



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE
ARLINGTON, MASSACHUSETTS 02476
TELEPHONE 781-316-3090

MEMORANDUM

To: Greg Christiana, Town Moderator
CC: Juli Brazile, Town Clerk

From: Claire Ricker, AICP, Director of the Department of Planning and Community Development

Date: October 19, 2023

RE: Letters of Support for Article 12 MBTA Communities Overlay District

DPCD is submitting the following correspondence for the STM annotated warrant. These letters and memos were received from elected officials, organizations and Town bodies expressing support for the MBTA Communities Working Group's proposal and Warrant Article 12 as amended.

Thank you for posting.



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

October 15, 2023

SENATOR CINDY F. FRIEDMAN
Fourth Middlesex District

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Chair
JOINT COMMITTEE ON HEALTH CARE FINANCING

Vice Chair
SENATE COMMITTEE ON WAYS AND MEANS

Dear Arlington Town Meeting Members,

As the state senator representing Arlington and surrounding towns, I am very conscious of housing needs from both a local and regional perspective. I have been extremely impressed with the efforts made by both the Arlington Redevelopment Board and the MBTA Communities Working Group to address the need for new and variable priced housing in a way that will most benefit the residents of Arlington.

I am acutely aware of the negative effect our housing crises is causing across our region. Towns in our area produce an abundance of capable young people who cannot afford to live in the towns in which they grew up. They're moving away because of the difficulty of finding a home they can afford. This and the fact that we're not drawing enough young folks from elsewhere to meet the needs of our businesses and industries — again because of high housing costs — results in acute labor shortages. In addition, longtime residents are finding it difficult to stay in the communities they have contributed so much to because of the cost and availability of appropriate housing. These issues impact us all and our communities must be part of the solution to solve this problem. Arlington, while small, can make a difference.

We all want Arlington and Massachusetts to remain welcoming, accessible places to live. In addition to our deficit of housing, I recognize the importance of encouraging smaller, more sustainable housing in walkable areas. Arlington's Warrant Article 12 will provide a meaningful framework for making progress in these areas. The problems we are experiencing now — out of reach housing prices for new construction and existing homes — exacerbate the crisis and are seriously threatening the economic vibrancy of our communities.

I urge Arlington Town Meeting to adopt Article 12 and once again, wish to commend the ARB and the MBTA Communities Working Group for their thoughtful and transparent process and hard work on this very important issue.

Sincerely,

A handwritten signature in black ink that reads "Cindy F. Friedman".

Cindy F. Friedman



Clean Energy Future Committee (CEFC)

MEMORANDUM

To: Rachel Zsembery, Chair, Arlington Redevelopment Board
Cc: Claire Ricker, Director, Planning and Community Development
Talia Fox, Sustainability Manager, Planning and Community Development
Sanjay Newton, Chair, MBTA Communities Working Group
From: Ryan Katofsky, Chair, Clean Energy Future Committee
Date: September 1, 2023
RE: Clean Energy Future Committee Letter on MBTA Communities Zoning

The Arlington Clean Energy Future Committee (CEFC) voices its strong support for the Arlington Redevelopment Board's (ARB's) finalizing of a proposed local zoning amendment that aligns with both the requirements and the spirit of the MBTA Communities law, or Section 3A. Passage of such a zoning amendment will help Arlington meet state requirements for multi-family zoning while also advancing our community's goals around sustainability.

Specifically, the CEFC wishes to express to the community the urgency of passing an MBTA Communities-compliant zoning amendment this fall. Passage of the MBTA Communities zoning amendment at this fall's Special Town Meeting is the only viable pathway for Arlington to participate in the State's Fossil Fuel Free Demonstration Program (Demonstration Program), which would allow implementation of the Clean Heat bylaw and home rule petition passed overwhelmingly by Arlington Town Meeting in 2020. Participation in the Demonstration Program will allow the Town to prohibit the installation of natural gas, oil, propane, and other fossil fuel infrastructure in new buildings and major renovations. **Town Meeting sent a clear message in 2020 that enacting the Fossil Fuel Bylaw was a priority, and we—the CEFC, Town administrators, and elected and appointed bodies—have an obligation to act upon that priority;** passage of the MBTA Communities zoning amendment is an essential step to carrying out the will of Town Meeting.

