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Barney S. Heath  
Director

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**MEMORANDUM**

**DATE:** October 28, 2022

**TO:** Councilor Crossley, Chair, Zoning and Planning  
Members of the Zoning and Planning Committee

**FROM:** Barney S. Heath, Director of Planning and Development  
Jennifer Caira, Deputy Director  
Zachary LeMel, Chief of Long Range Planning  
Amanda Berman, Director of Housing & Community Development  
Eamon Bencivengo, Housing Program Manager

**RE:** **Revisions to MBTA Communities Guidelines**

**CC:** Jonathan Yeo, Chief Operating Officer  
Alissa O. Giuliani, City Solicitor

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The attached memo from DHCD Undersecretary Jennifer Maddox details the limited revisions to the MBTA Zoning Guidelines that were announced last Friday, October 21, 2022.

Newton was one of a handful of communities that strongly lobbied for these important changes, which address the circumstances in which a municipality's inclusionary zoning requirements will be deemed in compliance with the law.

Specifically, the revisions will allow communities to set income limits for affordable units below 80% AMI. This is critical, as Newton's Inclusionary Zoning (IZ) ordinance requires rental projects to average out the affordability of units at 65% AMI, creating much-needed housing at deeper levels of affordability (at or below 50% AMI and 65% AMI).

Secondly, a community may require that more than 10% of units in a project, but not more than 20%, be affordable. Again, this is important for Newton, as 15% is our minimum affordability requirement, with larger projects required to provide 20% affordability. The revisions state that a community must demonstrate the "economic feasibility" of these requirements above the 10% threshold; however,

this term is not defined. Staff has been told that details are forthcoming on the specifics related to the demonstration of economic feasibility.

**ATTACHMENT:**

- DHCD Memo to Municipal Officials in MBTA Communities, October 21, 2022