

District Compliance Application for MBTA Communities under Section 3A of the Zoning Act

Description Area

Please read the Section 3A Compliance Guidelines and the Instructions before starting to complete this form. Find these documents at mass.gov/mbtacomunities. This application must be submitted for MBTA communities to comply with Section 3A of the Zoning Act and with the Compliance Guidelines for Multi-family Zoning Districts issued by DHCD August 10, 2022, as revised (Compliance Guidelines). This application must be submitted by a municipal official and must include the signature of the municipal CEO. A red asterisk (*) next to a question on this form indicates that a response is required. Users will not be able to submit the form unless all required answers are completed. Other documentation required to be submitted with this form includes: (1) A completed Compliance Model Excel workbook file demonstrating the district's "zoning metrics", including land area, estimated unit capacity, gross density, geographic contiguity, and, if applicable, the percentage of district land area and unit capacity (relative to the community's minimum requirements) that is within transit station areas; (2) A copy of the municipal zoning ordinance or bylaw and zoning map; (3) A zip folder containing GIS shapefile(s) for the zoning district(s) designated for compliance; (4) If the MBTA community is a town, a copy of the Attorney General approval letter for the district(s) OR if the district(s) was recently adopted or amended, a copy of "Form 7" evidencing that the zoning was submitted to the Attorney General's office; (5) A statement on municipal letterhead signed by the city or town clerk, certifying that the zoning maps and text submitted in connection with this application is the complete and up to date zoning in the municipality. Please note that at this time, the District Compliance application is only available for communities that do not have inclusionary zoning requirements applicable in the designated district. For communities that do have applicable inclusionary zoning requirements, we appreciate your patience as we develop additional guidance on this important topic.

Section 1. Community Information

1.1 Municipality

Select

Description Area

Information about the community's specific zoning requirements under Section 3A and the Compliance Guidelines:

1.2 Community Category

Select

1.2a Minimum multi-family unit capacity 0

1.2b Minimum Land Area in acres 0

1.2c Percent of district to be located in Transit Station Areas (express as a percentage, e.g. "50" for fifty percent) 0

1.3 Information about the contact person for this application

1.3a Job Title/Description

1.3b Email Address

1.3c Phone Number (xxx) xxx-xxxx

1.4 Information about the municipal CEO

1.4a Municipal mailing address of CEO

1.4b Email address of municipal CEO

1.5 Did this community submit an application for pre-adoption review?

1.6 Were any changes or amendments made to the zoning that was provided to DHCD for pre-adoption review?

1.7 Please describe the changes

Section 2. Compliance Documentation

Description Area

Responses to the following questions should match the information from the Compliance Model Excel workbook which must also be uploaded. Please note: the total capacity for file uploads in this application is 25MB. If your files are too large for uploading, please provide links where DHCD can download the files. If you need assistance with this process, contact nathan.carlucci@mass.gov or emma.snellings@mass.gov

District 1:

Description Area

Section 3A requires MBTA communities to have a zoning "district" of reasonable size that allows multi-family housing as of right. To demonstrate compliance with the law, MBTA communities may submit a "district" that differs from boundaries adopted at the municipal level. For example, the "district" designated for compliance with Section 3A might consist of a portion of a municipal zoning district or might contain all of, or portions of, multiple municipal zoning districts. Furthermore, a single zoning district might have multiple subdistricts with distinct zoning rules. The Compliance Model requires communities to input a separate "district" for each distinct set of zoning rules, whether they are derived from districts or subdistricts. This does not mean that separate entries are required where one district or subdistrict appears in multiple distinct geographies on a zoning map. The districts used on this application must match the districts used in the Compliance Model workbook. If the MBTA community used only one district in the Compliance Model, enter that information for "District One". If the MBTA community used multiple districts in the Compliance Model, enter the first district for "District One".

This application will accept up to six distinct districts/subdistricts.

If more than six are necessary, please contact MBTA communities' staff.

Once each separate district/subdistrict information has been entered, there is a separate section for the cumulative data of all districts.

