

# GUIDEBOOK for Local Housing Partnerships



Massachusetts Housing Partnership

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# Housing Partnership Activities



## Education and Outreach

For a newly appointed housing partnership member, the number of agencies, names or programs and specialized terminology related to affordable housing in Massachusetts can seem daunting. Do not be discouraged. There are many available educational sources of information. Some of the printed and web-based resources for partnerships are mentioned at the end of this guidebook. In addition you might want to schedule an orientation meeting with the local partnership chair or other seasoned members or contact other towns that have formed partnerships. Town staff, such as planning or community development

staff, may provide an orientation about the role of the partnership and related land use issues in the community. For a list of cities and towns that formed a Housing Partnership, see *Taking the Initiative: A Guidebook to Local Affordable Housing Strategies, Appendix A*, [http://www.mhp.net/community/initiative\\_guidebook.php](http://www.mhp.net/community/initiative_guidebook.php).

To be an effective spokesperson for affordable housing, A partnership member should have the knowledge to define and explain affordable housing, identify who benefits from living in affordable housing, and describe the local need for different types of housing. Communities may advocate for affordable housing by using data and housing plans. Many communities have completed one or more housing plans that contain important data about local

## What is affordable housing?

If you've done research on affordable housing you've probably seen many definitions of these terms. Generally, any agency involved with affordable housing follows the US Department of Housing & Urban Development (HUD) income guidelines to help define affordable housing. HUD defines housing available to households that spend no more than 30-33% of their annual income on housing as affordable. Housing affordability takes into consideration both the cost of housing, whether it is rental or ownership, in relation to the annual income of the household. Sometimes affordable housing developers will try to make housing available to households with many different income ranges, such as 80%, 50% or 30% of the community's area median income. For more information, visit: <http://www.huduser.org/database/il.html>.

## Why is the supply of affordable housing important in your community?

Even if you pick up the paper once a week you'll see an article highlighting the skyrocketing costs of housing in Massachusetts. Housing affordability in the Commonwealth is at crisis levels and affects all but the most prosperous households. For communities, housing affordability is one factor that determines which households can afford to live there. This also affects the type of community it will become in the future.

The concept of "affordability" includes both the cost of housing rental or ownership in relation to household income. Making affordable housing available to a broad range of households depends largely on the income of the household — whether it is a low income household (60-30% of area median income) or moderate income household (80% of area median income). The US Department of Housing & Urban Development defines housing that is available to households who pay no more than 30-33% of their annual income towards housing costs as "affordable housing". Households who pay more than 30-33% of annual income for housing are cost burdened and may find that they cannot pay for other basic necessities such as food, medical care or transportation.

Even full-time employees who add to the quality of life in a community, such as day-care providers, bus drivers, police officers, bank clerks and grocery store cashiers, need housing that is in-line with their wages and salaries (no more than 30-33% of annual income).

Ensuring the supply of affordable housing in your community provides opportunities for family members, especially young families looking for first-time homes, teachers, and public service employees to live, work and play in your community and to become a part of the long-term community fabric.

housing needs. Housing Plans are public documents and may be available to you on municipal websites or in print from the appropriate planning or community development offices. **See page 10 for information about housing plans.**

The partnership may also play the role of spokesperson by advising local and state officials about the strengths and weaknesses of a particular development proposal. It can provide recommendations on a wide range of issues from permit or funding approvals to general endorsements of specific affordable housing proposals. An endorsement of a

housing proposal may influence state housing officials when funding requests are being reviewed. An endorsement may provide a greater likelihood of achieving the necessary subsidies to support the development.

Educating your community about affordable housing is a primary role for a housing partnership. The partnership membership reflects a broad representation of interests and personal backgrounds, which puts it in a good position to educate residents and local officials about the needs for affordable rental and homeownership opportunities. While it may be challenging to dispel the myths and

misunderstanding around affordable housing, information supplied by local partnership members is a good way to combat negative or skeptical attitudes.

Partnerships have found opportunities to provide the public with information by:

- Holding forums, workshops or presentations for local officials
- Hosting a local housing fair
- Speaking at civic events, public meetings, or panels
- Meeting with religious congregations
- Presenting information at town meeting or city council meetings
- Writing letters or articles in support of affordable housing for the local paper
- Participating in or providing public service announcements for local radio or community access television shows
- Distributing surveys or information bulletins to residents and collecting data to further Partnership efforts

### Housing Resources

The identification of housing resources can benefit the housing partnership as well as the

entire community. By developing a comprehensive list of state and federal funding and technical assistance programs that are available for affordable rental and homeownership development, a local housing partnership can advance their mission of supporting affordable housing in their community.

## What is the SoftSecond™ Program?

The SoftSecond™ Program is a joint public initiative of the Massachusetts Department of Housing and Community Development and MHP to help low and moderate income households purchase their first home. The program combines a conventional mortgage and a subsidized “second” mortgage. For more information, go to [www.mhp.net](http://www.mhp.net).

## Taking the Initiative

*Taking the Initiative – A Guidebook on Creating Local Affordable Housing Strategies* is an excellent resource available in print and on the web. This guidebook provides a glossary of housing terms, affordable housing efforts from communities in the Commonwealth as well as resources for technical assistance and financing tools. Available in print through Citizens' Housing And Planners Association, 617-742-0820, 18 Tremont St. Suite 401, Boston, MA 02108 and on the web at [http://www.mhp.net/community/initiative\\_guidebook.php](http://www.mhp.net/community/initiative_guidebook.php).

