

WAYLAND HOUSING PARTNERSHIP
Minutes – January 20, 2015
Submitted by Rachel G. Bratt
Approved February 17, 2015

Joint meeting with other Town boards and committees.

In attendance: Sarkis Sarkisian, Town Planner; Nan Balmer, Town Administrator; Brian Boggia, Executive Director, Wayland Housing Authority; Becky Stanizzi, Economic Development Committee. From the Wayland Planning Board: Kevin Murphy (also representing Housing Trust), Ira Montague, Colleen Sheehan, Daniel C. Hill and Andrew Reck. From the Wayland Housing Authority: Susan Weinstein (also representing Housing Trust, Mary Antes (also representing Housing Partnership and Housing Trust) and Jackie Ducharme (also representing Housing Trust); From the Wayland Housing Partnership: Armine Roat (also representing Housing Trust) Rachel Bratt, Kathy Boundy and Fred Moses. From the Municipal Affordable Housing Trust: Stephen A. Greenbaum and Brian O'Herlihy.

Rachel Bratt called the meeting to order at 8:10

All participants introduced themselves.

The meeting then followed the posted agenda, as follows.

- Accomplishments in producing affordable housing/ongoing challenges; this included a short slide presentation by Brian Boggia of some of the Town's affordable housing
- Role of each of the committees directly involved with housing
- Town's goals for affordable housing
- Monitoring and maintaining affordable units (Brian)
- Policy changes to advance the Town's affordable housing goals
- Next steps & educating the community about affordable housing goals

At the end of the meeting we agreed to create working groups, which would meet a few times over the next few months only, to explore several issues. Would each Board/Committee appoint one person to sit on each of these three Working Groups? The first two groups would start their deliberations as soon as possible; however, the third group will likely not be able to get its work done until Group #1 has produced its findings. In a follow-up memo Rachel asked all committee/board chairs to submit names of possible participants on these working groups by Feb. 27.

- Defining a shared vision and priorities for affordable housing that will help guide decisions (recommendations for future housing initiatives should prioritize the various options, including, but not limited to:
 - preference for rental vs. homeownership;
 - senior vs. family housing;
 - for family housing, optimal number of bedrooms desired;
 - need for additional group homes;
 - need for housing for households with incomes about 80% of area median income;
 - preference for new construction vs. re-use of existing homes for affordable housing).
- Monitoring and preserving existing affordable housing, including but not limited to:
 - identification of major issues involved with monitoring the non-public housing stock;

- going forward, how to assure that monitoring agents will be locally-based;
- identify affordable units where residents are currently over-income and
- better understand implications and options;
- assess future capital needs of public housing stock and develop plan for funding)
- Assessing whether there is a need for new zoning or overlay districts, as outlined in Master Plan, and defining which of the options presented in the Master Plan, or other alternatives, are the most desirable. This should include, but not be limited to:
 - Assessing whether there is a need for new zoning or overlay districts, as outlined in Master Plan and defining which of the options presented in the Master Plan, or other alternatives, are the most desirable.
 - The above should include recommendations about: mixed use zoning for 1-2-3-4 family conservation cluster developments; Planned Development Districts; senior and family Housing Overlay Districts; permit housing on the upper floors of buildings in the Business A/B Districts; and accessory dwelling units in single family neighborhoods.

After all 3 groups have completed their work, Rachel proposed in a subsequent memo that the joint boards/committees meet again as a large group, before June 2015, if possible, to review the output of these three working groups.

Some of the issues discussed at the meeting include:

GOALS, PRODUCTION, and PRIORITIES

- 1) The Town has made important strides in meeting housing needs, particularly since it lacks a Town-wide sewer system.
- 2) If we are able to make significant progress toward meeting the statewide 10% affordable housing goal (.50 % of the number of year-round units, or 25 units), we will be exempt from 40B developments that the Town feels are not in our best interest.
- 3) Is the Town interested in producing units targeted at households at 100 -120% of area median income, even though they would not count toward the 10% goal?
- 4) Should we be focusing future production on rental vs. homeownership?
- 5) Should a key strategy be to purchase lower cost homes for re-sale as affordable homeownership units? In recent years there have been 49 homes sold under \$300K. This, however, also creates fewer opportunities for lower end market-rate homebuyers.
- 6) In doing new production projects, such as River's Edge, we should partner with some of the professional, well-seasoned nonprofit groups in the area that are familiar with the Low Income Housing Tax Credit program (LIHTC).
- 7) The new Housing Trust Fund will have flexibility. Funds will come from the Town Center developer (\$537,000), CPA funds, and private donations. In the future, the Trust Fund will be the main driver of affordable housing. Housing proposals will not be going to the CPA.
- 8) What would each of us recommend if we had \$500K to spend on housing?
- 9) A newly formed Land and Building Capital Planning Committee will be assessing some large-scale concerns and housing issues are likely to arise (e.g., if Town Building were to be relocated, the existing structure could be used for housing).
- 10) We need a diverse "tool box" for meeting the Town's housing needs.

