

Housing for Whom: Does Adherence to Massachusetts' 40B Provide Adequate Stock of  
Housing Types Needed at the Local Level?

By

John T. Fay

B.A., Sociology  
University of Massachusetts Boston, 2014

SUBMITTED TO THE DEPARTMENT OF URBAN STUDIES AND PLANNING IN  
PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF

MASTER IN CITY PLANNING  
AT THE  
MASSACHUSETTS INSTITUTE OF TECHNOLOGY

SEPTEMBER 2021

©2021 John T. Fay. All rights reserved.

The author hereby grants to MIT permission to reproduce and to distribute publicly paper  
and electronic copies of this thesis document in whole or in part in any medium now  
known or hereafter created.

Signature of Author: \_\_\_\_\_  
Department of Urban Studies and Planning  
August 23, 2021

Certified by: \_\_\_\_\_  
Amy Glasmeier  
Professor of Economic Geography and Regional Planning  
Department of Urban Studies and Planning  
Thesis Supervisor

Accepted by: \_\_\_\_\_  
Ceasar McDowell  
Professor of the Practice  
Chair, MCP Committee  
Department of Urban Studies and Planning

# Housing for Whom: Does Adherence to Massachusetts' 40B Provide Adequate Stock of Housing Types Needed at the Local Level?

By

John T. Fay

Submitted to the Department of Urban Studies and Planning on August 23, 2021 in Partial Fulfillment of the Requirements for the Degree of Master in City Planning

## **Abstract**

Massachusetts General Law 40B has been in effect for over 50 years, yet the housing affordability crisis in the state persists. It is well established that onerous bureaucratic permitting requirements, along with restrictive zoning ordinances constrain the housing market and serve to drive up housing prices. This study aims to determine if the subsidized housing units built in accordance with the demands of 40B can meet the demographic needs of their respective locales.

To test the hypothesis that municipalities favor subsidized unit types that are less of a draw on municipal finance, I compared the catalog of subsidized units in study communities to the locale's demographic profiles. This analysis showed a weak connection between the types of units built under 40B and the proportional population they would serve.

However, these results suggest the need for stricter documentation and reporting standards in the administration of 40B and examples from other states of how to best address the housing affordability crisis in Massachusetts.

Thesis Supervisor: Amy Glasmeier

Title: Professor of Economic Geography and Regional Planning

## **Biographical Note**

John Fay is a Massachusetts native raised in Hull, a small beach town outside Boston. After completing high school, he served eight years in the U.S. Army as a Combat Engineer, completing one tour of duty in Iraq. Upon returning to civilian life, he attended UMass Boston and received his Bachelor's of Arts in Sociology, minoring in Anthropology. While working as a research assistant at MIT, he discovered interest in urban planning and began his path through MIT's Master in City Planning program.

## **Acknowledgements**

First and foremost, I would like to thank my thesis advisor Professor Amy Glasmeier, whose invaluable academic and life guidance has enabled me to get to this point in my career. I would also like to thank Ezra Haber-Glenn, my instructor for statistics and thesis reader, whose knowledge of Massachusetts housing law was instrumental in guiding my thinking.

I would also like to thank the Department of Veterans Affairs, for the financial support to achieve this educational goal.

Last but certainly not least, I would like to thank my family and my fiancée for their steadfast patience and support through the hazards of graduate education. Without them, there would be no me. Thank you all.

John Fay

## Executive Summary

This thesis investigates subsidized housing types built following the Massachusetts 40B Subsidized Housing Inventory ordinance. According to the legal requirement, localities in Massachusetts must ensure 10% of their housing stock meets affordability standards set by the state. The state defines "affordable" as units subsidized through a qualifying agent, or use of technical assistance provided by the Department of Housing and Community Development. In meeting the requirement to add to the affordable housing inventory, assumptions are that municipalities build affordable housing that places less burden on municipal finances by focusing on either elderly or disabled housing types, despite demographic patterns calling for family dwellings. While 40B results in additions to the affordable housing stock in the state, it is questionable whether the additional units match the local demographic needs of communities around the state. This research project asks: are the housing types currently built to achieve Safe Harbor status under MGL 40B responding to the demographic needs of community residents?

Housing affordability is a national crisis dating back at least to the Second World War. Developers built the first suburbs to house Veterans returning home from the war. Massachusetts was the first state to pass a requirement that needed additions to the state's stock of affordable housing to be shared by all communities in the state. Massachusetts General Law 40B addressed the issue through legislative action. The law requires communities around the state to contribute to the production of affordable housing. Though affordability is a multifaceted problem, research shows that a statewide slowdown of building permit issuance is at least partially to blame, often a result of a burdensome bureaucracy and restrictive zoning ordinances. Home Rule legislation complicates statutory efforts to exert state powers over affordable housing production, pitting localities against the state in implementing 40B. Countering dissent, Massachusetts' Department of Housing and Community Development (DHCD) promotes the construction of affordable housing while adjudicating subsidized proposal disputes through its Housing Appeals Committee (HAC) which can give the appearance of bias in committee decisions.

In addressing affordable housing shortages, several states borrowed and improved upon Massachusetts' 40B legislation. Rhode Island borrowed language from Massachusetts, with significant changes allowing the state to exert more control while respecting local decision-making. New Jersey utilizes a regional housing model that assesses the region's needs and disperses housing unit burden, a suggestion Mass. Legislators made through their Legislative Research Committee.

This research assesses the need for specific types of housing and local population characteristics by examining a representative set of communities qualifying for Safe Harbor (and one making progress). Demographic data was studied, comparing their breakdown by unit types with the proportion of populations served by those units. Only one of the four localities produced easily accessible data. Three of the four communities' housing-type demographic-match relies on the author's personal experience and knowledge of local practitioners.

Despite incomplete datasets, the subsidized inventory of only one locality closely matched its demographic breakdown. The three additional cases provide insufficient confirmatory information to determine the possibility of a housing mismatch of local housing needs based on demographics. The results of this research do not draw a cause-and-effect relationship, and its applicability requires a more rigorous investigation to verify these partial findings.

Better reporting standards and records collection is vital to remedy the data gaps made evident in this thesis. Using subsidizing agency support proved insufficient to inform this investigation. There is the possibility that observations of this analysis are an unintentional result of human influence in the planning process. Restructuring 40B to account for these possible weaknesses and biases can strengthen the law overall and better serve its stated goals.

## Table of Contents

Abstract	2
Biographical Note and Acknowledgements	3
Executive Summary	4
Chapter 1: Introduction	7
Chapter 2: Literature Review	11
Chapter 3: State Preemption over Local Zoning	17
Chapter 4: Methods	22
Chapter 5: Qualitative Analysis	29
Exhibits	
<i>Table 1: Percent of Population with Housing Burden</i>	37
<i>Figure 1: Reading Population Pyramid</i>	38
<i>Figure 2: Needham Population Pyramid</i>	38
<i>Figure 3: Tewksbury Population Pyramid</i>	38
<i>Figure 4: Gardner Population Pyramid</i>	38
<i>Figure 5: Middlesex County Population Pyramid</i>	39
<i>Figure 6: Norfolk County Population Pyramid</i>	39
<i>Figure 7: Worcester County Population Pyramid</i>	39
<i>Figure 7: Massachusetts Population Pyramid</i>	39
<i>Figure 8: Subsidized Housing Inventory - Unit Type Share</i>	40
<i>Figure 9: Municipal Poverty Rates, 2009-2018</i>	40
<i>Figure 10: MA County and State Poverty Rates, 2009-2018</i>	41
<i>Figure 11: 2018 Median Family Income as Percent of 2018 HUD Median Household Income Limits</i>	41
<i>Figure 12: Municipality Disabled Population</i>	42
<i>Figure 13: County and State Disabled Population</i>	42
<i>Table 2: Reading and Tewksbury Subsidized Inventory Units</i>	43
<i>Table 3: Gardner and Needham Subsidized Inventory Units</i>	44
Chapter 6: Discussion and Conclusion	45
Bibliography	49

## Chapter 1: Introduction

The average US household finds their yearly incomes hold less and less power to improve or even maintain their living situations. The scarcity of housing options seen nationwide is accentuated in the Greater Boston region, as the demand to live near the city's economic hub drives the already constrained market to experience ever-increasing prices for available properties. White flight into suburbia over the decades occurred in the Boston area, bifurcating access to livable space in much the same way as the labor market split into the haves and have-nots. The last stand of the disappearing middle class is securing the basic necessity of shelter.

The housing market in the northeast United States is especially expensive – where population density, past and present racist land-use policies, preferences for historic preservation, and hundreds of years of development through iterations of market conditions have combined to exclude people of more modest incomes from accessing affordable housing options. It has been extensively noted that the increasing prices of housing are but one result of housing scarcity, which works to drive up demand and a concomitant rise in prices. Massachusetts and the Greater Boston area consistently rank as one of the most expensive places to secure housing in the U.S. ([Frantz, 2000](#); [The Boston Foundation, 2019](#)), and the portion of household incomes dedicated to doing so, measured as "cost burden" has become unsustainable. The lack of affordable housing options and the fallout it causes led Massachusetts state legislators to become the first in the nation to address the problem, with the aim to help construct subsidized housing for those who can least bear the burden. In 1969, elected officials drafted and passed Mass General Law,

Chapter 40B, Sections 21-23 which encourages municipalities to build up affordable housing stock.

Chapter 40B, known colloquially simply as "40B" is the main instrument Massachusetts uses to generate needed affordable housing (or 'subsidized housing'). With the law's passage, developers are afforded a local zoning override if a municipality fails to meet a numerical goal of 10% of new housing units built in response to local population growth. A locale is subject to such an override if the municipality fails to meet at least one of three conditions: if a municipality falls below a threshold of ten percent of its entire housing stock being affordable based on subsidization, if they lack an approved Housing Production Plan (HPP), or if subsidized units fail to represent a proportion of its land area equal to 1.5% of their total land zoned for residential, commercial, or industrial uses. At the time of passage, only two municipalities of Boston and Malden met the requirements awarding them the condition known as "Safe Harbor," which protects a municipality from such a zoning challenge (Reed, 1981). Since its passage, the law is credited with creating thousands of affordable housing units, though the actual number built is elusive due to privacy protections and differences in affordability requirements in each proposal. Debate roils to this day on the effectiveness of the 40B intervention.

This investigation began as a curiosity sparked by personal experience in a local Massachusetts municipal planning office; the town was battling against the perceived heavy-handedness that 40B imposes and was a frequent topic of discussion between local leaders at all levels. The blue-collar self-image of the town and proximity to Boston proper belied the strong resistance to move forward in time as anything but a "bedroom community" catering to those already residing there and was perplexing. The arguments of



"maintaining the character of the town" are a vague but effective means of maintaining the development status quo; these attitudes reflect a reluctance to share the benefits of the current density and proximity to a world-class city with anyone not already from the community. This town where over 30% of households earn less than \$75,000 a year and conceivably qualify for federal Housing and Urban Development (HUD) housing programs would not embrace building more housing for those most in need of it. More importantly, in this larger environment of housing scarcity in Massachusetts and elsewhere across the nation, who does build subsidized housing? Exploration of this issue would raise even more questions. I hope this investigation will help to further the affordable housing discourse in Massachusetts, by shedding light into less-interrogated aspects of the state's local zoning preemption powers.

One argument that this thesis addresses is determining the amount of housing types which are approved and built through the law's frameworks. As currently structured, 40B makes no distinctions between income-restricted housing, age-restricted housing for seniors, or special needs housing supported and sponsored by state agencies. The equal weight given to these disparate housing types enables communities to meet their expected quota by building units that present lower financial demands on municipal balance sheets. Often, even the suggestion of constructing income-restricted housing draws out local critics who assail being "forced" to educate the children of residents in income-restricted housing units. In this way, otherwise distasteful arguments about the requirement can be reframed as dedication to fiscal prudence (Frantz, 2000). Considering the current structure of the law, this thesis aims to ask and answer the question "Do patterns of approval and construction of subsidized housing match the demographic needs of the locales where

they are built?" I hypothesize that localities do in fact favor unit types which are less of a perceived draw on municipal finances.

The following sections will serve as a guide to the research undertaken to attempt to answer this question. The literature review addresses the observed need for and current state of 40B, complications between state preemption over zoning and home rule statutes, followed by brief outlines of state methods used to fulfill affordable housing obligations via state preemption. The methods section covers data retrieval and difficulties confronted in its collection, case selection methodology, as well as summarizing definitions used and investigation boundaries. The next section attempts to use this data to understand the patterns of development approved through use of 40B, and the relationship of those patterns to the proportional populations the units are intended for. Lastly, in the discussion and conclusion I suggest ways which 40B could be strengthened, limitations of the research, and avenues for further research.

