

HPP Strategy Guide

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Talking About Housing

A House is a Home

Housing is one of the most important aspects of an individual's life and livelihood. A residence is more than a physical shelter or consumer choice – it's a home – a place where children are raised, where individuals care for their family, where friends gather, where meals are cooked, where education takes root, where careers are launched and maintained, where pets play, where passions are pursued, and where some of our most important possessions are stored. It is also often an individual's main financial responsibility. The quality, safety, and stability of an individual's home has a great impact on their life and happiness.

Persistent Unaffordability

Many families today struggle to find an affordable, safe home with access to necessities such as quality schools, groceries, hospitals, parks, transportation, and employment. This is due to a phenomenon called **persistent unaffordability**,¹ or the trend towards persistently high costs of living compared to incomes. This lack of affordability has left 37.1 million households (roughly 30% of all households in the nation) **cost burdened** as of 2019, meaning they spend 30% or more of their annual income on housing alone. Furthermore, renters are disproportionately cost-burdened compared to homeowners; however, homeowners are more often **severely cost burdened**² (spending more than 50% of their annual income on housing alone). Many individuals, largely BIPOC,³ low-income, and older adults, are also struggling to keep up with rent and home ownership costs due to loss of income during the COVID-19 pandemic. The bottom line – it is becoming increasingly difficult for folks to obtain secure and affordable housing.

What's causing the trend towards persistent unaffordability? A slew of factors contributes to the issue, but the most common are low-density zoning, excessive parking requirements, high land costs, and high costs of development. Additionally, existing barriers to homeownership and growing racial disparities are only exacerbating housing inequities and preventing families, especially BIPOC and low-income families, from accumulating wealth, establishing income security, and experiencing economic choice.

¹ See the Habitat for Humanity's *2020 State of the Nation's Housing* report key takeaways:
<https://www.habitat.org/costofhome/2020-state-nations-housing-report-lack-affordable-housing>

² *ibid.*

³ BIPOC: "Black, Indigenous, People of Color"

Why Plan for Housing?

Both housing insecurity and affordability (or lack thereof) are inherently structural issues. Racial disparities in homeownership today are built upon the legacy of racist practices (such as redlining⁴ and racial restrictive covenants⁵) and predatory lending practices, lack of access to credit, and an inability to save for the upfront costs of homeownership only further these disparities. Without affirmative and collaborative planning, displacement via gentrification can also push low-income, older adults, and BIPOC families from their neighborhoods, disrupting social and community connections. Intergenerational poverty forces children into unstable environments, including frequently moving and changing schools, and often bleeds into adulthood, making it difficult for them to escape poverty as adults.⁶ Policies prohibiting unhoused individuals with behavioral issues, such as addiction and mental illness, only continue to limit their access to essential supportive services and perpetuate homelessness.⁷ All of these inequalities and hardships negatively impact an entire community's well-being and prosperity, not just the households directly impacted. Housing-related disparities will only continue to grow as the demand for housing, particularly in the form of home ownership, continues to increase while housing production stagnates. So why plan for housing? Because housing inequity can only be addressed if municipal, state, and national governments alike recognize that removing these structural barriers begins with planning.

In Massachusetts, municipalities are especially well suited to address these issues in a hands-on manner thanks to their control over local zoning and policy; in other words, cities and towns can make a big difference in their communities with sound, community-led initiatives to house residents in comfortable, affordable, and safe environments. Moreover, Massachusetts has a suite of state policies and programs (such as Chapter 40B, Chapter 40R, the Community Compact Cabinet, and the Housing Choice Initiative) that can help contribute to the production of both subsidized housing and market rate housing that is available at affordable price-points. Finally, the Commonwealth is lucky to have numerous public and private entities and agencies (such as the state Department of Housing and Community Development [DHCD] and the Massachusetts Housing Partnership) who actively partner with communities to meet housing goals. Taken together and with proper planning, communities can develop a set of specific and appropriate strategies to address their unique needs and challenges. These strategies are known as a *Housing Production Plan*.

⁴ See the American Planning Association (APA) Planning for Equity Policy Guide (https://planning-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Planning-for-Equity-Policy-Guide-rev.pdf) and the Center for American Progress' article on Systemic Inequality (<https://www.americanprogress.org/issues/race/reports/2019/08/07/472617/systemic-inequality-displacement-exclusion-segregation/>)

⁵ See APA Planning for Equity Policy Guide (https://planning-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Planning-for-Equity-Policy-Guide-rev.pdf) the Seattle Civil Rights Labor History Project's article on racial restrictive covenants in history (https://depts.washington.edu/civilr/covenants_report.htm)

⁶ See the National Center for Children in Poverty's report *Childhood and Intergenerational Poverty* <https://www.nccp.org/publication/childhood-and-intergenerational-poverty/>

