



MODEL LEGISLATION · APPENDICES A-C

Model legislation for housing abundance in Allston-Brighton

Three ready-to-adapt legal texts: a Zoning Commission petition, a City Council order and a state enabling act.



MODEL LEGISLATION • APPENDICES A–C

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HOW TO USE THESE TEXTS

These are model drafts accompanying our white paper *A market-clearing housing strategy for Boston and Allston-Brighton*. They are policy proposals, not legal advice, and should be reviewed by municipal counsel before filing. Boston changes zoning through its Zoning Commission under Chapter 665 of the Acts of 1956, so the package has three coordinated parts.

Appendix	Instrument	Adopted by	What it does
A	Zoning Commission petition	Boston Zoning Commission, with the Mayor's approval	Creates the Allston-Brighton Housing Abundance Overlay District in Article 51: six subdistricts, as-of-right homes, objective design standards, fixed review deadlines
B	City Council order	Boston City Council	Calls for hearings, asks for zoning text and maps within 180 days, and asks the City to publish terms for its existing Chapter 121A tax treatment
C	State enabling act	Massachusetts Legislature and the Governor	Authorizes Housing Abundance Districts in Boston, limits conditions of approval to published standards, and directs a single-stair building code amendment

ABOUT THESE DRAFTS

These model texts accompany the Foundation's white paper *A Market-Clearing Housing Strategy for Boston and Allston-Brighton*. They are policy proposals, not legal advice, and should be reviewed by municipal counsel before filing.

SUGGESTED CITATION

Allston Heritage Foundation, *Model Legislation for Housing Abundance in Allston-Brighton*, Appendices A–C (Allston, Mass., revised October 2026).

ABOUT THE FOUNDATION

The Allston Heritage Foundation is an independent public-policy research organization for Allston-Brighton, Boston and New England.

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APPENDIX A

Model Boston Zoning Commission petition

Creates an Allston-Brighton Housing Abundance Overlay District within Article 51, with six subdistricts, as-of-right multifamily housing, no parking minimums or inclusionary set-asides, objective design standards and fixed review deadlines.

PETITION TO AMEND THE BOSTON ZONING CODE ALLSTON-BRIGHTON HOUSING ABUNDANCE OVERLAY DISTRICT

To the Boston Zoning Commission:

The undersigned hereby petitions the Boston Zoning Commission, pursuant to Chapter 665 of the Acts of 1956, as amended, to amend the Boston Zoning Code by amending Article 51, Allston-Brighton Neighborhood District, and related zoning maps, to establish the Allston-Brighton Housing Abundance Overlay District.

SECTION 1. PURPOSE.

The purpose of this amendment is to promote public health, safety, convenience, and welfare by increasing the supply, diversity, affordability, and predictability of housing production in Allston-Brighton; reducing displacement pressure; supporting families, students, workers, seniors, and immigrant households; encouraging compact growth near transit, jobs, schools, and neighborhood services; reducing unnecessary automobile dependence; and implementing adopted and ongoing planning work for Allston-Brighton.

SECTION 2. FINDINGS.

The Zoning Commission finds that:

- (a) Allston-Brighton is a transit-served, job-accessible, institutionally significant, and high-demand housing district within the City of Boston.
- (b) Existing zoning in Allston-Brighton does not provide sufficient as-of-right capacity to meet the housing needs of residents, workers, families, students, seniors, and institutions.
- (c) Housing scarcity increases rent burdens, overcrowding, displacement risk, commuting distance, traffic, greenhouse gas emissions, and economic insecurity.
- (d) Predictable, objective, and form-based zoning standards are superior to ad hoc zoning relief and discretionary project-by-project negotiation.
- (e) Additional housing capacity should be concentrated primarily on large parcels, commercial corridors, transit-accessible districts, institutional edges, and underutilized parcels, while allowing gentle growth in lower-density areas.



(f) New housing production should be enabled by predictable, objective rules that keep the cost of building no higher than public safety requires. Assistance for households needing deep affordability should be funded from broad public sources rather than by charges or set-asides on new homes.

(g) New buildings should continue Allston-Brighton's architectural heritage through objective appearance standards that do not reduce permitted height, floor area, or dwelling units.

SECTION 3. ESTABLISHMENT OF OVERLAY DISTRICT.

Article 51 is hereby amended by inserting the following new section:

Section 51-XX. Allston-Brighton Housing Abundance Overlay District.

