Government Affairs Committee – 3A Informational Series

Part 3: What a Yes or No Vote Means

Residents in both Gloucester and Ipswich will soon have an opportunity to cast their votes. Gloucester is holding a special election on April 24th, and Ipswich will have their Annual Town Meeting on May 13th. Although Ipswich has several other issues on the warrant, both municipalities will be asking residents to cast their votes regarding 3A. But what are they actually voting on and what will happen as a result?

Votes cast at the applicable special election and town meeting will either uphold or reject the zoning amendments put forward in each community in response to the state's MBTA Communities Act. These votes are not in favor of or against 3A. As our previous notes have indicated, the Massachusetts Supreme Judicial Court upheld the constitutionality of the MBTA Communities Act affirming the law itself. A "Yes" vote simply means you support the proposed Multi-Family Overlay Districts while a "No" vote means you reject them. A "Yes" vote affirms the zoning proposal allowing it to be submitted to the state for final approval, while a "No" vote maintains the current zoning laws and requires the Planning Boards in each municipality to come up with new proposals. A "Yes" vote brings each community into compliance with the state, while a "No" vote risks them falling out of compliance if new districts aren't approved by the state's July 14th deadline.

What does noncompliance mean for designated MBTA communities? The Attorney General's Office issued an advisory concerning the enforcement of the law. They affirmed that communities "cannot avoid their obligations under the Law" and state "MBTA Communities 'shall have' a compliant zoning district and [the law] does not provide a mechanism by which a town or city may opt out of this requirement". The state has further issued warnings that noncompliance will result in a loss of "certain state funding" and "may be subject to civil enforcement action". Examples of state funding that can be withheld include grant programs for Housing Choice, Local Capital Projects, Massworks, and Housingworks in addition to various other funding related to economic development and climate resilience. Both Gloucester and Ipswich refer to specific grant opportunities on their respective websites that are at risk if the zoning proposals are rejected and they are deemed noncompliant.

Further information about the law and its compliance can be found on the state's website. You can also review additional information respective to each community for the City of Gloucester and the Town of Ipswich. The Greater Cape Ann Chamber of Commerce encourages residents to ensure they are fully informed on these issues and the potential impacts these votes could have on our communities.