

# TOWN OF SCITUATE HOUSING PRODUCTION PLAN



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# TOWN OF SCITUATE HOUSING PRODUCTION PLAN

## 1. EXECUTIVE SUMMARY

### 1.1 Introduction

Due largely to an imbalance between supply and demand for housing throughout the Boston region, housing prices continue to be high in most communities in proximity to Boston despite the “bursting of the housing bubble” that occurred now more than a decade ago as part of the recession. Those more desirable locations, including small coastal communities with well-regarded school systems such as Scituate, have some of the highest real estate values in the state.

With median single-family house sales of about \$600,000 and very limited habitable year-round homes on the market for less than \$300,000, it is increasingly difficult for buyers to find housing that they can afford, particularly if they have not owned a home in the past. This situation presents a particular problem for young families who are attempting to purchase their first home, for Town employees seeking to live in Scituate closer to work, or for families or individuals looking for year-round rental opportunities. The trend towards larger homes also makes it difficult for empty nesters to downsize to smaller units with reduced maintenance needs.

This Housing Production Plan represents another opportunity for the Town to revisit its housing agenda, updating the Housing Production Plans that were completed in 2008 and 2015 and also providing support for efforts to update its Master Plan. With current information on demographic and economic trends as well as housing market conditions, the Town can better understand the existing housing dynamic and reassess and reprioritize strategies for meeting unmet local housing needs in line with community input, priorities and resources. This Plan also identifies annual production goals, per the requirements of the state’s Housing Production Program, to ultimately provide the Town with more control over housing development and get closer to the state affordability goal of 10%.<sup>1</sup> Scituate is currently about half-way there at 5%.

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<sup>1</sup> The Massachusetts Department of Housing and Community Development (DHCD) is administering the Housing Production Program in accordance with regulations that enable cities and towns to prepare and adopt an affordable housing plan that demonstrates production of an increase of .50% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory. Scituate will have to produce at least 36 affordable units annually to meet these ambitious production goals.

If a community has achieved certification within 15 days of the opening of the local hearing for the Comprehensive Permit, the ZBA shall provide written notice to the Applicant, with a copy to DHCD, that it considers that a denial of the permit or the imposition of conditions or requirements would be Consistent with Local Needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation.

If the Applicant wishes to challenge the ZBA’s assertion, it must do so by providing written notice to DHCD, with a copy to the ZBA, within 15 days of its receipt of the ZBA’s notice, including any documentation to support its position. DHCD shall review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The ZBA shall have the burden of proving satisfaction of the grounds for asserting that

## 1.2 Summary of Housing Needs Assessment

The Housing Needs Assessment, in Section 3 of this Housing Production Plan, presents an overview of the current housing dynamic in the town of Scituate, providing the context within which a responsive set of strategies can be developed to address housing needs and meet production goals.

### *Summary of Significant Demographic and Economic Characteristics and Trends*

During recent decades, demographic changes have produced the following trends:

- *Modest population growth since 2000*  
In recent decades, the population has increased modestly, even decreasing between 1980 and 1990 to 16,786 residents according to U.S. Census figures. Census estimates indicate that the population included 18,591 residents in 2018, and Town records identify 18,729 total residents as of February 26, 2020.<sup>2</sup>
- *Projected declines followed by population growth*  
Population projections from the Metropolitan Area Planning Council (MAPC), Scituate's regional planning agency, estimate that the population will be almost 18,000 residents by 2030, comparable to 2000 but lower than 2010 and more recent census figures. Some recent figures suggest substantial growth to 19,348 residents by 2040, *representing an almost 7% rate of growth since 2010.*<sup>3</sup>
- *Significant decreases in younger residents and increases in older ones*  
The school-age population of those less than 18 years of age comprised 25% of the population in 2010, down proportionately from 31% in 1980. The 2018 census estimates suggest a further erosion of this population to 23% of all residents.

Those entering the labor market and forming new families have been dwindling in numbers as well, reducing the pool of entry level workers and service employees as well as potentially driving the grown children who were raised in town to relocate elsewhere. The population age 18 to 24 decreased by more than half between 1980 and 2018, from 11.1% of residents to 5.1%. Those 25 to 34 also decreased by about half, from 14% to about 7% between 1980 and 2018.

Those between the ages of 45 and 64, who are well into their careers and child-rearing, increased from 22% of all residents in 1980 to 34% by 2018. Many of these residents were part

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denial or approval with conditions would be consistent with local needs, provided, however, that any failure of the DHCD to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

<sup>2</sup> The historic disparity between the federal and local figures is largely because federal census counts students as living at their colleges and universities while the Town counts students as living at the home of their parents. Some of those counted are also inactive voters that might have moved but cannot be eliminated from the census for two biennial state elections if they do not return a confirmation notice.

<sup>3</sup> These "Stronger Region" projections are based on the following assumptions:

- The region will attract and retain more people, especially young adults, than it does today;
- Younger households (born after 1980) will be more inclined toward urban living than their older counterparts and less likely to choose to live in single-family homes; and
- An increasing share of older adults will choose to downsize from single-family homes to apartments or condominiums.

of the baby boom generation and in the prime of their earning potential. This increase in older adults is likely related to the relatively high housing costs that require higher incomes and typically equity in a previous house to enter the private housing market.

In 2010 there were 3,114 persons 65 years of age or older, representing 17% of the population, compared to 1,810 or 10% in 1980. The 2018 census estimates indicate continuing increases in this population to 21%.

Town records indicate fewer children under age 14, at 11% compared to 17.5% in 2018 census estimates, more young adults in the 20 to 34 age range at 16% versus 10%, fewer middle-aged residents in the 45 to 54 age range at 15% as opposed to 17%, as well as somewhat more residents over age 65 at 22% compared to 21%.

- *Continued projected decreases in children and increases in older residents*  
Population projections predict continued decreases in children as well as a decline in middle-age residents. On the other hand, these projections suggest substantial increases in the population 65 years of age and older to almost 30% by 2030, driven largely by the baby boomers.

These projected population changes, as well as other indicators of need included in this Plan, suggest the importance of additional housing alternatives to accommodate the increasing population of seniors such as more handicapped accessibility, housing with supportive services, and units without substantial maintenance demands. Additionally, to maintain a diverse population, more affordable starter housing opportunities to attract young adults, including young families, should be promoted both as rentals and first-time homeownership.

- *Increasingly smaller households*  
There were 6,859 households<sup>4</sup> living in Scituate in 2010, up 22.9% from 5,579 households in 1980, and much higher than the 4.7% population growth during this period. The number of households increased to 7,146 based on 2018 census estimates, or by 4.2% since 2010 compared to a 2.5% population increase, indicating that households are getting smaller. MAPC projections suggest an increase to 7,265 households by 2030.

Decreasing household size is demonstrated by changes in the average household size from 3.12 people in 1980 to 2.62 by 2010 and then 2.57 according to 2018 census estimates. Higher divorce rates, families with fewer children, an increase in single-person households, and an aging population have all contributed to this trend.

- *Growing but very limited racial diversity*  
The population has remained predominately White although the growth in minority households has been steadily increasing over the past several decades from 0.8% in 1980 to about 4% in 2010 and then up to almost 5% in 2018.

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<sup>4</sup> The use of the term “household” in this plan is as defined by the U.S. Bureau of the Census, that is, all the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit, such as partners or roomers, is also counted as a household.

- *Higher incomes*  
The median household income in 2018 was \$116,750, high in comparison to the county and state medians of \$90,484 and \$79,835, respectively. Scituate’s 2018 median income was up 35% from the median income in 2010 of \$86,723 and 65% from the 1999 median of \$70,868, higher than the rate of inflation of 51% between 1999 and 2018. Moreover, those households earning more than \$100,000 almost tripled between 1989 and 1999, from 11% to 31% of all households, and then increased to more than half of all households by 2018 at 57%.
- *Growing income disparities*  
There still remains a significant population living in Scituate with very limited financial means. Of the 7,146 estimated households in 2018, 12% had incomes of less than \$25,000, up from 9% in 2012. Almost one-quarter of all Scituate households had limited incomes of less than \$50,000, which is not an insignificant number given the general affluence of the community.

Growing income disparities are also reflected in a comparison of income levels for owners and renters as reflected in the 2018 median income levels of \$133,380 and \$26,792, respectively. While the median income of homeowners increased by 22% between 2012 and 2018, the median for renters decreased by half.

Poverty, while relatively low, is also largely increasing with a net decrease in the absolute numbers of those with incomes below the poverty level between 1979 and 2012 and then a significant increase to 4.3% or 818 residents by 2018. There were also notable increases in the numbers of families and children living in poverty to 4% of all families or 207 families, double the number in 1979, and 4.4% of all children under age 18, from 1.7% in 1979. Almost one-third of the individuals below the poverty level were 65 years of age or older that included 250 seniors. Some of these seniors are likely living in one of the 181 subsidized units reserved for the elderly.<sup>5</sup>

- *Significant special needs*  
A total of 1,458 individuals, representing almost 8% of the population, claimed a disability according to 2018 census estimates. Of the population under age 18, 2.3% had some type of disability as did 4.4% of those age 18 to 64, and 23% of those residents age 65 or older. It can be expected that as the population of older adults continues to increase, those with special needs with increase as well, requiring greater handicapped accessibility and supportive services.

***Summary of Significant Housing Characteristics and Trends***

Scituate has been experiencing a robust housing market with extremely low vacancy rates and rising prices that have resulted in widening affordability gaps and growing cost burdens as summarized below.

- *Slower housing growth*  
The 2010 census counted 8,035 housing units, up by almost 5% from 7,685 units in 2000 and representing an 18% increase from 6,797 units in 1980. The 2018 census estimates indicate that another 181 housing units were produced between 2010 and 2018 for a total housing stock of

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<sup>5</sup> The Town has 209 subsidized rental units reserved for those who are elderly or have disabilities but are less than the age of 60 (including 158 units at Lincoln Park and Wheeler I and II) and age 62 (Central Park seniors). Because 13.5% of these units are directed to these younger disabled residents, 181 are occupied by seniors.

8,216 units, however, building permit activity per Town records identify that 319 units were produced between 2010 and 2018. This included 269 single-family homes and an additional 50 units in multi-family structures.

- *Limited diversity of housing types*  
About 86% of Scituate's housing stock is owner-occupied and 83% is in single-family detached dwellings. The Town is making some progress in creating more housing choices through recent multi-family development, such as the Lawson Green Apartments that will include 30 affordable apartments for seniors earning at 30% and 60% of area median income, as well as mixed-use developments in proximity of Greenbush station that also included some affordable apartments.
- *Extremely low vacancy rates*  
The 2018 census estimates indicate that the vacancy rates for both homeownership and rentals were zero, not even reflecting normal amounts of turnover but signaling very tight housing market conditions.
- *Relatively high housing costs*  
As of the end of 2019, the median prices for single-family homes and condos were \$599,000 and \$565,000, respectively, high relative to the medians for Plymouth County of \$388,000 and \$310,000, respectively, for example. These medians also suggest significant increases from \$410,000 and \$420,000 single-families and condos, respectively, just a few years ago in 2012. Housing costs, in combination with higher property taxes as well as rising energy bills and insurance costs, can cause serious financial strains on long-term residents, particularly those with fixed incomes.

Rents are also high. There were no apartments listed for less than \$1,600 per month in March 2020 and summer rentals for waterfront locations fetch as much as \$12,000 per week. The Trulia website indicates that the median rent for the past 12 months preceding March 18, 2020 was \$2,716. This median rental would require an income of about \$116,600 assuming average monthly utility costs of \$200 and spending no more than 30% of income on housing. This income is comparable to the Town's median household income of \$116,750 per the 2018 census estimates but substantially higher than the 2020 HUD income limit for a household of three at \$86,650. It is also more than four times the median renter household median income of \$26,792 per 2018 census estimates.

- *Limited supply of workforce housing*  
According to Town Assessor data, there are few residential properties valued in the affordable range below \$200,000, only 59 or less than 1% of all properties in Scituate, the bulk of which are condominiums on New Kent Street or Meeting House Lane. On the other end of the price range, 21% of residential structures were valued above \$700,000, compared to 11% in FY14, and of these 7% were valued at more than \$1 million compared to 2.5% in FY14.
- *Widening affordability gaps*  
The affordability gap is about \$63,000, defined as the difference between the price of the median priced single-family home (\$599,000) and what a median-income household can afford

(\$536,000).<sup>6</sup> These calculations are also based on the ability of the purchasers to secure sufficient cash to afford 80% mortgage financing with down payment and closing costs of about \$125,000. Consequently, first-time purchasers without equity from previous homes can be squeezed out of the homeownership market without substantial savings, gifts from family, or a subsidized mortgage like the ONE Mortgage Program of MassHousing offerings.

The affordability gap widens to almost \$300,000 if the analysis focuses on those low- and moderate-income households earning at or below 80% of area median income, or \$86,650 for a family of three who can afford a house costing no more than about \$300,000.<sup>7</sup>

The median condo price was \$565,000 as of the end of 2019, which would require an income of approximately \$131,275 and thus likely would not even be affordable to a household earning at the median income level. These calculations assume a monthly condo fee of \$300 and that the household is paying no more than 30% of its income on housing expenses, the traditional measure of affordability.<sup>8</sup>

A median income household earning \$116,750 could afford a condo of about \$496,000 and thus the affordability gap is an estimated \$69,000 based on the assumption of 80% financing and upfront down payment and closing costs of about \$75,000. The gap widens to \$237,000 for a household earning at 80% of area median income which can afford a condo for about \$259,000, assuming they were able to qualify for a subsidized mortgage through the state's ONE Mortgage Program or a MassHousing mortgage for example.

- *High cost burdens*

An estimated 31% of all Scituate households were experiencing cost burdens as they were spending more than 30% of income on housing costs whether for ownership or rental. Of these, 14% had severe cost burdens as they were spending more than half of their income on housing. Moreover, 75% of all households earning at or below 80% MFI<sup>9</sup> were spending too much and 45% were spending more than 50% of their income on housing.

The Housing Needs Assessment documented a number of key indicators that suggest there are significant unmet local needs that go beyond what is required to meet the 10% state affordability goal.

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<sup>6</sup> Figures based on 80% financing, interest of 4.0%, 30-year term, annual property tax rate of \$13.50 per thousand, and insurance costs of \$6 per thousand for single-family homes and \$4 per \$1,000 for condos. Also based on the purchaser spending no more than 30% of gross income on housing costs.

<sup>7</sup> This analysis assumes the ability of the purchaser to obtain subsidized mortgage financing from the ONE Mortgage Program or MassHousing mortgage offerings. Therefore, no private mortgage insurance (PMI) was included in the calculations and 95% mortgage financing was assumed. It also uses the HUD income limit for a three-person household earning at 80% AMI as the average household size in Scituate was 2.57 persons based on census data. It is important to note that this cost analysis is based on the maximum HUD limits for a household earning at 80% AMI, not the affordable purchase price that would be calculated according to a state formula used in the Local Initiative Program (LIP) that is based on a household earning at 70% AMI to allow for a marketing window.

<sup>8</sup> Figures based on 80% financing, interest of 4.0%, 30-year term, annual property tax rate of \$13.50 per thousand, and insurance costs of \$6 per thousand for single-family homes and \$4 per \$1,000 for condos. Also based on an estimated \$300 per month in condo fees and the purchaser spending no more than 30% of gross income on housing costs.

<sup>9</sup> Median family income (MFI) in this report is comparable to area median income (AMI).

Based on a number of these indicators, that are summarized in Section 3.5, the following priority needs and goals are identified:

**1. Households with Limited Incomes**

**Need:** Given the high costs of housing, more government-assisted rental housing is necessary to make living in Scituate affordable, particularly for the most vulnerable residents with very limited financial means.

**Goal:** About 90% of all new affordable units created should be rentals.

**2. Gaps in Affordability and Access to Affordable Housing**

**Need:** The Town needs a wider range of affordable housing options, including homeownership opportunities, particularly for younger households entering the job market and forming their own families as well as seniors looking to downsize from their existing single-family homes. Besides units that are targeted to low- and moderate-income households earning at or below 80% AMI, housing opportunities for those earning somewhat above this level and still priced out of the housing market will also be explored.

**Goal:** About 10% of all new affordable units created should be directed to homeownership, either small starter homes or affordable condominiums.

**3. Disabilities and Special Needs**

**Need:** Some amount of new housing should be built adaptable or accessible to people with disabilities and seniors as well as other special needs populations that require supportive services such as might be available in group homes or assisted living facilities.

**Goal:** At least 10% of all new affordable units created should be made handicapped accessible and/or include on-site support services, increasing to at least 20% for housing targeted to seniors and those with special needs.

**4. Housing Conditions**

**Need:** Programs to support necessary home improvements including deleading and septic repairs as well as deferred maintenance needs for units occupied by low- and moderate-income households, particularly the elderly living on fixed incomes. Also includes investor-owned properties tenanted by qualifying households.

**Goal:** Continue to help qualifying households access assistance to make necessary home improvements including the potential introduction of a Small Repair Grant Program to help qualifying homeowners make modest health and safety improvements.

**1.3 Summary of Production Goals**

The state administers the Housing Production Program that enables cities and towns to adopt an affordable housing plan that demonstrates production of 0.50% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory. Scituate currently has to produce at least 36 affordable units annually to meet these production goals.<sup>10</sup> If the state certifies that the locality has complied with its annual production goal, the Town may be able, through

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<sup>10</sup> When the 2020 decennial census figures are released, the year-round housing figure will increase and the annual housing production goal will likely climb to about 38 units.

its Zoning Board of Appeals, to deny comprehensive permit applications for a period of a year. If it produced 72 affordable units in any one year, it would be “certified” for two years.<sup>11</sup>

Using the strategies summarized in Section 6, the Town of Scituate has developed a Housing Production Program to project affordable housing production activity over the next five years. The projected goals are best guesses at this time, and there is likely to be a great deal of fluidity in these estimates from year to year. Production goals over the next five years include the creation of a potential 354<sup>12</sup> affordable units.

The state’s subsidizing agencies have also entered into an Interagency Agreement that provides more guidance to localities concerning housing opportunities for families with children and are now requiring that at least 10% of the units in affordable production developments that are funded, assisted or approved by a state housing agency have three or more bedrooms with some exceptions (e.g., age-restricted housing, assisted living, supportive housing for individuals, SRO’s, etc.).

#### **1.4 Summary of Housing Strategies**

This Housing Production Plan proposes a mix of strategies that will continue to boost the Town of Scituate’s supply of affordable housing and address priority local needs. Since the last Housing Production Plan was completed in 2015, the Town has made considerable progress in its implementation including such important efforts as:

- Development of 30 subsidized rentals for seniors at Lawson Green Apartments;
- Transit-oriented, mixed-use developments at Greenbush Station that included 16 affordable units;
- Scattered-site infill development through Scituate Affordable Housing Trust projects;
- Expanded inclusionary zoning through Fair Housing and Affordability Standards;
- Improved and expanded Village Center and Neighborhood District zoning;
- Additional planning efforts including updating the Master Plan and work towards rezoning North Scituate;
- MassHousing grant through its Planning for Housing Production Program to implement zoning strategies included in the 2015 Housing Production Plan; and
- Further capitalization of the Scituate Affordable Housing Trust Fund.

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<sup>11</sup> If a community has achieved certification within 15 days of the opening of the local hearing for the comprehensive permit, the ZBA shall provide written notice to the applicant, with a copy to DHCD, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation. If the applicant wishes to challenge the ZBA’s assertion, it must do so by providing written notice to DHCD, with a copy to the ZBA, within 15 days of its receipt of the ZBA’s notice, including any documentation to support its position. DHCD shall review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The ZBA shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent local needs, provided, however, that any failure of the DHCD to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

<sup>12</sup> More than half of these units are actually market units because all units in a 40B rental development are eligible for inclusion in the SHI.

It remains important to make further efforts to address the wide range of local housing needs, offering a mix of housing types and mixed-income opportunities. Ultimately both rental and homeownership housing should be developed for seniors, young adults, young families, empty nesters, and special needs populations with a greater focus on rentals for the Town's most vulnerable residents. It will also be important to reach those within various income categories who are unable to find housing that is affordable in the community including those earning at or below 60% of area median income (AMI) needing rental housing and those below 80% AMI who want to rent or afford their first home. Also, Community Preservation funding can be used to support housing for those earning at or below 100% of area median income, however, units directed to those earning above 80% AMI cannot be counted towards annual production goals or the SHI. Moreover, the integration of market rate units in any development will offer internal subsidies to help support the financial feasibility of the below market units and reduce any stigma that might be attached to an affordable housing development.

The strategies outlined below are based on previous plans, the 2008 and 2015 Housing Production Plans in particular, as well as the work completed through the Planning for Housing Production grant and other plans, reports, studies, a local housing survey, the Housing Needs Assessment, and the experience of other comparable localities in the area and throughout the Commonwealth. The strategies are grouped according to the type of action proposed – Building Local Capacity, Planning and Regulatory Reform, and Housing Development and Preservation – and prioritized. A summary of these housing actions is included as Table 1-2.

It should be noted that while a major goal of this Plan is to eventually meet the state's 10% goal under Chapter 40B, another important goal is to serve the range of local housing needs and there are instances where housing initiatives might be promoted to meet these needs that will not necessarily result in the inclusion of units in the Subsidized Housing Inventory (examples include the introduction of a Small Repair Grant Program or even workforce housing for those earning above 80% of area median income but still priced out of the private housing market).

It is important to note that these strategies are presented as a package for the Town to consider, prioritize, and process, each through the appropriate regulatory channels.

#### **1.4.1 Capacity Building Strategies**

In order to carry out the strategies included in this Housing Plan and meet production goals, it will be important for the Town to continue to build its capacity in promoting affordable housing. This capacity includes gaining access to greater resources – financial and technical – as well as building local political support, developing partnerships with public and private developers and lenders, and creating and augmenting local organizations and systems that will support new housing production. **It also means planning for the extension of infrastructure in areas that are appropriate for some greater density, particularly water and sewer services.**

- *Conduct ongoing community outreach and education*  
Continue to engage the community in discussions on affordable housing to present information on the issue needed to dispel myths and negative stereotypes and to help galvanize local support, political and financial, for new production and other local initiatives. Also provide information to residents on the range of housing assistance programs available in the community, region and state.

- *Hire a part-time Housing Coordinator*  
Obtain Community Preservation funding to bring on a part-time housing consultant or staff person to effectively coordinate the implementation of various components of this Housing Plan. Those communities that have made notable progress in implementing their Housing Plans have largely done so with significant professional support.
- *Continue to access housing resources*  
Reach out to private, public and non-profit entities to secure additional housing resources – technical and financial – in support of efforts to produce affordable housing, using Community Preservation and Housing Trust funds as important leverage.
- *Create an inventory of properties potentially suitable for affordable housing*  
In concert with other Town boards and committees, review the inventory of publicly-owned properties and determine which parcels might be appropriate for some amount of affordable housing development or might be acquired at some point in the future for this purpose.

#### **1.4.2 Planning and Regulatory Strategies**

The Town should consider the following planning and zoning-related strategies to provide appropriate incentives and guidance to promote the creation of additional affordable units and smart growth development:

- *Adopt new zoning for North Scituate*  
The Planning Board and Economic Development Commission have embarked on a process for the rezoning of North Scituate with technical support from the Metropolitan Area Planning Council (MAPC) to promote an active village through the redevelopment of underutilized and vacant parcels, streetscape and connectivity improvements, and business outreach to attract more retail and restaurant options to revitalize North Scituate. Plans include the promotion of mixed-use and mixed-income housing and more diverse housing types to address a wide range of local housing needs.
- *Adopt town-wide inclusionary zoning*  
While the Town has made progress in adopting expanded affordability requirements through Fair Housing and Affordability Standards, it should consider expanding such requirements on a town-wide basis to ensure that any new residential development over a certain size includes a percentage of affordable units or funding in-lieu of units to support the Housing Trust Fund.
- *Adopt Affordable Housing Guidelines*  
Prepare and approve Affordable Housing Guidelines to provide guidance to developers on the types of housing proposals that will be acceptable to the community.
- *Allow residential development under more conditions*  
Amend the Zoning Bylaw to allow more types of housing in more areas, accompanied by design guidelines.
- *Allow starter housing on nonconforming lots*  
Explore zoning options for promoting starter homes or workforce housing on lots that do not meet minimum area or dimensional requirements but are still suitable for the development of

smaller homes, and adopt a zoning bylaw to enable these lots to be developed under specific criteria.

- *Pursue tax-foreclosed properties*  
Monitor the status, availability and appropriateness of tax-foreclosed property for affordable housing and convey suitable properties based on competitive Requests for Proposals.
- *Explore use of 40R/40S*  
Explore the adoption of Chapters 40R and 40S to promote smart growth and mixed-use, mixed-income development in suitable locations, securing multiple state subsidies to help make projects financially feasible and cover any financial burdens related to additional school costs. **This will be heavily reliant on the Town's ability to extend sewer capacity.**

### **1.4.3 Housing Development and Preservation Strategies**

To accomplish the actions included in this Housing Plan and meet production goals, it will be essential for the Town to reach out to the development community and sources of public and private financing to secure the necessary technical and financial resources to create actual affordable units.

- *Make publicly-owned property available for affordable housing*  
Conduct necessary feasibility studies on publicly-owned properties and convey suitable properties to developers for affordable housing through a competitive Request for Proposals process.
- *Support private development in line with local guidelines*  
Partner with area developers who have been active in producing affordable housing to support opportunities for new development that includes affordable housing. This will be particularly useful after the Town has produced Affordable Housing Guidelines.
- *Support new infill housing*  
Continue to support the efforts of the Scituate Affordable Housing Trust to develop small infill housing and work with non-profit and for-profit developers to create new affordable housing opportunities on available sites scattered throughout town.
- *Introduce a Small Repair Grant Program*  
Consider introducing a grant program, similar to ones that have been implemented in many other communities, to enable qualifying homeowners to make important health and safety improvements.
- *Explore an Emergency Rental Assistance Program*  
Given the COVID-19 pandemic, more than 80 communities in the state have introduced Emergency Rental Assistance Programs to provide short-term assistance to renter households who have lost income. A majority of these programs have been funded with CPA or Housing Trust funds, and the Housing Trust should consider introducing a similar program in Scituate.

**Table 1-1: Summary of Housing Strategies**

Strategies	Priority for Implementation		# Affordable Units	Responsible Parties**
	Priority 1 Strategies	Priority 2 Strategies		
<b>Capacity Building Strategies</b>				
1. Conduct ongoing community outreach and education	X		*	HT/PB
2. Hire a part-time housing coordinator	X		*	SB/PB/HT/CPC
3. Continue to access housing resources	X		*	SB/HT
4. Create property inventory	X		*	HT
<b>Planning and Regulatory Strategies</b>				
1. Adopt new zoning for North Scituate	X		*	PB/EDC/HT
2. Adopt town-wide inclusionary zoning	X		*	PB/HT
3. Adopt Housing Guidelines		X	*	PB/HT/ZBA
4. Allow residential development under more conditions		X	*	PB/HT
5. Allow starter housing on nonconforming lots		X	*	PB/ZBA
6. Pursue use of tax-foreclosed properties for affordable housing		X	*	SB/HT/ Town Treasurer
7. Explore use of Chapters 40R/40S	X		*	PB/EDC/T
<b>Housing Development and Preservation Strategies</b>				
1. Make suitable public property available for affordable housing	X		55	SB/HT
2. Support private development in line with local guidelines	X		280	HT
3. Support small scattered-site infill housing	X		14	HT
4. Introduce a Small Repair Grant Program	X		*	HT
5. Explore an Emergency Rental Assistance Program	X		*	HT/CPC

*\* Indicates actions for which units are counted under other specific housing production strategies, have an indirect impact on production, or do not add to the Subsidized Housing Inventory.*

**\*\*Abbreviations**

- Select Board = SB
- Housing Trust = HT
- Planning Board = PB
- Community Preservation Committee = CPC
- Scituate Housing Authority = SHA
- Zoning Board of Appeals = ZBA Council on Aging = COA
- Economic Development Commission = EDC

## 2. INTRODUCTION

### 2.1 Background and Purpose

Scituate is primarily a residential community located approximately 25 miles southeast of Boston and bordered by the Atlantic Ocean as well as the four communities of Marshfield, Norwell, Hingham and Cohasset. The community has striven to maintain its historic character and prides itself on its distinct sense of place as a coastal town on the South Shore. The social focus of the town is divided among three villages including Scituate Harbor, North Scituate, and Greenbush with historical and physical distinctions still widely evident throughout town including lighthouses, a bustling harbor, open vistas, canopied roads, and farming structures, highly valued by its citizens and those willing to pay the high prices associated with a move to the community.

Population growth put particular pressures on the housing market between 1950 and 1970 when the population almost tripled in size. The rate of growth slowed down somewhat after that but spiked a bit in 2004 when the population surpassed 20,000 residents. Since then there have been some modest decreases and as of the end of 2018 the population was 18,591 based on U.S. Census estimates. Town records indicate a somewhat higher population total of 18,729 residents as of February 26, 2020.

Scituate had 7,685 housing units in 2000, increasing to 8,035 by 2010, and then 8,216 units by 2018, representing a growth rate of almost 7% during this period. More than 80% of the units are owner-occupied, single-family houses on typically large lots with median price tags of \$600,000, significantly higher than county and state values. The escalating market prices, while out of reach for most long-term residents and first-time purchasers, have continued to attract attention from private developers interested in high-end housing development or Chapter 40B comprehensive permit projects. Ongoing development pressures continue to precipitate community concerns that different strategies might be required to better plan for housing development and ensure that it is more directed to serving local needs and priorities.

According to Chapter 40B regulations, if a municipality has less than 10% of its year-round housing set-aside for low- and moderate-income residents, it is not meeting the regional and local need for affordable housing. Not meeting this affordability standard makes the town susceptible to a state override of local zoning if a developer chooses to create affordable housing through the Chapter 40B comprehensive permit process.<sup>13</sup>

Based on the Massachusetts Department of Housing and Community Development's data on the Chapter 40B Subsidized Housing Inventory (SHI), Scituate had 7,163 year-round housing units of which 358 are currently counted as affordable by the state, representing 50.0% of the year-round housing stock.<sup>14</sup> Another 19 affordable units should be eligible for inclusion in the SHI that would increase the affordability level to 5.3%. Scituate therefore still remains vulnerable to zoning overrides through Chapter 40B comprehensive permit applications. To meet the 10% standard, at least 716 of the existing

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<sup>13</sup> Chapter 774 of the Acts of 1969 established the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B) to facilitate the development of affordable housing for low- and moderate-income households (defined as any housing subsidized by the federal or state government under any program to assist in the construction of low- or moderate-income housing for those earning less than 80% of median income) by permitting the state to override local zoning and other restrictions in communities where less than 10% of the year-round housing is subsidized for low- and moderate-income households.

<sup>14</sup> Figures as of November 21, 2019.

units would have to be “affordable” based on the state’s definition, requiring at least another 358 more housing units be converted to affordability to meet just the 10% goal. Assuming future housing growth, this 10% figure is a moving target and ultimately the required minimum number of year-round units will increase over time. Additionally, based on documentation in this Housing Plan, there are unmet housing needs that extend beyond what would be required to reach the 10% threshold.

In addition to this Housing Production Plan, the Town is also updating its Master Plan with a focus of environmental resiliency, examining future trends and trade-offs to achieve a balanced and sustainable future for the community. The Master Plan emphasizes that demographic changes will require accessible, affordable and diverse types of housing. In essence, sustainable and resilient growth, including smart housing growth, are critical to the future of the Town.

This Housing Production Plan represents another opportunity for the Town to revisit its housing agenda, updating the Housing Production Plans that were completed in 2008 and 2015 and providing further support for current efforts to update its Master Plan. With current information on demographic and economic trends as well as housing market conditions, the Town can better understand the existing housing dynamic that provides the context for documenting the range of local needs, remaining gaps in housing services and programs, as well as current obstacles to development. This planning process also enabled the Town to review the progress that has been made with respect to affordable housing and smart growth development and reassess and reprioritize strategies for meeting unmet local housing needs in line with community priorities and resources. This Plan also identifies annual production goals, per the requirements of the state’s Housing Production Program, to ultimately provide the Town with more control over housing development.<sup>15</sup>

This Housing Production Plan further suggests a range of options to meet pressing local housing needs, as identified in its Housing Needs Assessment, and to enable Scituate to come closer to meeting the state 10% affordable housing threshold through a proactive housing agenda of Town-sponsored initiatives. The Plan will also meet the requirements of 760 CMR 56.03(4) under the state’s Chapter 40B

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<sup>15</sup> The Massachusetts Department of Housing and Community Development (DHCD) is administering the this Housing Production Program in accordance with regulations that enable cities and towns to prepare and adopt an affordable housing plan that demonstrates production of an increase of .50% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory. Scituate will have to produce at least 36 affordable units annually to meet these ambitious production goals.

If a community has achieved certification within 15 days of the opening of the local hearing for the Comprehensive Permit, the ZBA shall provide written notice to the Applicant, with a copy to DHCD, that it considers that a denial of the permit or the imposition of conditions or requirements would be Consistent with Local Needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation.

If the Applicant wishes to challenge the ZBA’s assertion, it must do so by providing written notice to DHCD, with a copy to the ZBA, within 15 days of its receipt of the ZBA’s notice, including any documentation to support its position. DHCD shall review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The ZBA shall have the burden of proving satisfaction of the grounds for asserting that denial or approval with conditions would be consistent with local needs, provided, however, that any failure of the DHCD to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

comprehensive permit requirements that will allow the Town to potentially deny Chapter 40B comprehensive permit applications that it determines to be inappropriate as not meeting local needs.

## 2.2 Housing Goals

As part of the Master Plan approved by Town Meeting in 2004, the Town has adopted the following overall goal for housing:

*Provide housing that meets the needs of residents of all ages and income levels, while preserving the town's historic homes and traditional neighborhoods.*

To achieve this goal, the Town established the following objectives:

- 1) Provide an adequate supply of land that is appropriately zoned and encourage a variety of housing options to better serve the wide range of ages and income levels found in Scituate. Housing options may include cluster development, accessory units, mixed-use development, and multi-family housing where appropriate.
- 2) Develop guidelines and bylaws to assure that all new residential development is consistent with the town's environment, historic context, and diversity of design. These guidelines may address density, diversity of housing types, architectural styles, and landscaping.
- 3) Consider housing demand in all future planning for zoning and land use. This should include exploring zoning and land use changes that provide an adequate supply of land for diverse types of housing.
- 4) Encourage a variety of housing sizes that meets the needs of Scituate residents and discourage the destruction of existing homes, alteration of neighborhood environments, and excessive consumption of resources.
- 5) Develop a plan for the creation of housing that serves the needs of residents of Scituate and the region and helps meet the state's target percentage of affordable homes. This plan should include re-use of existing structures, use of Town-owned land and innovative ways of providing affordable housing throughout the community.
- 6) Work cooperatively with developers and the state to obtain some level of local preference in new affordable housing developments for persons living or working in Scituate.<sup>16</sup>

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<sup>16</sup> State local preference requirements may allow a community to reserve up to 70% of affordable units in any development for those who live or work in the community or have children in the local public schools if the locality can demonstrate local need and no discriminating efforts of such a preference.

### 3. HOUSING NEEDS ASSESSMENT<sup>17</sup>

This Housing Needs Assessment presents an overview of the past, current and future demographic, economic and housing characteristics and trends in the town of Scituate, providing the context within which a responsive set of strategies can be developed to address housing needs and meet production goals.

#### 3.1 Demographic Profile

##### 3.1.1 Population Growth – Modest recent growth

Population growth in the mid-20<sup>th</sup> century increasingly put pressures on the housing market, especially between 1950 and 1970 when the population tripled in size. Since then the population has increased modestly, even decreasing between 1980 and 1990 according to U.S. Census figures. Census estimates indicate that the population included 18,591 residents in 2018.

The Town census figure was 18,729 as of February 26, 2020, somewhat higher than the 2018 census estimate. The historic disparity between the federal and local figures is largely because federal census counts students as living at their colleges and universities while the Town counts students as living at the home of their parents. Some of those counted are also inactive voters that might have moved but cannot be eliminated from the census for two biennial state elections if they do not return a confirmation notice.

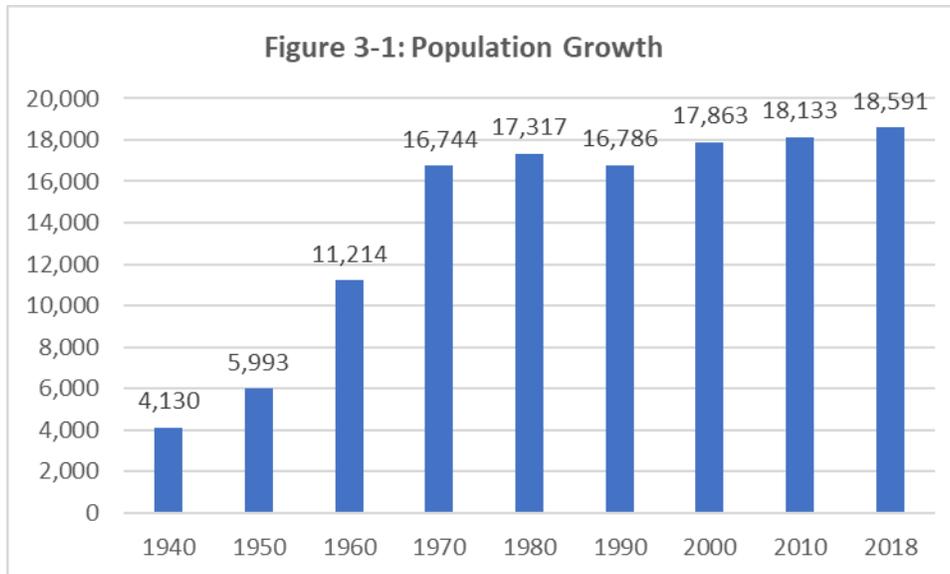
**Table 3-1: Population Growth, 1910-2018**

Year	Population	Change in # Residents	Percentage Increase
1910	2,482	-	-
1920	2,534	52	2.1
1930	3,118	584	23.0
1940	4,130	1,012	32.5
1950	5,993	1,863	45.1
1960	11,214	5,221	174.4
1970	16,744	5,530	49.3
1980	(17,316) 17,317	(572) 573	(3.4) 3.4
1990	(18,002) 16,786	(686) -531	(4.0) -3.1
2000	(19,317) 17,863	(1,315) 1,077	(7.3) 6.4
2010	(18,266) 18,133	(-781) 270	(-4.5) 1.5
2018	(18,679) 18,591	(413) 458	(2.3) 2.5
As of 2-26-20	(18,729)	(138)	(0.7)

Source: U.S. Census Bureau and Scituate Town Clerk records. Numbers in parentheses are from Town records.

Population growth in Scituate over the decades since 1940 is graphically presented in Figure 3-1, clearly demonstrating the high level of growth between 1940 and 1970.

<sup>17</sup> It should be noted that the Housing Needs Assessment includes the most up-to-date data available. The most recent issue of the Census Bureau’s American Community Survey (ACS) is used frequently, but because the ACS is based on sample data, it is subject to sampling error and variation.



Source: U.S. Census decennial reports and American Community Survey 5-Year Estimates, 2014-2018

The Metropolitan Area Planning Council (MAPC), the Boston region’s planning agency, prepared population and housing demand projections for Metro Boston that include regional projections as well as municipal forecasts. Recognizing that the future cannot be predicted with any certainty, the projections included two different scenarios for future growth. MAPC figures estimate that the population will reach 17,680 residents by 2020 under their “Status Quo” scenario based on the continuation of rates of births, deaths, migration and housing occupancy. This figure is significantly less than the 2010 and 2018 census estimates of 18,133 and 18,591 residents, respectively, and even less than the 2000 population of 17,863. These MAPC projections indicate a population of 17,482 by 2030, reflecting continued population decline.

MAPC’s “Stronger Region” scenario projects somewhat higher population growth to 17,948 residents by 2020 and 17,994 residents by 2030, comparable to 2000. Some recent figures suggest substantial growth to 19,348 residents by 2040. These “Stronger Region” projections are based on the following assumptions:

- The region will attract and retain more people, especially young adults, than it does today;
- Younger households (born after 1980) will be more inclined toward urban living than their older counterparts and less likely to choose to live in single-family homes; and
- An increasing share of older adults will choose to downsize from single-family homes to apartments or condominiums.

The State Data Center at the University of Massachusetts’ Donahue Institute (UMDI) predicts even greater population losses to a population of 17,381 residents by 2020 and 16,828 by 2030.

### **3.1.2 Age Distribution**

Demographic shifts over the past several decades indicate fewer school age children, fewer younger adults and more seniors. These trends are further reflected in changes in the median age which increased from 40.7 years in 2000, to 45.2 by 2012, and then to 48.6 years based on 2018 census estimates. Information on the distribution of ages is presented in Tables 3-2 and 3-3, demonstrating the following trends:

#### *Fewer Children*

The school-age population of those less than 18 years of age has decreased in numbers and in proportion to the total population since 1980. In 2010 this group comprised 25.1% of the population, or 4,560 persons, down proportionately from 30.7% of the population and 5,316 residents in 1980. The 2018 census estimates suggest a further erosion of this population to 22.8% of all residents and 4,239 children.

#### *Substantial Declines in Younger Adults*

Demographic trends also suggest that escalating housing costs may be pricing younger individuals and families out of the housing market and that young adults are looking for more urban settings. The population age 18 to 24 decreased by more than half between 1980 and 2018, from 11.1% of residents to 5.1%. Those 25 to 34 also decreased by about half, from 3,361 residents in 1980, to 1,578 in 2010, and down further to 1,290 in 2018 to about 7% of all residents. Those entering the labor market and forming new families have been dwindling in numbers, reducing the pool of entry level workers and service employees as well as potentially driving the grown children who were raised in town to relocate outside of Scituate.

#### *Significant Growth in Middle-aged Residents*

Those between the ages of 45 and 64, who are well into their careers and child-rearing, increased from 21.8% of all residents in 1980 to 34.1% by 2018. Many of these residents were part of the baby boom generation and in the prime of their earning potential. This increase in older adults is likely related to the relatively high housing costs that require higher incomes and typically equity in a previous house to enter the private housing market.

#### *Growing Numbers of Older Adults*

In 2010 there were 3,114 persons 65 years of age or older, representing 17.2% of the population as compared to 1,810 or 10.4% of the total population in 1980. This level of older adults was higher in Scituate than it was for Plymouth County or the state at 15.1% and 14.5%, respectively, in 2010. The 2018 census estimates indicate continuing increases in this population to almost 4,000 residents or 21.2% of the population. These increases suggest a greater need for handicapped accessibility and supportive services to be integrated into future housing development as well as more options for seniors to down-size to apartments or condominiums without substantial maintenance demands.

It should be noted that the Town Clerk's report on Scituate's census, as summarized in Table 3-3, shows a somewhat higher total population and some substantial variations in the distribution of ages. For example, Town records indicate fewer children under age 14 and more young adults in the 20 to 34 age range. Town figures also identify fewer middle-aged residents in the 45 to 54 age category as well more residents over age 65. Once again, some of the difference between the federal and local figures is because federal census counts students as living at their colleges and universities while the Town counts students as living at the home of their parents. Some of those counted are also inactive voters that

might have moved but cannot be eliminated from the census for two biennial state elections if they do not return a confirmation notice.

**Table 3-2: Age Distribution, 1980-2018**

Age Range	1980		1990		2000		2010		2018	
	#	%	#	%	#	%	#	%	#	%
Under 5 Years	921	5.3	1,139	6.8	1,235	6.9	957	5.3	892	4.8
5 – 17 Years	4,395	25.4	2,785	16.6	3,425	19.2	3,603	19.9	3,377	18.2
18 – 24 Years	1,750	11.1	1,445	8.6	744	4.2	992	5.4	956	5.1
25 – 34 Years	2,401	13.9	2,494	14.9	1,666	9.3	1,066	5.9	1,289	6.9
35 – 44 Years	2,264	13.1	2,803	16.7	3,275	18.3	2,423	13.4	1,756	9.4
45 – 54 Years	2,015	11.6	2,096	12.5	2,862	16.0	3,339	18.4	3,222	17.3
55 – 64 Years	1,761	10.2	1,790	10.6	1,930	10.8	2,639	14.6	3,185	17.1
65 – 74 Years	996	5.8	1,284	7.6	1,508	8.4	1,605	8.9	2,384	12.8
75 – 84 Years	621	3.6	667	4.0	907	5.1	1,088	6.0	1,098	5.9
85 Years +	193	1.1	283	1.7	311	1.7	421	2.3	462	2.5
<b>Total</b>	<b>17,317</b>	<b>100.0</b>	<b>16,786</b>	<b>100.0</b>	<b>17,863</b>	<b>100.0</b>	<b>18,133</b>	<b>100.0</b>	<b>18,591</b>	<b>100.0</b>
Under 18	5,316	30.7	3,924	23.4	4,660	26.1	4,560	25.1	4,239	22.8
65 Years +	1,810	10.4	2,234	13.3	2,726	15.3	3,114	17.2	3,944	21.2

Source: U.S. Census Bureau, decennial figures for 1980, 1990, 2000 and 2010 with American Community Survey 5-Year Estimates for 2014-2018.