There is hereby established the Allston-Brighton Housing Abundance Overlay District, which shall apply to the areas shown on Maps 7A, 7B, 7C, and 7D as amended. The Overlay District shall consist of the following subdistricts:

- (a) AB-HC, High-Capacity Housing Subdistrict.
- (b) AB-MC, Main Corridor Housing Subdistrict.
- (c) AB-SS, Squares and Streets Housing Subdistrict.
- (d) AB-NT, Neighborhood Transition Housing Subdistrict.
- (e) AB-NH, Neighborhood Housing Subdistrict.
- (f) AB-IC, Institutional and Campus Housing Subdistrict.

Where the provisions of this section conflict with any other provision of Article 51 or the Boston Zoning Code, the provisions of this section shall control.

SECTION 4. GENERAL USE REGULATIONS.

In the Allston-Brighton Housing Abundance Overlay District:

- (a) Multifamily residential use shall be allowed as of right in AB-HC, AB-MC, AB-SS, AB-NT, and AB-IC subdistricts.
- (b) Mixed-use buildings with residential use above ground-floor commercial, civic, cultural, childcare, educational, maker, office, or neighborhood-serving uses shall be allowed as of right in AB-HC, AB-MC, and AB-SS subdistricts.
- (c) Accessory dwelling units, internal conversions, and small multifamily dwellings shall be allowed as of right in AB-NH, subject to the dimensional and form standards of this section.
- (d) Dormitory, graduate-student housing, postdoctoral housing, workforce housing, senior housing, supportive housing, and income-restricted housing shall be allowed as of right in AB-IC, AB-HC, AB-MC, and AB-SS subdistricts.
- (e) Laboratory, research, office, hotel, and institutional nonresidential uses shall be allowed only where otherwise permitted by the underlying zoning, except that any project in AB-HC or AB-IC that proposes more nonresidential gross floor area than residential gross floor area shall be subject to Large Project Review and shall demonstrate that the project will not materially reduce the district's ability to meet adopted housing-production targets.



(f) Ground-floor residential use shall be permitted in all subdistricts. Ground-floor commercial space shall not be required; where it is provided, it shall meet Section 11(g).

SECTION 5. DIMENSIONAL REGULATIONS.

The following dimensional regulations shall apply in the Overlay District:

(a) AB-HC, High-Capacity Housing Subdistrict.

Maximum height shall be 18 stories or 220 feet. Maximum floor area ratio shall be 7.0. Projects shall provide a minimum usable open-space ratio of 0.15 unless equivalent public-realm improvements are approved. Minimum lot area per dwelling unit shall not apply.

(b) AB-MC, Main Corridor Housing Subdistrict.

Maximum height shall be 10 stories or 125 feet. Maximum floor area ratio shall be 5.0. Minimum lot area per dwelling unit shall not apply.

(c) AB-SS, Squares and Streets Housing Subdistrict.

Maximum height shall be 7 stories or 85 feet in square cores and 5 stories or 65 feet on transition blocks. Maximum floor area ratio shall be 4.0 in square cores and 3.0 on transition blocks. Minimum lot area per dwelling unit shall not apply.

(d) AB-NT, Neighborhood Transition Housing Subdistrict.

Maximum height shall be 4 stories or 50 feet. Buildings containing up to 12 dwelling units shall be allowed as of right on lots of 7,500 square feet or more. Buildings containing up to 8 dwelling units shall be allowed as of right on lots of 5,000 square feet or more. Minimum lot area per dwelling unit shall not apply.

(e) AB-NH, Neighborhood Housing Subdistrict.

Accessory dwelling units shall be allowed as of right. Buildings containing up to 4 dwelling units shall be allowed as of right where the building complies with applicable height, lot coverage, setback, and form standards. Internal conversion of an existing residential building to not more than 4 dwelling units shall be allowed as of right if the exterior building envelope is not increased by more than 15 percent.

(f) AB-IC, Institutional and Campus Housing Subdistrict.

Residential, dormitory, graduate-student, postdoctoral, workforce, senior, and supportive housing shall be allowed up to 12 stories or 150 feet as of right, subject to applicable institutional master-plan consistency requirements. Projects that provide at least 80 percent residential or residential-equivalent beds may receive a maximum floor area ratio of 6.0.

SECTION 6. UNIT MIX.

(a) No minimum or maximum number of bedrooms per dwelling unit, and no required distribution of unit sizes, shall apply to any project in the Overlay District.

(b) Gross floor area within dwelling units containing three or more bedrooms shall not count toward the maximum floor area ratio, up to fifteen percent of the project's gross floor area.

SECTION 7. AFFORDABILITY AND CONDITIONS OF APPROVAL.



