

# Marion Housing Production Plan 2022



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# Introduction

The Town of Marion has partnered with the Southeastern Regional Planning and Economic Development District (SRPEDD) to update its Housing Production Plan. A Housing Production Plan (HPP), as defined by 760 CMR 56, is a community's plan to comply with M.G.L. Chapter 40B; at a minimum, this document shall contain the following elements, covering a period of five years:

- Comprehensive housing needs assessment;
- Affordable housing goals; and
- Implementation strategies.

We'll go into more detail about the corresponding sections, but in a nutshell, it is a community's proactive strategy for planning and developing affordable housing. HPPs assist communities to plan for low- and moderate-income residents by providing a diverse housing supply.

This specific HPP is an update of the Town of Marion's housing production strategies (from 2015). The project team chose to create a document designed for implementation – one that is clear, concise, conversational, and easy-to-understand. And while this plan contains the necessary data points to guide the town's efforts and place them within the context of current, accurate information, it is not intended to be an exhaustive data survey, market study, or "master plan." Rather, it summarizes the main housing issues that Marion intends to address and identifies manageable, realistic tools for the job.

## Plan Structure

A Housing Production Plan consists of a comprehensive housing needs assessment, a set of affordable housing goals, and accompanying implementation strategies.

The comprehensive housing needs assessment is an analysis of the community's demographics and housing stock, its future population and housing needs, as well as an identification of development constraints (barriers) and limitations that may hinder the development of affordable housing. This analysis, in conjunction with community conversation and guidance, is what informs the creation of a set of affordable housing goals.

Affordable housing goals are intended to address the housing needs of the community and to provide a range of housing types, including rental and homeownership, for families, individuals, persons with special needs, and the elderly.

Lastly, a set of implementation strategies describe how the community will achieve its housing production goals, as well as provide a timeframe/schedule for achieving the goals identified.

This Plan will be broken down into five (5) main sections:

- Talking About Housing, which describes the historic inequities within housing development/policy and will lay the foundation for why we plan for housing;
- Comprehensive Housing Needs Assessment, which will describe the most current market and demographic data in Marion;
- Barriers to Development, which will describe what factors may be hindering development opportunities in Marion;
- Affordable Housing Goals, which will outline the goals Marion should actively pursue over the next five years; and
- Implementation Strategies, which will describe the pathway Marion should take to achieve its housing goals, including priorities and timelines.

## Affordable Housing Goals & Strategies

This plan contains Marion’s four main goals and six implementation strategies. The four goals are:

- Continue to produce Subsidized Housing Inventory (SHI)-eligible units in order to exceed the Commonwealth’s requirements while supporting communities in need.
- Promote a variety of housing options for those with moderate and fixed incomes.
- Produce housing options and retrofit existing homes to support safe and accessible living for all ages.
- Promote compact, mixed-use, village-style development that encourages open space, walking, and biking.

The six accompanying implementation strategies are:

- Collaborate on “friendly 40Bs” in partnership with developers to produce affordable housing units.
- Pursue direct funding or partnerships to provide direct assistance to help preserve housing for vulnerable communities, including senior residents.
- Pursue top priority zoning amendments, including the adoption of 40R.
- Introduce leadership training and professional development opportunities to increase staff knowledge and capacity.
- Create design guidelines for duplexes and large developments to ensure that new housing “matches” within the local community.
- Negotiate perpetual deed restrictions with existing SHI units that have expiration dates.

Before we dive into these goals and strategies, we’ll take a step back and describe some important background information and key terms. We’ll also examine the needs of Marion’s residents and what may be hindering development opportunities.



# Talking About Housing

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 significant impact on their life and happiness.

## Persistent Unaffordability

Many families today struggle to find an affordable, safe home with access to nearby necessities, such as quality schools, groceries, hospitals, parks, transportation, and employment. This is due to a phenomenon called persistent unaffordability, 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<sup>1</sup>, 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 (spending more than 50% of their annual income on housing alone). Many individuals, largely black, indigenous, and people of color, 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 individuals and families to obtain secure and affordable housing.

What's causing the trend towards persistent unaffordability? Many factors contribute to the issue, but – on a local level – the most common are low-density zoning, excessive parking requirements, high demand for certain locations, 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 (black, indigenous, and people of color) and low-income families, from accumulating wealth, establishing income security, and experiencing economic choice.

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<sup>1</sup> See Harvard University's [State of the Nation's Housing 2020 Report](#) and Habitat for Humanity's [key takeaways](#).

## Why Plan for Housing?

Both housing insecurity and affordability (or lack thereof) are structural issues built within our political and economic system. Racial disparities in homeownership today are built upon the legacy of racist practices (such as redlining<sup>2</sup> and racial restrictive covenants<sup>3</sup>). 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 and/or high housing demand (particularly in seaside communities, such as Marion, with seasonal housing pressures) 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. These experiences often bleed into adulthood, making it difficult for them to escape poverty as adults.<sup>4</sup> Policies prohibiting unhoused individuals with behavioral issues, such as addiction and mental illness, continue to limit their access to essential supportive services and perpetuate homelessness.<sup>5</sup> All of these inequalities and hardships negatively impact an entire community's well-being and prosperity, not just the households experiencing them. 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.

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2 See the American Planning Association's (APA) [Planning for Equity Policy Guide](#) and Joseph DeAngelis's, AICP article [Grappling with the Racist Legacy of Zoning](#).

3 See the APA's [Planning for Equity Policy Guide](#) and the [Seattle Civil Rights Labor History Project's article](#) on racial restrictive covenants throughout history.

4 See the National Center for Children in Poverty's report [Childhood and Intergenerational Poverty](#).

5 See the National Alliance to End Homelessness' publication [Housing First](#) and the American Psychological Association's [Resolution on Ending Homelessness](#).

## Why Complete a Housing Production Plan?

In Massachusetts, municipalities are especially well positioned 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 [MHP]) 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.

### Ensure Housing Equity and Stability

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*

## 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 permits SHI-eligible affordable housing units equal to at least 0.5% to 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's Zoning Board of Appeals 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*.<sup>6</sup>

## Support the Commonwealth's Commitment to Housing

The Baker-Polito Administration's **Housing Choice Initiative** (HCI) 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 HCI include:

- The **Housing Choice Community Grant Program**, which funds infrastructure improvements in those communities that have shown commitment to advancing sustainable housing production.
- 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 and the **Community Compact Cabinet**.

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<sup>6</sup> Available at <https://www.mass.gov/regulations/760-CMR-5600-comprehensive-permit-low-or-moderate-income-housing>.

# Housing Needs Assessment

Every Housing Production Plan begins with a Comprehensive Housing Needs Assessment. This Needs Assessment is an analysis of community demographics and market conditions, and asks the questions:

- What is the community make-up and what are their needs?
- How diverse is the housing stock and does it meet the needs of the community?
- Is it affordable to live in town across the spectrum of household incomes?

## Data Sources and Definitions

The Needs Assessment pulls from a variety of sources to help tell the story of housing in Marion. Below we've described some of the sources you'll see referenced most often throughout the report.

### American Community Survey (ACS)

The American Community Survey, or ACS, gathers data on a sample of the population through monthly surveys that the US Census Bureau produces on topics including housing, jobs, education, and more. The Five-Year ACS, used in this HPP, shows data that has been collected and aggregated over a five-year period from 2016 to 2020.<sup>7</sup>

The Decennial Census<sup>8</sup> is a count of the entire population conducted and released every 10 years. These data sources have some overlap, but also gather information on separate topics.

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<sup>7</sup> This is the most recent complete set of data available at the time of this writing.

<sup>8</sup> At the time of issuance for this document, much of the content of the 2020 Decennial Census data has not yet been released. Because of this, much of the demographic information presented in this report is from the Five-Year 2016-2020 ACS.

## Department of Housing and Urban Development (HUD)

The Department of Housing and Urban Development (HUD) maintains data on a variety of topics related to housing nationally. Two of the topics described in this presentation are Area Median Income (AMI or HAMFI) and Cost Burden.

### *The Different Types of Median Incomes*

There are two important income figures we will cite frequently throughout this plan. They are:

- The Area Median Income, which is the midpoint of all household incomes within a HUD-defined region. It is used to determine the income eligibility requirements for State and Federal housing programs. When discussing eligibility, HUD defines Income Limits, ranging from roughly 30% to roughly 80% of an AMI as eligible for subsidized housing. The two AMI figures we will reference are:
  - 100% AMI, which is \$111,400. This is the median household income for a family of four in the HUD region Marion belongs to.
  - 80% AMI, which is \$89,350. This is approximately<sup>9</sup> 80% of \$111,400 and is the income limit at which a family of four becomes eligible for subsidized affordable housing.
- The Marion Median Income, which is \$85,636. This figure comes from the 2020 ACS (described above) and represents the median household income of all households within Marion.

### *Cost Burden*

Cost Burden describes how much a household pays for housing, relative to their income. Unlike AMI, individuals and families can be cost-burdened, regardless of income.

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<sup>9</sup> HUD's AMI calculations are described using percentages (ex. 50% AMI, 80% AMI). However, the income brackets used in practice are not always exactly the listed percentage of the area median income. This is due to adjustments HUD makes in consideration of other market factors, such as local incomes relative to the price of housing. For more information about how HUD calculates AMI, see HUD's [Income Limits Documentation](#), FAQ Question 5.

## Market Conditions and Affordability

There are two types of affordable housing we'll be discussing throughout this Plan: "naturally occurring" affordable housing and subsidized affordable housing.

### "Naturally Occurring" Affordable Housing

"Naturally occurring" affordable housing is available without subsidies and at lower price points when the right regulatory and market conditions exist. In this case, when someone uses the word "affordable" to describe housing, it does not mean it is "subsidized." When we are discussing naturally occurring affordable housing, we are talking about homes that are affordable enough that they will not cause a young family, older couple, or household with limited/fixed income to become cost burdened. Cost-burdened is a term used to describe whether a household is paying 30% or more of their annual income on basic living costs, such as their mortgage, rent, and utilities. For homes that can alleviate cost-burden through "naturally occurring" affordable housing, think starter homes, homes for downsizing, and apartments for recent graduates, among others.

In Marion, 324 households are cost-burdened, and 203 households are severely cost-burdened, totaling approximately 28% of all households in town.

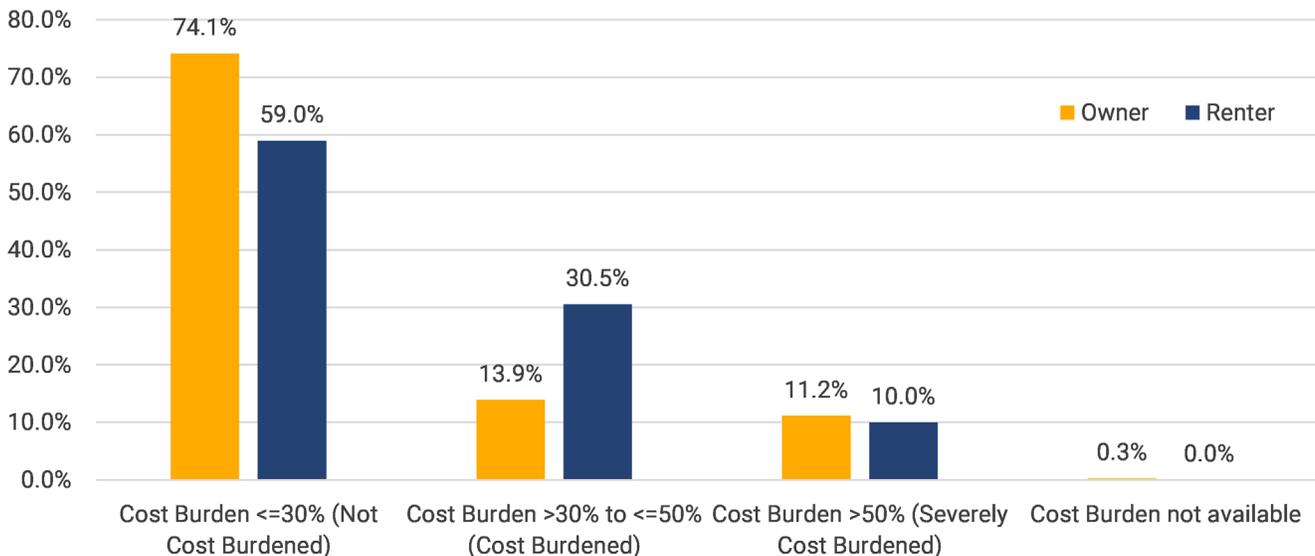


Figure 1: Marion CHAS Cost Burden; HUD 2014-2018.

## Subsidized Affordable Housing

Subsidized affordable housing is just that – housing that is subsidized by a public agency, non-profit, or limited dividend company. Subsidized affordable housing has deed restrictions, meaning its availability is restricted to certain populations (e.g., 55+ housing) and/or to incomes at or below 80% of the area median income. In the case of Marion, the area median income (FY22) for a family of four is \$111,400. This means that any household of four making at or less than \$89,350 (which is roughly 80% of \$111,400) is qualified to apply for subsidized affordable housing. The Commonwealth of Massachusetts requires at least 10% of a city or town’s housing stock to be subsidized affordable housing. As of 2020, Marion’s SHI was 8.04%.