⁷ See the National Alliance to End Homelessness' publication *Housing First* <https://endhomelessness.org/resource/housing-first/>

How to Complete a Housing Production Plan

A *Housing Production Plan* (HPP) is a community's proactive strategy for developing affordable subsidized and market-rate housing. It's developed with opportunities for community members and other stakeholders to become informed about the planning process and the plan's goals. HPPs are designed to have clear, meaningful opportunities for residents to provide input to shape their community's housing policy. By taking a proactive approach in the adoption of a HPP, cities and towns are much more likely to achieve both their affordable housing and community planning goals. In short, **HPPs help communities create more equitable opportunities for residents of all incomes by producing a diverse housing supply.**

An HPP consists of three elements or sections:

1. A **Housing Needs Assessment** that analyzes the community's demographics and housing stock, population projections, and housing needs; it also identifies **Barriers to Affordable Housing** such as development constraints and limitations that hamper the development of housing supply;
2. **Affordable Housing Goals** that address the housing needs of the community and provide for a range of housing types, including rental and homeownership as well as for families, individuals, persons with special needs, and older adults; and
3. **Implementation Strategies** by which the community will achieve its housing production goals as well as a timeframe/schedule for achieving the goals identified.

Why Complete One?

There are numerous reasons to complete a Housing Production Plan; most importantly, HPPs assist in ensuring housing equity and planning for a future where all community members have safe, healthy, stable, and livable homes to return to.

“High-quality, stable housing is central to the health and wellbeing of all families. It helps foster relationships and opportunities in communities, limits chronic stress, and allows families to support positive child development.”

Stanford Social Innovation Review

Other reasons include:

Create More Local Control over Chapter 40B Proposals

Having a *certified* Housing Production Plan gives a community more control over Comprehensive Permits under Chapter 40B. A plan may be certified by DHCD if within a 12-month period a community produces SHI-eligible affordable housing units equal to at least 0.5% – 1.0% of its year-round housing stock. Certification means that the community's Housing Production Plan has met its regional need for affordable housing for one year (by meeting at least the 0.5% threshold) or two years (by meeting the 1% threshold). During its certification period, a community has the right to deny a Comprehensive Permit. All requirements for HPPs are described in state regulations *760 CMR 56.00: Comprehensive permit; low- or moderate-income housing*.

Support the Commonwealth's Commitment to Housing

The Baker-Polito Administration's [Housing Choice Initiative](#) provides incentives, technical assistance, and targeted legislative reform to encourage municipalities to plan and build diverse housing stock. Importantly, it supports the administration's commitment to produce 135,000 new housing units statewide by 2025. Benefits of participation in the HI include:

1. The [Housing Choice Community Grant Program, which](#) funds infrastructure improvements in those communities that have shown commitment to advancing sustainable housing production.
2. Other Technical Assistance programs offered by regional and state agencies to assist with planning for housing such as the [District Local Technical Assistance \(DLTA\)](#) Program the [Community Compact Cabinet](#).

What are the Steps?

The process begins with the development of a **stakeholder committee**, which is designed to include a diverse and inclusive group of voices who will be the primary points of contact (in addition to town staff) for the project team. The stakeholder committee should include representation from both the Board of Selectmen and the Planning Board. Both boards must adopt the final HPP for DHCD to approve it; it is therefore essential for representatives to be active, enthusiastic, and supportive participants in the creation of the HPP. The stakeholder committee will regularly meet with SRPEDD staff to discuss project progress, goals, and public workshops.

After the initial meeting, the project team will begin the **Needs Assessment**. The Needs Assessment is a comprehensive analysis of community demographics and market conditions. It asks the questions:

- 1.)** What is the community make-up and what are their needs?
- 2.)** How diverse is the housing stock and does it meet the needs of the community?
- 3.)** How affordable is living to a diverse group of people?

Upon completion of the Needs Assessment, the project team and Committee may elect to hold a **public workshop** to present the findings of the analysis and listen to resident's goals and concerns.

The findings of the Needs Assessment and public workshop inform the next step of the process – determining **barriers to housing development and affordability**. Typically, these barriers include restrictive zoning regulations and high costs for development but vary by community. Following this assessment, the project team and Committee will develop goals for the community based on their findings and the community’s desires.

The final step in writing the plan is to determine **implementation strategies** to achieve the outlined goals. This step provides a road map for both the necessary strategies and how much attention they will require and the timeline they should be completed. It is important to note that HPPs often include numerous strategies that, when taken together, will contribute to improved housing production. There are very rarely one or two “silver bullets” that achieve a community’s goals.

