

TOWN OF WAREHAM, MASSACHUSETTS

HOUSING PRODUCTION PLAN



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**TOWN OF WAREHAM
HOUSING PRODUCTION PLAN**

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TOWN OF WAREHAM

HOUSING PRODUCTION PLAN

I. EXECUTIVE SUMMARY

This Housing Production Plan presents an overview of the current housing situation in the town of Wareham, providing the context within which a responsive set of strategies has been developed to address housing needs and meet annual production goals under the state's Housing Production regulations.

A. Priority Housing Needs Require a Mix of Housing Choices

The Town wants to insure that future growth maintains some diversity in the housing stock, including housing that meets the full range of local needs. *While housing prices are regionally relatively affordable, they are out of reach for many of Wareham's residents.* For example, median sales prices and gross rents are unaffordable to approximately 40% of all Wareham households.¹ Additionally, the significant upfront costs of accessing housing and more rigorous lending or leasing criteria provide additional challenges to those in search of affordable housing.

In 2010 Wareham's housing stock included a 77% to 23% ratio of homeownership to rental units, and the great majority (83%) of affordable units included in the Subsidized Housing Inventory (SHI) are rentals to diversify the housing stock. To add additional housing choices and present a range of affordable housing options in Wareham, the Town will need to pay particular attention to the following *housing issues and needs*:

Households with Limited Incomes

Wareham has a significant number of lower paying jobs and a sizable population of individuals and families with very limited financial means who require subsidized rentals or else are forced to pay far too much for their housing.

Gaps in Affordability and Access to Affordable Housing

Even though median home prices are relatively low in comparison to other communities in the region, homeownership remains out of reach for many Wareham residents.

Housing Conditions

Given that 62% of Wareham's housing stock was built before 1980, programs to support necessary home improvements, particularly code violations, are needed.

Target Special Needs Populations

Some households are less able to compete in the housing market because of their limited financial resources and special needs including the following *target populations*:

Elderly

Older adults are becoming a larger segment of Wareham's population and are projected to continue to increase in the future. As a group, elderly households tend to face difficult housing challenges as they are generally on fixed incomes, some relying solely on Social Security assistance. A significant portion of seniors are also disabled.

Physically and Mentally Disabled

Finding affordable housing is often a substantial challenge for the disabled due to financial constraints, most relying on limited Social Security benefits, discrimination, as well as a lack of handicapped accessible units.

¹ This is based on income alone, not factoring in potentially available financial assets.

Female-headed Households

Service providers report that single women with children represent an extremely vulnerable population that frequently confronts challenges in finding affordable housing.

Homeless or Those At Risk of Homelessness

Given the financial crisis, those who are homeless or at risk of homelessness are increasing and require support in remaining in their homes or finding permanent affordable housing elsewhere in the community.

B. Housing Goals and Challenges

Another consideration with respect to affordable housing is Chapter 40B that dictates 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.²

This updated and augmented Housing Plan provides a blueprint to help Wareham further its progress towards meeting the state 10% affordable housing threshold, presenting a proactive housing agenda of Town-sponsored initiatives and building on the progress that has been made since it adopted the 2004 Affordable Housing Plan. Also, if the Town meets the annual goal of producing 49 affordable housing units, it will have the likely ability to deny unwanted Chapter 40B development through state Housing Production regulations.

The 2004 Housing Plan, entitled "Meeting Housing Needs in Wareham", established four (4) major housing goals, which are also embraced by this Housing Production Plan, including:

1. Meet the needs of local residents including those who grew up here, those that work for the community, and those that work in the community.
2. Preserve the existing diverse housing stock, including units that are affordable.
3. Add to the housing stock in a way that is compatible with the fabric, architecture, natural resources, and services of the existing neighborhoods.
4. Be proactive in producing and supporting larger affordable housing projects so the Town can control the income guidelines, density, design, environmental impact, and type of housing produced.

This Plan also embraces an overriding primary goal of providing a wide variety of housing options for Wareham's diverse population.

As mentioned above, the Town has made recent progress towards this goal through the development of 280 additional affordable housing units since the 2004 Housing Plan was adopted through April 2012, and has also established an Affordable Housing Trust to oversee affordable housing issues in the community and manage a dedicated Affordable Housing Trust Fund.

² 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.

C. Summary of Demographic and Housing Characteristics and Trends

Table I-1 summarizes demographic characteristics in Wareham in comparison to those of Plymouth County and the state, showing some sizable differences and similarities from other communities in the region and the state such as:

- **Population Growth – Higher level of growth that is starting to decline**

Wareham’s population has increased steadily with the highest level of growth occurring between 1970 and 1980 with the arrival of almost 7,000 new residents and a growth rate of 60.6%. Since then the population has increased significantly but more slowly with a growth rate of 7.3% between 2000 and 2010 to a total population of 21,822, compared to the respective 4.7% and 3.1% growth rates for the county and state.

Demographic Characteristics	Wareham		Plymouth County		Massachusetts	
	2000 Census	2010 Census	2000 Census	2010 Census	2000 Census	2010 Census
Total population	20,335	21,822	472,822	494,919	6,349,097	6,547,629
Population density (per square mile)	568	610	433	453	810	835
% Minority residents	12.6%	13.5%	11.3%	14.5%	15.5%	19.6%
% 18 years or less	23.4%	20.9%	26.8%	24.1%	23.6%	21.7%
% 18 to 20 years	3.0%	3.5%	3.4%	3.7%	4.1%	4.6%
% 21 to 34 years	16.2%	14.1%	17.7%	14.2%	21.0%	18.6%
% 35 to 44 years	16.7%	12.4%	17.5%	14.1%	16.7%	13.6%
% 45 to 54 years	13.9%	16.7%	14.7%	16.6%	13.8%	15.5%
% 55 to 64 years	10.6%	15.0%	9.2%	13.4%	8.6%	12.3%
% 65 years or more	16.2%	17.4%	11.8%	13.9%	13.5%	13.8%
Median age	39.3 years	45.6 year	36.8 years	41.1 years	36.5 years	39.1years
% Non-family households	34.9	36.5	27.3%	29.4%	36%	37.0%
% Single-person households	29.2%	29.7%	22.2%	23.8%	28.0%	28.7%
Average household size	2.44 persons	2.38 persons	2.74 persons	2.67 persons	2.51 persons	2.48 persons
Median household income*	\$40,422	\$55,136	\$55,615	\$73,131	\$50,502	\$63,961
% Individuals in poverty *	10.5%	10.4%	6.6%	7.0%	9.0%	10.8%
% earning less than \$25,000/\$35,000 *	30.9/44.1	22.4/30.1	20.5%/29.9%	15.3%/22.4%	24.6%/33.3%	20.6%/28.5%
% earning > \$100,000 *	8.8%	19.2%	18.8%	33.4%	17.7%	29.9%

Sources: Data for the above table is derived, for the most part, from 2000 and 2010 census figures. Asterisk (*) note data from the US Census Bureau’s American Community Survey, 2008-2010 estimates.