MARKETING, PRESERVATION and MONITORING OF AFFORDABLE UNITS

- 1) There are ongoing problems with the affordable homeownership units in Town, in terms of marketing new and re-sale units to eligible households, and monitoring compliance with deed restrictions. Other towns are facing the same challenges due to the small window available for ownership per the regulations. It is unclear what may happen to homeownership units currently counted toward the 10% goal that have been re-sold to households whose incomes are above 80% AMI. It has been a challenge at times to find buyers who both qualify under the income guidelines and who are still able to get a mortgage.
- 2) Owners of affordable units are not supposed to rent their homes (let alone to market-rate tenants) and they should not be taking out second mortgages or refinancing based on market value.
- 3) There are questions about whether some of the out-of-town monitoring agents are really suitable for this task. WHA agreed that rental management is not a significant burden, but for-sale units are.
- 4) The Housing Authority is trying to raise the funds for a Fire Suppression System. While the federal government has been good about providing funds for repairs for the public housing units in Town, this system goes beyond federal standards. However, the Town would like to install, to better safeguard residents. The cost would be about \$1 million.

PLANNING BOARD, RULES and POSSIBLE ZONING CHANGES

- 5) The Planning Board would like help in clarify their Rules and Regulations regarding comprehensive permits, particularly as they relate to the “exceptional circumstances” for an exemption from the on-site requirement? When would off-site housing be a desirable option?
- 6) What level of financial compensation would be a good deal for the Town, in allowing off-site units? Perhaps in the range of \$400-500K?
- 7) The Town has no zoning for multifamily housing or duplexes, yet the Master Plan called to look at this. These types of units are therefore not buildable “by right.” Under current zoning, to achieve higher density and to build multifamily housing, the Town has to create conservation clusters or overlay districts. Should more such districts be created? Where?
- 8) We need to make sure that the Housing Partnership and Housing Authority are brought into discussions early in the process of Planning Board reviews of housing proposals requiring special permits or requests to build inclusionary units off-site. For projects that continue over several years, with plan changes along the way, the Planning Board should suggest that additional meeting between the developer and the Housing Partnership take place to provide updates and solicit feedback.

EDUCATION & OUTREACH

- 9) It is important that we educate the Board of Selectmen about all the housing issues.
- 10) We should open the discussion to the broader community, but probably not until we have some clearer guidelines and working documents.

Rachel moved to end the meeting at 9:50; seconded by Chris.

Housing—Wayland, MA (slightly revised, 1/23/15)

January 20, 2015

GOAL: Discuss housing needs and goals; key boards' responsibilities; and plan future agenda.

1) Introductions	8:00 - 8:10
2) Accomplishments in producing affordable housing/ongoing challenges	8:10 – 8:30
3) Role of each of the committees directly involved with housing	8:30 – 8:50
4) Town's goals for affordable housing	8:50 - 9:10
5) Monitoring and maintaining affordable units (Brian)	9:10 – 9:30
6) Policy changes to advance the Town's affordable housing goals	9:30 - 9:45
7) Next steps & educating the community about affordable housing goals	9:45 –10:00

Invited Participants (*attended meeting)