- (a) Article 79 (Inclusionary Zoning) shall not apply to projects in the Overlay District.
- (b) No income-restricted set-aside, payment in lieu, linkage contribution, community-benefit payment, or other exaction shall be required as a condition of approval of a code-compliant project, except fixed fees of general application published in advance.
- (c) Nothing in this section limits voluntary income-restricted housing, publicly funded housing, housing vouchers, or the application of federal and state fair-housing law.

SECTION 8. PARKING.

- (a) No minimum number of off-street parking spaces shall be required for any residential or mixed-use project in the Overlay District.
- (b) Off-street parking, where an applicant chooses to provide it, shall comply with Section 11 (Objective Design Standards) regarding screening and curb cuts and with generally applicable citywide parking rules.
- (c) Bicycle parking shall be provided as required by generally applicable building and accessibility codes. No transportation demand management plan shall be required as a condition of approval of a code-compliant project.

SECTION 9. REVIEW PROCESS.

- (a) A project that complies with the use, dimensional, parking, and objective design standards of this section shall be treated as a code-compliant project.
- (b) Code-compliant projects shall not require a variance, conditional use permit, exception, planned development area approval, or other zoning relief solely because they use the development capacity authorized by this section.
- (c) Design review shall be limited to the objective design standards of Section 11, determined administratively, and shall not reduce the number of dwelling units, height, floor area, or residential use authorized by this section.
- (d) The Planning Department shall issue a single notice of completeness within 15 business days of submission and a written zoning and design determination within the following periods after a complete application, including for projects otherwise subject to Article 80:
 - (i) 60 days for projects containing fewer than 100 dwelling units.
 - (ii) 90 days for projects containing 100 to 299 dwelling units.
 - (iii) 120 days for projects containing 300 or more dwelling units.
- (e) The Planning Department may extend these time periods once, for not more than 45 days, upon written finding of extraordinary circumstances.
- (f) Any deficiency notice shall identify the specific standard, drawing location, and correction required. Mitigation shall be limited to the published frontage standards of Section 12 and fixed fees of general application.

SECTION 10. ANTI-DISPLACEMENT REQUIREMENTS.

For any project that would demolish or substantially rehabilitate an occupied residential building containing four or more dwelling units:



- (a) The applicant shall submit a tenant-impact and anti-displacement plan.
- (b) The plan shall identify existing lawful occupants, existing rents, relocation needs, and proposed measures to minimize involuntary displacement.
- (c) The plan shall include advance notice, relocation assistance, right-of-first-offer for returning tenants where feasible, and information about applicable tenant protections.
- (d) No provision of this section shall be construed to reduce any rights or remedies available to tenants under federal, state, or local law.

SECTION 11. OBJECTIVE DESIGN STANDARDS.

- (a) *Scope.* The following standards govern exterior appearance only. They shall not be applied to reduce height, floor area, dwelling units, or residential use, and shall not require setbacks, massing breaks, separate structures, occupied roofs, bays, gables, dormers, towers, or other optional features.
- (b) *Street placement.* At least 70 percent of each street frontage shall lie within a build-to zone of 0 to 10 feet from the front lot line, subject to published exceptions for stoops, accessible entrances, and corners.
- (c) *Base, middle, and crown.* Each street façade shall express a distinct ground-floor datum through a belt course, change of material, or storefront head, and a defined roof termination through a cornice, parapet cap, or eave. Flat roofs qualify. Buildings of seven or more stories shall express a base of two to four stories.
- (d) *Façade modules.* Each street façade shall be divided by visible vertical elements, such as piers, recessed joints, or window groups, at intervals of 20 to 40 feet.
- (e) *Windows.* Glazing shall comprise 20 to 35 percent of upper-story street-wall area. Individual openings shall have a height-to-width ratio of 1.3 to 2.2 and a visible frame setback of at least 2 inches from the finished face, or an approved trim detail of equivalent depth.
- (f) *Facing.* At least 70 percent of the opaque area of each street façade shall be brick, stone, or an approved masonry-like equivalent, including thin brick and cast stone.
- (g) *Entrances.* Residential entrances shall occur at intervals of no more than 60 feet of frontage and shall be framed by a surround, canopy, or recess. Where ground-floor commercial space is provided, it shall have 50 to 75 percent transparency between 2 and 10 feet above the sidewalk and entrances at intervals of no more than 40 feet.
- (h) *Parking and service.* Parking and service areas visible from a principal street shall be screened with a façade meeting subsections (d) through (f). Curb cuts on principal commercial streets shall not exceed one per 200 feet of frontage where an alternative access exists.
- (i) *Equivalents and verification.* The Planning Department shall publish measurable equivalency criteria for materials and details. Compliance shall be verified by approved details, one representative mock-up, and ordinary inspections.