- **Significant growth in middle-age residents and declines in children**

Wareham has proportionately a lower level of children and higher level of older adults than both the county and state. In fact, the median age increased from 39.3 to 45.6 years between 2000 and 2010, far above the 2010 levels for the county and state of 41.1 and 39.1 years, respectively.

- **Growing minority population**

Wareham's minority population increased from 12.6% to 13.5% of all residents between 2000 and 2010, but the proportion of minorities is still lower than the county at 14.5% and the state at 19.6%.

- **Lower income levels**

The 2010 median household income is estimated to have been \$55,136 for Wareham, significantly lower than \$73,131 for the county and \$63,961 for the state. Also, Wareham had a higher level of those earning less than \$25,000 than the county and state. Poverty levels were also higher than the county's but fairly comparable to that of the state.

- **Greater numbers of smaller households including more people living alone**

The number of households increased by 23.1% over the past several decades, from 7,370 in 1990 to 9,071 by 2010. This is substantially more than the 7.3% overall population growth rate and correlated to the increasing number of smaller, non-family households³. In 2010, these non-family households comprised 36.5% of all households in Wareham, higher than the 26.4% level of the county and reflective of national trends towards more single-person households, fewer "traditional" households with married couples and children, as well as more "empty-nesters".

Table I-2 presents comparative data on housing characteristics for Wareham, Plymouth County and the state that suggest the following trends:

- **Comparatively high but declining housing growth**

Housing growth has continued in Wareham, albeit at a much slower pace recently, going from a growth rate of 17.9% between 1980 and 1990 to a decline of 6.3% from 1990 to 2000, and then up to 14.9% between 2000 and 2010. This level of growth is nevertheless much higher than the county and the state's at 10.3% and 7.1% between 2000 and 2010, respectively, and about twice the rate of population growth.

- **Recent proportional decrease in rental units**

Between 1990 and 2010 the percentage of rental units declined from 25% to 23% with only 240 new rental units produced during this timeframe despite an overall housing growth rate of 7.7%. The percentage of rental units in comparison to the total housing stock is comparable to the county level but much lower than the state's at 37.7%.

- **High level of seasonal or occasional units**

Particularly noteworthy is the relatively high level of seasonal units and second homes in Wareham, representing 18.9% of all housing units in 2000, increasing to 19.4% by 2010, a gain of 356 such units. This level is high in comparison to 5.1% for the county and 4.1% for the state. This large seasonal housing stock presents unique challenges including increased service demands, illegal conversions and substandard conditions.

- **Single-family units are predominant**

The great majority of existing housing units include single-family, detached structures, totaling 78.1% of Wareham's total housing units, significantly higher than the 70.9% level for the county and 52.2% for the state. There was an increase of 858 such units between 2000 and 2010, representing 88.3% of the new units created. All other dwelling types had some modest increases with the exception of units in larger multi-family structure of more than five (5) units that experienced a 215-unit net loss.

³ Includes individuals and unrelated household members.

- **Older housing stock**

About 30% of Wareham's housing was built prior to 1960 and the bulk of units were produced between 1960 and 1980. In fact much of Wareham's existing housing consists of relatively dense summer communities that were build decades ago. Given the aging of the housing stock, it is likely that there are considerable needs for lead paint removal as well as moderate and substantial home improvements.

Table I-2: Summary of Housing Characteristics for Wareham, Plymouth County and the State

Housing Characteristics	Wareham		Plymouth County		Massachusetts	
	2000 Census	2010 Census	2000 Census	2010 Census	2000 Census	2010 Census
Total units	10,670	12,256	181,524	200,161	2,621,989	2,808,254
% Occupied housing units	76.9%	74.0%	92.7%	90.5%	93.2%	90.7%
% Owner-occupied units	75.0%	77.0%	75.6%	76.1%	61.7%	62.3%
% Renter-occupied units	25.0%	23.0%	24.4%	23.9%	38.3%	37.7%
% Seasonal units or second homes	18.9%	19.4%	4.7%	5.1%	3.6%	4.1%
% Single-family, detached structures *	77.2%	78.1%*	71.7%	70.9%*	52.4%	52.2%*
% Units in structures of 3 or more units *	17.5%	14.9%*	19.6%	19.7%*	31.0%	31.6%*
Median single-family sales price (Banker & Tradesman)/As of the end of 2012	\$129,900	\$170,000	\$179,000	\$266,500	\$185,000	\$290,000
Median gross rent	\$620	\$992	\$679	\$1,042	\$684	\$1,008
Housing growth 2000 to 2010	14.9%		10.3%		7.1%	
Housing density 2000 to 2010	298 to 342 units per square mile		166 to 183 units per square mile		334 to 358 units per square mile	

Sources: Data for the above table is derived, for the most part, from 2000 and 2010 census figures. Asterisks (*) note data from the US Census Bureau's American Community Survey, 2006-2010 estimates.

- **Relatively affordable homeownership stock**

The median sales price of a single-family home in Wareham was \$170,000 as of the end of 2012, the same as the end of 2011, but substantially lower than the median prices for Plymouth County and the state of \$266,500 and \$290,000, respectively. While the condominium market is relatively small, median sales prices are fairly comparable to single-family homes. Median rents were relatively comparable to those of both the county and state.

Nevertheless, while housing may be relatively affordable, prices are still beyond the reach of many local residents. Consequently, residents are spending too much for their housing as 43% of all

households, including 44.5% of all owners and 39% of all renters, were overspending on their housing defined as spending more than 30% of their income on housing-related expenses.

- **Significant progress in creating affordable housing**

The Department of Housing and Community Development counts 757 units in Wareham that meet affordability requirements under Chapter 40B and are eligible for inclusion in the Subsidized Housing Inventory (SHI), up from 477 SHI units in 2004. Chapter 40B mandates that the town should have 10% of its year-round housing stock as affordable housing which would total 988 units out of its 9,880 year-round housing units (2010 US Census)⁴. With a current inventory of 757 units, or 7.66% of its year-round housing stock, Wareham is ahead of most of its neighbors in creating affordable units but still has a deficit of 231 such units to reach the 10% affordability goal.

The convergence of demographic and housing trends – increasing numbers of households, lower incomes, relatively high levels of poverty, an older housing stock, rising energy and insurance bills, lower housing production, declining supply of rentals, increasing number of seasonal units, difficulty in obtaining financing, large up-front cash requirements for homeownership and rentals – all point to growing local challenges! These challenges become particularly worrisome when data shows us that about 3,840 households or 43% of all Wareham households were living in housing that was by common definition beyond their means and unaffordable as they were paying more than 30% of their income on housing with 2,120 or 24% paying more than half of their income on housing. If these demographic and housing trends are left to evolve unchecked, Wareham will lose ground on its ability to be a place where families across a full range of economic and social strata can call home.

In summary, gaps still remain between what most current residents can afford and the housing that is available. Children who grew up in the town are now facing the possibility that they may not be able to return to raise their own families locally. Long-term residents, especially older adults, are finding themselves less able to maintain their homes and keep up with increased housing-related costs but also hard-pressed to find alternative housing that better meets their current lifestyles. Families are finding it more difficult to hold onto their homes given the faltering economy, as there have been many foreclosures, or “buy up,” purchasing larger homes as their families grow. Those who work in town, many with relatively low wages, continue to be challenged in locating housing that is affordable. More housing options are required to meet these local needs.