Town employees

*Sarkis Sarkisian, Town Planner

*Nan Balmer, Town Administrator

*Brian Boggia, Executive Director, Wayland Housing Authority

Wayland Planning Board

*Kevin Murphy

*Ira Montague

Kent Greenawalt

*Colleen Sheehan, Chair

*Daniel C. Hill

*Andrew Reck, Vice Chair

Wayland Housing Authority

Kevin Goodwin, Chair

*Susan Weinstein, Vice Chair

Russell Ashton

*Mary Antes

*Jackie Ducharme

Municipal Affordable Housing Trust Board

*Jackie Ducharme, Clerk

*Stephen A. Greenbaum, Vice Chair

*Brian O'Herlihy, Treasurer

*Kevin Murphy

*Armine Roat

*Susan Weinstein

*Mary M. Antes, Chair

Wayland Housing Partnership

*Armine Roat

Martin S. Nichols

*Kathleen Boundy

*Rachel G. Bratt, Chair

*Mary M. Antes

*Christine DiBona

*Fred Moser

Patricia Mottla Harlan

Betty Salzberg

*Becky Stanizzi, Economic Development Committee

Background Information for January 20, 2015 Wayland, MA Meeting on Housing
Compiled by Rachel G. Bratt, Chair, Wayland Housing Partnership
 (with input and assistance from: Mary Antes, Brian Boggia, Sarkis Sarkissian, Gretchen Schuler, Colleen Sheehan, Susan Weinstein)

Accomplishments and Challenges

Accomplishments:

- **Affordable housing production**
 - 200 units of affordable housing have been produced;
 - this is 4% toward state-mandated 10% goal; [however, most of these units (111) are in two development (Bent Park and Cochituate Village) that were built in 1974 and 1983, respectively;
 - A major achievement for the town was the development of 16 units at former Nike site, including 11 affordable and 5 affordable to moderate-income households;
 - the Town’s first group home for intellectually disabled residents was developed with 5 units –all these units count toward the 10% goal;
 - Construction underway for Habitat for Humanity project; 4 affordable homeownership units under construction
- **Passage of Inclusionary Zoning by-law**
 - Inclusionary zoning by-law, adopted May 3, 2005; for every 6 units built in a single development, an additional 1 must be set aside as affordable. There is currently 1 unit in Wayland (Sage Hill) built as a result of the Inclusionary Zoning statute, with at least 3 additional units anticipated (1 at Michael Road and 2 at Covered Bridge).
- **Passage of Community Preservation Act**
 - The Community Preservation Act (CPA) is a tool to help communities preserve open space, historic sites, create affordable housing and recreational facilities. Wayland voted to adopt the CPA tax in 2002.¹ State matching funds have also been provided; amounts have varied each year. At least 10% of each year’s tax and matching funds must help produce or maintain housing affordable to low and moderate income households. About \$1.5 million was allocated to various tasks related to the Nike site development. An additional \$250,000 has been appropriated for other housing-related projects.
 - Of the total CPA funds expended or earmarked (\$5, 998,930), housing has received a total of \$1,751,108 or 29% of this amount, as follows:

Open space and recreation	= \$3,118,911	52%
Historic preservation	= \$1,068,911	18%
Housing	= \$1,751,108	29%
Admin. (appraisals, etc.)	= \$ 60,000	1%
TOTAL	= \$5,998,930	100%

¹ The CPA surcharge is added to each Real Estate Tax bill. The tax is calculated as follows:

- Reduce the assessed value by \$100,000
- Multiply the reduced value by the current tax rate
- Multiply the recalculated tax by 1.5%

- The CPA has raised a total of \$12,800,721 (with 59% coming from the Town and the remainder in state matching funds— 35%; and interest—6%)
 - \$6,801,791 (53%) of the total amount of CPA funds that have been collected are not yet allocated/expended.
- **Passage of Municipal Affordable Housing Trust Fund article, 2014**
 - The details of how the Trust will operate are being developed. The Trust will be able to accept funds from various sources, such as private donations, developer payments, and Community Preservation Funds, to be utilized for affordable housing. Initial funds are being donated by the developer of Wayland Center, as part of their regulatory agreement.
- **Pre-production projects**
 - Approval of River’s Edge development, 2014. Although the final plan has not been completed, it is possible that this will add up to 190 affordable units to our inventory.
 - Kathryn Barton site had been approved for 52 affordable rental units, but with new ownership of the parcel, it is not clear whether or how much of this will get built.
- **Advocacy efforts for affordable housing**
 - The WHA and WHP were united in their support for the adoption of the Municipal Affordable Housing Trust, in articulating their support for housing on the town-owned parcel at Dudley Pond, and in advocating for the housing at the Covered Bridge development to be located on-site.
- **Membership in HOME Consortium**
 - Wayland is a new member of the West Metro HOME Consortium, having joined in July 2011. Consortium participation allows Wayland to receive an annual allocation of federal HOME Investment Partnership Program funds that can be used for a wide range of affordable housing activities.
 - Since 1992, the Consortium, through Newton as the lead member, has received and distributed over \$27 million in HOME funds to its members. The Consortium has provided grants and loans of HOME funds to for-and non-profit developers and directly to low-income households to create over 550 units of affordable housing. The developers have used these HOME funds to leverage over \$12.5 million in other funds to produce this housing.
http://www.newtonma.gov/gov/planning/hcd/westmetro_home_consortium_.asp
 - Wayland is slated to receive its first payment of \$8,000 this year.
 - As recipients of HOME funds, the Town understands that it is obligated to affirmatively further fair housing, which entails: 1) having a current Analysis of Impediments to Fair Housing Choice; 2) taking appropriate actions to overcome the effects of any impediments identified through the analysis; and 3) maintaining records reflecting the analysis and actions taken to improve fair housing choice in the community.