**Table 3-3: Age Distribution, 2010-2018**

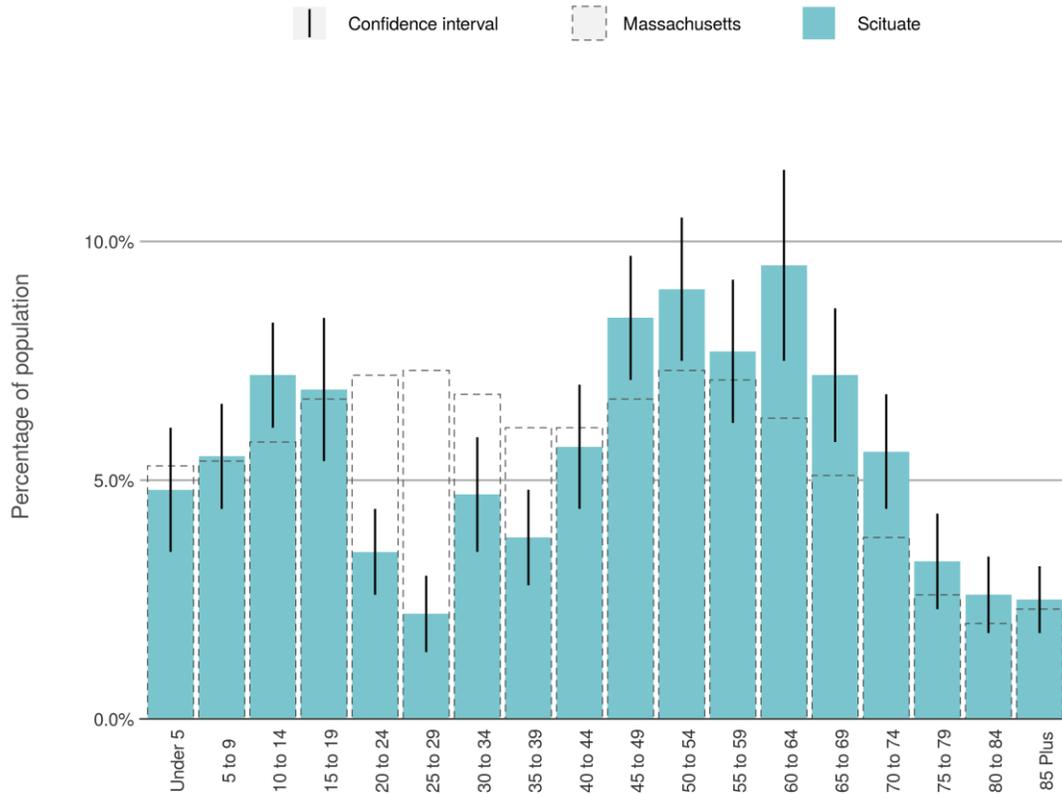
Age Range	2010 (Census)		2018 (Census Estimates)		2018 (Town Clerk)	
	#	%	#	%	#	%
Less than 5 Years	957	5.3	892	4.8	396	2.1
5-14 Years	2,781	15.3	2,359	12.7	1,730	9.2
15-19 Years	1,171	6.5	1,285	6.9	1,272	6.8
20-24 Years	643	3.5	659	3.6	1,362	7.3
25-34 Years	1,066	5.9	1,289	6.9	1,689	9.0
35-44 Years	2,423	13.4	1,756	9.4	1,802	9.6
45-54 Years	3,339	18.4	3,222	17.3	2,861	15.3
55-64 Years	2,639	14.6	3,185	17.1	3,440	18.4
65-74 Years	1,605	8.9	2,384	12.8	2,391	12.8
75-84 Years	1,088	6.0	1,098	5.9	1,240	6.6
85+	421	2.3	462	2.5	520	2.8
<b>TOTAL</b>	<b>18,133</b>	<b>100.0</b>	<b>18,591</b>	<b>100.0</b>	<b>18,703</b>	<b>100.0</b>

Sources: U.S. Census Bureau 2010 and American Community Survey, 5-Year Estimates 2014-2018; Scituate Town Clerk February 26, 2020.

Figure 3-2 visually presents the age distribution in comparison to the state, demonstrating the relatively much lower levels of young adults to boost the local economy and higher levels of older adults that will also pose economic challenges to serving this aging population.

**Figure 3-2**

Age distribution of population  
Scituate v. State  
2014-2018 ACS



Source: U.S. Census Bureau: Decennial Census 1990-2010 & American Community Survey, 2014-2018 5-year estimates. Table S0101: Age and Sex



The MAPC population projections also include age distributions for 2020 and 2030 based on the two scenarios described in Section 3.1.1. These projections for Scituate are summarized in Table 3-4 and Figure 3-3, suggesting the following population trends through 2030:

- Relatively stable population through 2030 with some moderate drop in the number of residents and only small differences between the Status Quo and Stronger Region projections.
- Continuing declines in the number and percentage of children with those under 20 decreasing from 27.1% of the population in 2010 to 21.8% by 2030.
- Continuing fall-off of those in the 20 to 24 age range.
- Relative stability of younger adults age 25 to 44 who will continue to represent about one-fifth of the population by 2030.
- A substantial decrease in middle-aged residents age 45 to 64, from one-third to one-fifth of all residents between 2010 and 2030.
- *Substantial increases in the population 65 years of age and older, from 17.2% in 2010 to almost 30% by 2030. This increase includes the aging baby boomers and suggests that the Town*

undertake appropriate planning to accommodate an aging population that is likely to have special needs in the future.

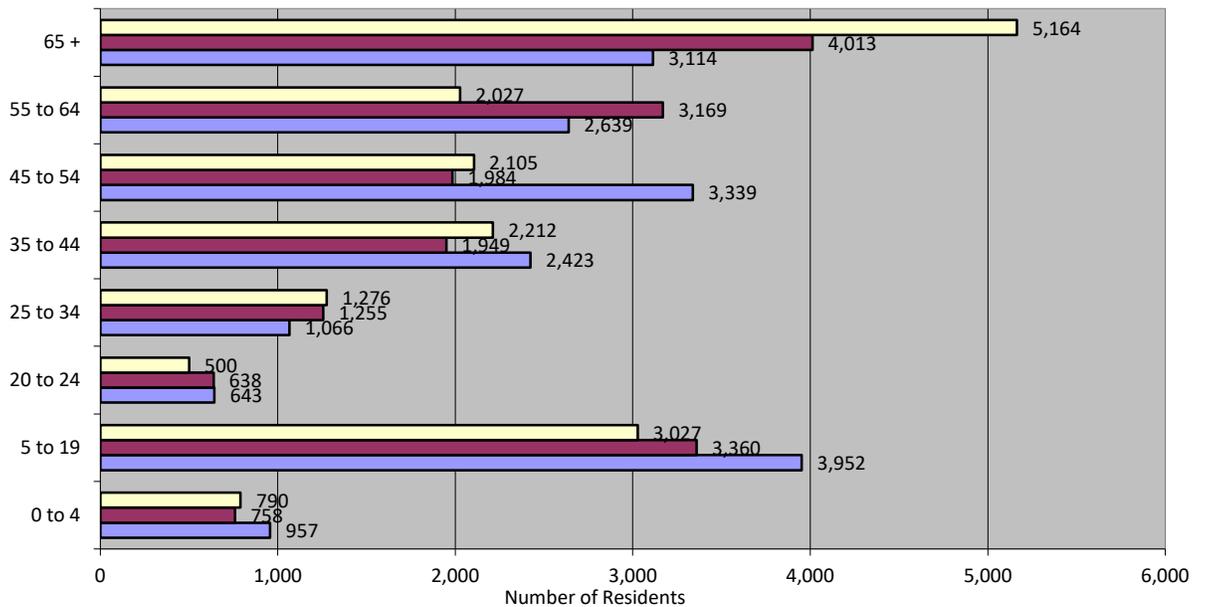
**Table 3-4: 2010 (Census) and Comparison of Population Projections**

Age Range	2010 Census		2020 Projections Status Quo/Stronger Region		2030 Projections Status Quo/Stronger Region		UMDI Projections 2020/2030	
	#	%	#	%	#	%	#	%
Under 5 Years	957	5.3	758/754	4.3/4.2	790/819	4.5/4.6	690/799	4.0/4.7
5 –14 Years	2,781	15.3	2,238/2,250	12.7/12.5	2,090/2,131	12.0/11.8	2,026/1,892	11.7/11.2
15 – 19 Years	1,171	6.5	1,122/1,149	6.3/6.4	937/957	5.4/5.3	1,154/737	6.6/4.4
20 – 24 Years	643	3.5	638/669	3.6/3.7	500/527	2.9/2.9	732/601	4.2/3.6
25 – 34 Years	1,066	5.9	1,255/1,323	7.1/7.4	1,276/1,383	7.3/7.7	1,550/1,646	8.9/9.8
35 – 44 Years	2,423	13.4	1,949/1,990	11.0/11.1	2,212/2,322	12.7/12.9	1,590/2,213	9.1/13.2
45 – 54 Years	3,339	18.4	1,984/2,007	11.2/11.2	2,105/2,166	12.3/12.0	2,484/1,715	14.3/10.2
55 – 64 Years	2,639	14.6	3,169/3,198	17.9/17.8	2,027/2,071	11.6/11.5	3,189/2,380	18.3/14.1
65 – 74 Years	1,605	8.9	2,325/2,343	13.2/13.1	2,816/2,855	16.1/15.9	2,153/2,594	12.4/15.4
75 – 84 Years	1,088	6.0	1,144/1,154	6.5/6.4	1,690/1,710	9.7/9.5	1,231/1,604	7.1/9.5
85 Years and Over	421	2.3	544/552	3.1/3.1	658/671	3.8/3.7	582/647	3.3/3.8
Total	18,133	100.0	17,680/ 17,948	100.0/ 100.0	17,482/ 17,994	100.0/ 100.0	17,381/ 16,828	100.0/ 100.0
Population Under 20	4,909	27.1	4,188/4,153	23.7/23.1	3,817/3,907	21.8/21.7	3,870/3,428	22.3/20.4
Population Age 65+	3,114	17.2	4,013/4,049	22.7/22.6	5,164/5,236	29.5/29.1	3,866/4,845	22.2/28.8

Source: 2010 U.S. Census Bureau and Metropolitan Area Planning Council’s Population and Housing Demand Projections for Metro Boston, January 2014, and University of Massachusetts Donahue Institute projections.

**Figure 3-3**

**Change in Age Distribution: 2010 Census with MAPC 2020 and 2030 Projections**

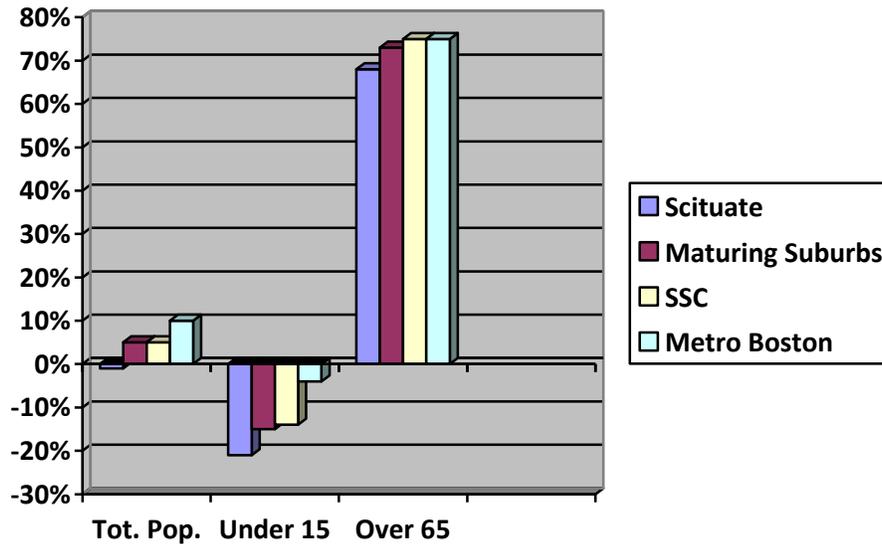


The University of Massachusetts Donahue Institute (UMDI) projections suggest lower total population levels but comparable demographic shifts.



Figure 3-4 compares the percentage change in total population, those under 15 years of age, and those over 65 for Scituate with other Maturing Suburbs in the Boston region, the South Shore subregion, and the entire Metro Boston area.<sup>18</sup> As this figure so dramatically demonstrates, Scituate has the only projected decline in population during this period but also the greatest predicted decrease in the number of children. While not as extreme as the other areas, Scituate is also projected to experience substantial increases in those over the age of 65 as indicated earlier.

**Figure 3-4  
Population Change Comparison, 2010 to 2030**



**3.1.3 Types of Households—Increasing numbers of smaller households**

A summary of race and household characteristics for 1980 through 2018 is included in Table 3-5. There were 6,859 households<sup>19</sup> living in Scituate in 2010, up 22.9% from 5,579 households in 1980, and much higher than the 4.7% population growth during this period. The number of households increased to 7,146 based on 2018 census estimates or by 4.2% since 2010 compared to a 2.5% population increase

<sup>18</sup> In addition to Scituate, MAPC’s South Shore Coalition subregion includes the communities of Braintree, Cohasset, Duxbury, Hanover, Hingham, Holbrook, Hull, Marshfield, Norwell, Pembroke, Rockland, and Weymouth.

<sup>19</sup> The use of the term “household” in this plan is as defined by the U.S. Bureau of the Census, that is, all the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit, such as partners or roomers, is also counted as a household.

continuing to indicate that households are getting smaller. MAPC projections suggest an increase to 7,265 households by 2030.

Throughout the twentieth century, the average size of the American household has decreased, and the size of Scituate households has followed this trend. In 1980, the average household in Scituate contained 3.12 people. According to the U.S. Census, by 1990 this figure had declined to 2.75, then to 2.64 persons in 2000 and 2.62 by 2010. The 2018 census estimates indicate that this trend is continuing with an average household size of 2.57 person. Higher divorce rates, families with fewer children, and an increase in single-person households have all contributed to this trend.

**Table 3-5: Race and Household Characteristics, 1980-2018**

Demographic Information	1980		1990		2000		2010		2018	
	#	%	#	%	#	%	#	%	#	%
Total Population	17,317	100.0	16,786	100.0	17,863	100.0	18,133	100.0	18,591	100.0
Total Number Households	5,579	100.0	6,033	100.0	6,694	100.0	6,859	100.0	7,146	100.0
Family Households**	4,545	81.5	4,558	75.6	4,921	73.5	4,926	71.8	5,164	72.3
Female Heads of Households***	229	4.1	597	9.9	250	3.7	245	3.6	303	4.2
Non-family Households**	1,034	18.5	1,475	24.4	1,773	26.5	1,933	28.2	1,982	27.7
Minority Population*	142	0.8	441	2.6	587	3.3	708	3.9	874	4.7
Average Household Size	3.12 persons		2.75 persons		2.64 persons		2.62 persons		2.57 persons	

Source: U.S. Census Bureau U.S. Census Bureau, decennial figures for 1980, 1990, 2000 and 2010 with American Community Survey 5-Year Estimates for 2014-2018. \*All Non-White classifications \*\* Percent of all households \*\*\* With children under 18

The decrease in household size is also consistent with Scituate’s gradual increase in non-family households from the 1980s to the present. Non-family households increased by 86.7% between 1980 and 2010, becoming a more significant part of Scituate and representing 28.2% of all households. The 2018 census estimates indicate a modest increase in the number of non-family households but a slight proportional decrease. The growth in non-family households is reflective of regional and national trends towards smaller and more nontraditional households. These non-family households, comprised of single or non-related persons excluding single parents or grandparents with children, increased by 899 households from 1980 to 2010, up from 18.5% of all households in 1980 to 28.2% by 2010. While family households increased by 368, they decreased as a proportion of all households from 1980 to 2010, from 81.5% to 71.8%, and then went up a bit to 72.3% in 2018. The number of female-headed households with children under 18, typically the most vulnerable households in any community, increased by only 16 such households between 1980 and 2010 but declined in proportion to all households from 4.1% to 3.6% during this same period. The 2018 census estimates suggest a small increase in these households to 303 or 4.2% of all households.

The tendency towards smaller families may affect the type of housing units that are in demand. As family sizes decrease there is typically a greater need for smaller homes as well as increased demand for apartments or condominiums.

#### **3.1.4 Race – Small but increasing minority population**

The population has remained predominately White although the growth in minority households has been steady over the past several decades. For example, in 2010 the census counted 708 persons or 3.9% of the population as minorities, up from 142 persons and 0.8% in 1980. More than one-quarter of the 2010 minority population identified themselves as Hispanic, about another 15% as Black or African American, and one-fifth as Asian. Most of the remaining minority residents claimed identification with two or more races. The 2018 census estimates indicate a continued increase in minority residents to 874 residents of 4.7% of the population composed largely by those with Black or African American and Asian heritage, those who claim Hispanic or Latino origins, as well as some other race or two or more races.

### 3.2 Economic Profile

#### 3.2.1 Income Distribution - Residents of Scituate are on average becoming significantly more affluent.

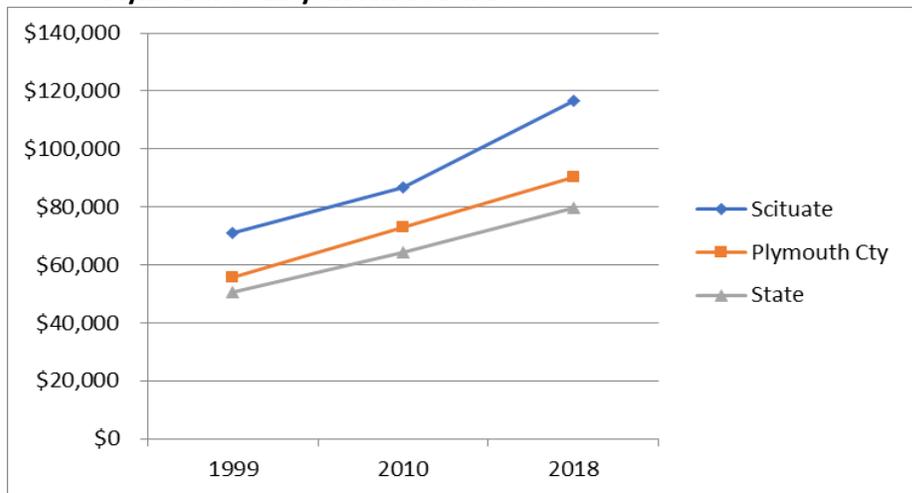
The median household income in 2018 was \$116,750, high in comparison to the county and state medians of \$90,484 and \$79,835, respectively. Scituate’s 2018 median income was up 35% from the median income in 2010 of \$86,723 and up 65% from the 1999 median of \$70,868, higher than the rate of inflation of 51% between 1999 and 2018. Historic changes in the income distributions over recent decades are presented in Table 3-6.

**Table 3-6: Income Distribution by Household, 1979-2018**

Income Range	1979		1989		1999		2010		2018	
	#	%	#	%	#	%	#	%	#	%
Under \$10,000	893	16.0	523	8.7	292	4.4	189	2.7	178	2.5
\$10,000-24,999	1,774	31.8	716	11.9	655	9.8	512	7.4	693	9.7
\$25,000-34,999	1,419	25.4	636	10.6	516	7.7	431	6.2	321	4.5
\$35,000-49,999	901	16.2	950	15.8	643	9.6	737	10.6	486	6.8
\$50,000-74,999	456	8.2	1,614	26.8	1,474	22.1	1,199	17.3	657	9.2
\$75,000-99,999	136	2.4	882	14.7	1,050	15.7	740	10.6	772	10.8
\$100,000-149,999			448	7.4	1,167	17.5	1,549	22.3	1,329	18.6
\$150,000 or more			245	4.1	873	13.1	1,593	22.9	2,706	38.0
Total	5,579	100.0	6,014	100.0	6,670	100.0	6,950	100.0	7,146	100.0
Median income	\$25,694		\$52,044		\$70,868		\$86,723		\$116,750	

Source: U.S. Census Bureau 1980, 1990 and 2000 and American Community Survey 5-Year Estimates, 2014-2018

**Figure 3-5: Comparison of Median Household Incomes, Scituate, Plymouth County and Massachusetts**

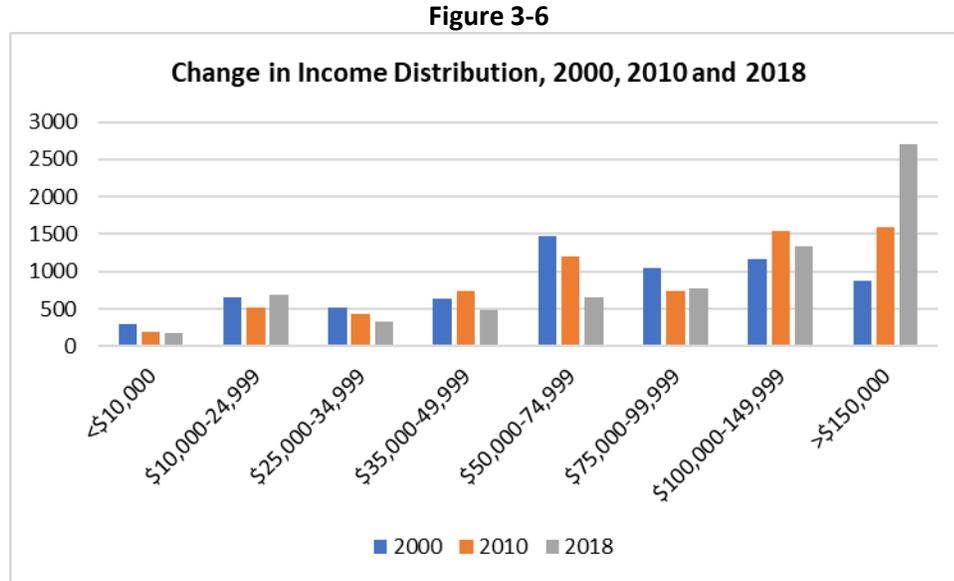


There were decreases in the numbers of households in all of the income ranges except for those earning above \$75,000 between 1980 and 2018 (excluding some fluctuations in the numbers earning between \$35,000 and \$49,999). Those households earning more than \$100,000 almost tripled between 1989 and

1999 – from 693 to 2,040 households and then increased to more than half of all households by 2018 at 57%. Those with incomes of more than \$200,000 included 1,004 households or 14.4% of all households in 2018.

The income distribution for those households that include children – families – is somewhat higher with a median family income in 2012 of \$115,288, with 2,922 families or almost 58% of all families earning more than \$100,000, including 1,011 or about 20% earning at least \$200,000. By 2018, the median family income rose to \$144,417 with 34% of all families with incomes of \$200,000 or more.

Figure 3-6 clearly demonstrates the tremendous increase in income levels for households in Scituate over the past several decades. Despite inflation these figures are dramatic, particularly in the spike of those earning more than \$150,000 at 38% of all households in 2018.



Extrapolating from the 2018 census estimates, those earning at or below 80% of area median income (AMI), or \$73,000 at the time for a three-person household, would have included approximately 2,300 households or almost one-third of all households.

Table 3-7 provides median income levels for various types of households in 2018. Not surprisingly, incomes were highest for families and homeowners. One surprise was that the median income of those in the 25 to 44 age range was higher than those of older workers age 45 to 64 and typically in the prime of their careers. It suggests that these somewhat younger households are likely newer residents who can afford Scituate’s high housing costs. Moreover, the median income of seniors 65 years of age or older was \$60,426, comparable to the per capita income of \$60,683 but less than half of the median household income and 40% of the median income for households with heads in the 25 to 44 age range.

**Table 3-7: Median Income by Household Type, 2018**

Type of Household/Householder	Median Income
Per Capita	\$60,683
Households	\$116,750
Families	\$144,417
Non-families*	\$41,016
Renters	\$26,792
Homeowners	\$133,380
Householder less than age 25	**
Householder age 25 to 44	\$153,587
Householder age 45 to 64	\$141,906
Householder age 65 or more	\$60,426

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates for 2014-2018.

\*Includes persons living alone and unrelated household members. \*\*Sample size too small.

Table 3-8 offers some comparison of Scituate’s median household income levels to those of neighboring communities, also showing the percentage increases since 1999. The 2018 median incomes levels ranged from a low of \$96,514 in Marshfield to \$133,596 in Hingham. **The greatest increase in median income levels occurred in Scituate where there was a 64.7% increase between 1999 and 2018, demonstrating Scituate’s growing affluence.**

**Table 3-8: Comparison of Median Household Incomes in South Shore Towns, 1999, 2012 and 2018**

Town	Median Household Income			% Change
	1999	2012	2018	1999-2018
Cohasset	\$84,156	\$120,508	\$132,204	57.1%
Duxbury	\$97,124	\$117,197	\$128,333	32.1%
Hanover	\$73,838	\$99,856	\$120,000	62.5%
Hingham	\$83,018	\$98,442	\$133,596	60.9%
Marshfield	\$66,508	\$91,849	\$96,514	45.1%
Scituate	\$70,868	\$92,287	\$116,750	64.7%
Massachusetts	\$50,500	\$65,339	\$79,835	58.1%

Source: U.S. Bureau of the Census, 2000, and American Community 5-Year Estimates 2008-2012 and 2014-2018.

Despite generally increasing household wealth, there still remains a significant population living in Scituate with very limited financial means. Of the 7,146 estimated households in 2018, 871 or 12.2% had incomes of less than \$25,000, representing extremely low-income levels. This is up from 8.8% in 2012. An additional 807 households had incomes between \$25,000 and \$50,000. Consequently, **almost one-quarter of all Scituate households had limited incomes of less than \$50,000, which is not an insignificant number given the general affluence of the community.**

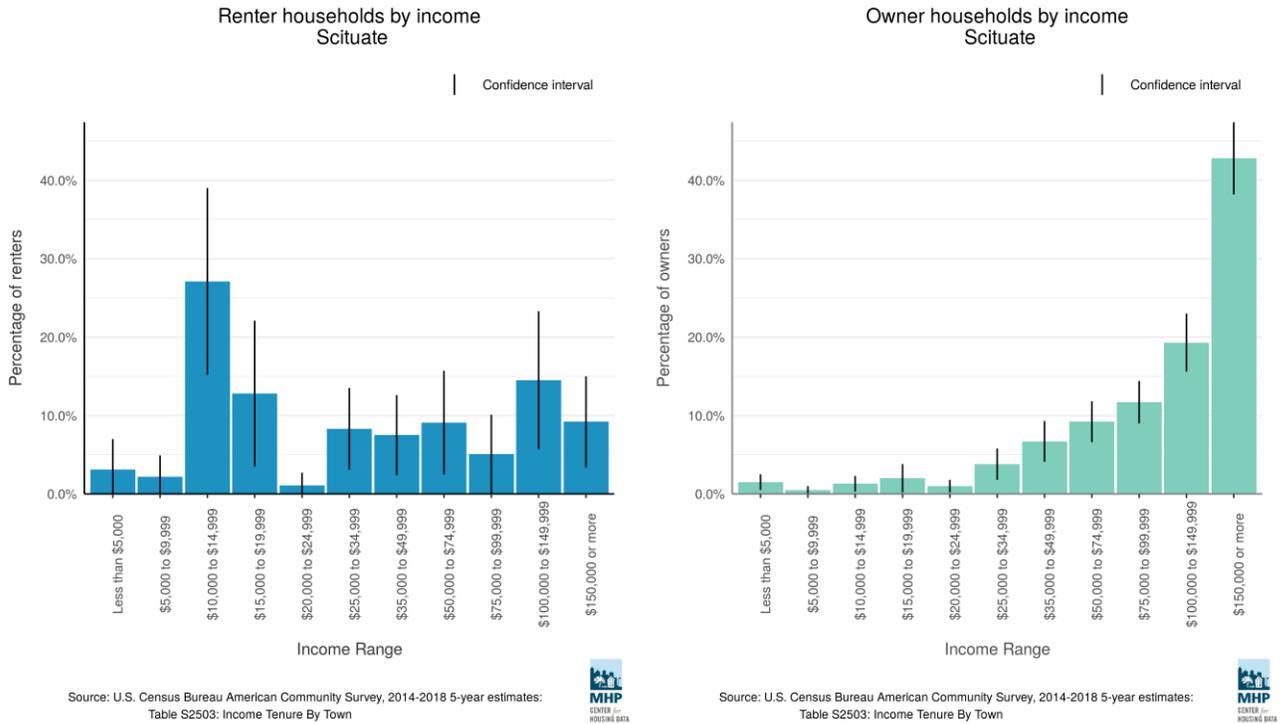
Growing income disparities are also reflected in a comparison of income levels for owners and renters as presented in Table 3-9 and Figure 3-7. Almost half (46.3%) of renters earned less than \$25,000 compared to only 6.4% of homeowners. On the other hand, 62% of the homeowners earned more than \$100,000 compared to 24% of the renter households. The income disparity between owners and renters is also reflected in median income levels of \$133,380 and \$26,792, respectively, for 2018. **While the median income of homeowners increased by 22% between 2012 and 2018, the median for renters decreased by half.**

**Table 3-9: Income Distribution by Tenure, 2018**

Income Range	Homeowners		Renters	
	#	%	#	%
Under \$10,000	123	2.0	55	5.3
\$10,000-24,999	269	4.4	422	41.0
\$25,000-34,999	235	3.8	85	8.3
\$35,000-49,999	407	6.7	77	7.5
\$50,000-74,999	565	9.2	94	9.1
\$75,000-99,999	717	11.7	53	5.1
\$100,000-149,999	1,183	19.3	149	14.5
\$150,000 +	2,617	42.8	95	9.2
Total	6,116	100.0	1,030	100.0
2018 Median Income	\$133,380		\$26,792	
2012 Median Income	\$108,922		\$53,846	
2000 Median Income	\$78,690		\$33,357	

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2014-2018

**Figure 3-7**



**3.2.2 Poverty – Low but increasing**

The Federal Department of Health and Human Services issues federal poverty guidelines annually for administrative purposes.<sup>20</sup> Financial eligibility for many federal housing programs is based on these guidelines. Many of the people who fall within this category are disabled, elderly, or unemployed.

**Table 3-10: Poverty Status, 1979-2018**

Types of Households/ Persons	1979		1989		1999		2012		2018	
	#	%	#	%	#	%	#	%	#	%
Individuals Below Poverty	569	3.3	648	3.9	451	2.6	526	2.9	803	4.3
Families	102	2.2	82	1.8	69	1.4	35	0.7	207	4.0
Related Children Under 18 Years (Under 17 Years for 1980 data)	90	1.7	196	5.1	70	1.5	46	1.0	175	4.1
Individuals 65 and Over	68	3.8	146	7.1	122	4.8	114	3.8	250	6.3

Source: U.S. Census Bureau and American Community Survey 3-Year Estimates, 2010-2012 and 5-Year Estimates 2014-2018

\*Percentage of total population \*\*Percentage of all families \*\*\*Percentage of all related children under 18 years \*\*\*\*Percentage of all individuals age 65+

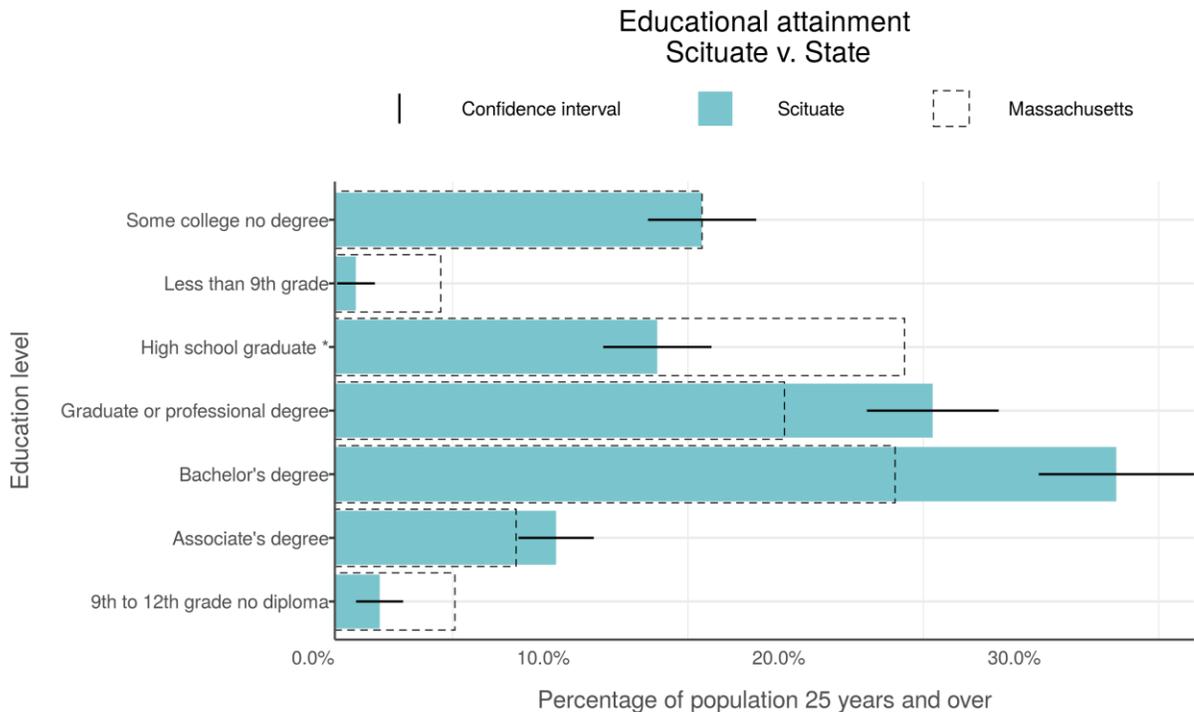
<sup>20</sup> The 2018 federal poverty levels from the U.S. Department of Health and Human Services were \$12,140 for an individual and \$20,780 for a three-person household for example.

Census Bureau estimates indicated a net decrease in the absolute numbers of those with incomes below the poverty level between 1979 and 2012 and then a significant increase as shown in Table 3-10 to 4.3% or 818 residents by 2018. There were also notable increases in the numbers of families and children living in poverty to 4% of all families or 207 families, double the number in 1979, and 4.4% of all children under age 18, from 1.7% in 1979. Almost one-third of the individuals below the poverty level were 65 years of age or older that included 250 seniors.

**3.2.3 Education – Higher educational attainment and declining student enrollments**

In 2018, almost all (97.2%) of those 25 years and older had a high school diploma or higher, and 58.6% had at least a Bachelor’s degree, up from 52.8% in 2012. These levels are higher than the college attainment figure of 36.7% for Plymouth County. Figure 3-8 shows the higher levels of educational attainment in comparison to the state. Moreover, these figures represent a significant improvement in overall educational attainment from 1990 of 93.3% with at least a high school degree and about 40% with at least a college degree. Such increases in educational attainment are correlated with greater job opportunities and income-earning potential.

**Figure 3-8**



Source: U.S. Census Bureau American Community Survey, 2014-2018 5-year estimates.  
 Table DP02: Selected Social Characteristics.  
 \*Includes equivalency



Those enrolled in school (nursery through graduate school) totaled 4,603 students or 24.8% of the population based on 2018 census estimates, down from 4,841 students or 26.7% in 2012. Those enrolled in nursery school through high school totaled 3,862 students or 84% of those who were enrolled in school and 20.8% of the population in 2018, again down from 4,227 students and 23.3% of the total population in 2012. **Information on the Scituate Public School District indicates relatively flat enrollment figures at 3,139 students in 2000, 3,122 in 2014, and then down modestly to 2,972 for**

**2019-2020.** Also, as noted in Section 3.1.2, demographic projections point to an overall decline in school-age children over the next several decades.

**3.2.4 Disability Status – Significant special needs**

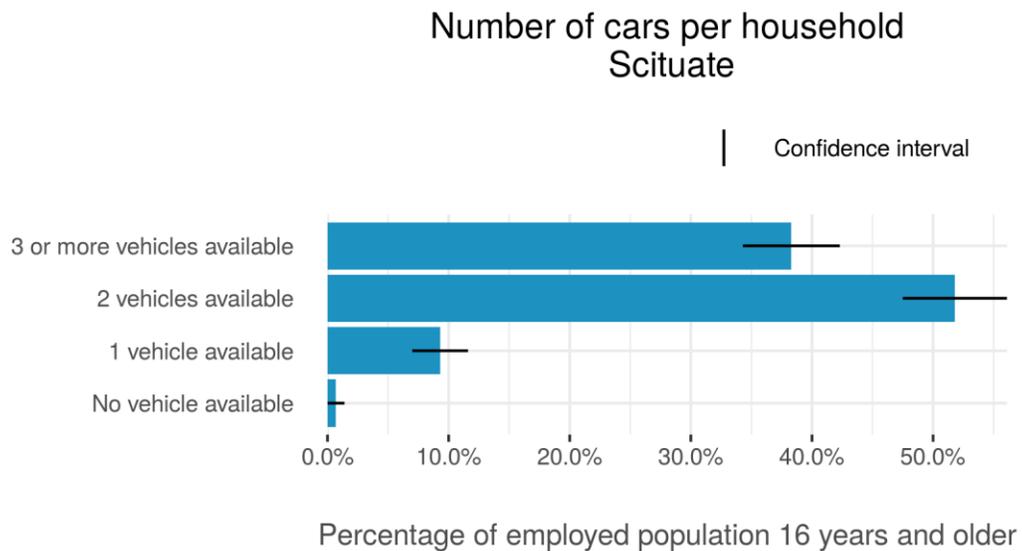
A total of 1,458 individuals, representing 7.8% of the population, claimed a disability according to 2018 census estimates. Of the population under age 18, 98 or 2.3% claimed some disability and another 453 residents or 4.4% of those age 18 to 64 also claimed a disability. Another 907 resident age 65 or older had a disability, representing 23% in this age category. **It is likely that as the population of older adults continues to increase, those with special needs will increase as well, requiring greater handicapped accessibility and supportive services.**

**3.2.5 Employment – Expanding and diverse employment base with concentrations of jobs in the service and retail industries**

Scituate has a relatively diverse employment base; however, a large segment of the labor force is tied to the service and retail industries that fuel not only year-round residents but seasonal tourism as well. Other significant sources of employment involve professional and management jobs as well as the finance and educational and health sectors.

Of those 14,840 Scituate residents over the age of 16 in 2018,<sup>21</sup> about two-thirds 66.3% or 9,593 were in the labor force. Only an estimated 13.3% of Scituate residents worked in town. Despite the availability of public transportation at the Greenbush commuter rail station, residents in Scituate are heavily reliant on the automobile as shown in Figure 3-9.

**Figure 3-9**



Source: U.S. Census Bureau American Community Survey, 2014-2018 5-year estimates.  
Table S0801: Commuting characteristics by sex



<sup>21</sup> Based the US Census Bureau’s 2014-2018 5-Year Estimates from the American Community Survey.

The 2018 census data indicates that 71% of workers drove alone to work, another 5.8% carpooled, and another 11.7% either worked at home or walked to work. An estimated 10% commuted by public transportation, up from 9.1% in 2012. Because of the commuter rail station in Scituate, it might be expected that a greater percentage of workers would rely on public transportation, particularly given an average commuting time of 36.9 minutes and employment opportunities likely located in Boston for many residents.

The 2018 census estimates also provide information on the concentration of Scituate workers by industry, indicating that 17.2% were involved in management, business, or scientific occupations and another 12.8% in finance and insurance jobs. Additionally, almost one-quarter of local workers were employed in the education and health care fields. Most of the remaining workers were employed in the lower-paying retail and service-oriented jobs. About 80% of Scituate's labor force involved private salaried or wage earners, another 13% were government workers, and the remaining were self-employed.

The state provides detailed labor and workforce data on employment patterns.<sup>22</sup> This information indicates that from a labor force of 9,935 workers as of December 2019 (up from 9,466 in April 2014), 9,729 were employed (up from an average annual employment level of 8,621 in 2014). Scituate has experienced an expanding labor base as the average annual workforce was 9,519 workers in 2000.

Unemployment rates have fluctuated over the years, increasing from 2.2% in 2000 to a high of 7.3% in 2010, and then declining to 5.0% by 2014. As of December 2019, the unemployment rate had dropped to only 2.1%.

The state workforce data, as presented in Table 3-11, also confirms a mix of employment opportunities with a concentration of lower-paying retail and service sector jobs that brings the average weekly wage for those working in Scituate to a relatively low level of \$900 in 2018, less than half of Boston's average weekly wage at \$1,977. Also, in comparison, Quincy had an average weekly wage of \$1,294 with Hingham at \$1,128. Despite the focus of service-oriented jobs, Scituate also has a significant number of better-paying jobs in the professional and technical industries as well as in health, social services and construction.

It should be noted that Scituate's average weekly wage of \$900 translates into an annual income of approximately \$47,000, which is less than half of the median household income of Scituate households of \$116,750. This means that many of those who have jobs in Scituate would be hard-pressed to afford to live in the community, especially with median housing prices of about \$600,000.

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<sup>22</sup> Massachusetts Executive Office of Labor and Workforce Development, Municipal Employment Data, June 12, 2014 and March 1, 2020

**Table 3-11: Average Employment and Wages by Industry, 2014/2018**

<b>Industry</b>	<b># Establishments</b>	<b>Total Wages</b>	<b>Average Employment</b>	<b>Ave. Weekly Wage</b>
Construction	53/58	\$7,470,033/ \$13,729,708	163/212	\$881/\$1,245
Manufacturing	7/7	\$2,365,901/ \$733,034	57/18	\$798/\$783
Wholesale trade	29/28	\$6,396,480/ \$8,339,158	59/54	\$2,085/\$2,970
Retail trade	47/37	\$8,106,933/ \$6,614,833	327/267	\$477/\$476
Transportation/warehousing	12/10	\$5,035,929/ \$6,114,932	96/102	\$1,009/\$1,153
Information	9/13	\$963,627/ \$1,935,671	37/66	\$501/\$564
Finance/Insurance	12/20	\$6,688,344/ \$4,360,883	111/57	\$1,159/\$1,471
Real estate/rental/leasing	9/15	\$1,041,209/ \$677,670	20/10	\$1,001/\$1,303
Professional/technical services	56/65	\$12,686,392/ 16,311,738	141/194	\$1,730/\$1,617
Administrative/waste services	34/34	\$4,731,499/ \$7,584,333	118/154	\$771/\$947
Health care/social assistance	32/66	\$23,100,581/ \$23,658,288	490/573	\$907/\$794
Arts/entertainment/recreation	18/22	\$3,846,985/ \$5,093,297	161/197	\$460/\$497
Accommodation/food services	26/32	\$10,263,271/ \$13,263,338	643/667	\$307/\$382
Other services	85/50	\$5,083,831/ \$6,122,743	210/182	\$466/\$647
<b>Total</b>	<b>453/474</b>	<b>\$141,190,226/ \$166,630,601</b>	<b>3,483/3,561</b>	<b>\$780/\$900</b>

Source: Massachusetts Executive Office of Labor and Workforce Development, June 2012 and March 1, 2020

**Shaded industries include those with an average employment of more than 175 workers.**

### 3.3 Housing Profile

This section of the Housing Needs Assessment summarizes housing characteristics and trends, analyzes the housing market from a number of different data sources and perspectives, compares what housing is available to what residents can afford, summarizes what units are defined as affordable by the state, and establishes the context for identifying priority housing needs.

#### 3.3.1 Housing Growth – Slowing down of new production

Almost two-thirds of Scituate’s housing stock, 5,284 units or 64.3%, were built prior to 1970, however there were significant numbers of units produced between 1970 and 1990, totaling 1,607 units or 19.6% of the housing stock. For the county as a whole, 54% of the units were built prior to 1970, suggesting that Scituate demonstrated less housing growth over the last few decades than Plymouth County. Most of Scituate’s growth in fact occurred during the mid-20<sup>th</sup> century, just after World War II, when more than half of Scituate’s housing stock was built. Residential development has slowed down considerably in recent years.

**Table 3-12: Year Structure Built, 2018**

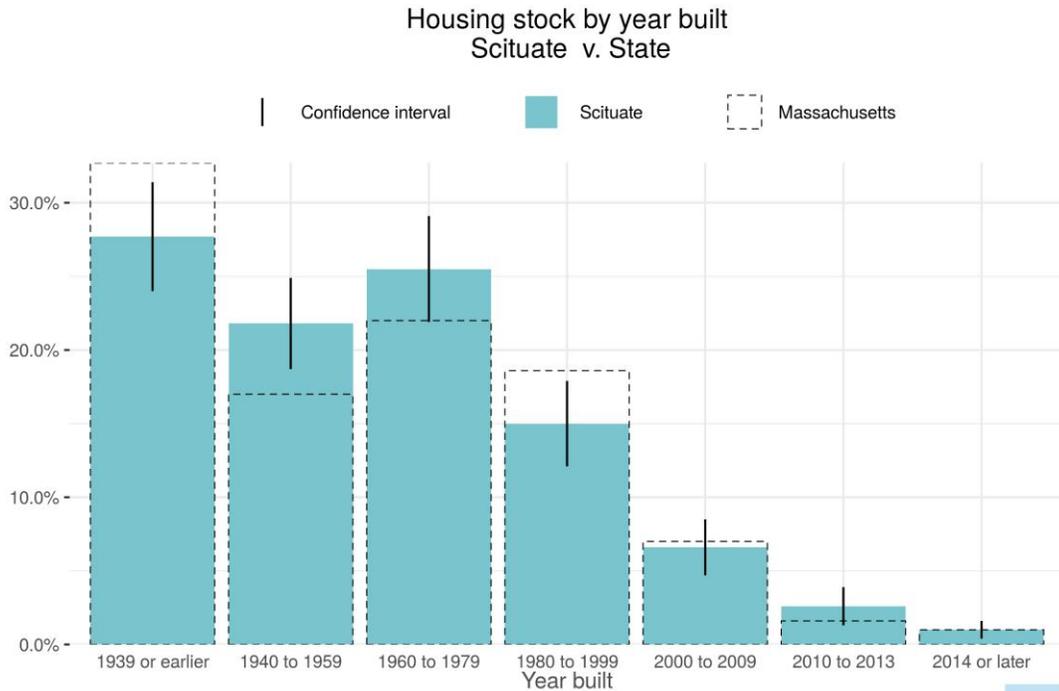
Year	#	%
2010 or later	251	3.1
2000 to 2009	530	6.5
1990 to 1999	544	6.6
1980 to 1989	670	8.2
1970 to 1979	937	11.4
1960 to 1969	1,223	14.9
1950 to 1959	1,432	17.4
1940 to 1949	417	5.1
1939 or earlier	2,212	26.9
Total	8,216	100.0

Source: U.S. Census Bureau American Community Survey 5-Year Estimates, 2014-2018

As shown in Table 3-15, the 2010 census counted 8,035 housing units, up 4.6% from 7,685 units in 2000 and representing an 18.2% increase from 6,797 units in 1980. The 2018 census estimates indicate that another 181 housing units were produced between 2010 and 2018 for a total housing stock of 8,216 units. This is less than the 251 units identified in Table 3-12 but less than building permit activity per Town records of 319 units between 2010 and 2018 that included 269 single-family homes and an additional 50 units in smaller and larger multi-family structures.

Figure 3-10 shows the slowdown in housing production over the years. In comparison to state housing growth patterns, Scituate had a greater proportion of its units built after WWII and then, as with the state, experienced a significant decline in housing growth after 1980.