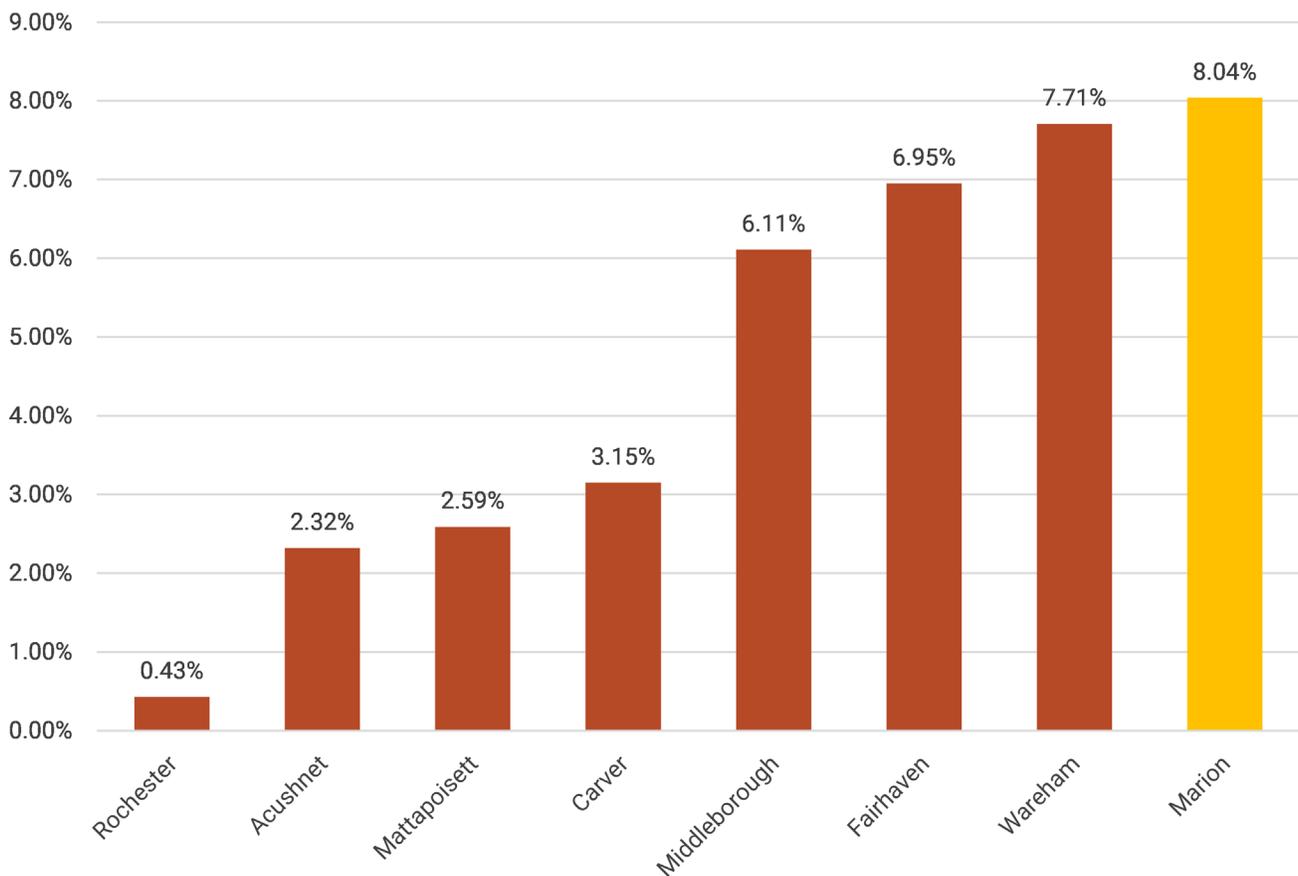


Figure 2: Marion and Neighboring Communities’ SHI; DHCD 2020.

### What qualifies on the Subsidized Housing Inventory?

In order for a unit to count on a community’s Subsidized Housing Inventory, several criteria must be met:

- It must be part of a “subsidized” development subject to a regulatory agreement where a Subsidizing Agency and monitoring agent have been identified.
- At least 25% of the units in the development must be income-restricted to households with incomes at or below 80% of the area median income, corresponding to their household size, and have rents or sale prices restricted to affordable levels.
  - Restrictions must run at least 15 years for rehabilitation, 30 years for new rental construction, and in perpetuity for new homeownership construction.
- Resident selection for the Affordable Units must comply with the requirements of a lottery or other fair and equitable procedure, including an Affirmative Fair Housing Marketing and Resident Selection Plan, approved by the Subsidizing Agency and without regard to the amount of their assets.

Table 1: Marion HUD Income Limits Breakdown; HUD FY22.

Persons in Family	Extremely Low (30%) Income Limits	Very Low (50%) Income Limits	Low (80%) Income Limits
1	\$23,450	\$39,100	\$62,550
2	\$26,800	\$44,700	\$71,500
3	\$30,150	\$50,300	\$80,450
4	\$33,500	\$55,850	\$89,350
5	\$36,200	\$60,350	\$95,500
6	\$38,900	\$64,800	\$103,650
7	\$41,910	\$69,300	\$110,800
8	\$46,630	\$73,750	\$117,950

Area Median Income: \$111,400 (4 Persons in Family)

The area median income for Marion is determined by HUD using the Brockton, MA HUD Metro FMR Area, which includes the following cities and towns:

- Norfolk County: Avon
- Plymouth County: Abington, Bridgewater, Brockton, East Bridgewater, Halifax, Hanson, Lakeville, Marion, Mattapoisett, Middleborough, Plympton, Rochester, West Bridgewater, Whitman

Table 2: Marion’s Subsidized Housing Inventory; DHCD 2020.

DHCD ID #	Project Name	Address	Type	Total SHI Units	Expiration	Comp. Permit	Subsidizing Agency
1823	366 Delano Road	366 Delano Road	Rental	4	2025	No	MassHousing DHCD
1824	Marconi Village/Marion Elderly Apts	Mill Street	Rental	27	03/01/2044	No	RHS DHCD
4178	Littleneck Village	330 Wareham Rd	Rental	48	Perpetuity	Yes	DHCD
4354	DDS Group Homes	Confidential	Rental	4	N/A	No	DDS
7491	Rezendes Terr.	Rezendes Terr.	Ownership	1	2020	No	DHCD
7493	Mill Street	Mill Street	Ownership	1	2020	No	DHCD
7494	Wareham Rd	Wareham Rd	Ownership	1	2020	No	DHCD
9208	River View Landing	River Road	Ownership	0	Perpetuity	Yes	MassHousing
9412	Marion Marketplace	119 Wareham St	Rental	6	Perpetuity	Yes	DHCD
9537	Front Street/Marion Village Estates	294 Front Street	Mix	69	Perpetuity	Yes	MassHousing
9643	Buzzards Bay Habitat for Humanity	Wareham St	Ownership	1	Perpetuity	Yes	DHCD

## Population and Demographics

Marion has 5,347 residents as of 2020, growing 4.37% since 2000. Like many communities in Southeastern Massachusetts and throughout the nation, Marion's population is aging, with a 41.6% increase in retirement-age residents (aged 60 and older) from 2000 to 2020. Further, the median age has risen from 42.5 to 49.6 over the last 20 years.

An individual's housing needs are likely to change as they get older due to changes in their income, mobility, household structure, etc. The Town should be prepared to assist residents who wish to "age in place" by providing new senior housing options or offering mechanisms to retrofit existing homes so that they are "aging-ready." According to the U.S. Census Bureau's report<sup>10</sup> on the housing needs of older adults, a home is considered "aging-ready," if it has the following features:

- A step-free entryway
- A bedroom and full bathroom on the first floor
- At least one bathroom accessibility feature
- Additional aging-accessible elements that may be useful include:
  - Sink handles or levers instead of knobs
  - Handrails or grab bars in the bathroom
  - Built-in shower seats
  - Housing features (such as thermostats, countertops, electrical outlets, etc.) that are at wheelchair accessible heights

Furthermore, the number of school age residents (those under 18 years old) has remained relatively stable, with a modest decline between 2010 and 2020 of approximately 2%. School enrollment has also seen a minor decline over the past decade, with a loss of 67 students since 2011. This is notable when addressing concerns about the impact of additional affordable housing development on the local school system.

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10 See the 2020 report [Old Housing, New Needs: Are U.S. Homes Ready for an Aging Population?](#)

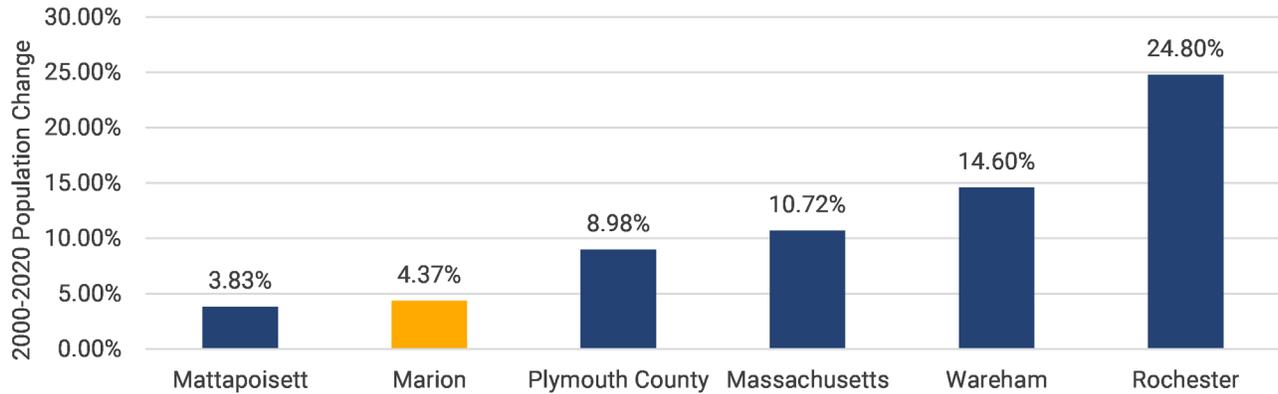


Figure 3: Population Change in Marion and Neighboring Communities; US Census 2010 and 2020.

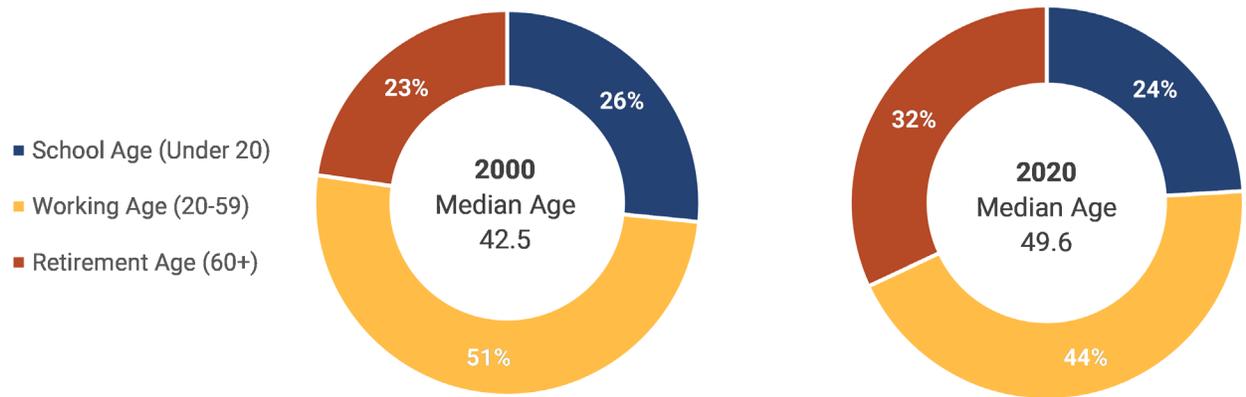


Figure 4: Age Trends in Marion; US Census 2000 and 2020 ACS Five-Year Estimates.

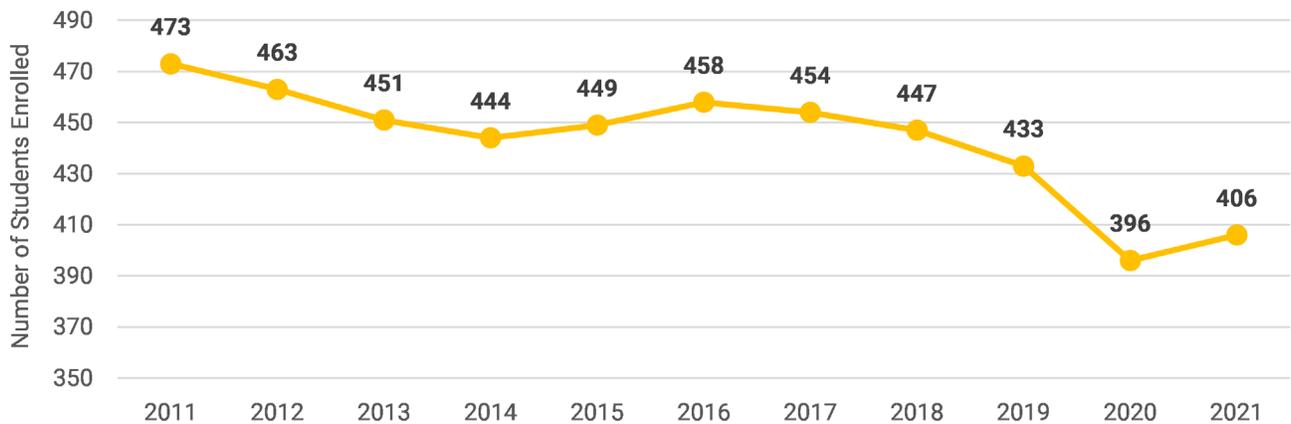


Figure 5: School Enrollment Trends in Marion; Massachusetts Department of Elementary and Secondary Education 2011-2021.