D. 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 .50% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory.⁵ Wareham would have to produce at least 49 affordable units annually to meet these production goals, a formidable challenge. If the state certifies that the locality has complied with its annual production goals, the Town may be able, through its Zoning Board of Appeals, to deny comprehensive permit applications without the developer’s ability to appeal the decision.⁶

⁴ Figure calculated by subtracting seasonal units and second homes from the total unit count.

⁵ The state has issued changes to Chapter 40B that included modifications to the Planned Production requirements. For example, the annual production goals are instead based on one-half of one percent of total housing units and plans are now referred to as Housing Production Plans (HPP).

⁶ 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

E. Summary of Housing Strategies

The strategies summarized in Table I-3 are based on the 2004 Affordable Housing Plan, reports, interviews, studies, the updated Housing Needs Assessment, local housing goals, 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, Zoning Strategies, Housing Development, Housing Preservation and Direct Financial Assistance – and categorized according to priority as those to be implemented within Years 1 and 2 and those within Years 3 to 5. The strategies also reflect state requirements that ask communities to address a number of major categories of strategies to the greatest extent applicable.⁷ Also, 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. Consequently, there are instances where housing initiatives might be promoted to meet community needs that will not necessarily result in the inclusion of units in the Subsidized Housing Inventory.

It is also 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. Moreover, the proposed actions present opportunities to judiciously invest limited Community Preservation funding and the Housing Trust Fund to build local capacity, modify or create new local zoning provisions, and subsidize actual unit production (predevelopment funding and/or subsidies to fill the gap between total development costs and the affordable rent or purchase prices) that leverage other necessary resources.

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.

⁷ Massachusetts General Law Chapter 40B, 760 CMR 56.03.4.

Table I-3 Summary of Housing Strategies	Priority for Implementation			
	In Years 1-2	In Years 3-5	# Affordable Units*	Responsible Parties**
VI.A. Capacity Building Strategies				
1. Secure sufficient professional support	X		*	HT & PB/BOS & CPC
2. Conduct ongoing community education	X		*	HT/PB & CEDA
3. Capitalize the Housing Trust	X		*	HT/BOS & CPC
4. Inventory Town-owned property		X	*	HT
5. Prepare local 40B procedures		X	*	HT & ZBA
6. Conduct a mobile home study		X	*	HT
VI.B. Zoning Strategies				
1. Promote affordable housing in mixed-use development	X		*	PB/HT & CEDA
2. Promote accessory apartments	X		*	PB/HT, ZBA & ID
3. Allow subdivision of merged lots		X	*	PB/HT
VI.C. Housing Development Strategies				
1. Make suitable public property available for affordable housing	X		290	BOS/HT
2. Partner with private developers	X		65	HT/PB & ZBA
VI.D. Housing Preservation Strategies				
1. Continue funding the Housing Rehab Program	X		*	CEDA
2. Continue pursuing modernization funds for WHA units	X		*	WHA/BOS & HT
VI.E. Direct Assistance Strategies				
1. Develop a Rental Assistance Program		X	*	HT
2. Develop an Above the Shop Program		X	*	HT

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

****Abbreviations**

Housing Trust = HT

Board of Selectmen = BOS

Planning Board = PB

Zoning Board of Appeals = ZBA

Community Economic and Development Authority = CEDA

Community Preservation Committee = CPC

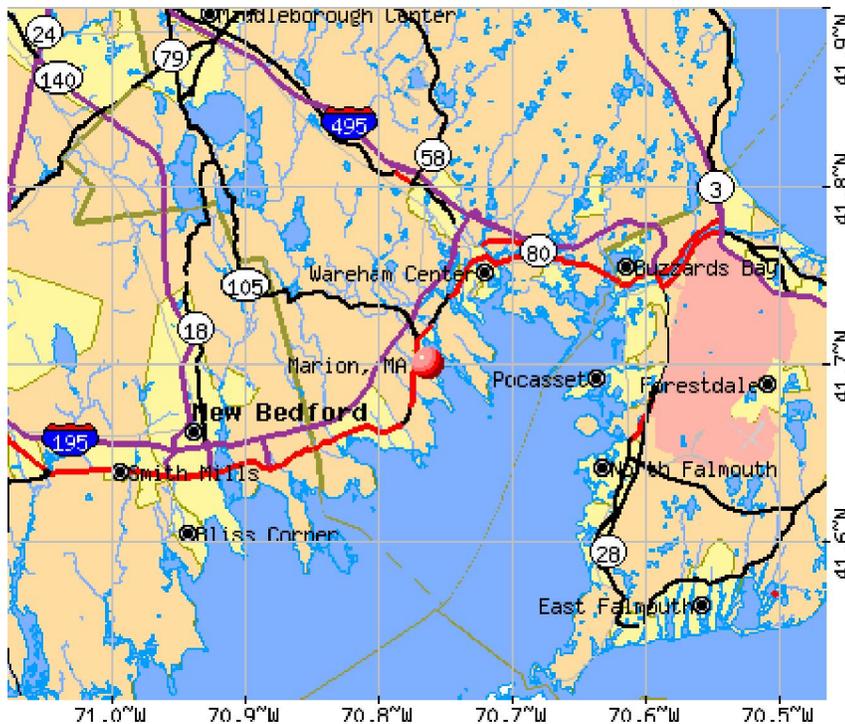
Inspections Department = ID

Wareham Housing Authority = WHA

II. INTRODUCTION

Situated at the head of Buzzards Bay, Wareham offers substantial locational advantages including the tourist amenities of Cape Cod and easy traveling distances to both Boston and Providence. From its early beginnings as a farming and shipbuilding community in the 1700s, Wareham has grown to accommodate a diversified industrial and commercial economy to support continued economic and residential growth.

In the context of this growth, residents are interested in preserving Wareham's small town character, continuing to foster a sense of community. This quality of life is tied to Wareham's abundant natural resources, high standard of municipal services, historic character, as well as its economic vitality. As the town continues to grow, the vision of maintaining a healthy community must also address the range of housing needs and proactively pursue affordable housing opportunities for those who grew up in Wareham and want to raise their own families locally, entry level teachers and fireman, disabled family members, workers looking for jobs in a changing economy, and seniors looking to downsize.



A. Purpose of the Project

This Housing Production Plan involves updating and augmenting the 2004 Affordable Housing Plan, "Meeting Housing Needs in Wareham," which expired in October 2009. Since 2004, the Town has made significant progress in promoting affordable housing including the addition of 280 units to the Subsidized Housing Inventory (SHI).

Despite this progress, the Town is seeking additional opportunities to further diversify the housing stock to better meet local needs. It is also looking for ways to exert greater local control over housing development. In order to address the affordable housing issue, the Town established the Wareham Affordable Housing Trust in 2006 and the Trust became operational in 2009. The mission of the Housing Trust is the creation and preservation of affordable housing in Wareham for the benefit of low- and moderate-income households.