A housing partnership might utilize local or state funds to develop its own program to assist residents who are seeking to become first-time homebuyers. For example in the City of Northampton the housing partnership was instrumental in setting up a Soft Second Loan Program using funds from the Department of Housing and Community Development (DHCD). Many developers are interested in creating affordable housing opportunities but might need assistance from the housing partnership navigating through the maze of funding programs that are available both locally and from other sources.

## Community Preservation Act: A Local Resource

The Community Preservation Act (CPA) was passed in September 2000 and is designed to help communities preserve open space, historic sites and create affordable housing through a locally initiated property tax surcharge of 1% to 3%. CPA is a local initiative and must be voted on by the public to be approved. Communities that pass CPA may designate funds towards the development or preservation of affordable housing. Communities are using CPA funds to develop and enhance affordable housing projects. For example, the town of Lincoln used CPA funds to expand trails and open space for a 120 unit affordable housing development, Battle Road Farms. The state of Massachusetts has set aside funds to match 100% of locally raised funds, and was able to provide this match in 2002 and 2003. For more information on the **Community Preservation Coalition and Community Preservation Act**, go to <http://www.communitypreservation.org>.

A list of housing resources and publications for housing partnerships is provided at the end of this publication.

## Developing Housing Plans

### Assessing Community Housing Needs

Housing partnerships are encouraged to prepare a housing needs assessment based on the housing requirements identified by the community. MHP has developed a Housing Needs Workbook that helps identify resources and tools for determining housing needs and includes resources and instructions for working with the US Census data. The workbook also provides a step-by-step

guide for evaluating, organizing and answering questions about the types of housing that are currently available or in short supply in the community such as rental, ownership, senior and special needs housing. Once a community understands its housing needs, then goals can be established and plans put in place based on the needs assessment. For a copy of *Housing Needs Workbook*, visit: [www.mhp.net/community/community\\_initiated.php](http://www.mhp.net/community/community_initiated.php) or call 617-330-9955.

A housing partnership can evaluate the community's affordable housing needs and develop a plan, set of strategies and programs. There are several types of housing plans that may help a community develop a strategy and agenda. Some of the plans described in the following pages may be beyond the scope of the housing partnership members skill levels, but there may be specific roles the housing partnership can play in the development of all or portions of these plans. The following provides a summary of a variety of housing plans, some under state guidelines. Not all of the plans discussed may necessarily be completed by a community as they may be duplicative.

### Action Plans

A strategic plan for housing, or housing action plan, is an important tool in evaluating the affordable housing activities that are appropriate for your partnership and community. Action plans focus on the specific steps that are needed to accomplish a particular activity. For example, action plans may focus on taking steps towards cultivating local support for affordable housing or determining whether a specific development proposal is appropriate. MHP provides assistance grants to help housing partnerships establish action plans and strategies for specific activities. Contact a

MHP community staff member for more information or visit our website [www.mhp.net/community/community\\_initiated.php](http://www.mhp.net/community/community_initiated.php) for samples of affordable housing plans.

### Executive Order 418 Plans — EO 418

Another type of plan with a housing component is the Executive Order 418 (EO 418) comprehensive master plan, which incorporated a housing component with economic development, open space, resource protection and transportation. As of July 2004, the Massachusetts Department of Housing and Community Development concluded funding to municipalities for the development of EO 418 Plans, but communities that have already completed plans may continue to use them to further their strategies and efforts for housing production and planning.

### Planned Production Plans

Housing partnerships may be able to assist with a Planned Production Plan for their community. Planned Production Plans are the Massachusetts Department of Housing and Community Development (DHCD) recent regulation change to MGL Chapter 40B that allows communities to deny a 40B proposal for up to one year following certification. Housing partnerships may be able to assist with a Planned Production Plan by developing or updating the housing needs assessment for their community. (See page 16 for information on Chapter 40B.)

In order to participate in Planned Production, a community must have their affordable housing plan approved by DHCD and

demonstrate a housing production increase of at least .75% of the total year round housing units that are eligible for inclusion on DHCD's Subsidized Housing Inventory. DHCD reviews the plan and certifies it according to their review criteria. Once a plan is certified, the community must produce

## What is the Subsidized Housing Inventory?

Massachusetts Department of Housing and Community Development (DHCD) maintains a record of all affordable housing units reported by municipalities, which is known as the "Subsidized Housing Inventory". The inventory is updated every two years and provides total year round units, affordable units and units created under Chapter 40B.

To find out how your community is faring in meeting its 10% affordable housing inventory goal, go to <http://www.state.ma.us/dhcd/ToolKit/ch40b.htm> and select "Subsidized Housing Inventory List".

new housing each year in accordance with the goals set out in the plan to maintain its certification. For more information on **Planned Production Plans** visit: <http://www.state.ma.us/dhcd/Ch40B/RegGuide.htm>.

## Producing Affordable Housing

Housing Partnerships may take on the role of advancing the production of affordable housing. In general this is not done through direct development of the housing, but through supportive actions, such as community education on the need for affordable housing or identifying appropriate sites that are available for housing development. The creation of local affordable housing can also



be supported by the partnership through:

- Initiating zoning changes
- Identifying surplus land owned by the municipality
- Advocating for specific sites or projects to be used for affordable housing
- Ensuring the long-term affordability of housing developments
- Participating in the project review process

### Land Use Regulations and Zoning Bylaws

Land use regulations encompass federal, state, local laws and regulations governing the use of land. Some local land use regulations are required under state law. There are many regulations and requirements that control development and try to insure the protection of communities and their residents. Understanding some of these laws and regulations require professional or technical expertise. Local officials such as the building commissioner, planning director, or conservation director can assist the partnership in identifying applicable laws. Some laws and regulations to be aware of are: Massachusetts Wetland Protection Act Regulations, Title V Septic Regulation, and local zoning.