Participating in the Demonstration Program is also an important step beyond the recently adopted Specialized Stretch Energy Code, which was approved overwhelmingly by Town Meeting earlier this year. While the Specialized Stretch Energy Code disincentivizes the use of fossil fuels in new construction, **the Specialized Stretch Energy Code does not prohibit the use of fossil fuels,** and crucially it also **does not apply to major renovations,** which are more common in a built-up community like Arlington. Ultimately, it is only the combination of these two policies—the Specialized Stretch Energy Code and the Demonstration Program—that puts Arlington on a firm path to phasing out the use of fossil fuels in buildings.



Clean Energy Future Committee (CEFC)

Furthermore, it is critical that Arlington be one of the ten communities to participate in the Demonstration Program. The goal of this Demonstration Program is first to pilot, then to scale, approaches to the challenging and crucial transition to a fossil fuel free future. Arlington has not only a responsibility but also a unique capability to meet this challenge. Arlington has long been a leader when it comes to climate action; in fact, we are first on the list of the ten Prioritized Communities in the regulations for the Demonstration Program, precisely because we were the first community in the state to submit a home rule petition to the legislature requesting local authority to ban fossil fuels. Arlington was also one of the first communities in the state to set ambitious greenhouse gas reduction targets. Builders in Arlington are already becoming accustomed to constructing efficient, all-electric homes, including affordable housing. **Thus, the Town is well-positioned to develop and share learnings from the Fossil Fuel Free Demonstration Program, ensuring widespread success in the pursuit of state and regional climate change mitigation goals.** It is also worth noting that there is currently no ability to enter the program later; if we do not qualify to participate now, it may be several years before we could join an expanded Demonstration Program or what may follow it. The time is now.

Importantly, we also support passage of an MBTA Communities zoning amendment because it offers other significant environmental benefits. In fact, **the introduction of denser, transit-oriented housing is an explicit priority in the Town's Net Zero Action Plan (NZAP).** Denser development is generally more energy efficient and encourages lifestyles with lower carbon footprints. Allowing for increased density near public transit will enable more residents to commute sustainably and reduce vehicle miles traveled. Walkable neighborhoods close to retail shops and services reduce automobile dependence. Furthermore, increasing our housing stock close to Boston addresses regional needs for more infill development rather than greenfield development which threatens natural habitats and farmland. Enabling sustainable and transportation-centric density that is fossil fuel free will be a significant step towards reaching the Town's and the region's net zero goals. Finally, if we do not pass an MBTA Communities zoning amendment, the State has made clear that the Town risks the loss of important funding sources, including Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, which continue to provide the Town with funds for critical climate mitigation and resilience initiatives that get us closer to our goals.

For these reasons, the CEFC strongly supports the objectives of the MBTA Communities law and the Town's passage of an MBTA Communities-compliant district, this fall. We appreciate the thoughtful effort on the part of the MBTA Communities Working Group to develop these recommendations, and we look forward to reviewing the final proposal the ARB submits to Town Meeting.

Sincerely,

Members of the Arlington Clean Energy Future Committee



Statement in Support of Arlington Redevelopment Board MBTA Communities Proposal STM Article 12

The Greater Boston Interfaith Organization (GBIO) is a broad-based, non-partisan, interfaith, multiracial power organization rooted in Greater Boston's neighborhoods and congregations. GBIO is made up of 60 dues-paying member institutions (congregations, unions, and community organizations), of which more than 20 have members living in Arlington. Many of us who reside in Arlington are taking part in GBIO's Housing Justice campaign.

We define housing justice as the ability for all people to have safe, healthy, and clean homes in their communities. Therefore, we seek to improve housing access and quality for groups that have been unfairly denied it, and to support financing, zoning, and ownership policies that help to close racial and class disparities in the housing market.

In order to address the multifaceted crisis of housing in the Boston area, the GBIO housing justice campaign has four objectives: 1) safe and dignified state public housing; 2) access to quality housing for returning citizens; 3) more funding for affordable housing and homeownership; and 4) increasing housing supply.

Regarding the fourth objective, GBIO supports meaningful implementation of the MBTA Communities Act, with the aim not only to increase housing supply throughout the state, reducing upward pressure on housing prices, but also to redress the history of exclusionary zoning in Boston suburbs.

Arlington GBIO members support the Arlington Redevelopment Board's proposal for the Article 12 of the Fall 2023 Special Town Meeting (MBTA Communities Overlay District) to enact changes in Arlington's zoning by-laws that will allow for more multi-family housing to be built by right. **We support an article that goes beyond the minimum capacity required by law in order to encourage the construction of a meaningful number of additional homes of various sizes beyond the number already present in Arlington.**

Arlington needs more housing and a wider range of housing options. Multi-family housing will help us welcome households that currently are not able to afford or stay in Arlington. This includes young singles, young families, and senior citizens. Smaller homes can help us create a more diverse community.

