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State law to aid affordable housing draws strong support at hearing

Discussion of Chapter 40B less contentious

By Michael Norton
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The state's comprehensive permit law, the subject of heated controversies over the years and a failed repeal effort last year, drew widespread support at a hearing yesterday from groups that say affordable housing remains a big problem in Massachusetts.

Supporters of the law, known as Chapter 40B, told the Legislature's Housing Committee that even with the decline in the state's housing market, affordable housing options are out of reach for many, which hurts the state's economic growth potential.

The law makes it easier for developers to build multiunit housing developments, as long as some of the units are affordable,

in communities where less than 10 percent of the stock is considered affordable.

At St. Aidan's 40B development in Brookline, the Archdiocese of Boston, which has built about 800 units of housing in the past under the 40B law, received nearly 500 applications for 20 affordable rental units before halting the process to avoid giving false hope to those interested.

"Chapter 40B is not about for-profit developers out to make money without regard for communities," Lisa Alberghini, president of the archdiocese's Planning Office for Urban Affairs, told the committee. "It is about providing decent affordable homes for all people, in cooperation with communities, as a matter of social justice and as a tool to strengthen our Commonwealth."

While supporters credit the law with development of 31,000 affordable units, critics in the past have argued that it forces growth of high density, market-

rate housing prone to abuse by developers, that it destroys open space, and that it puts new demands on already stretched local infrastructure and services. No one made those arguments at yesterday's hearing.

According to Citizens' Housing and Planning Association, 39 communities have cleared the 10 percent threshold, up from 27 in 2001, and between 8 and 10 percent of housing is considered affordable in 38 Bay State cities and towns, up from 17 in 2001.

Susan Schlesinger, association president, said 171 communities in Massachusetts, accounting for 79 percent of the state's total population, feature affordable housing units that make up at least 5 percent of the local housing stock, an increase from 117 communities in 2001.

Defending 40B, Clark Ziegler, executive director of the Massachusetts Housing Partnership, said there is a misconception that affordability problems have diminished because housing

prices have come down.

"The gap has actually widened," said Ziegler, pointing out that Massachusetts ranks 44th among 50 states for its affordability of rental units.

Ziegler said state regulators have addressed most complaints about 40B and called on lawmakers to tackle what he described as the real problem facing affordable housing in Massachusetts — comprehensive zoning reform to address a patchwork of differing local zoning rules.

According to the association, the foreclosure crisis has pushed more former homeowners into the rental market, many young workers cannot get mortgages, and salaries for many professionals leave them without sufficient income to buy a home. The association estimates that rents within the Interstate 495 belt of Massachusetts reached a median of \$1,665 per month in the first half of this year, and Boston is the fifth highest rental market in the United States.

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LISA ALBERGHINI, *Planning Office for Urban Affairs president*

During a break in the hearing, the committee chairmen said that last year's statewide vote to preserve the law appeared to have an effect in the new session. The repeal question was defeated by a margin of 16 percentage points.

"There is speculation that with the defeat of the repeal of the Chapter 40B law in last year's election that maybe some of the enthusiasm for changing or repealing the law has been

dampened," said state Senator James Eldridge, Democrat of Acton, who said he is aware of lawmakers who still want changes to 40B.

Eldridge's House counterpart, state Representative Kevin Honan, Democrat of Brighton, called 40B an important source of construction jobs. "There's still concerns, but there's no question the vote at the ballot on repeal . . . maybe that has had an effect on the crowd today," he said.

State Representative Susan Gifford, Republican of Wareham, urged committee members to allow municipal officials to count manufactured or mobile homes toward their inventory of affordable units. Gifford said that in three of her district communities — Carver, Bourne and Wareham — there are more than 2,000 mobile homes, ranging in price from \$25,000 to \$160,000, most of which are truly affordable.

Several lawmakers did not attend the hearing, but expressed concern about 40B in writing.