District 1: 2.1 Brief narrative description of the district, including its name and location

Description Area

Inputs for the quantitative "zoning metrics" fields below can be found in the Compliance Model workbook Summary Tab

District 1: 2.2 Land area in acres 0

District 1: 2.3 Estimated unit capacity 0

District 1: 2.4 Gross density in units per acre 0

District 1: 2.5 Land area (acres) in transit station areas 0

District 1: 2.6 Estimated unit capacity in transit station areas 0

District 1: 2.7 Is there a second district or subdistrict? -

District 2:

District 2: 2.1 Brief narrative description of the district, including its name and location

District 2: 2.2 Land area in acres 0

District 2: 2.3 Estimated unit capacity 0

District 2: 2.4 Gross density in units per acre 0

District 2: 2.5 Land area (acres) in transit station areas 0

District 2: 2.6 Estimated unit capacity in transit station areas 0

District 2: 2.7 Is there a third district or subdistrict? -

District 3:

District 3: 2.1 Brief narrative description of the district, including its name and location

District 3: 2.2 Land area in acres 0

District 3: 2.3 Estimated unit capacity 0

District 3: 2.4 Gross density in units per acre 0

District 3: 2.5 Land area (acres) in transit station areas 0

District 3: 2.6 Estimated unit capacity in transit station areas 0

District 3: 2.7 Is there a fourth district or subdistrict? -

District 4:

District 4: 2.1. Brief narrative description of the district, including its name and location

District 4: 2.2 Land area in acres 0

District 4: 2.3 Estimated unit capacity 0

District 4: 2.4 Gross density in units per acre 0

District 4: 2.5 Land area (acres) in transit station areas 0

District 4: 2.6 Estimated unit capacity in transit station areas 0

District 4: 2.7 Is there a fifth district or subdistrict? -

District 5:

District 5: 2.1 Brief narrative description of the district, including its name and location

District 5: 2.2 Land area in acres 0

District 5: 2.3 Estimated unit capacity 0

District 5: 2.4 Gross density in units per acre 0

District 5: 2.5 Land area (acres) in transit station areas 0

District 5: 2.6 Estimated unit capacity in transit station areas 0

District 5: 2.7 Is there a sixth district or subdistrict? -

District 6

District 6: 2.1 Brief narrative description of the district, including its name and location

District 6: 2.2 Land area in acres 0

District 6: 2.3 Estimated unit capacity 0

District 6: 2.4 Gross density in units per acre 0

District 6: 2.5 Land area (acres) in transit station areas 0

District 6: 2.6 Estimated unit capacity in transit station areas 0

Description Area

Questions 2.5 - 2.6 apply to Rapid transit communities and Commuter rail communities

Questions 2.7 - 2.9 apply to communities with more than one district or subdistrict.

Questions 2.11 - 2.12 apply to Rapid transit communities and Commuter rail communities that also have more than one district or subdistrict

Questions 2.13 - 2.14 apply to Rapid transit communities and Commuter rail communities.

Questions that do not apply to a particular community will not appear.

Cumulative Zoning Metrics

Description Area

This section appears for MBTA communities that are using more than one municipal zoning district or subdistrict to demonstrate compliance with Section 3A. Find this information in the "Totals" column of the "Comparison Table of Requirements and Modeled Results" on the Summary Tab of the Compliance Model workbook.

2.8 Cumulative Land Area in acres 0

2.9 Cumulative Unit Capacity 0

2.10 Overall gross density in units per acre 0

2.11 Cumulative Land area (acres) in transit station areas 0

2.12 Estimated unit capacity in transit station areas	0
2.13 Percentage of land area (to minimum land area requirement) in transit station area. Enter as a percentage, i.e. "50" for 50%.	0
2.14 Percentage of unit capacity (to minimum unit capacity requirement) in transit station area. Enter as a percentage, i.e. "50" for 50%.	0
2.15 Is at least 50% of the district land area comprised of one contiguous geography?	Select
2.16 Are any district geographies smaller than 5 acres included in the land area calculation?	Select

Section 3: Compliance Model Uploads

Description Area	Please note: the maximum file size for the total of all uploads in this application is 25MB. If files are too large for uploading, please provide links where DHCD can download the files. Further instructions for uploading shapefiles are available in the District Compliance Application Instructions. If you need assistance with this process, contact nathan.carlucci@mass.gov or emma.snellings@mass.gov
-------------------------	--

3.1 Did this community complete the Compliance Model and achieve numerical zoning standards that satisfy the requirements of Section 3A and the Compliance Guidelines?