Once the plan has been written, the project team, in coordination with the Committee, will present the final draft of the plan (including DHCD recommendations and comments on the final draft) to the Select Board or Planning Board for their input. If the boards require edits, a second meeting may be required to present the final text of the plan for adoption. The project team will send the final, locally adopted HPP to the **Massachusetts Department of Housing and Community Development (DHCD)** for **approval**. Once the plan is approved by DHCD, the HPP may be certified (if the community produces 0.5% or greater than or equal to 1% of SHI-eligible housing in a given year).

This process is outlined in eight steps below:

1) Determine Project Points of Contact & the Stakeholder Committee

- a) Who should be involved?
- b) How many members on your Stakeholder Committee?
- c) Is there an existing committee that can be leveraged?
- d) Are the Board of Selectmen and Planning Board represented and engaged?

2) Meet with the Stakeholder Committee and Project Points of Contact

- a) What is the existing housing knowledge?
- b) What are the initial housing preferences?
- c) Determine a meeting schedule/level of involvement

3) Complete the Comprehensive Needs Assessment

- a) What are the local demographics?
 - i) How is the population aging?
 - ii) Is the population currently growing or shrinking?
 - iii) Is the population projected to grow or shrink?
 - iv) What are the characteristics of households?
 - (1) How many with children? How many folks living alone? Older homeowners? Non-family households?
 - v) What is the income breakdown?



- (1) Affluent? Diverse? Large gaps in income brackets?
- b) What is the local housing market like?
 - i) What is the current housing stock breakdown?
 - (1) Types of houses (e.g. single-family vs. multi-family)? How old are the homes in the area?
 - ii) How many units are being permitted?
 - iii) Do owners live in their homes? How many folks rent?
 - iv) How many homes are selling?
 - (1) By type?
 - v) How have home sale prices changed?
 - (1) By use?
 - vi) How are homes being financed?
 - (1) How many homes are selling with cash? How many sold with a foreclosure deed or other distressed sale? How many mortgages have been approved? What are the predominant reasons mortgages are being denied?
 - vii) How affordable is living in this community?
 - (1) How many homeowners and renters are cost burdened? What is the affordability gap?

4) Complete the Barriers to Housing Development Section

- a) What zoning is in place? How could it limit development?
- b) How desirable is living in the community? Does this create a high-cost environment?
- c) How much of the community has public sewer, water, and gas?
- d) How is the public transit? Can folks readily get around without a car?
- e) Does the local government have capacity to support affordable housing development?
- f) What is the community perception and involvement related to housing?
 - i) Is housing a contentious issue?

5) Complete the Goals Section

- a) Conduct a public workshop (project-dependent)
 - i) Do you need an educational or social media campaign? How involved should the information be?
 - ii) Present the Needs Assessment, open to community conversation for goal development
- b) What goals have the community expressed?
- c) What goals will help alleviate barriers to development?
- d) What goals will help alleviate the burden on local community members?

6) Complete the Strategies Section

- a) What strategies will help accomplish the community's goals?
- b) What strategies are achievable?
- c) How should the community pursue these strategies? What is the Action Plan?

- i) What strategies should be prioritized first? How much attention do they require? Wish list items vs. main action items?
- d) Conduct a public workshop (project-dependent)
 - i) Present the findings
 - (1) Revisit the goals, present the strategies, gather feedback
 - ii) Reevaluate goals/strategies as necessary

7) Write the Plan

- a) Write Needs Assessment section
- b) Write the Barriers section
- c) Write the Goals section
- d) Write the Strategies section
 - i) Write the Action Plan
- e) Write the Introduction
 - i) Write the Guide to Affordable Housing

8) Final Steps

- a) Present the draft plan to the Stakeholder Committee and project POCs
- b) Send the draft plan to DHCD for edits and comment
- c) Present to final draft plan (including DHCD comments) to the Planning Board and Board of Selectmen.
 - i) Make a second presentation if needed to ensure local adoption.
- d) Send the locally adopted HPP to DHCD for approval.
- e) Certify the HPP by producing affordable housing units in the community.

Common Barriers to Development & Affordability

The factors that contribute to a lack of affordability vary by community, but there are commonly cited issues. Below are some of the issues that come up when assisting communities in planning for housing.

High-cost Environments

Communities near major employment centers (i.e., Boston and Providence) and with desirable amenities such as commuter rail, quality educational systems, and well-managed municipal services are attractive to both families and developers. With a limited housing supply and high demand for housing, these communities can often be too costly for young families, older residents, and lower-income individuals. Encouraging a diverse mix of housing options and actively increasing supply (while still protecting the environment and cultural resources) can help to meet this demand.

