

The version of WA 41 below was voted favorable action unanimously by the Advisory Committee Land Use, Zoning and Sustainability Subcommittee October 26, 2022

Petitioners: Wendy MacMillan, Kimberley Richardson, Deborah Brown

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Warrant Article: RESOLUTION REGARDING AN AFFORDABLE HOUSING OVERLAY DISTRICT (AHOD) STUDY COMMITTEE

To see if the Town will adopt the following resolution:

WHEREAS the shortage of affordable housing in Brookline and the region disadvantages low- and moderate-income residents, especially renters;

WHEREAS Brookline residents participating in the 2021 Housing Production Plan community engagement sessions expressed issues with housing instability and a need for more affordable housing;

WHEREAS Brookline's affordable housing stock is only 2,125 units according to the Brookline Department of Planning & Community Development's June 2022 Affordable Housing Inventory spreadsheet. There are 670 units of subsidized housing owned or controlled by non-profits other than the Brookline Housing Authority, most of which are for seniors.

WHEREAS Brookline Housing Authority (BHA) has 923 units, 458 are senior/disability, 31 special needs and 434 unrestricted;

WHEREAS Brookline has 380 subsidized rental units owned by private investors; of that 153 are senior and disabled units and 227 general units;

WHEREAS Brookline has 152 subsidized owner-occupied units;

WHEREAS the price of homes for sale in Brookline, like those in the rest of the Boston area, have doubled over the past ten years²;

WHEREAS Brookline has an additional 304 net new units of additional subsidized units approved but not ready for occupancy, units permitted and not constructed³;

WHEREAS because Brookline reached its Chapter 40B safe harbor threshold (10%) in 2022, this eliminates an incentive to build affordable housing under 40B⁴;

¹<https://www.whitehouse.gov/cea/written-materials/2021/06/17/exclusionary-zoning-its-effect-on-racial-discrimination-in-the-housing-market/>

² <https://www.zillow.com/brookline-ma/home-values/>

³ 40B Projects Currently Underway spreadsheet, September 1, 2022, Department of Planning & Community Development

⁴<https://www.wickedlocal.com/story/brookline-tab/2020/07/08/brookline-meets-40b-threshold-but-affordable-housing-talks-not-over-yet/114692922/>

WHEREAS meeting Chapter 40B affordability and unit creation standards will not address Brookline's housing needs;

WHEREAS there are areas in Brookline where the Zoning Bylaw including its Dimensional Requirements may limit affordable housing production;

WHEREAS there is a lack of incentives in Brookline's Zoning Bylaw for developments to include all income-restricted affordable housing units;

WHEREAS Cambridge, Somerville and North Reading are Greater Boston communities that have passed AHOD bylaws and regulations;

WHEREAS establishing an AHOD may promote the public good by supporting the development of housing that is affordable to households earning at or below 120% of the area median income.

WHEREAS incremental increases in density, limited increases in height, and relaxation of certain other zoning limitations for residential developments in which all units are made permanently affordable to households earning at or below 120% of the area median income may be achievable without stressing municipal infrastructure;

WHEREAS AHODs may promote affordable housing objectives, promote greater socioeconomic diversity, and ensure a more equitable distribution of affordable housing town-wide;

WHEREAS Brookline has passed the Community Preservation Act and continues to seek passage of the real estate transfer fee which, along with Brookline's Affordable Housing Trust, can potentially provide subsidy funds to promote AHOD development;

WHEREAS Brookline, a MBTA community, is required to have zoning that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right;⁵

WHEREAS according to the Intergovernmental Panel on Climate Change (IPCC) "Established cities will achieve the largest greenhouse gas emissions savings by replacing, repurposing, or retrofitting the building stock, targeted infilling and densifying"⁶; in other words, AHODs would likely result in a healthier environment;

WHEREAS having denser and smaller housing units around shops, public transportation, and job hubs near Boston (as opposed to housing in suburbs further from workplaces) is more environmentally efficient⁷;

WHEREAS creating significant additional affordable housing, with varying tiers of affordability, will provide housing opportunities for current and future Brookline residents, including people who live in BHA properties;

⁵ <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>

⁶ https://www.ipcc.ch/site/assets/uploads/2022/04/P56_Doc_4_Changes_to_the_Underlying_Scientific-Tech_Assessment.pdf

⁷ <https://www.housingconsortium.org/2020/11/19/pro-environment-pro-density/>

WHEREAS housing density may also increase economic development and thus Brookline's goals for its commercial tax base⁸;

THEREFORE BE IT RESOLVED that, to encourage the development of affordable homes in Brookline by exploring the potential for the creation of 100% affordable housing developments in Brookline, the Housing Advisory Board (HAB) is urged to create and charge an Affordable Housing Overlay District Study Subcommittee for Brookline. The subcommittee shall be composed of a mix of HAB members and non-members to include no more than eight residents that reflect the economic and racial diversity (to the extent consistent with law) found in Brookline, with at least two members who live or have lived in public or affordable housing, at least one member with zoning expertise, at least one member who serves on the Housing Advisory Board, and at least two members with expertise in affordable housing development.

The Subcommittee should issue a report that draws conclusions as to the potential relevance, requirements and effectiveness of an AHOD to create more affordable housing in Brookline. The AHOD study should take into consideration the following:

All housing units in an eligible housing development must include permanent affordability deed restrictions which include both rental and home price limits and gross household income limits. Housing units will be for households meeting gross household income limits which are annually published by the U.S. Department of Housing and Urban Development, and will be certified upon initial occupancy and recertified annually. Restrictions must ensure that all units will serve residents at one or more of the following income tiers:

- a. Very low-income households earning up to 30% of area median income (AMI);
- b. Low-income households earning up to 60% of AMI;
- c. Moderate-income households earning up to 80% of AMI; and
- d. Middle-income households earning up to 120% of AMI.

Or act on anything relative thereto.

⁸ The Power of Density By Richard Florida, The Atlantic, SEPTEMBER 8, 2010
Organizations like the World Bank also see the financial, social and environmental benefits of density. See: High-Density Cities Hold the Key to Transforming Economic Geography, January 26, 2017