Challenges:

Wayland's Affordable Housing Inventory: Wayland is not in compliance with the state-mandated 10% affordable housing goal. Most other neighboring towns have better records.

- Lincoln and Lexington exceed 10%; Westwood is very close;
- Until the Town achieves the 10% goal, it is vulnerable to development plans that may not be viewed as being in the Town's best interests;
- So-called "friendly 40B" projects, through the state's Local Initiatives Program, allow the Town to work out a plan for a 40B project that is viewed as desirable.

(See Appendix I for tables on Wayland's affordable housing production.)

Housing Production Report, August 2010 (excerpts from Executive Summary); Summary of Housing Objectives and Development Challenges "Despite significant progress, it will be a great challenge for Wayland to create enough affordable housing to meet the state's 10% affordable housing standard, production goals and local needs, particularly in light of current constraints to new development that include certain zoning regulations, natural resources that limit development (wetlands, floodplains, sensitive habitats and ecosystems, etc.), limited availability of open space and publicly-owned property, and infrastructure limitations such as the lack of Town sewer service."

The Town has no zoning for multifamily housing or duplexes. These types of units are therefore not buildable "by right." Under current zoning, to achieve higher density and to build multifamily housing, either the Chapter 40B comprehensive permit process must be used or the Town has to create conservation clusters or overlay districts.

How to maintain all of the existing affordable units, particularly homeownership units, is another challenge (see section on Monitoring and Maintaining Affordable Units).

Lack of consensus on affordable housing preferences:

- Need for rental vs. homeownership?
- Preference for 1, 2, or 3BR units?
- Preference for volume of units vs. number of bedrooms vs. rental vs. ADA compliant?
- Preference for housing in town centers vs. diversification of locations?
- For inclusionary units:
 - how much money would be needed to make off-site housing a desirable option?
 - clarification of what constitutes "exceptional circumstances" for allowing off-site housing in lieu of on-site housing in compliance with Inclusionary Bylaw.
 - Preference for building on-site vs. building Trust Fund?
- Assess whether the Planning Board's Rules and Regulations for Affordable Housing Special Permits (February 8, 2012) needs to be clarified.
- Promote affordable housing for households with incomes 100-120% of Area Median Income?

Role of Each of the Committees Directly Involved with Housing

Wayland Housing Authority: The WHA is an elected body comprised of five commissioners, four are elected and one is appointed by the Governor. Its authority comes from the U. S. Housing Act of 1937, and state enabling statutes. Since its incorporation in 1970, the WHA has provided, maintained, administered, and advocated for housing for low- and moderate-income people in Wayland. The WHA, as a public authority constituted under Massachusetts General Laws Chapter 121B, administers several housing programs for the Town, including: Bent Park Elderly And Disabled Housing; Cochituate Village Apartments Elderly And Disabled Housing; Family Scattered Site Public Housing, 25 units; and Section 8 Voucher Rental Assistance Programs, a federal program that pays rent to private landlords for qualified low-income tenant (officially the Housing Choice Voucher Program). Section 8 units do not count in the state's Subsidized Housing Inventory, since these are not deed-restricted units. None of the WHA's units are under state subsidy programs; they fall under federal jurisdiction.

