



## **Testimony Supporting H.1111, *An Act relative to housing production***

Submitted by Susan Schlesinger  
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Dear Chairman Honan, Chairwoman Forry, and Distinguished Members of the Joint Committee on Housing,

Thank you for the opportunity to testify in support of H.1111, *An Act relative to housing production*. I am here today to speak in my capacity as a CHAPA board member and as the President of The Life Initiative. Over the last fifteen years, The Life Initiative has invested more than \$300 million in projects that benefit low and moderate income households and communities. We have supported the creation or preservation of over 7,993 affordable housing units, 2,995 jobs, 1,590 childcare slots, and 19 community facilities.

At The Life Initiative, I have gained first-hand knowledge about the problems that the lack of housing production poses for our Commonwealth. Specifically, these challenges include: increased housing costs due to an inadequate supply; negative impacts on our economy because of an inability to attract and retain a robust workforce; and fair housing implications created by residents having limited choices of where to live which disproportionately affect minorities, families with children, and the disabled.

H. 1111 addresses these challenges and provides the tools necessary to meet the Commonwealth's housing needs. The bill requires needed zoning reforms to allow for the production of multifamily housing; includes financial incentives to support communities in their effort to create more housing opportunities; removes programmatic barriers to development; and provides new tools to help meet housing demand, grow our economy, and provide a range of housing options in communities across the state.

### **Supply and Demand**

Massachusetts is not building enough housing to meet market demand, causing prices to rise and placing an increased burden on our working families. The state ranked 41<sup>st</sup> out of 50 states in its rate of increase in housing stock between 2010 and 2013.<sup>1</sup> Housing production is also not keeping pace with our population growth. While the state housing supply grew by just under

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<sup>1</sup> Calculated by using Historic Annual Building Permits by State and Decennial Census counts, Census Bureau, available at <http://www.census.gov/construction/bps/pdf/annualhistorybystate.pdf>.

5,300 units (0.2%) between 2010 and 2013, the state population grew by over 145,000 (2.2%).<sup>2</sup> In Greater Boston, for example, annual housing production dropped by 52 percent between the 1960s and the 1990s and, during that same period, multifamily housing production dropped by more than 80 percent.<sup>3</sup> Consequently, our rents and home prices are some of the highest in the nation. In 1980, home prices in Massachusetts were near the national average. Since then, however, home prices have increased more than sixfold and have grown faster than any other state.<sup>4</sup>

An adequate housing supply can help stabilize prices and enhance affordability. However, local zoning regulations in cities and towns across the Commonwealth impede the development of all but the most expensive type of housing – single-family homes on large lots.<sup>5</sup> These restrictive zoning practices create widespread barriers to building the type of housing that Massachusetts needs to meet the housing demand, including multifamily housing, town homes, and single family houses on smaller lots. If our housing and land use policies remain unchanged, costs will continue to rise.

### **Impact on the Economy**

Housing production is also critical to the Commonwealth’s economic prosperity. In order to maintain and grow our economy, Massachusetts needs to attract and retain a robust workforce that will keep our innovation economy competitive. To do this, we need to provide the right housing choices at reasonable prices for workers and their families. According to the Metropolitan Area Planning Council, we need to build 17,000 new units per year to maintain our existing employment base. Additionally, two-thirds of these new homes need to be multifamily units.<sup>6</sup> If we fail to achieve this, Massachusetts risks losing workers to other regions with better housing options. Ultimately, our inability to build enough housing will impede the growth of our workforce and will threaten the Commonwealth’s future economic success.

### **Fair Housing Implications**

Finally, our lack of housing production presents serious fair housing implications for the Commonwealth. Fair housing choice is rooted in the right to live where one wants to live without the threat of discrimination.<sup>7</sup> In Massachusetts, these rights are guaranteed by our Constitution, which declares that “all people are born free and equal and have certain natural, essential and unalienable rights” including “acquiring, possessing and protecting property” and “seeking and obtaining their safety and happiness.”<sup>8</sup> The Supreme Court and the U.S. Department of Housing and Urban Development recently reaffirmed their commitment to

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<sup>2</sup> U.S. Census Bureau, Cumulative Estimates of Housing Unit Change for the United States and States, and State Rankings, Apr. 1, 2010 to July 1, 2013, and Population Estimates by State 2010 v. 2013.

<sup>3</sup> Mass. Hous. P’ship, *Unlocking the Commonwealth: New Housing and Growth Policies to Help Massachusetts Realize its Full Potential 2* (Nov. 5, 2014).

<sup>4</sup> *Unlocking the Commonwealth* at 2.

<sup>5</sup> Mass. Dep’t of Hous. & Cmty. Dev., *Analysis of Impediments to Fair Housing Choice: Access to Opportunity in the Commonwealth 6* (Jan. 2014).

<sup>6</sup> *Unlocking the Commonwealth* at 4.

<sup>7</sup> See, e.g., Fair Housing Act, 42 U.S.C. § 3604; see also Mass. Gen. Laws ch. 151B, § 4.

<sup>8</sup> Mass. Const. art. CVI.

supporting fair housing laws and affirmatively furthering fair housing.<sup>9</sup> Housing choice plays a substantial role in fulfilling these rights by providing individuals and families with “critical opportunities needed to excel in our society, such as high-performing schools, sustainable employment, stable housing, safe neighborhoods, and health care.”<sup>10</sup>

The Commonwealth’s exclusionary zoning and other barriers to building more housing impede the development of affordable housing, which disproportionately affects protected classes, including families with children and minorities.<sup>11</sup> For example, local policies, including the elimination of multifamily zoning and the growing tendency to limit new developments to projects that only have 1 or 2 bedrooms or restrict occupancy to age 55+ households, limit housing opportunities for families with children in many suburbs and small towns.<sup>12</sup> These practices may also have a disproportionate effect on the disabled. As the housing stock in Massachusetts was primarily built before accessibility requirements, the creation of accessible homes is dependent on permitting and building new units.<sup>13</sup> H.1111 will help to guarantee the fair housing rights of all Massachusetts residents and provide families with the opportunities to succeed.

Thank you for your consideration.

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<sup>9</sup> See *Tex. Dep’t of Hous. & Cmty. Affairs v. Inclusive Communities Project, Inc.*, 135 S. Ct. 2507 (2015) (holding that disparate-impact claims were cognizable under the Fair Housing Act); see also 24 C.F.R. § 100.500 (clarifying and extending the duty to affirmatively further fair housing to all of a program participant’s activities relating to housing and urban development).

<sup>10</sup> Kirwin Inst. for the Study of Race & Ethnicity, *The Geography of Opportunity: Building Communities of Opportunities in Massachusetts*, Ohio State Univ. 7 (Jan. 2009).

<sup>11</sup> See *Analysis of Impediments to Fair Housing Choice* at 236.

<sup>12</sup> Citizens’ Hous. & Planning Ass’n, *CHAPA Policy Summary on State Housing and Community Development Policy* 16 (Sept. 2014).

<sup>13</sup> *Analysis of Impediments to Fair Housing Choice* at 237.