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Political lessons learned from the initial MBTA Communities Act Rollout

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Political Lessons Learned from the Initial MBTA Communities Act Rollout

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The following report is based on data collected and reports written by the following students, enrolled in the course *Inequality in American Politics*, in partnership with the Boston University MetroBridge program and the Metropolitan Area Planning Council (MAPC): *Elizabeth Allen, Natalie Canter, Bailey Clark, Emily Henault, Alanna Hoffman, Andrew Howel, Julian Jimenez, Dhruv Kapadia, Ilana Keusch, Anika Mamoon, Kaya Manolt, Laurel Murphy, Elizabeth Reichman, Matthew Mijares, and Alice Scollins*

MBTA COMMUNITIES ACT

In response to the region's growing housing crisis, Massachusetts passed the MBTA Communities Act (MBTA-C) in 2021. The law requires all communities served by the region's mass transit system to revise their zoning to allow an increased amount of housing close to transit. Specifically, the state mandates¹: (1) Minimum gross density of 15 units per acre (2) Located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable (3) No age restrictions and suitable for families with children.

The state required that communities served by the MBTA's rapid transit system pass zoning changes complying with the state law by December 31, 2023. These "rapid transit communities" spent the year drafting, reviewing, discussing, and debating these plans across dozens of public meetings before voting on them in Fall and Winter 2023.

IMPLEMENTATION IN ARLINGTON, BROOKLINE, MILTON, AND NEWTON

As part of the Boston University Initiative on Cities' MetroBridge Program, students in the political science seminar *Inequality in American Politics* partnered with the Metropolitan Area Planning Council (MAPC), to analyze the initial implementation of this policy in Arlington, Brookline, Milton, and Newton. Students attended public hearings and town meetings, interviewed local officials and advocates on both sides of the debate, reviewed previous meetings and plans, and observed local online forums. This report summarizes four key recommendations from this first year of implementation:

- 1 Tailor organizing for the institutional structure of your community — including election timing.
- 2 The loudest voices do not always represent the broader community.
- 3 Don't let perfect be the enemy of the good.
- 4 Much of the important organizing happens well in advance of the final vote.

1 Executive Office of Housing and Livable Communities. "Multi-family Zoning Requirement for MBTA Communities." Commonwealth of Massachusetts, accessed Feb. 8, 2024 via <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>.



Undergirding all of these lessons is the importance of strong state law guiding local decision-making. For the most part, even strong opponents to new housing grudgingly accepted that their communities would have to pass zoning policies compliant with state law. Instead, many of these opponents pushed for *minimal* compliance, while proponents advocated for *meaningful* compliance — that is, zoning changes that would actually produce significant quantities of new housing. All four communities ultimately passed MBTA-C plans in their legislative bodies, though Milton’s was ultimately overturned in a 2024 referendum. While the four communities vary significantly in the ambitiousness of the plans ultimately passed, the fact that they at least initially passed their community’s legislative bodies is a testament to the power of strictly enforced state law.

Table 1: Community Structure and Compliance Summary Table

	Decision-making body	Compliance
Town of Arlington	Representative Town Meeting	Above compliance
Town of Brookline	Representative Town Meeting	Above compliance
Town of Milton	Representative Town Meeting	Non-compliant
City of Newton	City Council	Minimum Compliance

LESSONS LEARNED

1 Tailor organizing for the institutional structure of your community — including election timing

Massachusetts cities and towns feature different governance structures. Some of the communities that fall under MBTA-C’s purview are cities, like Newton. Their executive branch is led by an elected mayor, and their legislative branch consists of an elected city council. Others are towns governed by a Town Meeting structure. In these communities, the executive branch is a multi-member Select Board, and the legislative branch consists of a large town meeting, which typically takes place annually in the spring. In towns with a representative town meeting, voters elect more than two hundred of their community members to represent them. Other communities use open town meetings, in which all registered voters are eligible to attend and vote on government matters, including zoning.

In addition, cities and towns vary in their election timing. In representative Town Meetings, elections for meeting members typically happen in the spring. City council elections, in contrast, are in the fall. Some communities can also call for referenda, in which voters can choose to support or overturn implemented policies. In Massachusetts, these elections are all off-cycle. This means that they do not coincide with presidential elections. Research shows that off-cycle elections may prove especially challenging for organizers, as they tend to be low-turnout affairs dominated by older, whiter, homeowners voters² who disproportionately oppose the construction of new housing.³

The government structure shapes which public officials wield power over matters like rezoning (and appointing committees related to rezoning). In Newton, for example, the city council ultimately decided whether or not to endorse the communities’ final MBTA-C plan. In Arlington, Milton, and Brookline, that decision was made by much larger legislative bodies at Town Meeting.

