Get your facts straight

CPTC Annual Conference
March 16, 2019
Who we are

Massachusetts Housing Partnership (MHP) is a quasi-public agency created by state statute in 1985

- Increase the supply of affordable housing in the state
- Work with municipalities to demonstrate new and better ways of meeting our affordable housing needs
What we do

- Community Assistance team
- Permanent financing for affordable rental housing
- ONE Mortgage program
- Research on housing data to support policy efforts
Collect, analyze and share information to drive better conversations around housing policy
The truth is out there

- data
- personal experience
5 tips for using data to have conversations about housing
Start with people
2 Take stock
Identify Patterns

Understand how your town has changed, how it is likely to change in the future, and use that information proactively.

How will housing be a part of your plan?
4 Know the facts
5 Learn from others
Turning data into action
What’s your housing story?
Welcome to DataTown, Massachusetts

A place to explore and learn about your community

There is a lot of great information out there, but have you ever tried to collect data about your city or town, only to find that you need to go to multiple sites and navigate a multitude of data types that don’t quite make sense for Massachusetts? Even if you can find the data you need, do you find yourself spending too much time organizing and visualizing that data?
Upcoming events

Affirmative Fair Housing Marketing & lotteries training
April 24 in Boston

CPA conference
May 10 in Framingham

2019 Housing Institute
June 5-6 in Devens

www.mhp.net/events
@mhphousing
Questions and discussion

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www.mhp.net/data
@mhpdata
Your community is unique… mostly

Millennial peak communities
28 communities across the state
Your community is unique… mostly

Age balanced communities
118 communities across the state
Your community is unique… mostly

Older communities
29 communities across the state

U.S. Census Bureau, Decennial Census and American Community Survey
Your community is unique… mostly

Millennial Valley – Type 1
99 communities across the state

U.S. Census Bureau, Decennial Census and American Community Survey
Your community is unique… mostly

Millennial Valley – Type 2
74 communities across the state

U.S. Census Bureau, Decennial Census and American Community Survey
Your community is unique… mostly

College towns
3 communities across the state
ASSESSING NEEDS

Why is assessing housing needs important? Identifying gaps or needs is a first step in planning how, when, and where to address local housing issues. Most communities consider it favorable when residents are able to remain there throughout their lives. This typically involves living in different types of housing at different life stages; a useful starting point in defining housing need is to reflect on how achievable that is in your own community.

Who does it and when? Depending on capacity and resources, many communities may choose to engage a consultant to assess their housing needs and create a plan. Collecting and analyzing data on housing and creating a plan can also usually be completed by the municipality's planning or community development department. But it is important for those working to address housing demand to have at least a basic understanding of the situation in their communities to be able to have meaningful discussions with those creating policy, and to be able to set reasonable goals that address the key issues. Working through this section will give you a better understanding of the need for rental housing, affordable homeownership, senior housing, and special needs housing in your community. It will also help you identify the necessity of addressing challenges like unaffordability, foreclosure, and seasonal housing.

What is the outcome? Understanding the needs in your community through research is only the first step. This information should then be used to create an action plan of how your community can work to address the gaps in housing.

Numerous communities in Massachusetts currently have one or more of the following:

- Housing Production Plan (HPP)
- Housing Needs Assessment
- Master Plan with a chapter or component on housing needs and goals.

Your local planning and/or community development department may have already collected much of the information and data mentioned here, and may have a recent housing plan available. If your community has a current HPP, Housing Needs Assessment, or Master Plan, the planning, community development, or land use staff at your town hall will know. The department staff may also have a wide range of additional current and historical information that could be helpful for planning housing needs.

If you find that your community already has collected recent and relevant data on housing, you will find it more helpful to move on to the section at the end of this guide on how to use that data to create action items and goals.
Housing trust funds were first developed in the 1970s and became more common in the 1980s and 1990s. In Massachusetts, it was after the passage of the Municipal Affordable Housing Trust (MAHT) statute, M.G.L. Chapter 44, Section 55c, in 2005 that cities and towns began to more actively create housing trust funds. Today over 100 communities in the state have a local affordable housing trust fund.

The popularity of housing trust funds has coincided with the local passage of the Community Preservation Act (CPA). Almost 80% of communities that have created a housing trust fund have also adopted CPA. Ideally, the housing trust fund and community preservation committee (CPC) work collaboratively, along with other boards and departments, to address local affordable housing needs.

Most housing trust funds in Massachusetts are municipal entities focused on creating and preserving affordable housing, generally described as housing for household earning up to 100% of the area median income (AMI). Commonly referred to as "housing trusts", these entities are similar in structure with some variation in powers granted and trustees appointed to manage the fund.