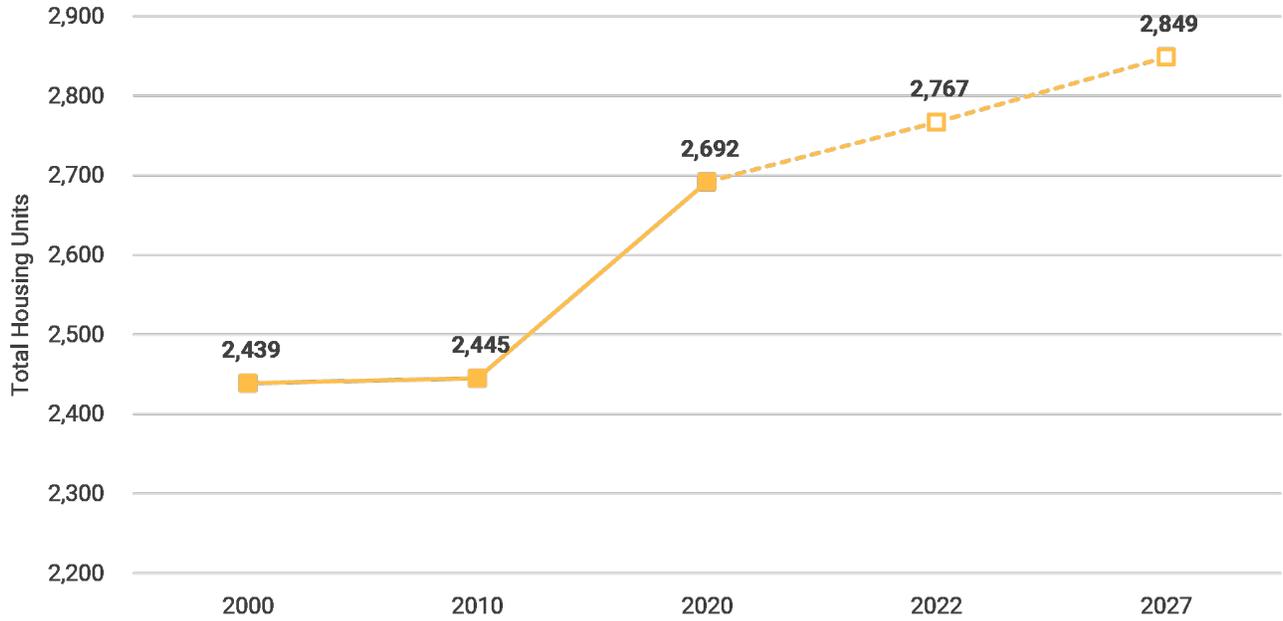


Figure 6: Projected Housing Units Growth; ESRI Business Analyst, 2022.

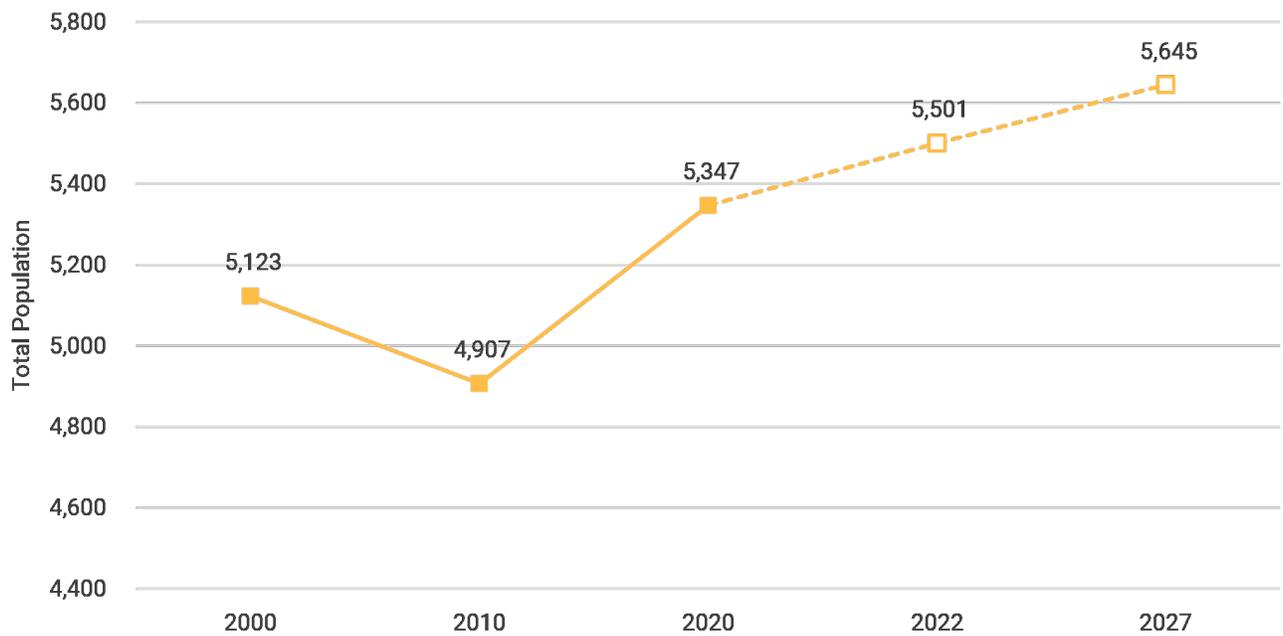


Figure 7: Projected Population Growth; ESRI Business Analyst, 2022.

Marion’s median household income is \$85,636 as of 2020, which tracks closely to the state median income (\$84,385) but is lower than the Plymouth County median income of \$92,906. The wealthiest households (those earning \$200,000 or more) comprise more than 1/5th of Marion’s total households at 22.1%.

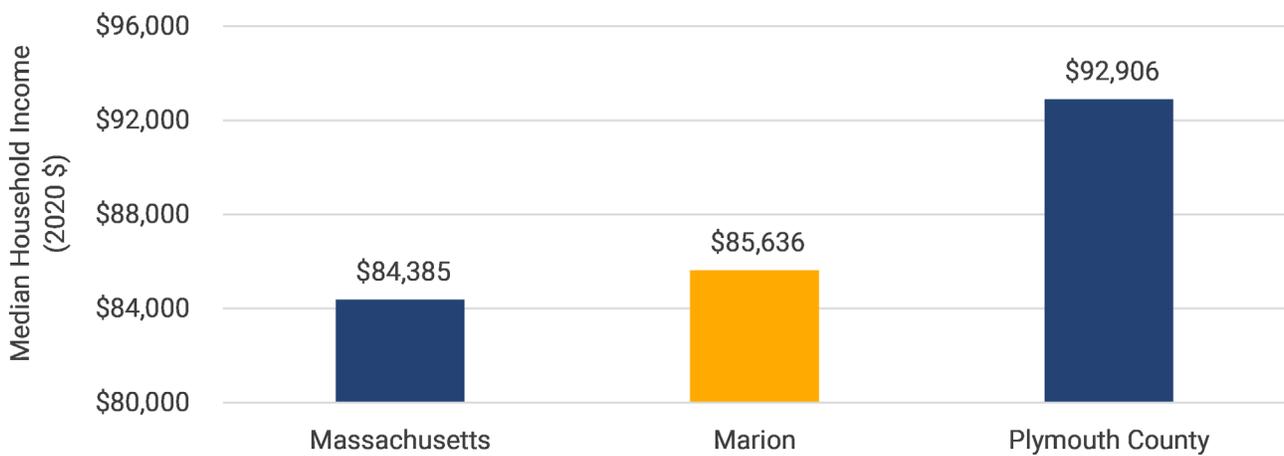


Figure 8: Median Household Income in Marion, Plymouth County, and Massachusetts; 2020 ACS Five-Year Estimates.

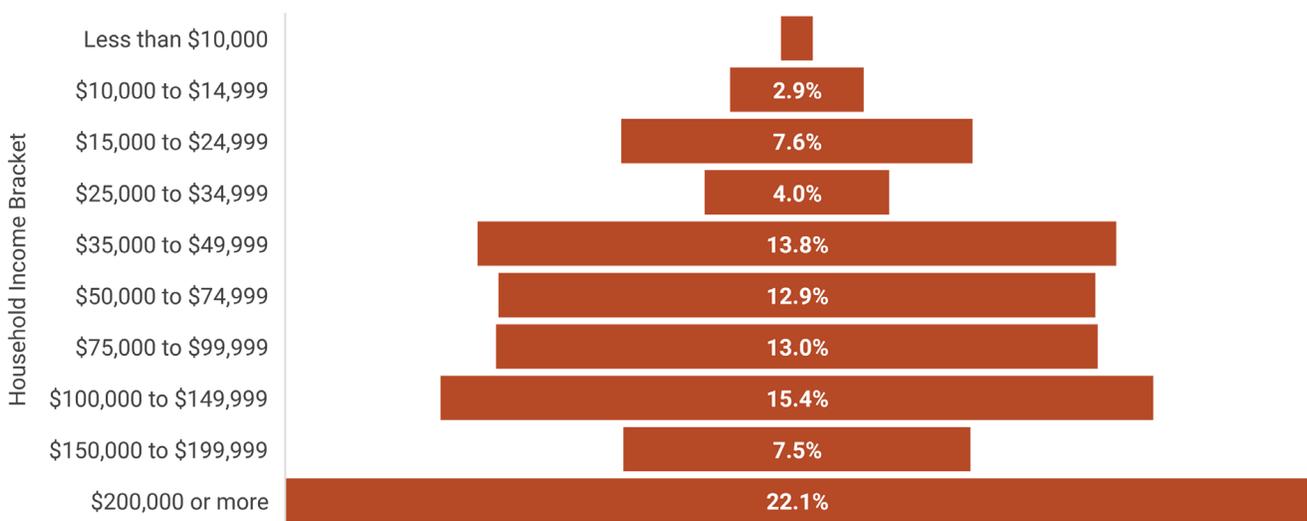


Figure 9: Household Income Breakdown; 2020 ACS Five-Year Estimates.

## Housing Stock Characteristics

Marion is largely single-family detached units, comprising 93.7% of all housing units<sup>11</sup> in town. Most of the town's housing units have 3 bedrooms or more, with no reported studio units (no bedrooms) in town. The majority (57.6%) of Marion's housing was built in 1959 or earlier. Units aged more than 50 years often have deferred maintenance, for example the removal of lead paint), and improve needs such as new septic systems or wheelchair ramps. Considering Marion's aging population and their anticipated housing needs, the town may wish to make efforts to produce more age-appropriate affordable housing options that offer opportunities for residents wishing to downsize or who have accessibility concerns. They may also wish to incentivize the production of studio, 1-, and 2-bedroom homes to suit the housing needs of recent graduates, young families without children, and individuals living alone.

According to the 2016-2020 ACS, about 19% of Marion's housing units are vacant.<sup>12</sup> Of those that are occupied, 81% are owner-occupied and 19% are renter occupied. This high vacancy rate is likely due to the fact that Marion is a summer vacation destination. According to the Executive Office on Labor and Workforce Development (EOLWD), Marion experiences its largest increase in overall labor force, as well as peak unemployment rates, in the summer months (June-August).<sup>13</sup> This summer population increase, both working and non-working, helps explain the Town's high vacancy rates, which are most likely a product of these seasonal variations in occupancy. Additionally, the homeowner vacancy rate was 1.7%, while there were no reported renter vacancies. The modest percentage of rental housing and low rental vacancy rate may indicate a need for more rental-based affordable housing in town.

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11 Note that the 2016-2020 ACS and the 2020 US Census will have slightly different counts of total housing units in town. For the purpose of this section, we have used the 2020 ACS 5yr Estimates due to their detailed breakdowns of housing characteristics in Marion.

12 A housing unit is vacant if no one is living in it at the time of the [ACS] interview unless its occupants are only temporarily absent. In addition, a vacant unit may be one which is entirely occupied by persons who have a usual residence elsewhere. For more information on vacant units, visit <https://www.census.gov/housing/hvs/definitions.pdf>.

13 For more information on these fluctuations, please see [EOLWD's employment data for the Town of Marion](#).

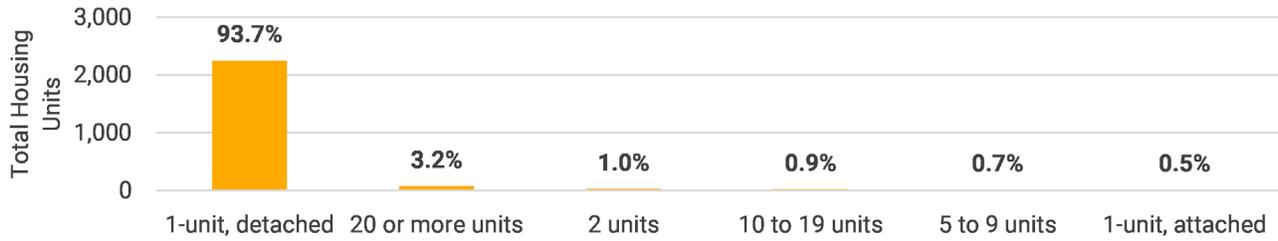


Figure 10: Housing Units by Number of Units in Structure; 2020 ACS Five-Year Estimates.

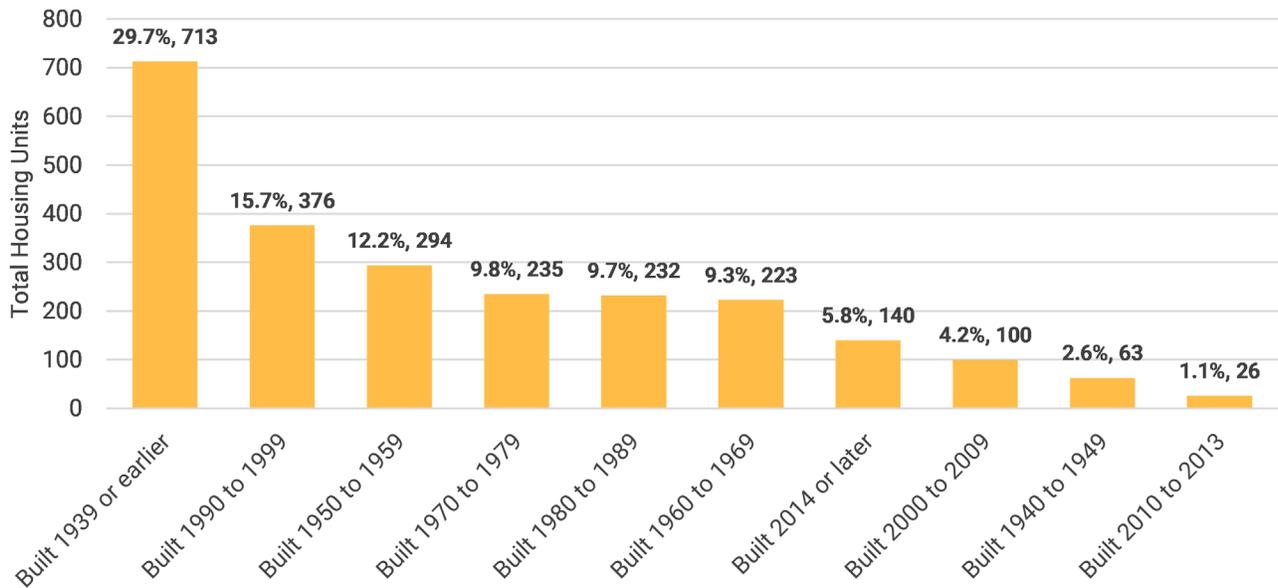


Figure 11: Housing Units by Year Built; 2020 ACS Five-Year Estimates.