Milton and Newton illustrate how both institutional structure and election timing shaped the MBTA-C process. In Milton, organizers recognized the importance of directly communicating with Town Meeting Members (TMMs). Affordable Inclusive Milton, a local pro-housing organization, encouraged its members to speak at public forums about zoning, and to directly reach out to neighbors and peers who

2 Hajnal, Z. L., Kogan, V., & Markarian, G. A. (2022). “Who Votes: City Election Timing and Voter Composition.” *American Political Science Review*, 116(1), 374–383, via <https://www.cambridge.org/core/journals/american-political-science-review/article/abs/who-votes-city-election-timing-and-voter-composition/39CE6B9F0E906228F695248C874C0C36>.

3 Einstein, K.L, D. Glick, and M. Palmer. 2019. *Neighborhood Defenders: Participatory Politics and America’s Housing Crisis*. Cambridge University Press.

serve as TMMs to encourage them to vote yes on the MBTA-C plan. Indeed, their organizing strategy explicitly emphasized one-on-one conversations and outreach with TMMs. Despite vocal opposition to the MBTA-C plan (which resulted in a referendum that overturned the plan), Milton's MBTA-C plan passed at Town Meeting in December 2023 with a strong majority 158-76.⁴

However, state law offers Milton residents (and those of other communities) the ability to call for a referendum to overturn certain types of Town Meeting votes on policies like MBTA-C.⁵ Milton opponents of MBTA-C availed themselves of this opportunity, leading to an election on February 14, 2024 where the town's MBTA-C plan was overturned by a margin of eight percentage points (54 percent "no" vs. 46 percent "yes"). The margin of victory for "no" voters stemmed largely from the East Milton neighborhood, where much of the upzoning in the town's MBTA-C plan was planned; a whopping 82 percent of the neighborhood's voters voted "no."⁶ While turnout in Milton was certainly high by the (very low) standards of off-cycle elections, it was significantly lower than presidential year turnout. 5,842 Milton residents went to the polls to vote on the MBTA-C plan in 2024 — less than one-third the 17,784 community members who voted in the November 2020 presidential election.⁷

In Newton, MBTA-C negotiations occurred concurrently with a City Council election. Pro-housing organizers were quite active at local public meetings about the rezoning efforts. But, they were unable to electorally mobilize sufficiently to successfully (re)elect their slate of pro-housing candidates.⁸ Five new city councilors were elected after being endorsed by the city's anti-development groups.⁹ As with Milton's referendum on MBTA-C, turnout in Newton in November 2023 was considerably lower than the November 2020 presidential election (16,655 voters in 2023 vs. 50,570 voters in 2020).¹⁰ While Newton's City Council ultimately passed its MBTA-C plan, it was considerably scaled back from original proposals.¹¹

2 The loudest voices do not always represent the broader community

Arlington, MA held at least 25 public meetings across multiple governing bodies to inform and engage the community about the town's MBTA-C plan.¹² Ultimately, the Arlington Redevelopment Board approved an amended proposal from the town's MBTA Working Group after significant public deliberation — a plan which was then passed by Town Meeting by a resounding majority (84 percent of Town Meeting members) with limited amendment. This process reflected an extraordinary amount of work on the part of local government officials and volunteers to ensure that the community knew about MBTA-C proposals, and had the opportunity to provide input.

Data from the MBTA-C process in Arlington, however, suggests that public officials should be cautious about generalizing broader sentiment from comments made in public forums. While 84 percent of Town Meeting members voted in support of the MBTA-C plan, only 40 percent of comments at



- 4 Arsenault, M. "Milton Town Meeting passes plan to allow for more multifamily housing in some areas." The Boston Globe (Dec. 11, 2023) via <https://www.bostonglobe.com/2023/12/11/metro/milton-town-meeting-passes-plan-allow-more-multifamily-housing-some-areas/>.
- 5 Commonwealth of Massachusetts. "Section 10: Enactments at Town Meetings, Restrictions." Via <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter43A/Section10>
- 6 Logan, T., A. Brinker, C. Prignano, and D. Fujiwara. (2024). "Four maps that show where—and by whom—Milton's housing plan was defeated on Wednesday." The Boston Globe (February 15, 2024) via <https://www.bostonglobe.com/2024/02/15/business/maps-milton-election-results/>
- 7 Town of Milton. "Election Results." via <https://townofmilton.org/Archive.aspx?AMID=47>
- 8 Pillsbury, K. "Engine 6 Endorses 8 City Council Candidates in Contested Races." Engine 6 Newton Housing Advocates (Sept. 17, 2023) via <https://enginesix.org/engine-6-endorses-8-city-council-candidates-in-contested-races/>.
- 9 Hilliard, J. "Critics' successes in election could cool interest in Newton's plan for more housing." The Boston Globe (Nov. 22, 2023) via <https://www.bostonglobe.com/2023/11/22/metro/critics-successes-election-could-cool-interest-newtons-plan-more-housing/>.
- 10 <https://www.newtonma.gov/government/elections/election-results/-folder-310>
- 11 Brinker, A. "Newton council passes scaled-back plan to allow more multifamily housing in some areas." The Boston Globe (Dec. 4, 2023) via <https://www.bostonglobe.com/2023/12/04/business/newton-council-passes-scaled-back-plan-allow-more-multifamily-housing-some-areas/>.
- 12 Brinker, A. "After tense debate, Arlington adopts new housing plan." The Boston Globe (Oct. 26, 2023) via <https://www.bostonglobe.com/2023/10/26/business/arlington-housing-zoning-plan/>.