We appreciate the town's commitment to maintaining current (and incentivizing higher) zoning requirements for affordable housing. **We further encourage the town to enact affordability incentives and requirements to the maximum extent allowed under MBTA Communities Act and to actively pursue all future avenues for increasing the stock of affordable housing throughout town in future zoning policies.**

The Massachusetts housing crisis will not be solved with one policy change or in one community. However we believe that approving this article is one concrete step Arlington should make to do our part in diversifying the housing stock throughout the Commonwealth.

For these reasons, **Arlington GBIO members strongly urge Town Meeting to vote yes on the Arlington Redevelopment Board's proposed text for STM Article 12.**

— GBIO Arlington



MOTHERS OUT FRONT ARLINGTON CHAPTER

Statement in Support of the MBTA Working Group Rezoning Plan

Massachusetts is experiencing a housing affordability crisis and a climate crisis. For these reasons, Mothers Out Front Arlington supports changes in zoning by-laws that allow greater density in housing near public transit. Mothers Out Front is supportive of the passage of a meaningful MBTA Communities Act that encourages the development of more multi-family housing and a greater diversity of home types in Arlington. A revised zoning by-law to allow for more multi-family housing will reduce pressure to build single family homes on undeveloped land elsewhere in Massachusetts. This safeguards undisturbed ecosystems and provides real alternatives to automotive commutes in the region, reducing both congestion and fossil fuel emissions. In addition, passing this by-law will allow Arlington to participate in the Massachusetts pilot for communities to build fossil-free homes, thus ensuring that new construction in Arlington supports our net-zero climate goals.

Mothers Out Front Arlington respects the public engagement activities that inform the Working Group's MBTA Communities Act proposal. We appreciate that the Working Group is working with the Town to identify opportunities for developer incentives to encourage public open spaces, mitigate heat islands, and increase the tree canopy. Similarly, the Town's commitment to maintaining current (and incentivizing higher) zoning requirements for affordable housing also is important to our group. For these reasons, Mothers Out Front Arlington strongly urges the Arlington Redevelopment Board to accept the MBTA Communities Act plan as proposed by the Working Group.



TOWN OF ARLINGTON

MASSACHUSETTS 02476

781 - 316 - 3090

DIVISION OF DIVERSITY, EQUITY & INCLUSION, HEALTH AND HUMAN SERVICES DEPARTMENT

MEMORANDUM

To: MBTA Communities Working Group (MBTACWG, "Working Group")
Arlington Redevelopment Board (ARB)

From: Teresa Marzilli, Community Engagement Coordinator & Jillian Harvey, Director of Diversity,
Equity and Inclusion, Health and Human Services Department

Date: August 29, 2023

RE: Updated MBTA Communities Guidelines

Introduction:

In 2022 the Division of Diversity, Equity and Inclusion in conjunction with the Town of Arlington contracted with the consultancy firm, Opportunity Consulting, to undertake a Community Equity Audit. Several of the [Community Equity Audit](#) recommendations pertained to housing and MBTA Communities (MBTAC), in particular, they recommended that the Town "address restrictive policies for residential zoning districts in order to allow for desegregation" by removing "the requirement for a special permit to develop multifamily units" and allowing for "development of multifamily housing in the R0 and R1 zoning districts" (recommendation #12).

From 2019-2021 the Department of Planning and Community Development (DPCD) in conjunction with the Town of Arlington worked with the Metropolitan Area Planning Council (MAPC) and the Lawyers' Committee on Civil Rights Under Law (LCCR) to complete a [Fair Housing Action Plan](#). This detailed plan also recommended addressing restrictive residential zoning. Specifically, the Town was encouraged to "allow two-family development by right in nominally single-family districts where two-family dwellings were historically commonplace; allow three-family, townhouse, and multifamily housing options by right in districts nominally meant for them" and "ensure zoning complies with new state-level requirements for MBTA communities."

Although the Working Group as a whole has not formally reviewed these documents in meetings, the plans have however informed much of the thinking of working group members, and served as a reference for the DPCD and DEI Division staff that have committed themselves to this process. This memo serves as a request to the Working Group to consider these two extensive plans as well as the work of the Affordable Housing Trust as pieces of a larger, more complex, housing puzzle. No effort alone will be able to address deep rooted inequalities in housing, but alongside other efforts we can change these systems and prioritize the needs of current and future Arlingtonians, particularly our most systematically marginalized.