## Chapter 2: Literature Review

### *The Affordability Crisis in Massachusetts*

Ensuring an adequate supply of affordable housing options for prospective residents is a primary goal of state legislators, as maintaining the machinery of a functioning government relies on revenues generated by economic activity within the state. Suppose prospective residents cannot find a locality that allows them to live within their means. In that case, they will choose to live elsewhere, and the state will fail to benefit from the economic activity generated by their residency. However, finding a place to live in Massachusetts within one's means is becoming increasingly difficult every year that passes, as high demand to live in such a vibrant state and a shrinking housing supply combine to drive prices ever higher.

According to a 2019 report from the National Low Income Housing Coalition, the wage needed to afford a 2-bedroom unit nationwide without spending more than 30% of one's income was \$22.96 an hour, well below the current \$7.25 national minimum wage (NLIHC, 2019). The same NLIHC report states how Massachusetts' housing prices are similarly disconnected from the state minimum wage. To stay within 30% of their income (NLIHC, 2019), a resident working a full-time, 40-hour a week schedule would need to earn \$33.81 an hour to afford a 2-bedroom unit. Though Massachusetts' minimum wage is set far higher than the federal minimum wage at \$13.50 as of 2021 (Mass. General Laws c.151 § 1), affordable housing options are outside the means of many. "The share of tracts where the renter cost-burden rate exceeded 50 percent skyrocketed from 15 percent of all tracts in 1990 to 46 percent of all tracts in 2016" (Hermann et al., 2019). Observers note a slowdown of building permit issuance in the state resulting from a dwindling supply of undeveloped

parcels, an explosion in the number of bureaucratic hurdles needed to obtain required permits (frequently environmentally conscious and laudable efforts), amplified by restrictive zoning ordinances (*A New Look at an Old 40B*, 2008; Bratt & Vladeck, 2014; Goetz & Wang, 2020; Infranca, 2019). This calculus results in a shortage of units available for those most in need.

Reasons why somebody cannot develop a plot can run the gamut, but most often restrictive zoning practices are caused by large lot minimums, restrictions on the number of allowable porkchop lots (often taking form as a lot subdivided front-to-back; also known as 'flag' or 'hammer head' lots), or the exclusion of multi-family homes in some or all parts of a town. When localities make development more difficult - be it through a tangled mess of permitting requirements or by denying more density through restrictive zoning ordinances - fewer housing units are available for new residents to move into, and prices for the housing units that are available rise precipitously. Numerous states, including Massachusetts, have found it necessary to supersede local zoning ordinances in the name of affordable housing unit production, with varying degrees of deference to local control and likewise to varying degrees of success.

### *Why Override Local Zoning?*

Zoning is the primary means that municipalities regulate the use and development of land within its areal limits. Zoning enables a city or town to dictate which *perceived* noxious or ecologically harmful land uses (i.e., automobile fabrication, power generation) can collocate with more benign uses such as retail districts or residential neighborhoods. Municipal bodies exert control over allowable activities on a parcel of

land through planning departments, city councils, and boards of zoning appeals (ZBAs), and with instruments such as municipal bylaws, policies, and procedures. The right for localities to use this power was defended and thus enshrined in the U.S. Supreme Court case of *Euclid v. Ambler* in 1926. In adjudication of this case, the U.S. Supreme Court overturned the lower court's ruling and upheld the right of the village of Euclid, Ohio to zone and divide allowable uses on a large contiguously owned parcel of land. The law upheld a municipality's right to use its inherent police power to dictate land use controls for public welfare, thereby establishing "Euclidian Zoning" precedent. Today Euclidian Zoning is the status quo for many American municipalities, and is enshrined in Massachusetts state law via MGL 40A. Exclusionary zoning, as Euclidian Zoning is often termed and the name suggests, can exclude not only activities, but particular housing types and populations as well.

### *Local Bodies*

Localities amenable to addressing housing affordability issues by building additional housing units often take the interim step of standing up a local housing authority, as enabled by Massachusetts General Law. These organizations have specific abilities to provide housing for the municipality's low-income and elder citizenry (MGL 121, Sec 26). The governing structure of the locality shapes preferences. Members can be appointed by and serve at the behest of mayors, or – in the case of towns – selectmen can either appoint or mandate an election of members (MGL 121, Sec 5).

Moving up the organization ladder, Massachusetts legislative attempts to remedy the dearth of housing options usually follow an approach using "carrots rather than sticks", particularly evidenced in the passage of the 1969 Comprehensive Permit Act (MGL 40B, Section 21-23), its subsequent amendments, and administrative policies. Codified as Mass. Gen. Law Chap. 40B, Sections 20-23, the law and related procedural workings encourage municipalities to restrict 10% of their respective housing stock as affordable. The mechanism used to promote this goal is the threat of a zoning override, in which a developer with the assistance of an approved subsidizing authority can, as the name suggests, override local zoning statutes in the name of producing affordable housing units. These units contribute to the statewide reserve of affordable housing stock to address the overall housing affordability crisis. This legal framework and its implementation is at the heart of many zoning board and town meetings.

Economic Development Corporations (EDCs) in many locales are NGOs that provide assurance that a subsidized project will be financially feasible, by coordinating grant seeking and tax schema, including low-interest financing, and construction of affordable housing projects. Receipt of a "site/project eligibility letter" from such a financing agency, or use of technical assistance from the state's Department of Housing and Community Development (DHCD), is a requirement for any potential 40B project. The financial constraints of EDCs are akin to any profit-seeking construction venture, and while profitability is not their main goal, financial solvency is a requirement to ensure that affordable housing units are integrated into a community's residential fabric. Due to the reality of these constraints, EDCs and other non-governmental organizations are hamstrung in what they can accomplish due to external factors.

The mechanisms described above are insufficient to ameliorate the state's housing affordability challenge. State-sanctioned 40B projects add only small increments to the state's stock of affordable housing. Construction of new affordable housing units is primarily occurring in existing densely populated areas, where profitability is almost guaranteed. Whereas outlying suburban and rural locales needing affordable housing units are largely overlooked as viable sites for new housing construction. Some urban locales lack restrictive zoning ordinances present in more affluent suburbia, where multi-family construction can at times be explicitly outlawed.

### *Home Rule*

Massachusetts is among a group of ten states that abides by a Home Rule doctrine, where recognition is given to local authority vis-à-vis self-governance without state interference. In contrast, 31 states legislate under Dillon's Rule which gives a state the ultimate say in local matters. Most states with Home Rule amendments retain the power to overrule or "preempt" laws that are deemed in conflict with state interests, objectives, and laws. Though the state has adopted Home Rule legislation, structuring of the law in Massachusetts takes form as a hybrid combining Home Rule's municipal independence and Dillon's Rule, whereby any local law can be preempted by state law and render a local ordinance moot. Despite municipal hesitancy to exercise Home Rule privileges in many legislative areas (Barron et al., 2004), no such ambiguity exists surrounding land development rights. The existence of and limitations enplaced by these laws means that in practice, ensuring an adequate supply of affordable housing through a zoning override supplants other Massachusetts' state legislative efforts, an example of extreme deference

to Home Rule. This de facto hands-off approach forces parties wishing to build housing in the state to fight the localities in which they wish to build, without the aid of legitimization of their efforts through the state apparatus. In this case, for more affluent locales Home Rule aggravates an already contentious relationship between municipal authorities and citizens.

Prior to the adoption of the Home Rule Amendment through passage of Mass. General Law 43B, most changes a municipality wished to make to their laws were funneled through the Massachusetts State Legislature. As under the Dillon Rule, municipalities were creatures of the State and lacked power to do so themselves. Through the adoption of 43B in 1966, the "Home Rule Amendment," the state legislature "strengthened local governmental powers and created a "presumption in favor of validity" for zoning ordinances" (Reed, 1981). This structuring does not incentivize locales to support the creation of affordable housing for regional needs, and the strong independence of Massachusetts municipalities even before the passage of Home Rule stymies such regional cooperation. Regional Planning Organizations (RPOs) in Massachusetts generally provide local planners with a broad swathe of technical assistance and lack power that local planning boards hold. The only current regional planning agency with any power to dictate development is the Martha's Vineyard Commission, established by state legislators to guide development on the island, despite the legislative committee suggestions for statewide regionalization of planning powers (*A New Look at an Old 40B*, 2008). The local control to dictate how issues are solved is a deeply prized right bestowed upon Massachusetts municipalities, first shown through the Town Meetings of colonial Massachusetts.



### Chapter 3: State Preemption over Local Zoning

Massachusetts was the first state in the country to pass legislation over local objections that considered the state's need for affordable housing development. In 1967, the legislature commissioned the Legislative Research Council to study housing supply issues and found that local zoning was being used unjustly in regard to "modest income housing" (*A New Look at an Old 40B*, 2008). After heated debate, the Massachusetts state senate passed by a small margin (Reed, 1981), the first state preemption over local zoning. However, Massachusetts is no longer a standout in states exercising preemption over local zoning ordinances. Numerous examples exist that the state could borrow from to better structure a 40B that could help achieve the legislation's original intent. The following section is a brief explanation of the limiting factors stymying success due to the way Massachusetts' 40B preemption law is structured, followed by comparisons to examples of how other states exert their powers in the effort to ameliorate the effects of housing scarcity.

#### *Massachusetts*

To account for the financial impact that excessive permitting requirements can impose on a development, 40B allows a builder to qualify for Receipt of a Comprehensive Permit, which enables them to condense the often-extensive local permitting process into one stream. With a CP, a developer can bypass many local ordinances and regulations, compressing the construction and/or litigation timeline and make a project more economically feasible and theoretically more affordable to prospective tenants. Recent changes to the law's policies and procedures have allowed for more programs to qualify

under 40B as 'subsidies' for the purpose of applying for a Comprehensive Permit (CP). If the municipality rejects the proposed Comprehensive Permit, and does not meet affordable housing stock levels requested of the state, developers can have their case heard by the Housing Appeals Committee (HAC), which is charged with resolving such conflicts. Many town officials feel as though decisions facing the HAC are a foregone conclusion (Parker, n.d.), as the state body charged with the production of affordable housing is the adjudicator, and rarely does the HAC side with municipal decisions. (Goetz & Wang, 2020)

In accordance with Section 5A of MGL 23B, the HAC is a body composed within the DHCD, consisting of two members appointed by the governor and three members appointed by the department's director, of whom the DHCD director also appoints to serve as chair. As the state department charged with the preservation and production of affordable housing (DHCD, 2019), the relationship between the department and the committee charged with adjudicating housing disputes can call into question the impartiality and fairness of decisions made by the HAC. Though Massachusetts was the first state to emplace laws and frameworks through which affordable housing production can be built over local objections, other state efforts in this area can serve as inspiration for altering the structure, policies, and procedures surrounding the implementation of 40B.

### *Rhode Island*

Massachusetts' neighbor to the south, Rhode Island borrowed much of the structure of its affordable housing law from MGL 40B (Barber, 2011). The state passed its Low- and Moderate-Income Housing Act in 1991, albeit with key differences that ensure the

flexibility and local control that critics bemoan does not exist with 40B. Like Massachusetts, Rhode Island encourages municipalities to maintain 10% of their overall housing stock reserved as Low and Moderate Income. The stark difference is that Rhode Island is a "plan state," where the state Division of Planning creates a comprehensive plan guide that dictates the state's upcoming five years of development (Barber, 2011). Each municipality must follow the state guide plan to, among other objectives, "provide a basis for municipal and state initiatives to ensure all citizens have access to a range of housing choices, including the availability of affordable housing for all income levels and age groups" (Rhode Island Comprehensive Planning and Land Use Act, 1991). If after review, a local plan is found to be out of conformance with the state plan, a local plan can be rejected by the Division of Planning. Unlike the abilities of Rhode Island's Division of Planning to withhold Community Development Block Grant (CDBG) funding, Massachusetts Department of Housing and Community Development does not have state sanctioning powers (Barber, 2011).

In contrast to how Massachusetts' DHCD administers the Housing Appeals Committee to adjudicate permit denials by a municipality, if the municipality's plan is accepted by the state of Rhode Island's Department of Planning, then deference is given to the municipality, as their plan has been deemed consistent with the goals of the state plan. Unlike Rhode Island's model, the Massachusetts' Housing Appeals Committee (HAC), which functions similarly to their neighbors' State Housing Appeals Board (SHAB) and whose decisions carry the weight of a court, is a creature of the state's Department of Housing and Community Development (DHCD). As the agency charged with creation of affordable housing options in the state, the relationship between the HAC and DHCD can

give the appearance of bias when overturning local denials, an association which Rhode Island's administrative structuring avoids entirely (Barber, 2011).

### *New Jersey*

Similar to Massachusetts, developers in New Jersey are given preference in providing affordable units to a locale if the host community fails to meet certain requirements. However, the structure and tools that underlie New Jersey's affordable housing efforts are quite different, and could be mined for effective mechanisms to import into the Massachusetts law.