**Figure 3-10**



Source: U.S. Census Bureau American Community Survey, 2014-2018 5-year estimates  
Table S2504: Physical Housing Characteristics for Occupied Housing Units

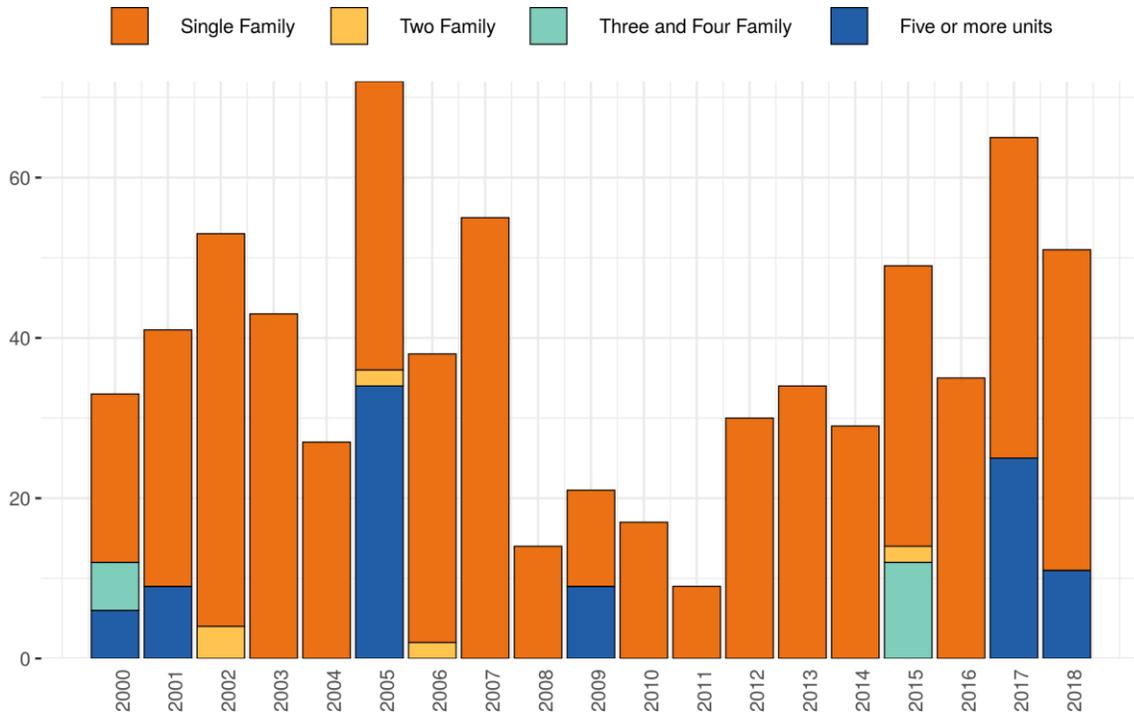


There has been a great deal of variation in annual housing production since 2000 as indicated in Figure 3-11. The highest level of production occurred in 2005, the height of the pre-recession housing market in most communities, and then dipped between 2008 and 2011 as a result of the “bursting of the housing bubble”. After that, development picked-up, reaching a post-recession high of 65 units in 2017, including 40 single-family homes and 25 units in two multi-family developments. As Figure 3-11 also shows, most of the development activity involved single-family homes but there were other types of residential development occurring as well, albeit limited, scattered through many of the years.

Some teardown activity has been occurring, however, with the demolition of more modest homes and replacement of larger and more expensive ones. The Building Department reports that there were 10 permits to “raze and reconstruct” in 2019 and two such properties in the first several months of 2020.

**Figure 3-11**

Annual housing units permitted  
by building type in Scituate



Source: U.S. Census Bureau - Annual Building Permit Survey (Reported and Imputed)



A buildout analysis prepared by MAPC<sup>23</sup> (1998) projected that Scituate could accommodate approximately 2,890 additional dwelling units. Prior trends suggest that these will be primarily single-family homes based on existing zoning. Given previous rates of growth, it is projected that buildout would occur around 2060, at a total of 10,575 units, assuming the construction of 50 units per year.

The 2004 Master Plan provides some additional estimates based on the average number of new units produced between 1990 and 2000, at 44 new units, summarized in Table 3-13. This data suggests that buildout might occur shortly after 2060, close to the MAPC estimate. These figures are based on existing zoning and development averaging 44 units per year. Consequently, changes in zoning and development patterns will have significant impacts on where, when and how much housing will be developed by buildout. Better planning to guide development towards the most appropriate “smart” locations and redevelopment efforts will make an important difference in how the town will ultimately be developed.

<sup>23</sup> Metropolitan Area Planning Council (MAPC), the regional planning agency for towns in the greater metropolitan Boston area.

**Table 3-13: Buildout Projections**

	2000	2010	2020	2030	2040	2050	2060
Total Units	7,685	8,125	8,565	9,005	9,445	9,885	10,325
Population	17,829	18,850	19,871	20,892	21,912	22,933	23,954
Students	3,710	3,923	4,135	4,348	4,560	4,772	4,985
Res. Water Use (GPD)	1,337,190	1,413,375	1,490,325	1,566,900	1,643,400	1,719,975	1,796,550
Municipal Solid Waste (tons)	9,146	9,670	10,194	10,718	11,241	11,765	12,288
Non-recycled Solid Waste (tons)	6,504	6,877	7,249	7,622	7,993	8,366	8,738

Source: 2004 Scituate Master Plan

As Table 3-14 shows, Scituate had a lower level of housing growth in recent decades in comparison to most of its neighbors with 32.6% of its housing stock constructed between 1970 and 2009 with another 3.1% built between 2010 and 2018. Only neighboring Cohasset had a lower level of construction activity between 1970 and 2009, at 29.6% but had a higher level of housing growth since at 7.2%, with Rockland and statewide levels slightly above at 38.1% and 37.7%, respectively.

**Table 3-14: Housing Development since 1970 for Scituate and Neighboring Communities**

Community	# Housing Units in 2018	# Units Built 1970-2009	% Units Built 1970-2009	# Units Built 2010 to 2018	% Units Built 2010 to 2018
Abington	6,762	2,670	39.5	197	2.9
Cohasset	3,565	1,057	29.6	257	7.2
Duxbury	6,022	3,340	55.5	204	3.4
Hanover	4,978	2,334	46.9	138	5.9
Hingham	9,237	3,844	41.6	534	5.8
Marshfield	10,919	5,327	48.8	442	4.0
Norwell	3,841	1,752	45.6	147	3.8
Pembroke	6,730	3,561	52.9	137	2.0
Rockland	7,376	3,299	44.7	106	1.4
Scituate	8,216	2,681	32.6	251	3.1
Plymouth County	208,087	94,252	45.3	10,194	4.9
Massachusetts	2,915,043	1,078,863	37.0	119,193	4.1

Source: U.S. Census Bureau American Community Survey 5-Year Estimate for towns, 2014-2018. And 1-Year Estimates for the County and State

### **3.3.2 Housing Occupancy – Declines in rental units, seasonal units, persons per unit, and vacancy rates**

Table 3-15 shows that almost all of the housing growth has occurred in the owner-occupied housing stock and there has been a proportionate decline in rental units. The number of rental units increased by 159 units between 1980 and 2010 but decreased from 19.5% of all housing to 16.5% from 1990 to 2010. The 2018 census estimates suggest a further drop to 1,030 rental units or 14.4% of the housing stock which is questionable given some recent rental development such as 50 Country Way.

Given its seaside location and natural beauty, seasonal units and second homes have been a significant segment of Scituate’s housing stock. However, numbers of such units have also declined over the past

several decades from 1,081 to 872 units and from 15.9% of all units to 10.9% between 1980 and 2010. The 2018 census estimates identify continued declines to 602 units or 7.3% of the housing stock.

Table 3-15 also indicates that the numbers of persons per unit has declined over time for both ownership and rental units to 2.75 and 1.92 persons by 2010, respectively, and then down further to 2.69 and 1.88 persons, respectively, based on 2018 census estimates. This is correlated to the increasing number of smaller households in Scituate demonstrated by decreases in the community’s average household size from 3.12 to 2.62 persons between 1980 and 2010, and then to 2.57 persons in 2018.

**Table 3-15: Housing Characteristics, 1980-2018**

Housing Characteristics	1980		1990		2000		2010		2018	
	#	%	#	%	#	%	#	%	#	%
Total # Housing Units	6,797	100.0	6,983	100.0	7,685	100.0	8,035	100.0	8,216	100.0
Occupied Units *	5,548	81.6	6,033	86.4	6,694	87.1	6,859	85.4	7,146	87.0
Occupied Owner Units **	4,575	82.5	4,863	80.6	5,559	83.0	5,727	83.5	6,116	85.6
Occupied Rental Units **	973	17.5	1,170	19.4	1,135	17.0	1,132	16.5	1,030	14.4
Total Vacant Units/ Seasonal, Rec. or Occasional Use*	1,217/ 1,081	17.9/ 15.9	950/723	13.6/ 10.4	991/815	12.9/ 10.6	1,176/ 872	14.6/ 10.9	1,070/ 602	13.0/ 7.3
Average House- Hold Size of Owner-Occupied Unit	--		2.90 persons		2.78 persons		2.75 persons		2.69 persons	
Average House- Hold Size of Renter-Occupied Unit	--		2.14 persons		1.97 persons		1.92 persons		1.88 persons	

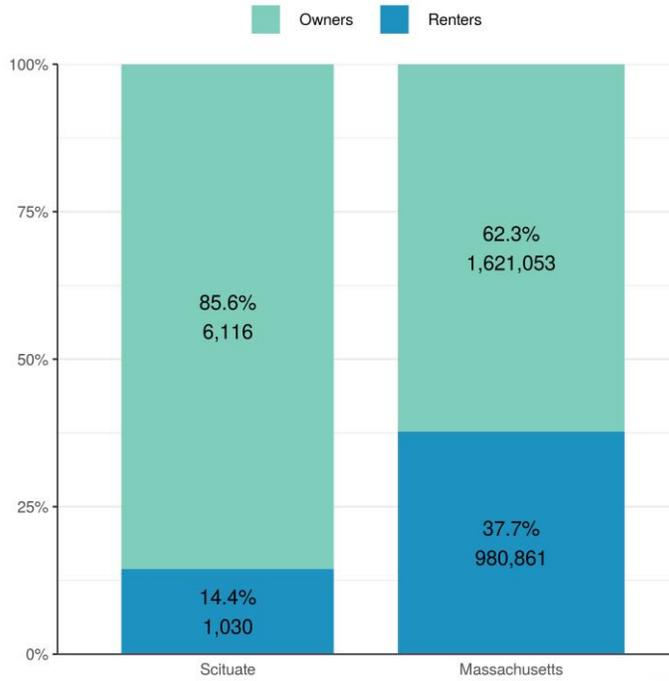
Source: U.S. Census Bureau 1980, 1990, 2000 and 2010 and American Community Survey 5-Year Estimates 2014-2018 \* Percentage of total housing units \*\* Percentage of occupied housing units

Table 3-16 compares the levels of owner and renter-occupancy levels for nearby communities as well as the county and state based on 2012 and 2018 census estimates. Owner-occupancy levels were 61.8% and 77.2% for the state and county, respectively, compared to almost 86% for Scituate. Figure 3-12 compares Scituate’s owner and renter-occupancy levels to those of the state, clearly showing the relative predominance of owner-occupancy in town at 85.6% versus 62.3% statewide.

Community levels ranged from a low of 70% in Abington to a high of 93.1% in Norwell. Most of the communities had levels between 80% and 90% with Scituate largely in the middle of this range. It is also worth noting that while renter-occupancy increased for about half of the communities, it decreased for Scituate, Hanover, Hingham, Rockland, and Norwell.

**Figure 3-12**

**Tenure Mix  
Scituate v. Massachusetts**



Source: U.S. Census Bureau American Community Survey, 2014-2018 5-year estimates.  
Table DP04: Selected Housing Characteristics



**Table 3-16: Owner and Rental Occupancy in Scituate, Surrounding Towns and Plymouth County, 2012/2018<sup>24</sup>**

Place	Owner-Occupied Units		Renter-Occupied Units		Total Occupied Units		% Owner-Occupied Units	
	2012	2018	2012	2018	2012	2018	2012	2018
Abington	4,291	4,491	1,602	1,922	5,893	6,413	72.8	70.0
Cohasset	2,511	2,346	341	773	2,852	3,119	88.0	75.2
Duxbury	4,872	4,997	477	593	5,349	5,590	91.1	89.4
Hanover	3,795	4,281	888	601	4,683	4,882	81.0	87.7
Hingham	6,467	7,116	1,673	1,627	8,140	8,743	79.4	81.4
Marshfield	8,094	7,622	1,612	1,923	9,706	9,545	83.4	79.9
Norwell	3,113	3,420	338	254	3,451	3,674	90.2	93.1
Pembroke	5,398	5,606	837	883	6,235	6,489	86.6	86.4
Rockland	4,904	5,137	1,852	1,560	6,756	6,897	72.6	74.5
Scituate	5,538	6,116	1,320	1,030	6,858	7,146	80.8	85.6
Plymouth Cty	141,081	146,173	40,460	43,131	181,541	189,304	77.7	77.2
Massachusetts	1,570,055	1,620,712	952,339	1,003,582	2,522,394	2,624,294	62.2	61.8

Source: U.S. Census Bureau American Community Survey 5-Year Estimates for Towns and 1-Year Estimates for Plymouth County and the state.

<sup>24</sup> Figures do not reflect vacant housing units.

The 2010 the homeowner vacancy rate was 1.5%, up a bit from 0.7% in 2000 but lower than the 1990 level of 2.2% as indicated in Table 3-17. The rental vacancy rate was somewhat higher at 6.3% in 2010, which is higher than the two previous decades but lower than state and national levels. The 2018 census estimates suggest even further declines to zero percent for both owner and renter-occupied units, not even reflecting normal market turnover. These vacancy rates signal extremely tight housing market conditions as anything below 5% is considered to represent a very limited housing vacancy based primarily on normal patterns of housing turnover in the occupied housing stock (does not include seasonal properties or second homes).

**Table 3-17: Vacancy Rates, 1990-2018**

Tenure	1990	2000	2010	2018	State 2010/2018	Nation 2010/2018
Renter-Occupied	4.5%	2.2%	6.3%	0.0%	6.5%/3.6%	9.2%/6.1%
Owner-Occupied	2.2%	0.7%	1.5%	0.0%	1.5%/0.9%	2.4%/1.5%

Source: U.S. Census 1990, 2000, 2010 and American Community Survey 5-Year Estimates 2014-2018 for Scituate and 1-Year Estimates for the state and U.S.

### **3.3.3 Types of Units and Structures – New development continues to focus on single-family homes**

Census estimates, as shown in Table 3-18, indicate that the vast majority of the existing housing units are in single-family detached structures, 6,549 units or 83.4% of the housing stock in 2010, increasing to 6,914 and 84.2% in 2018. There has been some significant growth in single-family attached units, more than doubling in number between 1990 and 2018. While small multi-family units of two to four units increased between 1990 and 2012, the 2018 census estimate suggest that there has been some decline in these dwellings which are typically among the most affordable in any community given the likely flow of income. There was also some increase in five to nine-unit structures but an estimated drop-off of units in the larger multi-family stock of ten units or more. There were also no mobile homes counted as part of the 2012 and 2018 estimates, down from twelve mobile homes in 2000 and 41 in 1990.

**Table 3-18: Units in Structure, 1990 – 2018**

Type of Structure	1990		2000		2012		2018	
	#	%	#	%	#	%	#	%
1 Unit Detached	6,043	86.5	6,621	86.2	6,549	83.4	6,914	84.2
1 Unit Attached	230	3.3	291	3.8	389	5.0	521	6.3
2 to 4 Units	340	4.9	401	5.2	540	6.9	354	4.3
5 to 9 Units	229	3.3	181	2.4	150	1.9	255	3.1
10 or More Units	100	1.4	179	2.3	220	2.8	172	2.1
Other	41	0.6	12	0.2	0	0.0	0	0.0
Total	6,983	100.0	7,685	100.0	7,848	100.0	8,216	100.0

Source: U.S. Census Bureau 1990 and 2000 and American Community Survey 5-Year Estimates 2008-2012 and 2014-2018.

Census estimates indicated that the percentage of units outside of single-family detached homes was about half the level in Plymouth County at 29%. However, at 15.8% in 2018, Scituate’s level was higher than other nearby communities such as Duxbury and Hanover as shown in Table 3-19. Estimates indicate that the number of single-family detached dwellings actually declined between 2000 and 2012 in

Scituate although no major residential properties were torn down and single properties that were demolished were typically replaced by larger homes. The 2018 census estimates identify a major gain in these units to 6,914 homes.

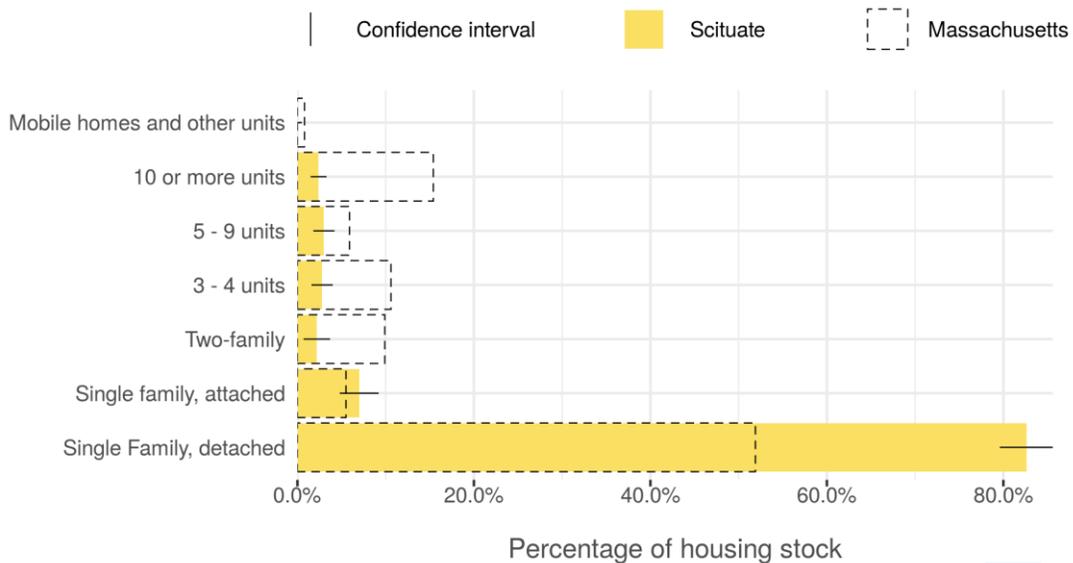
**Table 3-19: Single Family\* vs. Multi-Family Housing in Scituate and Surrounding Towns, 2000, 2012 and 2018**

Place	Single-family Detached Units			Single-family Attached and Multi-Family			Total Housing Units			% Single-family Attached and Multi-family		
	2000	2012	2018	2000	2012	2018	2000	2012	2018	2000	2012	2018
Cohasset	2,328	2,738	2,833	477	347	732	2,805	3,085	3,565	17%	11.2%	20.5%
Duxbury	4,537	5,005	5,185	808	873	837	5,345	5,878	6,022	15%	14.9%	13.9%
Hanover	3,925	4,023	4,258	520	841	720	4,445	4,864	4,978	12%	17.3%	14.5%
Hingham	7,368	6,176	6,491	1,252	2,420	2,746	7,368	8,596	9,237	17%	28.2%	29.7%
Marshfield	8,489	9,188	8,959	1,465	2,095	1,960	9,954	11,283	10,919	15%	18.6%	18.0%
Scituate	6,621	6,549	6,914	1,064	1,299	1,302	7,685	7,848	8,216	14%	26.6%	15.8%

Source: U.S. Bureau of the Census, 2000, and American Community Survey 5-Year Estimates 2010-2012 for towns and 1-Year Estimates for Plymouth County. \* Includes single-family detached dwellings.

**Figure 3-13**

Housing units by building type  
Scituate v. State



Source: U.S. Census Bureau American Community Survey, 2014-2018 5-year estimates  
Table S2504: Physical Housing Characteristics for Occupied Housing Units



Table 3-20 indicates that almost all homeowners live in single-family detached homes, however, about 40% of all renter households lived in such dwellings as well, representing 419 renters and down from 618 in 2012. This decline is likely due to rising home prices and owners deciding to live in their homes instead of choosing to rent. One-quarter of renters lived in small multi-family dwellings of two- to four units compared to 1.7% of owners. The 2018 census estimates also show that 104 of these units were

owner-occupied. There were decreases in the number of owner-occupied units in 5 to 9-unit properties between 2012 and 2019 and significant increases in rental occupancy of these dwellings. On the other hand, the reverse was true for larger multi-family properties of 10 or more units with some increase in owner-occupancy, albeit modest, and a decline in numbers of renter-occupied units.

**Table 3-20: Occupied Units in Structure by Tenure, 2012 and 2018**

Type of Structure	Owner-occupied Units				Renter-occupied Units				Total Occupied Units			
	2012		2018		2012		2018		2012		2018	
	#	%	#	%	#	%	#	%	#	%	#	%
1 Unit Detached	5,066	91.5	5,487	89.7	618	46.8	419	40.7	6,549	83.4	5,906	82.6
1 Unit Attached	275	5.0	402	6.6	57	4.3	96	9.3	389	5.0	498	10.5
2 to 4 Units	54	1.0	104	1.7	447	33.9	250	24.3	540	6.9	354	5.0
5 to 9 Units	64	1.2	25	0.4	70	5.3	191	18.5	150	1.9	216	3.0
10 or More Units	79	1.4	98	1.6	128	9.7	74	7.2	220	2.8	172	2.4
Total	5,538	100.0	6,116	100.0	1,320	100.0	1,030	100.0	7,848	100.0	7,146	100.0

Source: U.S. Census Bureau American Community Survey 5-Year Estimates 2008-2012 and 2014-2018.

Housing is getting somewhat larger as the median number of rooms per unit was 6.9 in 2012 which increased somewhat to 7.0 rooms in 2018. This suggests that the average home had about three to four bedrooms. Dwelling sizes ranged from 1,061 units or 13% with four rooms or less to 1,913 units and 23% of the housing stock with nine rooms or more, up from 1,490 units and 19% of all units in 2012.

### **3.3.4 Housing Values**

This section reviews housing market conditions through a number of data sources including the U.S. census, sales data from The Warren Group’s *Banker & Tradesman*, assessor’s records, HUD reports and Internet listings for example.

#### *Ownership*

Census data also provides information on housing values and Table 3-21 compares the distribution of these values for 2000, 2012 and 2018. The census indicated that the 2012 median house prices was \$569,900, significantly higher than the 2012 median of \$481,300. In 2000, only 39 homes were valued at less than \$100,000 with another 922 between \$100,000 and \$199,999, making up the bulk of the more affordable housing stock. By 2018, only 121 homes were valued below \$200,000. These units were likely small, in poor condition, not winterized, and/or did not represent arms-length transactions. On the other hand, in 2000 only about 10% of all units were valued at more than \$500,000 compared to 44.4% by 2012 and 61% in 2018.

Housing prices in Scituate were significantly higher than Plymouth County and state with median house values of \$356,700 and \$366,800, respectively, based on the 2018 census estimates.

**Table 3-21: Housing Values for Owner-occupied Units, 2000, 2012 and 2018**

Value	2000		2012		2018	
	#	%	#	%	#	%
Less than \$50,000	7	0.1	40	0.7	45	0.7
\$50,000 to \$99,999	32	0.6	41	0.7	51	0.8
\$100,000 to \$149,999	200	3.8	0	0.0	0	0.0
\$150,000 to \$199,999	722	13.7	67	1.2	25	0.4
\$200,000 to \$299,999	2,238	42.6	177	3.2	271	4.4
\$300,000 to \$499,999	1,538	29.3	2,758	49.8	2,005	32.8
\$500,000 to \$999,999	440	8.4	2,213	40.0	3,318	54.3
\$1 million or more	76	1.4	242	4.4	401	6.6
Total	5,253	100.0	5,538	100.0	6,116	100.0
Median (dollars)	\$276,000		\$481,300		\$569,900	

Source: U.S. Census Bureau 2000 and American Community Survey 5-Year Estimates, 2008-2012 and 2014-2018.

More updated market data is tracked by The Warren Group from Multiple Listing Service data based on actual sales. This market information is summarized in Table 3-22 for single-family homes, condos and all real estate transactions. Market prices for both single-family homes and condos climbed steadily after the recession in the 1990's, reaching the height of the market in 2005 with a median sales price of \$525,000 for single-family homes and \$510,000 for condos. After that prices declined somewhat to a low of \$410,000 and \$420,000 for single-families and condos, respectively, in 2012. It is interesting to note that while condos are significantly more affordable in most communities, this is not the case in Scituate where condo prices are fairly comparable. As of the end of 2019, the median prices for single-family homes and condos were \$599,000 and \$565,000, respectively.

**Table 3-22: Median Sales Prices, 1990 through May 2014**

Year	Months	Single-family (#)	Condo (#)	All Sales	# Sales
2019	Jan – Dec	\$599,000 (300)	\$565,000 (35)	\$599,000	362
2018	Jan – Dec	574,800 (310)	552,500 (40)	577,000	410
2017	Jan – Dec	545,000 (325)	540,000 (55)	540,000	429
2016	Jan – Dec	496,000 (316)	519,900 (41)	499,900	401
2015	Jan – Dec	492,500 (306)	509,900 (58)	491,000	397
2014	Jan – Dec	490,500 (254)	504,450 (58)	490,000	352
2013	Jan – Dec	461,000 (250)	503,500 (39)	463,750	336
2012	Jan – Dec	410,000 (261)	420,000 (37)	401,000	350
2011	Jan – Dec	436,000 (194)	420,000 (31)	425,000	261
2010	Jan – Dec	430,000 (211)	464,750 (42)	425,000	280
2009	Jan – Dec	412,500 (194)	437,500 (37)	410,000	257
2008	Jan – Dec	445,000 (219)	368,000 (23)	432,500	276
2007	Jan – Dec	500,000 (222)	427,825 (36)	495,000	293
2006	Jan – Dec	490,000 (216)	485,000 (44)	472,500	303
2005	Jan – Dec	525,000 (231)	510,000 (28)	515,000	318
2004	Jan – Dec	515,000 (233)	512,450 (38)	493,750	336
2003	Jan – Dec	465,000 (237)	504,444 (48)	475,000	340
2002	Jan – Dec	404,500 (258)	405,450 (34)	400,000	343
2001	Jan – Dec	345,000 (255)	272,500 (18)	336,250	328
2000	Jan – Dec	317,000 (212)	280,250 (30)	309,400	288

Source: The Warren Group, March 16, 2020.

The number of single-family home sales ranged from a low of 194 sales in 2009 and 2011 as a result of the recession and then to a high of 325 in 2017. For condos the lowest amount of sales activity occurred in 2001 with only 18 sales and reached a high of 58 sales in 2014 and 2015.

Table 3-23 compares median sales information for Scituate and neighboring communities as well as Plymouth County and the state in 2005, at the top of the housing market for most communities, to 2014 and 2019. This information is also visually presented for most of these communities in Figure 3-14. Scituate’s market values are somewhat in the mid-range between higher median single-family house values in Cohasset and Hingham and lower values for Abington, Hanover, Marshfield and Pembroke. It is important to note that market values have surpassed pre-recession levels for all of these communities.

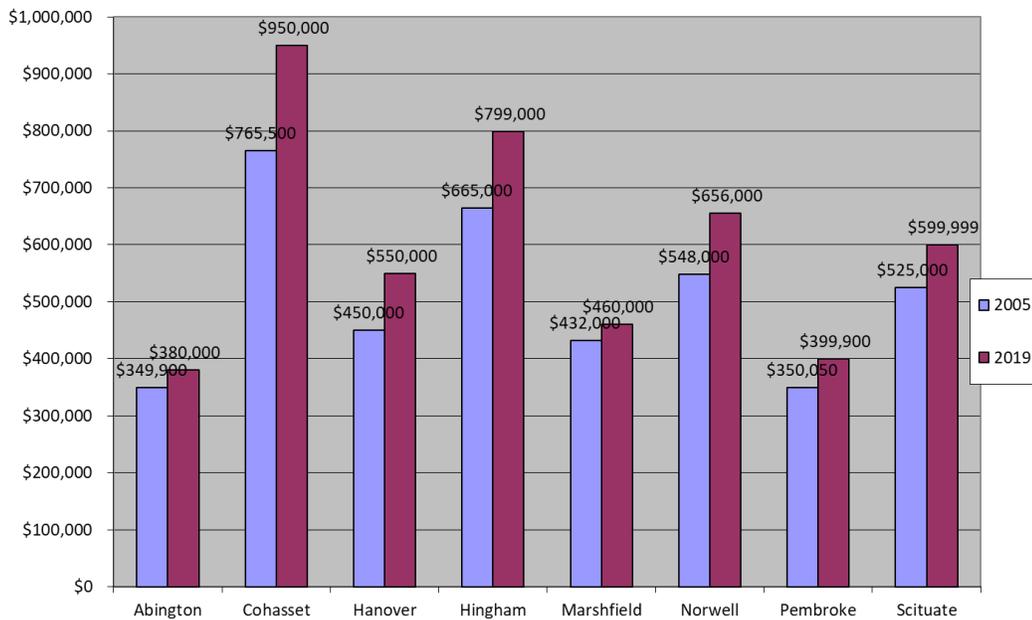
**Table 3-23: Median Home Prices for Scituate and Neighboring Communities, 2005, 2014 and 2019**

Place	Single-family Homes			Condos		
	2005	2014	2019	2005	2014	2019
Abington	\$349,900	\$305,000	\$380,000	\$314,250	\$262,500	\$319,000
Cohasset	\$765,500	\$765,000	\$950,000	\$530,000	\$451,000	\$595,000
Duxbury	\$615,500	\$560,000	\$645,000	\$405,000	\$320,000	\$389,950
Hanover	\$450,000	\$440,000	\$550,000	\$484,788	\$447,500	\$530,000
Hingham	\$665,000	\$655,000	\$799,000	\$399,950	\$665,700	\$739,500
Marshfield	\$432,000	\$364,000	\$460,000	\$420,000	\$410,000	\$300,000
Norwell	\$548,000	\$505,000	\$656,000	\$344,838	\$514,000	\$639,000
Pembroke	\$350,050	\$309,950	\$399,900	\$295,000	\$216,250	\$310,333
Rockland	\$320,000	\$268,000	\$355,000	\$259,900	\$226,500	\$280,000
Scituate	\$525,000	\$490,500	\$599,000	\$510,000	\$504,450	\$565,000
Plymouth County	\$350,000	\$308,250	\$388,000	\$269,900	\$264,900	\$310,000
Massachusetts	\$355,000	\$331,750	\$400,000	\$280,000	\$310,000	\$380,000

Source: The Warren Group’s *Banker & Tradesman*, March 16, 2020.

**Figure 3-14**

**Median Single-family Home Prices for Scituate and Its Neighbors, 2005 and 2019**



Source: The Warren Group, March 16, 2020. Prices are for single-family homes sales.

Another analysis of housing market data is presented in Table 3-24, which breaks down sales data from the Multiple Listing Service as compiled by *Banker & Tradesman* of The Warren Group for single-family homes and condominiums in Scituate in 2019.

There were 346 total sales of single-family homes and condos during this period at 313 sales and 33, respectively. Units that sold below \$300,000, and were therefore roughly affordable, included only nine single-family homes and four condos, however, it is likely that not all of these were arms-length transactions or were very small, not winterized and/or in poor condition. Almost 40% of the sales were between \$400,000 and \$600,000, and another 48% were above that level with 44 units selling for more than \$1 million including one on Border Street for \$3 million.

**Table 3-24: Single-family House and Condo Sales, 2019**

Price Range	Single-family Homes		Condominiums		Total	
	#	%	#	%	#	%
Less than \$200,000	2	0.6	2	6.1	4	1.2
\$200,000-299,999	7	2.2	2	6.1	9	2.6
\$300,000-399,999	22	7.0	5	15.2	27	7.8
\$400,000-499,999	59	18.8	4	12.2	63	18.2
\$500,000-599,999	70	22.4	7	21.2	77	22.3
\$600,000-699,999	31	9.9	10	30.3	41	11.8
\$700,000-799,999	35	11.2	3	9.1	38	11.0
\$800,000-899,999	26	8.3	0	0.0	26	7.5
\$900,000-999,999	17	5.4	0	0.0	17	4.9
\$1 million +	44	14.1	0	0.0	44	12.7
Total	313	100.0	33	100.0	346	100.0
Median Price	\$599,000		\$570,000		--	

Source: The Warren Group, *Banker & Tradesman*, March 18, 2020

Town Assessor data on the assessed values of all residential properties in Scituate is presented in Table 3-25, which provides insights into not only the diversity of the existing housing stock but also the range of values for each dwelling type. This information is also visually displayed in Figure 3-15, confirming that there are few residential properties that are valued in the affordable range below \$200,000, only 59 or less than 1% of all properties in Scituate, the bulk of which are condominiums on New Kent Street or Meeting House Lane. Additionally, there were only 116 units assessed between \$200,000 and \$300,000, down from 554 in FY14. The majority of properties were valued between \$400,000 and \$600,000 and the median single-family house was assessed at \$523,100, up from \$417,600 in FY14. There were quite a few residences assessed in the higher ranges as 21.4% of residential structures were valued above \$700,000, compared to 11.2% in FY14, and of these 6.8% were valued at more than \$1 million compared to 2.5% in FY14. Figure 3-15 shows this shift towards higher market values between FY 14 and 20.

Condominiums represent a relatively small segment of Scituate’s housing stock with 616 units, up from 524 units a few years ago. A substantial number of these condos are located near the water in Scituate Harbor and largely fetching prices of more than \$500,000, beyond the means of most Scituate residents. The median assessed condo value was \$514,400, significantly higher than \$393,900 in FY14.

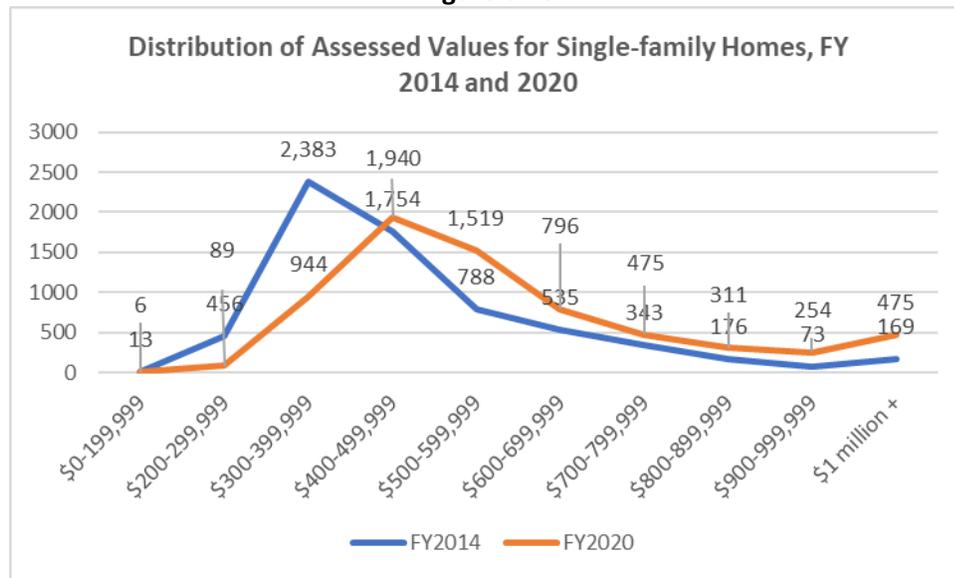
**Table 3-25: Assessed Values of Residential Properties, FY20**

Assessment	Single-family Dwellings		Condominiums		Multi-family Dwellings*		Total	
	#	%	#	%	#	%	#	%
0-\$199,999	6	0.1	53	8.6	0	0.0	59	0.8
\$200,000-299,999	89	1.3	25	4.1	2	1.0	116	1.5
\$300,000-399,999	944	13.9	111	18.0	11	5.3	1,066	14.0
\$400,000-499,999	1,940	28.5	106	17.2	47	22.7	2,093	27.4
\$500,000-599,999	1,519	22.3	165	26.8	43	20.8	1,727	22.6
\$600,000-699,999	796	11.7	110	17.9	32	15.5	938	12.3
\$700,000-799,999	475	7.0	12	1.9	26	12.6	513	6.7
\$800,000-899,999	311	4.6	12	1.9	11	5.3	334	4.4
\$900,000-999,999	254	3.7	2	0.3	10	4.8	266	3.5
Over \$1 million	475	7.0	20	3.2	25	12.1	520	6.8
Total	6,809	100.0	616	100.0	207	100.0	7,632	100.0

Source: Scituate Town Assessor, Fiscal Year 2020.

\* Includes two-family, three-family, and multiple homes on one lot.

**Figure 3-15**



There are relatively few multi-family properties in Scituate. Assessor’s data indicate that there were 207 properties involving two-family or three-family structures and multiple houses on a single lot. Two-family dwellings included 106 properties, or 212 units, down from 135 properties and 270 units in FY14. In FY20 the median value was \$562,200, higher than the FY14 median of \$460,100.

There are eight (8) four to eight-unit properties that ranged in value between \$554,500 and \$1,723,200. An additional two structures had more than eight units with values of \$1,364,200 and \$7,047,500, down from three such properties listed in FY14. These larger multi-family properties do not include subsidized developments that are owned by the Scituate Housing Authority for example. Assessor’s records also list 67 mixed residential and commercial properties that range in value from \$380,200 to almost \$2.2 million.

### Rentals

Data on the costs of rental units from 1980 through 2018 is included in Table 3-26. The 2018 census estimates indicated that there were 1,030 occupied rental units in Scituate, of which more than 50% had rents above \$1,000 with a median gross rental of \$1,158, up from \$934 in 2012. The median rent for the county was \$1,227 in 2018, higher than the median for Scituate. Because almost all of Scituate’s Subsidized Housing Inventory consists of rental units, about one-third of the Town’s existing occupied rental stock, or 337 units, is publicly assisted and as such has restricted below market rents, thus skewing gross rental figures considerably.

**Table 3-26: Rental Costs, 1980-2018**

Gross Rent	1980		1990		2000		2012		2018	
	#	%	#	%	#	%	#	%	#	%
Under \$200	182	19.5	176	15.6	51	4.5	0	0.0	72	7.0
200-299	128	13.7	72	6.4	105	9.3	48	3.6	131	12.7
300-499	389	41.6	139	12.3	93	8.3	159	12.0	121	11.7
500-749	151	16.2	229	20.3	236	20.9	278	21.1	28	2.7
750-999			175	15.5	248	22.0	172	13.0	45	4.4
1,000-1,499			234	20.8	128	9.7	312	30.3		
1,500 +			81	7.2	444	33.6	225	21.8		
No cash Rent	84	9.0	68	6.1	79	7.0	91	6.9	96	9.3
Total	934	100.0	1,126	100.0	1,127	100.0	1,320	100.0	1,030	100.0
Median rent	\$348		\$627		\$809		\$946		\$1,158	

Source: U.S. Census Bureau 1980, 1990, 2000 and American Community Survey 5-Year estimates 2008-2012 and 2014-2018.

About half of the rentals involve single-family dwellings, and summer rentals are fetching prices of more than \$3,000 per week near the water. Scituate also has a fairly active winter market with rentals available between October and May on desirable properties near the water that are rented for typically much more per week in the summer than they are priced per month during the off-season. For example, a three-bedroom, 1.5-bath home was listed for \$2,700 per month in the winter and \$4,000 in the summer.

Like housing values for homeownership units, rental values tend to be underestimated in the census data and actual market rents are typically much higher. Table 3-27 provides information on rental listings and indicates that there were no apartments listed for less than \$1,600 per month and summer rentals for waterfront locations fetch as much as \$12,000 per week. The Trulia website identified the median rent over the previous 12 months as of March 18, 2020 at \$2,716.

The federal government also issues Fair Market Rents (FMRs) annually that provide limits that can be charged for government-assisted housing including Section 8 Housing Choice Vouchers. The 2019 FMRs for the Boston metropolitan area by unit size include: efficiency = \$1,394; one-bedroom = \$1,561; two-bedroom = \$1,902; three-bedroom = \$2,383; and four-bedroom = \$2,571. Because Scituate rents are so high, it is becoming increasingly difficult for voucher holders to locate qualifying units in the community.

**Table 3-27: Sample Rental Listings**

# Bedrooms	# Baths	Square Footage	Rent	Type
1	1	860	\$1,475	Year-round in multi-family property
1	1	525	\$1,600	Year-round in small multi-family property
2	1.5	1,100	\$1,800	Winter rental in 2-unit house
2	1	800	\$2,000	Year-round in small ranch
2	1	1,028-1,555	\$2,700	Year-round at Village at Greenbush
2	2	1,200	\$2,700	Winter rental of small single-family house
2	2	NA	\$3,500	Year-round at Mill Wharf Plaza
3	2	NA	\$2,500	Year-round in small single-family house
3	1	864	\$2,500	Year-round in cottage
3	1.5	NA	\$2,500	Year-round of small Cape
3	1	NA	\$2,550	Year-round to share with new owners
3	2.5	1,670	\$3,000	Weekly rental
4	2	1,800	\$2,800	Year-round rental of a single-family house
4	2.5	2,280	\$3,000	Year-round rental of a single-family ranch
5	3	NA	\$4,000	Winter rental of a single-family house

Sources: Internet Listings, March 2020.

### 3.3.5 Affordability Analysis

As housing prices escalate the affordability gap widens which is the difference between the cost of housing and the proportion of income that is reasonable to pay for housing, typically defined as 30% of gross income. High and increasing housing values for both ownership and rental units make it extremely challenging for those who do not have a substantial income and cash on hand to enter the housing market in Scituate as demonstrated in the following analysis.

#### *Single-family Ownership*

To afford the median sales price of a single-family home of \$599,000 as of the end of 2019, a household would have to earn an estimated \$130,450 based on 80% financing.<sup>25</sup> This income is significantly higher than the median household income for the Town per 2018 census estimates of \$116,750.

This median income earning household could likely afford a home costing about \$536,000. *The affordability gap is then about \$63,000 - the difference between the price of the median priced single-family home (\$599,000) and what a median income household can afford (\$536,000).* These calculations are also based on the ability of the purchasers to secure sufficient cash to afford 80% mortgage financing with down payment and closing costs of about \$125,000. Consequently, first-time purchasers without equity from previous homes can be squeezed out of the homeownership market without

<sup>25</sup> Figures based on 80% financing, interest of 4.0%, 30-year term, annual property tax rate of \$13.50 per thousand, and insurance costs of \$6 per thousand for single-family homes and \$4 per thousand for condos. Also based on the purchaser spending no more than 30% of gross income on mortgage, property taxes and property insurance.

substantial savings, gifts from family, or a subsidized mortgage like the ONE Mortgage Program of MassHousing offerings.

The affordability gap widens to \$298,500 if the analysis focuses on those low- and moderate-income households earning at or below 80% of area median income, or \$86,650 for a family of three, who can afford a house costing no more than about \$300,500.<sup>26</sup> Few single-family homes remain within this purchase price and it is likely that many of these units are small and require significant improvements. Moreover, further price increases in the housing market will push more and more properties outside of this price range.

It is important to note that this cost analysis is based on the maximum HUD limits for a household earning at 80% AMI, not the affordable purchase price that would be calculated according to a state formula used in the Local Initiative Program (LIP) that is based on a household earning at 70% AMI to allow for a marketing window. This price is closer to \$260,000 for a single-family home.

#### *Condominiums*

The median condo price was \$565,000 as of the end of 2019, which would require an income of approximately \$131,275 and thus likely not even affordable to a household earning at median income level. These calculations assume a monthly condo fee of \$300 and once again that the household is not paying more than 30% of its income on housing expenses.<sup>27</sup>

A median income household earning \$116,750 could afford a condo of about \$496,000 and thus the affordability gap is an estimated \$69,000 based on the assumption of 80% financing and upfront down payment and closing costs of more than \$100,000. The gap widens to \$237,000 for a household earning at 80% of area median income which can afford a condo for about \$259,000 assuming they were able to qualify for a subsidized mortgage through the state's ONE Mortgage Program or a MassHousing mortgage for example.

Table 3-28 provides a breakdown of the approximate number of single-family units and condominiums existing within various affordability ranges. According to Assessor's data, there are few single-family homes that are affordable to households earning at or below 80% of area median income (AMI) based on a household of three, only 123 units. Many of these units were likely in poor condition, very small, and/or not winterized. On the other hand, more than half of the units might have been affordable to households with incomes between the 80% AMI level and the Town's median income of \$116,750.

An estimate 64 or 10% of condos were potentially affordable to those earning less than 80% AMI (based on a household of three) and another 37%, or 228 units, were affordable to those earning between 80% AMI and Scituate's median household income of \$116,750. **About half of both single-family homes and condos were beyond the reach of those earning below the median household income level.**

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<sup>26</sup> This analysis assumes the ability of the purchaser to obtain subsidized mortgage financing from the ONE Mortgage Program or MassHousing mortgage offerings. Therefore, no private mortgage insurance (PMI) was included in the calculations and 95% mortgage financing was assumed. It also uses the HUD income limit for a three-person household earning at 80% AMI as the average household size in Scituate was 2.57 persons based on census data.

<sup>27</sup> Figures based on 80% financing, interest of 4.0%, 30-year term, annual property tax rate of \$13.50 per thousand, and insurance costs of \$4 per \$1,000. Also based on an estimated \$300 per month in condo fees and the purchaser spending no more than 30% of gross income on housing costs.

**Table 3-28: Affordability of Single-family Homes and Condominiums, 2020**

Price Range Single-family Home/ Condo	Affordability Range Single-family/Condos	Single-family Homes		Condominiums	
		#	%	#	%
Less than \$300,500/ \$259,000	Less than 80% (At or below \$86,650)	123	1.8	64	10.4
\$300,501 - \$536,000/ \$259,000 - \$496,000	80% - median income (\$86,651 – \$116,750)	3,499	51.4	228	37.0
More than \$536,000/ \$496,000	More than median income (More than \$116,750)	3,187	46.8	324	52.6
<b>Total</b>		<b>6,809</b>	<b>100.0</b>	<b>616</b>	<b>100.0</b>

Source: Town of Scituate Assessor’s Database for Fiscal Year 2020. Please note that as a standard practice, assessed value is assumed to be 93% of actual value or potential sale price. Median income for Scituate based on U.S. Census Bureau’s American Community Survey 5-Year Estimates for 2014-2018. Figures based on 80% financing, interest of 4.0%, 30-year term, annual property tax rate of \$13.50 per thousand, and insurance costs of \$6 per thousand for single-family homes and \$4 per thousand for condos. Also based on an estimated \$300 per month in condo fees and the purchaser spending no more than 30% of gross income on housing costs.

*Owner-Occupied Two-Family House*

The owner-occupied, small multi-family house is considerably more affordable than the single-family home or condo due to the income that is generated from the rental unit. Because lenders calculate about 75% of rental income in mortgage underwriting criteria, these structures are more accessible to lower income households. For example, the median valued two-family house in Assessors data was \$562,200 in FY20, requiring an income as low as \$68,500 based on 80% mortgage financing and the ability to come up with at least \$120,000 in down payment and closing costs.<sup>28</sup> This analysis also assumes a rent of \$1,800. Assuming the purchasers could obtain a mortgage with 95% financing, the calculations add the costs of private mortgage insurance and the income required would be about \$90,000.

*Rentals*

In regard to rentals, the gross median rent of \$1,158, reported by the 2018 census estimates, requires an income of about \$44,640 assuming average monthly utility bills of about \$200 and the tenant spending no more than 30% of household income on housing. This median rent underestimates market rents considerably because it includes subsidized rents affecting approximately one-third of all rental units.

Actual listings of rental units ranged considerably but were significantly higher as shown in Table 3-27. The Trulia website indicates a median monthly rent of \$2,716 which would require an income of about \$116,600, again assuming average monthly utility costs of \$200 and spending no more than 30% of income on housing. This income is comparable to the Town’s median household income of \$116,750 per the 2018 census estimates but substantially higher than the 2020 HUD income limit for a household of three at \$86,650. It is also more than four times the median renter household income of \$26,792.