This planning effort represents an opportunity for the Town, now through the Housing Trust, to update information in its 2004 Housing Plan including housing and demographic data, production goals, and specific strategies for continuing to promote affordable housing over the next five (5) years. This Plan will be approved through updated state Housing Production regulations.⁸

B. 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; and if they are paying 50% or more for housing, they have severe housing affordability problems or cost burdens.

Affordable housing is also defined according to percentages of median income for the area, as established by the US Department of Housing and Development (HUD), and most housing subsidy programs are targeted to particular income ranges depending upon programmatic goals. *Extremely low-income* housing is directed to those earning at or below 30% of area median income as defined by the US Department of Housing and Urban Development (\$26,450 for a family of three for the Boston area)⁹ and *very low-income* is defined as households earning between 31% and 50% of area median income (\$44,050 for a family of three). *Low-income* generally refers to the range between 51% and 80% of area median income (\$58,500 for a family of three at the 80% level). These income levels are summarized in Table II-1.

In general, programs that subsidize rental units are targeted to households earning within 50% or 60% of median income, often including units for those earning below 30% of the area median. First-time homebuyer programs typically apply income limits of up to 80% of area median income. The Community Preservation Act allows Community Preservation funding to be directed to those within a somewhat higher income range – 100% of area median income – now commonly referred to as “community housing” units. Additionally, some housing developments incorporate several income tiers. For example, one project could combine units for those earning at or below 80% of area median income, moderate-income units for those earning between 80% and 120% of median income, often referred to as “workforce” units, and even some market rate units to help cross-subsidize the more affordable ones. A rental project might include a couple of tiers below the 60% level in addition to workforce and/or market rate units.

# In Household	30% of Median Income	50% of Median Income	80% of Median Income
1	\$20,550	\$34,250	\$45,500
2	23,500	39,150	52,000
3	26,450	44,050	58,500
4	29,350	48,900	65,000
5	31,700	52,850	70,200
6	34,050	56,750	75,400
7	36,400	60,650	80,600
8+	38,750	64,550	85,800

⁸ Massachusetts General Law Chapter 40B, 760 CMR 56.03 (4).

⁹ Wareham is included in Boston’s Metropolitan Statistical Area for which the income levels are targeted.

In counting a community's progress toward the 10% threshold, the state counts a housing unit as affordable if it is subsidized by state or federal programs that support households earning 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). To be included in the Subsidized Housing Inventory (SHI), thus making progress towards the 10% affordability goal and annual housing production goals, the housing units must also be subject to long-term deed restrictions that limit occupancy to income-eligible households for a specified period of time (at least 30 years or longer for newly created affordable units and at least 15 years for rehabilitated units) and be marketed through the implementation of a state-approved Affirmative Fair Housing Marketing Plan.

III. HOUSING NEEDS ASSESSMENT¹⁰

A. Demographic Characteristics and Trends

1. Population Growth – Continued but slower growth

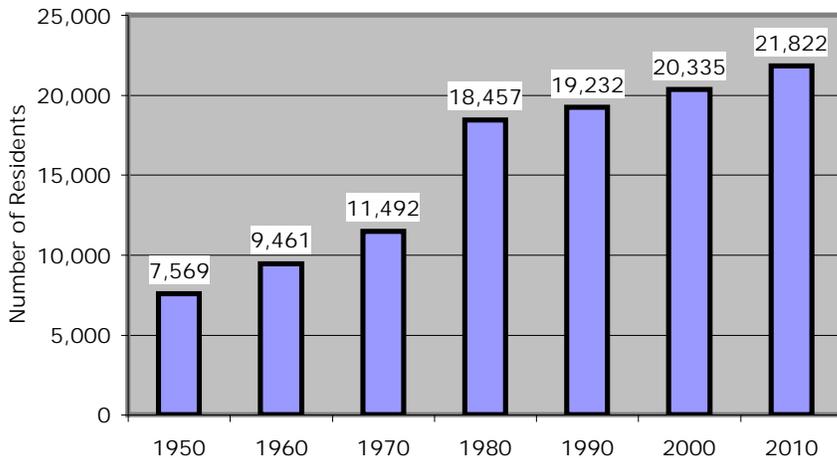
As noted in Table III-1, Wareham’s population has increased steadily with the highest level of growth occurring between 1970 and 1980 with the arrival of almost 7,000 new residents and a growth rate of 60.6%. Since then the population has increased significantly more slowly with a growth rate of 7.3% between 2000 and 2010 to a total population of 21,822. Town records show a total population of only 18,478, which likely underestimates the total population somewhat as the count relies on residents returning notices that were mailed to them. Figure III-1 visually presents this growth pattern. Projections from the Massachusetts Institute for Social and Economic Research (MISER) estimate little growth through 2020 to a population of 22,022.

Year	Total Population	Change in Number	Percentage Change
1930	5,686	--	--
1940	6,364	678	11.9%
1950	7,569	1,205	18.9%
1960	9,461	1,892	25.0%
1970	11,492	2,031	21.5%
1980	18,457	6,965	60.6%
1990	19,232	775	4.2%
2000	20,335	1,103	5.7%
2010	21,822	1,487	7.3%

Source: U.S. Census Bureau, Census Summary File 1 and University of Massachusetts Donahue Institute State Data Center.

Figure III-1

Population Change 1950 to 2010



¹⁰ It should be noted that this Housing Needs Assessment includes the most up-to-date data available. When 2010 census data is not available, the most recent issue of the Census Bureau’s American Community Survey (ACS) is used for various types of data. Because the ACS is based on a sample, it is subject to sampling error and variation.

Table III-2 presents U.S. Census population data from 1980 through 2010 for Wareham and neighboring communities. While growth has slowed in Wareham since 1980, the towns of Marion, Mattapoisett and Fairhaven have both lost population over the past decade. Rochester has experienced the greatest level of growth with substantial population gains since 1980.

Municipality	1980	1990	2000	2010	% Change 1980-2000	% Change 2000-2010
Dartmouth	23,966	27,244	30,666	34,032	28.0%	11.0%
Fairhaven	15,759	16,132	16,159	15,873	3.7%	-1.8%
Marion	3,842	4,496	5,123	4,907	33.3%	-4.2%
Mattapoisett	5,597	5,850	6,268	6,045	12.0%	-3.6%
Rochester	3,205	3,921	4,581	5,232	42.9%	14.2%
Wareham	18,457	19,232	20,335	21,822	10.2%	7.3%
Westport	13,763	13,852	14,183	15,532	3.1%	9.5%

Sources: US Census, 1980, 1990, 2000 & 2010

2. Age Distribution – Significant growth in middle-age residents with declines in children

Data regarding the changes in the age distribution from 1990 to 2010, based on census data, is provided in Table III-3.