SECTION 12. FRONTAGE IMPROVEMENTS.

Projects creating 20 or more dwelling units shall construct sidewalk, street-tree, lighting, and accessibility improvements along their own frontage in accordance with standards published in advance by the Planning Department, Boston Transportation Department, Public Works



Department, and Boston Water and Sewer Commission. No other public-realm contribution shall be required as a condition of approval of a code-compliant project.

SECTION 14. INSTITUTIONAL HOUSING.

Any institutional master-plan update or amendment in Allston-Brighton shall include:

- (a) A count of undergraduate, graduate, postdoctoral, faculty, staff, and contract-worker housing demand.
- (b) A plan for producing or preserving residential units or beds sufficient to reduce institutional pressure on the private rental market.
- (c) A report on the institution's leased master housing, off-campus student concentration, and proposed mitigation.
- (d) A five-year housing production or leasing target.

SECTION 15. MONITORING.

The Planning Department shall publish an annual Allston-Brighton Housing Capacity Report that includes:

- (a) Net new homes permitted, under construction, and completed.
- (b) Units by bedroom count.
- (c) Asking rents for new and existing homes, and the published break-even rent for standard building types.
- (d) Average parking spaces per unit provided voluntarily.
- (e) Approved projects not yet started.
- (f) Estimated paper zoning capacity remaining in each subdistrict.
- (g) Rent, vacancy, eviction, and displacement-risk indicators.

SECTION 16. SEVERABILITY.

If any provision of this amendment is held invalid, the remaining provisions shall continue in full force and effect.

SECTION 17. EFFECTIVE DATE.

This amendment shall take effect upon adoption by the Boston Zoning Commission, approval by the Mayor, and codification in the Boston Zoning Code.

**B****APPENDIX B**

Model Boston City Council order

Calls for hearings, asks the Planning Department to prepare zoning text and maps within 180 days, and asks the City to make its existing Chapter 121A tax treatment available to overlay housing.

ORDER FOR A HEARING AND ACTION PLAN REGARDING ALLSTON-BRIGHTON HOUSING ABUNDANCE ZONING

Ordered, that the appropriate committee of the Boston City Council hold a hearing regarding zoning, development review, housing production, the cost of building, anti-displacement protections, and institutional housing obligations in Allston-Brighton.

The hearing shall examine the creation of an Allston-Brighton Housing Abundance Overlay District intended to permit substantial new housing capacity as of right in transit-accessible corridors, squares, institutional edges, and underutilized commercial and industrial parcels, while allowing gentle residential growth in lower-density areas.

Representatives of the Planning Department, Boston Planning & Development Agency, Boston Zoning Commission, Mayor's Office of Housing, Boston Transportation Department, Inspectional Services Department, Boston Civic Design Commission, Public Works Department, Boston Water and Sewer Commission, Harvard University, Boston University, Boston College, local civic associations, tenant organizations, small businesses, housing advocates, disability advocates, and transportation advocates shall be invited to testify.

The Council further requests that the Planning Department and BPDA Board prepare, within 180 days, a proposed zoning text and map amendment for Allston-Brighton that includes:

1. High-capacity residential zoning for Western Avenue, Barry's Corner, Harvard's Enterprise Research Campus, Boston Landing, Guest Street, North Beacon Street, Everett Street, and Beacon Park Yard or West Station areas.
2. Mid-rise mixed-use zoning for Cambridge Street, Brighton Avenue, Harvard Avenue, Allston Village, Brighton Center, Washington Street, Oak Square, Commonwealth Avenue, Cleveland Circle, Chestnut Hill Avenue, and other appropriate transit-accessible corridors.
3. Neighborhood-transition and neighborhood-housing districts allowing accessory dwelling units, internal conversions, small multifamily dwellings, and gentle density by right.
4. No residential parking minimums, with the amount of any parking left to the builder.
5. Objective design standards governing exterior appearance only, which shall not reduce height, floor area, or dwelling units, and time-limited administrative review for code-compliant housing projects.



6. Exemption of overlay projects from Article 79 inclusionary requirements and from negotiated linkage, community-benefit, and mitigation payments; no bedroom-mix mandates; and tenant-relocation protections for residents of occupied buildings proposed for redevelopment.

7. Institutional housing reporting and housing-production requirements for institutions whose students, workers, or affiliates materially affect the Allston-Brighton housing market.

