



To: Newton City Council  
From: Councilor Deborah J. Crossley  
Re: MBTA Communities Update on Housing and Energy Codes  
Date: October 28, 2022

Dear Colleagues,

This is to report on progress on regarding two issues that have been raised that would affect compliance with the MBTA Communities Law: housing affordability requirements and energy code advancements.

#### Affordability Requirements.

As of this past Friday afternoon we learned that the DHCD issued revised MBTA Communities compliance guidelines, which will allow Newton to apply its existing inclusionary zoning (IZ) ordinance to compliant communities. We must demonstrate the economic feasibility of imposing such requirements, but we have many projects that have been developed under our IZ rules..

This was not the case in the affordability criteria in the “final” regulations issued in August, which would not have allowed requiring affordability deeper than 80% AMI (area median income). Newton’s IZ requires projects over 6 units to create units affordable to 50-80% AMI earners, and must average at 65% AMI. Many in ZAP objected to having to create new zoning that would reduce the level of affordability we have been able to successfully achieve in many recent projects.

Upon further reflection, and pressure from Newton (Planning, myself and Senator Creem), CHAPA and other communities, the DHCD issued the attached revisions (below).

#### Energy Code Updates and Options

As you know, Council accepted a docket item last meeting to review and consider adopting the Specialized Energy Code when it comes out next year. As Newton is a Stretch Code community (since 2009), the updated Stretch code will be effective automatically in 2023.

This is also good news for the MBTA Communities requirement that we allow multifamily housing by-right, because if we adopt the Specialized code, it increases building performance standards to achieve a higher level of building and system performance for all new construction.

Sustainability co-Director Ann Berwick will summarize the new Stretch Code requirements and the further advancements in the Specialized code in ZAP. We are currently targeting the December 12 meeting for this presentation/ discussion.

Stay tuned for confirmation and timing.

And have a great weekend!

Deb