<sup>28</sup> Figures based on 80% financing, interest of 4.0%, 30-year term, annual property tax rate of \$13.50 per thousand, and insurance costs of \$6 per \$1,000. Also based on an estimated rent of \$1,800 per month (75% or \$1,350 used in calculations) and the purchaser spending no more than 30% of gross income on housing costs.

### *Cost Burdens*

It is also useful to identify numbers of residents living beyond their means based on their existing housing costs. The census provides data on how much households spent on housing whether for ownership or rental. Such information is helpful in assessing how many households are encountering housing affordability problems, defined as spending more than 30% of their income on housing. As homes continue to emerge on the market with sale tags of more than \$600,000, fewer existing longer-term residents will be able to afford them. However, it is important to recognize that those who have owned their homes for some time are likely to have gained significant assets, particularly through the escalating value of their land, despite potentially limited incomes – those who are “equity rich but cash poor”.

The 2018 census estimates identified 1,855 Scituate homeowners, or 30.3% of all owners, who were spending more than 30% of their income on housing that included 756 or 12.4% with severe cost burdens, traditionally defined as spending more than half of their income on housing. Of these severely cost-burdened owners, about 68% had mortgages while the remaining 32% did not.

Of renter households, the 2018 census data indicated that 385 or 37.4% were spending more than 30% of income on housing costs of which 290 households, or 28.3%, were experiencing severe cost burdens.

This data suggests that 2,240 households or 31.3% of all Scituate households were living in housing that by common definition was unaffordable with 1,046 or 14.6% of all households spending more than half of their income on housing.

The U.S. Department of Housing and Urban Development (HUD) provides data on housing cost burdens as well. Table 3-29 summarizes this information for 2016 (the latest report available). The data is based on the U.S. Census Bureau’s American Community Survey Five-Year Estimates for 2012-2016. The table includes how many households were included in the particular category (by income, tenure and household type), how many were spending between 30% and 50% of their income on housing, and how many were spending more than half of their income on housing costs. For example, the first cell indicates that there were 235 elderly renter households (age 62 or older) estimated to be earning at or below 30% of median income that includes 35 spending between 30% and 50% of their income on housing and 95 spending more than half. **Altogether, an estimated 31% of all Scituate households were experiencing cost burdens, 14% with severe cost burdens.**

Findings generally point to significant numbers of cost burdened households including 75% of all households earning at or below 80% MFI<sup>29</sup> spending too much and 45% spending more than 50% of their income on housing.

This HUD report further suggests the following:

#### *Renter Households*

- Of the 629 renter households earning at or below 80% MFI, about 48% were seniors, 20% small families (2 to 4 related household members), and 30% were singles under age 62. Of these, 48%, 71%, and 82% were overspending, respectively.
- There were only four large family households (5 members or more) identified as earning at or below 80% MFI, none with cost burdens, indicating that there was a very limited supply of larger

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<sup>29</sup> Median family income (MFI) in this report is comparable to area median income (AMI).

rentals to accommodate these lower income families and/or that these households have had to look beyond Scituate to find suitable housing.

- Of the 629 renters earning at or below 80% MFI, 399 were not overspending on their housing with many likely occupying some of the Town’s 302 subsidized rental units and private housing supported by ten rental subsidies.
- Of particular concern are the 95 seniors, 50 small families and 105 younger single individuals who were spending more than half of their income on housing costs and had incomes of less than 30% MFI. This sends a strong signal of the need for additional subsidized rental housing, particularly smaller units.

**Table 3-29: Type of Households by Income Category and Cost Burdens\*, 2016**

Type of Household**	Households Earning < 30% MFI/# with cost burdens*	Households Earning > 30% to < 50% MFI/ # with cost burdens*	Households Earning > 50% to < 80% MFI/# with cost burdens*	Households Earning > 80% MFI and 100% MFI/ # with cost burdens*	Households Earning > 100% MFI/ # with cost burdens*	Total/# with cost burdens*
Elderly Renters	235/35-95	40/15-0	25/0-0	45/10-0	35/0-0	380/60-95
Small Family Renters	85/0-50	30/4-25	10/0-10	15/0-0	85/0-0	225/4-85
Large Family Renters	0/0-0	4/0-0	0/0-0	0/0-0	35/0-0	39/0-0
Other Renters	140/0-105	10/10-0	50/50-0	60/10-0	55/0-0	315/70-105
<b>Total Renters</b>	<b>460/35-250</b>	<b>84/29-25</b>	<b>85/50-10</b>	<b>120/20-0</b>	<b>210/0-0</b>	<b>959/134-285</b>
Elderly Owners	285/85-190	475/195-165	230/75-45	100/15-0	950/80-0	2,040/450-400
Small Family Owners	60/0-45	80/4-60	105/45-45	280/160-30	2,275/200-10	2,800/409-190
Large Family Owners	0/0-0	30/15-15	15/0-15	65/50-0	545/35-0	655/100-30
Other Owners	35/20-10	30/0-30	20/10-0	15/15-0	175/10-10	275/55-50
<b>Total Owners</b>	<b>380/105-245</b>	<b>615/214-270</b>	<b>370/130-105</b>	<b>460/240-30</b>	<b>3,945/325-20</b>	<b>5,770/1,014-670</b>
<b>Total</b>	<b>840/140-495</b>	<b>699/243-295</b>	<b>455/180-115</b>	<b>580/260-30</b>	<b>4,155/325-20</b>	<b>6,729/1,148-955</b>

Source: U. S. Department of Housing and Urban Development (HUD), SOCDS CHAS Data, 5-Year Estimates, 2012-2016.

MFI indicates median family income which is the equivalent of area median income.

\*Cost burdens indicate that households are spending too much on their housing. The first number after the / is the number of those spending between 30% and 50% of their income on housing. The second number after the dash is the number of households spending more than 50% of income on housing costs.

\*\*Large-family households are defined as having five (5) or more members, small families with two (2) to four (4) members.

The “other” category includes non-family and non-elderly households composed of single individuals less than 62 years of age.

Elderly includes those households with the head of the household age 62 years or older.

#### *Owner Households*

- A significant portion of the cost burdens have been occurring in the owner-occupied housing stock with 1,069 or 78% of all homeowner households earning at or below 80% MFI paying too much and 620 or 45% paying more than half of their income on housing.
- Of the 380 homeowners earning at or below 30% MFI, 350 or 92% were spending too much, including 245 or 64% spending more than 50% of their income on housing costs.
- There was also a high proportion of households with cost burdens in the 30% to 50% MFI income range including 76% of all seniors and 80% of small families as well as all of the large families and younger single individuals.

### Foreclosures

In regard to those who are experiencing housing affordability issues that are serious enough to potentially lead to mortgage *foreclosures*, it appears that foreclosure activity has not been tapering off significantly with 13 petitions to foreclose and 14 actual auctions in 2019 and two petitions and seven auctions through April 6, 2020. This level of foreclosures is not a notable improvement from the eight auctions and 15 petitions to foreclose in 2012, 11 auctions and 11 petitions in 2011, and ten auctions and 11 petitions in 2010. There were only two petitions in 2009 and no foreclosure activity in 2008.

### 3.4 Subsidized Housing Inventory (SHI)

While some units in Scituate’s private housing market may still be relatively affordable, albeit very limited, there are specific housing units that the state defines as affordable based on Chapter 40B regulations and guidelines. Affordability requirements as well as the current inventory of affordable units in Scituate and pending developments that include affordable units are summarized below.

#### 3.4.1 Definition of Affordable Housing

There are a number of definitions of affordable housing as federal and state programs offer various criteria. For example, the federal government identifies units as affordable if gross rent (including costs of utilities borne by the tenant) is no more than 30% of a household’s net or adjusted income (with a small deduction per dependent, for child care, extraordinary medical expenses, etc.) or if the carrying costs of purchasing a home (mortgage, property taxes and insurance) is not more than 30% of gross income. If households are paying more than these thresholds, they are described as experiencing housing affordability problems or cost burdens; and if they are paying 50% or more for housing, they have severe housing affordability problems or cost burdens. State Chapter 40B requirements look at gross income in determining eligibility.

Affordable housing is also defined according to percentages of median income for the area, and most housing subsidy programs are targeted to particular income ranges depending upon programmatic goals. These income limits are included in Table 3-29. Extremely low-income housing is directed to those earning at or below 30% of area median income as defined by the U.S. Department of Housing and Urban Development (\$34,550 for a family of three for the Boston area) and very low-income is defined as households earning more than 30% up to 50% of area median income (\$57,600 for a family of three). Low-income generally refers to the range between 51% and 80% of area median income (\$86,650 for a family of three).<sup>30</sup>

**Table 3-29: 2020 HUD INCOME LIMITS FOR THE BOSTON AREA**

# Persons in Household	30% of Area Median Income	50% of Area Median Income	80% of Area Median Income
1	\$26,850	\$44,800	\$67,400
2	\$30,700	\$51,200	\$77,000
3	\$34,550	\$57,600	\$86,650
4	\$38,350	\$63,950	\$96,250
5	\$41,450	\$69,100	\$103,950
6	\$44,500	\$74,200	\$111,650
7	\$47,600	\$79,300	\$119,350
8+	\$50,650	\$84,450	\$127,050

<sup>30</sup> The family of three (3) is illustrated here and is used in affordability calculations as the average household size was 2.62 persons per the 2010 census and census estimates from the American Community Survey for 2014-2018 indicated an average of 2.57 persons.



Source of Report: Competitive Bidding Implementation Contractor (CBIC)  
Run Date: 7/18/2011

In counting a community’s progress toward the 10% affordability threshold, the state counts a housing unit as affordable if it is subsidized by state or federal programs that support low- and moderate-income households at or below 80% of area median income under Chapter 774 of the Acts of 1969, which established the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B). Additionally, most state-supported housing assistance programs are targeted to households earning at or below 80% of area median income, as well as some at lower income thresholds.

In general, programs that subsidize rental units are directed to households earning less than 50% or 60% of area median income with some lower income requirements at the 30% AMI level. First-time homebuyer programs typically apply income limits of up to

80% of area median income. Community Preservation Funds can be used for households earning up to 100% AMI but units directed to those earning above 80% AMI cannot be counted as part of the Subsidized Housing Inventory and thus towards the 10% state affordability threshold or annual housing production goals. It is worth noting that approximately one-third of Scituate households (or about 2,300 households) might have potentially qualified for housing assistance as their incomes were at or below 80% of area median income defined by the U.S. Department of Housing and Urban Development (HUD) or \$73,000 for a family of three in 2018 without reference to existing assets.<sup>31</sup>

### 3.4.2 Current Inventory

The state counts 358 affordable housing units as part of Scituate’s Subsidized Housing Inventory (SHI), representing 5.0% of the 7,163 units in the community’s year-round housing stock, up from 4.33% in 2014. These units by development are listed in Table 3-30. There is currently a gap of 358 affordable units to reach the state’s 10% affordability goal under Chapter 40B. However, when the 2020 census figures are released the number of year-round units will increase but given pipeline projects the SHI percentage will likely stay about the same.

<sup>31</sup> While these households’ incomes might be at or below 80% of area median income, many households are likely to have assets that are more than the allowable state or federal standards that would disqualify them from housing assistance.

It should also be noted that in Chapter 40B rental developments all units count as part of the SHI while only the 25% actual affordable units in homeownership developments are eligible for inclusion in the SHI.

**Table 3-30: Scituate’s Subsidized Housing Inventory (SHI)**

<b>Project Name</b>	<b>Type</b>	<b>Affordable Units</b>	<b>Affordability Expires</b>	<b>Built with a 40B permit</b>	<b>Subsidizing Agency/ Management Entity</b>
Central Park	Rental/Seniors and Disabled	51	Perpetuity	No	HUD/SHA
Lincoln Park	Rental/Seniors and Disabled	40	Perpetuity	No	DHCD/SHA
Wheeler Park I	Rental/Seniors and Disabled	40	Perpetuity	No	DHCD/SHA
Wheeler Park II	Rental/Seniors and Disabled	78	Perpetuity	No	DHCD/SHA
Curt Merritt Bldg.	Rental/Special Needs	8	Perpetuity	No	DHCD
Gene Burns House	Rental/Special Needs	4	2035	No	EOHHS/HUD
Kent Village	Rental/Family	64	2033	Yes	MassHousing/ Corcoran
Vernon Road	Rental/Special Needs	4	2027	No	EOHHS
Fairway Village	Ownership/ HOP	4	Perpetuity	No	DHCD
Whitcomb Pines	Ownership	<b>3/10</b>	Perpetuity	Yes	MassHousing
DDS Group Homes	Special Needs	<b>13/18</b>	NA	No	DDS
Carrie Litchfield Ln.	Ownership	1	Perpetuity	No	DHCD
<b>Lawson Green (Central Park Ext.)</b>	<b>Rental</b>	<b>30</b>	<b>Perpetuity</b>	<b>Yes</b>	<b>DHCD</b>
<b>Greenbush Station</b>	<b>Rental</b>	<b>4</b>	<b>Perpetuity</b>	<b>No</b>	<b>DHCD</b>
<b>Nelson Road</b>	<b>Ownership</b>	<b>1</b>	<b>Perpetuity</b>	<b>No</b>	<b>DHCD</b>
<b>Stockbridge Road</b>	<b>Ownership</b>	<b>1</b>	<b>Perpetuity</b>	<b>No</b>	<b>DHCD</b>
<b>TOTAL</b>		<b>310/358</b>			

Source: Massachusetts Department of Housing and Community Development (DHCD), June 30, 2014 with changes in bold as of May 7, 2020. SHA = Scituate Housing Authority

About 58% or 209 of the SHI units, were created for the elderly or disabled and are owned and operated by the Scituate Housing Authority (SHA). Table 3-31 indicates the large number of applicants on the waitlists. Numbers increased from 254 in July 2014 to 1,341 by June 2020. Waits for a unit at Central Park are typically at least four years and as units turnover at Lincoln and Wheeler Park, they are usually occupied by those with emergency housing needs. This means that local residents rarely are able to live in the development. Approximately 10% of all SHA applicants are local residents.

**Table 3-31: Scituate Housing Authority Wait Lists and Turnover Rates**

Development	Type of Unit	Total # on Waitlist	Local Residents On Waitlist	Turnover
Lincoln Park Wheeler I and II/ State Funded	Elderly 60+	628	69	The state maintains a Centralized waitlist. Vacancies currently filled largely by emergencies.
	Disabled (Under 60 years of age)	593	17	
Central Park/ Federally Funded	Elderly 62+	97	49	More than 4 years
	Disabled (Under Age 62)	24	10	More than 4 years
		1,342	145	

Source: Scituate Housing Authority July, 2014.

The Scituate Housing Authority has administered a single Section 8 Housing Choice voucher in the past which has been administratively inefficient but has been able to pass on this responsibility to the Marshfield Housing Authority. Most of the rental subsidies for the South Shore region are managed by the regional nonprofit, Housing Solutions for Southeastern Massachusetts, Inc. (formerly South Shore Housing Corp.). This rental assistance for Scituate includes four Section 8 Housing Choice Vouchers which subsidizes qualifying households in privately-owned housing by filling the gap between a percentage of the household’s income and the Fair Market Rent (FMR). The FMR’s are calculated by HUD annually and listed in Section 3.3.4.

Other SHI developments include:

- Fairway Village*  
This project was Scituate’s first condominium development directed to first-time homebuyers. Four affordable units were constructed within this twelve-unit development. A lottery with 181 pre-approved applicants was held by the Scituate Housing Authority to select the purchasers, representing substantial demand for this type of housing in Scituate.
- Whitcomb Pines*  
Whitcomb Pines includes 40 units of ownership housing on Mann Lot Road with ten affordable units. The project was permitted through Chapter 40B.
- Carrie Litchfield Lane*  
This project includes an affordable homeownership unit that was acquired by the Scituate Affordable Housing Trust and sold via lottery to a qualifying purchaser.
- Greenbush Station*  
This mixed-use project at 50 Country Way was developed under the Town’s Village Business Overlay District bylaw near the Greenbush commuter rail station. The project includes 30 total rental units with four affordable ones based on the bylaw’s inclusionary requirement of 15% affordability. All of the units are currently occupied.

- *Nelson Road*  
The Affordable Housing Trust also acquired a property on Nelson Road that has been converted into an affordable homeownership unit.
- *Lawson Green Apartments*  
The Town approved this Chapter 40B rental development on Central Park Drive with 30 units for seniors as part of an extension of the Scituate Housing Authority's Central Park development. The Town contributed \$1.9 million in CPA funding including \$600,000 from the Affordable Housing Trust Fund towards \$8.2 million in total development costs at the 2017 Annual Town Meeting. The project is currently under construction with occupancy projected for early 2021.



- *Home on Stockbridge Road*  
A home on Stockbridge Road, which was built on one of two lots owned by the Scituate Affordable Housing Trust as part of a 41B development agreement, was also sold via lottery to a qualified applicant.

There are additional units that should also qualify for counting as part of the SHI including:

- *Greenbush Mixed-use Project*  
Another mixed-use project has also been built under the Town's Mixed Use Development bylaw near the Greenbush rail station. The site includes a portion of a parking lot that was auctioned by the MBTA and includes 78 rental units of which 15% or 12 units are affordable. It has been permitted and construction is planned to begin this summer.
- *Walden Woods*  
Another 28 condominium units with seven affordable units were built off of Stenbeck Place through an approved comprehensive permit. This development was approved in 2003 after several appeals were finally resolved.

These projects include 19 total units and will bring the total number of SHI units to 377 with a 5.3% level of affordability.

Scituate has actually made somewhat less progress towards meeting the 10% state goal in comparison to many of its neighbors as indicated in Table 3-32 and Figure 3-16. While only Pembroke was close to producing enough affordable units to meet the 10% state target and Hingham had surpassed 6% in 2013, by 2017 all the communities were beyond the 6% level with the exception of Scituate and Marshfield. Moreover, Cohasset, Hanover and Hingham had surpassed the 10% state goal due to large 40B rental developments.

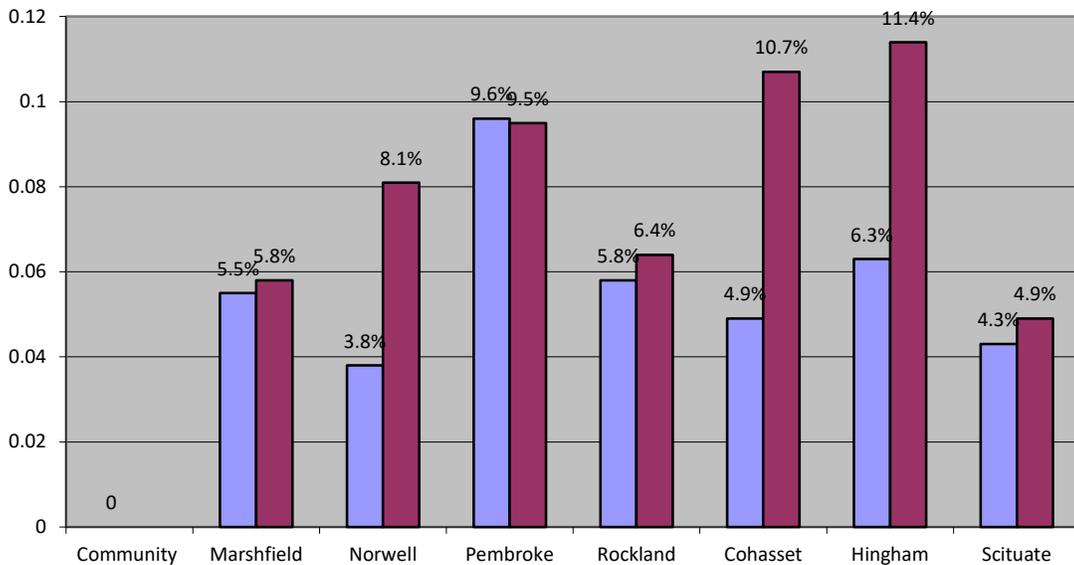
**Table 3-32: Level of Affordable Housing, Scituate and Neighboring Communities, 2013/2017**

Town	# Year-round units	# Affordable Units	% Affordable Units
Abington	6,364	478/485	7.5%/7.6%
Cohasset	2,898	141/311	4.9%/10.7%
Duxbury	5,532	188/410	3.4%/7.4%
Hanover	4,832	441/575	9.1%/11.9%
Hingham	8,841	557/1,005	6.3%/11.4%
Marshfield	9,852	554/572	5.5%/5.8%
Norwell	3,652	139/297	3.8%/8.1%
Pembroke	6,477	619/616	9.6%/9.5%
Rockland	7,030	411/450	5.8%/6.4%
Scituate	7,163	310/352	4.3%/4.9%

Source: Massachusetts Department of Housing and Community Development, April 30, 2013/September 14, 2017 (latest state report available)

**Figure 3-16**

**Level of Housing Affordability, 2013/2017**



### 3.4.3 Pending or Proposed Projects

There are a number of residential housing developments that are in the conceptual, planning or regulatory approval process, in litigation, or under construction that have not yet been included in the SHI. These units include 359 potential additional affordable housing units that would increase the SHI, doubling the number of SHI units and bringing the Town to the 10% level based on the 2010 census data for year-round units.

- *Herring Brook Meadow*  
This comprehensive permit project is located off Route 3A with a total of 60 rental units, all of which will be eligible for inclusion in the SHI. The project is currently under construction.
- *Stockbridge Landing*  
This project on Stockbridge Road was initially referred to as Stockbridge Woods and initially involved 69 units under an approved Chapter 40B comprehensive permit that included 48 garden-style apartment units in a single multi-story building and 21 single-family homes. The project has been reconfigured to include 74 condominiums with 19 affordable ones and is currently under construction.
- *Route 3A and Booth Hill Road Property*  
The owners of a property located across from the Public Safety Facility have entered into preliminary discussions with the Town about a potential 250-unit rental development. One of the outstanding issues involves the resolution of septic/sewer infrastructure challenges.
- *Parcel Behind Library*  
The Town owns a parcel behind the Library that has been discussed as a possible location for the Senior Center but has also been suggested as a location for some amount of affordable housing.
- *Senior Center*  
The Town is planning on selling the existing Senior Center and any new development on the site might potentially include affordable housing.
- *New Kent Street and Driftway Parcel*  
This seven-acre parcel was conveyed by the Town of Scituate to the Scituate Housing Authority. The Housing Authority explored a multi-family development in the past. The site has long been zoned for the development of affordable multi-family housing and has been confirmed suitable for development of up to 30 housing units based on predevelopment engineering work.
- *Land Swap*  
A swap of the New Kent Street and Driftway property (see below) for another parcel in the vicinity of Central Park has also been discussed as a possibility for affordable housing.

The Town also approved a 152-unit cluster development (age restricted) and five single-family homes (not age restricted) on the east and west sides of Hatherly Road at the old Proving Grounds. While this development demonstrates progress in promoting smart growth development, it will not include any affordable units.

### **3.5 Priority Housing Needs**

As the affordability analysis indicates in Section 3.3.5 above, significant gaps remain between what many current residents can afford and the housing that is available. In fact, the current housing market, both ownership and rental, is becoming increasing beyond the means of those earning at Scituate's median income level and low- and moderate-income households are hard-pressed to find a unit they can afford in the community unless it is subsidized. As prices continue to increase, it is likely that some current Scituate residents such as renters, first time homebuyers, those with special needs, and the

elderly will no longer be able to afford to live in town even though they may have lived in the community for many years.

In an effort to obtain information on unmet local needs, the then operating Scituate Housing Partnership prepared a housing survey for distribution to a random sample of Scituate households and conducted a statistical analysis of the results in 2004. The project also involved several public forums where municipal and school employees, housing advocates, human service providers, developers, and real estate brokers were invited, in addition to community residents, to discuss a range of issues related to housing. While this survey was conducted more than 15 years ago, it would not be surprising that many if not most of the following survey findings still resonate with today's housing conditions:

- Housing is too expensive for first-time homebuyers.
- There are not enough housing choices.
- Many respondents indicated that they would like to buy up or downsize but could not afford to move. Consequently, they either resigned themselves to stay in place or expanded their current residence, thus reducing the number of smaller homes on the market.
- 21% of respondents were considering a move because of high housing costs, home maintenance expenses, as well as an interest in downsizing or moving to a retirement community.
- 75% of respondents supported townhouse development.
- One-third supported each of the following – two-family houses, changes in zoning, improving the permitting process, and reducing property taxes for landlords that provide affordable housing.
- 34% were spending more than 34% of their income on housing and 13% were spending at least 40% or more on housing.
- 15% indicated that they had difficulty affording their monthly housing costs.
- Twenty out of 22 renters who responded to the survey stated that they had not purchased a home because they could not afford the monthly payments and/or the down payment.
- 38% stated that they had at least one family member who would like to move to Scituate but could not afford to do so.
- 10% of respondents said that they have considered sharing their home to help manage their high housing expenses.
- The housing preferences of respondents were single-family homes with townhouses a close second.
- Respondents were generally opposed to large multi-family development or negative impacts on Town services, water supply, environmental resources and open space.

The following four main policy implications emerged from the survey and were important objectives of previous Housing Plans and remain guiding principles of this Plan:

1. Remove regulatory barriers and provide incentives to encourage affordable housing.
2. Maximize the value of revenue received under the Community Preservation Act (CPA).
3. Inform residents and build support for affordable housing.
4. Anticipate the future by paying attention to demographic and market changes.

This Housing Needs Assessment provides another opportunity to address the survey's policy implications by updating important demographic, economic and housing data; analyzing affordability

gaps; revisiting key housing strategies to address unmet needs and demand; and providing opportunities for local leaders and residents to weigh-in on local housing issues.

Another more recent assessment of local housing needs and demands was conducted by the Metropolitan Area Planning Council (MAPC) which prepared population and housing demand projections for communities in the Boston region, including Scituate. Projections regarding household growth and resultant housing demand changes between 2000 and 2030 are summarized in Table 3-33. These projections suggest a 5.9% growth in the number of households between 2010 and 2030 and a 4.7% growth in housing units during this same period.

**Table 3-33: Household and Housing Demand, 2000-2030**

	<b>2000</b>	<b>2010</b>	<b>2020</b>	<b>2030</b>
Households	6,694	6,859	7,111	7,265
Housing Units	7,685	8,035	8,251	8,410

Source: U.S. Census Bureau, 2000 and 2010; Metropolitan Area Planning Council, Metro Boston 2030 Population and Housing Demand Projections, January 2014.

As shown in Table 3-34, the projections suggest that between 2010 and 2030 Scituate should produce about 375 housing units. Also based on estimated market demand in other maturing suburbs and South Shore communities, approximately 30% of these new units should be in multi-family structures and 18% should be rentals. These projections are based on existing zoning and past growth patterns. It is interesting to note that between 2010 and 2018 a total of 319 units were built, bringing the total number of units to 8,354, beyond the 2020 projection and 56 units shy of the 2030 one. With average unit production of about 35 units per year, it is likely that these projections underestimate housing growth significantly.

**Table 3-34: Change in Housing Unit Demand, 2010-2030**

<b>Area</b>	<b>Housing Units</b>	<b>% Multi-family</b>	<b>% Rental</b>
Scituate	375	--	--
Maturing Suburbs	47,069	31%	18%
South Shore Subregion	12,095	28%	18%
Metro Boston Region	244,979	47%	30%

Source: Metropolitan Area Planning Council, Metro Boston 2030 Population and Housing Demand Projections, January 2014.

Most recently, the Town has been in the process of updating its existing Master Plan. Working with consultants, Harriman Associates; the project has included a rigorous public process including special meetings, community workshops, and a survey. The focus of the Plan has largely been on environmental resiliency, examining future trends and trade-offs to achieve a balanced and sustainable future for the community. The Master Plan emphasizes that demographic changes will require accessible, affordable and diverse types of housing. In essence, sustainable and resilient growth, including smart housing growth, are critical to the future of the Town.

Another current planning effort involves longer term planning for the Harbor and Downtown by the Metropolitan Area Planning Council (MAPC) as well as the North Scituate Village Rezoning Initiative, also conducted by MAPC, with a priority for diversifying the housing stock.

Based on previous plans, other current planning efforts and community input, as well as the updated demographic, economic and housing trends included in this Housing Needs Assessment; both rental and ownership housing are needed to encourage a mix of housing types in response to diverse populations and household needs. However, there is a more compelling case for rental development based on the following important considerations:

- Target the needs of the community’s most vulnerable residents with very limited financial means as rental housing is typically more affordable and requires less up-front cash. Rental development can also be targeted to lower income tiers. For example, Low Income Housing Tax Credits are directed to households earning up to 60% AMI and other housing subsidies can target units to even lower income levels such as 50% and 30% AMI. Subsidized rental projects often involve all of these income tiers as multiple sources of funding are frequently needed to make projects financially feasible.
- Promote greater housing diversity as 86% of Scituate’s housing stock is comprised of homeownership units and 83% involves single-family detached homes.
- Offer greater local control over affordable housing development as all units in a Chapter 40B rental development count as SHI units as opposed to only the affordable units in homeownership developments. Meeting the 10% threshold or annual housing production goals will enable the Town to maintain a safe harbor against what it considers to be inappropriate 40B applications that it determines do not meet local housing needs.
- Invest local subsidy funds (e.g. CPA and Scituate Affordable Housing Trust Funds) in support of greater numbers of households/occupants over time as rentals turnover more regularly than ownership units.
- Provide more appropriately sized units for increasing numbers of smaller households.
- Provide opportunities for some seniors who are “over-housed” and spending far too much of their fixed incomes on housing to relocate to more affordable and less isolated settings, opening up their homes to families requiring more space.
- Leverage other funds as state and federal resources are almost exclusively directed to rental housing development, family rentals in particular.
- Enhance the ability to qualify occupants for housing subsidies as state requirements for including units on the SHI make it very difficult for long-term homeowners to be eligible for subsidized or assisted housing based on asset limitations.

This Housing Needs Assessment has identified the following important indicators of significant local housing needs for consideration in planning for new development:

**1. Households with Limited Incomes**

- Despite generally increasing household wealth, there still remains a significant population living in Scituate with very limited financial means. Of the 7,146 estimated households in 2018, 871 or 12.2% had incomes of less than \$25,000, up from 8.8% in 2012. An additional 807 households had incomes between \$25,000 and \$50,000. *Consequently, almost one-quarter of all Scituate households had limited incomes of less than \$50,000, which is not an insignificant number given the general affluence of the community.*
- *Almost half (46.3%) of renter households earned less than \$25,000 compared to only 6.4% of homeowners. The income disparity between owners and renters is also reflected in median income levels of \$133,380 and \$26,792, respectively, for 2018. While the median income of*

*homeowners increased by 22% between 2012 and 2018, the median for renters decreased by half.*

- Extrapolating from the 2018 census estimates, those earning at or below 80% of area median income (AMI), or \$73,000 at the time for a three-person household, would have included approximately 2,300 households or almost one-third of all households, up from 27% a few years ago. These households might qualify for housing assistance given their incomes.<sup>32</sup>
- *Poverty, while low relative to other areas, has been increasing.* There was a net decrease in the absolute numbers of those with incomes below the poverty level between 1979 and 2012 and then a significant increase to 4.3% or 818 residents by 2018. There were also notable increases in the numbers of families and children living in poverty to 4% of all families or 207 families, double the number in 1979, and 4.4% of all children under age 18, from 1.7% in 1979. Almost one-third of the individuals below the poverty level were 65 years of age or older that included 250 seniors. Some of these seniors are likely living in one of the 181 subsidized units reserved for the elderly.<sup>33</sup>
- *The median monthly market rent of \$2,716 would require an income of about \$116,600,* assuming average monthly utility costs of \$200 and spending no more than 30% of income on housing. This income is comparable to the Town's median household income of \$116,750 and well beyond the median renter household income of \$26,792.
- *The lowest priced one-bedroom and two-bedroom rental units listed for \$1,475 and \$1,800, respectively,* in March 2020 and would require incomes of about \$66,000 and \$80,000. These rents are not affordable to many households with incomes of less than 80% AMI and correspondingly result in substantial cost burdens.<sup>34</sup>
- Of the 629 renter households earning at or below 80% AMI, about 48% were seniors 62 years of age or older, 20% included small families (2 to 4 related household members), and 30% were singles under age 62. Of these, 48%, 71%, and 82% were experiencing cost burdens, respectively, as they were spending more than 30% of their income on housing costs.
- Of particular concern are the *95 seniors, 50 small families and 105 younger single individuals who were spending more than half of their income on housing costs and had incomes of less than 30% of median income.* This sends a strong signal for additional subsidized rental housing, particularly smaller units for the community's most vulnerable residents.
- There are only a handful of subsidized units available to families in Scituate with substantial waits and little turnover.

**Need:** *Given the high costs of housing, more publicly-assisted rental housing is necessary to make living in Scituate affordable, particularly for those with very limited financial means.*

**Goal:** *About 90% of the affordable units produced should be rentals.*

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<sup>32</sup> While these households' incomes might be at or below 80% of area median income, many households are likely to have assets that are more than the allowable state or federal standards that would disqualify them from housing assistance.

<sup>33</sup> The Town has 209 subsidized rental units reserved for those who are elderly or have disabilities but are less than the age of 60 for the 158 units at Lincoln Park and Wheeler I and II and age 62 for Central Park seniors. Because 13.5% of these units are directed to these younger disabled residents, 181 are occupied by seniors.

<sup>34</sup> Assume utility allowance of \$175 for a one-bedroom unit and \$200 for the two-bedroom and spending no more than 30% of income on housing costs.

## **2. Gaps in Affordability and Access to Affordable Housing**

- *To afford the median sales price of a single-family home of \$599,000 as of the end of 2019, a household would have to earn an estimated \$130,450 based on 80% financing.<sup>35</sup> This income is significantly higher than the median household income for the Town per 2018 census estimates of \$116,750.*
- *The median income earning household could likely afford a home costing about \$536,000. The affordability gap is then about \$63,000 - the difference between the price of the median priced single-family home (\$599,000) and what a median income household can afford (\$536,000). These calculations are also based on the ability of the purchasers to secure sufficient cash to afford 80% mortgage financing with down payment and closing costs of about \$125,000, effectively widening the affordability gap.*
- *The affordability gap widens to almost \$300,000 if the analysis focuses on those households earning at or below 80% of area median income, or \$86,650 for a family of three, who can afford a house costing no more than about \$300,500.<sup>36</sup>*
- *The median condo price was \$565,000 as of the end of 2019, which would require an income of approximately \$131,275 and thus likely not even affordable to a household earning at median income level. These calculations assume a monthly condo fee of \$300 and once again that the household is not paying more than 30% of its income on housing expenses.<sup>37</sup>*
- *A median income household earning \$116,750 could afford a condo of about \$496,000 and thus the affordability gap is an estimated \$69,000 based on the assumption of 80% financing and upfront down payment and closing costs of about \$75,000.*
- *The gap widens to \$237,000 for a household earning at 80% of area median income which can afford a condo for about \$259,000 assuming they were able to qualify for a subsidized mortgage through the state's ONE Mortgage Program or a MassHousing mortgage for example.*
- *There are few residential properties that are valued in the affordable range below \$200,000, only 59 or less than 1% of all properties in Scituate, the bulk of which are condominiums on New Kent Street or Meeting House Lane.*
- *There are only 123 single-family homes and 64 condos that would be potentially affordable to those earning at or below 80% AMI. Many of these units were likely in poor condition, very small, and/or not winterized.*
- *Half of those earning in the 80% to 100% AMI range were also experiencing cost burdens including mostly homeowners.*
- *A lottery for first-time homebuyer units at Fairway Village involved 181 pre-approved applicants, suggesting substantial pent-up demand for affordable homeownership opportunities.*
- *Demographic trends indicate that escalating housing costs may be pricing younger individuals and families out of the housing market as those entering the labor market and forming new*

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<sup>35</sup> Figures based on 80% financing, interest of 4.0%, 30-year term, annual property tax rate of \$13.50 per thousand, and insurance costs of \$6 per thousand for single-family homes and \$4 per thousand for condos. Also based on the purchaser spending no more than 30% of gross income on mortgage, property taxes and property insurance.

<sup>36</sup> This analysis assumes the ability of the purchaser to obtain subsidized mortgage financing from the ONE Mortgage Program or MassHousing mortgage offerings. Therefore, no private mortgage insurance (PMI) was included in the calculations and 95% mortgage financing was assumed. It also uses the HUD income limit for a three-person household earning at 80% AMI as the average household size in Scituate was 2.62 persons based on census data.

<sup>37</sup> Figures based on 80% financing, interest of 4.0%, 30-year term, annual property tax rate of \$13.50 per thousand, and insurance costs of \$4 per \$1,000. Also based on an estimated \$300 per month in condo fees and the purchaser spending no more than 30% of gross income on housing costs.

families have been dwindling in numbers, reducing the pool of entry level workers and service employees as well as forcing the grown children who were raised in town to relocate outside of Scituate. For example, the population age 18 to 34 decreased by more than half, from 4,151 residents in 1980 to 2,058 in 2010 or from 24% to 11% of all residents. The 2018 census estimates show only a small increase to 2,245 residents and 12% of the population.

**Need:** *Wider range of affordable housing options, including first-time homeownership opportunities, particularly for younger households entering the job market and forming their own families as well as affordable condominiums for empty nesters.* Besides units that are targeted to low- and moderate-income households earning at or below 80% AMI, units for those earning somewhat above this level and still priced out of the housing market will be explored.

**Goal:** *About 10% of all new affordable units created should be directed to homeownership as starter housing or downsizing.*

### **3. Disabilities and Special Needs**

- A total of 1,458 individuals, representing 7.8% of the population, claimed a disability according to 2018 census estimates. Of the population under age 18, 98 or 2.3% of children in this age range had some disability, and 453 or 4.4% of those age 18 to 64 also claimed a disability. Another 907 resident age 65 or older claimed a disability, representing 23% in this age category. It is likely that as the population of older adults continues to increase, those with special needs will increase as well, requiring greater handicapped accessibility and supportive services to be integrated into new housing opportunities.
- There are at least four-year waits for those seniors who seek subsidized housing at Central Park and units at Lincoln Park and Wheeler I and II generally become occupied by those who receive priority due to some housing emergency.
- There were 27 younger disabled applicants waiting for SHA units who were Scituate residents, out of more than 600 total applicants on the wait lists with waits of at least four years.
- The population of older adults age 65 or over increased by 72% between 1980 and 2010, from 1,810 residents to 3,114 or from 10 to 17% of all residents. The 2018 census estimates indicate continuing increases in this population to almost 4,000 residents or 21% of the population. These increases suggest a greater need for more options for seniors to downsize to smaller apartments or condominiums without substantial maintenance demands.
- Population projections estimate that there will be substantial increases in the population 65 years of age and older, from 17% in 2010 to almost 30% by 2030. This increase includes the aging baby boomers and suggests that the Town undertake appropriate planning to accommodate an aging population with increasing special needs in the future that will further tax Town services.
- There are presently no assisted living options in Scituate, and residents rely on such facilities in nearby communities including Village at Proprietor's Green in Marshfield, Sunrise Senior Living in Cohasset, and Linden Ponds and Allerton House in Hingham.
- The Council on Aging indicates that the Lawson Green development will be a helpful addition to Scituate's inventory of affordable senior housing units, however, will still not be enough to satisfy the need given such long waitlists in other developments.

**Need:** *Some amount of new housing should be built adaptable or accessible and/or include supportive services for the growing senior and special needs populations.*

**Goal:** *At least 10% of all new affordable units created should be made handicapped accessible and/or include on-site support services such as are typically available in group homes or assisted living facilities with at least 20% integrated into housing for seniors and disabled residents.*

#### **4. Housing Conditions**

- Three-quarters of the Town's housing units were built prior to 1980 and are likely to have traces of lead-based paint which pose safety hazards to children. Some of these aging units are also likely to have deferred maintenance needs.
- About 70% of Scituate's housing stock still relies on septic systems. Failing septic systems within the watersheds of surface waters or groundwater used for drinking water can have serious negative effects on water quality. High housing density, poor maintenance and inadequate sizing contribute to septic system failures.

**Need:** *Programs to support necessary home improvements, including deleading and septic repairs for units occupied by low- and moderate-income households, particularly the elderly living on fixed incomes and investor-owned properties tenanted by qualifying low- and moderate-income households.*

**Goal:** *Continue to help qualifying households access assistance to make necessary home improvements.*

While the focus should be on stabilizing the most vulnerable households in the community based on age and income, there is also a need to support those who might fall outside affordability limits but are still priced out of Scituate's housing market. Everyone should have a right to safe and affordable housing which is so fundamental to helping both individuals and families who may be living in substandard conditions and/or spending far too much for their housing. The whole community benefits when all residents have a decent and affordable place to call home.

## 4. CHALLENGES TO PRODUCING AFFORDABLE HOUSING

Although the town has significant area zoned for small-sized residential lots of a half and a quarter acre, this is offset by a very limited total acreage of remaining developable land. In addition, the town's poor soils add significant development costs for construction of septic systems and drainage infrastructure. All of these factors have probably contributed to the low annual numbers of new homes being constructed in recent years, and pose obstacles for development of affordably priced housing in Scituate. It will be a great challenge for the town of Scituate to create enough affordable housing units to meet the state's 10% affordable housing standard, production goals, and local needs; particularly in light of the following development challenges:

### 4.1 Infrastructure

#### *Challenges*

A major constraint and cost factor for new development relates to infrastructure, particularly the lack of sewer services throughout many areas of town as well as water capacity issues that raise concerns about the impacts of any new development on water supply and quality.

#### *Sewers*

Through the late 1980s and all of the 1990s, Scituate was unable to connect properties to public sewer following an Administrative Consent Order issued by Massachusetts Department of Environmental Protection (DEP) in April, 1987. In March 1996, Town Meeting voted to appropriate the final sums necessary for completion of engineering and design for reconstruction of the treatment plant to eliminate deficiencies and conform to the requirements of the Administrative Order. A referendum for a proposition 2½ override was voted in early 1997 which approved funds for the required construction.

The Town then constructed a state-of-the-art Wastewater Treatment Facility in 2000 and subsequently expanded sewer services to a number of areas of town. Currently, approximately one-third of the Town is served by the sewer collection system. A Sewer Expansion Study conducted in 2001 proposed that the neighborhoods with the greatest needs based on difficulty meeting Title V regulations would have first priority for extension of sewer service<sup>38</sup> including the following areas:

- Greenbush/Reservoir Area
- The Cliffs
- Musquashcut Pond
- Front Street (extended from existing sewer area)
- North Scituate
- Minot

The Scituate sewer system's ability to expand has primarily been limited by system capacity and the total flow permit for the treatment plant. The system's capacity is limited because a substantial amount of the total flows entering the treatment facility originate from inflows and infiltration into the town collection system.

An additional obstacle is that Scituate has large areas where soils are unsuitable for typical septic systems which increases the cost of construction unless properties can be connected to Town sewer, an

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<sup>38</sup> Camp Dresser & McKee Inc., Town of Scituate, MA Sewer Expansion Study.

expensive alternative. Approximately 60% of all homes in Scituate use on-site septic systems, including some that still utilize cesspools.<sup>39</sup> In the typical septic system, 99% of wastewater and sewage deposited in septic tanks or cesspools flows through the system into the ground, in some cases after distribution through a leaching area. Sewage contains bacteria and viruses, which to some extent are attenuated in the soil, but may cause contamination of groundwater. Studies have shown that septic systems are a leading source of nitrogen in groundwater.<sup>40</sup> The difficulty in properly siting septic systems in Scituate, due to the types of soil conditions and the presence of till in many locations, pose problems for wastewater from septic systems or storm water run-off to be absorbed into the ground. In their 1969 soil survey, the U.S. Department of Agriculture Division of Natural Resources and Conservation Services (NRCS) classified approximately 85% of the town's soils as having "severe" or "very severe" limitations for septic systems. These classifications were based on soil conditions such as shallow depths to bedrock or the water table; slow percolation rates due to compact, impermeable soils or hardpan; and periodic flooding. They indicate that soil properties in many parts of Scituate preclude on-site disposal systems without major and costly corrective measures.

Failing septic systems within the watersheds of surface waters or groundwater used for drinking water can have serious negative effects on water quality. High housing density, poor maintenance and inadequate sizing contribute to septic system failure. When septic systems are situated in locations with high groundwater, prominent changes to topography often result from mounded fill. These mounds permanently change the landscape and character of residential lots, potentially causing stormwater run-off problems in adjoining properties. This should be taken into account when the Town plans for long-term mitigation of failing systems.

#### *Water*

Scituate is located in a coastal plain and is part of the South Coastal Basin watershed area. It contains many streams and wetlands with shallow depth to groundwater in many areas. Poor drainage has limited building in some areas for many years, but the demand for new homes has continued. This has made building expensive, with special construction for septic systems and provisions for stormwater often required. The South Swamp, a major wetland in Scituate's West End, is the source water for portions of the Town of Norwell's drinking water supplies. Brooks from this wetland also feed the Aaron River Reservoir in the Town of Cohasset. Portions of the First Herring Brook watershed, which provides water for Scituate's wells and Reservoir, are located in Norwell.<sup>41</sup>

Approximately 60% of the Town's drinking water is supplied by six public drinking water wells with the remaining amount covered by the Reservoir. These wells tap the groundwater, or underground water supply, located within the stratified drift aquifer underlying the town. The groundwater in this aquifer is classified "Class A" by the state's Department of Environmental Protection meaning that it is of high quality and suitable for public drinking water. All of the wells have to be shut down periodically for recharge purposes and the water supply has been significantly diminished during times of drought.

Water quality and capacity have been long-term community concerns. There is currently a capacity of 2.8 million gallons per day (mgd) of which 2.05 comes from the wells. One of the wells is presently not in use for drinking water due to high quantities of iron, but could be put back in use with the addition of

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<sup>39</sup> Comprehensive Environmental Inc., Supplemental Facilities Plan for Wastewater Management, 1992.

<sup>40</sup> Studies by Horsley Witten and Hegmann, conducted by the Buzzards Bay Project, February 1992, found that septic systems contributed 74% of nitrogen in groundwater while storm water accounted for 23%.

<sup>41</sup> Town of Scituate Open Space and Recreation Plan Update 2018, prepared by VHB.

filtration. During the summer months, the population in Scituate increases, which together with lawn irrigation places substantial seasonal demand on the system.

Preserving and protecting the Town's water resources is a major local priority as the system is approaching capacity. The Town of Scituate has put in place a number of conservation measures such as restrictions on outdoor watering and the replacement of toilets at elementary schools with low-flow units for example. The State is projecting that 1.77 mgd will be needed by the year 2025<sup>42</sup>.

The current water distribution system is quite old and water main breaks have been a frequent occurrence. Still the Town has been able to adequately handle the flows from average daily demands, but cannot always maintain adequate water pressure during the maximum day and peak hour demands. This is primarily due to the lack of large-sized transmission mains connecting the water storage tanks and supply sources with the remainder of the system. The inside diameter of the mains has been reduced from tuberculation, or manganese and iron deposits coating the inside of the pipes. This leads to reduced flow availability, reduced water pressure, and poorer water quality. The existing storage tanks are sufficient to supply adequate fire flow volume, but the hydraulic capacity of the distribution system must be increased to maintain recommended fire flow to all homes.