Restrictive Zoning

A community's zoning regulations can sometimes, if inadvertently, tend towards medium lot size requirements (e.g., 1 acre or 1.5 acre per unit minimums) and prohibit higher density uses, such as multi-family homes and apartments. The stated purpose of these dimensional regulations is often to maintain community character and preserve open spaces; however, in many cases, these bylaws actually consume "greenfield" and open spaces, leading to unsustainable – and unaffordable – suburban sprawl (e.g., converting forests or farms to large subdivisions that are unserved by existing infrastructure). However, with appropriate planning driven by the community, creative zoning solutions (such as Open Space Residential Design, or "cluster," bylaws) can allow for higher uses and denser development in appropriate locations. These outcomes can, in turn, complement the existing community's cultural and environmental character while increasing its housing stock.

Lack of Public Utilities

The absence of public sewer and water can limit the types of development options available and add costs to development (e.g. wells and septic systems). A lack of municipal sewer/water service can also restrict the development of denser, smaller-lot homes and larger housing complexes to certain areas, if at all. Regional service districts can be developed with neighboring communities to expand sewer and water service to new areas within a municipality; but these options can be logistically complicated. Expanding utility service to or capacity in locations where the community wants to see more housing density (combined with more permissive zoning) can help bring costs down. Creative solutions, such as on-site "package" treatment plants, can help support large housing developments where infrastructure expansion is not feasible.

Negative Community Perceptions

Whether we are conscious of it or not, the phrase “affordable housing” summons up misguided images of potential neglect, plunging property values, and increased crime. Residents – even elected and appointed officials – often cite associated costs (e.g., more students in schools) as another reason more housing shouldn’t come to the community. However, communities must provide fair housing opportunities for residents, regardless of their social, economic, cultural, or family make-up – state and federal law requires it! Young professionals, families, college-aged folks, and older adults who are not in the position to afford high homeownership costs but wish to remain in their community – all these and BIPOC and low- to moderate income housing have the right to fair housing opportunities throughout Massachusetts. Educational campaigns and maintaining an active conversation with community members may help to dispel these myths and create authentic, enthusiastic local support for new housing initiatives.

Lack of Adequate Transportation Options

A lack of adequate transportation options can limit the mobility of individuals without a car. Ensuring reliable public transit and walkable/bikeable streets helps expand folks’ transportation options and enables residents of diverse backgrounds to navigate their community safely, comfortably, and effectively.

Lack of Staff Capacity and Experience

A community needs enough expertise to plan for, develop, and monitor a variety of housing options. Often, municipal staff have multiple day-to-day responsibilities and limited time to gain or deploy such expertise. This knowledge gap can be bridged with staff trainings or by partnering with local housing non-profits and/or planning agencies.

Lack of Funding

Communities, especially smaller municipalities, often lack sufficient funding to finance affordable housing and support housing programs such as first-time homebuyer programs. Participating in state programs and partnering with local non-profits and/or planning agencies can help to pay for the planning and execution of affordable housing development and programs.

Environmental Constraints

Communities with important natural resources, protected conservation lands, and large recreational open spaces may be limited in terms of their ability to locate appropriate sites for affordable housing development that will have limited impact on the environment around it. Carefully planned zoning changes and redevelopment initiatives in areas deemed appropriate can help alleviate this issue and create affordable housing developments that have minimal impact on these important natural features.

Strategies for Implementation

The following strategies are some of the many routes a municipality may opt to take in achieving the goals laid out in their Housing Production Plan. These strategies serve as general guidelines for implementation and may be tailored to meet the unique needs and desires of a community.

Zoning Changes

Zoning changes amend a municipality's zoning bylaws by modifying existing districts or creating new ones, with the goal of encouraging higher density development, reducing barriers for accessory or multi-family units, or actively pursuing development for populations without existing housing options (e.g., retirement-age residents, first-time homebuyers, low-income residents).

Age-Restricted/Adult Retirement Community Bylaw

Age-Restricted/Adult Retirement bylaws allow for development, restricted to people aged 55 and above and handicapped persons, at a higher density than is typically allowed in a municipalities various zoning districts.

Examples: Freetown's Adult Retirement Community Bylaw, [Marshfield's Age Restricted Adult Village Bylaw](#), [Sudbury's Incentive Senior Development Bylaw](#).

Inclusionary or Incentive Zoning Bylaw

A zoning provision that requires or incentivizes (through bonuses [e.g., additional units] or reduced requirements [e.g., reducing parking] a developer to include affordable housing as part of a development or potentially contribute to a fund for such housing. The inclusionary mechanism functions well in "hot" development markets and ensures that: 1.) any new development project over a certain size includes a set number of affordable units or 2.) funding from the developer to support the creation of affordable housing. The incentive mechanism functions well where the housing market is less competitive; it can also be deployed within Open Space Residential Design (OSRD) bylaws to improve site planning and conserve open space while also producing more housing. See more below under [Incentive Zoning](#).

