in S.2311 and share their conviction that many of these planning and zoning tools are desperately needed. We disagree with them on the impact that the "by-right" housing measures will have on local control and would like to correct the record on some inaccuracies contained in their action alert from Thursday, June 2<sup>nd</sup> 2016.

By-Right Multi-Family Housing: This section asks that municipalities plan and zone at least one district where multi-family housing may be built by-right. It is up to city or town to identify an appropriate location for the district. The district must also comply with the Wetlands Protection Act and Title 5, and the requirement may be waived or modified by DHCD for rural communities and communities where no eligible locations exist. Contrary to MMA's assertion, a municipality may require that a certain percentage of housing units remain affordable in these districts. This is an important opportunity to meet Chapter 40B housing goals.

By-Right Accessory Apartments: This is a common, straight-forward way to expand housing types and affordable (though, usually not deed-restricted) homes. This measure would apply to parcels in single family districts that are 5,000 square feet or greater. This section includes a number of protections for cities and towns, including the ability to regulate the setbacks, bulk, and height of these apartments. It also allows municipalities to require that the owner of the home, occupy either the home or the apartment. As the MMA points out, cities and towns could cap the total number of accessory apartments at 5% of the year-round total housing units. Finally, the apartments would have to meet all building, health, and environmental codes, bylaws, and ordinances.

Open Space Residential Developments (OSRD): Open Space Residential Developments marry housing production with the preservation of open space, whether it be natural resource habitat, forests, or farmland. Contrary to the MMA post, this section would not require an increase in the number of units allowed in a project. Cities and towns may include a density bonus and may do so using a special permit. This section also grants municipalities the flexibility to use a yield plan or a formula to deduct land for roads, wetlands, and other site constraints.

Inclusionary Zoning: Inclusionary zoning is a valuable technique for including affordable homes as a part of new developments. It can help maintain a community's percentage of affordable homes, which count for their Chapter 40B goal. Inclusionary zoning could certainly be applied to the by-

right multi-family and OSRD districts and we would encourage communities to take this approach. We agree with the MMA on the desire to allow municipalities to decide whether or not to require concessions as part of their Inclusionary Zoning ordinance or bylaw. We are supporting an amendment that Senator Brownsberger has filed to this effect.

We are working hard to see Senate 2311 pass because its provisions will encourage better planning, development, and resource protection in all communities of the Commonwealth.