

## Citizen Engagement Corner

# Is That All There Is?

## League of Women Voters of Brookline

We all hear people lamenting “it’s too expensive to live in Brookline, housing costs are skyrocketing, the middle class is priced out” – and in town, much discussion and varying opinions about Chapter 40B, whether it can or will help alleviate these frustrations.

Chapter 40B is a Massachusetts statute enabling developers who include affordable housing in their projects to bypass local zoning restrictions and apply for a single comprehensive permit under an expedited process. Developers have to meet state regulations, such as wetlands protection and state highway access permits, but they also have the power to negotiate town regulations such as density restrictions, buffer zones, green space and infrastructure improvements.

In exchange for more flexible rules, at least 20-25% of the units must be affordable and have long-term affordability restrictions. The rest are market rate. Affordable units under 40B are reserved for families making less than 80% (\$81,100) or in some cases 50% (\$53,900) of area median household income for a family of four--and in both cases, less if a smaller family.

In Brookline 40B has led to proposed increased density near Coolidge Corner and JFK Crossing and in Hancock Village in South Brookline. These areas may experience more traffic congestion, more strain on parking, and increased crowding on public transportation.

Completed 40B projects to date are the 2009 renovated St. Aiden’s Church, with 35 permanently affordable units, and 45 Marion Street in 2015 with 13 affordable units. Since 2016, nine 40B projects have been approved, although only three projects are under construction with a total of 50 units, 11 of which will be affordable. Five other projects are under review (two with 100 -300 units) that would include 20% affordable units. One of the approved 40B projects is a proposed development by the Jewish Community Housing for the Elderly with 62 affordable units (100%) for seniors. This project received \$3 million in support from the Town and is expected to break ground this spring.

Communities not yet meeting the 10% threshold can receive a one-year temporary “safe harbor” from the state by adopting a housing production plan and permitting new eligible units equaling at least .5% of its housing stock – 131 units in the case of Brookline. Brookline recently received a two-year temporary “safe harbor” because it permitted two 40B projects containing 275 new eligible units in October 2018 (58 affordable). Until October 2020 Brookline will have more latitude in its often

complex negotiations with developers, unless these projects do not pull building permits within one year. In that case the two-year “safe harbor” will revert to one year, ending in October 2019.

Alison Steinfeld, director of the Brookline Planning and Community Development Department, expects Brookline to meet the 10% threshold in the spring of 2019. However, under 40B legislation, the total housing count will be re-set in 2020 with new year-round housing data from the US Census, which may push Brookline below the 10% level, once again giving developers the right to bypass Brookline’s zoning rules.

Brookline has worked hard to provide affordable housing for many years. We need to remember that the 10 percent threshold also includes the largest holder of affordable units in town, the Brookline Housing Authority. It owns 950 that are 100% affordable in perpetuity, located in a number of spots in Brookline. Waiting lists are long, and turnover infrequent. An additional 74 condo units, affordable in perpetuity, were created under the Town’s inclusionary zoning bylaw. Some group homes run by non-profits provide another 60 affordable units and recently the Pine Street Inn renovated buildings on Beal St. with 31 affordable units.

*Prepared and submitted by a member of the League of Women Voters of Brookline (LWVB). The League is a nonpartisan organization that encourages informed and active participation in government and that works to influence public policy through education and advocacy.*