In contrast to Massachusetts, New Jersey's affordable housing efforts were created through court proceedings, namely the *Mount Laurel* litigation and relies on the state's constitutional framework (Russell, 2003). Through court decisions, New Jersey "has determined that every municipality in a growth area has a constitutional obligation to provide through its land use regulations a realistic opportunity for a fair share of its region's present and prospective needs for housing for low and moderate income families" (*South Burlington County NAACP v. Township of Mount Laurel, 1975*). The state's Council on Affordable Housing (COAH), the administrative body which oversees implementation of this scheme, created six state sub-regions and calculates their housing needs to be shared among locales within the region. However, through legislation-enabled Regional Contribution Agreements, high-earning localities can 'trade away' up to 50% of their construction obligations to other locales (PlaHovinsak, 2020), effectively undercutting the initial effort.

Massachusetts could use aspects of other state affordable housing schema to strengthen 40B, as the regionalization New Jersey uses to address state needs was suggested by the Legislative Research Council (*A New Look at an Old 40B*, 2008) upon the completion of their study on the issue. Likewise, Rhode Island's ability to exert their influence in setting local planning objectives with the power to sanction if necessary, combined with the deference to local plans once approved, can ameliorate effects and apprehensions surrounding the exercise of home rule. The following section will describe the methods used to investigate how municipalities are fulfilling their obligations to provide affordable housing units in accordance with 40B, and how the unit count and types correlate to proportional shares of residents intended to be housed through their construction.

## Chapter 4: Methods

The aim of this section is to understand if the equal weight given to all types of subsidized housing is creating a situation where one type is favored over other types of housing that may more align with the resident populations in need of them.

Using a mixed methods approach, I will analyze data pertaining to which locales are creating housing units to cross the 10% threshold, what types of units are being produced, and the variance in data collection to this end. Because any category of subsidized unit counts equally in state rolls, and local opposition to income-restricted housing can be fierce, this thesis aims to discover if less controversial unit types are being built to satisfy state demands to the detriment of poorer residents.

To begin the process of identifying which communities are making efforts to build more affordable housing, I contacted representatives from Massachusetts' Department of Housing and Community Development (DHCD), whose duties include verification and compilation of any subsidized housing units produced in the state. They kindly supplied me with a time-serialized collection of municipal subsidized housing unit counts, a document the department publishes in roughly biennial fashion, and an anonymized catalog of qualified units for every locality in the state.

Armed with the initial question of "what localities are producing subsidized housing in the name of 40B," I began by excluding locales that have not previously crossed the 10% subsidized unit threshold to achieve Safe Harbor status, which theoretically protects a municipality from a 40B development. The locales that have *never* crossed this threshold are generally well outside the Greater Boston area, lack the economic conditions to enable

a developer to realize an acceptable level of profit, and would necessitate more governmental involvement to achieve Safe Harbor status under 40B.

Despite not ever having crossed the 10% threshold, still many municipalities have made great strides in their effort to provide and maintain subsidized housing. The reasons for the shortage of affordable housing in these areas are many and varied, and no one answer applies to differing localities. Because of this fact, and the multifaceted issues facing affordable housing construction in less dense locales, I focus on areas which are making a concerted effort to construct affordable housing units.

While reviewing the DHCD's Subsidized Housing Inventory database, I noted an emerging pattern regarding the ways in which municipalities were responding to the developmental strictures imposed by 40B. First, numerous localities have never been in the crosshairs of a 40B development. Their development policies have been less hostile toward multi-family and affordable housing development and have a respectable stock of housing types. Second, many locales have never come close to approaching Safe Harbor, despite the potential threat of a 40B proposal, because no developer has seen fit to propose a development against exclusionary zoning. Third, numerous localities recently passed the 10% Safe Harbor threshold en masse, particularly between the years 2017 and 2020. Over the three year period, eighteen and thirteen locales qualified for Safe Harbor via subsidized unit counts, respectively. Prior to this point, only a trickle of towns passed the post and received protection from a potential 40B project. On average, between one to three towns qualified for Safe Harbor each time new reports were published.

The emergence of this pattern indicates that some mixture of policies, procedures, or attitudes surrounding the implementation of affordable housing production has

recently changed. Though the law has been responsible for producing thousands of affordable housing units throughout its life, the trend of locales achieving Safe Harbor had been creeping up at a stable pace until 2017. This pattern would lead me to one such question I aim to answer through this investigation: *What kind of housing is being built in this dash across the Safe Harbor threshold, and does that meet the demographic needs of the state?*

The municipalities I intended to analyze naturally grouped themselves into cohorts passing the Safe Harbor threshold simultaneously. I used such categorization to continue further analysis. These categories developed to include four groupings: those that passed the threshold in 2020 together, those that passed in 2017 together, those that have always been above the threshold, and those that have never crossed the threshold to qualify themselves for Safe Harbor, but are demonstrating recent progress. For the municipalities that have not achieved Safe Harbor, I chose to analyze only the top 10% of those locales with a positive rate of change in unit counts.

To gain a better understanding of the types of communities that endeavored to build subsidized housing across the state, I developed a quantitative framework to describe and categorize localities, harvesting demographic and economic data from the Massachusetts' Metropolitan Area Planning Council (MAPC) to flesh out limited statistical profiles of each town. This quantitative categorization was initially meant to be deployed to discover the median member of each cohort. The MAPC is the regional planning body formed through a separate section of MGL Chapter 40B, Section 24, and works to promote regional collaboration in all things planning within the I-495 corridor which surrounds Greater Boston. While their focus is on metropolitan Boston, the agency collects and



analyzes data for communities throughout the state, and at a more detailed level of analysis than the Census Bureau. MAPC studies areas within the state at the municipal level. Data at this level are invaluable to planning practitioners given the unique landscape of Massachusetts, as unlike other states which have unincorporated areas, every square inch of land in the state is claimed by a nearby municipality; data at this granular level, makes easier direct comparisons between locales than through combining and analyzing IPUMS (Integrated Public Use Microdata Series) data provided by the U.S. Census Bureau. However, the data available through their portal is only available from the years 2009-2018, though without the most current data, we should be able to observe trends playing out in the region.

Through the MAPC's Datacommon (*DataCommon, n.d.*), their online data repository, I collected a decade's worth of data on Massachusetts municipalities reporting on various economic, demographic, and housing characteristics. Factors originally included in the analysis are the following: population, household size, household incomes, elderly and school-aged populations, poverty rates, school enrollment, GINI coefficients, median home value, housing cost burden and tax data. I sought to identify a pattern in the data indicating which municipalities best represented the cohorts that passed the "Safe Harbor" threshold together. However, the variance in the data, combined with small sample sizes of towns crossing the threshold, deterred me from identifying a representative location with each cohort.

In attempting to simplify the problem and find a comparative dataset I could use to select representative locales, I focused on the effect housing scarcity has on all residents, regardless of their current housing situation. Because housing scarcity represents a

situation where the cost to house oneself increases, creating knock-on economic effects, I used cost burden as a function which represented the pressures of housing scarcity. Cost burden is calculated as the percentage of income spent in securing housing; the Department of Housing and Urban Development (HUD) defines rent burden as spending more than 30% of a person or family's income on housing, and severe rent burden as spending more than 50% of one's income on housing. Using municipal-level cost burden data retrieved from the MAPC, I calculated the yearly median burden for each cohort spanning from 2009-2020, as well as the Average Annual Growth Rate for each locality. From these figures emerged the representative localities I chose to investigate.

If we accept this positive correlation of housing scarcity to housing prices, it can be expected that the inverse relationship should also be true, that an abundance of housing units leads to more housing options, and subsequently to lower prices demanded for available units.

### *Determining What Housing Is Being Built*

Since 40B is a statewide housing law, the goal of this investigation is to determine if the housing that is being constructed by municipalities in their effort to abide by and fulfill the intent of the law, is indeed meeting the housing needs of actual residents of the respective locales. To that end, I began searching for and collecting records of subsidized housing units created in each municipality from 2009 to 2020, to determine the type of units being developed. Due to public health constraints on in-person visitation to municipal offices due to COVID, the majority of this search took place through town websites, with varying degrees of success. Because each municipality has its own fiscal

constraints in the administration of the locale, likewise each has a differing way of handling record keeping. When documentation existed on the application, the local Zoning Board of Appeals proceedings, and a final decision, these invaluable documents were used to categorize development projects. While records were easy to come by for some locales, others either had theirs buried in layers of webpages or necessitated phone conversations and emails to local planners and administrators to complete data collection.

Because the DHCD Subsidized Housing Inventory anonymizes projects to protect the privacy of residents, discovering who the target demographic is for any subsidized development varied, and the lowest level of detail I could confirm across all developments was the particular tenant restrictions each developer employed. The three categories of restrictions used for this portion of the analysis were Age-Restricted, Income-Restricted, and Special Needs Housing units. Investigating beyond this level of granularity was inhibited by privacy protections and as such is a limitation of this research. Despite this limitation, it is still possible to observe broader trends in the target market for housing being developed in each municipality's effort to cross the Safe Harbor threshold.

### *Is Massachusetts Meeting its Affordable Housing Needs?*

Massachusetts, like the nation generally, is an aging population that has specific housing needs. To see if housing being constructed meets this current and pressing need, I used Census Bureau demographic data to build out age-cohort profiles of residents in each locale. I then compared the housing stock that is being built in the locales to the demographic profile of local residents, to determine the match between the subsidized housing need and the supply being built. Because income-restricted housing is seen by

local residents to be less of a strain on municipal budgeting, specifically public school expenditures, the argument against allowing additional children into already thinly stretched systems is a common refrain (Frantz, 2000). If age-restricted or special needs housing is being favored over income-restricted housing, then the stock of available housing units may reflect a mismatch between the demographic needs, and the ability for families with modest incomes to call these locales home.

Using the municipal-level demographic data harvested from the MAPC's Datacommon, I created population pyramids for each studied locale, the counties which they belong to, as well as state figures to compare and observe trends in which age cohorts were most heavily represented in municipal counts. A population pyramid is a graphical representation of the population distribution within a given boundary, split between male and female with age groups stacked vertically, their respective shares represented by data bars extending from a centered y-axis. Through use of this tool, we can observe which age group is most represented in the population, and how the median age could shift in the near future. Using this information, along with U.S. Census data regarding income, poverty and disability, we can assess if the housing being built in each locality matches the specific proportions of their population.

## Chapter 5: Qualitative Analysis

The locales chosen through this comparison to median annual average growth rates (AAGR) of housing cost burden were Tewksbury, Needham, Gardner, and Reading. Using the results of the initial analysis pertaining to cost-burden as a function of a lack of affordable housing options on cost pressures felt by all residents, I then used information gathered from municipality websites to investigate which types of housing were being built in their locality's effort to cross the 10% Safe Harbor threshold.

In all but one municipality, the retrieval of zoning board of appeals decisions and other related documents pertaining to the approval of subsidized units was a cumbersome and often fruitless endeavor. User interfaces for each locale's websites were different based on the contracted hosts, and some lacked the posting of such documents altogether. Turning to practitioners in each community, I conducted brief phone calls and email correspondence with planners, housing coordinators, and assistant town managers to complete retrieval of the restrictions subsidized projects employed to qualify them for inclusion into the state's Subsidized Housing Inventory. While these local practitioners were generally forthcoming with information on the subsidized units in their inventory, the lack of a collocated, approved, and published list of such units means having to rely on a practitioner's local experience, which may not be as extensive or probing as a verified database that is passed along through personnel changes. As previously noted, this reliance on the knowledge of local practitioners will be a limitation of this investigation, and will be later discussed. The following sections are qualitative analyses of how the subsidized housing units being built in each locale match their respective demographic

needs, their county's needs, and the demographic needs of the state of Massachusetts as a whole. While the comparison of these factors will not serve to denote a causal effect playing out, we can observe more general trends in the patterns in which municipalities are addressing their affordable housing obligations.

### *Reading*

Reading is a town twelve miles to the north of Boston, and lies along the I-95 corridor. Achieving the 10% of housing stock necessary to qualify for Safe Harbor in 2020, the town had a population of 25,400 as of most recent available ACS Census data. Reading is member and the host of the Metro North Regional Housing Services Office (MNRHSO), which also services housing needs of the towns of North Reading, Wilmington, Saugus, and the City of Woburn. Through multiple attempts to reach someone in the Reading Planning Division with knowledge of their subsidized housing inventory, each time being unable to get an email response or a person on the line, I was forced to leave numerous unanswered voicemails. My phone number was eventually passed along to the Housing Coordinator which administers housing across the sub-region.

Due to reasons outside my control, admitted by the Housing Coordinator to be due to workload constraints and lack of intimate familiarity with the subsidized unit process, I was able to gather only spotty information regarding the restrictions on roughly one third of units. From this incomplete and non-representative dataset, as shown in Figure 9 and Table 2, I calculated relative shares of the subsidized unit counts with currently known restrictions, and compared this to 2018 demographic data on retirement-aged residents (62+), residents with a disability, and residents in poverty.