Examples: [Mansfield's Inclusionary Housing Bylaw](#), [Seekonk's Open Space Residential Design \(Conservation Subdivision Design\) Bylaw](#) with an incentive option

Complementary Strategies: [Adopt the Community Preservation Act](#), [Create a Municipal Affordable Housing Trust](#)

Increasing Density

These bylaws increase the density of development via smaller lot size requirements and/or multi-family/apartment permitting and produce more housing than conventional single-family/large lot zoning.

Subcategories: Accessory Apartment Bylaw, Duplex Development Bylaw, Mixed-Use Zoning, Mobile Home Bylaw, Multi-family Zoning

Accessory Apartment Bylaw

A bylaw which broadens the range of housing choices by increasing the number of small dwelling units available for rent. Under the bylaw, single-family homeowners who occupy the principal dwelling unit (or the accessory unit, once built) may build accessory dwelling units, in some cases with design restrictions for rent. Rental periods and restrictions can be defined within the bylaw. Amending existing accessory bylaws to reduce “family-member-only” requirements and other barriers to participation may also expand the availability of these units.

Example: Falmouth’s Accessory Apartment Bylaw, Mansfield’s Accessory Apartment Bylaw

Duplex Development Bylaw

A bylaw which permits duplex, two-family, and/or multi-family dwellings to be developed if at least one of the units is affordable and can be counted towards the municipality’s Subsidized Housing Inventory as Local Action Units (LAUs) through the [Local Initiative Program \(LIP\)](#).

Also see: [Inventory as Local Action Units through the Local Initiative Program](#)

Mixed-Use Zoning

Mixed-use zoning encourages a mix of residential and commercial development with a certain area. Typically, commercial zones are well-suited for mixed-use development due to their existing infrastructure and densities.

Mobile Home Bylaw

A bylaw which requires a certain percentage of units built in a mobile home complex to be deed-restricted affordable. Please note that these typically do not count towards a community’s SHI.

Multi-family Zoning

Multi-family zoning allows for increased housing diversity by permitting a broader mix of residential uses (two/three-family homes, apartments, condominiums) in a certain area.

Incentive Zoning

Incentive zoning is mechanism that allows developers to build at higher densities in return for providing some feature considered to be in the public interest (a *density bonus* or a reduced requirement).

Subcategories: Open Space Residential Development/Natural Resource Protection/Conservation Subdivision Bylaw, Transfer of Development Rights Bylaw

Open Space Residential Development (OSRD)/Natural Resource Protection (NRP)/Conservation Subdivision Bylaw

Also referred to as *cluster development* or *flexible zoning*, it promotes a “smarter” and more compact type of development pattern. Under these bylaws, units are built in a cluster instead of the conventional grid pattern that has been identified as promoting suburban sprawl.

Examples: Newbury’s OSRD Bylaw, Hopkinton’s OSLPD Bylaw, Rowley’s OSRD Bylaw

Transfer of Development Rights Bylaw

TDR bylaws promote smart growth by “transferring” development rights from one district (the *sending district*) to another (the *receiving district*). Under the bylaw, landowners in the sending district may sell their development rights to landowners in the receiving district. In return for their sale, the sending district landowners place a restriction on their property (typically a deed restriction) that limits the level of potential development, type of development, or both. Purchasers of the development rights in the receiving district can build at higher densities (smaller lot sizes, multi-family units, higher intensity uses).

Examples: [Falmouth’s TDR Bylaw](#), [Carver’s TDR Bylaw](#)

Education and Capacity Building

A successful Housing Production Plan is best supported by a team of well-trained individuals who are equipped with the knowledge to promote, permit, and accomplish the proposed Housing Production Plan goals and strategies. Building internal capacity or sourcing external expertise are both good options to assist in the implementation of the Plan.

Affordable Housing Outreach and Education

An educational campaign will help to dispel myths associated with people who need and occupy affordable housing, the impact of affordable housing on local real estate values, as well as its impact on a community's character. A successful education campaign will also help build the local support that is needed to implement the goals and strategies associated with a Housing Production Plan. Local champions for affordable housing are critical to long-term, sustained implementation.

Conduct a Community Survey of Preferences

A Community Survey of Preferences serves as both a tool to educate the public about affordable housing and a method of gaining insights as to their concerns and preferences. This survey can address a number of topics, most commonly aesthetic, density, and siting desires.

Leadership Training

Leadership training creates opportunities for members of a municipality's relevant boards and committees to take advantage of ongoing training and educational programs related to affordable housing. This improves internal capacity and fluency in housing issues and opportunities.

Local and Regional Partnerships

If internal capacity is low or unavailable, partnering with local or regional entities can bridge the gap in lieu of consultants or a new staff member. These regional entities include local housing authorities/trusts, the Greater Attleboro-Taunton HOME Consortium, Pro-Home Inc, and the South Shore Housing Development Corporation.