#### *Other Infrastructure Issues*

Community residents have also voiced concerns over the availability of roads, police and fire protection, and other Town services in addition to water and sewer to accommodate new development. For example, there has been concern about the availability of sidewalks for school children as school bus service has been diminished. There are obvious cost implications associated with extending these services.

#### **Mitigation Measures**

##### *Sewer*

The Town adopted a Growth and Connection Control Plan to assure that the Town does not connect more homes and businesses to the sewer collection system that can be treated effectively. All new connections are carefully evaluated to make sure they conform to the regulations of the sewer commissioners (Select Board).

The Town has completed three of the six phases in its Sewer Expansion Plan with the following three phases remaining:

- Hatherly Road, Tilden Road, and Scituate Harbor
- North Scituate, Captain Pierce Road, and west of Country Way/Bulrush Farm Road
- Coastal areas of Minot Beach and the Glades

The Town's Capital Plan for FY 2020-2024 includes almost \$30 million for sewer-related activities. To more effectively produce housing, including affordable housing, in areas where greater density is more appropriate, more investment will be required in the planning and extension of existing sewer services or treatment facilities.

The Town is also addressing the problem of failing septic systems, particularly in recharge areas to Town wells and the Reservoir system as well as near streams, wetlands and coastal waters. The Board of

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<sup>42</sup> DEP WMA Permit Renewal Order to Complete, 12/9/2011

Health has developed a septic system management program to track information about on-site systems, including inspection and maintenance records, and to identify sources of contamination. State funding programs have helped residents who cannot afford to upgrade their septic systems through its Septic Repair Program. Revisions to Title V<sup>43</sup> requirements and planned extension of sewer taken together should provide a high level of protection for the streams and wetlands in the town.

#### *Water*

Town Meeting allocated \$400,000 in capital expenditures in FY14 and bonded an additional \$22 million to upgrade water mains. The Town completed water main work of approximately 15 miles through FY 2016. It is commencing a uni-directional flushing program and is also about to wrap-up a Water Study that will provide guidance on Town priorities concerning its water infrastructure. The 2020-2024 Capital Plan includes a projected investment of almost \$62.5 million towards the Town's water infrastructure.

Scituate, like many other Towns on the South Shore, needs to continue to carefully assess the ability of its water supply to support additional development and plan accordingly. It will be important for any new affordable housing development to address these infrastructure constraints, septic issues in particular, and ensure that there are sufficient amounts of subsidies incorporated into the project to adequately service new residents and protect the environment. Priority should be given to development that can connect to the existing Town sewer system or accommodate a special treatment facility.

## **4.2 Zoning**

### ***Challenges***

As is the case in most American communities, a zoning bylaw or ordinance is enacted to control the use of land including the patterns of housing development. Like most localities in the Commonwealth, Scituate's Zoning Bylaw embraces zoning that maintains low housing densities in most residential areas and thus constrains the construction of affordable housing that typically relies on some economies of scale.

Scituate has three residential zoning categories, Residence R-1, R-2 and R-3, with minimum lot sizes of 40,000, 20,000 and 10,000 square feet, respectively. Single-family homes and duplexes are permitted, but multi-family development of more than two attached units is not allowed in the Residential Zoning Districts. However, multi-family development is allowed in the Business Districts with a minimum lot size of 10,000 sq. ft. per unit, however, very few parcels can meet this requirement.

The Zoning Bylaw also includes three protective overlay districts where development is limited or strictly controlled including the Salt Marsh and Tideland Conservation District, Flood Plan and Watershed Protection District, and Water Resource Protection District.

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<sup>43</sup> Title V is the state law governing the placement of septic systems, and is administered locally by Boards of Health.

**Table 4-1: Summary of Dimensional Requirements**

District	Required Minimum Area	Required Lot Width	Height	Setbacks Front/Side/Rear (Linear Feet)
R1	40,000 square feet	175 feet	3 stories/35 feet	30/15/8
R2	20,000 square feet	125 feet	3 stories/35 feet	30/15/8
R3	10,000 square feet	100 feet	3 stories/35 feet	30/8/8
B	10,000 square feet/ dwelling unit	100 feet	3 stories/40 feet	30/8/20
Village Business Overlay District	No minimum ***	NA	3 stories/40 feet	Varies
Humarock Village Overlay District	***	NA	2½ stories or 35 feet to the ridge, whichever is lower	25 public and 8 private/15/underlying district setback
Village Center and Neighborhood District	Multiple building types allowed with varying dimensional and design standards			

\*B – General Business District

\*\* For each family occupying the dwelling, except in the case of accessory dwellings.

\*\*\* Base residential density is 16 to 20 units per 40,000 square feet; Humarock Village Overlay District is 7 to 8 units per 40,000 square feet and a maximum FAR of .425.

Source: Town of Scituate Zoning Bylaw

The majority of the Town’s vacant developable land lies within the Residence R-1 and R-2 Zoning Districts. In the MAPC Buildout Analysis these zones accounted for over 78% of expected future residential growth. Only limited infill development can be expected in the Residential R-3 District because new development opportunities are limited.

The varied patterns of development in the three Residential Zoning Districts reflect the historic pattern of development in town, with neighborhoods of different densities and character. Each of these districts has particular land use characteristics that are distinct from those of other sections of Scituate.

The Residence R-1 Zoning District is located in the West End section of Scituate, graced by winding roads flanked by woods and stone walls. This district still has large tracts of open space, and the land maintains some of its original rural character and contains much of the watershed for the Reservoir. Environmental issues, particularly with regard to protection of water quality, are an important concern. Infrastructure in some areas needs to be upgraded to serve new construction. For example, water pressure is inadequate for large developments in some areas, and development generally requires new roads.

In the Residential R-2 Zoning District, the 20,000 sq. ft. minimum lot size has allowed smaller tracts of land to be developed as multi-lot subdivisions. Much of this land, like the West End, has high groundwater, poor drainage, and soils inadequate for septic systems. Specialized drainage facilities and mounded septic systems are often necessary, but these are sometimes difficult to integrate into the surrounding landscape. A large area lies within the Water Resource Protection District. The Lawson Tower, Dreamwold, Town Common, Cudworth House and other well-known historic sites are in this District as well. New development at relatively high densities has the potential for significant impacts on the environment and the historic character of surrounding neighborhoods.

The Residential R-3 Zoning District, located along the water's edge, covers much of Scituate's coastline. Flood protection is critical in this District, but views of the shoreline are threatened by densely developed, elevated homes fronting the water. Mansionization is a concern with more modest homes being replaced by much larger and more expansive ones because of the small lots typically found here (10,000 sq. ft. and less.) There is also a recognized need for some greater amount of open space and recreational facilities, although little vacant land remains.

Single-family residential development is responsible for the pattern known as suburban sprawl, where many square miles of a community are consumed by regularly spaced housing that often reflects little of the traditional local character. The strong market for new residential development, combined with substantial acreage zoned for large lots, mean that the town's pattern of new building will consume large amounts of land. These growth patterns threaten local assets, and have had a statewide impact, resulting in land consumption far outpacing population growth<sup>44</sup>. It is hoped that new zoning will guide development to areas of town that are most appropriate for denser development based on smart growth principles.

Another challenging issue is that the Zoning Bylaw currently allows for the razing and reconstruction of dwellings on pre-existing nonconforming lots. This has resulted in the expansion of small seasonal cottages, which have become much larger homes in the coastal neighborhoods of Cedar Point, Sand Hills, Minot and Humarock.

### ***Mitigation Measures***

The Town has approved the following amendments to the Zoning Bylaw to allow alternative types of development that better address smart growth principles as well as mandates for including affordable housing.

- ***Fair Housing and Affordability Standards***<sup>45</sup>  
The Town approved requirements at its spring 2019 Town Meeting that mandate the inclusion of affordable units in exchange for increased density as part of a number of other zoning provisions including:
  - Section 510 Residential Cluster District
  - Section 530 Accessory Dwellings
  - Section 550 Flexible Open Space Development
  - Section 560 Village Business Overlay District
  - Section 570 Humarock Village Residential Overlay District
  - Section 580 Village Center and Neighborhood District

These provisions were modeled after the ones that were part of the Village Business Overlay District.

Table 4-2 summarizes these requirements, exempting properties with seven units or less and increasing the required number of affordable units with increases in project size. All affordability requirements under the state's Local Initiative Program (LIP) must be met to ensure

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<sup>44</sup> This is borne out by comparison of the population density in Massachusetts in 1950 (11.19 persons per acre) and a few years ago (4.97 persons per acre.) (Statistics from Mass. Audubon Society)

<sup>45</sup> Town of Scituate Zoning Bylaw, Section 754.

that the units are included in the Subsidized Housing Inventory. The Planning Board may waive affordability requirements if the housing units are entirely within an existing historic structure however.

For projects receiving a density bonus, at least 20% of the units must be affordable and eligible for inclusion in the SHI. At the discretion of the Planning Board, the applicant may be able to substitute off-site units which meet all of the affordability provisions as part of the bylaw.

**Table 4-2: Affordability Requirements**

Total Housing Units	Required Number of Affordable Units
8-10	1
11-16	2
17-23	3
24-30	4
31-36	5
37-40	6
Above 40	15% of total

- *Village Center and Neighborhood District (VCN)*<sup>46</sup>  
The Town also adopted new zoning to help guide new development in its village centers and neighborhoods to meet the following purposes:
  - Promote development that is consistent with the Town’s vision to facilitate reinvestment and create a vibrant, authentic, diverse, connected and resilient district.
  - Guide the physical character of development by providing context-based building and site development standards that reflect scale, design characteristics, and settlement patterns existing or envisioned for the district.
  - Create a public realm with high quality streetscape, enhanced outdoor recreation areas, and active public and publicly-oriented gathering spaces that enhance development and reinforce pedestrian orientation and multi-modal transportation in the district.
  - Encourage high quality housing production for a variety of age groups, household types, and income ranges.
  - Encourage a range of business development opportunities as well as food, entertainment, cultural, educational, and civic venues.

The VCN zoning represents Form-Based Zoning Districts and includes a number of mapped areas of town including:

- Greenbush-Driftway Gateway District (GDG)
- Gateway Business (GWB)
- Greenbush Village Center (VC-G)
- New Driftway Transit Village (NDTV)
- Driftway Business Park (DBP)
- North River Residential Neighborhood (NRN)
- Driftway Conservation and Recreation District (DCR)

<sup>46</sup> Town of Scituate Zoning Bylaw, Section 580.

- North River Conservation & Recreation District (NRCR)

The zoning includes design, bulk, density, and dimensional standards to guide development for single-family homes (detached and attached), cottage and cottage courts, two-family dwellings, multi-family buildings, live-work properties, mixed-use buildings, general commercial structures, civic and community buildings, as well as other types of buildings.

Table 4-3 provides base residential density standards. The VCN bylaw provides for higher densities by special permit of the Planning Board based on specific public benefits including on-site or off-site infrastructure improvements, streetscape improvements, open space or other amenities serving a public purpose, and additional affordable housing units above the required number.

**Table 4-3: VCN Density by Building Type and District**

Building Type	Dwellings Units per Acre (By Right/Special Permit)				
	GWB	NRN	GVC	DBP/NRCR/DCR	NDTV
Single-family Detached	Not Allowed	Not Allowed	4/8*	Not Allowed	Not Allowed
Single-family Attached***	8/16	8/16	8/16	Not Allowed	12/20
Two-family Cottage Courts	Not Allowed	8/16	8/16*	Not Allowed	Not Allowed
Multi-family Mixed Use	12/24	12/24**	12/24	Not Allowed	16/36

Source: Scituate Zoning Bylaw

\* Where single-family detached and two-family dwellings are permitted, the minimum lot size for an individual lot is 10,000 square feet. Where more than one dwelling is being built, they must meet the density per acre requirements above for the additional units.

\*\* Mixed-use buildings are not permitted in the NRN District.

\*\*\* Includes rowhouses, townhouses, and live/work units.

In regard to bulk standards, the bylaw includes minimum square footage by unit size for buildings with more than a single unit of 400 square feet for a studio, 600 square feet for a one-bedroom apartment, and 900 square feet for units with two or more bedrooms. Standards also require that the useable floor area of a half story be based on 75% of the total floor area of the half story. Additionally, the bylaw requires that the maximum number of units per building cannot exceed 24 without a special permit.

- *Residential Cluster District*

The purpose of the Residential Cluster District is to “encourage the more efficient use of land in harmony with its natural features; to encourage the creativity in the design of developments through a carefully controlled process; to encourage a less sprawling form of development, a shorter network of streets and utilities, more economical development of land with less consumption of open space; to permanently preserve natural topography and wooded areas within developed areas to preserve usable open space and recreation facilities close to homes; to provide an efficient procedure to ensure appropriate high-quality design and site planning; and to enhance the neighborhoods in which they occur and to the town as a whole.”<sup>47</sup>

<sup>47</sup> Town of Scituate Zoning Bylaw, Section 500.1.

This bylaw represents an attempt on the part of the Town to promote smarter, more compact development that is less disruptive to the natural environment, with a specific provision for the inclusion of affordable housing. However, the area of this zoning district is limited to one site on Hatherly Road that is currently under development by Toll Brothers as Seaside at Scituate with 152 age-restricted units for those 55 years and older, none of which will be affordable and eligible for inclusion in the SHI. The site was formerly a WW1 Army Proving Ground and later contained some industrial uses.

- *Flexible Open Space Development*

This bylaw represents another set of requirements to promote smart growth development and “to preserve natural and cultural resources which contribute to the town’s history and character, to discourage development sprawl which may result from conventional zoning, and to allow maximum flexibility and creativity in the design of single and two-family residential subdivisions, permitting greater preservation of open space than would normally occur with conventional development”.<sup>48</sup> As with the VCN bylaw, the Planning Board is the special permit granting authority. These provisions are directed to the clustering of residential dwellings on larger parcels with some greater flexibility as to intensity requirements. Requirements under this bylaw include:

- Minimum parcel size of 160,000 square feet for District R-1 development and 80,000 square feet for District R-2, exclusive of wetlands.
- The number of units cannot exceed that permitted under conventional subdivision requirements.
- The design should minimize the size of developed areas.
- Important natural and historic features should be protected.
- The design should enhance the overall semi-rural appearance of Scituate.
- Each lot should be capable of supporting the size of a single or two-family dwelling and its accessory uses and not more than one house can be located on a lot.
- Provisions should be made with regard to the ownership and maintenance of the common land and other common facilities, satisfactory to the Planning Board.

This bylaw was actively used in the late 1990s and early 2000s. Some Flexible Open Space Developments approved during this period are Doctors Hill, Northey Estates, Greenfield Estates, Dreamwold Estates, Deer Common, Cornerstone Estates, Tilden Estates, The Glen, and Benjamin Studley Farm as well as some newer development including Curtis Estates and White Ash Farm.

- *Accessory Dwellings*

The Zoning Bylaw states that the purpose of the Accessory Dwelling bylaw is:

- A. To provide an opportunity for homeowners who can no longer physically or financially maintain their single-family home to remain in homes they might otherwise be forced to leave;
- B. To make housing units available to moderate-income households and to employees of local businesses who might otherwise have difficulty finding homes within the town;
- C. To provide a variety of types of housing to meet the needs of its residents and workers;

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<sup>48</sup> Town of Scituate Zoning Bylaw, Section 550.1.

- D. To protect stability, property values and the character of single-family residential neighborhoods and the vitality of business districts; and
- E. To legitimize conversions to enable the Town to monitor conversions for code compliance.<sup>49</sup>

The Planning Board may grant a special permit for an accessory apartment if it meets a number of requirements including but not limited to the following:

- Units must be complete and separate housekeeping units in the primary dwelling.
- Accessory units within structures used for business purposes must be located above the first floor or street level and no more than three accessory units can be created in any one building.
- In Business Districts, one affordable unit may be located on the first floor if it is entered from a side of the building other than that facing the street, has direct access to associated parking, and is accessible to persons with disabilities.
- Only one accessory unit can be created in a single-family house and must comply with all zoning requirements for the district except for legal, pre-existing, nonconforming structures.
- Detached structures can be used if they meet all of the setback, building height and yard requirements of a primary structure.
- The accessory unit must not involve the expansion of the pre-existing structure, must clearly be a subordinate part of the single-family house or business, and designed so that the appearance of the building remains unchanged (new exterior stairs must be located on the side or rear of the building).
- The accessory unit cannot exceed the maximum of either 750 square feet or 40% of the total square footage of the primary dwelling.<sup>50</sup>
- Two parking spaces per accessory unit are required.
- The dwelling must comply with all building codes and regulations including Title V.

In 2004, the Town added an affordability component to the bylaw that included these requirements in addition to the basic accessory unit provisions mentioned above through the site plan review process:

- No more than 15 affordable accessory dwellings per calendar year.
- The affordable unit must comply with the state's Local Initiative Program (LIP).
- The Scituate Housing Authority will monitor the affordability restrictions and annually certify the eligibility of the unit for inclusion in the Subsidized Housing Inventory.
- Affordability restrictions are in effect for a minimum of 15 years, but for units created in a Residential Zoning District, the use restrictions may be revocable upon sale of the primary dwelling after a minimum of five years of occupancy of the accessory unit.
- The accessory unit cannot contain more than two bedrooms.
- The primary residence must be owner-occupied as a primary residence.

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<sup>49</sup> Town of Scituate Zoning Bylaw, Section 530.1.

<sup>50</sup> A Town Meeting warrant was proposed several years ago to increase the maximum square footage to 900 square feet but did not pass.

The Planning Board may also grant a special permit for an affordable accessory apartment under the following conditions:

- Affordable accessory units in a detached structure on the same lot, such as a barn or garage, in the Residence R-1 and R-2 Zoning Districts.
- Affordable accessory apartments on a nonconforming lot in the Residence R-1 and R-2 Zoning Districts.
- In Business Districts, the Planning Board may allow more than three affordable accessory apartments in one building or waive the requirements that first floor units be entered from a side of the building other than that facing the street, have direct access to associated parking, and be accessible to persons with disabilities.

This bylaw has been used relatively frequently. As of April 9, 2020, Scituate had approved 113 accessory apartments and of these only one was deed-restricted as affordable to those earning within 80% of area median income. However, because of changes to the state’s Local Initiative Program (LIP), under which these affordable units would be counted as part of the Subsidized Housing Inventory (SHI), only one affordable unit has been created to date. LIP now not only requires that all affordable accessory units be affirmatively marketed based on a state-approved fair marketing plan, but the Town would also need to establish and maintain a waiting list of qualified households applying to rent affordable units, a Ready Renters List, that Scituate has not implemented as the Town allowed owners to select their own tenants instead. While these accessory units cannot be counted towards the Town’s 10% affordability goal or annual production goals, they nevertheless serve an important need in Scituate for smaller affordable year-round rental units.

- *Village Business Overlay District*

The purpose of the Village Business Overlay District is to promote opportunities for local, small-scale businesses, encourage alternative modes of transportation such as public transit, bicycling, and walking; provide for higher density of mixed-use and multi-family housing in village areas; provide for a variety in residential housing development patterns and which reflect the unique characteristics of each subarea; increase the production of housing affordable to low- and moderate- income households; and encourage efficient provision of necessary utilities and community services”.<sup>51</sup> This zoning district does not change the underlying zoning except when an applicant voluntarily chooses to follow the provisions of this section of the Zoning Bylaw.

The Planning Board approved a mixed-use development named Greenbush Station located at 50 Old Country Way that includes 30 total housing units. There is a requirement that 15% of the units created be affordable and the Town has thus been able to add four units to the SHI as part of this project.

These zoning provisions formerly pertained to Greenbush and Driftway, now under the Village Center and Neighborhood District (VCN) zoning. The Planning Board is preparing to add North Scituate to the VCN bylaw in the spring of 2021.

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<sup>51</sup> Town of Scituate Zoning Bylaw, Section 560.1.

- *Humarock Village Residential Overlay District*

This Overlay District was adopted to “regulate, condition and protect the village center of the small ocean-front community of Humarock, which lies on an environmentally sensitive barrier beach; to encourage redevelopment of parcels containing outdated uses; and to allow alternative forms of residential development at an appropriate scale for the land.”<sup>52</sup> In addition to the permitted residential uses in the underlying zoning, the Overlay District allows multi-family housing (townhouses) by special permit under a number of conditions including but not limited to the following:

- Up to seven units per 40,000 square feet of lot area or eight units if significant public benefits are integrated into the development. Such benefits include additional affordable units above the required level.
- Building height no greater than 2½ stories or 35 feet.
- Floor Area Ratios (FAR) no greater than 0.425.
- Projects adjacent to water must provide public access to waterways.
- All residential units should be accessed from the first floor unless the first floor contains a retail or business use.
- Design standards that encourage materials and building styles that are similar to those in place in Humarock and reflect the traditional seaside character of the area and protect the waterways.

The Town recently expanded the District at its Fall 2019 Town Meeting.

- *Residential Compound Development*

Residential Compound Development provides another alternative to the conventional residential subdivision “by providing for limited residential development within a large tract of land without requiring the construction of a subdivision road to (1) promote large lot development; (2) reduce construction costs; (3) reduce impacts of new development on abutting properties; (4) eliminate future Town maintenance responsibilities and costs for the development; and (5) preserve the semi-rural character of the town”.<sup>53</sup> Requirements include:

- Such development is restricted to a group of not more than five single-family dwellings that share common frontage and a private access road.
- The shared frontage must be at least 100 feet along a public or private way.
- The tract of land must be at least four times the gross size that is required in the district for the number of proposed lots.
- There are no minimum lot width or frontage requirements within the tract of land but no structure other than a fence can be built within 50 feet of any perimeter line for R-1 and R-2 districts or within 30 feet for R-3 districts.
- No building lot can be less than two times the minimum lot requirement for the district.
- Any land within such a tract that is not designated as a building lot should be preserved as permanent open space.

This bylaw was used in the Arrowwood Development, where ten additional homes were built instead of seven in an approved subdivision. A second development has been constructed but

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<sup>52</sup> Town of Scituate Zoning Bylaw, Section 570.

<sup>53</sup> Town of Scituate Zoning Bylaw, Section 610.2.D.

does not include any affordable units. A third development has also been approved but once again does not include any affordable units.

Other zoning related issues that the Town has tackled with respect to modifying zoning to better promote affordable housing and smart growth principles include:

- The Town is currently working on the rezoning of North Scituate, involving a joint effort of the Planning Board and Economic Development Commission. A major priority relates to promoting more diverse housing types in the area including multi-family housing and mixed-use development.
- Other Town involvement in affordable housing has included the Planning Board's efforts to obtain affordable housing from private developers. In 2006, the Housing Partnership requested Town Meeting approval of \$100,000 in CPA finds for a feasibility study to develop five affordable condominiums on Town-owned land on Stockbridge Road. This proposal was defeated. However, a home on Stockbridge Road was eventually built on one of two lots owned by the Scituate Affordable Housing Trust as part of a 41B development agreement, was also sold via lottery to a qualified applicant.

This Housing Plan also includes a number of additional strategies that are directed to reforming local zoning regulations, making them "friendlier" to the production of affordable housing and smart growth development. These include adding adopting new zoning for North Scituate, expanding inclusionary zoning requirements to a town-wide basis, establishing local Affordable Housing Guidelines, allowing more diverse housing types under more conditions, allowing starter housing on nonconforming lots based on certain conditions, pursuing tax-foreclosed properties for affordable housing, easing permit fee requirements for affordable housing, and exploring the viability of Chapter 40R Smart Growth Zoning. (see Section 6.2).

### **4.3 Environmental Concerns**

#### ***Challenges***

Within Scituate's boundaries lie tracts of open land that remain in their natural state from an agrarian and coastal past. These resources are significant for conservation and recreational interests but many are subject to intense pressure for residential development. Approximately 60% of the town's land area includes agriculture, forestry, recreational open space, and wetlands; and some of which is protected. The town has had a history of preserving land to enhance its rural character, and it also has rich environmental and cultural resources such as its beaches, woodlands, stonewalls, ledge outcroppings, scenic vistas, and numerous agricultural and historical sites. To date, the Town has preserved over 2,100 acres of land in order to maintain its open space character and conserve important ecosystems.

Scituate's inland water resources consist of rivers, streams, ponds and wetlands. The Herring River, Musquashicut Brook, Satuit Brook, Herring Brook, and Bound Brook are some of the town's important fresh water rivers and streams. These waterways supply habitats for insects, fish and amphibians that in turn provide food for birds and mammals.

Scituate's salt marshes are particularly productive ecosystems which act as nurseries for the young of many salt water organisms for example, and afford habitats for many species of wildlife that feed on these organisms. Scituate has 1,245 acres of salt marsh, which is 11.4% of the total acreage of the town.

Salt marshes are generally typified by flat, open, grassy areas along tidal waters. They are usually found in sites protected from the high energy of the open coast such as estuaries, salt ponds, or low entrapped portions of barrier beaches.

Vernal pools are small ponds that dry up in the summer but reappear each spring in the same locations. They are essential for the breeding of salamanders and certain other species. Through a process of certification with MNHESP, these ponds are provided with extra levels of protection pursuant to several environmental regulatory programs, including the Wetlands Protection Act, Surface Water Quality Standards and Title V. Twenty vernal pools have been certified in Scituate, including three in North Scituate, fourteen in the West End, and three in Greenbush. The Conservation Commission's efforts to locate additional vernal pools are ongoing.

Scituate has in fact a large variety of native wildlife such as birds, small mammals, amphibians, fish and reptiles. Their habitats include wetlands, vernal pools, salt marshes, woodlands, transitions between woods and fields, barrier beaches, rocky shorelines, and other natural areas, which provide forage for species that subsist on the vegetation and other wildlife.

The Town's coastal areas offer another important habitat for many varieties of wildlife. In addition to fish, shellfish, and mammals such as seals, Scituate has long held an attraction for birdwatchers because of the wide diversity of species found here on a year-round basis. Scituate has historically been a breeding spot for many bird species because of its proximity to the ocean, rocky cliff areas suited to nesting and protection, and rich salt marsh areas filled with abundant food supplies. For example, the Fourth Cliff site is the home of the second largest tern colony in the country, listed for special concern in Massachusetts. Also, at Fourth Cliff is the nesting site of piping plovers, another threatened species in Massachusetts. The Natural Resources Appendix contains information regarding the Town's rich variety of migratory and resident bird species and endangered wildlife in Scituate. In addition to those listed in the Natural Resources Appendix, there are documented occurrences (sightings) of state-listed rare species including the *Crangonyx Aberrans* (Mystic Valley Amphipod), *Terrapene Carolina* (Eastern Box Turtle), *Hemidactulium Scutatum*, *Clemmys Guttata* (Spotted Turtle), and *Circus Cyaneus* (Northern Harrier Hawk). The Piping Plover is the only threatened species listed.

Scituate's prime shellfish beds for soft-shell clams and mussels include the South River, the North River and Cohasset Harbor. Surf clams, less popular for harvesting, are available along the shoreline from the Glades to Third Cliff. In the Briggs Harbor area on the southern side of Cohasset Harbor is a vast resource of soft-shelled clams and mussels. Shell fishing in Scituate Harbor and the South River has long been prohibited due to unsatisfactory water quality (Sanitary Survey Report of Scituate North and South Coastal in the Town of Scituate, Division of Marine Fisheries, November 30, 2000). The water quality of the North River has improved substantially and efforts are continuing to identify remaining sources of contamination. This system is complex with heavily traveled roads, businesses, and other land uses upstream, as well as wildlife, contributing coliform bacteria to the river's waters.

Approximately 30% of the Town's land, or 3,279 acres, lies within the Flood Plain and Watershed Protection Zoning District. Within this Town Overlay District, a special permit is required for major additions and renovations to existing homes. New construction can only be allowed if a property owner can show his land is not subject to flooding. The Town has a second flood-related Zoning District, the Flood Insurance District, which corresponds to the FEMA Zone A or hundred-year flood plain. Although large sections of Scituate's barrier beaches are already extensively developed, they continue to provide

excellent protection against flooding of more inland areas. They remain fragile and prone to erosion, and new building in these locations should be avoided to the greatest extent possible.

It should also be noted that a significant amount of land in Scituate is wetlands and protected from development. The presence of these un-buildable areas has helped Scituate maintain its semi-rural character with woodlands woven into all areas of town. The establishment of conservation land, recreation land, and public and quasi-public open space offers further protection and reinforces the value of these unbuilt areas to residents. Both the use of open space and protected land for recreation and the value of these areas as a green backdrop for civic, commercial, and residential uses limits the amount of land on which new housing can be easily developed.

The relative scarcity of developable land raises its value and the costs associated with acquisition and building. Environmental regulations and concerns suggest that the redevelopment of existing built areas or development that offers protection for open space adjacent to construction offers the best opportunities for creating new affordable housing.

An additional environmental challenge relates to climate change, particularly rises in sea level. The updated Open Space and Recreation Plan indicates that between 30% to 45% of the residential land in Scituate is in the 100-year flood plain and up to 13% may be in the 500-year flood plain.<sup>54</sup> The master planning process, that is currently underway, is studying this issue and will be making important recommendations on control measures.

#### ***Mitigation Measures***

The Town has adopted zoning to protect particularly vulnerable areas in the community where development is limited or strictly controlled include the Salt Marsh and Tideland Conservation District, Flood Plan and Watershed Protection District, and Water Resource Protection District. Important planning efforts have also been undertaken including an updated Open Space and Recreation Plan in 2018 and a Master Plan that is underway with a focus on community resiliency efforts.

Housing strategies are largely oriented to actions that will promote smart growth and limit impacts on the environment such as promoting denser development in appropriate locations, such as the rezoning of North Scituate, and encouraging infill housing in existing neighborhoods. Moreover, it remains important for the Town to continue its strong enforcement of local, state and federal building codes to make sure any improvements on the barrier beaches are able to withstand flooding to the greatest extent possible.

## **4.4 Transportation**

### ***Challenges***

Access to Scituate is primarily via Routes 123 and 3A. While Route 123 provides east-west access, eventually joining Route 53 and leading to Interstate 93, Route 3A bisects the town from the north to the south, separating the West End from other areas of town. The Greenbush commuter rail provides a north-south orientation as it has been restored with stops in Greenbush and North Scituate. This service links Scituate with Boston and other employment and commercial centers along the corridor. The expansion of the Greenbush line in 2007 strengthened the demand for new homes and contributed to rising land and home prices. The MBTA and Scituate Select Board continue to evaluate the impacts of these rail stations and proposed mitigation measures.

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<sup>54</sup> Town of Scituate Open Space and Recreation Plan Update 2018, prepared by VHB.

Despite good highway access and the commuter rail, most residents remain heavily reliant on the automobile with 71% of workers driving alone to work and only 10% using public transportation. Additionally, the Town has limited local transit facilities or service in place. Dial-A-Ride service is provided for the elderly and those with disabilities. Residents must call ahead of time to schedule a pickup. Medical appointments/needs take priority for service. In discussions with Scituate's Council on Aging, it was identified that seniors are having a difficult time securing transportation to the Town's Senior Center and medical visits.

#### ***Mitigation Measures***

The Town will have to pay particular attention to the projected traffic implications of any new development, working with the developer to resolve problems. Further opportunities to direct development to areas that are most conducive to higher densities and transportation, such as Scituate's villages, commercial corridors and commuter rail, will continue to reduce transportation problems and access issues, particularly for Scituate's seniors and disabled. New Village Center and Neighborhood District (VCN) zoning has provided incentives for developing multi-family and mixed-use projects, and the Planning Board has approved two mixed-use developments near the Greenbush station that together include 16 affordable units.

## **4.5 Schools**

### ***Challenges***

Those enrolled in school (nursery through graduate school) totaled 4,603 students or 24.8% of the population based on 2018 census estimates, down from 4,841 students or 26.7% in 2012. Those enrolled in nursery school through high school totaled 3,862 students or 84% of those who were enrolled in school and 20.8% of the population in 2018, again down from 4,227 students and 23.3% of the total population in 2012. Information on the Scituate Public School District indicates relatively flat enrollment figures at 3,139 students in 2000, 3,122 in 2014, and then down modestly to 2,972 for 2019-2020. Also, as noted in Section 3.1.2, demographic projections point to an overall decline in school-age children over the next several decades.

However, concerns about school capacity persist. The aging school buildings are considered inadequate for today's educational programs, including technology, sciences and other school functions. To improve conditions, the Town and School Committee successfully completed construction of the new Gates Middle School which has been occupied since September 2017.

### ***Mitigation Measures***

This Housing Plan recognizes the need for a wider range of affordable housing options in Scituate, including first-time homebuyer opportunities for young families. The Plan also includes a strategy for exploring Chapter 40R Smart Growth zoning that with Chapter 40S offers insurance to towns that build affordable housing under 40R that they would not be saddled with the extra school costs caused by school-aged children who might move into this new housing (see Section 6.2.7). Chapter 40R also makes communities more competitive for some state discretionary funds including support for school construction.

## **4.6 Availability of Subsidies**

### ***Challenges***

Financial resources to subsidize affordable housing preservation and production as well as rental assistance have suffered budget cuts over the years making funding more limited and extremely competitive. Communities are finding it increasingly difficult to secure necessary funding and must be willing to commit local resources to secure these subsidies that make projects feasible.

In 2002 Scituate approved the creation of a Community Preservation Fund with funding support from the state for open space preservation, historic preservation and affordable housing production. The Town adopted a 3% surcharge on property taxes with exemptions for low-income owners and the first \$100,000 of the property's assessed value. Funding from both the local revenue and state distribution totaled \$1,318,866 in 2004 and increased to \$1,781,529 in 2008. Total receipts for 2020 total about \$2 million.

At least 10% of CPA funds must be directed to affordable housing activities annually, and Scituate has allocated a significant portion of these funds to the Affordable Housing Trust and recent development, especially the Lawson Green Apartments. This funding is helpful in leveraging essential public and private technical and financial resources to address local needs and meet production goals.

The Town voted to transfer \$700,000 of its CPA funding to the Scituate Affordable Housing Trust Fund in FY2008 and another \$700,000 in FY2009. About \$600,000 of this was spent on the purchase of 11 Nelson Road and 20 Carrie Litchfield Lane, together with the legal work, marketing and lottery needed to prepare the properties for affordable ownership and inclusion on the Subsidized Housing Inventory. These expenditures were offset by the receipt of \$188,500 from the sale of 20 Carrie Litchfield Lane.

The Town recently allocated \$1.9 million to the Lawson Green development and another \$600,000 was committed by the Affordable Housing Trust in support of this important affordable housing project. The following additional community housing activities have received CPA funding:

- Affordable Housing Plan
- Housing Authority Initiative
- Elderly Housing Study
- Affordable Housing Trust Funding
- Central Park Housing Cupola & Roof Restoration
- Central Park Housing Window Replacement

### ***Mitigation Measures***

This Housing Plan provides guidance on the use of Community Preservation Funds and Affordable Housing Trust funding for affordable housing initiatives that will enable the Town to support the production of new affordable units and leverage other public and private funding sources. It also encourages the consideration of a wide range of housing assistance programs to leverage limited local resources to make development feasible.

## **4.7 Community Perceptions**

### ***Challenges***

In most communities, residents are concerned about the impacts that new development have on local services and the quality of life. They may also have negative impressions of affordable housing and

question whether there is a real need for such development in their town. Neighbors are almost always opposed to new development that is in proximity to them. Therefore, local opposition to new affordable units is more the norm than the exception. On the other hand, given high real estate prices and community education, more people are recognizing that the new kindergarten teacher, their grown children, or even their elderly neighbor may not be able to afford to live or remain in the community without some financial or technical assistance. Seniors may also be aware that their own properties have increased greatly in value over the years, but they lack opportunities for downsizing in the community.

It is this growing awareness, impending 40B developments, and some appreciation that affordable housing can be well designed and integrated into the community, which are spurring communities such as Scituate to take more proactive stances in support of affordable housing initiatives. Also, once residents understand that the Town may be able to reserve up to 70% of the affordable units in any new development for those who live or work in Scituate, referred to as “local preference” units, greater local support may be more forthcoming.<sup>55</sup>

### ***Mitigation Measures***

Scituate is committed to ongoing outreach and community education to better inform local leaders and residents on the issue of affordable housing to help dispel negative stereotypes, provide up-to-date information on new opportunities, and to garner political support (see details on this strategy in Section 6.1.1). It will be important to continue to be sensitive to community concerns and provide opportunities for residents to not only obtain accurate information on housing issues, whether they relate to zoning or new development, but have opportunities for real input.

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<sup>55</sup> A maximum of up to 70% of the units may be local preference units for those who have a connection to the community as defined by the state under Section III.C of the Comprehensive Permit Guidelines. Also, the Marketing Plan must affirmatively provide outreach to area minority communities to notify them about availability of the unit(s) and must demonstrate the need for local preference as well as ensure that there will be no discriminatory impacts as a result of using local preference criteria.

## 5. HOUSING PRODUCTION GOALS

The Massachusetts Department of Housing and Community Development (DHCD) administers the Housing Production Program under Massachusetts General Law Chapter 40B, 760 CMR 56.00 that enables cities and towns to adopt an affordable housing plan that demonstrates production of 0.50% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory. Scituate would have to produce at least 36 affordable units annually to meet these production goals.<sup>56</sup> If the state certifies that the locality has complied with its annual production goal, the Town may be able, through its Zoning Board of Appeals, to deny comprehensive permit applications for a period of a year. If it produced 72 affordable units in any one year it would be “certified” for two years.<sup>57</sup> When the 2020 census figures are released, the number of year-round units will increase to reflect growth, likely to increase to about 7,580 units with the annual housing production goal of about 38 units per year.<sup>58</sup>

Using the strategies summarized in Section 6, the Town of Scituate has developed a Housing Production Program to chart affordable housing production activity over the next five (5) years as required by the state. The projected goals are best guesses at this time, and there is likely to be a great deal of fluidity in these estimates from year to year. The goals are based largely on the following criteria:

- Given the limited supply of Town-owned land, most affordable housing activity will have to come from private development through the standard regulatory process or the “friendly” comprehensive permit process. The Town will continue to work with private developers to fine-tune proposals to maximize their responsiveness to community interests.
- On publicly-owned parcels, to the greatest extent possible, at least fifty percent (50%) of the units should be affordable to households earning at or below 80% of area median income. Rental projects will target some households earning at or below 60% of area median income and lower depending upon subsidy program requirements.
- Projections are based on no fewer than four (4) units per acre when they are located in areas without available Town sewer services and up to eight (8) units per acre where such services are available. However, given specific site conditions and financial feasibility it may be appropriate to decrease or increase density as long as projects are in compliance with state Title V and wetlands regulations.

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<sup>56</sup> When 2020 census figures are released the number of year-round housing units will change. Year-round units are defined as total housing units minus seasonal or occasional units.

<sup>57</sup> If a community has achieved certification within 15 days of the opening of the local hearing for the comprehensive permit, the ZBA shall provide written notice to the applicant, with a copy to DHCD, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation. If the applicant wishes to challenge the ZBA’s assertion, it must do so by providing written notice to DHCD, with a copy to the ZBA, within 15 days of its receipt of the ZBA’s notice, including any documentation to support its position. DHCD shall review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The ZBA shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent local needs, provided, however, that any failure of the DHCD to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

<sup>58</sup> The total number of year-round units will increase due to growth from 7,163 units in 2010 to about 7,582 units in 2020 based on growth (7,163 units plus 319 permitted units between 2010 and 2018 plus another 100 units based on an estimated number of 50 units per year for 2019 and 2020).

- Because housing strategies include some development on privately owned parcels, production will involve projects sponsored by private developers. The Town will work with private developers to promote a diversity of housing types directed to different populations with varying housing needs including families, seniors and other individuals with special needs to offer a wide range of housing options for residents.

The final determination of the use of existing publicly owned parcels for new affordable housing is subject to a more thorough feasibility analysis of site conditions, and in the case of municipally-owned property, Town Meeting approval. If any of the preliminarily identified existing publicly-owned properties are finally determined infeasible or do not obtain approval from Town Meeting, it is anticipated that the projected numbers of affordable units would be met through the acquisition of privately owned properties or private development.

If Scituate was to meet all of these production goals, it would still not likely surpass the Chapter 40B 10% housing goal within five years given an existing gap of 358 affordable units. Moreover, these goals are ambitious, and it is unlikely that the Town will achieve certification every year.

**Table 5-1: Scituate Housing Production Program\***

<b>Strategies by Year</b>	<b>Affordable Units</b>	<b>Market Units</b>	<b>Total # Units</b>
<b>Year 1 – 2020</b>			
Nothing in pipeline ready for 2020 permitting			
<b>Year 2 – 2021</b>			
Development of publicly-owned property – Land behind Town Library or conversion of existing senior center under 40B/senior rental housing	15	0	15
Scattered-site infill development/group home	6	0	6
Scattered-site infill housing through Housing Trust/ ownership	2	0	2
Private development – cottage cluster/ownership	6	18	24
Private development – “friendly” 40B/rental	10*	8	10
<i>Subtotal</i>	39	26	57
<b>Year 3 – 2022</b>			
Private development through 40B on Booth Hill parcel/rental	250*	188	250
Scattered-site infill development on nonconforming lots/condo duplexes	4	4	8
<i>Subtotal</i>	254	192	258
<b>Year 4 – 2023</b>			
Certified under Year 3			
Private development –VCN or 40R in N. Scituate/ rental	6	34	40
Scattered-site infill housing through Housing Trust/ ownership	2	0	2
<i>Subtotal</i>	8	36	42
<b>Year 5 – 2024</b>			
Development of publicly-owned property (SHA)– Driftway/rental	30	0	30
Development of publicly–owned property – scattered tax-foreclosed property/duplexes combining ownership and rental	10	0	10
Private development – inclusionary zoning/ ownership	3	17	20
Private mixed-use development – VCN bylaw or 40R/rental	5	25	30
<i>Subtotal</i>	349	42	90
<b>TOTAL</b>	<b>354**</b>	<b>296</b>	<b>447</b>

\* All units count in Chapter 40B rental developments.

\*\* More than half of these units include actual market units as all units in 40B rental units are eligible for inclusion in the SHI.

## 6. HOUSING STRATEGIES

This Housing Production Plan proposes a mix of strategies that will continue to boost the Town of Scituate's supply of affordable housing and meet priority local needs. Since the last Housing Production Plan was completed in 2015, the Town has made considerable progress in its implementation including such important efforts as:

- *Lawson Green Apartments:* The Scituate Affordable Housing Trust and Scituate Housing Authority partnered in the development of 30 subsidized rental units for seniors 62 years of age or older as part of the Lawson Green Apartments project in the heart of the community. All of the units will be affordable to those earning at or below 30% or 60% AMI, now under construction. The Town committed \$1.9 million in CPA funds and another \$600,000 from the Scituate Affordable Housing Trust Fund that helped leverage state and federal subsidies including Low Income Housing Tax Credits for a total development budget of \$8.2 million.



- *Transit-oriented Mixed-use Development:* The development of transit-oriented mixed-use development including 78 rental units with 12 affordable ones as part of the Greenbush Mixed-use Project and another 30 rental units with four affordable units at 50 Country Way, both near the Greenbush MBTA Station and permitted under the Town's Village Center and Neighborhood District bylaw that requires at least 15% of the units be affordable.
- *Scattered-site Infill Development:* The construction of a home on Stockbridge Road on one of two lots owned by the Scituate Affordable Housing Trust was sold via lottery and converted to long-term affordability. The Housing Trust also acquired a home on Nelson Road which it converted to an affordable homeownership unit.

- *Expanded Inclusionary Zoning Requirements:* The adoption of new Fair Housing and Affordability Standards<sup>59</sup> as part of the Zoning Bylaw mandated the inclusion of affordable units in exchange for increased density as part of a number of other zoning provisions including:
  - Section 510 Residential Cluster District
  - Section 530 Accessory Dwellings
  - Section 550 Flexible Open Space Development
  - Section 560 Village Business Overlay District
  - Section 570 Humarock Village Residential Overlay District
  - Section 580 Village Center and Neighborhood District
  
- *Updated and Expanded Village Center Zoning:* The approval of the Village Center and Neighborhood District (VCN)<sup>60</sup> bylaw will enable the Town to better guide new development in its village centers and neighborhoods. The zoning includes design, bulk, density, and dimensional standards for diverse housing types including single-family homes (detached and attached), cottage and cottage courts, two-family dwellings, multi-family buildings, live-work properties, mixed-use buildings, general commercial structures, civic and community buildings, as well as other types of buildings in a number of mapped areas of town. It also provides for higher densities by special permit based on specific public benefits including on-site or off-site infrastructure improvements, streetscape improvements, open space or other amenities serving a public purpose, as well as additional affordable housing units above the required 15% level.
  
- *Additional Planning:* The Town has embarked on additional planning efforts including the preparation of an updated Master Plan with a focus of environmental resiliency, examining future trends and trade-offs to achieve a balanced and sustainable future for the community. The Master Plan emphasizes that demographic changes will require accessible, affordable and diverse types of housing. In essence, sustainable and resilient growth, including smart housing growth, are critical to the future of the Town. The Town is also involved in preparing a long-term plan for the Downtown and Harbor area as well as the rezoning of North Scituate.
  
- *MassHousing Planning for Housing Production Grant:* Another important initiative involved a grant from MassHousing under the Planning for Housing Program that enabled the Town to bring on a consultant, Brovitz Community Planning and Design, to help implement key housing policies and strategies that were part of the 2015 Housing Production Plan. Work focused on zoning changes to better produce high quality and diverse housing types that were adopted at the 2019 Annual Town Meeting.
  
- *Capitalization of the Affordable Housing Trust:* The Town has continued to invest in the Affordable Housing Trust Fund to support new housing initiatives, including a recent allocation of \$100,000.

It remains important to make further efforts to address the wide range of local housing needs, offering a mix of housing types and mixed-income opportunities. Ultimately both rental and homeownership housing should be developed for seniors, young adults, young families, empty nesters, and special needs

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<sup>59</sup> Town of Scituate Zoning Bylaw, Section 754.

<sup>60</sup> Town of Scituate Zoning Bylaw, Section 580.

populations with a greater focus on rentals for the Town’s most vulnerable residents. It will also be important to reach those within various income categories who are unable to find housing that is affordable in the community including those earning at or below 60% of area median income (AMI) needing subsidized rental housing and those within 80% of median income who want to rent or afford their first home. Also, Community Preservation funding can be used to support housing for those earning at or below 100% of area median income, however, units directed to households earning above 80% AMI cannot be counted towards annual production goals or the SHI. Moreover, the integration of market rate units in any development will offer internal subsidies to help support the financial feasibility of the below market units and reduce any stigma that might be attached to an affordable housing development.

These proposed actions are presented with an understanding that a broadened affordable housing agenda will place further burdens on local services and that there are currently many competing municipal needs and limited resources, including land. However, there are also resources that the Town can draw upon to support affordable housing including some existing publicly-owned property, the Community Preservation and Housing Trust Funds, and subsidies from the state and federal governments. Appendix 3 has a summary of housing resources and regulations.