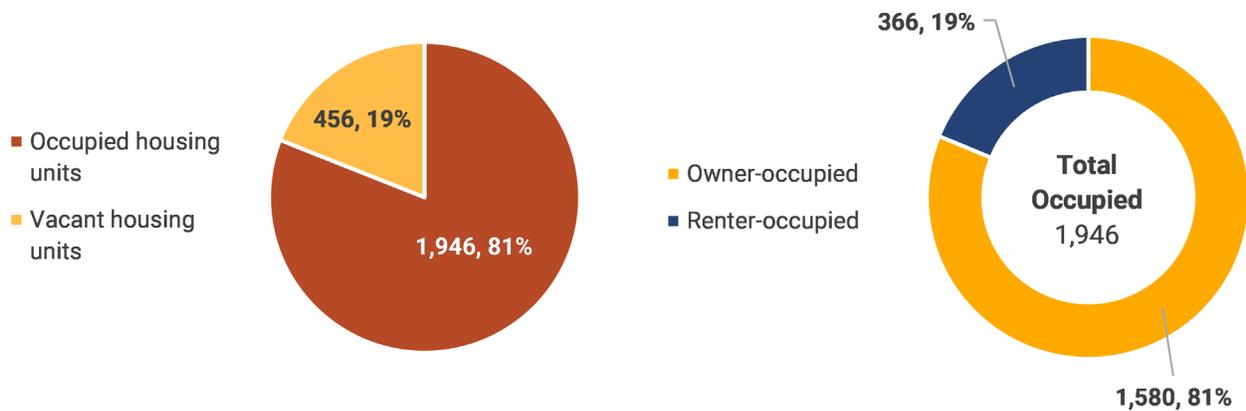


Figure 12: Occupancy Characteristics; 2020 ACS Five-Year Estimates.

# Barriers to Development

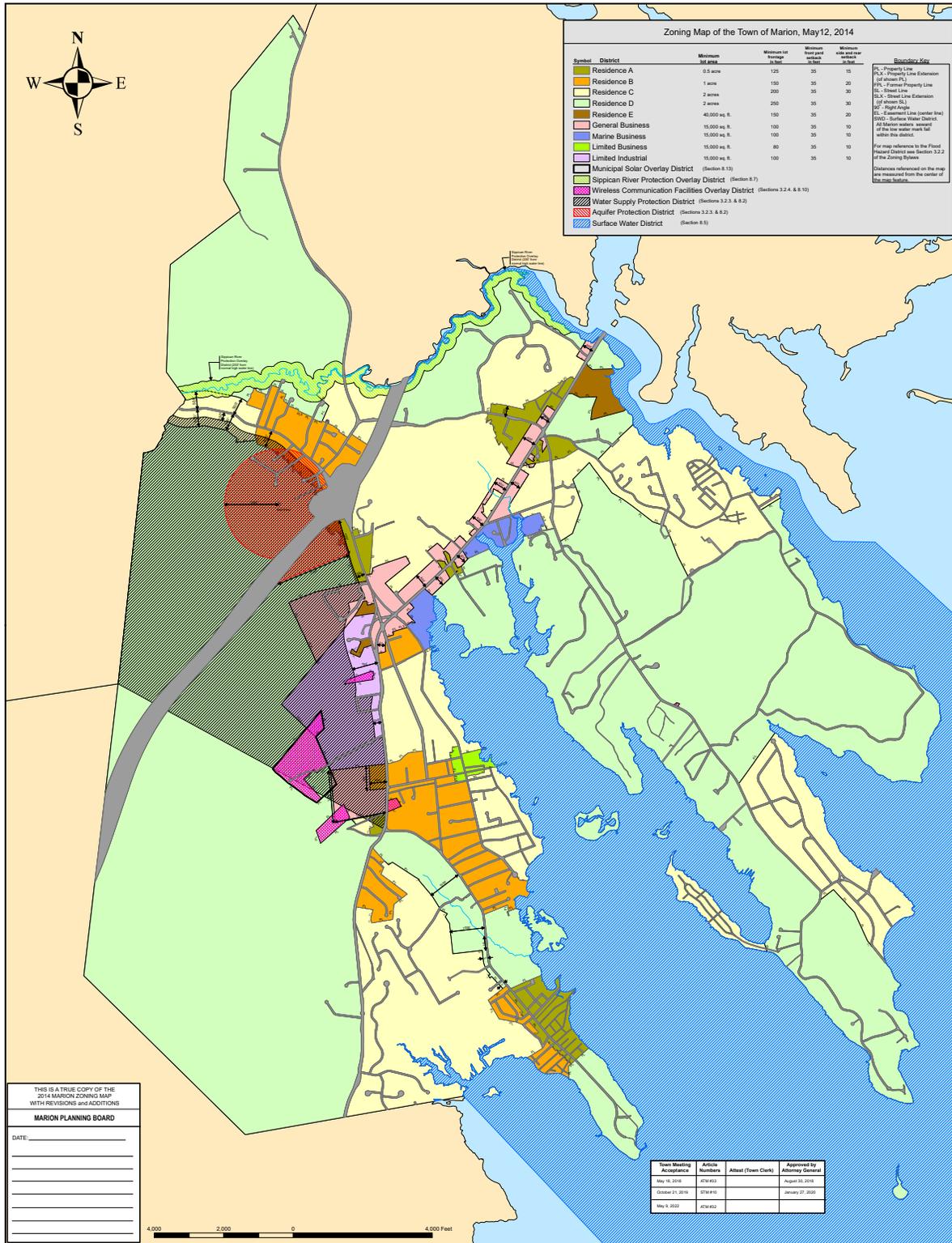
In every community, there are challenging aspects that can limit development opportunities or contribute to a lack of affordable housing options. It's important to inventory and consider these challenges so that planning officials and municipal staff can craft a set of goals and strategies most tailored to the community's needs. In Marion, there are a few constraints to consider:

## Restrictive Zoning Regulations

Zoning regulations, intentionally or unintentionally, are one of the commonly referenced limiting factors within a given community. Zoning that either prohibits higher density uses, favors medium-sized (1-1.5 acre) minimum lot sizes, is unclear to developers, and/or maintains high parking requirements can prohibit the production of moderately priced homes and often leads to unsustainable development outcomes.

Much of Marion's land area is zoned for low density residential development (Residence C and D districts, which require a two-acre-minimum lot size). Most of the town's residential districts only allow single family homes by right and conversion to duplex by Special Permit. Currently, multi-family development is allowed in the Residence E district (the three-acre Marconi Village site), which is largely built out. Minimum lot sizes range from a half-acre to two acres, and minimum lot frontages range from 125' to 250'. In contrast, typical existing lot sizes and frontages in the town's historic core are frequently as low as a fifth of an acre and 50' respectively. Marion's major business districts allow for one residential unit in each building with a non-residential principal use – commonly known as "mixed-use" development.

Marion's abundance of large-lot, single family housing creates barriers related to both the amount and types of housing that would provide both the increased supply and variety of housing types to help produce affordable housing at reasonable price points. The limited amount of area dedicated to multi-family zoning, (Residence E) as well limits in the amount of housing units per building (one) in the town's business district negate some of the impact these forms of zoning could have on the town's housing supply.



Map 1: Marion Zoning.

## Lack of Staff Capacity and Time

Often, municipal staff have multiple day-to-day responsibilities and limited time to gain or deploy the housing expertise necessary to accomplish their goals. Despite the dedication to produce equitable housing outcomes, a lack of capacity to enable and implement these decisions can slow the progress towards developing affordable housing. Marion currently does not have an existing staff member whose day-to-day responsibility is focused primarily on housing.

## High-cost Environments

Marion’s location on Buzzards Bay, proximity to the Cape, high-quality school systems, and walkable downtown area make the town attractive to both families and developers. With a limited housing supply, constraints on developable land (due to zoning discussed above and environmental and open space protections) and high demand for housing, communities with features such as Marion can often be too costly for young families, older residents, and lower-income individuals.

The median sale price for a single-family home sale in Marion was \$605,000 in 2020, a notable increase from previous years and higher than neighboring communities’, county, and state prices. Incentivizing the development of lower cost market-rate and subsidized housing options, such as starter homes or smaller apartments (studio, 1-, and 2-bedroom), can help to relieve some of the pressures that low- and moderate-income renters and buyers may be experiencing.

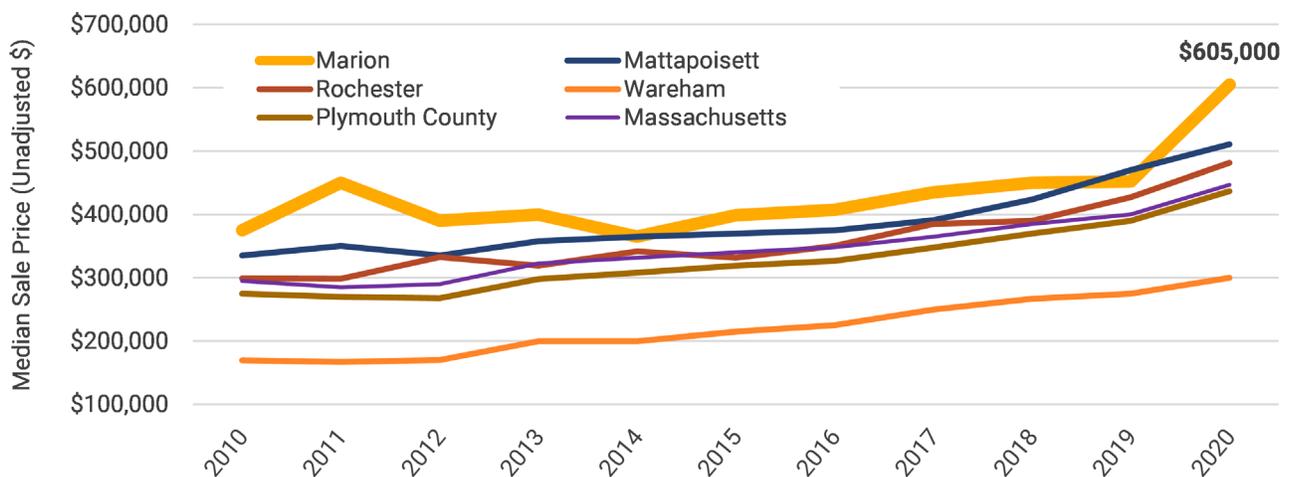


Figure 13: Median Home Sale Price for Single Families; Warren Group, 2021.

## Public Perceptions Regarding Affordable Housing

In some cases, the phrase “affordable housing” summons up misguided images and leads to the belief that affordable housing development creates negative outcomes for existing residents. However, these perceived outcomes are not usually the end result, and, ultimately, all residents are entitled to fair and safe housing opportunities as mandated by state and federal law.

Pursuing community engagement initiatives with assistance from local housing organizations and implementing an educational campaign may help dispel myths and negative perceptions of affordable housing development and increase buy-in for new development.

## Capacity of Public Utilities

The absence of or limitations of public sewer and water can decrease 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.

Currently, the Town has approximately 32 miles of sewer and 8 town-owned pump stations with roughly 1,680 connections. Marion is exploring extending sewer connections in several areas of need throughout town and requesting increased discharge capacity to address existing capacity needs, concerns over nitrogen loading, and aging infrastructure. The production of new housing should be coordinated with the Town’s planned extensions, as any additional medium-to-large scale development will create additional strain on the Town’s currently limited sewer capacity.

# Affordable Housing Goals

There are four (4) main goals identified in this Housing Production Plan. These goals are informed by the Comprehensive Needs Assessment (in that they seek to address the trends and barriers described above) and will lay the foundation for Marion's housing production efforts over the next five years. The four goals are as follows:

## **Goal A: Continue to produce SHI-eligible units in order to exceed the Commonwealth's requirements while supporting communities in need.**

Those making under 80% of the region's AMI are eligible for subsidized affordable housing. In Marion, that means any family of four making under \$89,350<sup>14</sup> is eligible to apply for subsidized housing.

Currently, Marion's SHI is 8.04%.<sup>15</sup> In order to reach 10%, the Town would have to produce 40 additional subsidized units. In order to reach at least 0.5% production required for HPP Certification, the Town would need to permit at least 10 units within a 12-month period.

## **Goal B: Promote a variety of housing options for those with moderate and fixed incomes.**

It is important to provide a range of housing options that can support those who qualify for subsidized affordable housing (making 80% of the area median income or less), as well as for those "in the middle" (making 80-120% of the area median income). Marion should consider how it can continue to increase both subsidized and "missing middle" housing throughout town.

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<sup>14</sup> HUD FY22 Income Limits.

<sup>15</sup> Please note that DHCD will update SHI calculations in 2023 using updated counts for year-round housing units from the 2020 US Census. This may affect Marion's total percentage of required affordable housing units, but likely not the need to produce more units to reach the 10% threshold.

**Goal C: Produce housing options and retrofit existing homes to support safe and accessible living for all ages.**

The housing and support needs of an individual or family will vary depending on circumstances and stages of life. Folks with chronic illnesses and/or disabilities and older adults tend to have different needs than young couples or those with children, and their housing should be able to support those needs wherever possible. Producing housing options and providing for modifications to existing housing for those with differing needs can help prevent displacement due to an inability to receive the care needed or live comfortably in one's home. (Retrofitting existing structures can also add to the housing stock in ways that "match" Marion's built environment, as envisioned in Goal D.)

**Goal D: Promote compact, mixed-use, village-style development that encourages open space, walking, and biking.**

Through zoning amendments or the creation of new overlay districts in key areas, Marion can strategically increase density allowances with thoughtful urban design considerations that promote open space preservation, walking, and biking. Doing so can create new housing opportunities while maintaining important town characteristics and promoting healthy, high-quality neighborhood and community development.