-

Description Area	Completing the Compliance Model and achieving the required numerical standards in Section 3A and the Compliance Guidelines is a mandatory component of this application. If that exercise has not been completed, this community may not apply for District Compliance.
-------------------------	---

3.1a Completed Compliance Model Excel workbook

-

-

3.1b If needed, please provide a link to the Excel Workbook if it is too large to be uploaded

-

3.1c Zip folder containing GIS shapefile components for the designated zoning district(s) -

-

-

-

-

3.1d If needed, Please provide a link to the GIS shapefile(s) for the designated zoning district(s) -

3.2 Were any modifications made to the calculations of the Compliance Model workbook, or to the parcel configurations or excluded land classifications provided by DHCD in the land maps? -

3.2a What kinds of modifications were made? -

Description Area

Communities may find that modifications are necessary for the data contained in the Compliance Model to accurately reflect on-the-ground realities. For example, parcel configurations may have changed, or publicly land may have been disposed for private housing development. The Compliance Model workbook component allows users to override some of this data to better reflect those realities. If the community made any adjustments to that data, please submit a list of the adjustments that were made, and, if applicable, provide any evidence justifying the override (e.g., copy of a disposition agreement, a recorded plan of land, a recorded deed, etc).

3.2b Please attach a document explaining the modifications -

File -

File -

File -

Section 4: Zoning Uploads

Description Area

In the following section please provide a copy of the complete municipal zoning ordinance or bylaw and zoning map. Please ensure that all uploads are in PDF format with searchable text and all map imagery is sufficient resolution for a user to zoom in and clearly read all labels and texts. If the community's official zoning map is in color, the upload must be in full color as well. Please note that this application requires certification by the city or town clerk that the uploaded zoning is complete and up to date. Please note: the total capacity for file uploads in this application is 25MB. If your files are too large for uploading, please provide links where DHCD can download the files. If you need assistance with this process, contact nathan.carlucci@mass.gov or emma.snellings@mass.gov

4.1 Please upload the complete zoning text, including the adopted district(s) designated for compliance -

-

4.1a If needed, please provide a link to the bylaw or ordinance -

4.2 Please upload the zoning map, including the adopted district(s) designated for compliance -

-

4.2a If needed, a link to the zoning map, including the adopted district(s) -

4.2b If available, zip folder containing GIS shapefile for municipal zoning map -

4.3 Is the municipality a town or a city? -

4.3a Did the Town adopt or amend a zoning by-law at Town Meeting in order to comply with Section 3A? -

Description Area

Section 9 of the Compliance Guidelines requires towns to submit evidence that a new or amended bylaw was adopted and was submitted to Attorney General's Office by submission of "Form 7" prior to submitting an application for District Compliance.

4.3b Has the by-law been submitted to the Attorney General's Office, Municipal Law Unit? -

4.3c Please upload the "Form 7" document that was submitted to the Attorney General's Office OR a letter of determination from the Attorney General's Office -

4.3d Please upload the letter of determination from the Attorney General's Office -

File -

File -

File -

Section 5: Inclusionary Zoning

5.1 Is multi-family housing development in this district subject to affordability requirements? -

5.2 What is the threshold of units in a project to trigger affordability requirements?

5.3 Does the threshold apply to net new units, or total units?

5.4 What percentage of units is required to be restricted as affordable?

5.5 What is the cap on the income of families or individuals to occupy the affordable units, expressed as a percentage of Area Median Income? (For example, 80% of AMI, 60% of AMI, etc)

5.6 Please provide any other description of inclusionary zoning requirements not captured in the preceding questions.

5.7 Is all or any part of the district designated for compliance with Section 3A a Smart Growth Zoning District under chapter 40R?