Age Range	1990		2000		2010	
	Number	Percent	Number	Percent	Number	Percent
Under 5 Years	1,557	8.1	1,201	5.9	1,168	5.4
5 – 19 Years	3,734	19.4	4,222	20.8	3,562	16.3
20 – 24 Years	1,152	6.0	852	4.2	1,121	5.1
25 – 34 Years	3,386	17.6	2,385	11.7	2,190	10.0
35 – 44 Years	2,641	13.7	3,402	16.7	2,697	12.4
45 – 54 Years	1,815	9.4	2,830	13.9	3,646	16.7
55 – 64 Years	1,734	9.0	2,152	10.6	3,282	15.0
65 – 74 Years	1,764	9.2	1,738	8.5	2,082	9.5
75 – 84 Years	1,119	5.8	1,168	5.7	1,243	5.7
85+ Years	324	1.7	384	1.9	468	2.1
Total	19,232	100.0	20,335	100.0	21,822	100.0
Under 20	5,291	27.5	5,423	26.7	4,730	21.7
Age 65+	3,207	16.7	3,290	16.2	3,793	17.4
Median Age	34.2 years		39.3 years		44.4 years	

Source: U.S. Census Bureau, 1990, 2000 and 2010

The data shows some fluctuations between decades but ultimately a proportional decline in all age groups under age 45 and increases in the older groups, although relatively flat growth in older adults of 65 or over in proportion to the total population. For example, those children and adolescents under age 20 decreased from about 28% of the population in 1990 to 22% by 2010, while those ages 45 to 64 increased from 18.4% to 31.7% during this same timeframe, almost doubling in number. Of particular note are those more

middle-aged residents age 45 to 54 who increased from 9.5% to 17% of the population, more than doubling in number.

In comparison to 2010 census data, Table III-4 offers population projections by age category through to 2020, prepared by the Massachusetts Institute for Social and Economic Research (MISER) of the University of Massachusetts. The estimates reinforce trends of a declining population of young residents and growing numbers of older residents. This data shows a substantial increase in those over 65 and a fall-out of more middle-aged residents in comparison to 2010, some of this explained by the aging of the baby boom generation. The figures suggest proportional decreases in all age categories less than 55 years of age with the exception of those 25 to 34 who are projected to increase somewhat, a surprising outcome given the declines of this age group in previous decades and as noted in Table III-3. The MISER projections indicate substantial growth of most older age cohorts, projecting an increase of those age 65 or older from 16.2% of all residents in 2010 to 23.5% by 2020. Clearly housing alternatives to accommodate this increasing population of older adults, such as more handicapped accessibility, housing with supportive services, and units without substantial maintenance demands, need to be considered in housing planning efforts as reflected in Section III.E.

Age Range	2010		2020	
	Number	Percent	Number	Percent
Under 5 Years	1,168	5.4	1,173	5.3
5 – 19 Years	3,562	16.3	3,371	15.3
20 – 24 Years	1,121	5.1	841	3.8
25 – 34 Years	2,190	10.0	2,599	11.8
35 – 44 Years	2,697	12.4	2,426	11.0
45 – 54 Years	3,646	16.7	2,501	11.4
55 – 64 Years	3,282	15.0	3,933	17.9
65 – 74 Years	2,082	9.5	3,190	14.5
75 – 84 Years	1,243	5.7	1,481	6.7
85+ Years	468	2.1	508	2.3
Total	21,822	100.0	22,022	100.0
Under 20	5,423	26.7	4,544	20.6
Age 65+	3,290	16.2	5,179	23.5

Sources: U.S. Census Bureau, 2010 and Massachusetts Institute of Social and Economic Research (MISER), 2003.

3. Racial Composition – Growing minority population

The US Census indicates that Wareham’s minority population increased from 12.6% to 13.5% of all residents between 2000 and 2010 as shown in Table III-5. Most of these residents described themselves as belonging to the “other” category or of more than two races. A significant portion of those in the “other” category were most likely of Cape Verdean descent.

	2000		2010	
	Number	Percent	Number	Percent
Minority pop.*	2,559	12.6	2,948	13.5
Black or African Amer.	694	2.9	769	3.5
American Indian	109	0.5	141	0.6
Asian	90	0.4	150	0.7
Latino **	292	1.4	502	2.3
Other	1,068	5.2	950	4.4
Two or more races	698	3.4	933	4.3

Source: U.S. Census Bureau, Census 2000 Summary File 1 and 2010 census data. Asterisk (*) indicates all non-White classifications.
 ** Latino or Hispanic of any race. Percentages are in comparison to the total population.

4. Household Composition – Greater numbers of smaller households

As indicated in Table III-6, the number of households increased by 23.1% over the past several decades, from 7,370 in 1990 to 9,071 by 2010. This is substantially more than the 7.3% overall population growth rate and correlated to the increasing number of smaller, non-family households¹¹, which grew from 2,196 in 1990 to 3,310 by 2010. In 2010, these non-family households comprised 36.5% of all households in Wareham, up from 29.8% in 1990, and reflecting national trends towards more single-person households, fewer “traditional” households with married couples and children, as well as more “empty-nesters”.

Household Type	1990		2000		2010	
	Number	Percent	Number	Percent	Number	Percent
Total Households	7,370	100.0	8,200	100.0	9,071	100.0
Family Households*	5,174	70.2	5,337	66.1	5,761	63.5
Female-headed Households with Children*	584	7.9	680	8.3	691	7.6
Non-family Households*	2,196	29.8	2,863	34.9	3,310	36.5
Persons living Alone and 65 Years or Older*	921	12.5	1,036	12.6	1,142	12.6
Average Household Size	2.57 persons		2.44 persons		2.38 persons	

Source: U.S. Census Bureau, Census 1990, 2000 and 2010
 * Percent of all households

¹¹ Includes individuals and unrelated household members.

Household size has decreased as well, going from 2.57 to 2.38 persons from 1990 to 2010, largely reflective of declining numbers of children and a greater portion of smaller non-family households.

5. Income Distribution – Growing disparities between homeowners and renters

Table III-7 provides information on the distribution of household income for both 2000 and 2010. The median household income in 2010 was \$55,136, up 36.4% from the 1999 median income of \$40,422, not adjusted for inflation. Between 2000 and 2010, there were decreases in the numbers of households in all of the income ranges below \$50,000. Those households earning more than \$50,000 increased from about 38% in 2000 to 55.6% by 2010, and those earning more than \$100,000 more than doubled during the decade, growing from 720 to 1,740 households or from 8.8% to 19.2% of all households, respectively. The income distribution for those households that include children – families – is significantly higher with a median family income in 2010 of \$65,052 with 1,380 families or about one-quarter of all families earning more than \$100,000, including 106 earning more than \$200,000.