When comparing the scarce data I was able to gather on SHI unit types to the population of Reading, I noted that 20.61% of the town's population is eligible for Social Security at 62 years and over, though four developments totaling 252 units are reserved for Age-Restricted Housing, or 23.06% of total units with known restrictions. Of the known units with restrictions, Income-Restricted housing units claim 1.1% or 12 units (Table 2), however the current poverty rate in Reading stands at 3.24% of the population, and the 2018 Median Household Income is 104.48% of the same year's HUD Income Limits (Figure 12). Special Needs housing units account for 12.63% of this known total, though only 9.5% of the town population lives with a disability of any type. Lastly, 114 units in a singular development have a mixture of Special Needs and Age-Restricted units.

While the data collected for Reading remains incomplete, and the precise mixtures of unit types and requirements for residents are unknown, we can see that the unit mix does not match the population of residents currently in place. With the age groups of 45 to 59 having the most population share, Reading will soon experience more pressure in senior housing, and should plan accordingly. When comparing these figures to the population of Middlesex County (Figure 5), and the state (Figure 8), we see a more clear but less pronounced bimodal distribution of age groups than in the town. However, without a complete dataset of subsidized housing types, it is difficult to say if the units being produced in the town's effort to fulfill their obligations via 40B are aligned with the town, the county, or the state's population.

*Needham*

The Town of Needham, located just a few miles to the west of Boston along the I-95 corridor, is the closest of the study communities to the city, and boasts the highest population at 30,735 as of 2018. Qualifying for the 10% Safe Harbor in 2017, the town now stands at 12.8% of their housing stock reserved as affordable (Table 3), very different from the 4.6% share such units claimed in 2007.

The sole standout in the way of record keeping and publishing, Needham tidily organizes and makes available many documents that are needed to accurately reflect the development decisions taking place in town. Comprehensive Permit applications, Zoning Board of Appeals proceedings with public comment, and final decisions regarding proposals are collocated and easily accessible through their town website. Their Community Housing Specialist also maintains a web page (*Housing | Needham, MA*, n.d.) devoted entirely to affordable housing in the town, which defines and enumerates housing units in town, as well as containing informational links and explanations of available services. Not only can such an interface help clarify planning goals, it provides numerous avenues for constituents to engage in the planning process. Needham has taken seriously the dire need for affordable housing, and can stand as an example of how to better handle relations between planning practitioners and the public.

When we look to the comparisons of residential demographics to the subsidized units being constructed, we see that 21.27% of the population is of retirement age at 62 or older (Figure 2), against the 6 units (0.56%) of strictly age-restricted housing and 68 units (6.31%) of an age and income restriction mix. Unfortunately, not being able to peer inside the Needham Housing Authority to see the restrictions on units under their umbrella limits visibility of the true restricted unit counts, and will be a limitation of the town



analysis. From the 76% of units where information exists regarding their affordability restrictions, approximately 83% are reserved for residents who meet income requirements (Table 3), though the Median Household Income for 2018 stood at 141.96% of the Department of Housing and Urban Development (HUD) income limits for the area. Special needs housing units, however, closely mirror the percentage of disabled residents in the town (Figure 13), at 7.8% and 7.07% respectively. The sharp bimodal distribution of ages in Needham (Figure 2) indicates there are many older families with children soon to age into college years, their parents likewise heading toward retirement age. The known total of age-restricted units, though not complete, reveal a potential of the future demand for such units to far outpace unit creation, especially when we zoom out to the population of Norfolk County of which Needham is a subset. Norfolk County, unlike other studied counties and the state at large, lacks a bimodal age distribution, though does contain a significant number of residents expected to retire soon.

### *Gardner*

In this set of localities, Gardner stands as the only city, positioned roughly twenty miles to the northwest of Worcester, and as such is located well outside the I-495 corridor. Included in this analysis as a control community which is following the letter of the law, the city has had a subsidized housing stock over the 10% Safe Harbor threshold from 2007 (Table 3), the first year of data available in the DHCD Subsidized Housing Inventory. Though governed by a city form of government with a mayor as chief executive, Gardner has the smallest population of study communities, at 20,683 persons (*U.S. Census Bureau,*

2019 ACS 5-Year Estimates, n.d.), but has 15% of their housing stock reserved as affordable housing.

Although the city website has an agenda and minute search interface, retrieving information on the targeted demographics of specific subsidized units through this method proved ineffectual. Again, I was forced to rely on the knowledge of local planning professionals, and assume their information was given in good faith. Fortunately, staff in Gardner were more than happy to provide the information requested of them, and made it clear they would assist in any way they could.

From the data supplied to me, which encompassed information every development with subsidized units produced in the city, it was shown that the 20.02% of residents aged 62+ had 78 units (5.73% of housing stock) of strictly age-restricted units (Table 3), as well as 772 units (56.72%) with an unknown mixture of age, income, and special needs restrictions. Units reserved as income-restricted account for 27.99% of the total, though earnings in this locale pale in comparison to other studied towns. The 2018 Median Household Income for the City of Gardner is only 63.5% of HUD's income limits for the same year (Figure 12), indicating a severe necessity of housing units to fill this need. Nonetheless the city has met their requirements as outlined in 40B, and are as such not subject to a zoning override in the name of affordable housing.

### *Tewksbury*

Tewksbury is a suburban community just inside the I-495 corridor with a population of 31,002, bordering Lowell to its immediate southeast. The town, which has made considerable progress toward while not yet achieving the Safe Harbor from a 40B proposal,

has 9.8% of their housing stock reserved as subsidized as of 2020, a figure almost double their 2007 total of 5.1% (Table 2).

Obtaining records from Tewksbury via their municipal website was a tedious venture, with no tangible results. While the user interface of most town websites are structured similarly, the depth and breadth of information contained therein can vary wildly, as evidenced with Tewksbury. Any minutes or agendas produced by boards and committees, including the Zoning Board of Appeals, exist on an entirely different website, and when you can get the site to load, users are faced with a complicated file structuring that makes finding relevant documents near impossible. Despite this limitation, local planners in their Department of Community Development were able to supply me with information on units built post-2000 as that is as far back as information was available.

Although the dataset was just shy of being complete, I was able to gather information on 97% of the subsidized units in Tewksbury's SHI. When comparing the unit types to the demographic particulars of the town, I noted that residents of retirement age claimed 22.53% of the town's population, close to the share of age-restricted housing units representing 18.66% of the total. Similarly, the 9.8% share of special needs housing is roughly proportional to the percentage of residents with disabilities at 10.9%. While these figures may not represent the true need of special needs and senior residents in Tewksbury, the similarity of the unit count share to the share of the residents intended to be served indicates that senior housing is not being built in preference over income-restricted units. The last count of unit type, income-restricted, accounts for just shy of 70% of total subsidized units. This large stock of affordable, income-restricted units in a town where the Median Household Income is 92% of HUD's Area Median Income limits is a clear

indicator how serious Tewksbury is taking the affordability crisis. The next section will discuss these findings, and how they affect the efforts to construct additional subsidized housing in Massachusetts.

												Average Annual Growth Rate
<b>Always Above 10%</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>		
Amherst	49.4	47.3	46.73	47.02	45.48	46.73	48.22	49.52	46.99	47.32		-0.43%
Aquinnah	44.68	30.51	26.67	27.88	27.19	40.95	48.99	48.04	44.53	45.45		2.31%
Bedford	35.5	35.57	36.43	35.87	37.45	35.24	35.23	34.62	34.32	31.44		-1.27%
Beverly	38.7	38.06	39.33	39.02	39.6	38.05	37.83	35.26	35.77	35.67		-0.86%
Boston	47.37	48.67	47.59	46.8	46	45.65	45.8	45.35	44.71	43.95		-0.82%
Brockton	51.36	52.43	51.81	50.88	51.09	50.29	48.91	46.06	45.26	42.91		-1.95%
Burlington	36.26	37.83	36.95	35.66	33.69	32.85	32.86	33.04	30.58	32		-1.30%
Cambridge	43.91	43.35	41.92	40.9	41.09	40.13	38.63	38.43	38	38.37		-1.48%
Canton	36.98	37.99	36.02	35.36	37.02	38.39	36.19	37.14	35.3	32.5		-1.32%
Chelsea	59.22	58.45	55.62	54.58	52.49	48.77	48.82	47.21	48.67	48.89		-2.06%
Chicopee	38.66	39.2	39.43	36.84	37.11	35.9	35.75	35.33	36.02	35.18		-1.01%
Dedham	42.41	41.4	39.6	40.45	38.2	37.57	38.07	36.74	35.7	35.58		-1.90%
Fall River	42.55	44.27	45.4	45.9	46.06	45.72	44.31	42.72	42.02	41.99		-0.12%
Frammingham	42.3	43.29	42.71	40.88	40.27	40.44	40.68	39.62	38.12	37.12		-1.42%
Gardner	36.11	37.44	37.94	38.49	38.32	40.31	39.61	35.7	33.37	32.52		-1.05%
Georgetown	33.48	28.91	29.44	29.64	29.13	32.4	30.18	28.51	27.94	25.25		-2.85%
Greenfield	39.41	40.44	40.88	39.01	38.34	37.64	38.03	37.96	37.13	37.29		-0.59%
Hadley	35.11	30.77	26.38	25.94	27.28	25.9	29.31	33.7	35.49	34.96		0.42%
Holbrook	42.09	44.63	43.61	40.67	42.45	40.43	37.07	36.96	38.3	36.26		-1.52%
Holyoke	44.38	48.85	47.49	45.57	46.48	42.91	40.4	39.79	42.17	40.66		-0.82%
Lawrence	61.03	60.47	60.41	58.65	57.94	54.97	54.41	53.91	53.6	53.41		-1.46%
Lexington	29.02	30.81	31.73	32.47	32.91	33.1	31.01	30.09	28.82	28.07		-0.30%
Lowell	43.29	45.2	44.34	43.36	45.02	46.22	47.33	46.79	46.54	44.17		0.27%
Lynn	52.51	51.98	52.02	51.7	49.76	48.34	47.99	45.68	45.77	46.04		-1.43%
Malden	49.18	46.92	48.73	47.85	46.42	47.02	47.38	46.2	46.24	46.04		-0.70%
Mansfield	32.94	32.53	29.97	30.69	29.42	28.62	26.45	23.67	21.54	22.16		-4.20%
Marlborough	37.46	37.44	36.21	37.05	37.26	35.3	35.86	36.14	35.23	35.45		-0.58%
New Bedford	47.81	48.86	48.43	47.57	47.36	46.45	45.04	43.76	42.4	39.94		-1.96%
North Adams	36.18	36.78	36.35	39.27	39.03	39.1	38.59	40.11	35.18	35.39		-0.11%
Northampton	43.37	41.73	40.99	39	36.63	38.78	37.85	36.57	39.15	39.3		-1.00%
Orange	41.02	41.1	37	34.28	35.05	37.77	41.9	44.28	42.36	37.88		-0.60%
Salem	45.52	44.62	45.17	44.98	45.77	42.89	42.87	42.09	41.01	41.92		-0.88%
Springfield	48.29	48.84	48.66	49.61	49.15	48.54	48.88	48.6	47.53	47.52		-0.17%
Stockbridge	42.32	39.78	44.05	41.9	40.42	39.44	39.18	34.34	37.78	42.76		0.45%
Worcester	44.37	45.09	44.81	45.22	44.65	45.58	45.08	44.63	44.31	44.43		0.02%
Median	42.41	41.73	41.92	40.67	40.27	40.31	39.61	39.62	38.30	38.37		-1.10%
<b>Passed 10% in 2020</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>		<b>AAGR</b>
Acton	33.88	34.44	33.44	33.35	31.06	29.67	27.92	26	24.87	25.86		-2.89%
Bellingham	36.59	37.79	35.12	32.26	32.18	29.87	28.51	27.86	28.57	24.74		-4.12%
Berlin	39.59	40.35	39.63	35.21	30.75	31.65	29.59	28.61	30.67	29.07		-3.18%
Billerica	32.25	34.56	35.55	35.9	35.4	32.54	28.93	28.33	29.49	30.32		-0.52%
Bridgewater	30.59	30.89	31.47	30.05	31.59	31.02	31.5	30.46	28.31	29.4		-0.37%
Brookline	37.72	38.62	38.65	39.8	39.89	40.36	40.18	38.46	37.55	38.67		0.30%
Easton	38.97	39.58	38.97	38.05	36.92	34.27	32.49	30.88	28.67	25.26		-4.63%
Medway	37.15	34.09	32.22	32.75	30.37	29.73	30.42	30.66	27.76	31.13		-1.74%
Reading	34.52	35	35.29	34.49	32.1	32.94	30.18	28.63	27.02	29.5		-1.59%
Sunderland	46.31	44.66	40.66	41.06	47.68	45.72	48.78	49.58	49.14	43.79		-0.33%
Wellesley	31.29	30.49	31.26	29.04	27.9	28.34	29.08	27.93	29.32	28.06		-1.13%
Westford	28.89	26.39	26.95	25.35	24.3	23.98	25.48	25.02	23.84	25.42		-1.29%
Woburn	38.6	37.84	37.84	39.31	37.5	34.37	33.57	31.94	30.53	30.08		-2.68%
Median	36.59	35	35.29	34.49	32.1	31.65	30.18	28.63	28.67	29.4		-2.36%
<b>Passed 10% in 2017</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>		<b>AAGR</b>
Amesbury	42.38	41.63	42.24	39.57	38.96	38.6	38.88	37.16	35.47	35.7		-1.85%
Andover	30.37	29.88	28.73	27.4	27.62	26.41	26.05	25.25	24.13	23.95		-2.59%
Boxboro	35.4	35.43	32.47	26.51	24.95	22.16	22.26	22.41	25.06	22.48		-4.56%
Foxboro	27.85	29.02	32.06	33.29	33.6	32.28	34.09	32.25	30.36	32.23		1.78%
Franklin	34.7	34.64	33.58	31.05	30.86	28.14	26.48	25.4	26.53	26.53		-2.85%
Hanover	35.92	35.24	35.13	32.55	31.81	30.58	32.8	34.27	32.03	30.98		-1.53%
Haverhill	42.27	43.37	41.94	43.9	41.88	41.43	40.15	39.49	37.04	38.26		-1.04%
Hingham	35.61	36.94	35.49	33.83	34	35.69	31.7	33.09	35.14	33.8		-0.42%
Hopkinton	29.86	30.7	28.72	28.57	27.08	26.12	22.97	21.53	20.49	24.47		-1.85%
Needham	32.48	32.98	31.06	30.93	30.55	30.47	28.05	26.82	27.32	25.8		-2.47%
Plainville	34.02	33.52	35.15	33.81	36.21	31.93	32.47	27.97	28.31	27.08		-2.27%
Sudbury	29.76	29.62	25.99	24.5	23.05	22.54	22.91	24.02	25.81	26.9		-0.94%
Sharon	33.08	33.18	35.36	32.65	32.03	28.14	29.85	27.04	28.44	28.07		-1.59%
Southborough	34.4	32.4	30.38	31.25	28.87	24.8	24.73	25.22	26.49	27.73		-2.16%
Tyngsborough	28.01	32.35	29.5	28.72	29.38	29.11	22.47	24.17	23.56	22.15		-2.04%
Westborough	30.32	30.45	30.2	30.89	32.33	31.83	30.74	28.95	30.03	29.48		-0.26%
Westwood	37.93	37.41	36.93	35.07	32.84	30.46	28.82	29.82	28.89	29.42		-2.72%
Wrentham	32.5	31.99	32.25	36.22	36.35	33.35	33.38	30.11	27.82	27.33		-1.71%
Median	33.55	33.08	32.36	31.90	31.92	30.47	29.34	27.51	28.07	27.53		-2.15%
<b>Never Above 10% But Making Progress</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>		<b>AAGR</b>
Duxbury	37.95	39.42	37.81	36.75	35.31	32.73	30.69	29.33	28.68	28.62		-3.04%
Lancaster	36.48	34.9	32.31	30.53	32.35	32.52	27.25	29.08	24.99	30.44		-1.39%
Lunenburg	31.95	34.54	32.42	32.93	34.6	38.42	33.37	33.31	30.77	29.81		-0.49%
Marion	33.81	30.99	34.65	33.32	35.68	37.93	37.69	36.92	34.71	34.75		0.50%
Marshfield	37.9	38.7	35.94	36.32	35.47	38.04	37.4	37.24	37.02	37.79		0.04%
Medfield	32.22	31.68	31.89	33.59	28.03	25.32	28.25	28.83	26.85	27.87		-1.26%
Tewksbury	36.84	35.59	37.61	37.02	34.76	34	34.45	31.79	32.53	32.27		-1.38%
Weston	36.11	38.45	35.19	32.83	32.61	28.27	29.52	32.97	34.93	37.83		0.85%
Median	36.30	35.25	34.92	33.46	34.68	33.37	32.03	32.38	31.65	31.36		-1.58%