The Council further requests that the Mayor's Office of Housing and the Assessing Department publish, within 180 days, the terms on which housing projects in the overlay may qualify for the City's existing tax treatment under Chapter 121A of the General Laws, with payments in lieu of taxes of approximately 60 percent of full taxes during their initial years of operation.

The Council further requests that the Planning Department publish annually the break-even rent for standard building types alongside permits, completions, and rents.

The Council further requests that the Planning Department publish a parcel-level housing-capacity analysis identifying the additional zoning envelope necessary to permit at least 14,500 net new homes in Allston-Brighton over ten years, including at least 6,000 homes in Allston and 8,500 homes in Brighton.

The Council further requests that the Mayor transmit any necessary zoning petitions, administrative amendments, home-rule petitions, or state legislation needed to implement this order.



Model state enabling act

Gives Boston clear authority to create objective, time-limited, as-of-right Housing Abundance Districts, limits conditions of approval to published standards and directs a single-stair building code amendment.

AN ACT ENABLING HOUSING ABUNDANCE DISTRICTS IN THE CITY OF BOSTON

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding Chapter 665 of the Acts of 1956, as amended, or any general or special law to the contrary, the City of Boston may establish one or more Housing Abundance Districts by amendment to the Boston Zoning Code.

SECTION 2. For purposes of this act, a “Housing Abundance District” shall mean a zoning district, overlay district, planned district, or other zoning classification adopted by the Boston Zoning Commission in which multifamily residential use is permitted as of right, subject only to objective standards.

SECTION 3. For purposes of this act, “as of right” shall mean that development may proceed without a variance, conditional use permit, exception, discretionary planned development area approval, or other discretionary zoning relief, provided that the development complies with the applicable objective standards of the Boston Zoning Code and other applicable law.

SECTION 4. In a Housing Abundance District, the Boston Zoning Code may establish objective standards governing use, height, floor area ratio, lot coverage, setbacks, frontage, open space, building form and exterior appearance, active ground-floor use, accessibility, sustainability, loading, and frontage improvements.

SECTION 5. In a Housing Abundance District, no local board, commission, department, or officer may deny, reduce the density of, reduce the height of, reduce the number of dwelling units in, or otherwise render infeasible a residential or mixed-use residential project that complies with the objective standards applicable to such district, except as necessary to comply with federal law, state building code, fire code, sanitary code, accessibility law, environmental law, floodplain law, or other generally applicable health and safety law.

SECTION 6. The City of Boston may establish time limits for review of residential and mixed-use residential projects within Housing Abundance Districts. If a reviewing agency does not issue a written determination within the applicable review period, the agency shall issue, upon request of the applicant, a written statement identifying the remaining items necessary for approval. The City may, by ordinance or zoning amendment, provide that failure to act within a specified period constitutes approval, to the fullest extent permitted by law.



SECTION 7. The City of Boston may eliminate minimum off-street parking requirements for residential and mixed-use residential projects within Housing Abundance Districts.

SECTION 8. Objective standards governing exterior appearance in a Housing Abundance District shall be stated in measurable terms, shall permit material-neutral equivalents, and shall not reduce the height, floor area, or number of dwelling units otherwise permitted.

SECTION 9. Conditions of approval for a project within a Housing Abundance District shall be limited to objective standards and fixed fees of general application published in advance. No inclusionary set-aside, payment in lieu, linkage contribution, or negotiated community-benefit payment shall be required as a condition of approval of a project that complies with the applicable objective standards.

SECTION 10. The City of Boston may require anti-displacement plans for projects within Housing Abundance Districts that demolish or substantially rehabilitate occupied residential buildings, provided that such requirements are consistent with federal and state law.

SECTION 11. The City of Boston may require institutions of higher education, hospitals, medical institutions, and other institutions filing or amending institutional master plans to include housing-demand analyses, student-housing plans, worker-housing plans, and measures to reduce institutional pressure on the private rental market.

SECTION 12. The Boston Zoning Commission may adopt regulations, zoning text amendments, zoning map amendments, and administrative procedures necessary to implement this act.

SECTION 13. The board of building regulations and standards shall, within twelve months of the effective date of this act, promulgate amendments to the state building code permitting residential buildings of up to six stories served by a single exit stair, subject to sprinkler, compartmentation, and fire-department access provisions it determines necessary for public safety. Nothing in this act shall be construed to limit fair housing compliance, accessibility, flood resilience, public safety, or publicly funded income-restricted housing.

SECTION 14. If any provision of this act is held invalid, the remaining provisions shall continue in full force and effect.

SECTION 15. This act shall take effect upon passage.



*Independent, evidence-based research on housing, urban
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