### Inclusionary Zoning

Communities are exploring ways to change local zoning bylaws by adopting inclusionary zoning to encourage the production of affordable housing. Housing partnerships can be instrumental in initiating zoning changes that would encourage the production or preservation of affordable housing.

Local zoning bylaws govern the type of uses allowed (e.g. single family, multifamily, commercial, etc.) within a zoning district; the dimensional requirements (e.g. lot size, frontage, etc.), and the type of permit required (e.g. building permit, special permit, etc.). There may be opportunities to amend local zoning bylaws to allow and encourage affordable housing, or to encourage a diversity of housing types. Allowing accessory apartments to be created in existing buildings is one low impact technique for expanding the supply of housing. Zoning that provides housing for a range of income groups is called inclusionary zoning. Under the inclusionary zoning bylaw a developer is either required or encouraged through incentives to include a number of affordable units in the project.

For more information on how communities use zoning as a tool to produce affordable housing, go to *Zoning for Housing Affordability* by Phil Herr, <http://www.mhp.net/termsheets/zoningcomplete.pdf>. Or see *Inclusionary Zoning — Guidelines for Cities and Towns*, <http://www.mhp.net/termsheets/inclusionaryzoning.pdf>.

### Identifying Sites

Moving beyond the information gathering and planning stages to locating possible sites for the development of affordable housing can be an important role for some Housing Partnerships that choose to make this their focus.

Locating appropriate and available sites, both publicly and privately owned is key to increasing the supply of affordable housing.

Site selection may be undertaken by the entire partnership committee, or might be delegated to a subcommittee. A review should be undertaken to identify land and properties that may be available for housing development. It may be useful to identify blighted or substandard properties that may be targeted for redevelopment or that have been included in a revitalization plan. In communities that do not have available municipal sites, it may be worthwhile to inventory suitable privately owned sites in order to direct potential developers to those property owners. Partnership members will need to evaluate the most appropriate strategy for making potential sites publicly known. Needless to say, alarming abutters about sites that may never be used may not be prudent.

When researching available land and buildings for affordable housing, you may consider the following sources:

- Municipally-owned land including land owned by the School Department or Housing Authority

- Land and or properties in tax title
- State Highway land
- Armory buildings
- County Nursing Homes/Hospitals
- Military Bases/VA Hospitals
- Brownfields sites
- State Hospital sites

### Site Assessment

After a Partnership has identified possible sites for affordable housing, it is useful to assess the site to determine the likelihood of building a successful project. For additional guidance, see Site Feasibility Assessment available at: <http://www.mhp.net>.

When evaluating the feasibility of a specific site for affordable housing, obtain the following preliminary information.

- Contact information of the property or land owner — available from your local tax assessor
- Liens, deed restrictions or other limitations on the title of the property
- Environmental issues — known or suspected environmental or other significant environmental constraints such as the presence of wetlands — available from the Conservation Commission
- Access to the site
- Availability of utilities serving the site, including water, sewer or septic issues, gas and electricity — available from the town engineer or department of public works
- Zoning and other local regulations controlling development or uses of the site — available from the Planning or Community Development Office

After completing an inventory and an initial feasibility analysis of municipally owned sites for affordable housing the housing partnership can make a request to the entity that controls the site (i.e. Selectmen, School Com-

## Back on the Rolls in Massachusetts

*Back on the Rolls in Massachusetts – A Report on Strategies to Return Tax Title Properties to Productive Use*, is a joint CHAPA, MHP, LISC, and Fannie Mae publication that showcases best practices information on addressing tax title inventory and disposition of tax title properties, municipal budgeting 101 and site assessment tools. Available in print from **MHP (617-330-9955)**.

mittee) and then to town meeting or city council requesting that the site be authorized to be sold or leased for affordable housing.

To obtain successful authorization to use specific sites for affordable housing it will be essential to win political support. The partnership must be perceived as an informed and credible source of information on the local need for affordable housing. The public outreach and education the partnership accomplishes will build a broad constituency of support for affordable housing that includes other municipal committees as well as local residents, will serve your efforts well.

### Creating a Local Development Organization

It's useful for the partnership to identify existing housing development agencies, including local or regional Community Development Corporations (CDCs). Determine if existing nonprofits have the capacity and interest to produce housing in your community. Be aware that Chapter 30B procedures must be followed when designating a developer for a specific development project. See MHP's website for *Setting Goals and Guidelines in the Development Process*: <http://www.mhp.net/termsheets/Settinggoals.pdf> and *Guidelines for Preparing an RFP*: <http://www.mhp.net/termsheets/MHPRFPguidelines.pdf>.

When possible, you may draw on the experience and resources of an existing nonprofit organization. However, when there is no existing agency available or capable of filling this role communities have chosen to form their own nonprofit development corporation. This can be initiated by the partnership. The nonprofit may have opportunities available that may not be available to a municipal entity such as a partnership. For more infor-

mation or to receive a directory of community development corporations go to Massachusetts Association of Community Development Corporations, [www.macdc.org](http://www.macdc.org).

### Housing Trusts

There has been growing interest on the part of Massachusetts communities in forming housing trusts to serve as an organization that can receive funding, buy real estate, and in some cases implement housing development. Housing trusts may be established as either part of a municipality through a Home Rule petition to the Massachusetts Legislature, or created as a private nonprofit.

