



TOWN OF ARLINGTON

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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.