

Lowell Sun

Church's plea: Save 40B

State's Catholic bishops join to fight against ballot Question 2

By Chris Camire October 28, 2010

BILLERICA -- Standing before a group of town officials last week, Cardinal Sean O'Malley made a pitch against repealing the state's Chapter 40B law.

It was a hard sell. Many in the audience -- including selectmen, the town manager and Housing Authority members -- have been vocal critics of the affordable-housing law in recent years.

"Every community needs a mix of housing in order to be healthy, vibrant and inclusive," said O'Malley, archbishop of Boston. "Repealing Chapter 40B would result in the loss of a valuable tool that has prompted many cities and towns to build homes for those who would otherwise be unable to secure adequate housing."

O'Malley's remarks came at the groundbreaking of Rose Hill Manor, a 41-unit, affordable, elderly housing complex behind St. Theresa of Lisieux Parish on Boston Road near the Billerica Mall.

The \$8.3 million project, which was built by the Planning Office for Urban Affairs, the development wing of the Archdiocese of Boston, was made possible through Chapter 40B.

To prevent similar projects from being stymied, the state's Catholic bishops have declared their opposition to ballot Question 2, which asks to repeal 40B.

"Housing is a human right," said a statement recently released by all four of the state's bishops -- O'Malley, Bishop George Coleman of Fall River, Bishop Timothy McDonnell of Springfield, and Bishop Robert McManus of Worcester.

The letter went on to say that the law will preserve the state's "ability to act in the most effective way to meet the need of every individual for a decent affordable home."

Chapter 40B is reviled in many suburban communities throughout the state because it gives developers power to skirt zoning rules in towns where less than 10 percent of available housing meets federal affordability requirements.

In cities and towns struggling to hit the 10 percent mark, a developer can obtain permission from the state to build if he plans to make 20 percent of the project affordable -- even if a community objects.

Opponents of 40B, which was created in 1969 to solve an affordable-housing shortage, now say the permit law is outdated and broken.

"We have an issue with the fact that it circumvents local planning," said Billerica Town Manager John Curran, adding that unlike some 40B developments, Rose Hill Manor is good for the community.

"The developments that aren't good," he added, "are those where the developer uses 40B as sort of a wedge to force development in areas that aren't immense for residential use."

Supporters of Chapter 40B say the law has made housing prices in the state more competitive and has created construction jobs.

A recent study by the University of Massachusetts Donahue Institute found the 40B law has generated \$9.25 billion in construction spending over the past decade.

All four gubernatorial candidates and the Greater Boston Chamber of Commerce also oppose repealing the law.

Frank Talty, a political-science professor at UMass Lowell, said it is not surprising that the Catholic Church would champion 40B, a law designed to produce affordable housing in one of the country's most expensive states to live.

"It's a sort of social-justice issue for the church," Talty said. "It would seem to me affordable housing goes along with 'feed the hungry, clothe the naked, heal the sick,' so you can see how their position on Question 2 is consistent."

Talty added that the church's involvement in the ballot question is also consistent with the concept of separation of church and state, a principle he said is meant only to prevent government from interfering with religion.

About 12,000 proposed housing units would be endangered if Question 2 passes, according to the Citizens' Housing and Planning Association, an affordable-housing nonprofit that opposes the measure.

Lisa Alberghini, president of the Planning Office for Urban Affairs, said Rose Hill Manor is one of Chapter 40B's success stories. She said the archdiocese has built more than 600 units of housing under the law, adding that it does not seek to profit from its housing projects.

Alberghini said 40B "has been responsible for the development of over 58,000 units of housing, more than half of which are affordable. It is a critical tool that we want to have remain intact. It is responsible also for thousands of jobs and decent affordable homes."

Alberghini acknowledged that overreaching developers have soured some local and state leaders on the law. But she expressed hope that communities will be able to work with state leaders to make adjustments to the law without eliminating it entirely.

Curran also expressed hope that the law will be reformed if Question 2 does not pass.

"More consideration has to be given to cities and towns and the local planning process," he said. "Everybody is on board with the idea of affordable housing, but you can't do it at the expense of good planning."