About a dozen housing trust funds were created through special legislation under home rule petition, before the MAHT statute was passed. A few are not connected to the municipality or focus beyond affordable housing.
Local support

Framing Your Message

Building a wide base of support for housing efforts is vital to achieving a community's housing goals. However, building public will to address housing challenges may be even tougher than many people realize. Although understanding your community's housing needs is a critical starting place, this information alone is not enough to catalyze public support for housing initiatives. Studies by cognitive and behavioral scientists show that people become more entrenched in false beliefs when confronted with evidence contradicting their views — this is known as the "backfire effect."

“The irony is that as data about the importance of housing pile up, our messages seem to be losing traction and actually making things worse. Facts, data, and vivid stories about individual troubles are not increasing public understanding, and some of our initial research suggests that they may in fact be both depressing public support for housing issues and reinvigorating misinformation.” (Source: Manuel, T. and Kendall-Taylor, N. (2016). "You Don't Have to Live Here" Why Housing Messages Are Backfiring and 10 Things We Can Do About It. Washington D.C.: FrameWorks Institute.)

How to Think about Framing

We all have multiple ways of thinking about social issues, such as access to affordable housing. We may dislike taxes, but want better roads. The way in which we frame a need or proposal can trigger how people respond to it.

If we talk about creating programs or housing for others, this may stimulate an "us versus them" reaction. In contrast, if we frame the need for diverse housing options as a matter of fairness so that everyone can have access to housing they can afford, we may help activate a more favorable response. In strong housing market areas, showing that more housing of diverse types is vital to supporting economic development in your community can also generate positive reactions.

Referring to "homes" may suggest the surroundings that shape us, but "housing" may cause people to think about a commodity or consumer good. Be strategic about the language and imagery you use, understanding the local culture in which you are working.
ZONING TOOLS FOR AFFORDABLE HOUSING

In addition to promoting general housing development with a variety of types, there are also zoning tools that specifically create income-restricted housing, commonly called affordable housing.

Chapter 40B: The Affordable Housing Law

Chapter 40B enables communities that have not attained the state 10% affordable housing goal to pursue an expedited permitting process. Chapter 40B is significant because it has produced more affordable housing than any other housing program in the Commonwealth. In current Chapter 40B developments, both market-rate and affordable residences are created. The affordable units are reserved for households, mostly seniors and families, earning less than 80% of area median income.

TO UNDERSTAND CHAPTER 40B BETTER, PLEASE REFER TO:

- MGL Chapter 40B Sections 20-23
- Massachusetts regulations 760 CMR 56
- DHCD’s Guidelines GLC 40B Comprehensive Permit Projects and Subsidized Housing Inventory (SHI)
- MHP’s Chapter 40B Handbook for Zoning Boards of Appeals
- Chapter 40B Monitoring Handbook

Inclusionary Zoning

Inclusionary zoning, sometimes referred to as incentive zoning, mandates that developers provide affordable housing units in addition to their market-rate housing.

How does inclusionary zoning work? Section 9 of the Zoning Act authorizes communities to adopt bylaws that require a developer to
DISPARATE IMPACT AND FAIR HOUSING RESOURCES

Considering Disparate Impact

On June 25, 2015, the Supreme Court of the United States upheld the application of disparate impact under the Fair Housing Act in *Texas Department of Housing & Community Affairs v. The Inclusive Communities Project, Inc.* This decision acknowledged that discrimination is not always overt and intentional but still can have substantial consequences.

Disparate Impact is a legal doctrine under Fair Housing that states a policy may be seen as discriminatory if it has a disproportionately adverse effect on groups protected by the Act. The intent does not have to be discriminatory; disparate impact looks at the effect.

In your community, do planning and zoning policies create a “disparate impact” on certain people or groups?

Questions you might want to consider locally:

- Does new development primarily only offer studios or one-bedroom units, not providing homes for families with children?
- Does new development only contain townhouses with stairs, making the housing challenging for people with physical disabilities?
- Are affordable housing units and programs advertised widely to assure that people of all races and national origin could apply?

More on recent Supreme Court findings pertaining to disparate impact can be found here.

Fair Housing Resources and Guides on Implementation

Navigating compliance with Fair Housing laws in your community can be complex. Below are two excellent resources to assist planners, planning and zoning board members, advocates, and others in considerations of Fair Housing as they work to create new housing opportunities:
Housing development

FIND A SITE

Many communities begin the development process with a site already identified, such as surplus housing authority land, or a municipal site that has been purchased or acquired through tax title. If it is necessary to purchase land, research on recent land transactions will provide information about current pricing for land that is appropriate for residential development. The following steps are recommended, either for communities that are seeking to acquire a particular site or building, or for communities that are evaluating multiple municipal sites to determine which is most appropriate:

Establish site criteria
Use the information gathered about community housing needs (as outlined in Assessing Needs) as a guide to what would make a good site for housing. Site criteria can include whatever qualities are desired for a particular project. For example:

- access to utilities, public sewer, and water
- ability to accommodate the preferred building type and number of units
- proximity to an established residential area
- location in areas that are not environmentally sensitive
- convenience of public transportation
- proximity to employers
- proximity to services such as shopping and schools cost

Identify a site
Research and identify land that is currently on the market or municipally owned. Your community’s planning or community development department, and local housing authority, are good sources for site information. Drive around the area, and research underutilized or vacant lots by going to the town’s planning department or assessor’s office. Many communities have assessor’s information online. If there is no available municipal land, other resources worth pursuing include:

- state-owned surplus land disposed of through the Division of Capital Asset Managers (DCAM)
- requests for proposals for disposition of a parcel by a federal, state, or municipal agency
- tax title land owned by the public entity
FINANCING AND FUNDING

Local policies alone are often not sufficient to bring land and home prices within reach for many residents. Developing income-restricted housing usually requires a variety of funding sources and complex decision-making. It is important to understand how housing is funded, and how to use local public financing tools to facilitate private development as well as to leverage state, county, regional, and nonprofit financial resources.

This guide is designed to help you better understand the basics of how affordable housing is financed, and is broken out into the following sections:

1. Types of Funding
2. First Steps
3. Special Strategies
4. Rental Assistance Programs
5. Local Assistance

How is affordable housing funded?

Most affordable housing developments require financial support from federal, state and/or local public sources; and the funds generally come with restrictions and requirements. In addition, financing options vary depending on the type of housing (rental or ownership) and the characteristics (e.g., income, household size, disability status) of the households a program or project is designed to assist.

A community can reduce project costs and the need for public funds by providing non-cash assistance in the form of zoning that supports affordable housing, donated land or buildings, and fee waivers.

The restrictions that come with public funding vary by program. When a project uses multiple funding sources, meshing the various roles can be complicated. Common restrictions include:

RENTAL ASSISTANCE PROGRAMS CLOSE THE GAP

Rental assistance programs provide a monthly payment to landlords to cover the gap between the full rent and what tenants can afford at a certain percentage of income (often 30 percent). The Rental Assistance Programs section of this guide goes more in depth with this form of subsidy.
THE ORLEANS STORY: HOW TO CREATE A HOUSING TRUST

The Orleans Story pop. 5,890 (2010)

Orleans created a housing trust in 2000 through a home rule petition, well before the legislation for Municipal Affordable Housing Trusts (MAHT) was passed in 2005. However, this trust was limited in its capacity.

The Affordable Housing Committee (AHC) was meeting actively, discussing how to increase affordable housing development in town. Yet they struggled with supporting projects without any funding. They began to consider other housing trust models.

In 2017, the town engaged a consultant to create a Community Housing Study, spearheaded by the AHC. Creating a MAHT was identified as a short-term goal. One AHC member initiated a discussion about municipal affordable housing trusts (MAHT) at a Barnstable County HOME consortium meeting and another attendee suggested the AHC connect with Massachusetts Housing Partnership’s (MHP) Community Assistance Team.
Looking for a specific report, sample RFP and other documents that explain the affordable housing process? The Housing Toolbox resource section has all the materials that appear on this site.

**The State of Zoning for Accessory Dwelling Units**
February 25, 2019
A 2018 white paper by the Pioneer Institute on the state of ADUs in local Eastern Massachusetts bylaws and ordinances.

- Zoning

**Census Building Permit Survey Under Counts Massachusetts Housing Units**
December 20, 2018
The US Census collects data on new housing units from local governments in a data set called the Building Permit Survey (BPS). A recent analysis of the US Census Building Permit Survey for Massachusetts shows there was at least a 14% under count of new housing units over the last 5 years. This document explains:

- What the BPS is and why it matters
- A summary of the analysis of the BPS in Massachusetts reporting accuracy
- How communities can help improve BPS accuracy

For more information on the data collected for the BPS analysis, please contact Chris Kluchman, Housing Choice

**Chapter 40B Monitoring Handbook**
December 28, 2018
This document was created by Mass Housing as a guide for third party monitoring agents of affordable housing in Massachusetts.

- Chapter 40B

**DHCD Technical Assistance Database**
December 20, 2018
The database is a resource that tracks technical assistance (TA) program awards and grants from state agencies related to housing and planning from fiscal year 2016 - 2018. The database includes all 350 communities, even if they have not had a recent grant or technical assistance. In addition to tracking grants and TA, the database also has information about the community, such as the last reported percentage of qualified housing on the Subsidized Housing Inventory (SHI), Housing Choice Initiative designation, and whether the community has passed the Community Preservation Act (CPA).

The resources below are: (1) A letter from DHCD Undersecretary, Janelle Chan, introducing and explaining the database; (2) a comprehensive list and description of all 14 TA programs tracked; (3) A print friendly PDF of the database; and (4) The actual excel sheet of the database so users can...