Table 1 Percent of Population with Housing Burden, 2018 ACS 5-Year Estimates

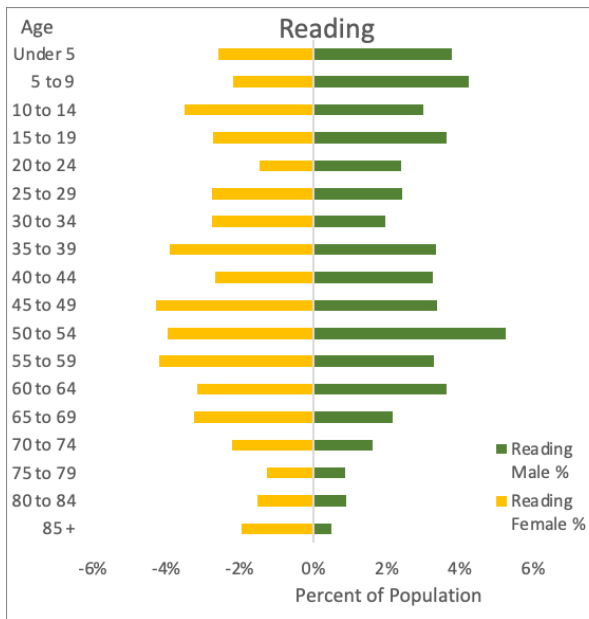


Figure 1: Reading Population Pyramid, 2018 ACS 5-Year Est.

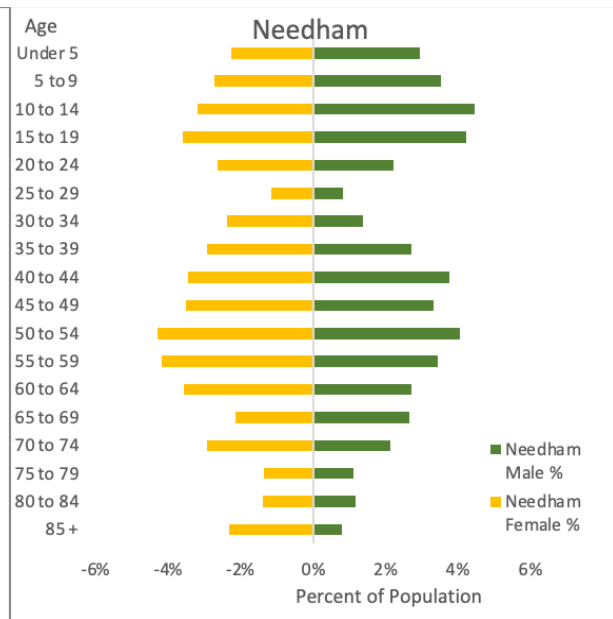


Figure 2: Needham Population Pyramid, 2018 ACS 5-Year Est.

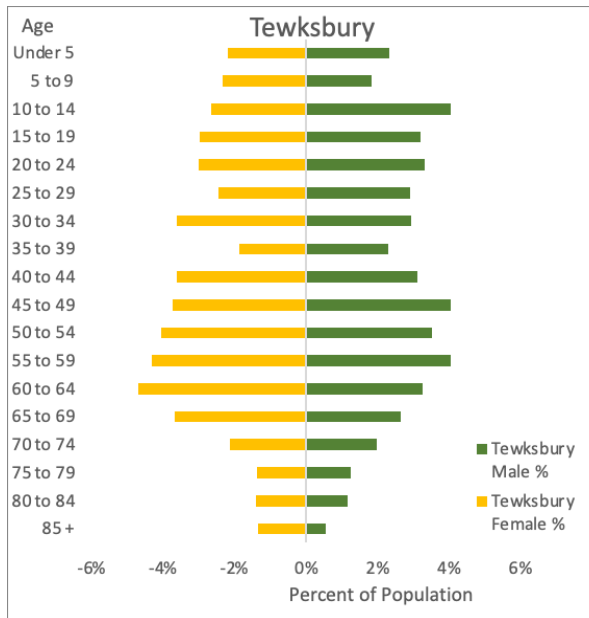


Figure 3: Tewksbury Population Pyramid, 2018 ACS 5-Year Est.

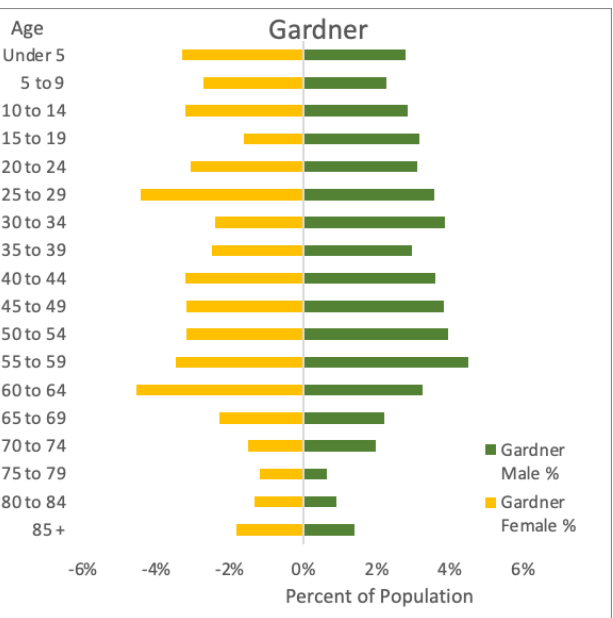


Figure 4: Gardner Population Pyramid, 2018 ACS 5-Year Est.

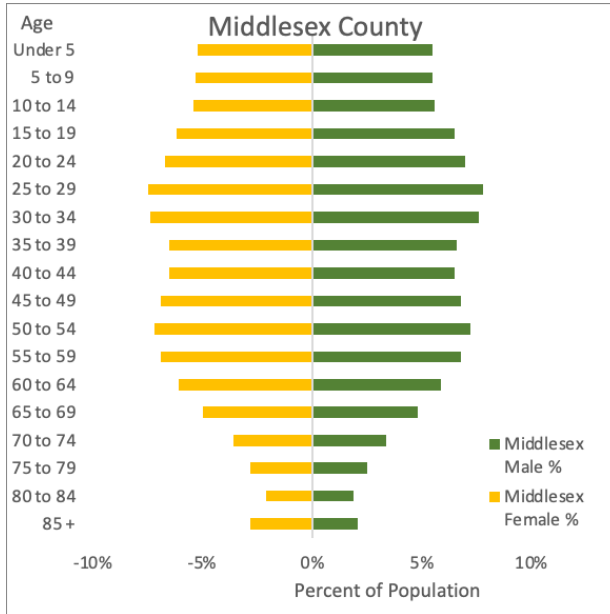


Figure 5: Middlesex Cty Population Pyramid, 2018 ACS 5-Year Est.

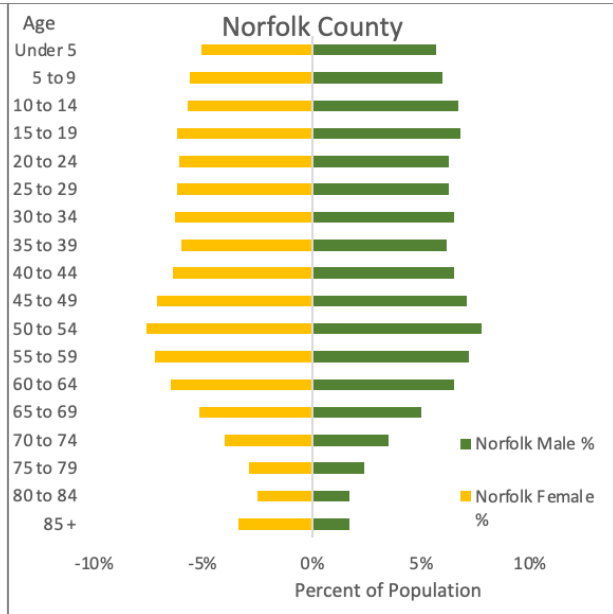


Figure 6: Norfolk Cty Population Pyramid, 2018 ACS 5-Year Est.

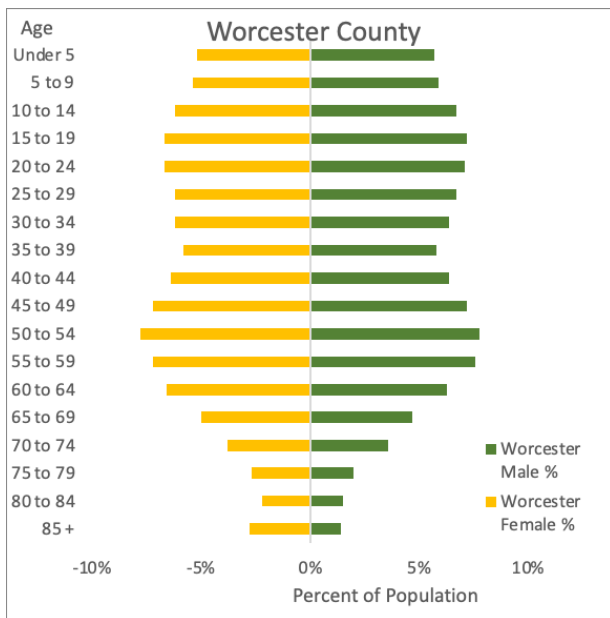


Figure 7: Worcester Cty Population Pyramid, 2018 ACS 5-Year Est.