Despite increasing household wealth, there is a large population living in Wareham with very limited financial means. Of all households counted in 2010, 828 or 9.2% had incomes of less than \$10,000 and another 1,201 or about 13.3% had incomes between \$10,000 and \$24,999. Additionally, 3,920 households, or approximately 44.5% of all households were spending too much on their housing. Moreover, a HUD report indicates that 4,165 households, or about 46% of all households, might have qualified for housing assistance as their incomes were at or below 80% of median income as of 2009.¹²

Table III-7: Household Income Distribution, 1999 and 2010				
Households	1999		2010	
	Number	Percent	Number	Percent
Less than \$10,000	847	10.3	828	9.2
\$10,000 to \$14,999	564	6.9	421	4.7
\$15,000 to \$24,999	1,127	13.7	780	8.6
\$25,000 to \$34,999	1,085	13.2	715	7.9
\$35,000 to \$49,999	1,447	17.6	1,272	14.1
\$50,000 to \$74,999	1,523	18.5	1,764	19.5
\$75,000 to \$99,999	897	10.9	1,525	16.9
\$100,000 to \$149,999	475	5.8	1,327	14.7
\$150,000 to \$199,999	108	1.3	285	3.2
\$200,000 or more	137	1.7	128	1.4
Total	8,210	100.0	9,045	100.0
Median Household Income	\$40,422		\$55,136	
Median Family Income	\$45,750		\$65,052	
Source: US Census, Table DP-3, Profile of Selected Economic Characteristics, 1999 and American Community Survey data for 2006-2010. This data is based on census sample data and totals differ somewhat from final counts.				

Table III-8 provides 2010 census estimates from the American Community Survey that compares the income distribution of homeowners and renters. In addition to being significantly fewer renters, 23% of all households, the median income for renters was about one-quarter that of owners, \$17,100 as opposed to

¹² While these households' incomes might be at or below 80% of area median income, many are likely to have assets that are more than the allowable state or federal standards that would disqualify them from housing assistance.

\$66,408. A comparison of the 1999 median income levels of owners and renters of \$45,889 and \$23,478, respectively, demonstrates that renters have been losing ground financially, and there are growing disparities between their earning power that impacts their ability to afford to live in the community. It is not surprising to learn that more renters are spending an increasing amount of their income on housing (see Section III-C).

There are still owners with very limited incomes as well as approximately 1,085 or 14.8% earned less than \$25,000, most who are likely to be long-term owners on fixed incomes without mortgage payments. Some of these owners are likely to be hard-pressed to pay increasing housing costs related to taxes, insurance and utilities. On the other hand, there were 365 renters, or more than one-quarter of all renters, who were earning \$50,000 or more.

Households	Owners		Renters	
	Number	Percent	Number	Percent
Less than \$10,000	214	2.9	614	36.2
\$10,000 to \$14,999	207	2.8	214	12.6
\$15,000 to \$24,999	664	9.0	116	6.8
\$25,000 to \$34,999	520	7.1	195	11.5
\$35,000 to \$49,999	1,078	14.7	194	11.4
\$50,000 to \$74,999	1,500	20.4	264	15.5
\$75,000 to \$99,999	1,525	20.8	0	0.0
\$100,000 to \$149,999	1,226	16.7	101	5.9
\$150,000 or more	413	5.6	0	0.0
Total	7,347	100.0	1,698	100.0
Median Household Income	\$66,408		\$17,100	

Source: US Census, American Community Survey data for 2008-2010,

6. Poverty Status – Declining poverty levels but numbers remain high

Table III-9 shows poverty data for Wareham based on 1999 and 2010 data from the U.S. Census Bureau.¹³

	1999		2010	
	Number	Percent	Number	Percent
Individuals Below Poverty *	2,131	10.7	2,269	10.4
Families **	443	8.1	426	7.4
Related Children < 18 ***	800	16.6	655	14.4
Individuals 65+ ****	414	13.5	234	6.4

¹³ The 2011 federal poverty level from the U.S. Department of Health and Human Services was \$10,890 for an individual and \$18,530 for a three-person household.

Source: U.S. Census Bureau, 1990, 2000 and American Community Survey 2006-2010.

*Percentage of total population for whom poverty status was determined

**Percentage of all families for whom poverty status was determined

***Percentage of all related children under 18 years

****Percentage of all individuals age 65+

In general the percentage of residents living in poverty has been declining in Wareham, going from 10.7% of all residents in 1999 to 10.4% by 2010. Nevertheless, this level is high in comparison to the county at 7.0%. Also, the numbers of those living in poverty remains high at 2,269 individuals, including 655 children and 234 seniors. Given the continuation of the financial crisis, it is likely that things have not improved for many of these individuals and families.

7. Employment – Expanding workforce but heavy reliance on lower paying service jobs

The 2010 census indicated that of the 17,611 residents who were 16 years and older, more than two-thirds, or 12,122 residents, were in the labor force, 1,446 or 8.2% of whom were unemployed. The 2010 state labor statistics indicated an unemployment rate in Wareham of 9.3%, which subsequently fell to 7.1% by March 2012. Wareham has experienced an expanding workforce as there were only 10,881 workers in 2000.

Estimates from the US Census Bureau’s American Community Survey indicated that 28.1% of Wareham’s workers were involved in management or professional occupations, with more than another half in the lower paying jobs related to service occupations and sales and office work. The remaining workers were in construction, maintenance, and production or transportation occupations. While 73.2% were salaried workers, another 19.2% were government workers, and 7.5% were self-employed. The mean travel time to work was about 27.2 minutes suggesting that on average workers commuted a fair distance to their jobs, about 90% of whom commuted alone by car.

Labor and workforce data from the state’s Department of Labor and Workforce Development is presented in Table III-10, which shows an average employment of 8,557 workers and 675 work establishments with total wages of more than \$308 million. The data also indicated that the industries with the most workers included manufacturing (602 workers on average), retail trade (2,184 workers), health care and social assistance (1,287 workers), as well as accommodation and food services (1,087 workers). The average wages in these industries varied considerably, from \$295 in accommodation and food services, \$489 in retail trade, \$772 in manufacturing and \$834 in the health care area with a relatively low average weekly wage of \$694. As a point of comparison, the average weekly wage for New Bedford was higher at \$785 and Boston’s was more than twice the average wage level at \$1,507.

Industry	# Establishments	Total Wages	Average Employment	Average Weekly Wage
Agriculture, forestry, Fishing, hunting	14	\$9,260,168	149	\$1,195
Construction	70	\$5,938,599	148	\$772
Manufacturing	30	\$24,232,128	602	\$774
Wholesale trade	29	\$16,046,719	245	\$1,260
Utilities	3	\$2,219,943	39	\$1,095
Retail trade	129	\$55,568,729	2,184	\$489
Transportation and warehousing	24	\$20,442,996	410	\$959

Information	9	\$4,009,826	113	\$682
Finance & insurance	17	\$4,284,893	99	\$832
Real estate, rental/leasing	19	\$1,979,962	64	\$595
Professional and technical services	41	\$21,173,988	385	\$1,058
Administrative and waste services	22	\$19,023,529	263	\$1,391
Health care and social assistance	43	\$55,792,569	1,287	\$834
Arts, entertainment, rec.	6	\$2,358,777	856	\$534
Accommodation and food services	63	\$16,667,183	1,087	\$295
Other services	138	\$9,415,465	423	\$428
Public administration	12	\$14,573,553	382	\$734
TOTAL	675	\$308,650,668	8,557	\$694
Source: Massachusetts Executive Office of Labor and Workforce Development, 2010				

8. Disability Status – Significant numbers of disabled residents including one-third of seniors

In total 2,935 residents or 13.4% of the population was disabled in 2010, which includes any kind of physical disability. Of the population under age 18, 172 or 3.8% had some disability. Moreover, of the population age 18 to 64, 1,612 or 12.1% claimed a disability, and 1,151 or about one-third of those 65 years or older claimed a disability.