# Implementation Strategies

There are six (6) housing strategies that complement – and implement! – Marion’s housing goals. These strategies provide a road map to accomplishing the Town’s housing goals and outline both how much attention they will require and the timeline they should be completed within. It is important to note that HPPs often include numerous strategies that, when taken together, will contribute to improved housing production and outcomes. There are very rarely one or two “silver bullets” that achieve a community’s goals.

Throughout this chapter we will discuss the six implementation strategies as well as what goals they address, their priority, and their anticipated timeline. We’ve also highlighted local success stories and additional reading that may be informative, where applicable. Below is a brief explanation on the iconography we will use throughout this chapter and how to read each strategy page.

## Goal A



Produce SHI Eligible Units

## Goal B



Create Housing Options

## Goal C



Ensure Safe & Accessible Homes

## Goal D



Promote Compact Mixed-Use Village Development

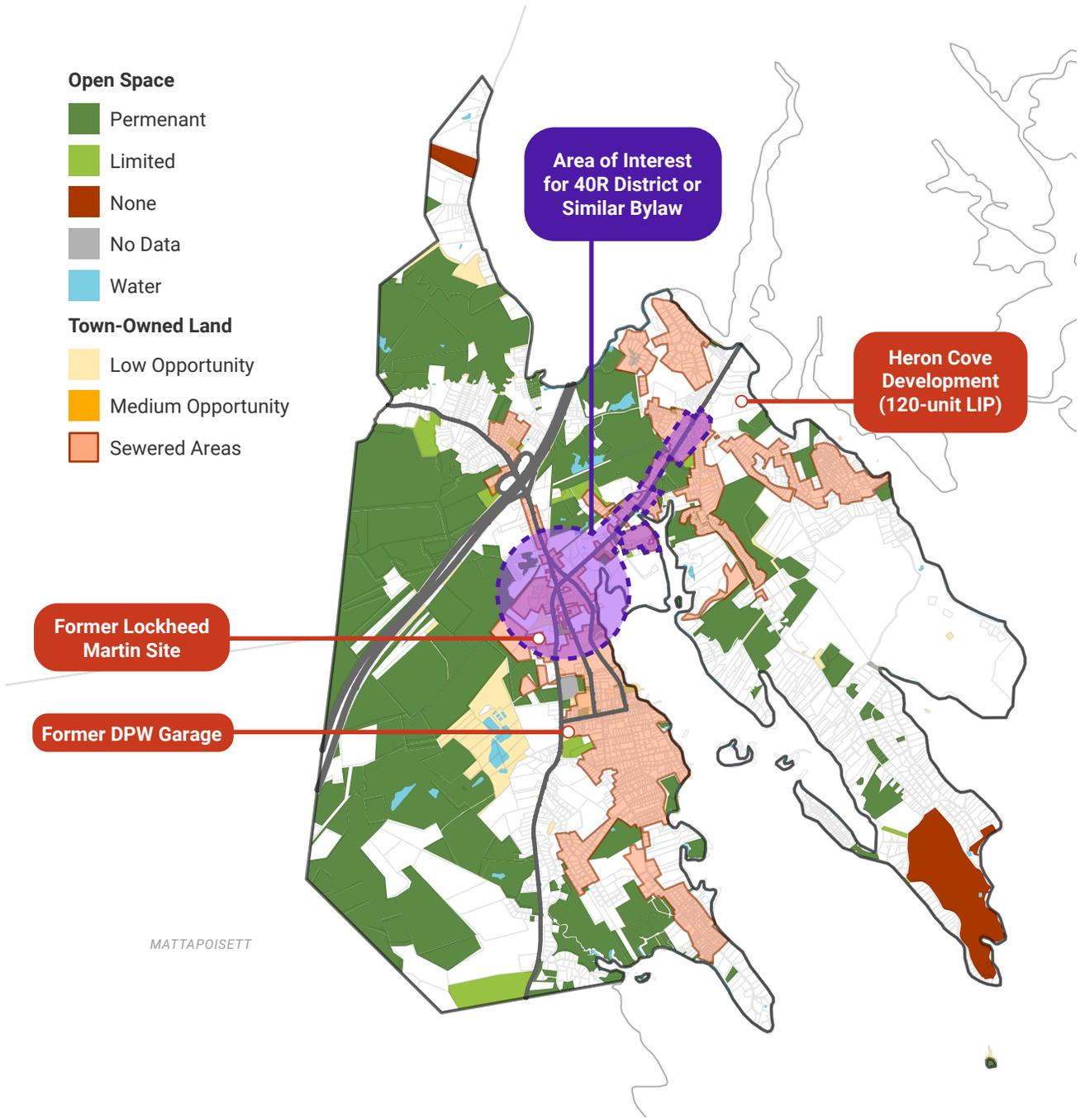
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### *Implementation Timeframe*

- Short (less than 2 years to implement);
- Medium (2-5 years to implement); **or**
- Long (5 or more years to implement)

### *Impact*

- Direct (leading to the production of new housing); **or**
- Enabling (supporting the production of new housing)



Map 2: Marion Town-Owned Land, Sewered Parcels, and Action Map.

## Strategy 1

# Collaborate on “friendly 40Bs” in partnership with developers to produce affordable housing units.

### Goals Addressed:



Produce SHI Eligible Units



Create Housing Options

**Implementation Timeframe** Medium (2-5yrs)

**Impact** Direct

Marion should continue to pursue development opportunities that will create both subsidized affordable and market-rate housing options for the populations described in Goal B. By doing so, Marion can work to achieve and exceed the Commonwealth’s required 10% SHI and produce “missing middle” housing options to accommodate those who may not qualify for subsidized housing but still struggle to find an affordable home.

High priority properties for new housing development include the former Lockheed Martin facility at 7 Barnabas Road and the town-owned former DPW garage at 630 Mill Street.

**Success Story** The Town of Plainville’s SHI is currently 16.7%, totaling 577 of the town’s 3,459 housing units. By fostering strong working relationships with developers, the Town has successfully negotiated site design and engineering modifications for several developments in the past few years and has exceed the Commonwealth’s requirement of 10% subsidized affordable housing.

**Additional Reading** [Local Initiative Program](#)

## Strategy 2

**Pursue direct funding or partnerships to provide assistance to help preserve housing for vulnerable communities, including senior residents.**

### Goals Addressed:



Ensure Safe &  
Accessible Homes

**Implementation Timeframe** Short (<2yrs)

**Impact** Enabling

Direct assistance and preservation tactics help keep affordable units available and allow residents to remain in their homes and can be in the form of physical modifications or financial assistance. These strategies are important when considering displacement concerns and aging populations. They are also critical for maintaining safe and livable homes for all residents. Marion may choose to partner with neighboring communities when pursuing funding.

**Success Story** The City of New Bedford operates **several home rehabilitation and accessibility assistance programs** that aim to improve low- and moderate-income residents' housing. These programs offer direct funding and/or low-to-no-interest loans to make necessary accessibility, safety, or home rehabilitation repairs in owner-occupied or investor-owned homes. The programs are funded through HUD's HOME Investment Partnership Program and Community Development Block Grant (CDBG). The City also administers state programs on behalf of Massachusetts Housing Partnership (MHP), DHCD, and MassHousing.

**Potential Funding Sources** HUD HOME Program, CDBG

**Additional Reading** [CEDAC Supportive Housing Programs](#)

### Strategy 3

## Pursue top priority zoning amendments, including the exploration of a 40R or similar bylaw.

### Goals Addressed:



Produce SHI Eligible Units



Create Housing Options



Promote Compact Mixed-Use Village Development

**Implementation Timeframe** Short (<2yrs)

**Impact** Enabling

Zoning changes amend a municipality’s zoning bylaws by modifying existing districts or by 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.

Marion may wish to pursue the creation and adoption of a 40R Smart Growth Zoning Overlay District, an Open Space Residential Design (OSRD) bylaw with an affordable component, or a similar bylaw which will align with the Town’s desire to promote compact, mixed-use development within walkable, bikeable neighborhoods. By strategically locating the district and incorporating design guidelines, the Town can achieve this goal while also producing new market-rate and affordable housing opportunities.

**Success Story** The Town of Middleborough recently adopted new 40R zoning consisting of two sub-districts within their downtown. Through thoughtful planning and the creation of design guidelines, the new zoning will directly contribute to Middleborough’s SHI while producing housing and commercial development that is consistent with its traditional Downtown.

**Additional Reading** [M.G.L c 40R s 3, Mass.gov’s Chapter 40R Resource Page](#)

## Strategy 4

# Introduce leadership training and professional development opportunities to increase knowledge and capacity.

### Goals Addressed:



Produce SHI  
Eligible Units



Create  
Housing Options



Ensure Safe &  
Accessible Homes



Promote Compact  
Mixed-Use Village  
Development

**Implementation Timeframe** Short (<2yrs)

**Impact** Enabling

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. It can also contribute to the implementation of this plan by ensuring that more staff attention is dedicated to housing issues and housing production in Marion.

**Additional Reading** Many housing organizations in Massachusetts offer free training resources for municipal staff, planners, and community members. The Citizens' Housing and Planning Association (CHAPA) hosts a [series of training webinars and recorded presentations](#) on Chapter 40B. Mass Housing Partnership (MHP) often hosts presentations and trainings on a variety of affordable housing topics, such as Affordable Housing Trusts, federal housing policy, CPA, and housing lotteries. Many of these sessions are also hosted on the [Housing Toolbox for Massachusetts Communities](#) website.

## Strategy 5

# Create design guidelines for duplexes and large developments to ensure new housing “matches” within the local community.

### Goals Addressed:



**Implementation Timeframe** Medium (2-5yrs)

**Impact** Enabling

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.

**Success Story** The Town of Plymouth adopted **design standards** (see §206-3) as a part of its 40R Smart Growth Overlay District. Known as the Cordage Park Smart Growth Overlay District, the bylaw specifies dimensional, parking, open space, and building design standards to ensure new development within the district was compatible with existing development. The district was one of the first to be adopted under M.G.L. c 40R.

**Additional Reading** [DHCD Guidebook: Creating Design Standards for 40R Districts](#)

## Strategy 6

# Negotiate perpetual deed restrictions with existing SHI units that have expiration dates.

### Goals Addressed:



Produce SHI  
Eligible Units



Create  
Housing Options



Ensure Safe &  
Accessible Homes

**Implementation Timeframe** Short (<2yrs)

**Impact** Direct

Negotiating deed restrictions for extensions or increasing to “perpetuity” helps maintain a community’s SHI, ensures continuity and stability for existing residents, and prevents vital affordable housing from being converted to market-rate units. 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 existing SHI 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.<sup>16</sup>

When the project team last researched this issue in town, Marion had three ownership units with deed-restrictions set to expire in 2020, 4 rental units expiring in 2025, and 27 rental units expiring in 2044. Negotiating extensions for these deed-restrictions or converting to perpetuity can ensure Marion’s current inventory of subsidized housing is preserved and that existing residents do not experience housing instability.

<sup>16</sup> See MAPC’s report [Housing Lynn: A Plan for Inclusive Growth](#), pg. 126.

# Conclusion

Housing is one of the most important aspects of an individual's life and livelihood. And just as a residence is more than a physical shelter – it's a home – neighborhoods are one of the main building blocks of a healthy, balanced community. This Housing Production Plan seeks to provide Marion with a clear picture of the trends and pressures that can make it difficult to build more homes and create neighborhoods that serve all types of households. We've shown how a combination of efforts, if pursued proactively and in a coordinated way, can address these barriers, contribute to Marion's housing stock, improve lives of existing and future residents, and complement the town's built and natural landscapes.

We've worked to create a conversational and clear HPP -- one that we hope reads more like a magazine than a textbook. We believe that this will lead to increased understanding, engagement, and improved outcomes for Marion. In short, this HPP is not intended to be an exhaustive data survey, market study, or "master plan." Rather, it summarizes the main housing issues that Marion intends to address in four goals and identifies manageable, realistic tools for the job in seven corresponding implementation strategies

For those readers looking for more information, please explore the HPP's footnotes, links, and Appendices.

# Appendix

## Appendix A: Marion Town-Owned Land

Marion's town-owned land "opportunity level" for future housing production or re-use was classified based on presence or absence of open space protections, existing use, proximity to sewer, and town input.