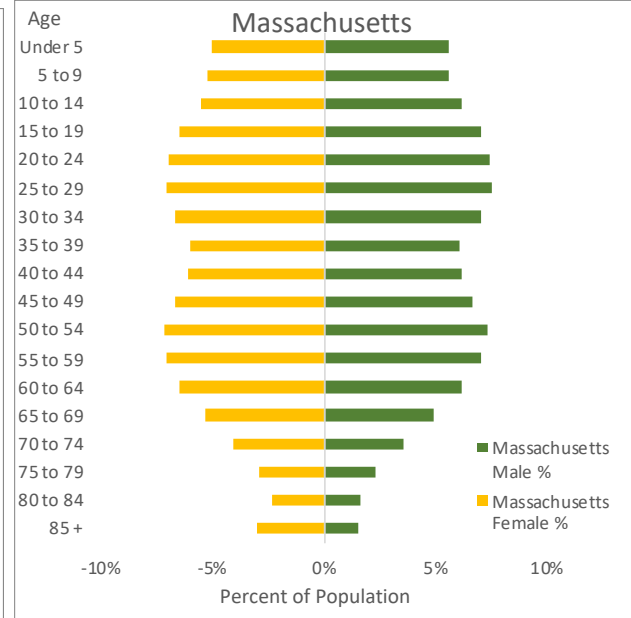


Figure 8: Massachusetts Population Pyramid, 2018 ACS 5-Year Est.

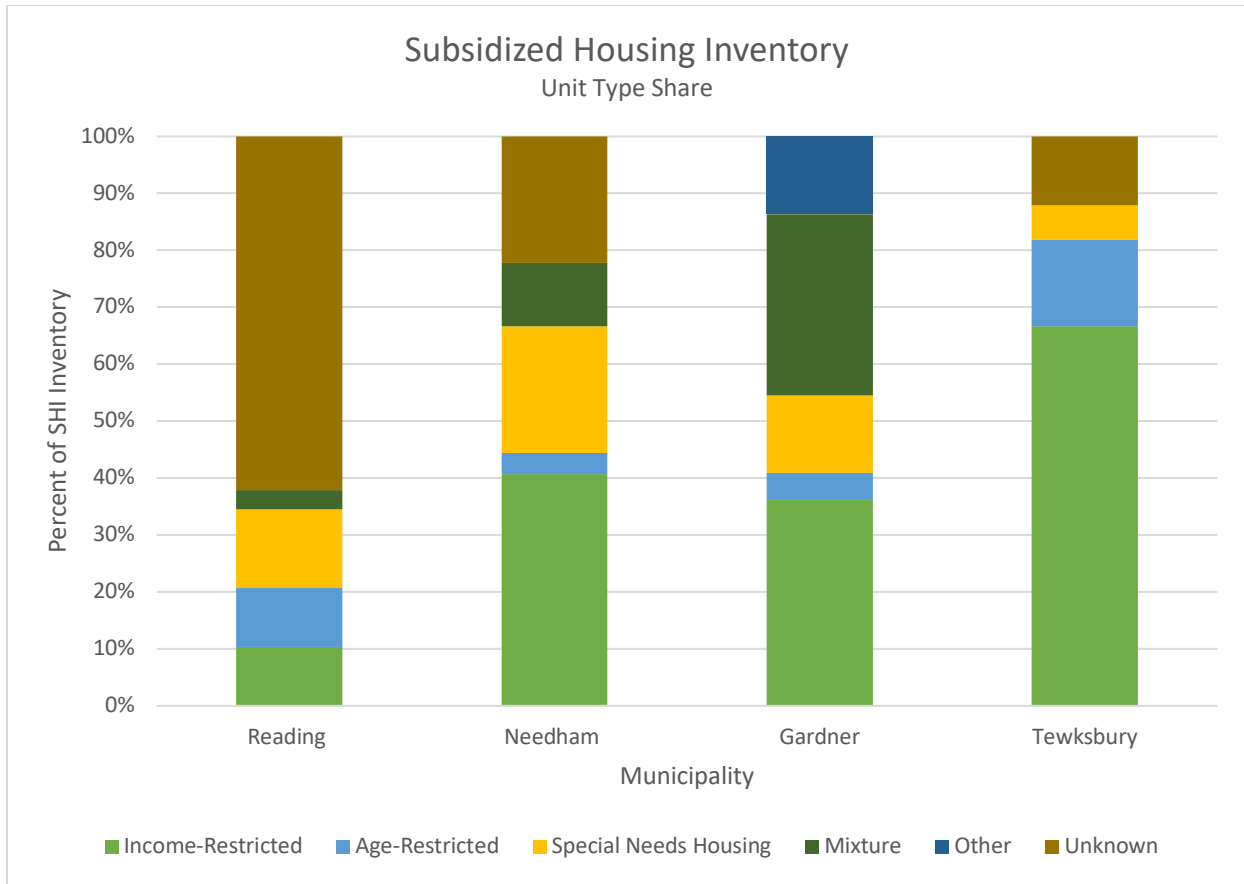


Figure 9: Subsidized Housing Inventory - Unit Type Share

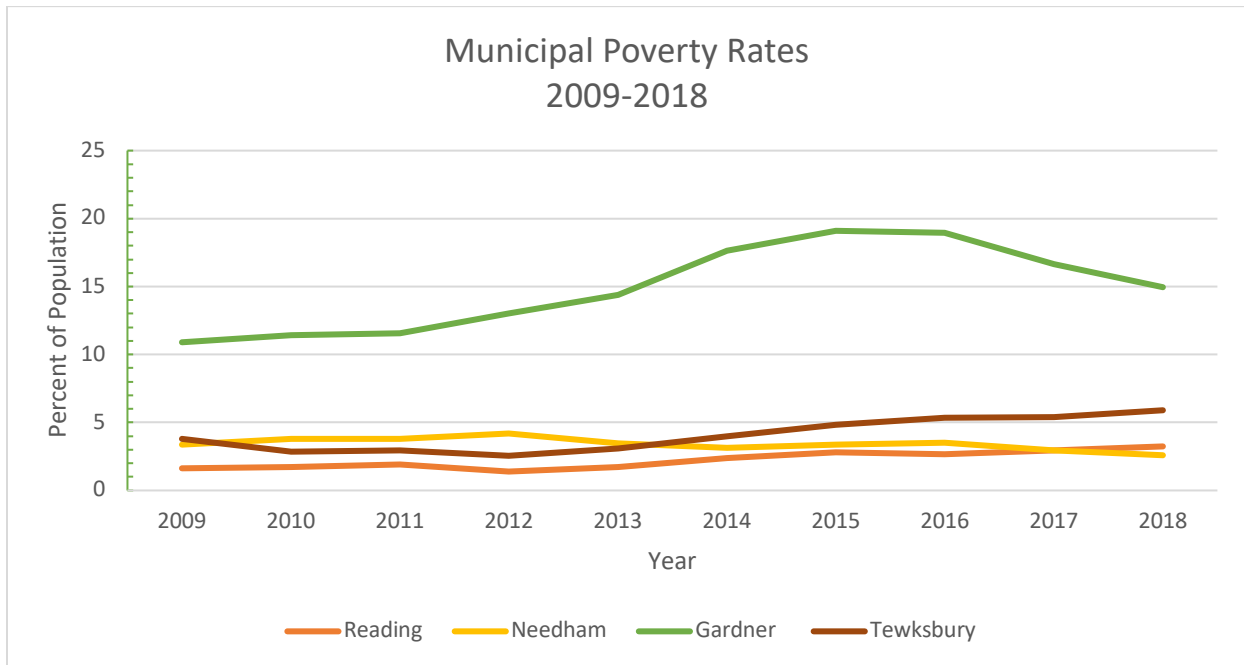


Figure 10: Municipal Poverty Rates, MAPC and U.S. Census 2009-2018 ACS 5-Year Ests.



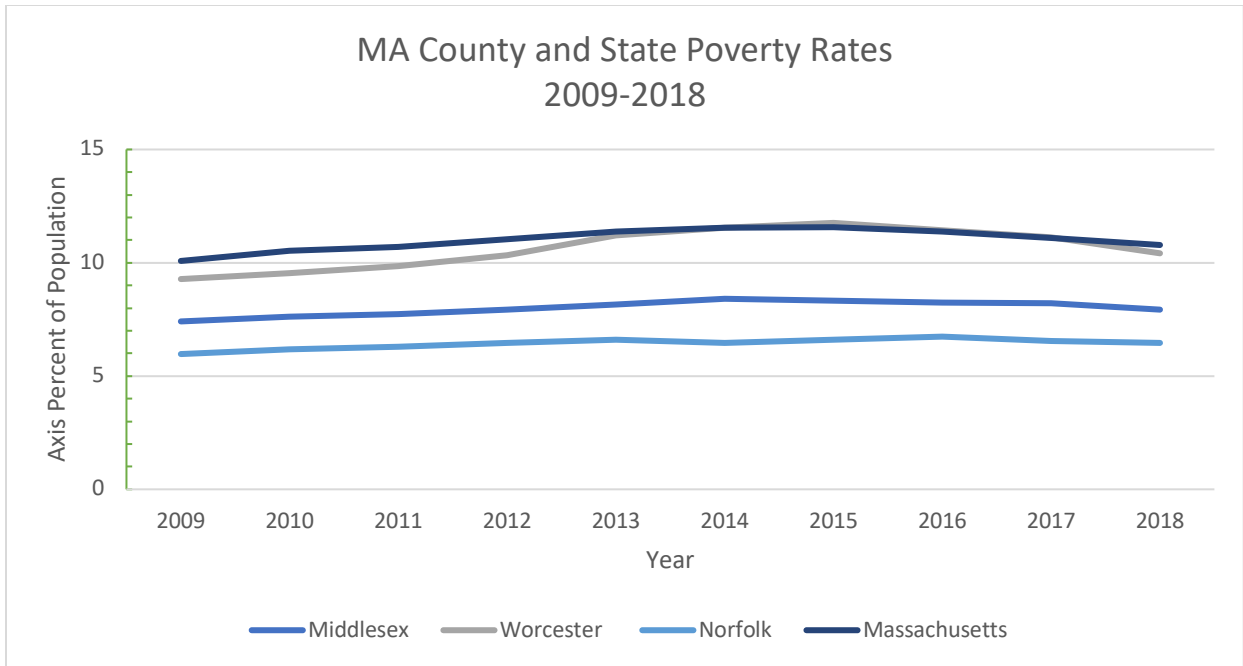


Figure 11: County and State Poverty Rates, MAPC and U.S. Census 2009-2018 ACS 5-Year Ests.