Secure Professional Support to Implement the Plan

If internal capacity is low or unavailable, securing professional support from a consultant or a new hire can bridge the gap and assist in implementing a Housing Production Plan once completed.

Reuse and (Re)development

Where possible, reuse and redevelopment of existing properties and land can be a first-line option for a municipality to create additional affordable housing units. These methods offer faster, more direct ways to development opportunities, create diversity among affordable housing options (versus typical large-apartment style developments), and help maintain community makeup and structure.

Adaptive Reuse

This strategy entails identifying municipal structures that have become abandoned, underutilized, or functionally obsolete and determining if they have potential to be reused for affordable housing. Reusing these properties as housing enables a community to accommodate growth in established locations instead of on green space and at the same time preserve or restore the architectural fabric of the community.

Convert Existing Housing Units to Affordable Units

Converting existing housing units to long-term affordability offers opportunity to collaborate with local homeowners to create new affordable units without necessitating new development. This strategy also empowers local homeowners to learn more about affordable housing and may assist in dispelling myths and misunderstanding about the process.

Review the Availability of Town-Owned Land & Tax-Title Properties for Affordable Housing

A municipality can inventory and examine parcels they own and tax-title properties to determine if they are suitable for affordable housing development. These parcels are more readily available for affordable housing development than their privately-owned counterparts. Communities can declare these properties “excess property” (typically at town meeting); then, through an RFP process, can partner with affordable housing developers or agencies such as Habitat for Humanity to produce housing.

Inventory as Local Action Units (LAUs) through the Local Initiative Program (LIP)

Communities can produce SHI units through the [Local Initiative Program \(LIP\)](#), a state housing program established to give cities and towns more flexibility. Under this program, the required subsidy is comprised of local action and/or technical assistance provided for the creation, maintenance, and preservation of Low- or Moderate-Income Housing. LIP initiatives include “friendly 40Bs” and Local Action Units. Local Action Units (LAU) reflect a program component that gives communities the opportunity to include housing units on the SHI that are being built without a Comprehensive Permit but meet LIP criteria. Such units must be built pursuant to a local action, such as a zoning provision, a condition of a variance or special permit issued by the planning board or zoning board of appeals, an agreement between the town and a developer to convert and rehabilitate municipal buildings into housing, the donation of municipally-owned land, or the use of local funds to develop or write down housing units.

Local Action Units on Nonconforming Lots

This strategy entails examining lots that do not meet local zoning requirements for lot sizes, setbacks, etcetera (called *non-conforming lots*) to determine if they are suitable for smaller-sized housing development such as starter homes or Local Action Units through the Local Initiative Program. This method encourages the creation of housing options that are not currently being created by the private market or through the 40B process.

Also see: [*Inventory as Local Action Units through the Local Initiative Program*](#)



Direct Assistance and Preservation

Direct assistance and preservation tactics help keep affordable units available and allow residents remain in their homes. These strategies are important when considering displacement concerns and aging populations. They are also critical for maintaining safe and livable homes for all residents.

Complementary Strategies: [Adopt the Community Preservation Act](#), [Create a Municipal Affordable Housing Trust](#)

Begin a Housing Rehabilitation and Repair Program

Utilize Community Preservation Act funding or Community Development Block Grant (CDBG) funding to provide low interest, long-term loans to eligible borrowers so they can make improvements to properties with code violations, repair or replace heating systems, remove hazardous materials, or replace windows. This would allow the low- and moderate-income owners of rental or owner-occupied multi-family housing projects to maintain their units in livable, safe, and sanitary conditions without having to take an equity loan on the property.

Emergency Home Repair Grants and Loans

Emergency Home Repair Grants help low- to moderate-income households fix dangerous, hazardous, and/or unsanitary housing conditions that create an immediate threat to the occupants' health or safety.

Examples: [New Bedford Emergency Repair Program](#), [Taunton Rehabilitation Assistance](#)

Improve Outreach to Households in Need of Housing Support

Strategic outreach and marketing that does not violate Fair Housing laws can help provide access to important resources and clarify eligibility requirements for households in need of assistance. This outreach can be conducted in a variety of ways, including municipal meetings, local email list-serves, the town's website, and the local library; strategies can be tailored to populations of concern, including seniors and low-income households.

First-time Homebuyers Program

First-time Homebuyer Programs provide first-time prospective homebuyers financial and educational assistance in the form of informational classes, special loan options, and down payment and/or closing cost assistance. Municipalities are best equipped to provide these services when partnering with regional or state entities, banks, or other lenders to assist first-time buyers, as internal funding resources and capacity can be limited.

Examples: [Medford First Time Homebuyer Program](#)

Foreclosure/Eviction Prevention Program

Foreclosure and Eviction Prevention Programs provide emergency assistance and confidential counseling to homeowners and renters facing foreclosure or eviction. Municipalities can apply for funds to support emergency assistance or partner with local non-profits.

