



COMMERCIAL REAL ESTATE INSIGHT & NEWS

The Bowditch & Dewey Real Estate Blog

Attorney General Advisory Turns up the Heat for Compliance for MBTA Communities

BY JOSEPH R. DUQUETTE • APRIL 10, 2023

On March 15, 2023, [Attorney General Andrea Joy Campbell](#) issued an advisory clarifying the requirements imposed on the 177 cities and towns impacted by the 2021 MBTA Communities Zoning Law (codified at M.G.L. c. 40A, § 3A). In a prior blog post, [Critical Deadline for Action Plans Approaches for Certain MBTA Communities](#), we had advised that MBTA Communities stood to lose thousands to millions of dollars of potential funding sources for failure to comply with the MBTA Communities Law.

The advisory, however, goes even further and forcefully states that MBTA Communities cannot simply avoid their obligations to comply by foregoing this funding. The advisory cautions that “Communities that fail to comply with the Law may be subject to civil enforcement action” and “MBTA Communities that fail to comply with the Law’s requirements also risk liability under federal and state fair housing laws.”

While the deadlines to submit a full compliance application to the Department of Housing and Community Development (DHCD) remain the same, it is becoming increasingly clear that noncompliance with the law’s requirements will be taken seriously.