For instance, in the early 1980's the Town of Lexington initiated a nonprofit housing trust, Lexington Housing Assistance Board (LexHAB), which was capitalized by the town's inclusionary zoning housing policy. LexHAB still develops and manages housing units that were built on sites donated by the town or school committee.

See *Taking the Initiative — A Guidebook on Creating Local Affordable Housing Strategies* for additional information on housing trusts and alternative ownership models, available on MHP's website at: [http://www.mhp.net/community/initiative\\_guidebook.php](http://www.mhp.net/community/initiative_guidebook.php).

### Reviewing Projects — Evaluating Housing Proposals

Depending upon the housing needs of the community, a partnership may choose to focus on a number of issues when evaluating an affordable housing proposal. It is encouraged to develop written criteria and procedures for evaluating housing proposals. Working in conjunction with other relevant city/town boards, partnerships should devel-

op review criteria that reflect the community’s vision for growth and development and that also comply with local regulations. Housing partnerships can be especially helpful when reviewing Chapter 40B proposals. They may work with public officials and the developer to provide recommendations in shaping the project to address specific community housing needs. Some partnerships have found it useful to develop guidelines for proposal development with a specific focus on affordability issues. The following list represents some criteria to consider:

- Does the proposed project meet all the requirements of the affordable housing program being used for production?
- Does the number/percentage of affordable units meet minimum requirements? Exceed the minimum?
- Are long-term affordability restrictions and deed restrictions in place
- Who is identified as the monitor of affordable units and what is the role of monitoring agent?
- Does the type of housing, size of units, and other project features meet local needs and objectives stated in recent plans?
- Percentage of low- and moderate-income units
- Do the proposed rents or sales prices meet the community’s need for low- or moderate-income housing?
- Are units located and designed to appear comparable from the exterior?
- Projected rents and or sales prices
- Tenant selection; affirmative marketing strategy and outreach plans; Does the marketing and buyer selection plan meet local and state guidelines?
- Disbursement of affordable units within the development complex; Unit Size and Square footage of affordable units; Are units available to meet the needs of disabled residents?

This list can be adapted to best reflect your local concerns regarding affordable housing development.

### Selecting a Developer — Developing a Request for Proposal (RFP)

Land and or buildings can be made available to developers of affordable housing at a reduced cost to insure the successful completion of affordable housing. Municipalities may transfer land to housing authorities directly, or may solicit housing proposals from developers through a Request for Proposal (RFP) process. The sale or lease of public land is regulated by Massachusetts General Law (MGL) 30B, The Uniform Procurement Act.

For more information on the law, see **Laws Governing Housing Partnerships**, page 5, or to access the publication *Municipal, County, District, and Local Authority Procurement of Supplies, Services, and Real Property* go to <http://www.mass.gov/ig/publ/30bmanl.pdf>.

Chapter Eight in the manual, “Real Property Transactions: Dispositions,” is indispensable in planning for the proper way to dispose of public land for affordable housing. The estab-



lishment of clear goals and criteria for the project that are explicitly stated in the RFP form the basis for a successful, completed project.

Municipalities can write their own RFP for selecting a developer, or in some cases may choose to hire a consultant to assist in the RFP process. Sample RFPs are available from MHP upon request. MHP has information on its web site for setting goals prior to the disposition of public property and a template to guide the writing of an RFP for selecting a developer for a local affordable housing endeavor.

For more detailed information on goal setting go to *Setting Goals in the Development Process* <http://www.mhp.net/termsheets/Settinggoals.pdf>; for information on preparing an RFP for the disposition of public land go to *Guidelines for Preparing an RFP* <http://www.mhp.net/termsheets/MHPRFPguidelines.pdf>.

## Working with Developers

Any developer interested in producing affordable housing in your community would be well advised to meet with the partnership. Your group may provide initial feedback on the merits of a specific proposal and comment on how it does or does not meet local housing needs. The committee may serve as the entry point to the city or town's review and permitting process.

In communities where the partnership has a role in reviewing all residential development proposals there may be opportunities to create an interest in including affordable housing within a market-rate development. The promise of your support in exchange for the inclusion of affordable units may be a persuasive factor for a private developer.

## Chapter 40B: Comprehensive Permit Law and Local Initiative Program (LIP)

Passed in 1969, Chapter 40B allows housing proposals that meet state guidelines for creating affordable housing, to seek exemptions from local zoning and other local regulations. In communities where less than 10% of the total housing stock is not available for low- or moderate-income residents (households at or below 80% of median area income), 40B permit requests that are denied or conditioned to a degree that renders a project unfeasible may appeal to the state Housing Appeals Committee (HAC). There is a large body of information available about the regulations and requirements for Chapter 40B developments from the Massachusetts Department of Housing and Community Development, Planning and Development Toolkit website: <http://www.state.ma.us/dhcd/ToolKit/default.htm>.

Some communities have found constructive ways to use Chapter 40B to achieve local housing production goals, and have initiated affordable housing projects under local control while enjoying the land use flexibility that Chapter 40B offers. Developers have been invited to participate in locally supported projects with an agreement on the community's part to foster a "friendly" 40B process. For some communities, the "threat" of a 40B development that may not be to a community's liking is a motivator for finding ways to create locally initiated affordable housing that meets the state's criteria for counting within the Subsidized Housing Inventory. See page 11 for information on the Subsidized Housing Inventory. For more information about how communities can take local action to create affordable housing to their liking, see page 11 on Planned Production Plans.