Retain Expiring Affordable Units

“Expiring use properties” are rental units that were built with federal and/or state subsidies (such as low-cost mortgages, rent subsidies, and loan guarantees) to serve low- and moderate-income tenants that are now at risk of being removed from the affordable inventory. The Community Economic Development Assistance Corporation (CEDAC), MassHousing, DHCD, Greater Boston Legal Services, Local Initiative Support Corporation (LISC), and other agencies are available to help communities leverage the resources they need to prevent affordable units from being lost. Communities may also pursue a municipal right to purchase so that the local government may purchase units approaching expiration, regardless of whether it is on the market.⁸

Create an Office of Housing Stability

An Office of Housing Stability (OHS) is responsible for preventing precarious housing situations and involuntary displacement within a community. It may educate landlords and tenants on their rights, enforce tenant protections, mediate disputes, monitor eviction activity, advocate for tenants facing eviction, and help rehouse residents who may be housing insecure.⁹

Examples: [Boston OHS](#), [Somerville OHS](#)

Adopt Just Cause Eviction Requirements

Just Cause Eviction requirements state that evictions can only be carried out for breaches of lease terms, such as non-payment of rent, damage to the unit, or criminal activity. Though Just Cause Eviction laws differ across the country, typically they prevent evictions for reasons like the sale or foreclosure of a building. Just Cause Eviction laws typically only apply to landlords who own above a certain number of units.¹⁰

Examples: New Hampshire, Rhode Island, Oakland, Philadelphia, Seattle

Enact a Tenant Right of First Refusal (ROFR)

A tenant right of first refusal (ROFR) requires landlords to alert tenants that their building is going up for sale and gives tenants a specified period to purchase the building at fair market value. Under some tenant ROFR provisions, tenants can

⁸ See *Housing Lynn: A Plan for Inclusive Growth* https://www.mapc.org/wp-content/uploads/2021/11/102821_Lynn-Housing-Report.pdf

⁹ *ibid*

¹⁰ *ibid*

also assign their right to nonprofit housing providers and community land trusts. The ROFR typically lasts 90 days so that tenants can search for financing and/or housing partners.¹¹

Example: Massachusetts Condo Conversion Law

Implement Rental Property Registration and Inspection

Rental registration requirements are rules that ensure all rental properties are known to the municipality so that rules for building safety and landlord practices can be better enforced. Landlords must register their property periodically (typically every year) and submit to regular inspections by municipal staff. The municipality can deny landlords their registration if the building is not up to code, and problem landlords can be monitored for closer scrutiny. Owners of units that are not registered, either due to noncompliance with the policy or the state of the unit, are fined and subject to legal action.¹²

Example: [Boston Rental Property Registration](#)

¹¹ See *Housing Lynn: A Plan for Inclusive Growth* https://www.mapc.org/wp-content/uploads/2021/11/102821_Lynn-Housing-Report.pdf

¹² *ibid*

Regulatory and Administrative Changes

Regulatory and administrative changes address intra-municipal affairs and help build capacity to assist with residents' housing needs. They also improve the process of permitting and developing affordable housing.

Create an Affordable Housing Property Tax Exemption Program

An affordable housing property tax exemption program would provide a property tax exemption to owners of housing units that are rented on a year-round basis to low-income households at rents (including utilities) that do not exceed the HUD income limits for low-income households. This incentive could be accompanied by an agreement with the property owner to grant the town a "right of first refusal" to purchase the property in question at below market value at the time of sale, thereby converting the market-rate unit to a deed-restricted affordable unit.

Create a Community Development Corporation

Community Development Corporations (CDCs) are non-profit, community-based organizations focused on revitalizing the areas in which they are located, typically low-income, underserved neighborhoods that have experienced significant disinvestment. While they are most often celebrated for developing affordable housing, they are usually involved in a wide range of initiatives critical to community health, such as economic development, sanitation, streetscaping and public art, and neighborhood planning projects, and oftentimes even provide education and social services to neighborhood residents.

Create Design and Site Plan Guidelines

Design and site plan guidelines provide a method of assuring communities that the look and location of local development reflect community standards and character. They may go into detail about what is acceptable in terms of aesthetics, construction quality, and siting. The guidelines may be either mandated (called "standards") or advisory.