Map PAR ID	LOC ID	Housing Production Opportunity	Address Number	Site Address
003_079	M_265192_824663	LOW		BIRD ISLAND
018_046	M_260461_825365	LOW		MILL ST
020_001B	M_262341_825830	LOW		CONVERSE RD
018_031B	M_261724_825884	LOW		CONVERSE RD {REAR}
	M_261746_825892	LOW		MARSH
018_037	M_261829_825843	LOW		SHORE DR {REAR}
018_025	M_261341_825828	LOW		CONVERSE RD {OFF}
018_029	M_261536_825991	LOW		CONVERSE RD {REAR}
018_027	M_261441_825881	LOW		CONVERSE RD {OFF}
018_028	M_261467_825967	LOW		CONVERSE RD {OFF}
018_030	M_261585_826035	LOW		CONVERSE RD {REAR}
018_031A	M_261629_826053	LOW		CONVERSE RD {OFF}
018_074	M_261856_826148	LOW		ROCHE RD
018_033	M_261776_826109	LOW		JAY LN
018_075	M_261805_826165	LOW		ROCHE RD
018_076	M_261773_826173	LOW		ROCHE RD
018_034	M_261675_826090	LOW		CONVERSE RD {OFF}
018_077	M_261741_826181	LOW		ROCHE RD
018_097	M_261860_826195	LOW		ROCHE RD
018_078	M_261707_826188	LOW		ROCHE RD
018_110	M_261810_826211	LOW		JAY LN

018_079	M_261676_826209	LOW	ROCHE RD
018_111	M_261775_826219	LOW	ROCHE RD
018_023	M_261429_826150	LOW	CONVERSE RD {OFF}
018_098	M_261856_826231	LOW	JAY LN
018_112	M_261745_826234	LOW	ROCHE RD
018_109	M_261792_826242	LOW	JAY LN
018_080	M_261659_826243	LOW	ROCHE RD
018_113	M_261717_826248	LOW	ROCHE RD
018_099	M_261838_826258	LOW	JAY LN
018_108	M_261766_826265	LOW	JAY LN
018_081	M_261643_826269	LOW	ROCHE RD
018_114	M_261703_826276	LOW	ROCHE RD
018_100	M_261818_826281	LOW	JAY LN
018_107	M_261744_826290	LOW	JAY LN
018_082	M_261628_826297	LOW	ROCHE RD
018_115	M_261687_826302	LOW	ROCHE RD
018_101	M_261799_826304	LOW	JAY LN
018_022	M_261365_826251	LOW	CONVERSE RD {OFF}
018_106	M_261724_826317	LOW	JAY LN
018_116	M_261671_826327	LOW	ROCHE RD
018_102	M_261780_826328	LOW	JAY LN
018_083	M_261601_826333	LOW	CARD DR
018_105	M_261703_826344	LOW	JAY LN
018_103	M_261760_826351	LOW	JAY LN
018_084	M_261630_826355	LOW	CARD DR
018_032	M_261498_826341	LOW	CONVERSE RD {OFF}
026_001A	M_260127_826605	LOW	MILL ST
003_074	M_263867_826821	LOW	PLANTING ISLAND RD
002_019G	M_264189_827049	LOW	POINT RD
017_003	M_260586_827093	LOW	ABELS WAY {OFF}
016_095	M_261899_827402	LOW	FRONT ST
017_030	M_261849_827316	LOW	FRONT ST

026_018A	M_260456_827414	LOW	723	723 MILL ST
026_010	M_259674_827506	LOW		OLD INDIAN TRAIL
016_009	M_261712_827554	LOW		LEWIS ST
016_008	M_261701_827554	LOW	36	36 LEWIS ST
016_096	M_261840_827526	LOW	1	1 FRONT ST
026_012	M_259770_827705	LOW		OLD TRAIL {REAR}
026_015	M_260097_827625	LOW		OLD INDIAN TRAIL
026_015A	M_259990_827744	LOW		OLD INDIAN TRAIL {OFF}
027_013	M_258479_827401	LOW		RR ROW {OFF}
015_051	M_260909_827908	LOW		CONVERSE RD
026_012A	M_259932_827855	LOW		PARLOWTOWN RD {OFF}
026_011	M_259808_827448	LOW		OLD INDIAN TRAIL {OFF}
026_014	M_260216_827884	LOW		OLD INDIAN TRAIL {OFF}
015_053	M_260804_827950	LOW		MILL ST
015_054	M_260748_828051	LOW	630	630 MILL ST
026_036	M_259898_827982	LOW		OLD INDIAN TRAIL {OFF}
024_004	M_259796_828066	LOW		MILL ST {OFF}
026_013	M_260157_828027	LOW		OLD INDIAN TRAIL {OFF}
024_005	M_259710_828133	LOW		MILL ST {OFF}
024_006	M_259600_828121	LOW	61	61 BENSON BROOK RD
025_032	M_259052_828090	LOW		PARLOWTOWN RD {OFF}
014_043A	M_261063_828296	LOW		MAIN ST
024_007	M_259565_828160	LOW		PARLOWTOWN RD
014_049	M_261090_828308	LOW		MAIN ST
002_183	M_264531_828319	LOW		CLAPPS ISLAND
024_009D	M_259951_828341	LOW	55	55 BENSON BROOK RD
014_024	M_261008_828344	LOW	8	8 SPRING ST
014_017	M_260821_828377	LOW		PARK ST
024_008	M_260116_828256	LOW	50	50 BENSON BROOK RD
014_013	M_260744_828371	LOW		MILL ST
014_016	M_260818_828414	LOW		PARK ST
014_015	M_260830_828453	LOW		PARK ST

014_041	M_261318_828491	LOW	164	164 FRONT ST
014_023	M_260943_828385	LOW	16	16 SPRING ST
002_005	M_263542_828558	LOW		POINT RD
014_012B	M_260973_828550	LOW		SPRING ST
002_006B	M_263636_828569	LOW		DELANO RD
014_076	M_261431_828550	LOW	1	1 ISLAND WHARF RD
024_010D	M_260134_828574	LOW		MILL ST {OFF}
014_001B	M_260696_828710	LOW	550	550 MILL ST
002_001C	M_263985_828780	LOW		DELANO RD
024_009	M_259963_828440	LOW		BENSON BROOK RD
006_015	M_263337_828870	LOW		POINT RD
006_014	M_263234_828929	LOW	599	599 POINT RD
006_012A	M_263396_828829	LOW		POINT RD
025_019	M_258616_828939	LOW		ROUTE 195 {OFF}
024_023	M_259502_829000	LOW		RR ROW {OFF}
006_028	M_262707_829183	LOW		POINT RD
013_013A	M_261060_829367	LOW		FRONT ST
024_017	M_260496_829264	LOW	465	465 MILL ST
013_012	M_261067_829407	LOW		FRONT ST
025_018	M_259139_829286	LOW		ROUTE 195 {OFF}
006_006	M_262899_829424	LOW		CROSS NECK RD {OFF}
007B_071	M_262714_829610	LOW		POINT RD
006_001	M_263179_829634	LOW		CROSS NECK RD
004_001A	M_264765_829103	LOW		GREAT HILL FARM
024_024A	M_259203_829719	LOW		ROUTE 195 {OFF}
024_030	M_259862_829065	LOW		ROCHESTER RD REAR
025_027	M_259402_829883	LOW		ROUTE 195 {OFF}
025_025	M_259001_829860	LOW		ROUTE 195 {OFF}
025_028	M_259411_829926	LOW		ROUTE 195 {OFF}
012_027	M_261405_829959	LOW		HERMITAGE RD
025_029	M_259418_829961	LOW		ROUTE 195 {OFF}
	M_261434_830052	LOW		OAKDALE AVE

025_030	M_259400_830035	LOW		ROUTE 195 {OFF}
023_054	M_259555_830084	LOW		PUMPING STATION RD {OFF}
012_028E	M_261253_830048	LOW		WAREHAM ST
012_014A	M_261675_830129	LOW		OAKDALE AVE
025_031	M_259381_830124	LOW		ROUTE 195 {OFF}
007B_070	M_262473_830011	LOW		POINT RD
007B_057	M_262373_830289	LOW		JOANNE DR
011_049	M_260959_830264	LOW		WASHBURN LN
023_041A	M_259633_830199	LOW		PUMPING STATION RD {OFF}
011_050	M_261042_830357	LOW		WASHBURN LN
011_042	M_260807_830272	LOW		WASHBURN LN
005_034	M_262747_830318	LOW		DELANO RD {OFF}
008_040	M_261970_830190	LOW		BOAT WORKS LN
011_039	M_260670_830360	LOW	25	25 WASHBURN LN
011_040	M_260813_830470	LOW		WASHBURN LN
008_020	M_261799_830544	LOW		CREEK RD
023_032	M_259670_830397	LOW		PUMPING STATION RD {OFF}
011_060	M_261055_830291	LOW		FRONT ST {OFF}
023_030	M_259930_830565	LOW	44	44 PUMPING STATION RD
007A_037	M_262215_830712	LOW	871	871 POINT RD
007B_069	M_262600_830400	LOW		JOANNE DR {OFF}
008_001C	M_261762_830762	LOW		WAREHAM ST {OFF}
011_124	M_261283_830770	LOW		WAREHAM ST {OFF}
023_114	M_259664_830793	LOW		PUMPING STATION RD {OFF}
023_024	M_259691_830665	LOW		PUMPING STATION RD
007_001	M_261907_830795	LOW		CREEK RD
007A_064	M_262028_830916	LOW		POINT RD {OFF}
023_090	M_259596_830893	LOW		QUAILS CROSSING RD
023_088	M_259487_830925	LOW		QUAILS CROSSING RD
011_010	M_260277_831063	LOW		COUNTY RD
011_008	M_260251_831089	LOW		COUNTY RD
011_009	M_260261_831066	LOW		COUNTY RD

022_028	M_260207_831114	LOW		COUNTY RD
011_032A	M_261531_830879	LOW		POINT RD {REAR}
011_017	M_260528_830911	LOW		ROUTE 195 {OFF}
011_032B	M_261476_831056	LOW		POINT RD {REAR}
022_025A	M_260166_831146	LOW		BLUEBERRY WAY
005A_002A	M_263617_831174	LOW		GRASSY ISLAND
011_032C	M_260846_830971	LOW		POINT RD {REAR}
011_026	M_260702_831215	LOW		ROUTE 195 {OFF}
023_006	M_259291_831217	LOW		ROCHESTER RD
011_128A	M_261506_831476	LOW		POINT RD
011_128B	M_261523_831462	LOW		POINT RD
010_012	M_261870_831468	LOW	985	985 POINT RD
023_001	M_258804_831453	LOW		ROCHESTER RD
022_011	M_258941_831618	LOW		ROCHESTER RD
022A_027	M_259727_831766	LOW		ICHABOD LN
022_010A	M_259125_831758	LOW		ROCHESTER RD {OFF}
022A_029	M_259763_831824	LOW		ICHABOD LN
022_009	M_258938_831792	LOW		ROCHESTER RD {OFF}
022_010B	M_259599_831900	LOW		ROCHESTER RD {OFF}
009_020K	M_262326_832164	LOW		RIVER RD
009_020L	M_262278_832181	LOW		RIVER RD
022_006	M_260111_832725	LOW		COUNTY RD
022_004	M_259903_832650	LOW		COUNTY RD
022_007B	M_259803_832321	LOW		COUNTY RD
022_003	M_259280_832830	LOW		TOWN LINE
021_003G	M_259841_833042	LOW		COUNTY RD {OFF}
021_003H	M_259756_832909	LOW		COUNTY RD
021_002	M_259464_832928	LOW		PERRY RD
001_012	M_264302_826526	LOW		POINT RD
008_001	M_261848_830652	LOW		CREEK RD
023_089	M_259588_830809	LOW		QUAILS CROSSING RD
024_024	M_259884_829436	LOW		ROUTE 195 {OFF}
014_037F	M_261203_828520	LOW		COTTAGE ST

014_011	M_260813_828570	LOW	50	50 SPRING ST
013_063	M_260726_829149	LOW		SPRING ST
013_062D	M_260688_829218	LOW		RYDER LN
011_094	M_261770_830940	LOW		WAREHAM ST
013_062	M_260659_829201	MEDIUM		MILL ST

# Appendix B: Marion Subsidized Housing Inventory

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CH40B SUBSIDIZED HOUSING INVENTORY

Marion DHCD ID #	Project Name	Address	Type	Total SHI Units	Affordability Expires	Built w/ Comp. Permit?	Subsidizing Agency	
1823	366 Delano Road	366 Delano Road	Rental	4	2025	No	MassHousing	
1824	Marconi Village/Marion Elderly Apts	Mill Street	Rental	27	03/01/2044	No	RHS	
4178	Littleneck Village	330 Wareham Road	Rental	48	Perp	YES	DHCD	
4354	DDS Group Homes	Confidential	Rental	4	N/A	No	DDS	
7491	Rezendes Terr.	Rezendes Terr.	Ownership	1	2020	No	DHCD	
7493	Mill Street	Mill Street	Ownership	1	2020	No	DHCD	
7494	Wareham Rd	Wareham Rd	Ownership	1	2020	No	DHCD	
9208	River View Landing	River Road	Ownership	0	Perp	YES	MassHousing	
9412	Marion Marketplace	119 Wareham St	Rental	6	Perp	YES	DHCD	
9537	Front Street/Marion Village Estates	294 Front Street	Mix	69	Perp	YES	MassHousing	
9643	Buzzards Bay Habitat for Humanity	Wareham St	Ownership	1	Perp	YES	DHCD	
<b>Marion Totals</b>				162				
							<b>Census 2010 Year Round Housing Units</b>	2,014
							<b>Percent Subsidized</b>	8.04%

This data is derived from information provided to the Department of Housing and Community Development (DHCD) by individual communities and is subject to change as new information is obtained and use restrictions expire.

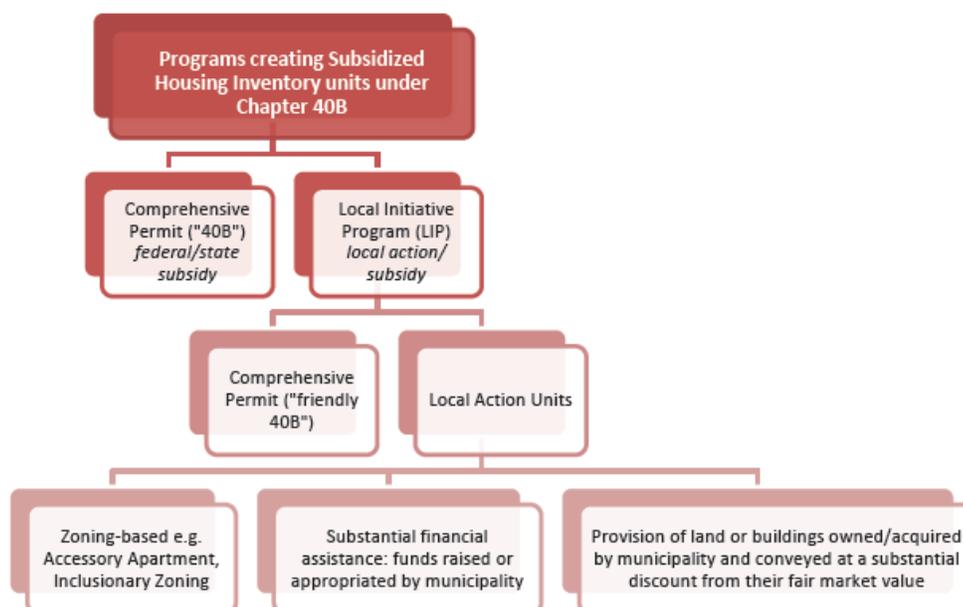
## Appendix C: SRPEDD's Chapter 40B and Affordable Housing Guidance Materials

### Overview of programs through which SHI units can be created

Municipalities have various options for producing housing units that qualify for the Subsidized Housing Inventory. In addition to developer-initiated Comprehensive Permits ("40Bs") which may override local zoning, towns can produce SHI units through the Local Initiative Program (LIP), a state housing program established in 1989 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 that meet LIP criteria and are suitable for inclusion in the SHI. 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.