The strategies outlined below are based on previous plans, the 2008 and 2015 Housing Production Plans in particular, as well as the work completed through the Planning for Housing Production grant and other plans, reports, studies, a local housing survey, the Housing Needs Assessment, and the experience of other comparable localities in the area and throughout the Commonwealth. The strategies are grouped according to the type of action proposed – Building Local Capacity, Planning and Regulatory Reform, and Housing Development and Preservation – and prioritized. As such the Plan starts with organizational issues, moves to regulation, and then identifies key production strategies to guide new development. Priority 1 actions are those that will begin within the next two years, most of which will involve some immediate actions. Priority 2 strategies involve focused attention after the next couple of years. A summary of these housing actions is included as Table 1-2.

The strategies also comply with state Housing Production requirements that ask communities to address all of the following major categories of strategies to the greatest extent applicable:<sup>61</sup>

- *Identification of zoning districts or geographic areas in which the municipality proposes to modify current regulations for the purposes of creating affordable housing developments to meet its housing production goal;*
  - Adopt new zoning for North Scituate (strategy 6.2.1)
  - Allow residential development under more conditions (strategy 6.2.4)
  - Explore use of 40R/40S (strategy 6.2.7)
  
- *Identification of specific sties for which the municipality will encourage the filing of comprehensive permit projects;*
  - Make suitable publicly-owned land available for affordable housing (strategy 6.3.1 which will likely rely on comprehensive permits for development)
  - See “friendly” 40B projects in production goals.

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<sup>61</sup> Massachusetts General Law Chapter 40B, 760 CMR 56.03.4.

- *Characteristics of proposed residential or mixed-use developments that would be preferred by the municipality;*
  - Adopt Affordable Housing Guidelines (strategy 6.2.3)
  - Allow residential development under more conditions (strategy 6.2.4)
  - Allow starter housing on nonconforming lots (strategy 6.2.5)
  - Explore use of 40R/40S (strategy 6.2.7)
  - Support new infill housing (strategy 6.3.3)
  - Support private development in line with local guidelines (strategy 6.3.2)
- *Municipally owned parcels for which the municipality commits to issue requests for proposals to develop affordable housing.*
  - Make suitable public land available for affordable housing (see strategy 6.3.1)
- *Participation in regional collaborations addressing housing development*
  - Access new resources such as homebuyer counseling, other homebuyer services, and other regional programs and services (see strategy 6.1.3)
  - Help qualifying homeowners access housing assistance (see strategy 6.1.1)

It will be important to also ensure that affordable units produced through this Plan get counted, to the greatest extent possible, as part of the Subsidized Housing Inventory (SHI), applied through the Local Initiative Program (LIP) administered by the state’s Department of Housing and Community Development (DHCD) if another state or federal housing subsidy is not used. In addition to being used for “friendly” 40B projects, LIP can be used for counting those affordable units as part of a Town’s Subsidized Housing Inventory that are being developed through some local action including:

- Zoning-based approval, particularly inclusionary zoning provisions and special permits for affordable housing;
- Substantial financial assistance from funds raised, appropriated or administered by the city or town; or
- Provision of land or buildings that are owned or acquired by the city or town and conveyed at a substantial discount from their fair market value.

In order to be counted as part of the Subsidized Housing Inventory the units must meet the following criteria:

- A result of municipal action or approval;
- Sold or rented based on procedures articulated in an affirmative fair marketing and lottery plan approved by DHCD;
- Sales prices and rents must be affordable to households earning at or below 80% of area median income; and
- Long-term affordability is enforced through affordability restrictions, approved by DHCD.

Additionally, a Subsidized Housing Inventory New Units Request Form must be submitted to DHCD to ensure that these units get counted.

Some of the important tasks for ensuring that the affordable units, now referred to as Local Action Units (LAU's), meet the requirements of Chapter 40B/LIP include:

- Meet with the developer to discuss requirements for ensuring that the unit(s) meets the requirements for inclusion in the Subsidized Housing Inventory through the state's Local Initiatives Program (LIP).
- Contact DHCD to discuss the project.
- Determine the purchase price(s) or rent(s) based on LIP Guidelines and obtain DHCD approval.
- Identify a marketing agent to conduct outreach and the lottery.
- Prepare an Affirmative Fair Housing Marketing Plan.
- Execute a regulatory agreement to further ensure long-term affordability between the developer, municipality and DHCD.
- Prepare a LIP Local Action Units application submitted by the municipality (chief elected official).
- Implement the Marketing Plan.
- Hold at least one information session about the lottery.
- Approve applicants for eligibility in the lottery.
- Prepare a letter to those eligible for inclusion in the lottery and another to those who do not qualify.
- Conduct the lottery.<sup>62</sup>
- Obtain the deed rider and Resale Price Certificate from DHCD that requires the loan commitment letters, purchase and sale agreements, and contact info for the closing attorneys in the case of ownership developments.
- Work with winning applicants and lenders to move towards occupancy.
- Submit necessary documentation to DHCD to have the unit(s) counted as part of the Subsidized Housing Inventory.

The proposed housing coordinator (see strategy 6.1.2), a designated municipal employee, or the Housing Authority should be identified to coordinate this work. The affordability restrictions for all units produced through the Local Initiative Program will be monitored by DHCD, but it is the premise of LIP that the municipality and DHCD work together to create affordable housing and fulfill the obligations of the affordability restrictions.

It should be noted, however, that while a major goal of this Plan is to eventually meet the state's 10% goal under Chapter 40B, another important goal is to serve the range of local housing needs and there are instances where housing initiatives will be promoted that will not necessarily result in the inclusion of units in the Subsidized Housing Inventory. Examples include the introduction of a Small Repair Grant Program or workforce housing for those earning above 80% of area median income but still priced out of the private housing market.

Within the context of these compliance issues, local needs, existing resources, affordability requirements, and the goals listed in Section 2 of this Plan, the following housing strategies are offered

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<sup>62</sup> A maximum of up to 70% of the units may be local preference units for those who have a connection to the community as defined by the state under Section III.C of the Comprehensive Permit Guidelines and approved by DHCD. Also, the Marketing Plan must affirmatively provide outreach to area minority communities to notify them about availability of the unit(s) and must demonstrate the need for local preference as well as ensure that there will be no discriminatory impacts as a result of using local preference criteria.

for consideration. *It is important to note that these strategies are presented as a package for the Town to consider, prioritize, and process, each through the appropriate regulatory channels.*

## **6.1 Capacity Building Strategies**

In order to carry out the strategies included in this Housing Production Plan and meet production goals, it will be important for the Town of Scituate to continue to build its capacity to promote affordable housing activities. This capacity includes gaining access to greater resources – financial and technical – as well as building local political support, developing partnerships with public and private developers, and creating and augmenting local organizations and systems that will support new housing production.

Of critical importance is the need for the Town to address sewer and water capacity issues to better plan for the extension of these services. This should include an analysis of what capacity exists today and what actions might be necessary in the future to free up such capacity for new affordable housing development. This is a foundational consideration upon which any meaningful progress on new affordable housing will need to be built and should be an immediate focus.

Scituate is fortunate to have a number of local entities in place, which have provided important leadership in the area of affordable housing.

First, the Town of Scituate approved a *Municipal Affordable Housing Trust* at its spring 2008 Town Meeting. State enabling legislation was enacted on June 7, 2005, as the Municipal Affordable Housing Trust Fund Act, which simplified the process of establishing such funds. Previously, cities could create trusts through their own resolution, but towns had to get approval from the state legislature through a home rule petition.

The law provides guidelines on what trusts can do and allows communities to collect funds for housing, segregate them out of the general budget into an affordable housing trust fund, and use these funds without going back to Town Meeting for approval. It also enables trusts to own and manage real estate, not just receive and disburse funds. The law further requires that local housing trusts be governed by at least a five-member board of trustees, appointed and confirmed by the Select Board, in the case of towns. While the new trusts must be in compliance with Chapter 30B, the law which governs public procurement as well as public bidding and construction laws, most trusts opt to dispose of property through a sale or long-term lease to a developer so as to clearly differentiate any affordable housing development project from a public construction one. The Housing Trust will continue to work closely with the Planning Board and other relevant local entities on local affordable housing initiatives, providing a vehicle for subsidizing predevelopment and development activities and for conveying Town-owned land for eventual development by a selected developer.

At the same Town Meeting, the Town approved the transfer of \$990,000 that had been reserved for housing in its Community Preservation Fund to the new Housing Trust Fund. Thus far the Housing Trust has purchased, rehabbed, and resold two homeownership units, converting existing housing to long-term affordability. Both of these units, Carrie Litchfield Lane and Nelson Road are now included on the Subsidized Housing Inventory. The Housing Trust also built a home on one of the two lots it owned on Stockbridge Road, selling the home via lottery to a qualified purchaser.

The Town has continued to capitalize the Scituate Affordable Housing Trust Fund, committing at least 10% of the annual CPA allocation to the Fund as well as additional funding for special projects such as Lawson Green. The Housing Trust fund has a current balance of \$627,000.

In addition to CPA funds, the Town will want to identify other resources for capitalizing the Trust Fund to support local housing initiatives. Many communities are reaching out to residents for private donations of land or funds to promote housing affordability. Developers may also contribute to the Fund through negotiations on comprehensive permit projects or other local developments. Developers make additional contributions to these funds if the purchase prices for the market units are higher than the prices that were projected in their comprehensive permit applications and profits are more than the 20% allowed under Chapter 40B.

The *Scituate Housing Authority* is also an important component of Scituate's housing operations. The Authority owns and manages 209 units of housing for seniors and those who are disabled and under 60 years of age, representing 58% of all state-defined affordable units in town. The Housing Authority, in coordination with the Housing Trust, has also been involved in the development of 30 affordable rental units as part of the Lawson Green Apartments. This development is under construction and has been the major focus on the Town's affordable housing efforts during the last several years.

The *Planning Board* paid for and sponsored the 2008 Housing Needs Assessment and with CPA funding spearheaded the development of the 2008 and 2015 Housing Production Plans. It is also involved in a number of other important planning efforts including the preparation of an updated Master Plan, North Scituate rezoning, and a longer-term plan for the Downtown and Harbor area for example. The Planning Board's continued involvement in the issue of affordable housing is an essential part of this Housing Plan, particularly the strategies included under Section 6.2 – Planning and Regulatory Strategies.

Scituate's *Community Preservation Committee* also provides important funding to support housing initiatives including annual support for the Affordable Housing Trust Fund, as noted above, and most recently the Lawson Green development.

The Town's *Zoning Board of Appeals* is also key to local housing efforts as it is responsible for processing Chapter 40B comprehensive permit applications.

More information on local and regional housing organizations is provided in Appendix 1.

*Specific actions to help build local capacity to meet local housing needs and production goals are detailed below. While these strategies do not directly produce affordable units, they provide the necessary support to implement a proactive housing agenda that ultimately will result in new units.*

### **6.1.1 Conduct Ongoing Community Outreach and Education**

*Current Status:* While most residents are likely aware of Scituate's high-cost housing market and some are encountering difficulties affording housing in Scituate, it is likely that many residents hold onto negative stereotypes of what affordable housing is and how it might change the character of their community. Some even claim that the very term "affordable housing" is tainted with negative connotations. Given these perceptions and misinformation on the subject, it is important that the Town continue to work on building an active constituency for affordable housing in support of important local initiatives.

As part of this planning process, the Planning Board held a public meeting on September 24, 2020 to present the results of the updated Housing Needs Assessment and priority housing strategies, inviting the public to participate. This meeting also offered another opportunity to showcase the issue of

affordable housing in a light that demonstrates how the Town can continue to be proactive on the issue to better serve the wide range of local needs and guide new development. An additional meeting was held on December 15, 2020 with the Select Board to also present the Plan and offer an additional opportunity for input.

*Next Steps:* Additional opportunities to engage local leaders and community residents in discussions on affordable housing and to highlight the issue continue to dispel myths and help galvanize local support, political and financial, for new affordable housing production. The Town's master planning process is also providing important input on housing needs and approaches to address these needs. Moreover, other current planning efforts will also involve residential components to continue to focus on the Town's housing agenda.

Educational opportunities to better inform the community on affordable housing issues and obtain feedback should continue to be pursued. It will also be important to provide information to residents on housing-related programs and services that are available on a local, regional and state-wide level. Opportunities for conducting community education include:

- Special forums on all new housing initiatives,
- Housing summits that bring together representatives of a wide range of housing stakeholders to discuss housing issues,
- Brochures on existing housing-related programs and services,
- Enhanced use of public access television,
- An expanded website, and
- Educational opportunities for board and committee members as well as professional staff to help keep key representatives and professionals better informed and up-to-date on important new developments, best practices and regulations.<sup>63</sup>

Given the COVID-19 health crisis, community outreach is more challenging than ever, and the Town will need to focus more on remote or electronic approaches as opposed to public meetings or events.

*Timeframe:* Priority 1

*Responsible Parties:* Housing Trust and Planning Board

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<sup>63</sup> The University of Massachusetts Extension's Citizen Planner Training Collaborative (CPTC) offers classes on this subject periodically throughout the year and will even provide customized training sessions to individual communities. The Massachusetts Housing Partnership sponsors the Massachusetts Housing Institute which is an educational program to support municipalities and local participants in better understanding the affordable housing development process. This training is held over a two-day period, at least once a year. Other organizations and agencies such as DHCD, MHP, CHAPA, and the Community Preservation Coalition also provide conferences and training sessions on a wide variety of housing issues that would be useful for local officials and staff persons to attend. In addition, there are numerous written resources for localities. For example, DHCD has prepared a procedural "how to" booklet for local communities on the development process, the state's Executive Office of Environmental and Energy Affairs has a compendium of model zoning bylaws on their website, MHP has many technical guides for localities, and CHAPA has a wide variety of reports on many issues related to affordable housing as well.

*Resources Required:* The donated time of volunteers, the Housing Trust in particular, as well as staff time from the Director of Planning and Development, Town Planner, proposed housing coordinator, other designated municipal official or a consultant to prepare written materials and staff outreach events.

### **6.1.2 Hire a Part-time Housing Coordinator**

*Current Status:* If the Town of Scituate wants to assume a more proactive role in promoting affordable housing and effectively implement actions included in this Housing Production Plan, it will have to augment its capacity to coordinate these activities. While most of the strategies included in this Plan do not individually involve substantial amounts of staff time or donated time from board and committee members, when considered altogether they require a significant time commitment and involve some specialized expertise in planning as well as housing programs, policy and development. Moreover, those communities that have made notable progress in implementing their Housing Plans have largely done so with professional support.

Since the last Housing Production Plan was completed, the Town has made progress in this area by creating a new planning position – the Director of Planning and Development – while maintaining the Town Planner position as well. Given the significant amount of local planning initiatives now underway, this new staffing plan is important and will help the Town better coordinate implementation as well. Nevertheless, given expanding job responsibilities for these positions, it would benefit the Town to bring on additional professional support focused on affordable housing issues.

*Next Steps:* The Housing Trust should present a proposal to the Community Preservation Committee for the funding of a part-time housing coordinator using Community Preservation funding. This consultant could be hired on a part-time basis based on an agreed upon scope of services through a Request for Proposals or Quotes. This housing professional would be available to assist with public education (see strategy 6.1.1); grant writing; outreach to establish partnerships with developers, lenders, funders, etc. to promote affordable housing; and overall coordination of the implementation of this Housing Plan, providing necessary professional support as needed. An important part of the work would involve ensuring that affordability requirements are being properly monitored and that all eligible affordable units get counted as part of the SHI. The Town Planner has been fulfilling many of these functions but already has more than full-time work responsibilities.

It should also be noted that other consultants could be brought on as needed to handle specific activities including environmental engineers for predevelopment work, appraisers, surveyors, etc.

*Timeframe:* Priority 1

*Responsible Parties:* Select Board in consultation with the Housing Trust, Planning Board and Community Preservation Committee.

*Resources Required:* Fees for the Housing Coordinator vary according to the scope of services although initially the Town might set-aside funding in the \$35,000 to \$50,000 range, covered by Community Preservation funds as long as all program activities are eligible under CPA.

### **6.1.3 Continue to Access Housing Resources**

*Current Status:* The affordability of affordable housing development often relies on multiple sources of financing involving both private and public loans and grants. Chapter 40B developments also frequently access external subsidies to increase the numbers of affordable units, to target units to lower income or

special needs populations, and to fill gaps that market rates cannot fully cover. A good example of such development is the Lawson Green Apartment project.

*Next Steps:* The Town of Scituate should reach out to private, public and non-profit entities to secure additional housing resources – technical and financial – in support of its efforts to produce new affordable housing. Descriptions of local and regional organizations are included in Appendix 1.

It will be important for the Town to encourage the establishment of partnerships with other entities including non-profit organizations, lenders, public agencies, and developers to secure the necessary financial and technical resources to create affordable units. Community Preservation funding and Housing Trust Funds will be essential ingredients for supporting the implementation of this Housing Plan in addition to various state and federal housing subsidy programs. This Plan provides recommendations on the use of CPA and Housing Trust funds in many of the proposed strategies.

The state and federal governments fund many housing subsidy programs directed to particular types of projects. Most of these subsidies are for rental housing development through the Low Income Housing Tax Credit, HOME Investment Program, Housing Stabilization Fund, state Affordable Housing Trust Fund, among many others. (See Appendix 3 for a summary of these resources as well as relevant state regulations)

Beyond the traditional subsidy programs, the state has introduced several new programs that could also be explored in support of future development in Scituate including:

- *Workforce Housing Fund*

The state is investing in a Workforce Housing Fund to provide rental housing for those households earning 61% to 120% AMI. It was envisioned that the Fund, when coupled with strategic capital investments by the state, will promote additional private investment in tandem with critical support for middle-income residents. Other components of the Fund include:

  - Provides up to \$100,000 per workforce housing unit to create 1,000 new units statewide.
  - Leverages resources in development opportunities on state-owned land.
  - Ensures that in addition to the workforce housing tier at least 20% of the units will be affordable to those earning at or below 80% AMI.
  - Requires deed restrictions for units targeted to those earning between 61% and 120% AMI for generally 30 years or longer.
  - Offers support for newly created units as well as the refinancing of existing developments that incorporate new workforce housing units.
  
- *Community Scale Housing Initiative (CSHI)*

The state has developed a small-scale production program to address non-metro community need for smaller-scale housing that responds to local housing needs and density requirements. These projects, because of their small size, are not a good fit for the Low Income Housing Tax Credit program. Generally, projects that can leverage some debt by having a few higher income units and a gap filler like the Community Preservation Act funding (CPA) are in the best position to utilize such a program. This initiative includes the following eligibility criteria:

- Community must have a population not to exceed 200,000.
  - Program sponsors can be both non-profit and for-profit entities with a demonstrated ability to undertake the project.
  - The proposed project must include at least five rental units but no more than 20 rental units.
  - Project must involve new construction or adaptive reuse.
  - A minimum of 20% of the units must be affordable but it is anticipated that most proposed projects will have a minimum of 50% affordable units.
  - The host community must provide a financial commitment in support of the project.
  - The CSHI subsidy may not exceed \$200,000 per unit unless the developer intends to seek DHCD project-based rental assistance in which case the subsidy may not exceed \$150,000 per unit.
  - The total development cost per unit may not exceed \$350,000.
  - Projects will receive no more funding than is necessary to make the project feasible.
  - Projects must be financially feasible without state or federal Low Income Housing Tax Credits.
  - Projects are expected to close and proceed to construction within 12 months of the date of the award letter.
- *Starter Home Program*  
State legislation was enacted to implement a Starter Home Program that was accomplished by modifying the existing Smart Growth Zoning and Housing Production law of Chapter 40R to include \$25 million in new funding for cities and towns that create new starter home zoning districts. The new districts must be a minimum of three acres, restrict the primary dwelling size to 1,850 square feet of heated living area, require that 50% of the primary dwelling units contain three bedrooms, allow a minimum of four units per acre by right, and provide 20% affordability up to 100% AMI.
  - *State Down Payment Assistance*  
While state financing has largely focused on multi-family rental development, particularly for families, the state recently announced an expanded program to assist first-time homebuyers with their down payments under the following conditions:
    - Increased assistance of up to 5% of the purchase price or \$15,000, whichever is less.
    - More property types are eligible for assistance including single-family homes, condominiums and 2-, 3-, and 4-family properties.
    - Higher income limits of up to 135% of the area median income (AMI) in Boston and the Commonwealth's 26 Gateway Cities and up to 100% AMI in other communities, including Scituate.
    - The assistance is in the form of a 15-year, fixed rate loan at 2%. (Example: \$15,000 down payment assistance loan = 180 payments of \$96.53; 2.011% APR)
    - Repayment of the down payment assistance is due upon the sale or refinance of the property prior to the end of the 15-year term and otherwise forgiven.

*Timeframe:* Priority 1

*Responsible Parties:* Select Board, with support from the Planning Board and Housing Trust, will need to work with developers to obtain important public funding, providing letters of support for financing

applications for affordable housing projects. In the case of “friendly” 40B projects, the Town’s chief elected official, Chair of the Select Board in the case of Scituate, will need to sign the applications for participation in the Local Initiative Program (LIP) “friendly 40B” Program administered by DHCD.

*Resources Required:* Funding will be needed to support affordable housing initiatives such as for predevelopment funding necessary to determine project feasibility (CPA and Housing Trust funds can cover these expenses as well as other state-funded programs) and subsidies to make projects financially feasible. CPA and Housing Trust funds are an important tool for leveraging other state and federal funds, demonstrating the municipality’s commitment to any particular project. CPA and Housing Trust funding can serve as important “gap fillers” by filling the gap between the total costs of development and what a development can project as income from the affordable purchase prices and rents minus other sources of financing.

#### **6.1.4 Create an Inventory of Properties Potentially Suitable for Affordable Housing**

*Current Status:* While publicly-owned property is limited in Scituate, this Housing Plan includes a preliminary list of potential public sites that may be suitable for the development of housing, including some amount of affordable housing in strategy 6.3.1. A more comprehensive review of existing properties would be helpful to determine future opportunities to create affordable housing in Scituate and help meet the production goals included in this Housing Plan.

*Next Steps:* The Affordable Housing Trust should work with other Town boards and committees, such as the Planning Board and Open Space Committee, to more fully review the inventory of Town-owned property and determine which parcels, if any, might be appropriate for affordable housing or a mix of uses that includes affordable housing. After some initial environmental testing and other preliminary feasibility analyses (the costs of which can be covered by CPA or Housing Trust funds), the Town would declare any identified parcels as surplus and convey them to the Housing Trust following Town Meeting approval. The Trust would then follow the basic process outlined in strategy 6.3.1, eventually conveying individual parcels to a developer based on prescribed terms and conditions for the development of affordable housing or mixed-income housing.

The Housing Trust should also consider what privately-held properties might be suitable for affordable housing and work with existing owners to develop or acquire<sup>64</sup>. Opportunities for acquiring additional property through the tax foreclosure process should not be overlooked as well (see strategy 6.2.6).

*Timeframe:* Priority 1

*Responsible Party:* Housing Trust

*Financial Resources Required:* Staff time of the Town Planner, proposed Housing Coordinator, or another municipal official to provide support.

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<sup>64</sup> Acquisition could occur directly through the proposed Housing Trust or in collaboration with a developer.

## 6.2 Planning and Regulatory Strategies

Housing production is contingent not only on actual development projects but on the planning and regulatory tools that enable localities to make well informed decisions to strategically invest limited public and private resources. To most effectively and efficiently execute the strategies included in this Plan and meet production goals, some greater flexibility will be needed in the Town's Zoning Bylaw, and new provisions, in tandem with good planning practices, will be required to capture more affordable units, direct growth to the most appropriate locations, and expeditiously move development forward to completion.

Scituate's Zoning Bylaw includes minimum area and dimensional requirements that in most cases are typically not conducive to affordable housing. This creates the likely need for regulatory relief for many residential developments that include affordable units, possibly through the "friendly" comprehensive permit process that overrides local zoning.

A major accomplishment over the past several years involved a grant from MassHousing under the Planning for Housing Production Program that enabled the Town to bring on a consultant to help implement key housing policies and strategies that were part of the 2015 Housing Production Plan. Work focused on zoning changes to better produce high quality and diverse housing types some of which were adopted at the 2019 Annual Town Meeting and included:

- Fair Housing and Affordability Standards;
- The Village Center and Neighborhood District (VCN) zoning;
- Design Review for Business, Commercial, Mixed Use and Multi-family Development;
- Low Impact Development Standards to better promote sustainable development;
- Revisions to the Village Business Overlay District to allow multi-family housing and mixed uses;
- Open Space Standards;
- Public Realm Standards to reinforce a positive walking and biking environment; and
- Parking Requirements for Business and Mixed Use District zoning.

Of particular importance was the approval of Fair Housing and Affordability Standards<sup>65</sup> that mandate the inclusion of affordable units in exchange for increased density as part of a number of other zoning provisions including:

- Section 510 Residential Cluster District
- Section 530 Accessory Dwellings
- Section 550 Flexible Open Space Development
- Section 560 Village Business Overlay District
- Section 570 Humarock Village Residential Overlay District
- Section 580 Village Center and Neighborhood District

Moreover, new zoning was adopted through the Village Center and Neighborhood District (VCN)<sup>66</sup> bylaw to better guide new development in its village centers and neighborhood through a form-based zoning

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<sup>65</sup> Town of Scituate Zoning Bylaw, Section 754.

<sup>66</sup> Town of Scituate Zoning Bylaw, Section 580.

approach.<sup>67</sup> The zoning includes design, bulk, density, and dimensional standards for diverse housing types including single-family homes (detached and attached), cottage and cottage courts, two-family dwellings, multi-family buildings, live-work properties, mixed-use buildings, general commercial structures, civic and community buildings, as well as other types of buildings in a number of mapped areas of town. It also provides for higher densities by special permit based on specific public benefits including on-site or off-site infrastructure improvements, streetscape improvements, open space or other amenities serving a public purpose, and additional affordable housing units above the required 15% level.

Additional zoning changes are under consideration, such as the rezoning of North Scituate. Other zoning actions should be explored to further diversify the housing stock, to guide development to suitable locations, and to encourage the creation of additional affordable units. These actions can be considered as tools in a toolbox that the Town will have available to promote new and more diverse housing opportunities, each applied to particular circumstances. Also, note that units that are created as a result of these actions are counted as part of actual housing development strategies in Section 6.3.

### **6.2.1 Adopt New Zoning for North Scituate**

*Current Status:* The Planning Board and Economic Development Commission have embarked on a process for the rezoning of North Scituate with technical support from the Metropolitan Area Planning Council (MAPC). Public meetings were held in 2019 and 2020 to obtain community input on the project, building on the work that was conducted as part of the 2014 Economic Development Plan and 2016 North Scituate Vision Plan. Both of these plans were aimed at creating an active village through the redevelopment of underutilized and vacant parcels, streetscape and connectivity improvements, and business outreach to attract more retail and restaurant options to revitalize North Scituate.

A key component is a form-based zoning approach. Another important focus is the integration of housing, including more diverse housing types. The extension of sewer services will also be required to feasibly develop sufficient density.

Through community meetings, there has been general agreement that any new development should adhere to the more traditional New England village architectural standards and that more diverse housing types would be appropriate in the area. More than half of respondents to questions were open to buildings with three stories.

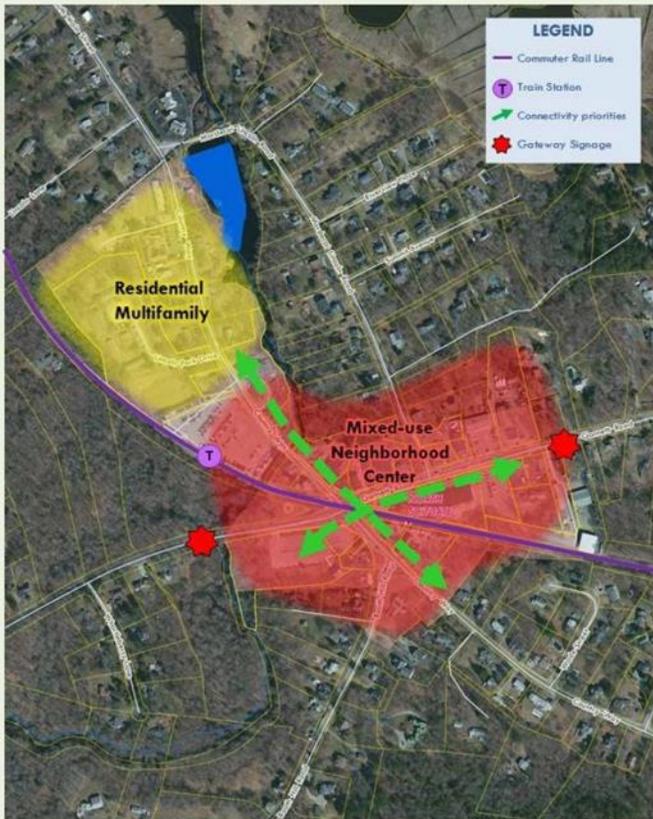
The new zoning is planned to be part of the Town's Village Center and Neighborhood District zoning and will focus on several subdistricts. Standards will be developed for these subdistricts that include:

- Allowable building types
- Design standards

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<sup>67</sup> A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation by the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals. They are keyed to a regulating plan that designates the appropriate form and scale (and therefore character) of development, rather than only distinctions in land-use types.

## NORTH SCITUATE



- Open space requirements
- Roadway standards
- Affordable housing requirements
- Parking requirements

*Next Steps:* The Planning Board, with support from the Economic Development Commission and MAPC, will prepare a draft bylaw and conduct another public meeting to present it and obtain feedback. It should then begin the formal hearing process to obtain further comments and approve the zoning changes, ultimately receiving Town Meeting approval.

Another consideration is to pursue rezoning through the Chapter 40R Smart Growth Overlay process that would provide significant financial incentives to support development (see strategy 6.2.7 for details).

*Timeframe:* Priority 1

*Responsible Parties:* Planning Board

with support from the Economic Development Commission

*Resources Required:* Besides donated time of the Planning Board and Economic Development Commission, this strategy involves considerable staff time from the Director of Planning and Development as well as a consultant, MAPC in this case, supported by grant funding from MAPC.

### 6.2.2 Adopt Town-wide Inclusionary Zoning

*Current Status:* While Scituate has made strides in passing new zoning that mandates the inclusion of affordable housing in more areas through its Fair Housing and Affordability Standards,<sup>68</sup> the Town's Zoning Bylaw does not currently include town-wide inclusionary zoning provisions. This mechanism has been adopted by more than one-third of the communities in the state to ensure that any new development project over a certain size includes a set-aside in numbers of affordable units or funding from the developer to support the creation of affordable housing. Most of the bylaws include mandated percentages of units that must be affordable, typically 10% to 20% and density bonuses<sup>69</sup>. Many also allow the development of affordable units off-site under extraordinary circumstances and/or cash in lieu of actual units.

<sup>68</sup> Town of Scituate Zoning Bylaw, Section 754.

<sup>69</sup> Density bonuses allow increased densities beyond what is allowed under the subdivision requirements in the Zoning Bylaw.

It should be noted that if such zoning existed, the Toll Brothers' 157- unit Seaside at Scituate development would have potentially included 24 affordable units (based on a 15% affordability requirement) or perhaps a payment in-lieu of units that would help create actual affordable units or support new affordable housing initiatives, respectively.

*Next Steps:* The Scituate Planning Board should explore models of inclusionary zoning bylaws and prepare a zoning amendment that is best suited to support affordable housing in Scituate. The Planning Board must present the bylaw to Town Meeting for adoption. Extending the affordability requirements of the Fair Housing and Affordability Standards on a town-wide basis should also be considered. The Housing Trust can be helpful in advocating for necessary approvals. Affordability requirements should also be extended to assisted living developments.

As mentioned in the introduction to Section 6 above, it will be important to ensure that all affordable units produced through the bylaw get counted as part of the Subsidized Housing Inventory, applied through the Local Initiative Program (LIP) administered by DHCD as Local Action Units.

There are a variety of bylaws that have been adopted in localities throughout the state and requirements vary considerably. The Executive Office of Environment and Energy's Smart Growth Toolkit includes a model inclusionary zoning bylaw that highlights key local decisions and makes some commentary for consideration throughout ([www.mass.gov/envir/smart\\_growth\\_toolkit/pages/SG-bylaws.html](http://www.mass.gov/envir/smart_growth_toolkit/pages/SG-bylaws.html)). The Citizen Planner Training Collaborative's website also has a model bylaw with commentary and some policies as well ([www.umass.edu/masscptc/examplebylaws.html](http://www.umass.edu/masscptc/examplebylaws.html)).

It is certainly important to provide sufficient incentives to developers to make sure that the incorporation of affordable units will be financially feasible. Incentives also reduce the risk of litigation from developers who claim that the mandatory inclusion of affordable units involves a "taking" of their property rights. In fact, inclusionary zoning can be legally vulnerable if requirements make it impossible for the developer to earn a reasonable return on the project as a whole. Consequently, it would be prudent for the Town of Scituate to add incentives, such as density bonuses, to cover these legal questions and ensure that the zoning works economically.

*Timeframe:* Priority 1

*Responsible Parties:* Planning Board with support from the Housing Trust

*Resources Required:* One of the benefits of this strategy is that it requires very little local investment to implement but must have a local structure in place to ensure that all affordable units meet state requirements under the Local Initiative Program. This support would be necessary for any LIP Local Action Units anyway and could come from the proposed housing coordinator (see Section 6.1.2 for details) or another designated municipal employee.

### **6.2.3 Establish Affordable Housing Guidelines – Promoting More Responsive Private Development**

*Current Status:* Town of Scituate should consider preparing local "Affordable Housing Guidelines" as a helpful tool for promoting greater cooperation between the Town and private for-profit and non-profit developers on affordable housing production while protecting the Town from inappropriate development.

This Housing Plan incorporates production goals that identify development opportunities leading to the production of at least 0.50% of the year-round housing stock per year of at least 36 units, but requires private initiative and investment for full implementation. To this end the Housing Trust and Planning Board should consider affecting the types of housing proposals submitted through the creation of reasonable Affordable Housing Guidelines that provide guidance on projects that will be acceptable to the community and therefore will more likely avoid prolonged and often litigious battles.

Affordable Housing Guidelines provide an aid to both non-profit and for-profit housing developers to help them plan for residential development that will be in line with what the community seeks in affordable housing related to scale, siting, density, levels of affordability, location, design, etc. Through such Guidelines the developer “wins” because there is greater predictability in what the Town is willing to approve, and the Town “wins” because it gets new affordable units that meet locally-established development criteria that help address local needs and production goals. These Guidelines will contribute to a more open environment where developers who adopt these development criteria can approach the Town with the expectation that they will likely be able to pursue their project through a “friendly” Chapter 40B process or normal regulatory channels, working with instead of against the Town on housing creation strategies.

*Next Steps:* The Planning Board, working in coordination with the Housing Trust and Zoning Board of Appeals, should draft Affordable Housing Guidelines and share them with the Select Board, Housing Authority, Conservation Commission, Board of Health, and other interested boards and committees for their review and comment. The Guidelines can then be finalized as local policy and made public.

There are a number of good models of such Guidelines. For example, the Town of Needham has established Local Chapter 40B Guidelines, which can be reviewed and adapted to Scituate.

*Timeframe:* Priority 2

*Responsible Parties:* The Planning Board in coordination with the Housing Trust and Zoning Board of Appeals.

*Resources Required:* This strategy is also likely to require some technical support from the Town Planner, proposed housing consultant or the donated time of local officials and various Town boards and committees.

#### **6.2.4 Allow Residential Development under More Conditions**

*Current Status:* The current Bylaw allows the construction of alternatives to large lot, single-family houses under limited conditions. These conditions should be broadened to further diversify housing options, including more types of housing in more areas, accompanied by design guidelines. One of the attractive aspects of Scituate has been its eclectic mix of people and housing in some areas. New housing development has almost exclusively been directed to luxury housing, typically barring access to none but the most affluent and leaving those who are even earning at median income virtually shutout of the private housing market.

While some notable progress has been made in changing zoning to allow more diverse housing types, such as Accessory Dwelling Units (ADUs) and mixed-uses and multi-family development in various locations where the Village Center and Neighborhood District provisions apply, allowing a wider range of

housing types in more areas will result in public benefits associated with broader private development options and more opportunities for affordable units.

Proposed future zoning amendments that have largely been included in the 2015 Housing Production Plan and/or Planning for Housing Production project for consideration include:

- *Adopt a pocket neighborhood bylaw*  
Create an Overlay District with incentives to allow the development of “cottage housing” or “pocket neighborhoods”, a popular development style on the West Coast and growing in New England that features small, single-family cottages clustered on a single lot around a small common green. Such development might also accommodate several age and income tiers including affordable, workforce (for those earning above 80% of area median income but within 100% or 120% of area median), and market units.
- *Allow owner-occupied, two-family homes in all zoning districts*  
Another consideration is to allow the development of owner-occupied, two-family dwellings in all zoning districts as such housing is among the most affordable types of dwellings, typically providing greater affordability for both the owner’s unit as well as the rental. Because lenders calculate about 75% of rental income in mortgage underwriting criteria, these structures are more accessible to lower income households. For example, the median valued two-family house in Assessors data was \$562,200 in FY20, requiring an income as low as \$68,500 based on 80% mortgage financing and the ability to come up with at least \$120,000 in down payment and closing costs.<sup>70</sup> This analysis also assumes a rent of \$1,800. Assuming the purchasers could obtain a mortgage with 95% financing, the calculations add the costs of private mortgage insurance and the income required would be about \$90,000.

It is therefore not surprising that the two-family house has been successful as starter housing in many older communities when zoning allowed this type of housing. While these units may not be eligible for inclusion in the SHI, they help diversify the housing stock and promote greater affordability. They also could be promoted on infill sites with some attached subsidies to include the units on the SHI.

- *Approve a Residential Frontage Lots Bylaw*  
Consider an alternative to ANRs where large lots with wide frontage on a public street may be allowed to have one additional affordable dwelling unit per every four by reducing frontage requirements. This would necessitate a private frontage road with a limit of two curb cuts on a public street by which all homes were accessible. A natural landscaped buffer between the lots and public street could be required to be maintained for screening the homes from the street.
- *Extend opportunities for live/work unit development*  
Live/work units, such as artist lofts or properties with living space above work space, are now permitted under the VCN bylaw in the Greenbush-Driftway Gateway area. Consideration should be given to expanding these provisions to other areas including North Scituate, Scituate Harbor, and Humarock.

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<sup>70</sup> Figures based on 80% financing, interest of 4.0%, 30-year term, annual property tax rate of \$13.50 per thousand, and insurance costs of \$6 per \$1,000. Also based on an estimated rent of \$1,800 per month (75% or \$1,350 used in calculations) and the purchaser spending no more than 30% of gross income on housing costs.



- *Revise or add residential special districts*
  - Reduce dimensional standards such as the minimum lot size and frontage required for small multi-family units in the R-1, R-2 and Business Zoning Districts. Based on design and affordability guidelines, higher density might be allowed when on one of the units is affordable and eligible for inclusion in the Subsidized Housing Inventory (SHI).
  - Create an Overlay District where higher density (8 units per acre) would be allowed with Site Plan Review, requiring that at least 20% of the units would be affordable and eligible for counting as part of the Subsidized Housing Inventory. This could accommodate apartments in three- to five-unit buildings and single-family homes on small lots. There may be appropriate locations for this district on the outskirts of the village centers or along Route 3A.
  - Allow road design waivers of length, width, and/or radius of the entrance road and road layout on any subdivision where the following are provided: 20% or more affordable housing, the inclusion of sidewalks on an accepted public street (minimum length to be determined), or 80,000 square feet or more of permanently protected upland open space.

*Timeframe:* Priority 2

*Responsible Parties:* Planning Board with support from the Housing Trust

*Resources Required:* This strategy requires zoning amendments that will need to be overseen by the Planning Board and drafted by the Director of Planning and Development and/or a consultant.

### **6.2.5 Allow “Starter Housing” on Nonconforming Lots**

*Current Status:* There are parcels of vacant land that at this time cannot be developed because they do not meet the area and other dimensional requirements of the Zoning Bylaw. It is likely that at least some of these parcels could in fact be suitably developed as housing. Smaller lots would encourage the construction of smaller homes under appropriate guidelines to provide some housing options that are not currently being created by the private market - such as “starter housing” or “workforce housing” – for those unable to currently afford to buy into the Scituate market.

The Planning for Housing Production grant enabled the Town to secure a series of maps identifying more than 100 parcels without environmental constraints but having dimensional problems. These properties could potentially become locations for infill housing. Through this grant, the consultant also prepared a draft infill housing bylaw that creates zoning options for small homes on these lots based on specific criteria and as part of the state’s Local Initiative Program (LIP). Criteria include limiting the size of the new dwellings (i.e., less than 1,500 square feet) and decreasing the minimum lot requirement in the Residence R-1 and R-2 Zoning Districts for two-family homes where one of the units is affordable and eligible for counting as part of the SHI. This amendment also provides an opportunity for developing tax-foreclosed properties.

*Next Steps:* The Planning Board with input from the Housing Trust should review the draft amendment and make additional changes as warranted. The Town should also consider investing subsidy funds to incentivize the creation of affordable units through this bylaw.

*Timeframe:* Priority 2

*Responsible Parties:* Planning Board in consultation with the Zoning Board of Appeals and Housing Trust

*Resources Required:* This strategy requires zoning changes that will need to be overseen by the Planning Board with support from the Planning and Development Department. CPA funding or Housing Trust funds might also be committed to better promote the use of this bylaw and creation of affordable units.

### **6.2.6 Pursue Tax Foreclosed Properties for Affordable Housing**

*Current Status:* While tax foreclosure is not as common in communities like Scituate where housing values are high, nevertheless if such situations present themselves, the Town should be aware of its options. In fact, from time to time the Town has acquired property and buildings when owners failed to pay taxes. In appropriate cases, the Town can sell such property and return it to the tax rolls, but it could also make such property available for family or senior housing with affordable deed restrictions. To date, the Town has not identified tax title lands or buildings specifically for affordable housing

*Next Steps:* The Select Board, with support from the Housing Trust and in coordination with the Town Treasurer, should monitor the status, availability, and suitability of tax title property. The disposal of excess properties through auction has helped balance the Town’s budget in the past. A new policy could reflect that some viable properties could be reserved for affordable housing at the Select Board/TA’s discretion.

If the Housing Trust identifies a tax-foreclosed property or building that is suitable for affordable housing, it should seek Town Meeting approval to designate such property for residential development including some amount of affordable housing. The Town would then select a developer via a Request for Proposals (RFP) prepared by the proposed housing coordinator or another designated municipal staff

person, overseen by the Housing Trust working with the Planning Board (see strategy 6.3.1 for details on the development of Town-owned property).

*Timeframe:* Priority 2

*Responsible Parties:* Select Board with support from the Housing Trust and Town Treasurer.

*Resources Required:* Donated time from members of the Housing Trust as well as staff time from the Town Treasurer or other identified local official to monitor tax title property and identify opportunities. The proposed housing coordinator (strategy 6.1.2) might be able to oversee this process or another designated municipal staff person. Additionally, the foregone amount the Town might have received by auctioning the property would be considered as a significant Town commitment to subsidizing the affordable unit(s) that would remain part of the community's affordable housing stock in perpetuity. Depending upon the condition of the property, additional funding through CPA or the Housing Trust may also be needed to bring the property up to code and make it affordable.

*Responsible Parties:* Select Board with support from the Housing Trust

### **6.2.7 Explore Use of Chapters 40R and 40S**

*Current Status:* The state has enabled legislation under Massachusetts General Laws Chapter 40R to provide financial and other incentives to local communities that pass Smart Growth Overlay Zoning Districts that allow the building of single-family homes on smaller lots and the construction of mixed-income apartments for families.

The goal of 40R was to address several regional concerns at once including the need for more affordable housing, the need to avoid adding more traffic to roads and highways already choked during commuting hours, and to protect the New England landscape from additional sprawl, fostered by large-lot subdivisions. The legislation was also passed in recognition that escalating housing prices, beyond the reach of increasing numbers of state residents, were forcing college graduates and young professionals to relocate to other areas of the country in search of greater affordability.

The key components of 40R include:

- Allows local option to adopt Overlay Districts near transit, areas of concentrated development, commercial districts, rural village districts, and other suitable locations;
- Allows "as-of-right" residential development of minimum allowable densities;
- Provides that at least 20% of the units be affordable;
- Allows mixed-use and infill development;
- Provides two types of payments to municipalities (incentive payments based on the number of projected housing units) and density bonus payments of \$3,000 for each residential unit issued a building permit); and
- Encourages open space and protects historic districts.

**It is worth noting that other benefits come with the adoption of 40R Districts such as the Town becoming more competitive for state discretionary funds, including funds for new schools and infrastructure, as well as being less susceptible to unwanted Chapter 40B projects as was the case in Easton and Reading for example.**

The state also enacted Chapter 40S under the Massachusetts General Law that provides additional benefits through insurance to towns that build affordable housing under 40R that they would not be saddled with the extra school costs caused by school-aged children who might move into this new housing. In effect, 40S is a complimentary insurance plan for communities concerned about the impacts of a possible net increase in school costs due to new housing development. (See the Appendix 3 for more details on 40R/40S.)

The Town drafted a 40R Smart Growth Overlay District (SGOD) bylaw in 2015 for the Greenbush-Driftway area as it had been considered an appropriate area for mixed-use and higher-density development focused around the Greenbush MBTA station and proximity to Route 3A. The warrant article was withdrawn, however, given sewer capacity and boundary questions. Since then, the Town has prepared a Conceptual Vision and Strategies Action Plan for the areas which includes a detailed rezoning outline that could become a 40R District. Moreover, the Planning for Housing Production grant helped obtain a MassWorks grant of \$2.1 million to address significant I/I sewer infrastructure issues in other areas of Scituate and allows for additional sewer capacity in the Greenbush-Driftway area. This was necessary to allow the development of a 78-unit mixed-use rental project across from the MBTA station that will include 12 affordable units.

*Next Steps:* In an effort to promote smart growth and mixed-use, mixed-income development, the Town might consider the creation of a 40R district as part of the rezoning effort for North Scituate or other area where some increase in density and mixed-use development is suitable, Scituate Harbor for example. Also, the VCN bylaw was created with a framework so that it may be easily converted to a 40R District in the future. **Access to sewer services remains an important element in locating such a District and any 40R location would involve the expansion of existing sewer capacity, a challenging local undertaking.**

The Overlay Zoning Districts will require approval by the Planning Board and a two-thirds vote of Town Meeting. The formal steps involved in creating Overlay Districts are as follows:

1. The Town holds a public hearing as to whether to adopt an Overlay District per the requirements of 40R;
2. The Town applies to DHCD prior to adopting the new zoning;
3. DHCD reviews the application and issues a Letter of Eligibility if the new zoning satisfies the requirements of 40R;
4. The Town adopts the new zoning through a two-thirds vote of Town Meeting subject to any modifications required by DHCD;
5. The Town submits evidence of approval to DHCD upon the adoption of the new zoning; and
6. DHCD issues a letter of approval, which indicates the number of incentive units and the amount of payment.