9. Educational Attainment – Lower but improving educational attainment levels

In 2010, 89.8% of those 25 years and older had a high school diploma or higher and 21.7% had at least a Bachelor's degree. These levels are significantly lower than the attainment levels for Plymouth County at 91.8% finishing high school and 32.5% completing college. These figures also represent some improvement in overall educational attainment from 2000 when 82.5% had at least a high school degree and 16.3% had completed college.

10. School Enrollment – Declining enrollments

Those enrolled in school (nursery through graduate school) totaled 4,674 students or 21.4% of the town's population, and those enrolled in kindergarten through high school totaled 3,268, 69.9% of those who were enrolled in school and 15.0% of the total population. These figures represent a significant decrease in school enrollment from 2000 when there were 4,948 students, a net loss of 274 students despite a population growth rate of 7.3% between 2000 and 2010. Those enrolled in kindergarten through high school fell by 592 students during this time period from 3,860 students in 2000.

B. Housing Characteristics and Trends

Table III-11 includes a summary of housing characteristics from 1990 through 2010. Census data suggests that there was a loss of 713 units between 1990 and 2000¹⁴ and another 1,586 units were built between 2000 and 2010, almost all of which were owner-occupied units. Of the 12,256 total units, 77% are owner-occupied, a level that is comparable to the county's of 76.1% but much higher than the overall state level of 62.3%.

¹⁴ As noted in the 2004 Housing Plan, this loss of rental units, largely as part of the single-family housing stock, was documented during a period when at least 450 building permits were issued based also on census data. It is unlikely that the typical reasons for such a high loss of units (conversion of small multi-family units to single-family use, substantial demolition activity, natural disaster, removal of a mobile home park, etc.) actually occurred in Wareham to explain this data. See Figure III-3 for alternative census data from its American Community Survey, 2008-2010.

In reviewing changes in the housing stock since 1990, a couple of important trends become apparent including:

- **Declining housing growth**

Housing growth has continued in Wareham, albeit at a much slower pace, going from a growth rate of 17.9% between 1980 and 1990 to a questionable decrease of 6.3% from 1990 to 2000, and then down somewhat to a 14.9% rate of growth between 2000 and 2010. Since 2010 through April 2012, another 99 units were added to the housing stock.

Table III-11: Housing Characteristics, 1990-2010

	1990		2000		2010	
	Number	Percent	Number	Percent	Number	Percent
Total # Housing Units	11,383	100.0	10,670	100.0	12,256	100.0
Year-round Occupied Units *	7,370	64.7	8,200	76.9	9,071	74.0
Occupied Owner Units **	5,528	75.0	6,201	75.6	6,989	77.0
Occupied Rental Units **	1,842	25.0	1,999	23.1	2,082	23.0
Total Vacant Units/ Seasonal, Recreational or Occasional Use*	4,013/NA	35.3/NA	2,470/2,020	23.1/18.9	3,185/2,376	26.0/19.4
Average Household Size/Owner Units	NA		2.50 persons		2.40 persons	
Average Household Size/Renter Units	NA		2.25 persons		2.32 persons	

Source: U.S. Census Bureau, 1990 and 2000 and 2010 NA = Data not available.
 * Percentage of total housing units ** Percentage of occupied housing units
 Note: The state currently counts 9,880 year-round housing units in its calculations under Chapter 40B based on subtracting seasonal units or second homes (2,376) from the total unit count (12,256).

- **Proportional decrease in rental units**

Between 1990 and 2010 the percentage of rental units declined from 25% to 23% with only 240 new rental units produced during this timeframe despite an overall housing growth rate of 7.7%.

- **High level of seasonal or occasional units**

Particularly noteworthy is the relatively high level of seasonal units and second homes in Wareham, representing 18.9% of all housing units in 2000, increasing to 19.4% by 2010, a gain of 356 such units. This level is high in comparison to 5.1% for the county and 4.1% for the state. It should be noted that there was a substantial loss of 1,113 seasonal units or second homes between 1990 and 2000, going from 3,133 to 2,020, representing a 35.5% decrease. This is likely the result of seasonal units turning over to full-time usage and the consolidation of homeownership from two-unit seasonal structures to a single combined unit. Some of these units were very difficult to convert as they had never been intended for year-round use. Moreover, these conversions have had ramifications on the community's demographics, as the relatively high sales prices of these converted units commanded higher income purchasers.

- **Decrease in persons per unit**

The average number of persons per unit declined between 2000 and 2010 for owner-occupied units, from 2.50 to 2.40 persons, but increased during this same period for rentals, from 2.25 to 2.32 persons. The decrease for owner units reflects local, regional and national trends towards smaller household sizes and relates to the change in the average household size in Wareham from 2.57 persons in 1990 to 2.38 by 2010. The increase in persons per unit for rentals runs contrary to these demographic trends and suggests some potential issues related to overcrowding.

- **Higher vacancy rates**

The homeowner vacancy rate in 2010 was only 3.5%, up somewhat from 1.4% in 2000 and comparable to 1990 levels. The rental vacancy rate also increased from 4.5% to 9.6% between 2000 and 2010, higher than state levels but fairly comparable to the national rate in 2010.

	1990	2000	2010	MA 2010	Nation 2010
Rental	10.8%	4.5%	9.6%	6.5%	9.2%
Homeowner	3.4%	1.4%	3.5%	1.5%	2.4%

Source: U.S. Census Bureau, 1990, 2000 and 2010

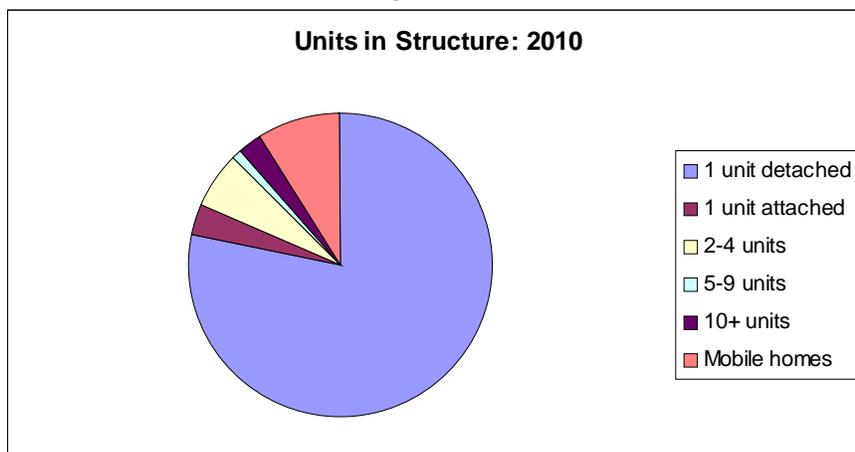
- **Single-family units are predominant**

The 2010 census indicated that a great majority of the existing housing stock was in single-family, detached structures totaling 9,096 units or 78.1% of Wareham’s housing units, significantly higher than the 70.9% level for the county. There was an increase of 858 such units between 2000 and 2010, representing 88.3% of the new units created. All other dwelling types had some modest increases with the exception of *units in larger multi-family structures of more than five (5) units that experienced a loss of 215 units*. Table III-12 summarizes this information.