The following chart shows the framework of programs under which SHI units can be created.



## Subsidized Housing Inventory

For Regulatory Authority see: G.L. C 40B, s. 20-23 and 760 CMR 56.00, especially 760 CMR 56.03

For information about the Subsidized Housing Inventory refer to **GUIDELINES: G.L. C 40B Comprehensive Permit Projects; Subsidized Housing Inventory, section II.A.1-7.**

<http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf>

### ***Measuring Progress toward Local Affordable Housing Goals [760 CMR 56.03]***

The Department of Housing and Community Development (DHCD) maintains the Subsidized Housing Inventory (SHI) to measure a municipality's stock of SHI Eligible Housing. The SHI includes housing units that are:

- Developed through the issuance of a Comprehensive Permit
- Developed under G.L. c. 40A, c. 40R
- Developed by other statutes, regulations, and programs, so long as the units are subject to:
  - A Use Restriction
  - An Affirmative Fair Marketing Plan
  - They satisfy the requirements of guidelines issued by DHCD.

### ***Timeframe for Eligibility***

A unit becomes eligible for the Subsidized Housing Inventory at the earliest of the following:

- For Comprehensive Permit, zoning approval under G.L. c. 40A, 40R plan
  - When the permit or approval is filed with the municipal clerk, or
  - On the date when the last appeal by the Zoning Board of Appeals is fully resolved.
- When the building permit is issued.
- When the occupancy permit is issued.
- When the unit is occupied by an Income Eligible Household

- Time Lapses - Unit becomes ineligible for the SHI:
  - If more than 1 year lapses before the issuance of a building permit. Unit is eligible again when building permit is issued.
  - If more than 18 months elapse between issuance of the building permits and issuance of certificate of occupancy (CO). Unit is eligible again when CO is issued.
- If a Comprehensive Permit or zoning approval permits the project to be phased, the entire project remains eligible for the SHI so long as the phasing schedule set forth in the permit approval is adhered to and not more than one year elapses from the date of issuance of the permit, if:
  - each phase includes 150 units or more
  - each phase contains the same proportion of SHI Eligible Housing units as the overall project, and
  - the projected average time period between the start of successive phases does not exceed 15 months
- If construction authorized by a Comprehensive Permit has not begun within three years of the date on which the permit becomes final, except for good cause, the permit shall lapse. [760 CMR 56.05(12)(c)]
  - This time period is tolled for the time period of any appeals
  - The ZBA may set a later date for lapse of the permit
  - The ZBA may extend the date for the lapse of a permit.

### ***Application to Include Units on the SHI***

- The community requests units to be included at any time by submitting a “Requesting New Units Form” with supporting documentation.
- Rehabilitation units: the party administering the grant locally submits the necessary information using the “housing Rehab Units Only Form.
- Requests to include new units or corrections are submitted by the municipality, a developer, or a member of the public to:

Department of Housing and Community Development Office of General Counsel  
100 Cambridge Street, Suite 300  
Boston, MA 02114-2524  
Attention: Subsidized Housing Inventory

- Every two years, the municipality must submit a statement certified by the Chief Executive Officer to DHCD as to the number of SHI Eligible Housing units other than those within a Project subject to a Comprehensive Permit.
- DHCD updates the SHI every 2 years or more frequently if information is provided by the municipality and verified by the Department.

### ***Project Eligibility Criteria***

- To be eligible to submit an application, the Applicant and the project, at a minimum:
  - The Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization
  - The project receives a subsidy either receiving funding through one of the many State and Federal Eligible Subsidy Programs that administered through a Subsidizing Agency.
    - If the federal or local programs are not administered through a Subsidizing Agency, the project must generally receive a Project Eligibility Letter through DHCD's Local Initiative Program (LIP) or receive LIP Local Action Unit ("LAU) approval.
  - The Applicant controls the site.
- The dwelling unit must be affordable to a household whose income does not exceed 80% of the AMI (Subsidizing Agency may lower this threshold.)
- Housing Costs are generally established by the housing program. If there are none, then the following apply:
  - Rental: monthly housing costs (including utilities) shall not exceed 30% of monthly income for a household earning 80% of area median income, adjusted for HH size. [Note: if trash pick-up is not included then must include a trash allowance; if

utilities are metered separately, they may be paid by the tenant and rent amount reduced to so reflect]

- Assisted Living Facility – same as rental housing
- Homeownership
  - Down payment: minimum 3% (1.5% of buyer's funds)
  - Mortgage: 30-year for not more than 97% of purchase price with fixed interest rate, not more than 2 points above current MassHousing interest rate
  - Monthly housing costs (principal, interest, property taxes, hazard insurance, condo/homeowner association fees): not to exceed 38% of monthly income for a household earning 80% of area median income, adjusted for household size.
- Continuing Care Retirement Communities – same as homeownership units.
- Use Restriction
  - Runs with land; recorded at Registry of Deeds or Land Court
  - Identifies Subsidizing Agency, monitoring agent
  - Restricts occupancy of restricted unit to Income Eligible Households.
- Affirmative Fair Housing Marketing and Resident Selection Plan
- Project must be in compliance with the Bedroom Mix Policy

### ***Household Eligibility***

A household is deemed an Income Eligible Household if:

- Household of one or more persons income does not exceed 80% of the AMI (or lower per Subsidizing Agency), adjusted for household size.
- A Subsidizing Agency may limit household assets limited as follows, or in their absence:
  - Age-Restricted Homeownership units: not to exceed \$275,000 (includes dwelling to be sold)

- Non-Age Restricted Homeownership units: not to exceed \$75,000
- Rental Units: the greater of the two
  - Income derived from the assets
  - Imputation of value calculated in a manner consistent with HUD requirements in place at time of marketing
- If items are sold for less than market value, full market value shall be used.

### ***Eligible Units within a Project***

- Rental & Assisted Living Facility (ALF)
  - General: if at least 25% of units are restricted to Income Eligible Households earning 80% or less of AMI or, at least 20% of units are restricted to households earning 50% or less of AMI, then all of the units in the rental development are eligible for the SHI. If fewer, then only the restricted units will be eligible.
  - Accessory Apartments: are eligible if they meet the requirements of the LIP.
  - Tenants who become over-income: If there are no provisions in the affordability restriction, then the change in income shall not affect the treatment of the Project or the unit provided that either (1) the tenant's income does not exceed 140% of the maximum allowable income, or (2) the owner rents the next available unit as an affordable unit to an eligible tenant pursuant to the terms.
- Homeownership: Only the units that meet the eligibility requirements are eligible.
- Continuing Care Retirement Communities – Independent living units: only those that meet the requirements are eligible for inclusion in the SHI.
- Group Homes as reported to DHCD by DMH and DDS shall be eligible to be included.
- Housing Rehabilitation Units rehabilitated through a program funded through CDBG or HOME are eligible.

## Comprehensive Permit Information Sheet

For Regulatory Authority see: G.L. C 40B, s. 20-23 and 760 CMR 56.00.

For Comprehensive Permit guidance refer to GUIDELINES: G.L. C 40B Comprehensive Permit Projects; Subsidized Housing Inventory:

<http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf>

### *Summary of the Process*

[For complete information see 760 CMR 56.04-06]

STEP ONE: Application for Determination of Project Eligibility [760 CMR 56.04(2)]

The Applicant submits an application for Project Eligibility to the Subsidizing Agency, with a copy to the Chief Executive Officer of the municipality and written notice to the Department of Housing and Community Development (DHCD), which shall include:

- the name and address of the Applicant;
- the address of the site and site description;
- a locus map identifying the site within a plan of the neighborhood, accompanied by photographs of the surrounding buildings and features that provide an understanding of the physical context of the site;
- a tabulation of proposed buildings with the approximate number, size (number of bedrooms, floor area), and type (ownership or rental) of housing units proposed;
- the name of the housing program under which Project Eligibility is sought;
- relevant details of the particular Project if not mandated by the housing program (including percentage of units for low or moderate income households, income eligibility standards, the duration of restrictions requiring Low or Moderate Income Housing, and the limited dividend status of the Applicant);
- conceptual design drawings of the site plan and exterior elevations of the proposed buildings, along with a summary showing the approximate percentage of the tract to be occupied by buildings, by parking and other paved vehicular areas, and by open areas, the approximate number of parking spaces, and the ratio of parking spaces to housing units;

- a narrative description of the approach to building massing, the relationships to adjacent properties, and the proposed exterior building materials;
- a tabular analysis comparing existing zoning requirements to the Waivers requested for the Project; and
- evidence of control of the site.

### STEP TWO: Review and Comment Process. [760 CMR 56.04(3)]

- Upon receipt of the application, the Subsidizing Agency provides written notice to the Chief Executive Officer of the municipality where the Project is located
- 30-day review period of Project begins with written notice to municipality.
- The Subsidizing Agency shall conduct a site visit, which Local Boards may attend.
- Local Boards and other interested parties submit written comments to Subsidizing Agency.
- The Subsidizing Agency issues a determination of Project Eligibility after the 30-day review period.

### STEP THREE: Findings in Determination. [760 CMR 56.04(4)]

After the 30-day review period, the Subsidizing Agency will make a determination of Project Eligibility based upon its review of the application, and taking into account information received during the site visit and from written comments. Copies of the written determination of Project Eligibility will be provided to the Department, the Chief Executive Officer of the municipality, and the Board.

Issuance of a determination of Project Eligibility shall be considered by the Zoning Board of Appeals (ZBA) or the Housing Appeals Committee (HAC) to be conclusive evidence that the Project and the Applicant have satisfied the project eligibility requirements of 760 CMR 56.04(1).

### STEP FOUR: Applicant Files an Application with the Local Zoning Board of Appeals [760 CMR 56.05(2)]

The applicant files a Comprehensive Permit Application and a complete description of the proposed project with the municipality's ZBA.

## STEP FIVE: Conduct of Zoning Board of Appeals Hearing. [760 CMR 56.05(3)-(4)]

- The ZBA has seven days, after the receipt of a complete application, sends a notice of the application and a copy of the list of Waivers required by 760 CMR 56.05(2)(h) and invite the Local Boards to participate in the hearings.
- The Board shall open a hearing within 30 days of its receipt of a complete application, and it shall thereafter pursue the hearing diligently.
- A hearing shall not extend beyond 180 days from the date of opening the hearing, presuming that the Applicant has made timely submissions of materials in response to reasonable requests of the Board that are consistent with its powers under 760 CMR 56.05, except with the written consent of the Applicant.
- If the Board wishes to deny an application on one or more of the grounds set forth in 760 CMR 56.03(1), it must do so in accordance with the procedure set forth in 760 CMR 56.03(8), or it shall be deemed to have waived its rights.
- A Board may stay the commencement of a hearing if three (3) or more Comprehensive Permit applications are concurrently undergoing hearings before the Board, and the total number of housing units in those pending Projects exceeds the numerical threshold for a large project within that municipality, as set forth in 760 CMR 56.03(6).

**Consultant Review**

## [760 CMR 56.05(5)]

- If, after receiving an application, the Board determines that in order to review that application it requires technical advice in such areas as civil engineering, transportation, environmental resources, design review of buildings and site, and (in accordance with 760 CMR 56.05(6)) review of financial statements that is unavailable from municipal employees, it may employ outside consultants. Whenever possible it shall work cooperatively with the Applicant to identify appropriate consultants and scopes of work and to negotiate payment of part or all of consultant fees by the Applicant. Alternatively, the Board may, by majority vote, require that the Applicant pay a reasonable review fee in accordance with 760 CMR 56.05(b) for the employment of outside consultants chosen by the Board alone. The Board should not impose unreasonable or unnecessary time or cost burdens on an Applicant. Legal fees for general representation of the Board or other Local Boards shall not be imposed on the Applicant.

- A review fee may be imposed only if:
  - the work of the consultant consists of review of studies prepared on behalf of the Applicant, and not of independent studies on behalf of the Board;
  - the work is in connection with the Applicant's specific Project; and
  - all written results and reports are made part of the record before the Board.
  - a review fee may only be imposed in compliance with applicable law and the Board's rules.

### **Review of Financial Statements**

[760 CMR 56.05(6)]

- A Board may request to review the *pro forma* or other financial statements for a Project only after the following preconditions have been met:
  - Other consultant review has been completed;
  - The Applicant has had an opportunity to modify its original proposal to address issues raised;
  - The Board has had an opportunity to propose conditions to mitigate the Project's impacts and to consider requested Waivers; and
  - The Applicant has indicated that it does not agree to the proposed condition(s) or Waiver denial(s) because they would render the Project uneconomic. A Board may not conduct review of a *pro forma* in order to see whether a Project would still be economic if the number of dwelling units were reduced, unless such reduction is justified by a valid health, safety, environmental, design, open space, planning, or other local concern that directly results from the size of a project on a particular site, consistent with 760 CMR 56.07(3).
- If the Applicant does not agree to some or all of the proposed permit conditions or Waiver denials because they would render the Project Uneconomic, the Board may ask the Applicant to submit its *pro forma*, in form satisfactory to the Subsidizing Agency, and revised as necessary to reflect the additional cost of meeting these conditions and/or denials. The revised *pro forma* may be subjected to the same consultant review as any other technical information submitted to the Board, in accordance with 760 CMR 56.05(5)

and the Board's rules.

The Board may then use this information to decide whether to adopt or modify its originally proposed conditions and/or denials. *Pro forma* review should conform to recognized real estate and affordable housing industry standards, consistent with the policies of the Subsidizing Agency and guidelines adopted by the Department.

- Related financial issues, including related-party transactions, the estimated sales price or rental rates of market-rate units, and land acquisition costs, shall be addressed in accordance with the Department's guidelines. Disagreements between the Applicant and the Board's consultant should be resolved in accordance with the Department's guidelines. The Subsidizing Agency has the sole responsibility to establish and enforce reasonable profit and distribution limitations on the Applicant, as set forth in 760 CMR 56.04(8).