*Timeframe:* Priority 2 although there may be some consideration of using Chapter 40R as a basis for rezoning North Scituate.

*Responsible Parties:* Planning Board with support from the Housing Trust

*Resources Required:* Staff time of the Planning and Development Department and potentially another consultant would be required for implementation as well as time from the Planning Board.

### **6.3 Housing Development and Preservation Strategies**

As emphasized in other sections of this Housing Production Plan, to meet production goals it will be essential for the Town of Scituate to reach out to the development community and sources of public and private financing to secure the necessary technical and financial resources to make development feasible.

While some of the efforts will rely on the participation of existing homeowners, most of the production will require joint ventures with developers – for-profit and non-profit – to create affordable housing. Competitive Requests for Proposals (RFP’s) for the selection of developers will be necessary to convey and ultimately build on publicly-owned property. For-profit developers continue to express interest in developing housing in Scituate, and there are a number of non-profit organizations that have successfully completed affordable housing projects in the area and are eager to partner with the Town on new projects.

Being certified under Housing Production (meeting production goals) will put the Town in an advantageous bargaining position with developers as to project terms and conditions because the Town will likely not have to accept unwanted development applications. Moreover, the Housing Guidelines that are proposed under strategy 6.2.3 will, if adopted, provide a helpful tool for promoting greater cooperation between the Town and private developers on affordable housing production while protecting the Town from inappropriate development.

In addition to the active participation of the development community, it will be important for Scituate to actively seek support from state and federal agencies and effectively leverage its limited Community Preservation and Housing Trust Funds. Because affordable housing is rarely developed without private financing, project developers will need to reach out to private lenders as well.

The following strategies provide the basic components for the Town to meet its housing production goals:

#### **6.3.1 Make Suitable Publicly-Owned Property Available for Affordable Housing**

*Current Status:* The contribution or “bargain sale” of land owned by the Town or other public entities but not essential for government purposes is a key component of production goals. The Town of Scituate does not have a substantial amount of Town-owned property remaining as 95% of such property has already been restricted or designated for specific purposes other than housing. Nevertheless, some limited opportunities exist that are owned by the Town or the Scituate Housing Authority that may potentially be suitable for some amount of affordable housing development:

- *Parcel Behind Library*  
The Town owns a parcel behind the Library that has been discussed as a possible location for the Senior Center but has also been suggested as a location for some amount of affordable housing.
- *Senior Center*  
The Town is planning on selling the existing Senior Center and any new development on the site might potentially include affordable housing
- *New Kent Street and Driftway Parcel*  
This seven-acre parcel was conveyed by the Town of Scituate to the Scituate Housing Authority. The Housing Authority explored a multi-family development in the past. The site has long been

zoned for the development of affordable multi-family housing and has been confirmed suitable for development of up to 30 housing units based on predevelopment engineering work.

This Plan also includes a strategy to prepare an inventory of potentially suitable parcels by more fully assessing the appropriateness of various Town-owned and SHA-owned properties (strategy 6.1.4). Additional analysis is warranted for smaller infill sites or larger parcels where both open space and housing might be accommodated through cluster development. CPA or Housing Trust funding can be used to support further environmental testing and analysis.

The Town of Scituate may also decide to acquire privately-owned sites over the next decade for the purposes of developing some amount of housing, including affordable housing. Ideally such properties would meet a number of smart growth principles such as providing higher density or clustered development to preserve open space, offering accessibility to civic and commercial areas by foot, promoting sustainable design and construction standards, and serving as a catalyst for or product of brownfields remediation.

Years ago the Scituate Housing Partnership, which has now been replaced by the Affordable Housing Trust, assembled a list of undeveloped land with the thought that the Town might acquire some property with Community Preservation funding as a number of other towns have done. CPA funds can in fact be bonded over time to support substantial land acquisition efforts as was done in Carlisle and Falmouth for example. Additional properties for future consideration include some large houses that might be converted to apartments, potential teardowns that might be donated and then moved to other sites, as well as general areas where redevelopment is encouraged through rezoning including Scituate's villages and sections of commercial corridors.

*Next Steps:* The Town should conduct preliminary feasibility analyses on identified Town-owned parcels that might be suitable for affordable housing, several which are listed above, and further researched under strategy 6.1.4. If this analysis indicates that housing might likely be accommodated on Town-owned parcels,<sup>71</sup> the Housing Trust should request approval from the Select Board and Town Meeting to designate these identified properties for affordable housing development. The Scituate Housing Authority has already conducted some preliminary testing and feasibility analyses on its Dwiftway site.

Following the necessary approvals, the Affordable Housing Trust, the Town's Chief Procurement Officer and a housing professional (proposed housing coordinator), should prepare a Request for Proposals (RFP) to solicit interest from developers based on the Town's specific project requirements and select a developer based on identified criteria included in the RFP. Projects may require densities or other regulatory relief beyond what is allowed under the existing Zoning Bylaw, and the selected developer may be able to obtain this relief through proposed new zoning or use the "friendly" comprehensive permit process through DHCD's Local Initiative Program (LIP). Additionally, the Housing Trust will need to support the selected developer in advocating for the necessary financial, technical and political support and ultimately ensure that all affordability requirements are met and preserved.

*Timeframe:* Priority 1

*Responsible Parties:* Select Board with support from the Housing Trust

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<sup>71</sup> Parcels that are owned by the Scituate Housing Authority do not require local approval by the Select Board or Town Meeting for disposition to a developer but must be reviewed and approved by DHCD.

*Resources Required:* It would be useful to have professional support to coordinate this effort, working with the Town’s Chief Procurement Officer to prepare a Request for Proposals, coordinate the developer selection process and provide other assistance during the development and construction phases. The proposed housing coordinator could be assigned to undertake these activities, otherwise another designated municipal employee or other entity should be identified.

Resources will also be required to help subsidize the development. Because the property is owned by a public entity, it will be important to maximize public benefits in its conveyance for development and consequently at least half if not all units should be affordable or include other income tiers for those priced out of Scituate’s housing market. Because the costs of development are typically much higher than the rents or purchase prices that low- and moderate-income households can afford, multiple layers of subsidies are often required to fill the gaps.

It is likely that a number of financial and technical resources will continue to be required to produce affordable units in Scituate. Appendix 3 includes summaries of many of these resources. Community support will also be required for zoning relief or changes to bylaws that will support this kind of development.

*Projected # Affordable Units Produced:* 55 units

### **6.3.2 Support Private Development in Line with Local Guidelines**

*Current Status:* With incentives created in the Zoning Bylaw to promote affordable housing (see Section 6.2), and proposed local policies that provide guidance to developers on what the Town would like to see with respect to new development (strategy 6.2.3), the Town would be in a good position to work cooperatively with developers, both for-profit and non-profit, to guide new development that incorporates affordable units. This Housing Production Plan suggests that new provisions should be made to encourage the following types of housing:

- Mixed-use development in appropriate locations,
- Smaller infill housing on nonconforming lots,
- Two-family or duplex housing units,
- Group homes,
- Multi-family housing in appropriate locations,
- Cluster development that integrates affordable units and is more in keeping with smart growth principles,
- Live-work opportunities, and
- Small scattered infill sites, like those developed by the Housing Trust, Habitat for Humanity.

Support for such development could be processed through normal regulatory channels when the projects are in basic compliance with existing zoning or could be handled through the “friendly” 40B process offered through the state’s Local Initiative Program (LIP) or 40R. “Friendly” comprehensive permits have proven to be a useful tool in many communities for projects that require zoning waivers but meet local needs and priorities. Some of these projects have also incorporated more affordable units than those required under Chapter 40B such as the recent Lawson Green development. Key to the success of these new developments has been the partnership between the Town and the developer to build affordable housing, the infusion of Community Preservation or Housing Trust funding to enhance

the affordability of these developments and leverage other sources of financing, as well as the proven expertise of the developer in building affordable housing.

*Next Steps:* The Town should continue to reach out to local developers who have been active in producing affordable housing to discuss further opportunities for new development, local guidelines and priorities for new development (strategy 6.2.3), and the prospects for working together in the future. This will be particularly useful after the Town has produced Affordable Housing Guidelines and has passed key zoning changes summarized in Section 6.2.

To effectively guide development, the Town should also establish a process for reviewing local development proposals that include affordable units in their early conceptual stages to provide useful feedback to developers on preliminary plans. At some point, the Housing Trust should have an opportunity to review and comment on such proposals with potential technical support from the proposed housing coordinator.

*Timeframe:* Priority 1

*Responsible Party:* Housing Trust

*Resources Required:* Representatives of the Housing Trust should take the lead, working with developers on the initial review process and coordinating with other Town boards, committees, and departments as appropriate throughout the development process. The support of the proposed housing coordinator would be extremely useful. Local subsidies through CPA or the Housing Trust will also be important to ensure project feasibility, filling financing gaps.

*Projected # Affordable Units Produced:* 280 units

### **6.3.3 Support Small Scattered-site Infill Housing**

*Current Status:* There are small lots, both Town-owned and privately-owned, that are spread throughout Scituate and might accommodate more limited numbers of new housing units in support of production goals and local needs. For example, the Scituate Affordable Housing Trust has actively been acquiring property and converting the existing homes to long-term affordability, including homes at Nelson Road and Carrie Litchfield Lane. Similarly, it has built two new affordable homeownership units on Town-owned property on Stockbridge Road. Such housing provides important starter homes or workforce housing for young families.

*Next Steps:* The Town can continue to support the work of the Housing Trust and other for-profit and non-profit entities to create new affordable infill housing on available sites scattered throughout town. Such infill new development may include:

- A single small home, like the Housing Trust or Habitat for Humanity models.
- A two-family house that can accommodate an owner's unit and rental apartment that offers both a first-time homebuyer opportunity with rental income from an apartment and a new rental unit, serving several needs simultaneously.
- A group home for special needs populations.
- Multi-family residences, perhaps resembling rambling farmhouses that can accommodate several individual units, either as rentals or condominiums. These units can also be developed as mixed-income housing, blending a couple of income tiers.

- A few adjoining townhouses that can also serve a variety of income levels.

The Town can play a helpful role in supporting developers in applying for subsidies to ensure that at least some of the units are affordable and can be included in the Town's Subsidized Housing Inventory; can negotiate small "friendly" Chapter 40B projects through DHCD's Local Initiative Program or other 40B avenues; and can encourage abutters to create affordable housing on vacant adjacent lots. The ability to develop nonconforming lots (strategy 6.2.5) will also promote infill housing within existing neighborhoods. Additional resources to support such development can be accessed through the state and federal government programs (see Appendix 3 for more information).

South Shore Habitat for Humanity has expressed interest in developing new affordable homes in Scituate, for example, and continues to look for donated public and private land on which to build. Organizations that support special needs housing are active throughout the area and may have an interest in developing group homes in Scituate. For example, there are 18 units as part of group homes listed in the SHI. There are also excellent models of small "friendly" comprehensive permit projects in other communities that incorporate several income tiers to meet the housing needs of those within a wide range of incomes.

*Timeframe:* Priority 1

*Responsible Party:* Housing Trust

*Resources Required:* It will be helpful for the Housing Trust to support such efforts and, when possible, make smaller Town-owned parcels, potentially acquired through tax foreclosure (see strategy 6.2.6), available for affordable housing development through Requests for Proposals. Community Preservation and Housing Trust funds could continue to be helpful for promoting the affordability of new infill housing. Community support will also be required for zoning relief or changes to bylaws that will support this kind of development.

*Projected # Affordable Units Produced:* 14 units

#### **6.3.4. Introduce a Small Repair Grant Program**

*Current Status:* Many communities have introduced grant programs for qualifying homeowners to make important health and safety improvements to their homes. Most programs provide grants of up to \$5,000 for such repairs. Because the use of CPA funding for home improvements or housing rehab is limited to projects that were acquired and/or built with CPA funding, programs must rely on other sources of funding. For example, Sudbury's program is funded through the marketing/lottery fees of its Housing Trust, Norwell's program involved proceeds from the sale of an affordable unit as part of a local development, and Needham received funding from the Town's general budget, for example.

There are a number of program models that have been implemented in other communities that can be adapted to a Scituate initiative. For example, the Sudbury Small Grant Program is administered by the Sudbury Housing Trust and provides up to \$5,000 for home repairs with no obligation to repay. Examples of repair work include minor plumbing or electrical work, light carpentry, window and door repairs or replacement, tiling, touch-up painting, smoke or CO2 detectors, weather stripping, bathroom grab bars, among many others. Eligibility requirements include:

- The property must be located in Sudbury and be the owner's primary residence.

- Participating owners must plan to stay in Sudbury for the next 12 months after receiving payment.
- Income cannot be higher than the Boston area median income limit.
- The home's assessed value must be lower than the median single-family home assessment.
- Participating owners must inform the Sudbury Housing Trust before they list their home for sale.

Grants are awarded twice a year and prioritized based on health and safety considerations and financial need. Sudbury has found that about 2/3 of the participants are seniors and the average subsidy was less than \$3,000.

The Norwell Senior Small Grant Program provides grants of up to \$2,500 to qualifying property owners to help them make health and safety improvements to their homes. The Program is targeted to seniors 60 years of age or older with the following additional requirements:

- Property is located in Norwell and is the applicant's primary residence. The applicant must agree to reside in the home for at least a full 12 months following completion of the repair work.
- Household income must be less than the "Circuit Breaker" income limit determined by the Massachusetts Department of Revenue. In 2018 this income was \$58,000 for a single individual who is not the head of a household, \$73,000 for a head of household, and \$88,000 for married couple filing a joint return.
- The maximum home value can be no greater than the median single-family home assessment but can be waived in unusual circumstances.

There are also other housing rehab initiatives that are available to qualifying Scituate residents, including the following:

- *MassHousing Home Improvement Loan Program (HILP)*  
The MHFA Home Improvement Loan Program (HILP) is targeted to one- to four-unit, owner-occupied properties, including condominiums, with a minimum loan amount of \$10,000 up to a maximum of \$50,000. Loan terms range from five to 20 years based on the amount of the loan and the borrower's income and debt. MassHousing services the loans. Income limits are \$92,000 for households of one or two persons and \$104,000 for families of three or more persons. To apply for a loan, applicants must contact a participating lender.
- *Get the Lead Out Program*  
MassHousing's Get the Lead Out Program offers 100% financing for lead paint removal on excellent terms that are based on ownership status and type of property. An owner-occupied, single-family home may be eligible to receive a 0% deferred payment loan up to \$20,000 that is due when the house is sold, transferred or refinanced. An owner-occupant of a two-family house could receive up to \$25,000 to conduct the de-leading work. Maximum income limits for owner-occupants are \$107,800 for one and two-person households and \$123,900 for three or more persons. Investor-owners can also participate in the program but receive a 5% fully amortizing loan to cover costs. Non-profit organizations that rent properties to income-eligible residents are also eligible for 0% fully amortizing loans that run from five to 20 years.

Applicants must contact a local rehabilitation agency to apply for the loan that includes the Quincy Community Action Program (QCAP).

- *Septic Repair Program*  
MassHousing offers loans to repair or replace failed or inadequate septic systems for qualifying applicants. The interest rates vary according to the borrower's income with 0% loans available to one and two-person households earning up to \$25,000 and three or more person households earning up to \$28,500 annually. There are 3% loans available for those one or two person households earning up to \$50,000 and three or more persons earning up to \$57,000. The 5% loans have income limits of up to \$100,000 for one and two-member households and \$114,000 for three or more persons. Additionally, one to four-family dwellings and condominiums are eligible for loan amounts of up to \$25,000 and can be repaid in as little as three years or over a longer period of up to 20 years. To apply for a loan, applicants must contact a participating lender.
- *Home Modification Loan Program (HMLP)*  
This state-funded program provides financial and technical assistance to those who require modifications to their homes to make them handicapped accessible. Income limits vary by size of household at \$166,000 for a single-person household and \$213,400 for three persons for example. Housing Solutions administers this program for Scituate.

*Next Steps:* The Affordable Housing Trust should undertake the following process towards the implementation of a Small Repair Grant Program:

- Conduct further research of such programs.
- Prepare a Program Summary that includes information on eligibility criteria, allowed improvements, maximum grant amount, payment or repayment requirements, application procedures, etc.
- Identify the staff responsible for program management, perhaps the proposed housing coordinator, reporting to the Housing Trust which would be responsible for overseeing operations.
- Determine funding source(s) and amount and apply for funds.
- Prepare application and outreach materials.
- Prepare and implement an outreach strategy to get the word out on the availability of funding.

*Timeframe:* Priority 2

*Responsible Party:* Housing Trust

*Resources Required:* Program grant funding, perhaps starting with an allocation in the range of \$25,000 to \$50,000. Donated time of the Housing Trust and staff time from the proposed housing coordinator or other designated municipal staff.

*Projected # Affordable Units Produced:* While units cannot be counted as part of the SHI, the program still serves a priority local need of improving local housing conditions.

### **6.3.5. Explore an Emergency Rental Assistance Program**

*Current Status:* Given the COVID-19 pandemic, more than 80 communities in the state have introduced Emergency Rental Assistance Programs to provide short-term assistance to renter households who can demonstrate that have lost income due to the health crisis either through a job loss, reduced hours or a furlough and thus are struggling to pay their rent. Thus far, more than \$30 million has been committed by these communities, the majority funded with CPA or Housing Trust funds. These commitments have ranged from \$15,000 to \$8 million with an average maximum assistance per participating household of \$3,850 to cover an average of three months in payments directly to landlords.

Program benefits and operations have ranged significantly from community to community with the following examples:

- Belmont committed \$250,000 in CPA funds and through a Request for Proposals selected the regional non-profit housing organization, Metro West Collaborative Development, to operate the program. Maximum payments are based on 50% of HUD Fair Market Rents (1-bedroom at \$950, 2-bedroom at \$1,155, and 3-bedroom at \$1,440) for a 3-month duration for homeowners with incomes no more than 80% AMI and preference for those earning at or below 60% AMI.
- Watertown has also engaged Metro West CD as their program administrator, committing \$175,000 in CPA funding with another \$50,000 from the Foundation for Metrowest as part of the Massachusetts COVID-19 Relief Fund. Maximum monthly assistance is based on 40% of the Fair Market Rents (1-bedroom at \$750, 2-bedroom at \$950, and 3-bedroom at \$1,150) for a 3-month duration for homeowners with incomes of no more than 80% AMI. Littleton has similar program requirements but is operating the program itself.
- The City of Newton has committed \$2.5 million in CPA and CDBG funding and will cover 70% of a household's monthly rent with a maximum monthly assistance amount of \$2,500 per household or \$7,500 for three months. Participation is also limited to those earning at or below 80% AMI. Metro West CD is also serving as their program administrator.
- Grafton has allocated \$200,000 towards the program in CPA funding for a maximum payment of \$2,000 per month targeted to those earning at or below 80% AMI. MCO Housing is the program administrator.
- Sudbury will pay between \$350 to \$800 per month, depending on unit size, for four months. Grant renewals may be possible depending on need and available funding. The program is funded through the Sudbury Housing Trust and is administered by the Regional Housing Services Office (RHSO). Income limits are based on 100% AMI for households whose current monthly rent is below specified levels (1-bedroom at \$1,925, 2-bedroom at \$2,311, 3-bedroom at \$2,880, and 4-bedroom at \$3,131).

*Next Steps:* The Housing Trust should work with the Planning and Development Department to undertake further research on existing programs and prepare a summary of program requirements to share with other boards, such as the Community Preservation Committee and Select Board, to discuss possible future funding. CPA would be the likely funding source, and the Housing Trust could submit an application for funding in the next funding round, not likely until next spring at this point.

If the Community Preservation Act application is approved, the Town would then procure a program administrator who would be responsible for providing the following services:

- Develop an application form that meets Program parameters;

- Accept applications on a confidential basis;
- Provide assistance in completing applications by phone, online, and potentially at a drive-up event;
- Offer a mechanism to accept applications online and in hard copy;
- Provide translation services to applicants as necessary;
- Fully accommodate those with a disability or in need of some reasonable accommodation;
- Conduct a lottery at the end of the marketing period to establish the order in which funds will be distributed;
- Determine household eligibility and verification of landlord ownership (do as much of this as applications are received although some determinations will be made after the lottery);
- Establish a waitlist should the number of applicants exceed the funding available;
- Enter into agreements with eligible households and landlords;
- Obtain W-9 forms and issue 1099 forms to the landlords;
- Disburse monthly checks to the landlords; and
- Prepare monthly status reports on all operations.

Towns are typically responsible for community outreach to notify residents of the program.

*Responsible Party:* Housing Trust

*Resources Required:* As noted above, the Town would need to commit CPA or Housing Trust funds to support program assistance and operations as well as to undertake program outreach. It would also have to bring on the capacity to operate the program, likely through a Request for Proposals process to select a qualified program administrator. Fees from other programs have been about \$450 per participating household.

*Projected # Affordable Units Produced:* While units cannot be counted as part of the SHI, the program still serves a priority local need of stabilizing renter households during the COVID-19 health crisis.

## Appendix 1

### Local and Regional Organizations

Scituate has a number of local and regional entities available to help support the production of affordable housing or provide housing-related services. These organizations, described below, represent important resources for the Town to continue to access, creating partnerships in the implementation of this Housing Plan.

#### ***Scituate Affordable Housing Trust***

The Town of Scituate approved a Municipal Affordable Housing Trust at its spring 2008 Town Meeting through State enabling legislation that was enacted on June 7, 2005, which simplified the process of establishing local housing funds. Previously, cities could create trusts through their own resolution, but towns had to get approval from the state legislature through a home rule petition. The law provides guidelines on what trusts can do and allows communities to collect funds for housing, segregate them out of the general budget into an affordable housing trust fund, and use these funds without going back to Town Meeting for approval. It also enables trusts to own and manage real estate, not just receive and disburse funds. The law further requires that local housing trusts be governed by at least a five-member board of trustees, appointed and confirmed by the Select Board, in the case of towns. The Housing Trust is overseeing the preparation of this Housing Production Plan and will be primarily responsible for coordinating its implementation.

The Housing Trust manages the Affordable Housing Trust Fund that has received significant allocations of Community Preservation funding over the years which it has been able to invest in affordable housing initiatives. For example, the Housing Trust, which is the sponsor of this Housing Production Plan, has been active in supporting a number of local housing efforts including forging a partnership with the Scituate Housing Authority to promote the development of the Lawson Green Apartments as well as the development of three affordable homes for first-time homebuyers.

#### ***Scituate Housing Authority (SHA)***

The Scituate Housing Authority (SHA) was established in June of 1958 to produce and manage low- and moderate-income housing. The board includes five members who are elected at-large by the town and another member appointed by the state's Department of Housing and Community Development (DHCD). The Housing Authority currently owns and manages 209 units of studio, one-bedroom and wheelchair accessible units for seniors and younger disabled persons, which involves 58% of the town's affordable units as counted in the Subsidized Housing Inventory. SHA developments include Lincoln Park (40 units), Wheeler Park Phase I (40 units), Wheeler Park Phase II (78 units – 6 are wheelchair accessible), and Central Park (51 units – 5 are wheelchair accessible). Lincoln Park and both phases of Wheeler Park are of the garden apartment style and those Scituate residents and employees, particularly veterans, receive preference on the waiting list. Central Park involved the redevelopment of the Central School building but there are no preferences on the waiting list for Scituate residents and employees because of HUD requirements.

The Housing Authority partnered with the Town's Housing Trust on the development of the Lawson Green Apartments and owns some additional land in town that might be suitable for development at some time in the future.

### ***Scituate Community Preservation Committee***

The Scituate Community Preservation Committee (CPC) has been charged with the oversight of funds to be raised through Scituate's passage of the Community Preservation Act. In September of 2000 the Community Preservation Act was enacted to provide Massachusetts cities and towns with another tool to conserve open space, preserve historic properties and provide affordable housing. This enabling statute established the authority for municipalities in the Commonwealth to create a Community Preservation Fund derived from a surcharge of up to 3% of the property tax with a corresponding state match of up to 100%. Once adopted the Act requires at least 10% of the monies raised to be distributed to each of the three categories (open space, historic preservation and affordable housing), allowing flexibility in distributing the majority of the money to any of the three uses as determined by the community. The Act further requires that a Community Preservation Committee of five to nine members be established, representing various boards or committees in the community, to recommend to the legislative body, in this case Town Meeting, how to spend the Community Preservation Fund.

In 2002 Scituate approved the creation of a Community Preservation Fund with funding support from the state for open space preservation, historic preservation and affordable housing production. The Town adopted a 3% surcharge on property taxes with exemptions for low-income owners and the first \$100,000 of the property's assessed value. At least 10% of CPA funds must be directed to affordable housing activities which the Town has chosen to pass on to the Housing Trust on an annual basis, also accepting applications for other housing projects. This funding is helpful in leveraging additional public and private technical and financial resources to meet production goals.

Scituate's Community Preservation Committee is comprised of nine (9) members including representatives of the Planning Board, Historic Commission, Conservation Commission, Recreation Committee, Housing Authority, and four (4) "Members at Large" appointed by the Select Board.

Total CPA funding committed to community housing initiatives from 2003 to date was \$4,224,299. The Town voted to transfer \$700,000 of its CPA funding to the Scituate Affordable Housing Trust Fund in FY2008 and another \$700,000 in FY2009. About \$600,000 of this was spent on the purchase of 11 Nelson Road and 20 Carrie Litchfield Lane, together with the legal work, marketing and lottery needed to prepare the properties for affordable ownership and inclusion on the Subsidized Housing Inventory. These expenditures were partially offset by the receipt of \$188,500 from the sale of 20 Carrie Litchfield Lane.

The Town recently allocated \$2.5 million to the Lawson Green development. The following additional community housing activities have received CPA funding:

- Affordable Housing Plan
- Housing Authority initiative for site testing/analysis of Driftway, New Kent property
- Elderly Housing Study
- Central Park Housing Cupola & Roof Restoration
- Central Park Housing Window Replacement

### ***Scituate Council on Aging***

The Scituate Council on Aging is a Town department that provides services to support the quality of life of area elders through a wide variety of services including the operation of a Senior Center that offers social programs for seniors, an information and referral service on a wide range of issues (e.g., housing advice, in-home help, nutritional programs, legal matters, health care, consumer issues, and home

maintenance services), community-based outreach services to promote independent living (e.g., transportation, congregate meals, health programs, educational programs, fuel assistance, and social/recreational programs), and in-home support services (home-delivered meals, Senior-to-Senior Chore Program, and Friendly Visitor Program). The Council relies heavily on local volunteers to support its services.

The Council on Aging receives many inquiries from area seniors that are related to housing, with most of these calls related to how they can find more affordable housing options in the community. Some elders are encountering difficulties affording to remain in their current homes and cannot locate alternative housing that is affordable, particularly if they require supportive services. There are no assisted living options in Scituate, and a number of residents have had to seek alternatives outside of town. There are residents of existing senior housing that could also use some additional services such as dining facilities within the housing development. Some seniors looking to downsize from their single-family homes are also having difficulty finding suitable smaller units without home maintenance requirements, such as condominiums. Other needs that surface involve deferred maintenance problems and proximity to transportation and services.

The Council on Aging works with the Town on a program that abates taxes for up to \$750 for seniors in exchange for minor services to the Town, for example, volunteering at a school or library. In addition to this work program, the Town also has a program for income-eligible seniors that reduces property tax bills by \$500.

***Housing Solutions of Southeastern Massachusetts, Inc.***

Housing Solutions of Southeastern Massachusetts, Inc. (formerly South Shore Housing Development Corporation) is committed to enhancing the quality of life for low- and moderate-income people by providing decent, safe and affordable housing; helping families move forward toward economic and social independence; and assisting individuals in reconnecting within their respective communities. This non-profit housing development corporation was established in 1970 to serve Bristol and Plymouth counties in the Southeast region of Massachusetts, including the town of Scituate. The organization has expanded its housing services over the past decades to include rental assistance, new housing development, property management, homeless assistance, housing rehabilitation, as well as counseling and education. South Shore Housing continues to administer Section 8 Housing Choice Vouchers throughout Plymouth and Bristol Counties.

***South Shore Habitat for Humanity***

Habitat for Humanity is an ecumenical, non-profit Christian ministry dedicated to building simple, decent homes in partnership with families in need. The organization has grown over the past several decades into one of the largest private homebuilders in the world with almost 1,600 U.S. affiliates and over 2,000 affiliates worldwide, including one on the South Shore that has been able to build new homes for first-time homebuyers through donated land, materials, labor and funding as well as other special financing strategies. South Shore Habitat for Humanity has produced 58 affordable homes on the South Shore with several more underway. They have completed one house in Scituate but because the home was not affirmatively marketed to those living outside of the town of Scituate, it cannot be counted as part of the Subsidized Housing Inventory.

***South Shore Community Action Council***

South Shore Community Action Council, Inc. is the area's community action agency that was established to serve a wide range of education, housing, health and service needs of low-income and disadvantaged

area residents. The organization is based in Plymouth but has expanded during the past three decades to include a number of cities and towns on the South Shore including Scituate. Programs include fuel assistance, weatherization, burner repair and replacement, Head Start, and other services directed to area families.

## Appendix 2

### Glossary of Housing Terms

#### **Affordable Housing**

A subjective term, but as used in this Plan, refers to housing available to a household earning no more than 80% of area median income at a cost that is no more than 30% of total household income.

#### **Area Median Income (AMI)**

The estimated median income, adjusted for family size, by metropolitan area (or county in nonmetropolitan areas) that is adjusted by HUD annually and used as the basis of eligibility for most housing assistance programs. Sometimes referred to as “MFI” or median family income.

#### **Chapter 40B**

The state’s comprehensive permit law, enacted in 1969, established an affordable housing goal of 10% for every community. In communities below the 10% goal, developers of low- and moderate-income housing can seek an expedited local review under the comprehensive permit process and can request a limited waiver of local zoning and other restrictions, which hamper construction of affordable housing. Developers can appeal to the state if their application is denied or approved with conditions that render it uneconomic, and the state can overturn the local decision if it finds it unreasonable in light of the need for affordable housing.

#### **Chapter 44B**

The Community Preservation Act Enabling Legislation that allows communities, at local option, to establish a Community Preservation Fund to preserve open space, historic resources and community housing, by imposing a surcharge of up to 3% on local property taxes. The state provides matching funds from its own Community Preservation Trust Fund, generated from an increase in certain Registry of Deeds’ fees.

#### **Comprehensive Permit**

Expedited permitting process for developers building affordable housing under Chapter 40B “anti-snob zoning” law. A comprehensive permit, rather than multiple individual permits from various local boards, is issued by the local zoning boards of appeals to qualifying developers.

#### **Department of Housing and Community Development (DHCD)**

DHCD is the state’s lead agency for housing and community development programs and policy. It oversees state-funded public housing, administers rental assistance programs, provides funds for municipal assistance, and funds a variety of programs to stimulate the development of affordable housing.

#### **Fair Housing Act**

Federal legislation, first enacted in 1968, that provides the Secretary of HUD with investigation and enforcement responsibilities for fair housing practices. It prohibits discrimination in housing and lending based on race, color, religion, sex, national origin, handicap, or familial status. There is also a Massachusetts Fair Housing Act, which extends the prohibition against discrimination to sexual orientation, marital status, ancestry, veteran status, children, and age. The state law also prohibits

discrimination against families receiving public assistance or rental subsidies, or because of any requirement of these programs.

### **Inclusionary Zoning**

A zoning ordinance or bylaw that requires a developer to include affordable housing as part of a development or contribute to a fund for such housing.

### **Infill Development**

The practice of building on vacant or undeveloped parcels in dense areas, especially urban and inner suburban neighborhoods. Promotes compact development, which in turn allows undeveloped land to remain open and green.

### **Local Initiative Program (LIP)**

A state program under which communities may use local resources and DHCD technical assistance to develop affordable housing that is eligible for inclusion on the state Subsidized Housing Inventory (SHI). LIP is not a financing program, but the DHCD technical assistance qualifies as a subsidy and enables locally supported developments that do not require other financial subsidies to use the comprehensive permit process. At least 25% of the units must be set-aside as affordable to households earning less than 80% of area median income.

### **MassHousing (formerly the Massachusetts Housing Finance Agency, MHFA)**

A quasi-public agency created in 1966 to help finance affordable housing programs. MassHousing sells both tax-exempt and taxable bonds to finance its many single-family and multi-family programs.

### **Metropolitan Statistical Area (MSA)**

The term is also used for CMSAs (consolidated metropolitan statistical areas) and PMSAs (primary metropolitan statistical areas) that are geographic units used for defining urban areas that are based largely on commuting patterns. The federal Office of Management and Budget defines these areas for statistical purposes only, but many federal agencies use them for programmatic purposes, including allocating federal funds and determining program eligibility. HUD uses MSAs as its basis for setting income guidelines and fair market rents.

### **Mixed-Income Housing Development**

Development that includes housing for various income levels.

### **Mixed-Use Development**

Projects that combine different types of development such as residential, commercial, office, industrial and institutional into one project.

### **Overlay Zoning**

A zoning district, applied over one or more other districts that contains additional provisions for special features or conditions, such as historic buildings, affordable housing, or wetlands.

### **Public Housing Agency (PHA)**

A public entity that operates housing programs: includes state housing agencies (including DHCD), housing finance agencies and local housing authorities. This is a HUD definition that is used to describe the entities that are permitted to receive funds or administer a wide range of HUD programs including public housing and Section 8 Housing Choice Vouchers.

### **Regional Non-Profit Housing Organizations**

Regional non-profit organizations include nine private, non-profit housing agencies, which administer the Section 8 Program on a statewide basis, under contract with DHCD. Each agency serves a wide geographic region. Collectively, they cover the entire state and administer over 15,000 Section 8 Housing Choice Vouchers. In addition to administering Section 8 subsidies, they administer state-funded rental assistance (MRVP) in communities without participating local housing authorities. They also develop affordable housing and run housing rehabilitation and weatherization programs, operate homeless shelters, run homeless prevention and first-time homebuyer programs, and offer technical assistance and training programs for communities. South Shore Housing serves as Scituate's regional non-profit organization.

### **Regional Planning Agencies (RPAs)**

These are public agencies that coordinate planning in each of thirteen regions of the state. They are empowered to undertake studies of resources, problems, and needs of their districts. They provide professional expertise to communities in areas such as master planning, affordable housing and open space planning, and traffic impact studies. With the exception of the Cape Cod and Nantucket Commissions, however, which are land use regulatory agencies as well as planning agencies, the RPAs serve in an advisory capacity only. The Metropolitan Area Planning Council (MAPC) serves as Scituate's regional planning agency.

### **Request for Proposals (RFP)**

A process for soliciting applications for funding when funds are awarded competitively or soliciting proposals from developers as an alternative to lowest-bidder competitive bidding.

### **Section 8**

Refers to the major federal (HUD) program – actually a collection of programs – providing rental assistance to low-income households to help them pay for housing. Participating tenants pay 30% of their income (some pay more) for housing (rent and basic utilities) and the federal subsidy pays the balance of the rent. The Program is now officially called the Housing Choice Voucher Program.

### **Smart Growth**

The term used to refer to a rapidly growing and widespread movement that calls for a more coordinated, environmentally sensitive approach to planning and development. A response to the problems associated with unplanned, unlimited suburban development – or sprawl – smart growth principles call for more efficient land use, compact development patterns, less dependence on the automobile, a range of housing opportunities and choices, and improved jobs/housing balance.

### **Subsidy**

Typically refers to financial assistance that fills the gap between the costs of any affordable housing development and what the occupants can afford based on program eligibility requirements. Many times multiple subsidies from various funding sources are required, often referred to as the “layering” of subsidies, in order to make a project feasible. In the state's Local Initiative Program (LIP), DHCD's technical assistance qualifies as a subsidy and enables locally supported developments that do not require other financial subsidies to use the comprehensive permit process. Also, “internal subsidies” refers to those developments that do not have an external source(s) of funding for affordable housing, but use the value of the market units to “cross subsidize” the affordable ones.

**Subsidized Housing Inventory (SHI)**

This is the official list of units, by municipality, that count toward a community's 10% goal as prescribed by Chapter 40B comprehensive permit law.

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

The primary federal agency for regulating housing, including fair housing and housing finance. It is also the major federal funding source for affordable housing programs.

## Appendix 3

### Summary of Housing Regulations and Resources

#### I. SUMMARY OF HOUSING REGULATIONS

##### A. Chapter 40B Comprehensive Permit Law

The Massachusetts Comprehensive Permit Law, Chapter 40B Sections 20-23 of the General Laws, was enacted as Chapter 774 of the Acts of 1969 to encourage the construction of affordable housing throughout the state, particularly outside of cities. Often referred to as the Anti-Snob Zoning Act, it requires all communities to use a streamlined review process through the local Zoning Board of Appeals for “comprehensive permits” submitted by developers for projects proposing zoning and other regulatory waivers and incorporating affordable housing for at least 25% of the units. Only one application is submitted to the ZBA instead of separate permit applications that are typically required by a number of local departments as part of the normal development process. Here the ZBA takes the lead and consults with the other relevant departments (e.g., building department, planning department, highway department, fire department, sanitation department, etc.) on a single application. The Conservation Commission retains jurisdiction under the Wetlands Protection Act and Department of Environmental Protection, the Building Inspector applies the state building code, and the Board of Health enforces Title V.

For a development to qualify under Chapter 40B, it must meet all of the following requirements:

- Must be part of a “subsidized” development built by a public agency, non-profit organization, or limited dividend corporation.
- At least 25% of the units in the development must be income restricted to households with incomes at or below 80% of area median income and have rents or sales prices restricted to affordable levels income levels defined each year by the US Department of Housing and Urban Development.
- Affordability restrictions must be in effect in perpetuity unless there is a justification for a shorter term that must be approved by DHCD.
- Development must be subject to a regulatory agreement and monitored by a public agency or non-profit organization.
- Project sponsors must meet affirmative marketing requirements.

According to Chapter 40B regulations, the ZBA decision to deny or place conditions on a comprehensive permit project cannot be appealed by the developer if any of the following conditions are met<sup>72</sup>:

- The community has met the “statutory minima” by having at least 10% of its year-round housing stock affordable as defined by Chapter 40B, at least 1.5% of the community’s land area includes affordable housing as defined again by 40B, or annual affordable housing construction is on at least 0.3% of the community’s land area.

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<sup>72</sup> Section 56.03 of the new Chapter 40B regulations.

- The community has made “recent progress” adding SHI eligible housing units during the prior 12 months equal at least to 2% of its year-round housing.
- The community has a one- or two-year exemption under Planned Production.
- The application is for a “large project” that equals at least 6% of all housing units in a community with less than 2,500 housing units.
- A “related application” for the site was filed, pending or withdrawn within 12 months of the application.

If a municipality does not meet any of the above thresholds, it is susceptible to appeals by comprehensive permit applicants of the ZBA’s decision to the state’s Housing Appeals Committee (HAC). This makes the Town susceptible to a state override of local zoning if a developer chooses to create affordable housing through the Chapter 40B comprehensive permit process.<sup>73</sup> Recently approved regulations add a new requirement that ZBA’s provide early written notice (within 15 days of the opening of the local hearing) to the applicant and to DHCD if they intend to deny or condition the permit based on the grounds listed above that make the application appeal proof, providing documentation for its position. Under these circumstances, municipalities can or cannot count projects with approved comprehensive permits that are under legal approval, but not by the ZBA, at the time.

If the applicant appeals the use of these “appeals proof” grounds, DHCD will review materials from the ZBA and applicant and issue a decision within 30 days of receipt of the appeal (failure to issue a decision is a construction approval of the ZBA’s position). Either the ZBA or applicant can appeal DHCD’s decision by filing an interlocutory appeal with the Housing Appeals Committee (HAC) within 20 days of receiving DHCD’s decision. If a ZBA fails to follow this procedure, it waives its right to deny a permit on these “appeal-proof” grounds.

Recent changes to Chapter 40B also address when a community can count a unit as eligible for inclusion in the SHI including:

- *40R*  
Units receiving zoning approval under 40R count when the permit or approval is filed with the municipal clerk provided that no appeals are filed by the board or when the last appeal is fully resolved, similar to a comprehensive permit project.
- *Certificate of Occupancy*  
Units added to the SHI on the basis of receiving building permits become temporarily ineligible if the C of O is not issued within 18 months.

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<sup>73</sup> Chapter 774 of the Acts of 1969 established the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B) to facilitate the development of affordable housing for low- and moderate-income households (defined as any housing subsidized by the federal or state government under any program to assist in the construction of low- or moderate-income housing for those earning less than 80% of median income) by permitting the state to override local zoning and other restrictions in communities where less than 10% of the year-round housing is subsidized for low- and moderate-income households.

- *Large Phased Projects*  
If the comprehensive permit approval or zoning approval allows a project to be built in phases and each phase includes at least 150 units and average time between the start of each phase is 15 months or less, then the entire project remains eligible for the SHI as long as the phasing schedule set forth in the permit approval continues to be met.
- *Projects with Expired Use Restrictions*  
Units become ineligible for inclusion in the SHI upon expiration or termination of the initial use restriction unless a subsequent use restriction is imposed.
- *Biennial Municipal Reporting*  
Municipalities are responsible for providing the information on units that should be included in the SHI through a statement certified by the chief executive officer.

Towns are allowed to set-aside up to 70% of the affordable units available in a 40B development for those who have a connection to the community as defined under state guidelines including current residents, municipal employees, or employees of businesses located in town. It is also worth noting that the Town, through its Affirmative Fair Housing Marketing Plan, must demonstrate the associated local need for the community preference and insure that there will be no discriminatory impacts with the use of community preference.<sup>74</sup>

While there are ongoing discussions regarding how the state should count the affordable units for the purpose of determining whether a community has met the 10% goal, in a rental project if the subsidy applies to the entire project, all units are counted towards the state standard. For homeownership projects, only the units made affordable to those households earning within 80% of median income can be attributed to the affordable housing inventory.

There are up to three stages in the 40B process – the project eligibility stage, the application stage, and at times the appeals stage. First, the applicant must apply for eligibility of a proposed 40B project/site from a subsidizing agency. Under Chapter 40B, subsidized housing is not limited exclusively to housing receiving direct public subsidies but also applies to privately-financed projects receiving technical assistance from the State through its Local Initiative Program (LIP) or through MassHousing (Housing Starts Program), Federal Home Loan Bank Board (New England Fund), MassDevelopment, and Massachusetts Housing Partnership Fund. The subsidizing agency then forwards the application to the

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<sup>74</sup> If a municipality wishes to implement a local selection preference it must:

- Demonstrate the need for local preference in an Affirmative Fair Housing Marketing Plan that must be approved by the subsidizing agency.
- Justify the extent of the local preference (the percentage of the units proposed to be set-aside for local preference), that is how the documented local need, in the context of the size of the community, the size of the project and the regional need, justifies the proposed size of the local preference for a given project. In no case can the percentage exceed 70% of the affordable units in a project.
- Demonstrate that the proposed local preference will not have a disparate or discriminatory impact on protected classes.
- Provide the developer with the documentation required to support a local preference within three (3) months of final issuance of the comprehensive permit. Failure to comply with this requirement will be deemed to demonstrate that there is not a need for a local preference and it will not be approved as part of any Affirmative Fair Housing Marketing Plan or use restriction.

local Select Board for a 30-day comment period. The Select Board solicits comments from Town officials and other boards and based on their review the subsidizing agency typically issues a project eligibility letter. Alternatively, a developer may approach the Select Board for their endorsement of the project, and the Select Board can submit an application to DHCD for certification under the Local Initiative Program (for more information see description in Section I.E below).

Recent changes to 40B regulations expand the items a subsidizing agency must consider when determining site eligibility including:

- Information provided by the municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, including inclusionary zoning, multi-family districts and 40R overlay zones.
- Whether the conceptual design is appropriate for the site including building massing, topography, environmental resources, and integration into existing development patterns.
- That the land valuation, as included in the pro forma, is consistent with DHCD guidelines regarding cost examination and limitations on profits and distribution.
- Requires that LIP site approval applications be submitted by the municipality's chief executive officer.
- Specifies that members of local boards can attend the site visit conducted during DHCD's 30-day review period.
- Requires that the subsidizing agency provide a copy of its determination of eligibility to DHCD, the chief executive officer of the municipality, the ZBA and the applicant.

If there are substantial changes to a project before the ZBA issues its decision, the subsidizing agency can defer the re-determination of site/project eligibility until the ZBA issues its decision unless the chief executive officer of the municipality or applicant requests otherwise. New 40B regulations provide greater detail on this re-determination process. Additionally, challenges to project eligibility determinations can only be made on the grounds that there has been a substantial change to the project that affects project eligibility requirements and leaves resolution of the challenge to the subsidizing agency.

The next stage in the comprehensive permit process is the application phase including pre-hearing activities such as adopting rules before the application is submitted, setting a reasonable filing fee, providing for technical "peer review" fees, establishing a process for selecting technical consultants, and setting forth minimum application submission requirements. Failure to open a public hearing within 30 days of filing an application can result in constructive approval. The public hearing is the most critical part of the whole application process. Here is the chance for the Zoning Board of Appeals' consultants to analyze existing site conditions, advise the ZBA on the capacity of the site to handle the proposed type of development, and recommend alternative development designs. Here is where the ZBA gets the advice of experts on unfamiliar matters – called peer review. Consistency of the project with local needs is the central principle in the review process.

Another important component of the public hearing process is the project economic analysis that determines whether conditions imposed and waivers denied would render the project "uneconomic". The burden of proof is on the applicant, who must prove that it is impossible to proceed and still realize a reasonable return, which cannot be more than 20%. Another part of the public hearing process is the

engineering review. The ZBA directs its consultants to analyze the consistency of the project with local bylaws and regulations and to examine the feasibility of alternative designs.

New Chapter 40B regulations now add a number of requirements related to the hearing process that include:

- The hearing must be terminated within 180 days of the filing of a complete application unless the applicant consents to extend.
- Allows communities already considering three (3) or more comprehensive permit applications to stay a hearing on additional applications if the total units under consideration meet the definition of a large project (larger of 300 units or 2% of housing in communities with 7,500 housing units as of the latest Census, 250 units in communities with 5,001 to 7,499 total units, 200 units in communities with 2,500 to 5,000 units, and 150 units or 10% of housing in communities with less than 2,500 units).
- Local boards can adopt local rules for the conduct of their hearings, but they must obtain an opinion from DHCD that their rules are consistent with Chapter 40B.
- Local boards cannot impose “unreasonable or unnecessary” time or cost burdens on an applicant and cannot require an applicant to pay legal fees for general representation of the ZBA or other boards. The new requirements go into the basis of the fees in more detail, but as a general rule the ZBA may not assess any fee greater than the amount that might be appropriated from town or city funds to review a project of a similar type and scale.
- An applicant can appeal the selection of a consultant within 20 days of the selection on the grounds that the consultant has a conflict of interest or lacks minimum required qualifications.
- Specifies and limits the circumstances under which ZBA’s can review pro formas.
- Zoning waivers are only required under “as of right” requirements, not from special permit requirements.
- Forbids ZBA’s from imposing conditions that deviate from the project eligibility requirements or that would require the project to provide more affordable units than the minimum threshold required by DHCD guidelines.
- States that ZBA’s cannot delay or deny an application because a state or federal approval has not been obtained.
- Adds new language regarding what constitutes an uneconomic condition including requiring applicants to pay for off-site public infrastructure or improvements if they involve pre-existing conditions, are not usually imposed on unsubsidized housing or are disproportionate to the impacts of the proposed development or require a reduction in the number of units other than on a basis of legitimate local concerns (health, safety, environment, design, etc.). Also states that a condition shall not be considered uneconomic if it would remove or modify a proposed nonresidential element of a project that is not allowed by right.