Regardless of the local perspective on Chapter 40B, a housing partnership can have a critical role in reviewing and making recommendations to the local zoning board of appeals during the 40B permitting process. The Partnership can hold public information sessions on proposed projects, have meetings with the prospective developer, and offer expertise to both the developer and the ZBA on issues related to local affordable housing needs. It is useful to establish the Partnership role in reviewing 40B applications prior to an actual project being brought forward by a developer. See page 14 on Reviewing Projects.

The Local Initiative Program (LIP) administered by the Massachusetts Department of Housing and Community Development (DHCD) is designed to give cities and towns access to the 40B process for locally supported projects that may not have a federal state subsidy (a requirement for project eligibility under 40B for non-LIP projects). LIP projects must have the written endorsement of the chief elected official and the endorsement of the Housing Partnership. For additional information about LIP and to obtain program guidelines contact DHCD at 617-573-1350 or go to <http://www.state.ma.us/dhcd/Temp/03/LIP/default.HTM>.



# Recognizing Your Strengths

Housing partnerships draw their strength for the dedication and skills of its volunteer members who find time to give back to the community to further the cause for affordable housing for their community members. Below are a few suggestions for maintaining your partnership's activity focus while recognizing your member's skills and accomplishments:

- Appoint a chair who will focus the conversation and facilitate discussion and decisions.
  - Be respectful of time; keep meetings on schedule and share the workload between members.
  - In choosing projects and tasks, be realistic about what can actually be accomplished: set goals, develop plans and priorities and focus members' efforts through subcommittees.
  - Pick projects that the group finds interesting and manageable and that have concrete outcomes.
- Be supportive of each other and acknowledge your accomplishments. Encourage creativity and innovation, remembering there is no "one way" to support local housing initiatives.
  - Lastly, be patient, your partnership's efforts to support affordable housing for your community members will take time, and you may experience set-backs along the way. You are embarking on a journey to find ways to promote and produce affordable housing that will serve you and your community well into the future.



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# Massachusetts Housing Partnership

## GUIDEBOOK FOR LOCAL HOUSING PARTNERSHIPS



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# Introduction

The Guidebook for Local Housing Partnerships is designed to help community members understand how to effectively organize a Housing Partnership and affect the affordable housing agenda at the local level. The following pages provide information on: the Massachusetts Housing Partnership (MHP) and its services for Housing Partnerships; Partnership membership; mission or purpose statements; Partnership roles and positions; the laws governing municipally appointed Housing Partnerships; and Partnership activities.

## About the Massachusetts Housing Partnership

The **Massachusetts Housing Partnership** is a statewide quasi-public agency with the mission of supporting the production of affordable housing for low- and moderate-income households. The Massachusetts Housing Partnership (MHP) initiated the formation of locally appointed Housing Partnership committees in the 1980's and has continued to be a resource supporting this effort.

MHP links partnerships to each other and assists in the exchange of knowledge and information. MHP provides:

- Publications, both printed and available on the web at [www.mhp.net](http://www.mhp.net), to help Housing Partnerships be effective participants in local housing issues
- Orientation materials for newly formed partnerships
- Regional Workshops addressing the interests and concerns of housing partnership members in specific regions of the state
- Small assistance grants for help with a start-up or specific partnership task



For more information on **Housing Partnership Support** contact us at 617-330-9955 or on the web at [www.mhp.net](http://www.mhp.net).

## About Housing Partnerships

Housing partnerships are community members working together to meet local and regional affordable housing needs. This effort is a partnership between people of different backgrounds and interests finding creative and appropriate local solutions to preserve or increase the supply of affordable housing. Members might be drawn from the public sector, banking and real estate, from the housing advocacy community, the clergy, or other community leadership organizations. There is no one formula for a successful housing partnership. This publication is intended to share what has been learned from housing partnerships over the past 20 years in Massachusetts.

Housing partnerships are continually creating new ways to work within their individual community. The following is a sampling of typical partnership activities:

- Completing local housing needs studies
- Developing and implementing housing action plans
- Actively participating in review of Chapter 40B Comprehensive Permit proposals
- Reviewing and making recommendations on housing proposals that are seeking local support or permitting
- Identifying land suitable for housing development
- Staying informed about available local, state and federal resources

- Reviewing and making recommendations on local zoning and land use regulations to further promote affordable housing
- Working with local developers of affordable housing
- Promoting development that integrates affordable housing with the principles of smart growth
- Being a credible community resource on housing issues
- Increasing public awareness through forums, workshops and other community events

# Getting Started

## Membership

Recognizing the need to form a housing partnership may come from local officials, concerned citizens, business leaders, social service providers, or an already existing housing group that is seeking to formalize its role in a local community.

Whatever the initial impetus, experience has shown that the most effective and long-lasting housing committees are appointed by the chief elected official, or by the city council or board of selectmen. Recommendations for appointments can be solicited from the planning or community development boards or staff. Once established, a Partnership may forward their own recommendations for members to the appointing authority as vacancies occur. The key is to have broad representation, with representation from both public and private sectors.

Housing partnerships are typically five to seven members, depending on the size of the community. Once appointed, the committee operates under the same provisions as local government in regard to the open meeting and state ethics laws (for more information on laws governing Housing Partnerships, go to page 5). The following list illustrates potential members who may be invited to serve on the housing partnership:

- Attorneys
- Development or housing professionals
- Real estate professionals
- Bankers or finance professionals
- Housing Authority staff or Commissioners
- Members of other Town Boards
- Clergy
- Community leaders
- Interested citizens



## Creating a Mission Statement

Once a full complement of members are appointed, the first official meeting may be held. If a “charge or mission” was given to the partnership by the appointing authority, it should be reviewed. It may be beneficial to discuss the mission and role of the partnership with the mayor, town manager, select board or city council to establish agreement on expectations and goals.

