

Massachusetts House of Representatives
Bill Summary

Bill #: H.2296

Title: An Act amending the MBTA communities act to provide reclassification and alternative compliance

Sponsor: Rep. Bradley Jones

Committee: Municipalities and Regional Government

Hearing Date: July 29, 2025

Current Law: Section 3A of Chapter 40A of the Mass. General Laws was signed into law as Chapter 358 of the Acts of 2020, an economic development bill.

The language codified in Section 3A states that an MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable. Failure to comply with the law may result in the city or town losing eligibility for certain state grants and other funding programs.

The law and accompanying regulations (760 CMR 72.00, as of 4/11/25) defines an MBTA community as a city or town that is:

(a) one of the 51 cities and towns as defined in M.G.L. c. 161A, § 1; the cities and towns of Bedford, Beverly, Braintree, Burlington, Canton, Cohasset, Concord, Danvers, Dedham, Dover, Framingham, Hamilton, Hingham, Holbrook, Hull, Lexington, Lincoln, Lynn, Lynnfield, Manchester-by-the-Sea, Marblehead, Medfield, Melrose, Middleton, Nahant, Natick, Needham, Norfolk, Norwood, Peabody, Quincy, Randolph, Reading, Salem, Saugus, Sharon, Stoneham, Swampscott, Topsfield, Wakefield, Walpole, Waltham, Wellesley, Wenham, Weston, Westwood, Weymouth, Wilmington, Winchester, Winthrop and Woburn.

(b) one of the 14 cities and towns as defined in M.G.L. c. 161A, § 1; the cities and towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Milton, Newton, Revere, Somerville and Watertown.

(c) other served communities as defined in M.G.L. c. 161A, § 1; or

(d) a municipality that has been added to the Massachusetts Bay Transportation Authority under M.G.L. c. 161A, § 6 or in accordance with any special law relative to the area constituting the authority.

Adjacent Community means an MBTA community that:

(a) (b) has within its boundaries less than 100 acres of Developable station area; and is not an Adjacent small town.

Adjacent Small Town means an MBTA community that:

(a) has within its boundaries less than 100 acres of Developable station area; and

(b) either has a population density of less than 500 persons per square mile, or a population of not more than 7,000 year-round residents.

Chapter 7 of the Acts of 2023 created the Executive Office of Housing and Livable Communities, which succeeded the Department of Housing and Community Development.

Summary:

This legislation amends the MBTA Communities Act (Section 3A of Chapter 40A) by adding a new subsection (d) authorizing an MBTA community that has been designated as "adjacent" to petition the Executive Office of Housing and Livable Communities for a review of its designation.

A municipality requesting such a review would need to provide evidence that the designation imposes undue burdens on the community due to a lack of infrastructure or resources necessary to support the requirements of the law.

The bill also requires the Executive Office of Housing and Livable Communities to promulgate regulations establishing the criteria and process for reviewing such petitions and for determining whether a community's designation should be changed.