



Testimony Supporting

- **H.673 & S.723**, *An Act Relative to Housing Production*
- **H.2237**, *An Act to Address Equal Access to Housing through Local Zoning*
- **H.128 & S.84**, *An Act Relative to Smart Growth Housing Production*; and
- **H.667**, *Resolve Providing for an Investigation and Study by a Special Commission Relative to the Need for Accessible Homes for the Elderly, Returning Veterans with Disabilities, and Families that Include Persons with Disabilities.*

Submitted by Rachel Heller
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Dear Chairman Honan, Chairman Boncore, and Distinguished Members of the Joint Committee on Housing,

Thank you for the opportunity to testify today in support of bills that will help produce new housing opportunities in communities across the Commonwealth.

These bills before the Committee today will help build the kind of housing that the Commonwealth needs, strengthen our economy, and increase housing choices for all families.

Specifically, this legislation contains needed zoning reforms, financial incentives to support communities in their effort to create more housing opportunities, removes programmatic barriers to development, and creates new tools to help meeting housing demand. Legislation will also help identify ways to build more accessible housing for persons with disabilities.

You will hear testimony today from a variety of people who support this legislation. They will include business leaders who know that increasing housing production is vital for attracting and retaining a vibrant workforce. You will also hear from non-profit and for-profit developers of housing who often face significant zoning barriers to creating housing opportunities for our residents. You will hear from a planner on the Cape whose town embraced reforms like allowing accessory dwelling units to help increase the housing supply. Finally, you will hear from those most impacted by our lack of housing supply, including seniors, young workers, and persons with disabilities, all of whom struggle to find a place that they can afford to live.

Thank you for your consideration of this legislation to help meet the housing needs of everyone in the Commonwealth. I now offer a review of the legislation CHAPA supports before the Committee today.

Zoning Reforms

Multifamily Housing Zoning Requirement. The key piece of H.673/S.723 and H.2237 requires that all Massachusetts zoning ordinances and bylaws provide the opportunity to build multifamily housing suitable for families with children as-of-right in smart growth locations. According to the Metropolitan Area Planning Council, two-thirds of all new housing needed to meet anticipated demand over the next thirty years should be multifamily housing, including apartments or townhouses.¹ 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.² Alarming, more than a third of our cities and towns have permitted nothing but single-family homes over the past decade, and have half of municipalities have gone at least ten years without permitting any multifamily housing of five or more units.³ If we continue these restrictive zoning practices, our economy will weaken, housing costs will continue to rise, and families will be left without meaningful housing opportunities.

Accessory Dwelling Unit Zoning Requirement. Accessory apartments are small units built into the main structure of an existing home or small units created in a detached structure on a property, such as a garage. They are used for relatives, in-laws, caregivers, children, or sometimes for rentals. The bill makes accessory apartments as of right if they are within the main structure, the lot size is 5,000 square feet or more, and the accessory units are 900 square feet or less. The municipality could limit the total number of such units to 5% of the existing housing stock and could require that one unit be owner-occupied.

Zoning for Open Space Residential Development. H.673/H.723 require cluster development to be allowed as-of-right in all zoning districts that allow construction of single-family homes. Currently, Massachusetts consumes thousands of acres of open space each year to build single-family homes on large lots.⁴ Open Space Residential Developments are projects with single-family homes on smaller lots, located closer together, surrounded by open space that is protected from further development.⁵ Allowing smarter land use planning by allowing these developments as of right would produce more homes on smaller lots with more protection of open spaces and natural resources.⁶

Financial Incentives

Studying the Impact of New Housing. H.673/H.723 calls for a study on the impact of new development that will identify ways to support communities in meeting the Commonwealth's housing needs. Cities and towns should be encouraged to allow for housing growth. In support of these efforts, this legislation will look into methods to help municipalities handle the fiscal impact of new housing.

¹ Mass. Hous. P'ship, *Unlocking the Commonwealth: New Housing and Growth Policies to Help Massachusetts Realize its Full Potential* 9 (Nov. 5, 2014).

² Mass. Dep't of Hous. & Cmty. Dev., *Analysis of Impediments to Fair Housing Choice: Access to Opportunity in the Commonwealth* 6 (Jan. 2014).