Support for MBTA Communities:

The DEI Division would like to formally voice our support for the Working Group's effort to create a zoning plan that would allow for more multi-housing *opportunities* at varied price points across Arlington. Only 9% of Arlington's land is devoted to multifamily housing, and even where building multi-family housing is allowable, it is not permitted by right. This does not provide suitable conditions for a range of housing types to exist. The current price point of homes in Arlington are far beyond the reach of most residents, regardless of their status as a member of a protected class.

The DEI Division believes that while MBTA Communities is not a complete solution, this legislation is a catalyst to correct some of the wrongs brought about by exclusionary zoning practices of the 1960s and 1970s. As detailed in the Fair Housing Action Plan, previous generations of advocates, or "neighborhood defenders," reacted to the desegregation movement in Greater Boston by utilizing "explicit and coded anti-integration language to rally opposition to apartment development, support efforts to downzone portions of the town, and to create more burdensome discretionary permitting processes for multifamily housing." A read of Arlington's bylaws and residential patterns points clearly to the legacy of these historical practices.

We commend the Working Group for its commitment to upholding the values of housing for *all*, especially in the face of increasingly vocal opposition by a small group of residents- this generation's neighborhood defenders. The Fair Housing Action Plan calls attention to this adversarial pattern, "even when they [concerns] are legitimate, the net effect of opposition across projects is to create an environment that limits the opportunities for housing production" (especially multifamily housing production), which, the plan notes "disproportionately impacts protected classes.

Request to Working Group:

Stimulating multi-family housing development through policy changes in zoning is essential, however there are additional actions needed to achieve greater equity in Arlington. We would like to ask the Working Group to vote in the affirmative that MBTAC is one piece of a complex system of changes needed in Arlington and the region. Some of those changes are currently being undertaken by the Town, as is evident in the work of the Affordable Housing Trust. Town Meeting also passed the home rule petition which allows the Town to adopt a transfer fee for certain real estate transactions. Other advances are in the pipeline, such as continued implementation of the Equity Audit recommendations. The Town is committed to increasing awareness, education and enforcement of fair housing laws and providing more support to our residents seeking affordable housing. The upcoming Master Planning process will include longer range planning efforts to create more housing opportunities and positive changes. Your support for these plans is vital and showcases to the community and Town leadership the importance of rectifying the inequities of the past to provide a better future, for all.

Appendix A includes recommendations from the Equity Audit and the Fair Housing Action Plan

Appendix A.

Recommendations from the Equity Audit and the Fair Housing Action Plan

The Equity Audit examined racial disparities in civic engagement, the Town workforce, and housing. They put forth three housing recommendations, number 12 is being addressed, in part by MBTA Communities.

Recommendation number 10: Establishing a fair housing specialist or liaison

- a. Establish a pathway for the Town to expand capacity to address fair housing complaints and renter's rights violations.
- b. Develop and run a local renter support network and information hub.
 - i. Robust Renter's rights information.
 - ii. Connections to legal aid.
 - iii. Landlord/ tenant relations.
 - iv. Available housing options.

Recommendation 11: Develop a community fund for rental assistance and rental housing improvement programs and establish a centralized system for grant writing, and fund procurement.

Recommendation 12 Address restrictive policies for residential zoning districts in order to allow for desegregation.

- a. Remove the requirement for a special permit to develop multifamily units.
- b. Allow development of multifamily housing in the R0 and R1 zoning districts.
- c. Allow for an inclusionary zoning density bonus in high-density residential zoning districts.

The Fair Housing Action Plan is a key document that provides a pathway forward for the Town to advance its commitment to housing for all. These are the proposed recommendations:

Strategy A: Increase awareness, education, and enforcement of fair housing laws.

- Pass a resolution that codifies Arlington's commitment to fair housing.
- Through notices and marketing materials, offer fair housing education and enforcement reminders to real estate professionals operating in Arlington.
- Continue holding public discussions on the impact of housing, the role of direct and indirect discrimination, and fair housing law.
- Contract with MCAD, Metro Housing Boston, or Suffolk Law School's Housing Discrimination Testing Program to provide fair housing training, testing, and enforcement in Arlington specifically.
- Work with Town boards and commissions as well as local nonprofits to disseminate educational materials on fair housing.

Strategy B: Alter Town governance structures and processes to address fair housing concerns.

