

Governor revamps state's anti-snob zoning law

By STEVE LEBLANC
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BOSTON — The Patrick Administration is unveiling proposed changes to the state's anti-snob zoning law.

State undersecretary of housing Tina Brooks says the new regulations are designed to encourage the building of more affordable housing while easing some of the friction between communities and developers.

One change would help communities draft plans to more gradually increase the amount of affordable housing until they reach the state-mandated goal of 10 percent.

That could help cities and towns avoid battles with developers who can use the law to avoid local zoning codes if they promise to include a certain percentage of affordable housing in their developments.

"Ideally we would like to see every community have their own (affordable housing) plans," Brooks said. "The best solution for everyone is that municipalities get ahead of the curve."

The 38-year-old law — known as "40B" in planning parlance — has been long been a source of friction.

Local communities say the law allows developers to build large, cumbersome housing developments that otherwise would be barred by zoning codes by agreeing to set aside from 20 to 25 percent of the units as affordable.

Developers say they are simply following the law and helping the state boost its affordable housing stock.

A total of 51 cities and towns have met the 10 percent goal and another 38 are on the verge of crossing the threshold. More than 48,000 units of affordable housing units have been created in almost 900 developments statewide under the law since the early 1970s.

The law was designed in part to help distribute the burden of providing affordable housing from traditional urban settings into suburban and wealthier communities.

One of the proposed changes would set new standards for the design and location of housing developments created under the law, requiring they take into account the character of a community.

One criticism of the law is that it allowed developers to create developments out of scale with surrounding neighborhoods.

"No one is going to come into your low-rise community and put in a high-rise development," Brooks said. "Developers just want to know what the rules are."

In another change, the four state agencies involved in the permitting process for 40B projects will evaluate all projects under the same, uniform standards as they try to determine whether a development is appropriate.

Other changes would encourage the development of affordable housing targeted at workers and would make it easier for communities to keep on a path to gradually create enough affordable housing to reach the 10 percent goal.

Geoffrey Beckwith, executive director of the Massachusetts Municipal Association, said some developers have used the law to pressure communities.

"We know that local officials welcome changes that would reduce the confrontational aspect of 40B projects and reduce the use of 40B as a mechanism by some developers to force concessions from communities," he said.

Beckwith, who hasn't yet seen the proposed changes, also said that the state should focus attention on a separate, incentive-based program to help communities make zoning changes to encourage sustainable affordable housing.

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