Complementary Strategies: [Conduct a Community Survey of Preferences](#)

Create a Municipal Affordable Housing Trust

A Municipal Affordable Housing Trust is a housing trust that allows municipalities to collect funds for affordable housing that are separate from the general municipal budget and may be used for local initiatives aimed at creating and preserving affordable housing. These trusts can:

- Provide financial support for the construction of affordable housing by private developers (non- or for-profit)
- Rehabilitate existing homes to convert to affordable housing
- Increase affordability in new housing development projects
- Develop surplus municipal-owned land or buildings
- Preserve expiring affordable units

- Create programs to assist low- and moderate-income homebuyers
- Create programs to help low- and moderate-income families make health and safety repairs
- Educate and advocate for further affordable housing initiatives

These housing trusts can use funding under M.G.L. Chapter 44 s.55c from:

- The Community Preservation Act (CPA)
- Inclusionary zoning payments
- Negotiated developer fees
- Tax title sales
- Payments from special bylaws/ordinances
- Cell tower lease payments
- Resale of affordable units as market rate, lottery/resale agent revenue
- Private donations

In most communities with housing trusts, CPA funds are the most common source of funds. In fact, many CPA communities appropriate CPA funds to their trusts in excess of the 10 percent minimum annual expenditure for community housing required by the CPA statute.

Complementary Strategies: [Adopt the Community Preservation Act](#), [Inclusionary Zoning Bylaw](#), [Direct Assistance and Repair](#) strategies

Establish an Affordable Housing Partnership

The town-enabled committee/board would serve as a clearinghouse for all housing information, programs, and strategies. They would review proposed town policies for their effect on the housing market and propose strategies to help address housing needs as they may arise.

Pursue Partnerships Leading to Development

Communities may pursue partnerships with relevant parties, including local developers, nonprofit organizations, lenders, and public agencies to work towards creating affordable units. This enables communities to express their preferences and desires regarding affordable housing development and may assist in attracting “friendly 40Bs.”

Create Tax Incentives

Tax incentives available for housing development in Massachusetts include Tax Increment Financing (TIF) and the Housing Development Incentive Program (HDIP). These programs offer property owners a reduced local property tax for a specified length of time. This can be particularly useful in incentivizing affordable housing development at deeper levels of affordability.¹³

¹³ See *Housing Lynn: A Plan for Inclusive Growth* https://www.mapc.org/wp-content/uploads/2021/11/102821_Lynn-Housing-Report.pdf

State Programs

Massachusetts benefits from a wide variety of state laws and programs designed to create both market-rate housing at affordable price points and subsidized, deed-restricted housing. These state programs are usually well-known and produce the bulk of affordable housing in the Commonwealth. Selecting from this suite of programs can provide municipalities with a large resource pool to work within, including funding, professional support, and guidance.

Adopt the Community Preservation Act

The Community Preservation Act is a smart growth tool that helps communities preserve open space and historic sites, create affordable housing, and develop outdoor recreational facilities. CPA also helps strengthen the state and local economies by expanding housing opportunities and construction jobs for the Commonwealth's workforce, and by supporting the tourism industry through preservation of the Commonwealth's historic and natural resources.

CPA allows communities to create a local Community Preservation Fund for open space protection, historic preservation, affordable housing, and outdoor recreation. Community preservation monies are raised locally through the imposition of a surcharge of not more than 3% of the tax levy against real property, and municipalities must adopt CPA by ballot referendum.

Each CPA community creates a local Community Preservation Committee (CPC) upon adoption of the Act, and this five-to-nine-member board makes recommendations on CPA projects to the community's legislative body.

The CPA law states specifically in Section 5(f) that "A city or town may appropriate money in any year from the Community Preservation Fund to an affordable housing trust fund." Such trusts can have the power to purchase, sell, lease, manage, and improve real property for the purpose of creating and preserving affordable housing.

Complementary Strategies: [Create a Municipal Affordable Housing Trust](#)

Chapter 40R Smart Growth Overlay District

Cities and towns may establish special zoning overlay districts under M.G.L. Chapter 40R (often called *40R Smart Growth Overlay Districts*) that allow densities of 8 units/acre for single family homes, 12 units/acre for townhouses, and 20 units/acre for condominiums and apartments. The zoning must require that 20% of the district be affordable homes and should allow mixed-use development.

To be approvable, overlay districts must be located near transit stations, in existing city and town centers, commercial districts, and other areas of concentrated development, and in other eligible smart growth locations. Projects must be developable as-of-right under the smart growth zoning, subject only to the review of plans and the application of design

standards by a local approving authority. Well-designed districts create a distinctive sense of place and fulfill a significant market demand for convenience, while reducing car trips and preserving open space elsewhere in the community.

In return for adopting the zoning and streamlining the development process for 40R districts, cities and towns can get between \$10,000 and \$600,000 in state funding, plus an additional \$3,000 for every new home created. School cost reimbursements may also be possible under Chapter 40S.

Guide and Approve Appropriate Comprehensive Permits/Pursue “Friendly 40Bs”

Developing a clearly outlined process to review comprehensive permits assists in creating a successful working relationship with 40B developers. This would help to create projects that result in housing that is affordable across a wide range of incomes and protects a town’s critical resources and community character.