It is especially important that there be agreement on which decisions and recommendations fall under the purview of the Housing Partnership. For instance, a partnership may be charged with studying the need for affordable housing and providing formal recommendations based on their findings. This charge may be expanded to identifying sites that are appropriate for affordable housing if the Partnership’s study reveals a need for affordable housing to serve a particular population. Once the role of the partnership is clarified and agreed upon, it is helpful if the municipality’s governing authority formally communicates the partnership’s role to other relevant boards and committees.

## Meeting Schedule

At one of the early meetings the group should establish a regular meeting schedule, tailored to the scheduling needs of the individual members. The frequency of meetings is often determined by the amount of activity and business taken on by the committee. Some Partnerships meet once a month, but may increase the frequency during a period of peak activity, such as preparation for an upcoming town meeting or city council hearing, or the review of a housing development proposal.

## Meeting Under the “Open Meeting Law”

As a municipally appointed committee the housing partnership must follow the **Open Meeting Law** ([www.ago.state.ma.us/pubs/oml.htm](http://www.ago.state.ma.us/pubs/oml.htm)). The open meeting law requires that the partnership officially post all meetings and keep minutes to record meeting actions. An official written record of partnership decision-making needs to be kept by the group. One member may be assigned the role of minute taker, or different members can share this task. The minutes will need to document the date, time, attendees, and actions taken, including any motions made, seconded and voted on. The minutes of the meetings need to be readily available if requested by a member of the public. For additional information on the open meeting law see page 5, **Laws Governing Housing Partnerships**.

## Roles and Positions

The work of the volunteer members will be the determining factor for success. Some communities are able to provide part-time paid staff to support the housing partnership. Staff support, often borrowed from a Planning or Community Development department, can be a valuable resource to the group. In addition to selecting a committee chair, other positions such as vice chair, or clerk may be created. In any event, there are no hard and fast rules for positions and roles, however it is recommended that a member be chosen as chair, to serve as a contact person for the group, and to facilitate all meetings.

## Subcommittees

Some housing partnerships have found it useful to form subcommittees to work on a particular project or activity and then report back to the larger committee. Subcommittees are not always necessary, but they may help a larger committee focus on different areas of affordable housing based on member’s skills and experience.



WESTPORT HOUSING PARTNERSHIP, 2004

Some examples of types of subcommittees formed by local partnerships include:

- Housing production: plan new strategies, identify land and financial resources
- Project Review: evaluate specific proposals, including Chapter 40B developments, and make recommendations to the full partnership
- Municipal Impact: study project impact of proposed policies, bylaws or projects on local services
- Land Use and Zoning: assess impact, both positive and negative of local land use regulations, current and proposed, on the production of affordable housing
- Education and Training: activities include public education and outreach on affordable housing; media relations; community forums and events

A subcommittee can be formed for a limited time and then be dissolved once its tasks are complete. Other subcommittees may be left as permanent or standing committees. Subcommittees should not be used to navigate around open meeting laws. Written meeting minutes must follow the guidelines of open meeting laws and should record the date, time and any decisions made by each subcommittee.

## Laws Governing Housing Partnerships

As a municipally appointed committee, housing partnerships are part of local government and must adhere to legal obligations in conducting its business and activities. The following pages highlight four laws that the partnership should be comfortable and familiar with: “Open Meeting Law”, “Conflict of Interest Law”, “Liability Law”, and the “Procurement Law”.

## Open Meeting Law — MGL Chapter 39

Under Massachusetts General Laws MGL Chapter 39, Sec. 23B “Open Meetings of Governmental Bodies”, requires that all meetings of a governmental body be open to the public and comply with certain restrictions governing executive sessions, or sessions that are closed to the general public (see below). “Governmental body” is defined as a board, commission, committee, or subcommittee however elected, appointed, or otherwise constituted. Partnerships fall within this category if its members are municipally appointed.

Sometimes there are occasions when a local housing partnership or one of its subcommittees needs to discuss a matter in “executive session,” or when a governmental body may legally hold a meeting behind closed doors. There are two reasons that relate to a housing partnership’s activities that may trigger the use of executive session: Open Meeting Law Clause (6) — Discussion about the purchase or value of property if public discussion would have a harmful effect on negotiations related to the property; and Clause (7) — compliance with a law or a federal grant. Local housing partnerships are advised to consult their town counsel or city legal department for guidance in interpreting valid purposes for executive sessions. For more information on **open meetings of governmental bodies and executive sessions**, visit: [www.state.ma.us/legis/laws/mgl/39-23B.htm](http://www.state.ma.us/legis/laws/mgl/39-23B.htm).

## Conflict of Interest Law — MGL 268A

Housing partnership members fall under the Commonwealth’s “Conflict of Interest Law”. This means that certain members of the housing partnership cannot vote on partnership matters if those items are likely to be

seen as a “conflict of interest”. This pertains to items that may come before them in their capacity as a public official or local board or commission member. For example, the chairman of the local planning board who is also a member of the local partnership should not vote on a housing proposal being considered by the partnership, which would also come before the planning board. This law also relates to private sector partnership members. For example, a private sector partnership member is precluded from voting on any proposals before the housing partnership in which he or she has a particular business interest. In cases where questions of applicability arise, partnerships should consult their town counsel or city legal department or request an opinion from the State Ethics Commission. For more information on the conflict of interest law, visit <http://www.state.ma.us/legis/laws/mgl/gi-268A-toc.htm>.