- Add a Housing Working Group to the Arlington Human Rights Commission that focuses on fair housing issues. A liaison from the Department of Planning and Community Development for this working group should coordinate interdepartmental housing concerns and policy.
- Create a protocol for responding to fair housing complaints or allegations of fair housing violations that is uniform across commissions. The protocol should designate a commission and a staff person with responsibility over the complaint process.
- Change the existing complaint-driven code enforcement system to one with regular, proactive inspections.
- Explore alterations to the Town Meeting schedule and virtual participation methods that could make Town Meeting membership feasible for people who cannot join Town Meeting under the current procedures.

- Institute Equity Impact Assessments for each item on the Town Meeting warrant, particularly housing and development related items.

Strategy C: Reform the Zoning Bylaw to encourage development that increases fair housing choice.

- Reduce the overall complexity of the Zoning Bylaw through recodification.
- Allow two-family development by right in nominally single-family districts where two-family dwellings were historically commonplace.
- Allow three-family, townhouse, and multifamily housing options by right in districts nominally meant for them.
- In districts intended for higher densities, only allow single-family developments by Special Permit, if at all.
- Amend restrictive dimensional and parking requirements for multifamily uses that make development infeasible in districts where those uses are appropriate.
- Explore zoning amendments that would allow the conversion of large existing single-family homes to two- and three-family homes.
- Explore zoning amendments that would allow two- and three-family homes in single-family districts where the total building size is similar to that of abutting single-family homes.
- Ensure zoning conforms with new state-level requirements for MBTA communities.
- Provide loans or grants to homeowners to develop accessory dwelling units in exchange for affordability restrictions.
- Raise the threshold for EDR review, particularly on major corridors, replacing that review with performance standards for new developments.
- Limit subjective criteria in discretionary reviews, eliminate review standards that perpetuate segregation, and define clear performance and design standards that projects will be reviewed against.
- Consider distinct density and dimensional regulations for development that is 100% affordable housing.
- Consider approvals by right for developments that are 100% affordable housing.

Strategy D: Use non-zoning techniques to encourage development that increases fair housing choice.

- Provide opportunities for housing developments that would trigger the Town's inclusionary zoning requirement.
- Amend Arlington's local preference policy to be more welcoming to nonresidents.
- Draft guidelines for addressing accessibility concerns on historic properties.
- Institute clear conservation performance standards for properties in conservation areas zoned for multifamily uses. These standards, if followed, should ensure approval from the Conservation Commission.
- Plan for and permit new housing development that could address Arlington's share of the regional housing supply gap.
- Encourage new developments to include sufficient accessible units.
- Prioritize family-sized units for new affordable housing units, including purpose-built affordable housing and inclusionary units.

Strategy E: Use Town resources to create opportunities to meet housing need.

- Explore expansions to Arlington's tax exemption system that could apply to all income-eligible members of protected classes.
- Set a minimum annual dollar amount and minimum percent of CPA funds (above the statutory minimum) and CDBG funds that will go to address housing needs.
- Continue working with affordable housing providers and strategically using CPA and CDBG funds to create opportunities for HOME funding.
- Assess alternative funding resources such as housing bonds.

- Offer grants or low-interest loans to retrofit historic housing for accessibility.
- Explore funding opportunities to assist small property owners with lead abatement or removal.

Strategy F: Alter Arlington Housing Authority policy to increase fair housing choice.

- Explore the voluntary adoption of Small Area Fair Market Rents or exception payment standards.
- Eliminate rental application fees for voucher holders.
- Encourage landlords to follow HUD’s guidance on the use of criminal backgrounds in screening tenants.
- Eliminate barriers to tenant participation in AHA meetings by providing childcare and/or meeting at alternative times and days of the week.

Strategy G: Protect tenants in protected classes from displacement.

- Bolster protections of tenants by requiring property owners to give significant notice to tenants when they are preparing to redevelop or sell a property and when they are planning to raise rents.
- Advocate for passage of the Tenant Opportunity to Purchase Act at the state level. If it passes, support tenant purchasers through funding and technical support.

Strategy H: Encourage access to private housing by protected classes.

- Conduct targeted outreach and provide tenant application assistance and support to persons with disabilities, including individuals transitioning from institutional settings and individuals who are at risk of institutionalization.
- Maintain a database of housing that is accessible to persons with disabilities.
- Partner with one or more financial institutions and quasi-public institutions like the Massachusetts Housing Partnership to market available financing options to protected classes. Ensure those mortgage products are fair to borrowers.