³ *Unlocking the Commonwealth* at 9.

⁴ *Unlocking the Commonwealth* at 13.

⁵ *Id.*

⁶ *Id.*

Expanding Chapter 40S to Reimburse for Increased School Costs. H.673/H.723 expands Chapter 40S to reimburse communities for demonstrated increased school costs resulting from the production of affordable multifamily and cluster developments. Currently, cities and towns may establish special zoning overlay districts under Chapter 40R to promote smart growth and compact development.⁷ Chapter 40S directs additional state funding to cities and towns to cover the demonstrated increase in costs of educating any school-age children who move into new housing in smart growth districts.⁸ This legislation would allow increased school costs to be reimbursed from affordable multifamily housing built in both 40R and as-of-right multifamily zoning districts.

Removing Programmatic Barriers

Creating Additional 40R Smart Growth Zoning Districts. H.673/H.723 and H.128/S.84 will help produce additional smart growth development throughout Massachusetts by making 40R zoning districts easier to create. 40R encourages smart growth by providing financial incentives for municipalities who vote to create these districts with higher densities and affordable housing. Unfortunately, this tool has been underused partly because the creation of a 40R district requires a 2/3rds vote of a municipality's legislative body. This legislation would lower that threshold to a simple majority so that more cities and towns could take advantage of this smart growth tool.

Regionalization of Land Use Regulations. H.673/H.723 allows cities and towns to regionalize land use regulation and engage in inter-local development agreements at a local option. Massachusetts has some of the smallest land use jurisdictions in the country. This has resulted in 351 different land use standards across the Commonwealth, which is particularly burdensome for small towns with volunteer boards and no professional staff.⁹ Allowing cities and towns to plan for growth together and consolidate local boards will increase operating efficiencies and encourage planning and land use regulations at a regional level.

New Tools

Community Scale Housing Development. The bill sets a goal of creating at least 1,000 units of state-assisted affordable small-scale rental that fit the local community context. These community-based developments will consist of 20 or less units that do not receive funding from the low income housing tax credit. This goal will allow cities and towns the flexibility to create affordable multifamily rental housing that fits the local character of the community.

Greyfields Redevelopment. H.673/S.723 calls for identifying greyfields across the Commonwealth and options and resources for the redevelopment of these sites. Greyfields include outdated, underutilized, failing, or vacant developments, such as former strip malls or similar commercial sites.

⁷ See Mass. Gen. Laws ch. 40R; see also Mass. Exec. Office of Hous. & Econ. Dev., *Chapter 40S and 40R Explained: Reaping Benefits of Compact Development* (2015), <http://www.mass.gov/hed/community/planning/chapter-40-s.html>.

⁸ See Mass. Gen. Laws. Ch. 40S; see also *Chapter 40S and 40R Explained*.

⁹ *Id.* at 12.

Growth Cabinet. H.673/S.723 calls for the creation of an inter-agency housing and economic growth cabinet to coordinate the collection of data, analysis, and development policies relating to the orderly growth and development of the Commonwealth.

Increasing Accessible Housing

Creating a Visitability Study. Persons with physical disabilities, including the elderly and returning veterans with disabilities, will benefit from the creation of new housing opportunities because new housing is built to be more accessible than our existing, older housing stock. However, in addition to the significant barriers our housing stock poses for persons with disabilities, it also makes it difficult for those with limited mobility to visit friends and family in their homes. H.667 establishes a commission to study home visitability standards to make recommendations about increasing the accessibility and inclusiveness of our housing stock to allow persons with disabilities to avoid isolation and live a fully engaged life. By looking into these visitability building standards, which may include requiring homes to have one no-step entry, a doorway wide enough for a wheelchair, and an accessible bathroom, we can improve the quality of life for persons with disabilities and make Massachusetts a more inclusive state for all our residents.

Together, these bills will help meet the demand for housing, control housing costs, support our vibrant economy, and provide meaningful housing choice for all Massachusetts residents.

Thank you again for your consideration. We look forward to working with the Committee on helping everyone in the Commonwealth have a safe, healthy, and affordable place to call home.