### Liability — MGL Chapter 258

Under MGL Chapter 258 — “Claims and Indemnity Procedure for the Commonwealth,” a governmental body and its members are protected from liability as long as certain preconditions are met. Protection from liability under Chapter 258 is available to local housing partnership members only if they are acting within their public purpose and are responsible or accountable to another public agency such as the mayor or board of selectmen. A partnership should make certain that its relationship to the local governing body is clearly articulated and understood by all parties involved. Partnerships whose members have not been municipally appointed should consult with town or city legal counsel concerning the applicability of Chapter 258. Chapter 258 does not provide protection

against violations of civil rights or intentionally wrongful acts. For more information visit: <http://www.state.ma.us/legis/laws/mgl/gi-258-toc.htm>.

### Procurement — MGL Chapter 30B

As a municipally appointed committee, a housing partnership must follow Chapter 30B, the “Uniform Procurement Act” which regulates certain purchase and sale or lease activities including services, supplies, property acquisition and disposition of property over \$5,000. For transactions under \$5,000 Chapter 30B states that any “procurement ...shall be obtained through the exercise of sound business practices”.

A housing partnership may procure a professional service by issuing a request for proposal (RFP) to engage a housing consultant to prepare a housing plan. See MHP’s website for a copy of *Guidelines for Preparing an RFP*, <http://www.mhp.net/termsheets/MHPRFPguidelines.pdf> and *Setting Goals in the Development Process*, <http://www.mhp.net/termsheets/Settinggoals.pdf>.

The RFP must be prepared according to all stipulations in the regulation. See Chapter 30B section 2 and 6 for additional information on designating a “procurement officer” for purchases and sales over \$5,000 and in preparing RFPs in accordance with the statute. See Section 16 on the sale or lease of real estate for affordable housing, or for additional information about Chapter 30B visit: [www.state.ma.us/legis/laws/mgl/gi-30B-toc.htm](http://www.state.ma.us/legis/laws/mgl/gi-30B-toc.htm).

Notes:



# Affordable Housing Resources and Publications for Housing Partnerships

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## ORGANIZATIONS PROMOTING AFFORDABLE HOUSING

### Citizens' Housing and Planners Association (CHAPA)

[www.chapa.org](http://www.chapa.org)

Established in 1967, Citizens' Housing and Planning Association (CHAPA) is the nonprofit umbrella organization for statewide affordable housing and community development activities representing nonprofit and for-profit developers, homeowners, tenants, bankers, real estate brokers, property managers, government officials, and others. CHAPA encourages the production and preservation of housing through advocacy with local, state and federal officials; research on affordable-housing issues; education and training for organizations and individuals; and coalition- and consensus-building.

### Community Economic Development Assistance Corporation (CEDAC)

[www.cedac.org](http://www.cedac.org)

CEDAC, a quasi-public corporation established by the Massachusetts Legislature in 1978, provides technical assistance, predevelopment and acquisition funds to nonprofit, housing authorities, community based organizations to support real estate and economic development projects that benefit low and moderate-income households.

### Community Preservation Act Information

[www.communitypreservation.org](http://www.communitypreservation.org)

This site provides up to date information on the Community Preservation Act (CPA), the Community Preservation Coalition and local efforts to use CPA funds. The Community Preservation Coalition is an alliance of open space, affordable housing, and preservation organizations that works with municipalities to help them understand, adopt, and implement the Community Preservation Act. Members of the Coalition include: the Citizens Housing and Planning Association (CHAPA); the Keen Charitable Foundation; the Massachusetts Affordable Housing Alliance (MAHA); the Massachusetts Audubon Society; the National Trust for Historic Preservation; Preservation Massachusetts; and the Trust for Public Land (TPL).

### Massachusetts Housing Partnership (MHP)

[www.mhp.net](http://www.mhp.net)

The Massachusetts Housing Partnership is a quasi-public state agency that promotes strong neighborhoods through the development and preservation of affordable housing. MHP is the only public agency in the United States that uses lines of credit from the banking industry to provide long-term loans for affordable housing and housing development. MHP provides communities, local housing partnerships, and nonprofit and for-profit developers with technical assistance and below-market financing to create rental housing and homeownership opportunities to revitalize and stabilize neighborhoods.

**Massachusetts Department of Housing and Community Development (DHCD)**  
**[www.state.ma.us/dhcd](http://www.state.ma.us/dhcd)**

As a state agency, DHCD makes state and federal funds and technical assistance available to strengthen communities and help them plan new developments, encourage economic development, revitalize older areas, improve local government management, build and manage public housing, stimulate affordable housing through the private sector and respond to the needs of low-income people. DHCD administers the state's public housing programs, coordinates its anti-poverty efforts, allocates federal community development programs and provides a variety of services to local government officials.

**Massachusetts Association of Community Development Corporations (MACDC)**  
**[www.macdc.org](http://www.macdc.org)**

MACDC is a nonprofit trade association established in 1980 to support the work of CDCs. With over 70 members located throughout the state, MACDC assists nonprofit community development corporations and other community based nonprofits organizations in their efforts to create jobs, improve housing and address the needs of low income and minority communities across the Commonwealth.

**MassHousing (formerly Massachusetts Housing Finance Agency — MHFA)**  
**[www.masshousing.com](http://www.masshousing.com)**

Masshousing is the state's affordable housing finance agency, lending funds below convention rates to support rental and home ownership opportunities for low- and moderate-income residents of the Commonwealth of Massachusetts.

