

February 6, 2023

Michael A. Maresco
Town of Marshfield Administrator
870 Moraine Street
Marshfield, MA 02050

Re: Demanding Compliance with MBTA Zoning Law Action Plan Requirement

Dear Administrator Maresco:

As you are aware, Marshfield is currently [in violation](#) of the MBTA Zoning Law.¹ This is because Marshfield has failed to meet even the bare minimum requirement that it submit a multi-family zoning “action plan” to the Commonwealth by January 31, 2023. Lawyers for Civil Rights (“LCR”) demands that Marshfield rectify this failure within ten business days.

The MBTA Zoning Law—M.G.L. c. 40A § 3A—obligates cities and towns with MBTA service, including Marshfield, to provide for a multi-family zoning district of “reasonable size” within the next few years.² Under its authority to implement the Law, the Department of Housing and Community Development (“DHCD”) has issued a series of mandatory compliance deadlines. One such deadline required covered communities to submit a short “action plan” by January 31, 2023, explaining how they will adhere to the Law’s zoning specifications. By DHCD’s count, Marshfield is one of seven communities that have completely abdicated that responsibility.³

The Law explicitly imposes state funding ineligibility for this failure.⁴ But Marshfield officials should be aware that their refusal to comply has far bigger consequences. Greater Boston is mired in an [affordable housing crisis](#) and remains [highly racially segregated](#). Towns that decline to increase their multi-family housing are actively perpetuating both of these problems.⁵

Therefore, LCR demands that Marshfield submit an “action plan” to DHCD within 10 business days. The necessary form is six pages long and can be found [here](#). 168 covered communities have already submitted “action plans”⁶ and Marshfield is capable of doing so too.

¹ Andrew Brinker, *As new housing law takes effect, most towns fall in line, for now*, BOS. GLOBE (Feb. 3, 2023), https://www.bostonglobe.com/2023/02/03/business/new-housing-law-takes-effect-most-towns-fall-line-now/?p1=Article_Feed_ContentQuery&p1=Article_Feed_ContentQuery.

² *Multi-Family Zoning Requirement for MBTA Communities*, MASS.GOV, <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities> (last visited Feb. 6, 2023).

³ *Section 3A Action Plan Status as of 2/2/2023*, Mass.gov, <https://www.mass.gov/doc/section-3a-action-plan-statuses/download> (last visited Feb. 6, 2023).

⁴ *See supra* note 2.

⁵ *See* Oren Sellstrom & Jacob Love, *Don’t try to flout the Housing Choice Law*, COMMONWEALTH MAG. (Dec. 13, 2022), <https://commonwealthmagazine.org/opinion/dont-try-to-flout-the-housing-choice-law/>.

⁶ *See supra* note 3.

If Marshfield fails to do so, or otherwise continues to flout the MBTA Zoning Law, LCR will compel the town's compliance. Exclusionary zoning practices have long been successfully challenged under the federal Fair Housing Act ("FHA"). However, Marshfield taxpayers need not be saddled with litigation costs. We would prefer to resolve this amicably and expeditiously.

Sincerely,

/s/

Jacob M. Love, Esq.
Oren M. Sellstrom, Esq.
Iván Espinoza-Madriral, Esq.
Lawyers for Civil Rights

CC:
Town of Marshfield Selectboard
Town of Marshfield Planning Department