Fall 2023 Arlington Redevelopment Board meetings were supportive, a gap of over 40 percentage points (see Table 1). Moreover, because the Town Moderator prioritized hearing from both sides of the MBTA-C debate, public commenters at the Special Town Meeting were evenly divided between supporters and opponents; public comment differed by over 30 percentage points from the final vote total. Someone simply listening to public comment might mistakenly believe that opposition was significantly greater than in actuality.

Table 2: MBTA-C Commenters and Vote Tallies at Arlington Special Town Meeting (2023)

	% Public Commenters at Fall 2023 Arlington Redevelopment Board Meetings	% of Speakers at Special Town Meeting	% of Town Member Votes
Pro: Article 12 MBTA-C	40% (23)	52% (13)	84% (189)
Anti: Article 12 MBTA-C	60% (35)	48% (12)	15 % (35)

The MetroBridge program at the Initiative on Cities empowers students across Boston University to tackle urban issues, and at the same time, helps city, town, and community leaders confront key challenges. MetroBridge connects with municipal governments and community organizations to understand their priorities and collaborates with Boston University faculty to translate their unique needs into course projects. Students in undergraduate and graduate classes engage in these projects as class assignments while working directly with government and community leaders during the semester. The goal of MetroBridge is to provide an enhanced learning experience for students through real-world, urban-focused, project-based experiential education, while also providing meaningful support to cities, towns, and community organizations. For more information, visit www.bu.edu/ioc/metrobridge or contact David Gross at davgross@bu.edu.

3 Don't let perfect be the enemy of the good

In Brookline, the Department of Planning and Community Development (DPCD) spearheaded initial drafting of the MBTA-C plan and a broad community engagement effort to solicit community input. Over the course of more than 40 meetings, debate over the plan quickly became contentious as factions contested the rezoning of Harvard Street, a prominent commercial district in the Town. Ultimately, significant compromise was necessary to pass a plan, with Select Board member Paul Warren overseeing negotiations between housing advocates, including Yes! In Brookline, and opponents, including Brookline by Design, who opposed the initial MBTA-C plan.

Town officials believe that this compromise was pivotal to passage, with both sides being forced to enter negotiations with clear priorities, because they would not get exactly what they wanted. Groups worked to find common ground on issues like setbacks, ground floor commercial mandates, historic preservation, and multistory commercial properties. With endorsements from multiple government boards and civic organizations, the plan passed Town Meeting by a wide margin of 207-33.

4 Much of the important organizing happens well in advance of the final vote

Collectively, Arlington, Brookline, Newton, and Milton all held *dozens* of public meetings and hearings discussing their MBTA-C plans. Organizing consequently must start early. In Brookline, pro-housing organizations held multiple events, some with guest speakers, to inform the broader community about Brookline's housing needs and how rezoning might help the community meet those pressing demands. Equitable Arlington pushed early in the process for a plan that went beyond *minimal* compliance with MBTA-C, garnering over 400 signatures on a petition endorsing *meaningful* compliance.¹³ Several members of the organization served on the MBTA-C Working Group, which drafted the town's initial plan — signaling the group's strong, longstanding organizational work and institutional legitimacy.

NEXT STEPS IN MBTA IMPLEMENTATION

The next stage of the MBTA-C rollout poses a formidable challenge for housing advocates. They now must organize across *dozens* of communities, many of which are governed by open town meetings. In towns with representative town meetings, housing advocates faced the formidable task of reaching out to hundreds of town meeting members. In open town meetings, outreach becomes even more daunting, with the pool of potential legislators comprising every registered voter in the town. Moreover, most of the commuter rail and adjacent communities that are part of the next wave are considerably smaller, less dense, and more hostile to new housing than their rapid transit counterparts. We hope that the lessons learned from the implementation of MBTA-C in rapid transit communities can help to support the policy's implementation on a broader scale.

13 Equitable Arlington. "Petition For a Meaningful MBTA Communities Act." Aug. 9, 2023 via <https://equitable-arlington.org/2023/08/09/petition-mbta-communities-act/>.