After the public hearing is closed, the ZBA must set-aside at least two sessions for deliberations within 40 days of the close of the hearing. These deliberations can result in either approval, approval with conditions, or denial.

Subsidizing agencies are required to issue final project eligibility approvals following approval of the comprehensive permit reconfirming project eligibility, including financial feasibility, and approving the proposed use restriction and finding that the applicant has committed to complying with cost examination requirements. New Chapter 40B regulations set forth the basic parameters for ensuring that profit limitations are enforced, while leaving the definition of “reasonable return” to the subsidizing

agency in accordance with DHCD guidelines. The applicant or subsequent developer must submit a detailed financial statement, prepared by a certified public accountant, to the subsidizing agency in a form and upon a schedule determined by the DHCD guidelines.

If the process heads into the third stage – the appeals process – the burden is on the ZBA to demonstrate that the denial is consistent with local needs, meaning the public health and safety and environmental concerns outweigh the regional need for housing. If a local ZBA denies the permit, a state Housing Appeals Committee (HAC) can overrule the local decision if less than 10% of the locality’s year round housing stock has been subsidized for households earning less than 80% of median income, if the locality cannot demonstrate health and safety reasons for the denial that cannot be mitigated, or if the community has not met housing production goals based on an approved plan or other statutory minima listed above. The HAC has upheld the developer in the vast majority of the cases, but in most instances promotes negotiation and compromise between the developer and locality. In its 30-year history, only a handful of denials have been upheld on appeal. The HAC cannot issue a permit, but may only order the ZBA to issue one. Also, any aggrieved person, except the applicant, may appeal to the Superior Court or Land Court, but even for abutters, establishing “standing” in court is an uphill battle. Appeals from approvals are often filed to force a delay in commencing a project, but the appeal must demonstrate “legal error” in the decision of the ZBA or HAC.

## **B. Housing Production Regulations**

As part of the Chapter 40B comprehensive permit regulations, the Massachusetts Department of Housing and Community Development (DHCD) is administering the Housing Production Program in accordance with regulations that enable cities and towns to do the following:

- Prepare and adopt an Housing Production Plan that demonstrates production of an increase of .05% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory (36 and 72 units, respectively, for Scituate) for *approval* by DHCD.<sup>75</sup>
- Request *certification* of compliance with the plan by demonstrating production of at least the number of units indicated above.
- Through local ZBA action, deny a comprehensive permit application during the period of certified compliance, which is 12 months following submission of the certification documentation to DHCD, or 24 months if the 1.0% threshold is met.

For the plan to be acceptable to DHCD it must meet the following requirements:

- Include a comprehensive housing needs assessment to establish the context for municipal action based on the most recent census data. The assessment must include a discussion of municipal infrastructure based on future planned improvements.
- Address a mix of housing consistent with identified needs and market conditions.
- Address the following strategies including -
  - Identification of geographic areas in which land use regulations will be modified to accomplish affordable housing production goals.
  - Identification of specific sites on which comprehensive permit applications will be encouraged.

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<sup>75</sup> Massachusetts General Law Chapter 40B, 760 CMR 31.07 (1)(i).

- Preferable characteristics of residential development such as infill housing, clustered areas, and compact development.
- Municipally owned parcels for which development proposals will be sought.
- Participation in regional collaborations addressing housing development.

Plans must be adopted by the Select Board and Planning Board, and the term of an approved plan is five (5) years.

**C. Chapter 40R/40S**

In 2004, the State Legislature approved a new zoning tool for communities in recognition that escalating housing prices, now beyond the reach of increasing numbers of state residents, are causing graduates from area institutions of higher learning to relocate to other areas of the country in search of greater affordability. The Commonwealth Housing Task Force, in concert with other organizations and institutions, developed a series of recommendations, most of which were enacted by the State Legislature as Chapter 40R of the Massachusetts General Laws. The key components of these regulations are that “the state provide financial and other incentives to local communities that pass Smart Growth Overlay Zoning Districts that allow the building of single-family homes on smaller lots and the construction of apartments for families at all income levels, and the state increase its commitment to fund affordable housing for families of low and moderate income”.<sup>76</sup>

The statute defines 40R as “a principle of land development that emphasizes mixing land uses, increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods, takes advantage of compact design, fosters distinctive and attractive communities, preserves opens space, farmland, natural beauty and critical environmental areas, strengthens existing communities, provides a variety of transportation choices, makes development decisions predictable, fair and cost effective and encourages community and stakeholder collaboration in development decisions.”<sup>77</sup> The key components of 40R include:

- Allows local option to adopt Overlay Districts near transit, areas of concentrated development, commercial districts, rural village districts, and other suitable locations;
- Allows “as-of-right” residential development of minimum allowable densities;
- Provides that 20% of the units be affordable;
- Promotes mixed-use and infill development;
- Provides two types of payments to municipalities; and
- Encourages open space and protects historic districts.

The incentives prescribed by the Task Force and passed by the Legislature include an incentive payment upon the passage of the Overlay District based on the number of projected housing units as follows:

<b>Incentive Payments</b>	
<b>Incentive Units</b>	<b>Payments</b>
Up to 20	\$10,000
21-100	\$75,000
101-200	\$200,000
210-500	\$350,000
501 or more	\$600,000

<sup>76</sup> Edward Carman, Barry Bluestone, and Eleanor White for the Commonwealth Housing Task Force, “A Housing Strategy for Smart Growth and Economic Development: Executive Summary”, October 30, 2003, p. 3.

<sup>77</sup> Massachusetts General Law, Chapter 40R, Section 11.

There are also density bonus payments of \$3,000 for each residential unit issued a building permit. To be eligible for these incentives the Overlay Districts need to allow mixed-use development and densities of 20 units per acre for apartment buildings, 12 units per acre for two and three-family homes, and at least eight units per acre for single-family homes. Communities with populations of less than 10,000 residents are eligible for a waiver of these density requirements, however significant hardship must be demonstrated. The Zoning Districts would also encourage housing development on vacant infill lots and in underutilized nonresidential buildings. The Task Force emphasizes that Planning Boards, which would prepare the bylaw or ordinance for Town Meeting or City Council enactment, would be “able to ensure that what is built in the District is compatible with and reflects the character of the immediate neighborhood.”<sup>78</sup>

The principal benefits of 40R include:

- Expands a community’s planning efforts;
- Allows communities to address housing needs;
- Allows communities to direct growth;
- Can help communities meet planned production goals and 10% threshold under Chapter 40B;
- Can help identify preferred locations for 40B developments; and
- State incentive payments.

The formal steps involved in creating Overlay Districts are as follows:

- The Town holds a public hearing as to whether to adopt an Overlay District per the requirements of 40R;
- The Town applies to DHCD prior to adopting the new zoning;
- DHCD reviews the application and issues a Letter of Eligibility if the new zoning satisfies the requirements of 40R;
- The Town adopts the new zoning through a two-thirds vote of Town Meeting subject to any modifications required by DHCD;
- The Town submits evidence of approval to DHCD upon the adoption of the new zoning; and
- DHCD issues a letter of approval, which indicates the number of incentive units and the amount of payment.

The state recently enacted Chapter 40S under the Massachusetts General Law that provides additional benefits through insurance to towns that build affordable housing under 40R that they would not be saddled with the extra school costs caused by school-aged children who might move into this new housing. This funding was initially included as part of 40R but was eliminated during the final stages of approval. In effect, 40S is a complimentary insurance plan for communities concerned about the impacts of a possible net increase in school costs due to new housing development.

#### **D. Local Initiative Program (LIP) Guidelines**

The Local Initiative Program (LIP) is a technical assistance subsidy program to facilitate Chapter 40B developments and locally produced affordable units. The general requirements of LIP include insuring that projects are consistent with sustainable or smart growth development

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<sup>78</sup> “A Housing Strategy for Smart Growth and Economic Development: Executive Summary,” p. 4.

principles as well as local housing needs. LIP recognizes that there is a critical need for all types of housing but encourages family and special needs housing in particular. Age-restricted housing (over 55) is allowed but the locality must demonstrate actual need and marketability. DHCD has the discretion to withhold approval of age-restricted housing if other such housing units within the community remain unbuilt or unsold or if the age-restricted units are unresponsive to the need for family housing within the context of other recent local housing efforts.

There are two types of LIP projects, those using the comprehensive permit process, the so-called “friendly” 40B’s, and Local Action Units, units where affordability is a result of some local action such as inclusionary zoning, Community Preservation funding, other regulatory requirements, etc.

Specific LIP requirements include the following by category:

#### ***Income and Assets***

- Must be affordable to those earning at or below 80% of area median income adjusted by family size and annually by HUD. Applicants for affordable units must meet the program income limits in effect at the time they apply for the unit and must continue to meet income limits in effect when they actually purchase a unit.
- For homeownership units, the household may not have owned a home within the past three years except for age-restricted “over 55” housing.
- For homeownership projects, assets may not be greater than \$75,000 except for age-restricted housing where the net equity from the ownership of a previous house cannot be more than \$200,000.
- Income and asset limits determine eligibility for lottery participation.

#### ***Allowable Sales Prices and Rents<sup>79</sup>***

- Rents are calculated at what is affordable to a household earning 80% of area median income adjusted for family size, assuming they pay no more than 30% of their income on housing. Housing costs include rent and payments for heat, hot water, cooking fuel, and electric. If there is no municipal trash collection a trash removal allowance should be included. If utilities are separately metered and paid by the tenant, the LIP rent is reduced based on the area’s utility allowance. Indicate on the DHCD application whether the proposed rent has been determined with the use of utility allowances for some or all utilities.
- Sales prices of LIP units are set so a household earning 70% of area median income would have to pay no more than 30% of their income for housing. Housing costs include mortgage principal and interest on a 30-year fixed term mortgage at 95% of purchase price, property taxes, condo fees<sup>80</sup>, private mortgage insurance (if putting less than 20% of purchase price down), and hazard insurance.

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<sup>79</sup> DHCD has an electronic mechanism for calculating maximum sales prices on its website at [www.mass.gov/dhcd](http://www.mass.gov/dhcd).

<sup>80</sup> DHCD will review condo fee estimates and approve a maximum condo fee as part of the calculation of maximum sales price. The percentage interests assigned to the condo must conform to the approved condo fees and require a lower percentage interest assigned to the affordable units as opposed to the market rate ones. DHCD must review the Schedule of Beneficial Interests in the Master Deed to confirm that LIP units have been assigned percentage interests that correspond to the condo fees.

- The initial maximum sales price or rent is calculated as affordable to a household with a number of household members equal to the number of bedrooms plus one (for example a two-bedroom unit would be priced based on what a three-person household could afford).

#### ***Allowable Financing and Costs***

- Allowable development costs include the “as is” value of the property based on existing zoning at the time of application for a project eligibility letter (initial application to DHCD). Carrying costs (i.e., property taxes, property insurance, interest payments on acquisitions financing, etc.) can be no more than 20% of the “as is” market value unless the carrying period exceeds 24 months. Reasonable carrying costs must be verified by the submission of documentation not within the exclusive control of the applicant.
- Appraisals are required except for small projects of 20 units or less at the request of the Select Board where the applicant for the LIP comprehensive permit submits satisfactory evidence of value.
- Profits are limited to no more than 20% of total allowable development costs in homeownership projects.
- In regard to rental developments, payment of fees and profits are limited to no more than 10% of total development costs net of profits and fees and any working capital or reserves intended for property operations. Beginning upon initial occupancy and then proceeding on an annual basis, annual dividend distributions will be limited to no more than 10% of the owner’s equity in the project. Owner’s equity is the difference between the appraised as-built value and the sum of any public equity and secured debt on the property.
- For LIP comprehensive permit projects, DHCD requires all developers to post a bond (or a letter of credit) with the municipality to guarantee the developer’s obligations to provide a satisfactory cost certification upon completion of construction and to have any excess profits, beyond what is allowed, revert back to the municipality. The bond is discharged after DHCD has determined that the developer has appropriately complied with the profit limitations.
- No third-party mortgages are allowed for homeownership units.

#### ***Marketing and Outreach***

- Marketing and outreach, including lottery administration must adhere to all Fair Housing laws and the state’s Affirmative Fair Housing Marketing Plan Guidelines.
- LIP requires that the lottery draw and rank households by size.
- If there are proportionately less minority applicants in the community preference pool than the proportion in the region, a preliminary lottery must be held to boost, if possible, the proportion of minority applicants to this regional level.
- A maximum of up to 70% of the units may be local preference units for those who have a connection to the community as defined by the state under Section III.C of the Comprehensive Permit Guidelines.
  - The Marketing Plan must affirmatively provide outreach to area minority communities to notify them about availability of the unit(s) and must demonstrate the need for local preference as well as ensure that there will be no discriminatory impacts as a result of using local preference criteria.
  - Marketing materials must be available/application process open for a period of at least 60 days.
  - Marketing should begin about six (6) months before occupancy.

- Lottery must be held unless there are no more qualified applicants than units available.

**Regulatory Requirements**

- The affordable units design, type, size, etc. must be the same as the market units and dispersed throughout the development.
- Units developed through LIP as affordable must be undistinguishable from market units as viewed from the exterior (unless the project has a DHCD-approved alternative development plan that is only granted under exceptional circumstances) and contain complete living facilities.
- For over 55 projects, only one household member must be 55 or older.
- Household size relationship to unit size is based on “households” = number of bedrooms plus one – i.e., a four-person household in a three-bedroom unit (important also for calculating purchase prices of the affordable units for which LIP has a formula as noted above).
- Must have deed restrictions in effect in perpetuity unless the applicant or municipality can justify a shorter term to DHCD.
- For at least 15 years for housing rehabilitation.
- All affordable units for families must have at least two or more bedrooms and meet state sanitary codes and these minimum requirements –

1 bedroom – 700 square feet/1 bath  
 2 bedrooms – 900 square feet/1 bath  
 3 bedrooms – 1,200 square feet/ 1 ½ baths  
 4 bedrooms – 1,400 square feet/2 baths

- Appraisals may take into account the probability of obtaining a variance, special permit or other zoning relief but must exclude any value relating to the possible issuance of a comprehensive permit.

The process that is required for using LIP for 40B developments – “friendly” comprehensive permit projects – is largely developer driven. It is based on the understanding that the developer and Town are working together on a project that meets community needs. Minimum requirements include:

1. Written support of the municipality’s chief elected official, the Select Board in the case of towns, and the local housing partnership, trust or other designated local housing entity, if applicable. The chief executive officer is in fact required to submit the application to DHCD.
2. At least 25% of the units must be affordable and occupied by households earning at or below 80% of area median income or at least 20% of units restricted to households at or below 50% of area median income.
3. Affordability restrictions must be in effect in perpetuity, to be monitored by DHCD through a recorded regulatory agreement.
4. Project sponsors must prepare and execute an affirmative fair marketing plan that must be approved by DHCD.
5. Developer’s profits are restricted per Chapter 40B requirements.

The process that is required for using LIP for 40B developments – “friendly” comprehensive permit projects – is as follows:

1. *Application process*
  - Developer meets with Town
  - Developer and Town agree to proposal
  - Town chief elected officer submits application to DHCD with developer’s input
2. *DHCD review involves the consideration of:*
  - Sustainable development criteria (redevelop first, concentrate development, be fair, restore and enhance the environment, conserve natural resources, expand housing opportunities, provide transportation choice, increase job opportunities, foster sustainable businesses, and plan regionally),
  - Number and type of units,
  - Pricing of units to be affordable to households earning no more than 70% of area median income,
  - Affirmative marketing plan,
  - Financing, and
  - Site visit.
3. *DHCD issues site eligibility letter that enables the developer to bring the proposal to the ZBA for processing the comprehensive permit.*
4. Zoning Board of Appeals holds hearing
  - Developer and Town sign regulatory agreement to guarantee production of affordable units that includes the price of units and deed restriction in the case of homeownership and limits on rent increases if a rental project. The deed restriction limits the profit upon resale and requires that the units be sold to another buyer meeting affordability criteria.
  - Developer forms a limited dividend corporation that limits profits.
  - The developer and Town sign a regulatory agreement.
5. *Marketing*
  - Marketing plan must provide outreach to area minority communities to notify them about availability of the unit(s).
  - Local preference is limited to those who live/work in the community with a maximum of 70% of the affordable units.
  - Marketing materials must be available/application process open for a period of at least 60 days.
  - Lottery must be held.
6. *DHCD approval must include*
  - Marketing plan, lottery application, and lottery explanatory materials
  - Regulatory agreement (DHCD is a signatory)
  - Deed rider (Use standard LIP document)
  - Purchase arrangements for each buyer including signed mortgage commitment, signed purchase and sale agreement and contact information of purchaser’s closing attorney.

As mentioned above, in addition to being used for “friendly” 40B projects, LIP can be used for counting those affordable units as part of a Town’s Subsidized Housing Inventory that are created as a result of some local action. Following occupancy of the units, a Local Action Units application must be submitted to DHCD for the units to be counted as affordable. This application is on DHCD’s web site.

The contact person at DHCD is Janice Lesniak of the LIP staff (phone: 617-573-1309; fax: 617-573-1330; email: [janice.lesniak@state.ma.us](mailto:janice.lesniak@state.ma.us)). For legal questions contact Elsa Campbell, Housing Specialist (phone: 617-573-1321; fax: 617-573-1330; email: [elsa.campbell@state.ma.us](mailto:elsa.campbell@state.ma.us)).

#### **E. MassWorks Infrastructure Program**

The MassWorks Infrastructure Program provides a one-stop shop for municipalities and other eligible public entities seeking public infrastructure funding to support economic development and job creation. The Program represents an administrative consolidation of six former grant programs:

- Public Works Economic Development (PWED)
- Community Development Action Grant (CDAG)
- Growth Districts Initiative (GDI) Grant Program
- Massachusetts Opportunity Relocation and Expansion Program (MORE)
- Small Town Rural Assistance Program (STRAP)
- Transit Oriented Development (TOD) Program

The MassWorks Infrastructure Program provides a one-stop shop for municipalities and other eligible public entities seeking public infrastructure funding to support:

- Economic development and job creation and retention
- Housing development at density of at least 4 units to the acre (both market and affordable units)
- Transportation improvements to enhancing safety in small, rural communities

The MassWorks Infrastructure Program is administered by the Executive Office of Housing and Economic Development, in cooperation with the Department of Transportation and Executive Office for Administration & Finance.

## II. SUMMARY OF HOUSING RESOURCES

Those programs that may be most appropriate to development activity in Scituate are described below.<sup>81</sup>

### A. Technical Assistance

#### 1. *Housing Choice Initiative*

The state has stated its commitment to producing 135,000 new housing units statewide by 2025 or by about 17,000 units per year, an ambitious task. To help accomplish this, it has created the Housing Choice Initiative that has three basic components:

##### 1. *Legislation*

The Baker Administration filed legislation, An Act to Promote Housing Choices, which has been referred to the House Committee on Ways and Means. The key element of the bill is to reduce the required vote from a two-thirds supermajority to a simple majority for certain zoning changes including:

- Chapter 40R
- Cluster bylaws
- Reductions in parking and dimensional requirements
- Transfer of Development Rights/natural resource protection zoning
- Increased density through the Special Permit process
- Accessory dwelling units

##### 2. *Capital Grant Funding*

Communities can receive a Housing Choice designation that provides exclusive admission to new Housing Choice Capital Grants as well as priority access to existing grant and capital funding programs such as MassWorks, Complete Streets, MassDOT projects, and LAND and PARC grants. To obtain this designation, the community must submit an application that documents the increase in the total year-round housing stock from the 2010 census and the cumulative net increase in year-round units from January 1, 2013 through December 31, 2017. Documentation will be based on building permit data coming from the Building Department.

##### 3. *Technical Assistance Resources*

The state has also allocated \$2 million in technical assistance grants for planning assistance through what it is calling the new Planning for Production Program. Support includes:

- Crafting new zoning to result in new housing production through Chapter 40A, 40R or a collaborative Chapter 40B proposal.
- Planning and designing public infrastructure projects or enhancements that will facilitate needed housing growth.
- Public education initiatives regarding financial feasibility, development cost-benefit analysis, local infrastructure needs, and school costs relative to the potential for new housing growth.

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<sup>81</sup> Program information was gathered through agency brochures, agency program guidelines and application materials as well as the following resources: Verrilli, Ann. Housing Guidebook for Massachusetts, Produced by the Citizen's Housing and Planning Association, June 1999.

## **2. *Peer-to-Peer Technical Assistance***

This state program utilizes the expertise and experience of local officials from one community to provide assistance to officials in another comparable community to share skills and knowledge on short-term problem solving or technical assistance projects related to community development and capacity building. Funding is provided through the Community Development Block Grant Program and is limited to grants of no more than \$1,000, providing up to 30 hours of technical assistance. (Contact is Karl McLaurin at DHCD.)

Applications are accepted on a continuous basis, but funding is limited. To apply, a municipality must provide DHCD with a brief written description of the problem or issue, the technical assistance needed and documentation of a vote of the Select Board or letter from the Town Administrator supporting the request for a peer. Communities may propose a local official from another community to serve as the peer or ask DHCD for a referral. If DHCD approves the request and once the peer is recruited, DHCD will enter into a contract for services with the municipality. When the work is completed to the municipality's satisfaction, the Town must prepare a final report, submit it to DHCD, and request reimbursement for the peer.

## **3. *MHP Intensive Community Support Team***

The Massachusetts Housing Partnership Fund is a quasi-public agency that offers a wide range of technical and financial resources to support affordable housing. The Intensive Community Support Team provides sustained, in-depth assistance to support the development of affordable housing. Focusing on housing production, the Team helps local advocates move a project from the conceptual phase through construction, bringing expertise and shared lessons from other parts of the state. The team can also provide guidance on project finance. Those communities, which are interested in this initiative, should contact the MHP Fund directly for more information. (Contact MHP's Community Housing Initiatives Team at 617-330-9944 ext. 227.)

## **4. *MHP Chapter 40B Technical Assistance Program***

Working with DHCD, MHP launched this program in 1999 to provide technical assistance to those communities needing assistance in reviewing comprehensive permit applications. The Program offers up to \$10,000 in third-party technical assistance to enable communities to hire consultants to help them review Chapter 40B applications. Those communities that are interested in this initiative should contact the MHP Fund directly for more information.

MHP recently announced new guidelines to help cities and towns review housing development proposals under Chapter 40B including:

- State housing agencies will now appraise and establish the land value of 40B sites before issuing project eligibility letters.
- State will put standards in place for determining when permit conditions make a 40B development "uneconomic".
- There will be set guidelines on determining related-party transactions, i.e., when a developer may also have a role as contractor or realtor.
- Advice on how to identify the most important issues early and communicate them to the developer, how informal work sessions can be effective, and how to make decisions that are unlikely to be overturned in court.

(Contact MHP's Community Housing Initiatives Team at 617-330-9944 ext. 227.)

## **B. Housing Development**

While comprehensive permits typically do not involve external public subsidies but use internal subsidies by which the market units in fact subsidize the affordable ones, communities are finding that they also require public subsidies to cover the costs of affordable or mixed-income residential development and need to access a range of programs through the state and federal government and other financial institutions to accomplish their objectives and meet affordable housing goals. Because the costs of development are typically significantly higher than the rents or purchase prices that low- and moderate-income tenants can afford, multiple layers of subsidies are often required to fill the gaps. Sometimes even Chapter 40B developments are finding it useful to apply for external subsidies to increase the numbers of affordable units, to target units to lower income or special needs populations, or to fill gaps that market rates cannot fully cover.

The state requires applicants to submit a One Stop Application for most of its housing subsidy programs in an effort to standardize the application process across agencies and programs. A Notice of Funding Availability (NOFA) is issued by the state usually twice annually for its rental programs and homeownership initiatives. Using the One Stop Application, applicants can apply to several programs simultaneously to support the funding needs of a particular project.

### **1. *HOME Program***

HUD created the HOME Program in 1990 to provide grants to states, larger cities and consortia of smaller cities and towns to do the following:

- Produce rental housing;
- Provide rehabilitation loans and grants, including lead paint removal and accessibility modifications, for rental and owner-occupied properties;
- Offer tenant-based rental assistance (two-year subsidies); and/or
- Assist first-time homeowners.

The HOME Program funding is targeted to homebuyers or homeowners earning no more than 80% of median income and to rental units where at least 90% of the units must be affordable and occupied by households earning no more than 60% of median income, the balance to those earning within 80% of median. Moreover, for those rental projects with five or more units, at least 20% of the units must be reserved for households earning less than 50% of median income. In addition to income guidelines, the HOME Program specifies the need for deed restrictions, resale requirements, and maximum sales prices or rentals.

The HOME Rental Program is targeted to the acquisition and rehabilitation of multi-family distressed properties or new construction of multi-family rental housing from five to fifty units. Once again, the maximum subsidy per project is \$750,000 and the maximum subsidy per unit in localities that receive HOME or CDBG funds directly from HUD is \$50,000 (these communities should also include a commitment of local funds in the project). Subsidies are in the form of deferred loans at 0% interest for 30 years. State HOME funding cannot be combined with another state subsidy program with several exceptions including the Low Income Housing Tax Credits, HIF and the ONE Mortgage Program.

## **2. *Community Development Block Grant Program (CDBG)***

In addition to funding for the Peer-to-Peer Program mentioned in the above section, there are other housing resources supported by federal CDBG funds that are distributed by formula to Massachusetts.

The **Massachusetts Small Cities Program** that has a set-aside of Community Development Block Grant (CDBG) funds to support a range of eligible activities including housing development. However, at least 70% of the money must provide benefits to households earning within 80% of median income. This money is for those nonentitlement localities that do not receive CDBG funds directly from HUD. Funds are awarded on a competitive basis through Notices of Funding Availability with specific due dates or through applications reviewed on a rolling basis throughout the year, depending on the specific program. This funding supports a variety of specific programs.

## **3. *Housing Stabilization Fund (HSF)***

The state's Housing Stabilization Fund (HSF) was established in 1993 through a Housing Bond bill to support housing rehabilitation through a variety of housing activities including homeownership (most of this funding has been allocated for the MHP Soft Second Program, now the ONE Mortgage Program) and rental project development. The state subsequently issued additional bond bills to provide more funding. The HSF Rehabilitation Initiative is targeted to households with incomes within 80% of median income, with resale or subsequent tenancy for households within 100% of median income. The funds can be used for grants or loans through state and local agencies, housing authorities and community development corporations with the ability to subcontract to other entities. The funds have been used to match local HOME program funding, to fund demolition, and to support the acquisition and rehabilitation of affordable housing. In addition to a program directed to the rehabilitation of abandoned, distressed or foreclosed properties, the HSF provides funds to municipalities for local revitalization programs directed to the creation or preservation of rental projects. As with HOME, the maximum amount available per project is \$750,000 and the maximum per unit is \$65,000 for communities that do not receive HOME or CDBG funds directly from HUD, and \$50,000 for those that do. Communities can apply for HSF funding biannually through the One Stop Application.

## **4. *Low Income Housing Tax Credit Program***

The Low Income Housing Tax Credit Program was created in 1986 by the Federal Government to offer tax credits to investors in housing development projects that include some low-income units. The tax credit program is often the centerpiece program in any affordable rental project because it brings in valuable equity funds. Tax credits are either for 4% or 9% of the development or rehab costs for each affordable unit for a ten-year period. The 4% credits have a present value of 30% of the development costs, except for the costs of land, and the 9% credit have a present value equal to 70% of the costs of developing the affordable units, with the exception of land. Both the 4% and 9% credits can be sold to investors for close to their present values.

The Federal Government limits the 9% credits and consequently there is some competition for them, nevertheless, most tax credit projects in Massachusetts are financed through the 9% credit. Private investors, such as banks or corporations, purchase the tax credits for about 80 cents on the dollar, and their money serves as equity in a project, reducing the amount of the debt service and consequently the rents. The program mandates that at least 20% of the units must be made affordable to households earning within 50% of median income or 40% of the units must be affordable to households earning up to 60% of median income. Those projects that receive the 9% tax credits must produce much higher percentages of affordable units.

The Massachusetts Legislature has enacted a comparable state tax credit program, modeled after the federal tax credit program. The One Stop Application is also used to apply for this source of funding.

#### **5. *Affordable Housing Trust Fund***

The Affordable Housing Trust Fund (AHTF) was established by an act of the State Legislature and is codified under Chapter 121-D of the Massachusetts General Laws. The AHTF operates out of DHCD and is administered by MassHousing with guidance provided by an Advisory Committee of housing advocates. The purpose of the fund is to support the creation/preservation of housing that is affordable to people with incomes that do not exceed 110% of the area median income. The AHTF can be used to support the acquisition, development and/or preservation of affordable housing units. AHTF assistance can include:

- Deferred payment loans, low/no-interest amortizing loans.
- Down payment and closing cost assistance for first-time homebuyers.
- Credit enhancements and mortgage insurance guarantees.
- Matching funds for municipalities that sponsor affordable housing projects.
- Matching funds for employer-based housing and capital grants for public housing.

Funds can be used to build or renovate new affordable housing, preserve the affordability of subsidized expiring use housing, and renovate public housing. While the fund has the flexibility of serving households with incomes up to 110%, preferences for funding will be directed to projects involving the production of new affordable units for families earning below 80% of median income. The program also includes a set-aside for projects that serve homeless households or those earning below 30% of median income. Once again, the One Stop Application is used to apply for funding, typically through the availability of two funding rounds per year.

#### **6. *Housing Innovations Fund (HIF)***

The state also administers the Housing Innovations Fund (HIF) that was created by a 1987 bond bill and expanded under two subsequent bond bills to provide a 5% deferred loan to non-profit organizations for no more than \$500,000 per project or up to 30% of the costs associated with developing alternative forms of housing including limited equity coops, mutual housing, single-room occupancy housing, special needs housing, transitional housing, domestic violence shelters and congregate housing. At least 25% of the units must be reserved for households earning less than 80% of median income and another 25% for those earning within 50% of area median income. HIF can also be used with other state subsidy programs including HOME, HSF and Low Income Housing Tax Credits. The Community Economic Development Assistance Corporation (CEDAC) administers this program. Applicants are required to complete the One-Stop Application.

#### **7. *Federal Home Loan Bank Board's Affordable Housing Program (AHP)***

Another potential source of funding for both homeownership and rental projects is the Federal Home Loan Bank Board's Affordable Housing Program (AHP) that provides subsidies to projects targeted to households earning between 50% and 80% of median income, with up to \$300,000 available per project. This funding is directed to filling existing financial gaps in low- and moderate-income affordable housing projects. There are typically two competitive funding rounds per year for this program.

**8. MHP Permanent Rental Financing Program**

The state also provides several financing programs for rental projects through the Massachusetts Housing Partnership Fund. The Permanent Rental Financing Program provides long-term, fixed-rate permanent financing for rental projects of five or more units from \$100,000 loans to amounts of \$2 million. At least 20% of the units must be affordable to households earning less than 50% of median income or at least 40% of the units must be affordable to households earning less than 60% of median income or at least 50% of the units must be affordable to households earning less than 80% of median income. MHP also administers the Permanent Plus Program targeted to multi-family housing or SRO properties with five or more units where at least 20% of the units are affordable to households earning less than 50% of median income. The program combines MHP's permanent financing with a 0% deferred loan of up to \$40,000 per affordable unit up to a maximum of \$500,000 per project. No other subsidy funds are allowed in this program. The Bridge Financing Program offers bridge loans of up to eight years ranging from \$250,000 to \$5 million to projects involving Low Income Housing Tax Credits. Applicants should contact MHP directly to obtain additional information on the program and how to apply.

**9. OneSource Program**

The Massachusetts Housing Investment Corporation (MHIC) is a private, non-profit corporation that since 1991 has provided financing for affordable housing developments and equity for projects that involve the federal Low Income Housing Tax Credit Program. MHIC raises money from area banks to fund its loan pool and invest in the tax credits. In order to qualify for MHIC's OneSource financing, the project must include a significant number of affordable units, such that 20% to 25% of the units are affordable to households earning within 80% of median income. Interest rates are typically one point over prime and there is a 1% commitment fee. MHIC loans range from \$250,000 to several million, with a minimum project size of six units. Financing can be used for both rental and homeownership projects, for rehab and new construction, also covering acquisition costs with quick turn-around times for applications of less than a month (an appraisal is required). The MHIC and MHP work closely together to coordinate MHIC's construction financing with MHP's permanent take-out through the OneSource Program, making their forms compatible and utilizing the same attorneys to expedite and reduce costs associated with producing affordable housing.

**10. Section 8 Rental Assistance**

An important low-income housing resource is the Section 8 Program that provides rental assistance to help low- and moderate-income households pay their rent either through mobile vouchers that recipients use in the private market (Section 8 Housing Choice vouchers) or project-based assistance that are attached to specific units. In addition to the federal Section 8 Housing Choice Program, the state also provides rental subsidies through the Massachusetts Rental Voucher Program as well as three smaller programs directed to those with special needs. These rental subsidy programs are administered by the state or through local housing authorities and regional non-profit housing organizations. Rent subsidies take two basic forms – either granted directly to tenants or committed to specific projects through special Project-based rental assistance. Most programs require households to pay a minimum percentage of their adjusted income (typically 30%) for housing (rent and utilities) with the government paying the difference between the household's contribution and the actual rent.

**11. District Improvement Financing Program (DIF)**

The District Improvement Financing Program (DIF) is administered by the state's Office of Business Development to enable municipalities to finance public works and infrastructure by pledging future incremental taxes resulting from growth within a designated area to service financing obligations. This

Program, in combination with others, can be helpful in developing or redeveloping target areas of a community, including the promotion of mixed-uses and smart growth. Municipalities submit a standard application and follow a prescribed application process directed by the Office of Business Development in coordination with the Economic Assistance Coordinating Council.

**12. Urban Center Housing Tax Increment Financing Zone (UCH-TIF)**

The Urban Center Housing Tax Increment Financing Zone Program (UCH-TIF) is a relatively new state initiative designed to give cities and towns the ability to promote residential and commercial development in commercial centers through tax increment financing that provides a real estate tax exemption on all or part of the increased value (the “increment”) of the improved real estate. The development must be primarily residential and this program can be combined with grants and loans from other local, state and federal development programs. An important purpose of the program is to increase the amount of affordable housing for households earning at or below 80% of area median income and requires that 25% of new housing to be built in the zone be affordable, although the Department of Housing and Community Development may approve a lesser percentage where necessary to insure financial feasibility. In order to take advantage of the program, a municipality needs to adopt a detailed UCH-TIF Plan and submit it to DHCD for approval.

**13. Community Based Housing Program**

The Community Based Housing Program provides loans to nonprofit agencies for the development or redevelopment of integrated housing for people with disabilities in institutions or nursing facilities or at risk of institutionalization. The Program provides permanent, deferred payment loans for a term of 30 years, and CBH funds may cover up to 50% of a CHA unit’s Total Development Costs up to a maximum of \$750,000 per project.

**14. Compact Neighborhoods Program**

DHCD recently announced “Compact Neighborhoods” that provides additional incentives to municipalities that adopt zoning districts for working families of all incomes as well as smart growth development. Similar to 40R, the program requires new zoning that must:

- Allow a minimum number of “future zoned units” in the Compact Neighborhood, which is generally 1% of the year-round housing in the community;
- Allow one or more densities as-of-right in the zone of at least eight (8) units per acre on developable land for multi-family housing and at least four (4) units per acre for single-family use;
- Provide not less than 10% of units be affordable within projects of more than 12 units; and
- Not impose any restrictions to age or other occupancy limitations within the Compact Neighborhood zone although projects within the zone may be targeted to the elderly, persons with disabilities, etc.

Financial assistance through the Priority Development Fund is available to communities that are adopting Compact Neighborhoods zoning, giving priority to the creation of mixed-use development beyond the bounds of a single project. The state also promotes projects that meet the definition of smart growth under 40R, encourage housing that is priced to meet the needs of households across a broad range of incomes and needs.

The process for implementing a Compact Neighborhoods Zone includes:

- Identify an “as-of-right” base or overlay district (the Compact Neighborhood);
- Request and receive a Letter of Eligibility from DHCD; and
- Adopt the Compact Neighborhood Zoning.

**15. DHCD Project-Based Homeownership Program**

DHCD funds a Project-Based Homeownership Program with two (2) funding categories:

- *Areas of Opportunity*  
Funds are being awarded for new construction of family housing projects for first-time homebuyers in neighborhoods or communities that provide access to opportunities that include but are not limited to jobs, transportation, education, and public amenities. The minimum project size is ten (10 units) for up to \$500,000 in funding for a single project and no more than \$75,000 per affordable unit. The maximum total development cost for affordable units is \$300,000 and the maximum developer overhead and fee is 15% of total development costs. Localities must provide matching funds at least equal to the amount of the DHCD subsidy request.
- *Gateway Cities*  
A limited amount of funding will be made available to Gateway Cities or other smaller communities with well-defined Neighborhood Redevelopment Plans for the acquisition and rehabilitation or new construction of single-family or duplex units or triple deckers (rehab only). The development of single sites is preferred but scattered-site projects are permissible. The minimum project size is six (6 units) for up to \$500,000 in funding for a single project and no more than \$75,000 per affordable unit. The maximum total development cost for affordable units is \$250,000 and the maximum developer overhead and fee is 15% of total development costs. Localities must provide matching funds at least equal to one-half the amount of the DHCD subsidy request.

Sponsors/developers must have hard letters of interest from construction lenders and mortgage loan originators, follow prescribed design/scope guidelines, submit sound market data at the time of pre-application, and have zoning approvals in place. Interested sponsors/developers must submit a pre-application for funding and following its review, DHCD review will invite certain sponsor/developers to submit full applications.

**17. National Housing Trust Fund (NHTF)**

The state has allocated \$3.4 million in Housing Trust Funds and 100 Massachusetts Rental Vouchers to help create supportive housing for vulnerable populations including homeless families and individuals, unaccompanied homeless youth, frail seniors with service needs, and individuals in recovery from substance abuse. This program is intended to provide supplemental support to the federal National Housing Trust Fund, a newly authorized affordable housing program.

**18. Community Scale Housing Initiatives (CSHI)**

The state has introduced a new program to address the need for smaller scale affordable housing projects that are sized to fit well within the host community. The new initiative will provide funding for these projects based on the following eligibility criteria:

- Community must have a population not to exceed 200,000
- Program sponsors can be both non-profit and for-profit entities with a demonstrated ability to undertake the project
- The proposed project must include at least five rental units but no more than 20 rental units
- Project must involve new construction or adaptive reuse
- A minimum of 20% of the units must be affordable but it is anticipated that most proposed projects will have a minimum of 50% affordable units
- The host community must provide a financial commitment in support of the project
- The CSHI subsidy may not exceed \$200,000 per unit unless the developer intends to seek DHCD project-based rental assistance in which case the subsidy may not exceed \$150,000 per CSHI unit
- The total development cost per unit may not exceed \$350,000
- Projects will receive no more than is necessary to make the project feasible
- Projects must be financially feasible without state or federal low income housing tax credits
- Projects are expected to close and proceed to construction within 12 months of the date of the award letter

The 40 River Street project was awarded funding under this program.

#### **19. Starter Home Program**

State legislation was recently enacted to implement a Starter Home Program as part of the Governor’s Economic Development Bill. This was accomplished by modifying the existing Smart Growth Zoning and Housing Production law of Chapter 40R to include \$25 million in new funding over five years for cities and towns that create new starter home zoning districts. The new districts will be a minimum of three acres, restrict primary dwelling size to 1,850 square feet of heated living area, require that 50% of the primary dwelling units contain three bedrooms, allow a minimum of four units per acre by right, and provide 20% affordability up to 100% AMI.

#### **20. Workforce Housing Fund**

The state is investing in a Workforce Housing Fund to provide rental housing for those households earning 61% to 120% AMI. In his announcement, Governor Baker said, “Making more affordable housing options available to working Massachusetts families deterred by rising rent expenses is essential to economic growth and development in communities throughout the Commonwealth. These working middle-income families are the foundation of our economy and talented workforce, and the creation of this \$100 million fund by MassHousing will advance opportunities for them to thrive and prosper.”

The Workforce Housing Initiative was created to do the following:

- Target individuals and families with incomes of 61% to 120% of Area Median Income (AMI)
- Provide up to \$100,000 of subsidy per workforce housing unit to create 1,000 new units of workforce housing statewide
- Leverage strategic opportunities to use state-owned land
- Complement, does not replace, traditional MassHousing development financing
- Ensure workforce housing units are deed restricted as affordable for at least 30 years

Eligible projects include:

- Preference is for new units; existing projects where unrestricted units become restricted will be considered
- Workforce housing units are intended for working age household and may not be not be elderly restricted or occupied by full-time students
- 20% of units at the development must be affordable for households earning at or below 80% of AMI

**21. *Housing Choice Initiative***

The state has stated its commitment to producing 135,000 new housing units statewide by 2025 or by about 17,000 units per year, an ambitious task. To help accomplish this, it has created the Housing Choice Initiative that has three basic components that includes Capital Grant Funding. Communities that qualify for designation under this Initiative can receive exclusive admission to new Housing Choice Capital Grants as well as priority access to existing grant and capital funding programs such as MassWorks, Complete Streets, MassDOT projects, and LAND and PARC grants. To obtain this designation, the community must submit an application that documents the increase in the total year-round housing stock from the 2010 census and the cumulative net increase in year-round units from January 1, 2013 through December 31, 2017. Documentation will be based on building permit data coming from the Building Department.

**C. Homebuyer Financing and Counseling**

**1. *ONE Mortgage Program***

The Massachusetts Housing Partnership Fund, in coordination with the state’s Department of Housing and Community Development, has recently introduced the ONE Mortgage Program, a new simplified version of the successful Soft Second Loan Program, which from 1991 to 2013 helped over 17,000 families purchase their first home. Like the Soft Second Program, ONE features low, fixed-rate financing and state-backed reserve that relieves homebuyers of the cost of purchasing private mortgage insurance.

**2. *State Down Payment Assistance***

While state financing has largely focused on multi-family rental development, particularly for families, the state recently announced an expanded program to assist first-time homebuyers with their down payments under the following conditions:

- Increased assistance of up to 5% of the purchase price or \$15,000, whichever is less.
- More property types are eligible for assistance including single-family homes, condominiums and 2-, 3-, and 4-family properties.
- Higher income limits of up to 135% of the area median income (AMI) in Boston and the Commonwealth’s 26 Gateway Cities and up to 100% AMI in other communities, including Scituate.
- The assistance is in the form of a 15-year, fixed rate loan at 2%. (Example: \$15,000 down payment assistance loan = 180 payments of \$96.53; 2.011% APR)
- Repayment of the down payment assistance is due upon the sale or refinance of the property prior to the end of the 15-year term and otherwise forgiven.

**3. *American Dream Down-payment Assistance Program***

The American Dream Down-payment Assistance Program is awarded to municipalities or non-profit organizations on a competitive basis to help first-time homebuyers with down payments and closing

costs. While the income requirements are the same as for the ONE Mortgage Program, the purchase price levels are higher based on the FHA mortgage limits. Deferred loans for the down payment and closing costs of up to 5% of the purchase price to a maximum of \$10,000 can be made at no interest and with a five-year term, to be forgiven after five years. Another loan can be made through the program to cover de-leading in addition to the down payment and closing costs, but with a ten-year term instead, with at least 2.5% of the purchase price covering the down payment.

#### **4. Homebuyer Counseling**

There are a number of programs, including the ONE Mortgage Program and MassHousing's Home Improvement Loan Program, as well as Chapter 40B homeownership projects that require purchasers to attend homebuyer workshops sponsored by organizations that are approved by the state, Citizens Housing and Planning Association (CHAPA) and/or HUD as a condition of occupancy. These sessions provide first-time homebuyers with a wide range of important information on homeownership finance and requirements. The organizations that offer these workshops in closest proximity to Scituate include South Shore Housing and Quincy Community Action Program.

#### **5. Self-Help Housing.**

Self-Help programs involve sweat-equity by the homebuyer and volunteer labor of others to reduce construction costs. Some communities have donated building lots to Habitat for Humanity to construct affordable single housing units. Under the Habitat for Humanity program, homebuyers contribute between 300 and 500 hours of sweat equity while working with volunteers from the community to construct the home. The homeowner finances the home with a 20-year loan at 0% interest. As funds are paid back to Habitat for Humanity, they are used to fund future projects.

### **D. Home Improvement Financing**

#### **1. MassHousing Home Improvement Loan Program (HLP)**

The MHFA Home Improvement Loan Program (HILP) is targeted to one- to four-unit, owner-occupied properties, including condominiums, with a minimum loan amount of \$10,000 up to a maximum of \$50,000. Loan terms range from five to 20 years based on the amount of the loan and the borrower's income and debt. MassHousing services the loans. Income limits are \$92,000 for households of one or two persons and \$104,000 for families of three or more persons. To apply for a loan, applicants must contact a participating lender.

#### **2. Get the Lead Out Program**

MassHousing's Get the Lead Out Program has been offering financing for lead paint removal on excellent terms. Based on uncertain future legislative appropriations, some changes in program requirements were made to insure that eligible homeowners with lead poisoned children would have funding available for a longer period. All income eligible families who are under court order to delead or who have a child under case management with the Commonwealth's Lead Paint Prevention Program, will continue to receive 0% deferred loans. Owners wanting to delead their homes for preventive purposes must qualify for an amortizing loan with a 3% interest rate if earning within 80% of area median income, 5% interest if earning over 80% AMI and up to the program maximum. Applicants must contact a local rehabilitation agency to apply for the loan.

#### **3. Septic Repair Program**

Through a partnership with the Massachusetts Department of Environmental Protection and Revenue, MassHousing offers loans to repair or replace failed or inadequate septic systems for qualifying

applicants. The interest rates vary according to the borrower's income with 0% loans available to one and two-person households earning up to \$23,000 and three or more person households earning up to \$26,000 annually. There are 3% loans available for those one or two person households earning up to \$46,000 and three or more persons earning up to \$52,000. Additionally, one to four-family dwellings and condominiums are eligible for loan amounts of up to \$25,000 and can be repaid in as little as three years or over a longer period of up to 20 years. To apply for a loan, applicants must contact a participating lender.

**4. Home Modification Program**

This state-funded program provides financial and technical assistance to those who require modifications to their homes to make them handicapped accessible. The area's regional non-profit organization, the Metropolitan Boston Housing Partnership (MBHP), administers these funds for the state.