Wayland Housing Partnership: The Wayland Housing Partnership was created by the Board of Selectmen to study the need for affordable housing and to recommend procedures for the implementation of Wayland Affordable Housing policy. The partnership acts as the Town's initial contact with developers of proposed affordable residential housing projects that are site-specific and for which the developer has indicated an intention to request an increase in allowed density or other variances in return for said provision of affordable housing. In this context, the partnership serves as a preliminary negotiating agency. The partnership may also initiate action intended to create affordable residential, consistent with Town policy.

The WHP works with the community to lead and support efforts to meet the affordable housing needs of the Town of Wayland. Specifically, the Housing Partnership works with the town to develop affordable housing action plans based on housing needs studies; establish criteria to evaluate affordable housing proposals; make recommendations on the pros and cons of affordable housing proposals; identify local, state and federal housing resources to further development; locate available land suitable for development; review land use regulations and zoning bylaws; work with developers of affordable housing; increase public awareness through forums and other events.

Wayland Municipal Affordable Housing Trust Fund Board: The Trust Fund was created by the Town in 2014. Its purpose is to provide for the creation and preservation of affordable housing in the Town of Wayland for the benefit of low and moderate income households. The Trust is governed by a Board consisting of seven trustees appointed by the Board of Selectmen. The Trust will be able to accept funds from various sources, such as private donations, developer payments, and Community Preservation Funds, to be utilized for affordable housing.

Wayland Planning Board: The Planning Board is the permitting body for housing (and other) development. It provides approvals for subdivisions and plans that conform to zoning. It works to protect, and where possible, enhance our natural resources and preserve the quality of life for the citizens of Wayland. The state directs planning boards to develop master plans that, among a variety of components, should include a housing element, which "identifies and analyzes existing and forecasted housing needs and objectives including programs for the preservation, improvement and development of housing. This element shall identify policies and strategies to provide a balance of local housing opportunities for all citizens."

- In recent discussions regarding Covered Bridge offsite affordable housing, the Planning Board’s Rules and Regulations for Affordable Housing Special Permits (February 8, 2012) proved not to provide the clarity necessary for an effective decision making process.
- Considerations proposed in the Master Plan Housing section:
 - Mixed use zoning for 1-2-3-4 family conservation cluster developments
 - Planned Development Districts
 - Senior and Family Housing Overlay Districts
 - Permit housing on the upper floors of buildings in the Business A / B Districts.
 - Accessory Dwelling Units in single family neighborhoods

Zoning Board of Appeals: The ZBA gives permits for a substitution, or an extension or alteration to, an existing building, whether conforming or non-conforming. It also considers and grants special permits, including comprehensive permits under Chapter 40B.

Community Preservation Committee: Administers the Town’s funds raised through the Community Preservation Act. At least 10 percent of each year’s funds must be used for “community housing” – housing affordable to low and moderate income households.

Town Affordable Housing Goals and Needs

In 2003, the Board of Selectmen identified the development of affordable housing as a top priority for the Town. One element of that goal was the preparation of a housing plan based on the housing component of the Master Plan. On January 4, 2005 the Town completed its first Comprehensive Housing Plan for submittal to the state Department of Housing and Community Development (DHCD) and subsequently received approval. It also submitted the Plan to the U.S. Department of Housing and Urban Development (HUD) in order for the Town of Wayland to become eligible to participate in the WestMetro HOME Consortium (see above). The Wayland Comprehensive Housing Plan was also designed to establish a framework for implementing the Town’s Master Plan and reasserts Wayland’s commitment to encouraging diversity among its residents in terms of age, education, employment, and racial, ethnic, and economic backgrounds. The Town’s Housing Production Plan was completed in 2010 and submitted to the DHCD; this plan is currently being revised and will be submitted to the state in 2015.

The Town of Wayland, through various official documents, including the Master Plan Advisory Committee Report and the Housing Production Report, has repeatedly stated that a key goal is to provide a diverse array of housing opportunities.

Many family members of current Town residents and Town employees cannot afford market-priced homes in Wayland. Some existing residents are struggling to maintain their homes and may be in need of more affordable options.

There are particularly serious problems facing residents with disabilities and households wanting to rent, rather than buy, particularly at affordable costs. Senior housing needs represent a growing concern. According to Brian Boggia: “Rental remains the most equitable way to effectively provide and preserve affordable housing. Unlike homeowners, renters are required to certify their income and eligibility on an annual basis. Affordable two and three-bedroom rentals remain the greatest need in Wayland.”