5.7a Was the Smart Growth Zoning District approved and adopted before August 10, 2022?

5.8 Is all or any part of the district designated for compliance with Section 3A part of another zoning incentive program administered by DHCD?

5.9a Please describe the DHCD zoning incentive program

Description Area

If a municipality wants units that are developed as of right in accordance with inclusionary zoning requirements to be listed on its Chapter 40B Subsidized Housing Inventory, then it must submit an application to DHCD to review the units as "Local Action Units" (LAU) for compliance with "Local Initiative Program" (LIP) requirements. Learn more about this at: Local Initiative Program | Mass.gov (<https://www.mass.gov/service-details/local-initiative-program>)

5.10 Has the appropriate municipal staff reviewed the guidelines for the Local Initiative Program/Local Action Unit (LIP/LAU) and do they understand the process for getting Inclusionary Zoning units onto the Subsidized Housing Inventory? -

Please upload the inclusionary zoning that applies to the designated district -

Description Area

Section 4.b. of the Compliance Guidelines requires affordability requirements that exceed certain thresholds to be supported by an economic feasibility analysis, prepared for the municipality by a qualified and independent third party acceptable to DHCD, and using a methodology and format acceptable to DHCD. If inclusionary zoning requirements in the designated district triggered the requirement for an economic feasibility analysis, please upload it below. The Economic Feasibility Analysis should evaluate the feasibility of developing multi-family housing at the required affordability levels in the district, taking into account the types and densities of multi-family housing allowed as of right in the district, if and how it might apply to existing development in the district, and the minimum number of parking spaces required.

Economic Feasibility Analysis Upload -

Section 6: Zoning Data

6.1 Were changes necessary to comply with Section 3A? -

6.2 Please describe the zoning (or non-zoning) changes that were necessary to apply for compliance with Section 3A . Select all that apply -

6.3 How does the new district differ from the previous or underlying base zoning district(s)? Select all that apply -

6.4 Which amendments were necessary to the existing district(s)? Select all that apply -

6.5 What was the reason to amend district boundaries? -

6.6 What kinds of applicability needed to change? Select all that apply -

6.7 Were changes passed using a Simple Majority voting threshold under c. 40A Section 5? -

6.7a Why was a Simply Majority threshold not used? -

6.7b Why was the vote not eligible for Simple Majority?

6.8 Please describe any other changes that were necessary to comply with Section 3A

Section 7: Signatures, Certifications, and Attestations

Description Area

By signing and submitting this application, the person whose signature appears below is making the following attestations and certifications to DHCD: All information provided in this application is true and accurate as of the date of submission. All zoning maps and text provided in support of this application have been validly adopted and are in effect as of the date of submission, except that recently adopted zoning bylaws or zoning amendments may be subject to approval by the Attorney General under section 32 of chapter 40 of the General Laws. No other ordinances, bylaws, or municipal rules or regulations, or real estate transactions or plans known to me, are in effect or have been proposed that would prohibit, limit, or restrict the development of multi-family housing in the district submitted for compliance. Based on the actual knowledge of the municipal officials engaged in the creation or review of the district submitted for compliance, the GIS district map used in the compliance model accurately reflects all existing parcel configurations and material land use restrictions in the district submitted for compliance.

Please attach a statement on municipal letterhead signed by the city or town clerk, certifying that the zoning maps and text submitted in connection with this application by upload, link, or otherwise, is the complete and up to date zoning in the municipality. -

I hereby attest that I am duly authorized to submit this application. By entering my name in the space above, I further certify, under the pains and penalties of perjury, that the responses to the questions provided in this application, and the attached documentation, are true, accurate, and complete. I understand that the Department of Housing and Community Development (DHCD) will rely on the information provided in this application to make decisions about compliance with Section 3A of the Zoning Act.

E-Signature for the municipal CEO submitting this form

-

Description Area

After you submit the form, you will receive a message confirming the submission. If you do not receive this confirmation message then your form was missing a required field and was not submitted. Please look for any fields highlighted in red. Correct, and try to submit again.
