

DRACUT AND MBTA COMMUNITIES

Zoning for Multifamily Housing to Comply with State Law

What is MBTA Communities Zoning Bylaw (or M.G.L. Section 3A)?

In 2021, Governor Baker signed the multifamily zoning requirement for 177 communities served by—or adjacent to communities served by—the MBTA into law. This new law requires that an MBTA community shall have at least one zoning district in which [multifamily housing](#) is permitted as of right.

The law was created because eastern Massachusetts has a housing shortage. Because individual communities control local zoning, municipalities play a key role in determining whether or not housing is built. To address the housing shortage, the law requires communities to amend their zoning to encourage housing production. Additionally, the state notes that:

- Before COVID-19, Massachusetts faced a core challenge in creating adequate housing to support young families, workers, and an aging population. The pandemic has further exacerbated these needs.
- Massachusetts has among the highest, and fastest growing, home prices and rents of any state in the nation.
- These high costs are a disadvantage as we compete economically against peer states. The risk of future job growth moving outside Massachusetts is rising due to the high costs of living.¹

Key Term: multifamily housing

Who lives in or could benefit from multifamily housing? More housing in a variety of sizes benefits:

- seniors having trouble finding appropriate housing to downsize into within the community
- municipal workers who want to live in the community they serve
- young adults who grew up in Dracut but can't afford to return
- young families just starting out, and
- people who need housing with accessibility features

Every community in Massachusetts is responsible for addressing this problem. The law ensures that we, along with 176 other communities, are working to address it simultaneously.

For more information about MBTA Communities Law, visit www.mass.gov/mbtacomunities.

What is Dracut required to do?

Dracut is considered an “adjacent” community, and must therefore create a zoning district of at least 50 to 85 acres² where 1,233 units³, *could* be built by right in three-family or larger homes. The guidelines are based on capacity, not housing to be created in addition to what currently exists – the [capacity](#) of 1,233 units is measured as if there was nothing currently on the land within the zoning district.

Key Term: capacity

Zoning capacity is meant to measure whether a zone is of ‘reasonable size.’ Capacity does not measure how much new housing will be built.

While there must be a theoretical capacity of 1,233 units, no matter where Dracut’s district is placed, the town is only likely to see a fraction of that number of additional homes built in the next 10-20 years. There are many practical reasons for this, including:

- Most property owners are not looking to sell, so only a small number of properties come up for sale in any year.
- Some scenarios include condominium properties, and coordinating a purchase from all of the owners at once is unlikely in most cases.
- Some homes and buildings under the scenarios are newly built and the price to buy them would make it not financially feasible to turn them into multi-family housing.

The state is measuring compliance only on capacity, not on the number of housing units actually produced.

¹ 1 MBTA Communities Summary Deck: <https://www.mass.gov/doc/mbta-communities-summary-deck-feb-2022/download>

² 50 acres is roughly 0.4% of Dracut’s total 13,713 acres, or 0.8% of Dracut’s 6,457 acres of developed land.

³ 10% of Dracut’s total housing stock, based on the 2020 Census.

Why is complying with the law important?

This law is consistent with the recommendations in Dracut’s Master Plan. The Housing chapter notes that there are limited homes available for people aged 75 and older, and that there is a need for starter homes and condominiums.⁴ According to the Master Plan, this can be achieved through multiple strategies, which are in line with the law:

- Housing Goal 1: “Provide a wide range of housing options so as to meet the housing needs of a diverse population, especially those below 80% of the area median income. Address the needs of first-time home buyers.
- Housing Goal 2: “Create diverse rental units, in terms of types of units (duplexes vs. multifamily) and number of bedrooms (three or more) for Dracut residents.”
- Housing Goal 3: “Support the creation of workforce housing units and broaden the range of potential home-buyers and tenants.”⁵

If the Town does not comply, we lose our eligibility for millions of dollars in funding from the State’s MassWorks program, along with 15 other state grant programs. The state will also tie compliance to MBTA Communities Law with other funding opportunities in the future. Furthermore, failure to comply may result in civil enforcement action or liability under federal and state fair housing laws.⁶ Opting out is not a viable option.

What is Dracut’s approach?

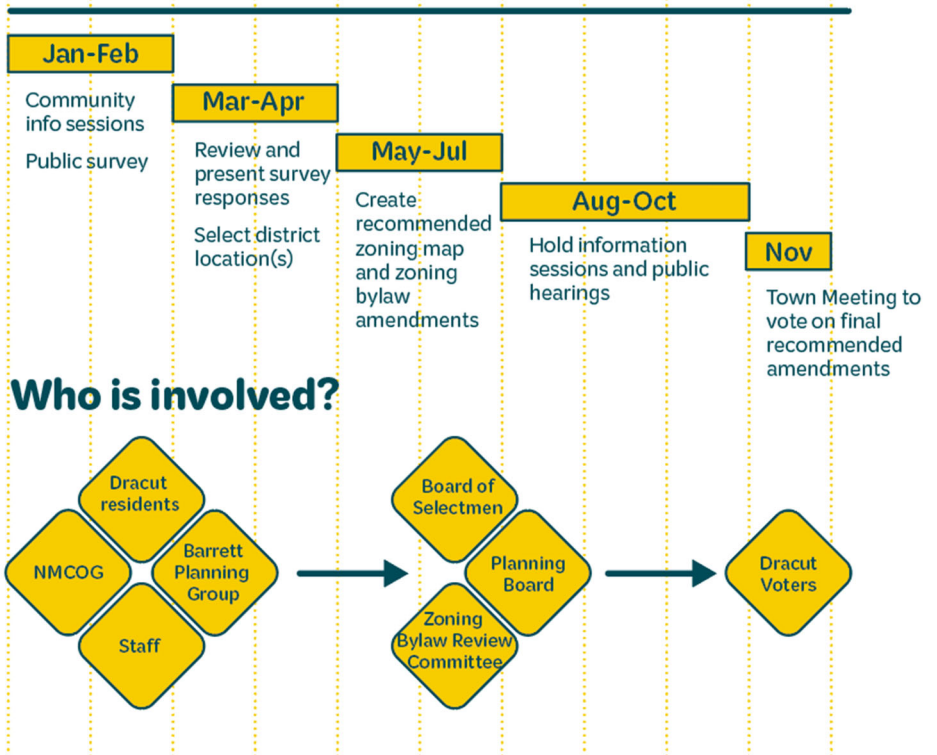
The Town will be working to create a zoning amendment that will meet state requirements, and will reach out to the community to ask for your help in creating a district. Our planning schedule for 2024 is below.

Dracut’s proposed district will be presented as a zoning amendment that will be voted on by Town Meeting in the fall of 2024. If approved, the amendment will be submitted to the state for review and incorporated into the Zoning Bylaw.

For more information about this process, visit www.dracutma.gov/MBTA-Zoning or scan the QR code below:



Planning Schedule / Timeline (2024)



⁴ Dracut Master Plan (2020). Housing Needs, pg 163.

⁵ Dracut Master Plan (2020). Housing Goals, pg. 174-175.

⁶ Andrea Joy Campbell, Massachusetts Attorney General; Advisory Concerning Enforcement of the MBTA Communities Zoning Act: <https://www.mass.gov/news/ag-campbell-issues-advisory-on-requirements-of-mbta-communities-zoning-law>