**Massachusetts Affordable Housing Alliance (MAHA)**  
**[www.mahahome.org](http://www.mahahome.org)**

MAHA is a statewide nonprofit coalition that works to increase public and private sector investment in affordable housing. This is a resourceful website for first-time homebuyers, including information on homebuyer classes and counseling, HOMEsafe and how to go about securing financing.

**Massachusetts Nonprofit Housing Association**  
**[www.masshousinginfo.org](http://www.masshousinginfo.org)**

Association members act as housing consumer education center for their regions. Links to regional nonprofit housing organizations, homebuyer information and other housing issues are found on this website.

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## PUBLICATIONS

### **“Housing Needs Workbook — Assessing Community Housing Needs”**

A step-by-step guide to determining the need for rental, ownership, senior and special needs housing for low and moderate income residents in your community.

Available in print and on the web at MHP,

<http://www.mhp.net/termsheets/MHpHousingNeeds.pdf>

### **“Taking the Initiative — a Guidebook on Creating Local Affordable Housing Strategies”**

A joint MHP and CHAPA effort, this is a collection of local Massachusetts’s affordable housing strategies designed for municipal officials, residents and other housing professionals. Chapters provide information on getting organized at the local level, funding strategies, zoning and land use, tax incentives, reuse of vacant or surplus properties, case studies on affordable housing preservation, ownership opportunities, and alternative development models, a glossary of housing terms, EO418 certified communities and housing resources.

For purchase from CHAPA. 617-742-0820. Or available online,

[http://www.mhp.net/community/initiative\\_guidebook.php](http://www.mhp.net/community/initiative_guidebook.php)

### **“Back on the Roll in Massachusetts — A Report on Strategies to Return Tax Title Properties to Productive Use”**

With funding from CHAPA, MHP and the Fannie Mae Foundation through the Local Initiatives Support Corporation (LISC), this publication showcases best practices information on addressing tax title inventory and disposition of tax title properties, municipal budgeting 101 and site assessment tools.

Full report available in print from MHP. Site Assessment excerpt available on the web from MHP, [http://www.mhp.net/community/general\\_developmet.php](http://www.mhp.net/community/general_developmet.php)

## Zoning

### **“Inclusionary Zoning: Guidelines for Cities and Towns” by Edith M. Netter, Esq.**

A step-by-step guide for municipalities interested in drafting and implementing inclusionary zoning bylaws.

Available in print and on the web from MHP,

[http://www.mhp.net/housing\\_library/inclusionary\\_zoning.php](http://www.mhp.net/housing_library/inclusionary_zoning.php)

### **“Zoning for Housing Affordability” by Phil B. Herr & Associates**

This 1999 study, commissioned by MHP, looks at Massachusetts’s communities that implemented inclusionary zoning bylaws.

Available in print and on the web from MHP,

[http://www.mhp.net/housing\\_library/inclusionary\\_zoning.php](http://www.mhp.net/housing_library/inclusionary_zoning.php)

### **“Zoning Primer — Adapted from Town of Amherst Zoning Department, Everything You Wanted to Know About Zoning”**

Available on the web at MHP, <http://www.mhp.net/termsheets/zoningprimer.pdf>

### **“Inclusionary Zoning: Lessons Learned in Massachusetts”**

Eight articles examining inclusionary zoning from a policy and legal perspective including case studies on Newton, Cambridge and Boston’s inclusionary laws.

Available in print and on the web from MHP,

[http://www.mhp.net/housing\\_library/inclusionary\\_zoning.php](http://www.mhp.net/housing_library/inclusionary_zoning.php)

## Organization

### Secretary of State, Corporations Division, “Guidelines for Forming a Nonprofit Corporation”

Available on the web, <http://corp.sec.state.ma.us/Portal/OldCorpWeb/cornpc/npcinf.htm>

### Articles of Organization and Bylaws

Sample articles of organization and bylaws used by local housing partnerships, housing committees and housing authorities that are seeking to form a nonprofit corporation for the purpose of developing affordable housing.

[http://www.mhp.net/community/general\\_developmet.php](http://www.mhp.net/community/general_developmet.php)

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## WEBSITES

### Chapter 40B Resources

CHAPA website:

<http://www.chapa.org/chapter40b.html>

MHP website:

[http://www.mhp.net/community/chapter\\_40b.php](http://www.mhp.net/community/chapter_40b.php)

Massachusetts Department of Housing & Community Development  
housing development website:

<http://www.state.ma.us/dhcd/ToolKit/default.htm>

### Housing Plans

Housing Plans & Needs Assessments

Available on the web at MHP, <http://www.mhp.net/community/rfp.php>

Chapter 40B Guidelines for Planned Production Plans

<http://www.state.ma.us/dhcd/Ch40B/RegGuide.htm>

### Other Links

Affordable Housing Design Advisor

<http://www.designadvisor.org/>

Images of Affordable Housing

[http://www.mhp.net/community/affordable\\_housing.php](http://www.mhp.net/community/affordable_housing.php)

Designed to help communities visualize what affordable housing looks like, this collection of housing efforts from around the state includes school conversions, Chapter 40B and cooperative-ownership developments.

U.S. Census

[www.census.gov](http://www.census.gov), [www.factfinder.census.gov](http://www.factfinder.census.gov)

U. S. Department of Housing and Urban Development (HUD)

[www.hud.gov](http://www.hud.gov) or [www.huduser.org](http://www.huduser.org)

U. S. Department of Housing and Urban Development (HUD) income limits

<http://www.huduser.org/datasets/il.html>





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