(For more information, see Appendix II)

Despite the apparent needs, there have been some difficulties finding suitable buyers and tenants for affordable units that have been available. After two years of marketing, one homeownership condominium unit remains unsold at Post Road Village. Also, concerning the slow pace of rentals in the Town Center development, the location (above stores) and the fact that they were just 1-BR might have dampened the demand for these units.

Probably the key constraint is related to the narrow band of income eligibility required by federal guidelines. Further inquiries on this issue would be important. Brian Boggia has offered this summation of the problem:

As in all Chapter 40B communities across the state, affordable units are increasingly difficult to rent and sell. The state has been losing affordable units from its inventory. There are many factors that contribute to this. Renters and buyers need sufficient income such that no more than 40% of income goes toward housing, yet income can't be higher than 80% AMI. This leads to a narrow income window of opportunity that makes qualification difficult. Another contributing factor is that banks and mortgage lenders have tightened credit making it more difficult to obtain a mortgage. DHCD needs to reassess its affordable housing program guidelines to meet actual housing need and to keep-up with changes in affordable and market trends.

Monitoring and Maintaining Affordable Units

Affordable housing units that are built and manage through the Wayland Housing Authority automatically maintain their affordability in perpetuity. However, for units built by private developers, continuing affordability must be monitored by a third party. Due to various constraints in the programs described below, in a few cases "affordable homeownership units" have not been able to be re-sold to income-eligible households (those earning 80% or less of area median income (AMI)).

The following is a list of various problems relate to the monitoring of affordable units; compiled by Brian Boggia:

- Three affordable units were recently resold at Trout Brook (Nike). Two units were sold to ineligible homebuyers at 120% of the area median income (AMI). One 100% AMI unit was sold to an eligible buyer.
- Two affordable units at Willowbrook continue to be rented at the market price. Even so, the units remain in the Town's affordable housing inventory. These units are now assessed at the market value rather than the deed restricted value. Wayland Town Counsel has initiated actions to further correct this.
- The older deed restrictions at Willowbrook and Green Way are based on a discounted percentage of the appraised market value at resale. Units based on this formula are at risk of coming out of the affordable housing inventory at future re-sales. Future resale prices will place these units above affordable levels making it almost for impossible for 80% AMI applicants to purchase.
- Despite annual reminders and certifications some homeowners have refinanced their mortgages without DHCD and Town permission. Some have refinanced above the appraisal price.

- Wayland Commons and Post Road Village have named entities from the South Shore and Cape Cod to serve as Monitoring Agents. This arrangement is not providing adequate compliance monitoring. We also wonder whether their efforts in marketing Post Road Village have been sufficiently vigorous, given the distant geographic location. Future comprehensive permits should name the Town of Wayland or its designee to serve as the Monitoring Agent.

Another problem related to the existing stock of affordable homeownership units relates to condominium fees. Although affordable homeowners pay lower condominium fees (based on their percentage beneficial interest), they are having trouble keeping up with payments. Several affordable homeowners are in arrears. In addition, market owners are complaining about having to pay higher condominium fees to what appears to them as effectively subsidizing the affordable homeowners.

Policy Changes and Options to Advance the Town's Affordable Housing Goals

The following are some strategies that should be discussed and prioritized:

- Locate and develop vacant land.** If not owned by the Town, the land could be purchased. If land is owned by the Town, permission could be granted to transfer or sell to private developer, either for-profit or nonprofit (e.g., Habitat for Humanity). Development could then proceed, likely using 40B process.
- Purchase existing low cost homes and sell to low-income households.** There are very few houses for sale under \$300K; many homes in lower price ranges need significant repairs, thereby boosting total cost considerably. Town would have to provide at least \$100K, from CPA funds/home to make the units affordable to household earning < 80% AMI.
- Purchase existing low cost homes, with management by the Town of Wayland or a nonprofit organization; rent to very low-income households.** However, under such an arrangement the rental units would need to be self-supporting, since no state or federal subsidies to cover operating expenses would be available.

Appendix I: Statewide Housing Goal

Chapter 40B, Section 20, of the General Laws of Massachusetts was enacted in 1969 as a mechanism to address zoning barriers that made it difficult or impossible to build subsidized housing in many communities. At the time of its enactment, much of the subsidized housing in Massachusetts was concentrated in 15 older, poorer cities. In an effort to counter exclusionary zoning practices in cities and towns, Chapter 40B mandates a simple formula: each municipality is directed to have 10% of its year-round housing stock earmarked as affordable housing.