### ***Waivers from Local Requirements and Regulations***

[760 CMR 56.05(7)]

The Applicant may request Waivers, solely from the "as-of-right" requirements of the zoning district where the project site is located, as listed in its application or as may subsequently arise during the hearing, and the Board shall grant such Waivers as are Consistent with Local Needs and are required to permit the construction and operation of the Project.

If a Project does not request a subdivision approval, waivers from subdivision requirements are not required (although a Board may look to subdivision standards, such as requirements for road construction, as a basis for required project conditions, in which case the Applicant can seek Waivers from such requirements).

STEP SIX Board Decisions. [760 CMR 56.05(8)]

- Forty-five days after the close of the public hearing, the Board shall render a decision, based on a majority vote of the Board, taking into consideration the recommendations of Local Boards.
- The Board shall file its decision within 14 days in the office of the city or town clerk, and it shall forward a copy of any Comprehensive Permit to the Applicant or its designated representative and to DHCD when it is filed.
- The Board may:

- approve a Comprehensive Permit on the terms and conditions set forth in the application;
  - approve a Comprehensive Permit with conditions with respect to height, site plan, size, shape or building materials that address matters of Local Concern; or
  - deny a Comprehensive Permit as not Consistent with Local Needs if the Board finds that there are no conditions that will adequately address Local Concerns.
- Uneconomic Conditions. The Board shall not issue any order or impose any condition that would cause the building or operation of the Project to be Uneconomic, including a requirement imposed by the Board on the Applicant:
    - to incur costs of public infrastructure or improvements off the project site that:
      - are not generally imposed by a Local Board on unsubsidized housing;
      - address a pre-existing condition affecting the municipality generally; or
      - are disproportionate to the impacts reasonably attributable to the Project; or
    - to reduce the number of units for reasons other than evidence of Local Concerns within the purview of the Board (see 760 CMR 56.05(4)(e); see also 760 CMR 56.07(3)(c–h) regarding evidence that would be heard by the Committee on an appeal), such as design, engineering, or environmental deficiencies that directly result from the impact of a Project on a particular site. If a proposed nonresidential element of a Project is not allowed by-right under applicable provisions of the current municipal zoning code, a condition shall not be considered Uneconomic if it would modify or remove such nonresidential element.

### STEP SEVEN Appeals from Board Decisions [760 CMR 56.05(9)]

- If the Board approves the Comprehensive Permit, any person aggrieved may appeal within the time period and to the court provided in M.G.L. c.40A, §17.
- If the Board denies the Comprehensive Permit or approves the permit with unacceptable conditions or requirements, the Applicant may appeal to the Housing Appeals Committee as provided in M.G.L. c.40B, §22 and 760 CMR 56.06.
- If the Board takes action adverse to the Applicant under 760 CMR 56.03(8), 760 CMR 56.05(11), or a similar provision of 760 CMR 56.00, or otherwise violates or fails to

implement M.G.L. c.40B, §§20 through 23, the Applicant may appeal to the Housing Appeals Committee as provided in M.G.L. c.40B, §22 and 760 CMR 56.06.

For Procedural Regulations for Appeals to the Housing Appeals Committee see 760 CMR 56.06.

## **Local Initiative Program (LIP): Local Action Units**

For Regulatory Authority see: G.L. C 40B, s. 20-23 and 760 CMR 56.00.

For LIP LOCAL ACTION UNIT guidance refer to GUIDELINES: G.L. C 40B Comprehensive Permit Projects; Subsidized Housing Inventory, section VI. Local Initiative Program (LIP):

<http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf>

LIP is a state housing program established in 1989 to give cities and towns more flexibility.

The subsidy for this program is technical assistance and services provided to municipalities and developers for the creation, maintenance and preservation of Low or Moderate Income Housing.

There are two means of creating affordable housing under LIP:

- Local Initiative Projects “Friendly 40B”: go through the Comprehensive Permit process
- Local Action Units: developed through local zoning, such as Inclusionary Zoning bylaws, or permit issue process.

Units developed through LIP are eligible for SHI

DHCD reviews for:

- Consistency with State Sustainable Development Principles
- Consistency with Local Housing Needs
  - LIP approval for age-restricted housing needs to show actual need and marketability within the municipality.
  - Do other age-restricted units, created with a Comp Permit, unbuilt or unsold? Are the proposed age-restricted units, in context with other housing efforts, unresponsive to needs for family housing?

## ***Local Action Units***

Housing units that are built without a Comprehensive Permit but meet LIP criteria and are suitable for inclusion in LIP.

- Built pursuant to a local action and not developed with a comprehensive permit:
  - Zoning-based approval
    - Inclusionary Zoning, Accessory Apartment Bylaw meeting the LAU criteria
    - Condition of a variance or special permit; agreement between town and a Developer to convert and rehabilitate municipal buildings into housing;
  - Substantial municipal financial assistance: Funds raised, appropriated, administered by city or town.
  - Provision of land or buildings that are owned or acquired by the city or town and conveyed at a substantial discount from their fair market value.
    - donation of municipally-owned land
    - use of local funds to develop or write down housing units
- Must meet the following criteria
  - Resulted from city or town action or approval
  - Meet requirements for SHI eligibility
    - Have a subsidy
    - Affordable to households with household income that does not exceed 80% of the AMI
    - Meet the Household Assets limitations
    - Meet Housing Costs limits
      - Rental: 30% of Household income
      - Ownership: 3% of purchase price as down payment and monthly housing costs not to exceed 38% of monthly income

- Units having a use restriction restricting occupancy to Income Eligible Household having a lower percentage of AMI than 80%.
- Project is in compliance with the Bedroom Mix Policy and affordable units subject to an Affirmative Fair Marketing and Resident Selection Plan.
- The community is strongly encouraged to meet with DHCD LIP staff to discuss project prior to submitting an application

## **Process**

STEP ONE. Discuss the Local Action Unit projects with DHCD LIP staff prior to submitting an application.

STEP TWO. File a MEPA Environmental Notification Form, for new construction only.

STEP THREE. Complete a Regulatory Agreement for Ownership Developments, or a Regulatory Agreement or Rental Developments, or a HOME Covenant/Deed Restriction

STEP FOUR. Application

[www.mass.gov/dhcd](http://www.mass.gov/dhcd) (search “LIP Local Action Unit application”)

Submit a complete, signed copy of the Local Initiative Program Application for Local Action Units to DHCD, attention LIP Program Coordinator; including:

- Documentation of the municipal action
- Submit a copy of the Regulatory Agreement for Ownership or Rental Developments or the HOME covenant/deed restriction, redlined to reflect any proposed changes.
- MEPA environmental notification form (ENF) for new construction only
- Affirmative Fair Marketing and Lottery Plan.

STEP FIVE. DHCD expects to review and process the application within 60 days. To receive LAU approval, DHCD reviews for location action or approval. LAUs cannot be developed with a Comprehensive Permit.

## **Lessons Learned**

- Maximum LIP maximum rents are calculated at what is affordable to a household earning 80% of the area median family income adjusted for household size. E.g.:

- 2 BR unit:
  - Household size = (#BR +1) = 3 bedrooms at 80% of AMFI = \$58,000
  - Monthly Income = \$4,875 Max Rent (30% of monthly income) = \$1,462

## **Accessory Apartments**

In order for Accessory Apartments to be added to the Subsidized Housing Inventory, they must receive Local Action Unit (LAU) approval:

- Resulted from city or town action or approval
- Subject to a recorded use restriction approved by DHCD, that has a term of not less than 15 years
- Meet the requirements for LIP units, with the exception of receiving a Comprehensive Permit.
- Municipality adopts an Accessory Apartment zoning bylaw or ordinance that permits the creation of accessory apartments that are affordable to Income Eligible Households.
  - Submit a draft to DHCD for compliance review prior to local approval – DHCD’s review will be limited to noting any provisions that might conflict with LIP requirements.
  - Units to be submitted to DHCD will have received zoning approval under the bylaw or ordinance.
  - There shall be no provisions that conflict with the LIP requirements
    - Allowing affordable accessory dwelling units to be rented to family members.
    - Allowing affordable accessory apartments to be rented to households earning more than 80% of AMI

- A requirement that all accessory dwelling units shall be restricted to residents of the municipality
- Any provision in conflict with applicable fair housing laws.
- Complete a Local Initiative Program Application for Accessory Apartments.
  - Letter of Support signed by the Chief Executive Officer
  - An Affirmative Fair Housing Marketing Plan
  - Designation of a Local Project Administrator (LPA) for all accessory apartments – responsible for oversight of all accessory apartments
    - Local Official
    - Local Housing Partnership board member or staff member
    - Director of an area housing non-profit organization
    - Another appropriate person meeting DHCD approval
  - Schedule of maximum rent for each accessory apartment
  - Proposed tenant application form and plan for processing of applications
  - Plan for annual verification of tenants' income
- Submit a letter of support from the local housing partnership, if any.
- Meet the Local Action Requirements:
  - Municipality has a local zoning bylaw or ordinance that permits the creation of accessory apartments.
  - Received approval under the bylaw
- Tenant Eligibility
  - Family Members Prohibited
  - Household income shall not exceed 80% of the AMI adjusted for actual household size, as determined by HUD. Limits may be lower.
    - Certification of income eligibility made by the Local Project Administrator

(documentation may include recent tax returns, pay stubs, affidavits, etc.). Any post-occupancy changes must be reported to the owner and the LPA.

- Affirmative Fair Housing Marketing
  - Affirmative Fair Housing and Marketing and Resident Selection Plan
    - Outreach
    - Minimum Advertising Period – 60 days
    - Wait List: “Ready Renters List”
  - Annual Data Collection: the LPA shall collect data annually regarding the number of minority households renting accessory apartments.
  - DHCD may suspend/revoke the eligibility of units if a Failure to Apply Good Faith Efforts is found.
  - Tenant Selection
    - Owner gives written notice to LPA that a unit is available and requests referral of applicants.
    - Within 5 business days, the LPA refers the top appropriately-sized household(s), no more than 3 at a time.
    - The owner meets the referred applicant(s) and show the unit. The referred applicant has a minimum of 10 business days to view the unit. Owner may select one of the applicants or request additional referrals. Non-selected applicants return to the top of the Ready Renters List.
    - Owner enters into a 1-year lease with selected applicant.
    - Upon request of the LPA, the owner shall specify in writing a substantial nondiscriminatory reason for having rejected an applicant.

## Local Initiative Program Comprehensive Permits (“Friendly 40”)

For Regulatory Authority see: G.L. C 40B, s. 20-23 and 760 CMR 56.00.

For LIP Comprehensive Permit guidance refer to GUIDELINES: G.L. C 40B Comprehensive Permit Projects; Subsidized Housing Inventory, section VI. Local Initiative Program (LIP):

<http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf>

Local Initiative Project – means a Project for which the project eligibility application is submitted by the Chief Executive Officer of the municipality under 760 CMR 56.04(2) to the Department of Housing and Community Development, in accordance with the Department’s Local Initiative Program (“LIP”).

<http://www.mass.gov/hed/economic/eohed/dhcd/legal/regs/760-cmr-56.html>

LIP is a state housing program established in 1989 to give cities and towns more flexibility.

The subsidy for this program is technical assistance and services provided to municipalities and developers for the creation, maintenance and preservation of Low or Moderate Income Housing.

There are two means of creating affordable housing under LIP:

- Local Initiative Projects “Friendly 40B”: go through the Comprehensive Permit process
- Local Action Units: developed through local zoning, such as Inclusionary Zoning bylaws, or permit issue process.

Units developed through LIP are eligible for SHI

DHCD reviews for:

- Consistency with State Sustainable Development Principles
- Consistency with Local Housing Needs
  - LIP approval for age-restricted housing needs to show actual need and marketability within the municipality.
  - Are other age-restricted units, created with a Comp Permit, unbuilt or unsold? Are the proposed age-restricted units, in context with other housing efforts, unresponsive to needs for family housing?

## **Comprehensive Permit Projects: Summary of the Process**

[For complete information see GUIDELINES, section VI]

STEP ONE: Project must meet requirements of 40B

STEP TWO: Receive written support of Chief Executive Officer

STEP THREE: Complete Local Initiative Program Application for Comprehensive Permit Projects as Word Fillable Form [LIP Guidelines pg. VI – 3]: <http://www.mass.gov/hed/housing/affordable-own/local-initiative-program-lip.html> Include:

- Letter of support signed by the Chief Executive Officer of the municipality.
- Signed letter of interest from a construction lender
- Site plan showing contours of the site and the footprint of all proposed buildings, roads, parking and other improvements
- Front and rear elevations for each building and sample floor plans for each unit type
- Description of proposed units by size, type, number of bedrooms, location within the project, and proposed rents or sales prices.

APPLICATION FEE: \$1,500 per project plus an additional \$20 per unit with checks payable to Department of Housing and Community Development. [Reduced by one-half for non-profit developers; waived for public agencies and municipalities.] Application fee is refunded if the application is not accepted or is rejected. One-half of the fee is refunded if application not approved.

STEP FOUR: Determination of Project Eligibility. [GUIDANCE, p. VI-9]

Upon receipt of the application, DHCD reviews the LIP Comprehensive Permit Application.

- The Determination of Project Eligibility is a prerequisite to application for a Comprehensive Permit for the Project from the municipality's Zoning Board of Appeals.
- DHCD makes the following findings in order to issue a Determination of Project Eligibility.
  - The application meets the requirements specified in 760 CMR 56.04(4).
  - The proposed project appears generally eligible under the requirements of the LIP,

- subject to final program review and approval.
- The proposed site plan is appropriate in the context of the surrounding area and taking into account previous municipal action to meet affordable housing needs, and the housing design is appropriate for the site.
  - The proposed project appears financially feasible in the context of the local housing market.
  - The initial pro forma for the project appears financially feasible on the basis of estimated development costs and revenues.
  - The applicant is a public agency, a non-profit organization, or a Limited Dividend Organization.
  - The applicant controls the site.