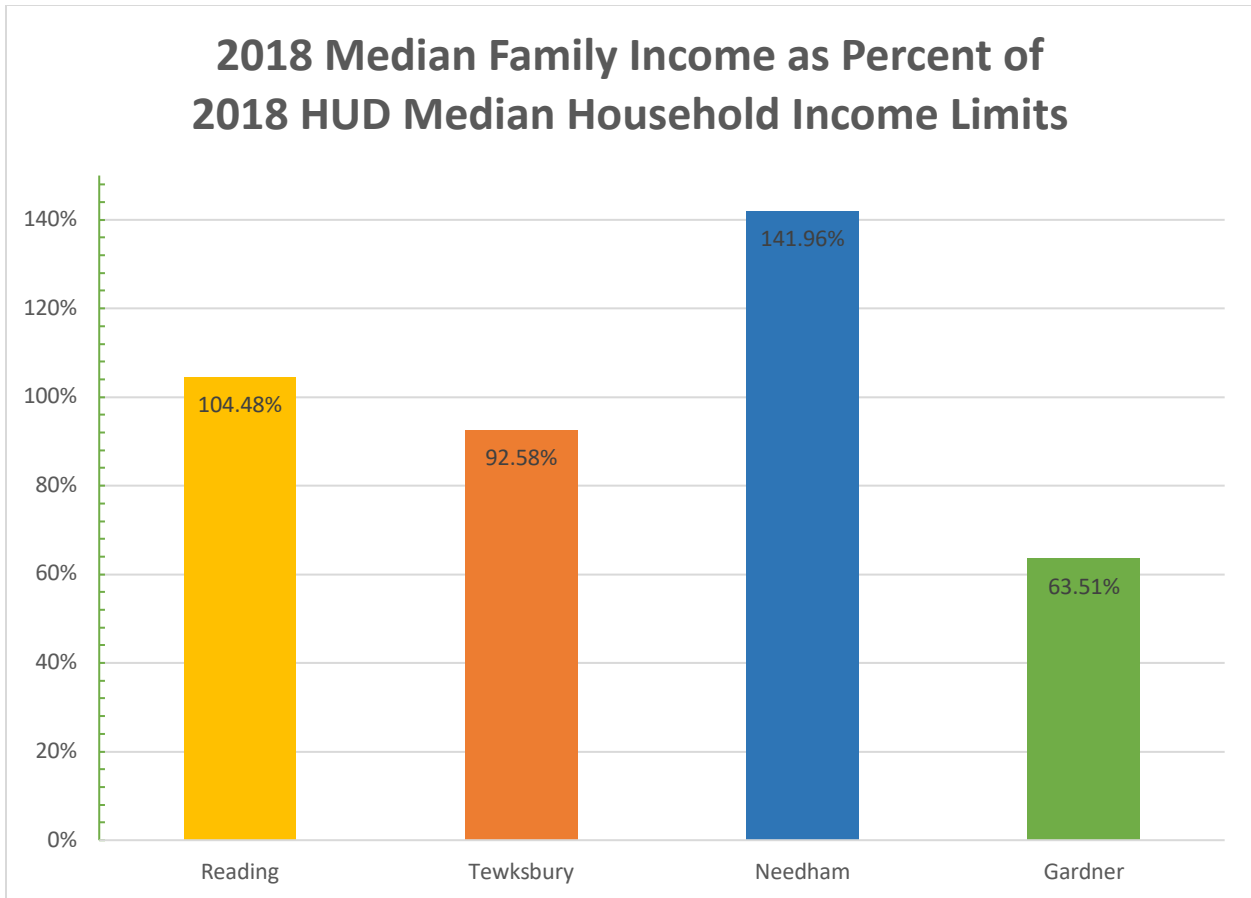


Figure 12: 2018 Median Family Income as Percent of 2018 HUD Median Household Income Limits, MAPC and HUD User

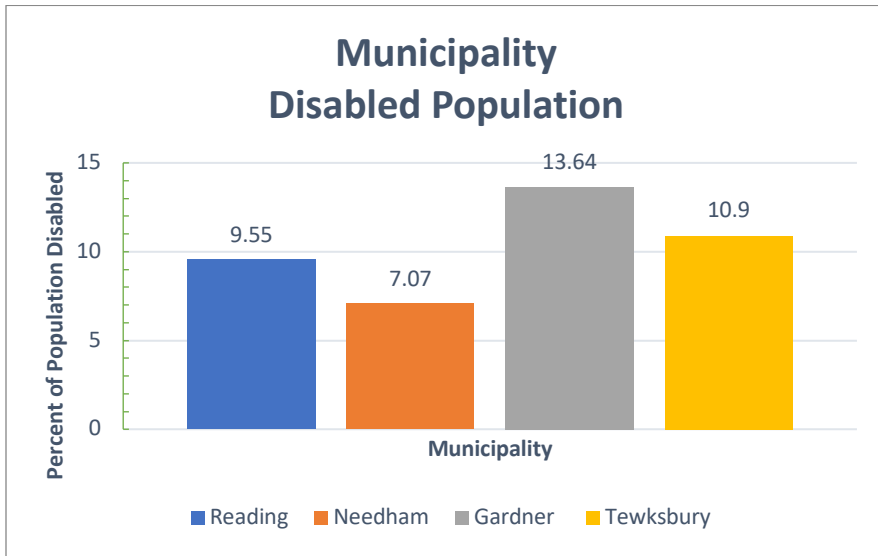


Figure 13: Municipality Disabled Population, MAPC and U.S. Census Bureau 2018 ACS 5-Year Est.

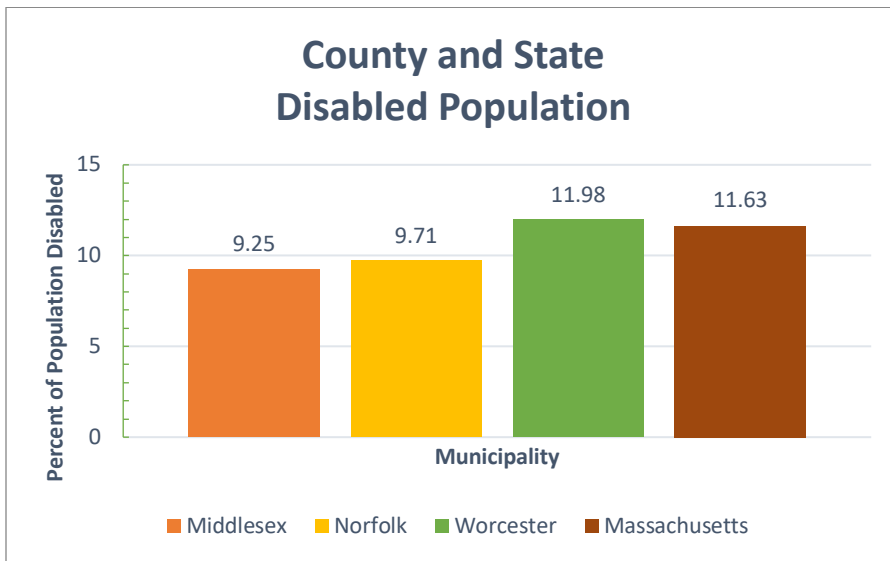


Figure 14: County and State Disabled Population, MAPC and U.S. Census Bureau 2018 ACS 5-Year Est.

City/Town	Project Name	SHI Units	Comp Permit?	Yr End	Own or Rent?	Subsidizing Agency	Restrictions
Reading	n/a	40	No	Perp	Rental	DHCD	AR
Reading	n/a	40	No	Perp	Rental	DHCD	AR
Reading	n/a	8	No	Perp	Rental	DHCD	*
Reading	n/a	6	Yes	Perp	Rental	DHCD	IR
Reading	n/a	4	No	Perp	Rental	DHCD	IR
Reading	Cedar Glen	114	Yes	Perp*	Rental	MassHousing	AR/SNH
Reading	EMARC Reading	12	No	2036	Rental	HUD	SNH
Reading	Longwood Place at Reading	86	No	2046	Rental	MassHousing	AR
Reading	Longwood Place at Reading	86	No	2046	Rental	MassHousing	AR
Reading	Peter Sanborn Place	74	Yes	Perp	Rental	HUD	SNH
Reading	Reading Community Residence	3	No	2037	Rental	EOHHS	*
Reading	Reading Community Residence	3	No	2037	Rental	EOHHS	*
Reading	Pleasant Street	2	No	2020	Rental	FHLBB	*
Reading	Wilson Street	2	No	2021	Rental	FHLBB	IR
Reading	Archstone	204	Yes	Perp	Rental	FHLBB	*
Reading	Hopkins Street Residence	4	No	2042	Rental	HUD	SNH
Reading	DDS Group Homes	48	No	N/A	Rental	DDS	SNH
Reading	DMH Group Homes	4	No	N/A	Rental	DMH	*
Reading	Sumner Cheney	1	Yes	Perp	Ownership	FHLBB	*
Reading	George Street	3	Yes	Perp	Ownership	FHLBB	*
Reading	Maplewood Village	9	YES	2054	Ownership	DHCD	*
Reading	Governor's Drive	2	YES	2103	Ownership	DHCD	*
Reading	Johnson Woods	11	NO	Perp	Ownership	DHCD	*
Reading	Oaktree	11	NO	Perp	Rental	DHCD	*
Reading	Reading Woods	43	NO	Perp	Ownership	DHCD	*
Reading	Johnson Woods Phase II	12	NO	Perp	Ownership	DHCD	*
Reading	"The Met @ Reading Station" f.k.a. Reading Village	68	YES	Perp	Rental	MassHousing	*
Reading	Schoolhouse Commons	20	YES	Perp	Rental	MHP	*
Reading	Postmark Square	10	NO	Perp	Ownership	DHCD	*
Reading	20-24 Gould St	55	NO	Perp	Rental	DHCD	*
Reading	467 Main Street	31	NO	TBD-min 30 yr	Rental	DHCD	*
Reading	Eaton Lakeview	77	YES	Perp	Mix	MassHousing	
Tewksbury	Robert Flucker Heights	50	No	Perp	Rental	HUD	AR - THA
Tewksbury	n/a HOUSING AUTHORITY	8	No	Perp	Rental	DHCD	IR - THA
Tewksbury	n/a HOUSING AUTHORITY	40	No	Perp	Rental	DHCD	AR - THA
Tewksbury	n/a HOUSING AUTHORITY	40	No	Perp	Rental	DHCD	AR - THA
Tewksbury	n/a HOUSING AUTHORITY	60	No	Perp	Rental	DHCD	AR - THA
Tewksbury	n/a HOUSING AUTHORITY	8	No	Perp	Rental	DHCD	AR - THA
Tewksbury	n/a HOUSING AUTHORITY	8	No	Perp	Rental	DHCD	IR - THA
Tewksbury	n/a HOUSING AUTHORITY	2	No	Perp	Rental	DHCD	Pre-2000
Tewksbury	n/a HOUSING AUTHORITY	2	No	Perp	Rental	DHCD	Pre-2000
Tewksbury	n/a HOUSING AUTHORITY	13	No	Perp	Rental	DHCD	IR - THA
Tewksbury	Gettysburg Common	10	No	Perp	Ownership	DHCD	Pre-2000
Tewksbury	Merrimack Meadows	86	No	Perp	Ownership	DHCD	IR
Tewksbury	Orchard Park	8	No	2043	Ownership	DHCD	IR
Tewksbury	Sullivan Place	77	Yes	2046	Rental	MassHousing	IR
Tewksbury	Sheriden Development	8	No	-	Ownership	DHCD	Pre-2000
Tewksbury	Wamesit Villages Limited Ptrn	6	No	2051	Ownership	DHCD	IR
Tewksbury	DDS Group Homes	96	No	N/A	Rental	DDS	SNH
Tewksbury	Rogers Common	20	Yes	2036	Rental	DHCD	IR
Tewksbury	DMH Group Homes	8	No	n/a	Rental	DMH	SNH
Tewksbury	Andover Estates	5	YES	perp	Ownership	MassHousing	IR
Tewksbury	Shawshreen Woods	4	YES	perp	Ownership	MassHousing	IR
Tewksbury	Lodge at Ames Pond	364	YES	perp	Rental	MassHousing	IR
Tewksbury	Village Green	56	YES	perp	Rental	MassHousing	IR
Tewksbury	Maple Court	1	YES	perp	Ownership	MassHousing	IR
Tewksbury	Fahey Place	26	YES	perp	Rental	MassHousing	IR
Tewksbury	Highland Avenue	2	YES	perp	Ownership	DHCD	IR
Tewksbury	Livingston Place	4	YES	Perp	Ownership	MassHousing	IR
Tewksbury	Roberts Reach	4	YES	Perp	Ownership	MassHousing	IR
Tewksbury	Sauders Circle	32	NO	2042 est	Rental	HUD	IR - THA & ESMV
Tewksbury	State Street	1	NO	perp	Ownership	DHCD	IR
Tewksbury	South Street	1	NO	Perp	Ownership	DHCD	IR
Tewksbury	Foster Place	2	NO	Perp	Rental	DHCD	IR
Tewksbury	2290 Main St	9		Perp	Rental	DHCD	IR