Chapter 40B

Under Chapter 40B, a developer can propose a development that may not conform to existing zoning, as long as a certain number of units are set aside as affordable and subsidized through one of several local, state, or federal programs or initiatives. If a local zoning board of appeals denies a builder a comprehensive permit, the state-created Housing Appeals Committee may override the local zoning and permit the development at higher densities, or in other ways that do not conform to the local zoning act. The statute has been credited with stimulating the production of over 58,000 units of housing.

The extent to which municipalities are attaining the 10% goal is noted in the state's Subsidized Housing Inventory (SHI), which is maintained by the Massachusetts Department of Housing and Community Development. The affordable units in each city and town are self-reported, with DHCD monitoring compliance. The SHI also lists the total number of year-round housing units as of the most recent census for which data was available; these numbers are then used as the basis for determining the extent to which the 10% goal is being achieved. All rental units built through the Chapter 40B process, whether they are actually affordable or market-rate, are included in the SHI. In homeownership developments, only those units that are actually affordable are so counted.

All developments built through the 40B process must be in compliance with environmental, health, and safety regulations and requirements.

Wayland is not in compliance with 10% goal. Except for Weston, all other neighboring towns have better records.

Table 1: Wayland's Affordable Housing Inventory Compared with Neighboring Towns

	2100 Census Year Round Housing Units	Subsidized units	%
Wayland	4,957	200	4.0%
Concord	6,852	710	10.4%
Lexington	11,946	1,329	11.1%
Lincoln	2,153	238	11.2%
Sudbury	5,921	354	6.0%
Wellesley	9,090	561	6.2%
Weston	3,952	142	3.6%
Westwood	5,389	493	9.1%

Source: Department of Housing and Community Development: December 5, 2014
Chapter 40B Subsidized Housing Inventory (SHI)

<http://www.mass.gov/hed/docs/dhcd/hd/shi/shiinventory.pdf>

Table 2: Existing Units Counted Toward 10% Goal

	Public Housing	Units	Year	Program
Bent Park Bent Ave.	Elderly/disabled rental	56	1974	Public housing (elderly/disabled)
Cochituate Village/Schoolyard 105 Main Street	Elderly/disabled rental	55	1983	Public housing (elderly/disabled)
Scattered site 36 Mitchell and other sites	Family rental	25	1980-81	HUD grant
	Private developments/ publicly subsidized			
Millbrook	Homeownership	2	1995	40B
Willow Brook	Homeownership	6	1997	Overlay zoning district
Paine Estate/Greenways	Homeownership	4	2000	Overlay zoning district
Plain Road	Homeownership	1	2002	40B
89 Oxbow/Nike*	Homeownership	11	2009	40B
Wayland Gardens	Homeownership	3	2009	40B
Wayland Commons	Homeownership	11	2011	40B
Sage Hill	Homeownership	1	2012	Inclusionary zoning
Group Home (for Retarded Citizens)	Rental	5	2012	Zoning as of right
Post Road Village 137 Boston Post Road	Rental	4	2013	40B
Town Center	Rental	12	2013	Overlay zoning district
Stonebridge Road (Habitat)	Homeownership	4	2015 (not yet completed)	40B
TOTAL		200		

*There were a total of 16 units, but 5 were not affordable to households below the 80% of AMI threshold. Unlike the other non-affordable units produced through various programs, these were affordable to households at somewhat higher (moderate) income limits, not market-rate.

200/4,957 (no. year-round housing units in Wayland as of 2010 census) = 4.03%

10% of 4,957= 496 units. To attain the 10% goal, we need an additional 296 units; there are only 5 certain additional units in the production pipeline.

Table 3: Wayland Units Not Counted in the Subsidized Housing Inventory (all private) (being developed/planned/possibilities but not guaranteed)

		No. possible units	No. definite units
Michael Road	Homeownership	1	1
Craftsman Village (formerly called Tripolis)	Homeownership	2	2
Commonwealth Residences (Kathryn Barton site)	Rental	A comprehensive permit for 52 rental units was issued under Chapter 40B. At least 25% of the units would have to be affordable. As rental units, however, all would count toward the 10% goal. The original owner did not proceed with this plan. Property recently sold to new owner; not clear whether any or how many units will be built.	??
Hamlen/Covered Bridge	Homeownership or rental??	2 on-site	2
River's Edge	Rental	Up to 190 units have been approved by Town Meeting; 25% of the units would be affordable. However, since this is a rental development all units would count toward the 10% goal.	??
TOTAL			5 + Commonwealth Residences (?) and River's Edge (?)

