

February 6, 2023

Chairman Anthony M. Renzoni
Holden Board of Selectmen
1204 Main Street
Holden, MA 01520

Re: Demanding Compliance with MBTA Zoning Law Action Plan Requirement

Dear Chairman Renzoni:

As you are aware, Holden is currently [in violation](#) of the MBTA Zoning Law.¹ This is because Holden 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 Holden 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 Holden, 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, Holden is one of seven communities that have completely abdicated that responsibility.³

The Law explicitly imposes state funding ineligibility for this failure.⁴ But Holden 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 Holden 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 Holden is capable of doing so as well.

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

Sincerely,

/s/

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

CC:
Richard Bates, Holden Board of Selectmen
Stephanie Mulroy, Holden Board of Selectmen
Geraldine A. Herlihy, Holden Board of Selectmen
Thomas Curran, Holden Board of Selectmen
Peter Lukes, Holden Town Manager
Town of Holden Planning & Development Office

February 6, 2023

Chairman George F. Miller
Berkley Board of Selectmen
One North Main Street
Berkley, MA 02779-1336

Re: Demanding Compliance with MBTA Zoning Law Action Plan Requirement

Dear Chairman Miller:

As you are aware, Berkley is currently [in violation](#) of the MBTA Zoning Law.¹ This is because Berkley 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 Berkley 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 Berkley, 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, Berkley is one of seven communities that have completely abdicated that responsibility.³

The Law explicitly imposes state funding ineligibility for this failure.⁴ But Berkley 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 Berkley 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 Berkley is capable of doing so as well.

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

Sincerely,

/s/

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

CC:
Wendy F. Cochrane, Berkley Board of Selectmen
Dean Larabee III, Berkley Board of Selectmen
Kevin Partridge, Interim Berkley Town Administrator
Town of Berkley Planning Board

February 6, 2023

Chairman Mark E. Townsend
Carver Select Board
108 Main Street
Carver, MA 02330

Re: Demanding Compliance with MBTA Zoning Law Action Plan Requirement

Dear Chairman Townsend:

As you are aware, Carver is currently [in violation](#) of the MBTA Zoning Law.¹ This is because Carver 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 Carver 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 Carver, 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, Carver is one of seven communities that have completely abdicated that responsibility.³

The Law explicitly imposes state funding ineligibility for this failure.⁴ But Carver 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 Carver 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 Carver is capable of doing so as well.

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

Sincerely,

/s/

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

CC:
Jennifer M. Bogart, Carver Select Board
John J. Cotter, Carver Select Board
Sarah G. Hewins, Carver Select Board
Jim Hoffman, Carver Select Board
Robert Fennessy, Town Administrator
Town of Carver Planning Board

February 6, 2023

Chairman Mark Germain
Middleborough Select Board
10 Nickerson Avenue, 1st Fl.
Middleborough, MA 02346

Re: Demanding Compliance with MBTA Zoning Law Action Plan Requirement

Dear Chairman Germain:

As you are aware, Middleborough is currently [in violation](#) of the MBTA Zoning Law.¹ This is because Middleborough 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 Middleborough 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 Middleborough, 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, your town is one of seven that have completely abdicated that responsibility.³

The Law explicitly imposes state funding ineligibility for this failure.⁴ But Middleborough 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 perpetuating both of these problems.⁵

Therefore, LCR demands that Middleborough 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 Middleborough can do 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-statutes/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 Middleborough 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, Middleborough taxpayers need not be saddled with litigation costs. We would prefer to resolve this quickly and amicably.

Sincerely,

/s/

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

CC:

Nathan Demers, Middleborough Select Board
Arthur Battistini, Middleborough Select Board
Brian Giovanoni, Middleborough Select Board
Neil Rosenthal, Middleborough Select Board
James McGrail, Middleborough Town Manager
Town of Middleborough Planning Board

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-statutes/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-Madrigal, Esq.
Lawyers for Civil Rights

CC:
Town of Marshfield Selectboard
Town of Marshfield Planning Department

February 6, 2023

Chairman Richard Schiavo
Raynham Board of Selectmen
558 South Main Street
Raynham, MA 02767

Re: Demanding Compliance with MBTA Zoning Law Action Plan Requirement

Dear Chairman Schiavo:

As you are aware, Raynham is currently [in violation](#) of the MBTA Zoning Law.¹ This is because Raynham 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 Raynham 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 Raynham, 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, Raynham is one of seven that have completely abdicated that responsibility.³

The Law explicitly imposes state funding ineligibility for this failure.⁴ But Raynham 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 Raynham 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 Raynham 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-statutes/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 Raynham 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, Raynham 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-Madrigal, Esq.
Lawyers for Civil Rights

CC:
Patricia Riley, Raynham Board of Selectmen
Joseph Pacheco, Raynham Board of Selectmen
Gregory Barnes, Raynham Town Administrator
Raynham Planning Department

February 6, 2023

Chairperson Justin Sullivan
Seekonk Board of Selectmen
100 Peck Street
Seekonk, MA 02771

Re: Demanding Compliance with MBTA Zoning Law Action Plan Requirement

Dear Chairperson Sullivan:

As you are aware, Seekonk is currently [in violation](#) of the MBTA Zoning Law.¹ This is because Seekonk 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 Seekonk 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 Seekonk, 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, Seekonk is one of seven that have completely abdicated that responsibility.³

The Law explicitly imposes state funding ineligibility for this failure.⁴ But Seekonk 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 Seekonk 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 Seekonk 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-statutes/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 Seekonk 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, Seekonk 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-Madrigal, Esq.
Lawyers for Civil Rights

CC:
Christopher Zorra, Seekonk Board of Selectmen
David Andrade, Seekonk Board of Selectmen
Adam Petronio, Seekonk Board of Selectmen
Michael P. Healy, Seekonk Board of Selectmen
Shawn E. Cadime, Seekonk Town Administrator
Town of Seekonk Planning Board