Table 2: Reading and Tewksbury Subsidized Inventory Units

City/Town	Project Name	SHI Units	Comp Permit?	Yr End	Own or Rent?	Subsidizing Agency	Restrictions
Gardner	n/a HOUSING AUTH	41	No	Perp	Rental	DHCD	IR
Gardner	n/a HOUSING AUTH	26	No	Perp	Rental	DHCD	IR
Gardner	n/a HOUSING AUTH	84	No	Perp	Rental	DHCD	IR/AR
Gardner	n/a HOUSING AUTH	69	No	Perp	Rental	DHCD	IR/AR
Gardner	n/a HOUSING AUTH	108	No	Perp	Rental	DHCD	IR/AR
Gardner	n/a HOUSING AUTH	7	Yes	Perp	Rental	DHCD	IR
Gardner	n/a HOUSING AUTH	1	No	Perp	Rental	DHCD	IR
Gardner	n/a HOUSING AUTH	13	Yes	Perp	Rental	DHCD	IR
Gardner	Binnall House Apartments	134	No	1/14/23	Rental	HUD	AR/IR/SNH
Gardner	Binnall House Apartments	134	No	1/14/23	Rental	MassHousing	AR/IR/SNH
Gardner	Colonial Apartments	31	No	Perp	Rental	DHCD	AR/IR
Gardner	Colonial Apartments	31	No	Perp	Rental	DHCD	AR/IR
Gardner	Colonial Apartments	31	No	Perp	Rental	MassHousing	AR/IR
Gardner	Gardner House	9	No	9/30/21	Rental	HUD	SNH
Gardner	Graham Street	38	No	2021*	Rental	DHCD	IR
Gardner	Graham Street	38	No	2021*	Rental	DHCD	IR
Gardner	Heywood Wakefield Village	171	No	2042	Rental	DHCD	IR/AR
Gardner	Heywood Wakefield Village	171	No	2042	Rental	HUD	IR/AR
Gardner	Nichols Street	12	No	2029	Rental	DHCD	Veterans
Gardner	Nichols Street	12	No	2029	Rental	DHCD	Veterans
Gardner	Nichols Street	12	No	2029	Rental	FHLBB	Veterans
Gardner	Olde English Village	200	No	2038	Rental	DHCD	IR
Gardner	Olde English Village	200	No	2038	Rental	HUD	IR
Gardner	Unity House Veterans SRO	16	No	2028	Rental	DHCD	Veterans
Gardner	Unity House Veterans SRO	16	No	2028	Rental	FHLBB	Veterans
Gardner	Unity House Veterans SRO	16	No	2028	Rental	HUD	Veterans
Gardner	Wakefield Place	175	Yes	2034	Rental	DHCD	AR/IR
Gardner	Wakefield Place	175	Yes	2034	Rental	DHCD	AR/IR
Gardner	Wakefield Place	175	Yes	2034	Rental	DHCD	AR/IR
Gardner	Wakefield Place	175	Yes	2034	Rental	MassHousing	AR/IR
Gardner	Wakefield Place	175	Yes	2034	Rental	MassHousing	AR/IR
Gardner	MVOC Central St	19	No	2055	Rental	DHCD	Veterans
Gardner	MVOC Central St	19	No	2055	Rental	DHCD	Veterans
Gardner	MVOC Central St	19	No	2055	Rental	DHCD	Veterans
Gardner	DDS Group Homes	53	No	N/A	Rental	DDS	SNH
Gardner	DMH Group Homes	21	No	N/A	Rental	DMH	SNH
Gardner	Heywood Wakefield Commons	78	NO	2109	Rental	DHCD	AR
Gardner	Heywood Wakefield Commons	78	NO	2109	Rental	HUD	AR
Gardner	Heywood Wakefield Commons	78	NO	2109	Rental	MassDevelopment	AR
Gardner	Lofts at 30 Pine St	55	YES	Perp	Rental	DHCD	IR
Gardner	Lofts at 30 Pine St	55	YES	Perp	Rental	MassHousing	IR
Needham	Cook's Bridge HOUSING AUTH	76	No	Perp	Rental	HUD	NHA
Needham	n/a HOUSING AUTH	80	No	Perp	Rental	DHCD	NHA
Needham	n/a HOUSING AUTH	32	No	Perp	Rental	DHCD	NHA
Needham	n/a HOUSING AUTH	40	No	Perp	Rental	DHCD	NHA
Needham	n/a HOUSING AUTH	80	No	Perp	Rental	DHCD	NHA
Needham	n/a HOUSING AUTH	8	No	Perp	Rental	DHCD	NHA
Needham	Highland Ave/Charles River ARC, Inc.	6	No	2038	Rental	EOHHS	SNH
Needham	Highland Ave/Charles River ARC, Inc.	6	No	2038	Rental	HUD	SNH
Needham	Marked Tree Corporation	4	No	2038	Rental	EOHHS	SNH
Needham	Marked Tree Corporation	4	No	2038	Rental	HUD	SNH
Needham	Nehoiden Glen	61	Yes	perp	Rental	MassHousing	AR/IR
Needham	Webster St II	4	No	2037	Rental	HUD	SNH
Needham	Webster St II	6	No	2037	Rental	HUD	SNH
Needham	West Street Apartments	6	No	2043	Rental	HUD	SNH
Needham	Junction Place	2	Yes	Perp	Ownership	DHCD	IR
Needham	Junction Place	2	Yes	Perp	Ownership	FHLBB	IR
Needham	Garden Street	2	Yes	Perp	Ownership	FHLBB	IR
Needham	High Cliff Estates	3	Yes	Perp	Ownership	FHLBB	IR
Needham	DDS Group Homes	84	No	N/A	Rental	DDS	SNH
Needham	Chestnut Hollow	6	No	4/27/21	Rental	DHCD	AR
Needham	Chestnut Hollow	6	No	4/27/21	Rental	HUD	AR
Needham	Suites at Needham	2	YES	Perp	Ownership	MassHousing	IR
Needham	Suites at Needham	2	YES	Perp	Ownership	MassHousing	IR
Needham	Charles River Landing	350	YES	Perp	Rental	DHCD	IR
Needham	Craftsman Village	2	YES	Perp	Ownership	MassHousing	IR
Needham	Greendale Village	4	YES	Perp	Ownership	MassHousing	IR
Needham	Wingate Senior Living at Needham-Phase II	5	NO	Perp	Rental	DHCD	AR/IR
Needham	Webster Street Green	2	YES	Perp	Ownership	MassHousing	IR
Needham	Needham Place	1	NO	perp	Rental	DHCD	IR
Needham	Second Avenue Residences	390	YES	Perp	Rental	DHCD	IR
Needham	Modera Needham	136	YES	Perp	Rental	MassHousing	IR
Needham	Wingate Senior Living at Needham-Phase I	2	NO	Perp	Rental	DHCD	AR/IR
Needham	Petruzzello Commons	16	YES	2049	Rental	MHP	

Table 3: Gardner and Needham Subsidized Inventory Units

## Chapter 6: Discussion and Conclusion

### *Create Requirements for Subsidized Housing Units to Meet Demographic Needs*

This line of research began as a curiosity about which locales in Massachusetts were contributing to the statewide subsidized housing rolls, and if the types of housing being produced through the application of Massachusetts' General Law 40B, Sections 21-23 are meeting demographic needs. If housing of a particular type is favored over others beyond the share of residents requiring such housing, then the targeted demographics of the unfavored type(s) may occupy housing units which may be a better match for other residents, creating spillover effects that ripple through the local and nearby housing markets. Creating sufficient stocks of the correct types of subsidized housing units can provide seniors with more manageable housing situations, their previous residences becoming new homes for families to grow into, and the helping hand our neediest fellow Bay Staters deserve. Though the law has commendable intent and has produced many thousands of units that might not otherwise exist, the equal weight given to all types of housing units can in some cases act against the law's stated goals of keeping housing affordable throughout the state. Nonetheless, amendments to the Comprehensive Permit structure to reflect demographic need could rectify this shortcoming, which is currently governed by regulations codified in Massachusetts' 760 CMR 56.00. and promulgated by DHCD.

### *Borrow Inspiration from Rhode Island's Example*

The current legislative architecture of 40B creates a position where local leaders often feel as if their hands are tied in response to a proposed 40B development, and any attempt to exert local control via a denial of a Comprehensive Permit is a foregone conclusion. Rhode Island's affordable housing approval policies and procedures are such that if the state's Division of Planning approves a locale's comprehensive plan, state administrators acquiesce to municipal planning objectives and allow for more local control that leaders in Massachusetts prize so dearly. The way in which the State Housing Appeals Board (SHAB) is nested within the Department of Administration is, almost paradoxically, the same structure which also allows the state of Rhode Island to exercise sanctioning powers through its Department of Administration, under which the Department of Planning falls.

#### *Create Better Documentation Standards Regarding Subsidized Development*

Municipal planning offices operate completely independently from one another, and can have varying levels of departmental funding, administrative expertise, and documentation standards. This became painfully evident during this investigation, especially due to the in-person visitation constraints emplaced by COVID-19. Some municipalities would have very well-organized websites where Comprehensive Permit applications, proceedings, and decisions were easily accessible, while others necessitated more legwork. When speaking to local practitioners, the self-reported unit counts were created using slightly different understandings of my definitions. Some reported mixtures of housing restrictions on developments whereas others did not. Though many privacy protections exist in the Subsidized Housing Inventory, obtaining accurate counts of the

*affordable units* being produced in each town can aide statisticians and researchers get a better idea of the true situation on the ground. There are numerous requirements set forth by the DHCD which can dictate exclusion from Safe Harbor status, and comprehensive documentation standards could be incorporated without the potential of inadvertently disclosing residents' private information. Differences in the reporting patterns of local planning offices could be rectified through enactment and supervision over new state mandated reporting requirements.

### *Next Steps*

The limitations of this investigation very clearly highlighted the need for more robust and comprehensive documentation and reporting standards, as well as weaknesses I would address were I to repeat this vein of research. To obtain a more accurate picture of the current and expected housing needs of each locale, I would model population projections of the residents that senior and income-restricted units would serve, while understanding the difficulty of projecting the population of the special needs community. Likewise, if time allowed, I would have liked to model the needs of adjacent communities to observe potential spillover effects stemming from development decisions made by study locales.

### *Conclusion*

The goal of this investigation was to shed some light on the possible connection between a locale qualifying for Safe Harbor and the proportional mix of subsidized units constructed in that effort. There remains a need for local leaders and Massachusetts' Department of Housing and Community Development to consider the demographic

demands of their municipality when approving or denying developments with an affordable housing component. While the patterns that emerged through this investigation could be an inadvertent result of human fallibility in planning, structuring 40B to account for this potential bias would strengthen the law and better serve its stated goals. Creating an additional requirement of matching the housing needs of the community to qualify for Safe Harbor can help ensure the housing being constructed is what the locale actually needs, and not what draws the least on municipal expenditures. Without proper documentation as to the affordability restrictions on units already built and occupied, properly compared to the needs of the community, Massachusetts runs the risk of subsidizing units that will undoubtedly add to state totals but may exacerbate housing affordability issues already present in the region.



## Bibliography

*A New Look at an Old 40B.* (2008). Center for Advanced Legal Studies.

Barber, E. (2011). Affordable Housing in Massachusetts: How to Preserve the Promise of "40B" with Lessons from Rhode Island. *New England Law Review*, 46, 31.

Barron, D. J., Frug, G. E., & Su, R. T. (2004). *Dispelling the Myth of Home Rule*. Rappaport Institute for Greater Boston.

Bratt, R. G., & Vladeck, A. (2014). Addressing Restrictive Zoning for Affordable Housing: Experiences in Four States. *Housing Policy Debate*, 24(3), 594-636.

<https://doi.org/10.1080/10511482.2014.886279>

*DataCommon.* (n.d.). Retrieved August 12, 2021, from <https://datacommon.mapc.org/>

DHCD. (2019). *Fair Housing Mission Statement and Principles*.

<https://www.mass.gov/doc/dhcds-fair-housing-principles/download>

Frantz, A. J. (2000). *Doing Their Part? Proactive Planning and Deliberate Avoidance of Affordable Housing by Massachusetts Communities in Response to Chapter 40B*. MIT.

Goetz, E. G., & Wang, Y. (2020). Overriding Exclusion: Compliance With Subsidized Housing Incentives in the Massachusetts 40B Program. *Housing Policy Debate*, 30(3), 457-479. <https://doi.org/10.1080/10511482.2020.1726984>

Hermann, A., Luberoff, D., & McCue, D. (2019). Mapping Over Two Decades of Neighborhood Change in the Boston Metropolitan Area (p. 13) [Research Brief]. Joint Center for Housing Studies, Harvard University.

*Housing | Needham, MA.* (n.d.). Retrieved August 17, 2021, from <https://needhamma.gov/3679/Housing>

Infranca, J. (2019). The New State Zoning: Land Use Preemption Amid a Housing Crisis.

67.

MGL 40B, Section 21-23.

MGL 121, Sec 26, MGL 121 Sec 26.

Parker, G. (n.d.). Best Affordable Housing Policies: A Look at California, New Jersey, and Massachusetts.

PlaHovinsak, T. J. (2020). Exclusionary Zoning: Policy Design Lessons From the Mount Laurel Decisions. *Housing Policy Debate*, 30(5), 806–822.

<https://doi.org/10.1080/10511482.2020.1761856>

Reed, E. F. (1981). TILTING AT WINDMILLS? THE MASSACHUSETTS LOW AND MODERATE INCOME HOUSING ACT. *WESTERN NEW ENGLAND LAW REVIEW*, 4, 29.

Rhode Island Comprehensive Planning and Land Use Act, RI Gen Law 45-22.2-7 (1991).

<http://webserver.rilin.state.ri.us/Statutes/TITLE45/45-22.2/45-22.2-3.HTM>

Russell, R. (2003). Equity in Eden: Can Environmental Protection and Affordable Housing Comfortably Cohabit in Suburbia. *Boston College Environmental Affairs Law Review*, 30(3), 437–486.

South Burlington County NAACP v. Township of Mount Laurel, (NJ Supreme Court 1975).

The Boston Foundation. (2019). The Greater Boston Housing Report Card 2019 Supply, Demand and the Challenge of Local Control (p. 119). <https://www.tbf.org/-/media/tbf/reports-and-covers/2019/gbhrc2019.pdf?la=en&hash=6F5C3F0B829962B0F19680D8B9B4794158D6B4E9>

*U.S. Census Bureau, 2019 ACS 5-Year Estimates. (n.d.).*