APPENDIX II: Housing Needs

Master Plan Advisory Committee, August 2010

“The most pressing task is to address the housing needs of its seniors and low and moderate-income households.”

Housing Production Report, August 2010

p.1 (of full report): “In 2003, the Board of Selectmen identified the development of affordable housing as a top priority for the Town.

Housing Production Report, August 2010 (excerpts from Executive Summary)

Summary of Housing Objectives and Development Challenges (emphasis in original)

p. 1: “Housing choice”... means variety in housing types, a range of prices and access to ownership and rental opportunities, including special needs housing, so that people have meaningful choices about where they will live and will not be spending too much to do so. Wayland embraced the central principles of housing choice when the Town adopted its Master Plan in 2001, followed by the Comprehensive Housing Plan in 2005 that articulated the following major housing objectives:

- Meet local housing needs along the full range of incomes that promotes diversity and stability of individuals and families.
- Leverage public and private resources to the greatest extent possible.
- Ensure the creation of new housing that is compatible with the existing community and helps promote open space.
- Make steady progress toward the state standard for affordable housing of 10%.
- Produce affordable housing that equals ½ of 1% of the town’s housing stock in order to be housing certified under MGL Chapter 40B 760 CMR 56.00, which is 24 units per year based on the 2000 US Census for year-round housing units in the Town of Wayland.”²

Housing Production Report, August 2010 (excerpts from Executive Summary)

Summary of Housing Objectives and Development Challenges

p. 3: “The 2000 census indicates that there were 1,289 individuals living in Wayland who claimed a disability suggesting that some accommodation for individuals with special needs should be integrated into the housing stock through handicapped accessibility and/or supportive services.

- Despite considerable wealth, there remains a highly vulnerable part of the community with limited financial means. For example, 383 or 8.3% of all households had incomes of less than \$25,000 in 2000.
- In 2000, there were 77 families and 322 individuals who were living below the poverty level, which was \$10,850 for an individual and \$18,310 for a three-person household, as of 2009. While there are no updated figures available, given economic circumstances since 2000, it is likely that the financial situations of these residents may not have improved substantially and some may have been forced to relocate.”

...

p. 3: “There is a severe shortage of rental housing in Wayland and neighboring communities, and very few housing units that are accessible to persons with disabilities....

² Based on the 2010 Census, there are 4,957 year-round housing units in Wayland.

[Note: The annual statewide production goal is 0.50% of its year-round units; translating into 25 affordable units per year]

- Wait lists and unit turnover rates for Wayland Housing Authority units suggest waits of at least two (2) years for Bent Park and three (3) to five (5) years for Cochituate Village and scattered family units.”

...

p. 3: “...affordable family housing, housing for senior citizens and ‘empty nesters,’ and small housing units suitable for smaller households, including special needs housing, are the greatest housing needs in Wayland. Such housing must include rental housing targeted to the most financially vulnerable residents in the community.”

...

Additional details from Section 6: Summary of Housing Needs

p. 34: “[There will be a] much greater demand for senior housing, including independent living, assisted living, and nursing homes...the demand for large single-family homes will decrease while the need for smaller starter homes and apartments will grow.”

p. 35: Affordable and Subsidized Housing

“The Town needs to provide additional affordable housing so that it can meet the housing needs of young families, including those who grew up in the area or who have a Wayland connection, those who work in Wayland or the MetroWest area, in addition to making progress toward meeting its 10% affordable housing requirement...”

Senior Housing and Special Needs Housing

“To address the needs of [elderly residents], the Town should allow the development of a variety of senior housing opportunities, including more affordable independent and assisted living. In addition, the Town should explore housing in all price ranges for people of all ages with physical and mental disabilities and for persons with debilitating illnesses.”

Town Employee Housing Needs

“The place of residence of all Town employees, including the schools, was also compiled and 75.4% of all Town employees (513 out of 680) reside outside of the Town of Wayland...there is a need for employee housing within the Town and steps should be taken to construct a broad range of housing so that employees such as teachers and policemen can reside in the Town in which they work.”