Type of Structure	2000		2010	
	Number	Percent	Number	Percent
1 Unit Detached	8,238	77.2	9,096	78.1
1 Unit Attached	259	2.4	385	3.3
2 to 4 Units	321	5.9	700	6.0
5 to 9 Units	270	2.5	134	1.2
10 or More Units	356	3.3	277	2.4
Mobile homes	926	8.7	1,050	9.0
Total	10,670	100.0	11,642	100.0

Source: U.S. Census Bureau, 2000 and 2010

Figure III-2



- **Recent increase in mobile homes**

As indicated in Table III-12, there was a net increase of 124 mobile homes, going from 926 such units in 2000 to 1,050 by 2010, after a decrease of 237 units between 1990 and 2000. This housing stock on the whole is aging, many likely older than the 40-year useful life of such units, and also remains a critical source of affordable housing for typically low-income households. Efforts to preserve and upgrade these units, possibly even advocating for their inclusion in the Subsidized Housing Inventory (SHI), should be explored.

- **High level of foreclosures**

Between April 2011 and April 2012, Wareham had 43 auctions of foreclosed properties and an additional 70 foreclosure petitions filed.¹⁵ Relative to other towns and cities in the state in 2010, Wareham had among the highest rate of foreclosures, higher than 334 towns, the same amount as four other towns, and fewer than only 29 other towns in the state.¹⁶

- **Older housing stock**

Figure III-3 charts housing growth, identifying that about 30% of Wareham's housing was built prior to 1960, and that the bulk of units were produced between 1960 and 1980. Much of Wareham's housing in fact consists of relatively dense summer communities that were settled decades ago. Since that time development has fluctuated with a considerable lull in development during the 1990s.

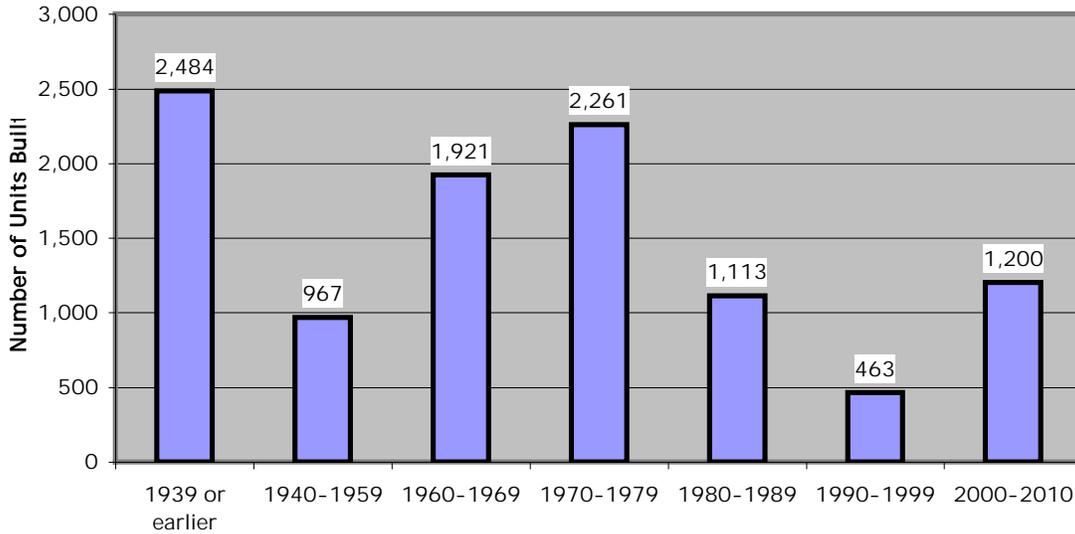
Since 2010 through April 2012, another 99 units have been added to Wareham's housing stock as shown in Table III-13. This puts the total number of housing units at 12,355.

¹⁵ Warren Group Foreclosures, April 26, 2012.

¹⁶ ForeclosuresMass, May 1, 2012.

Figure III-317

Housing Growth



The state’s Executive Office of Environmental Affairs in coordination with the Southeastern Regional Planning and Economic development District (SRPEDD) prepared build-out projections as of December 1999, suggesting that another 5,502 units could be accommodated in Wareham based on estimates of buildable land and the existing zoning at the time. Most of the development potential is in the R-130 and R-60 zoning districts, largely the area north of Route 25 and west of Interstate 195 that have been historically associated with the cranberry industry. Relatively few opportunities were found to be left for infill development in the village areas. These projections also estimated an additional 15,367 residents, including 2,955 students. Based on 1,685 units built between 2000 and April 2012, the projected number of additional residential units that could be built in Wareham is approximately 3,817.

Table III-13: Building Permit Activity, 2010-April 2012

Year	Number of Building Permits/New Residential Units
2010	28
2011	59
Through April 2012	12
Total	99

Source: Wareham Building Department, May 2, 2012

C. Housing Market Conditions and Affordability

1. Homeownership – Relatively affordable housing values

Census data also provides information on housing values as of 2010 through its American Community Survey estimates. The census indicated that the 2010 median house value was \$121,900, up only slightly from the 1990 median of \$121,200. In 2010, 3,640 units, or about 70% of Wareham’s housing stock, were valued at less than \$150,000 and another 922 units were valued between \$150,000 and \$199,999,

¹⁷ This data is based on estimates included in the U.S. Census Bureau’s American Community Survey, 2008-2010.

demonstrating the significant affordability of Wareham’s housing. These housing values are summarized in Table III-14.

Table III-14: Housing Values, 2010		
Value	Number	Percent
Less than \$50,000	68	1.3
\$50,000 to \$99,999	1,247	24.1
\$100,000 to \$149,999	2,325	44.9
\$150,000 to \$199,999	922	17.8
\$200,000 to \$299,999	408	7.9
\$300,000 to \$499,999	138	2.7
\$500,000 to \$999,999	70	1.4
\$1 million or more	5	0.1
Total	5,183	
Median (dollars)	\$121,900	
Source: U.S. Census Bureau, American Community Survey, 2008-2010.		

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 III-15, showing median sales prices for Wareham from 1990 through March 2012. The median price is the midpoint of a range of values for a given time period with half of the homes selling above the median price and half below. This data includes all properties that are listed on the housing market including newly constructed units. While the data does not include private sales or renovation work, it does provide important insights into the dynamics of the housing market, including most sales transactions.

As of the end of 2012, the median sales prices of a single-family home in Wareham was \$170,000, the same as the end of 2011, and up from the median of \$153,173 in March 2012. The height of the market occurred in 2005 when the median was \$270,000. This 2005 median price was more than three times higher than \$82,200 in 1996 when single-family home prices were at their lowest since 1990. The number of single-family home sales has fluctuated considerably over the years, from a low of 154 sales in 1991 to a high of 430 sales a decade later in 2001, and then down again to only 207 sales in 2008 and 300 in 2012.

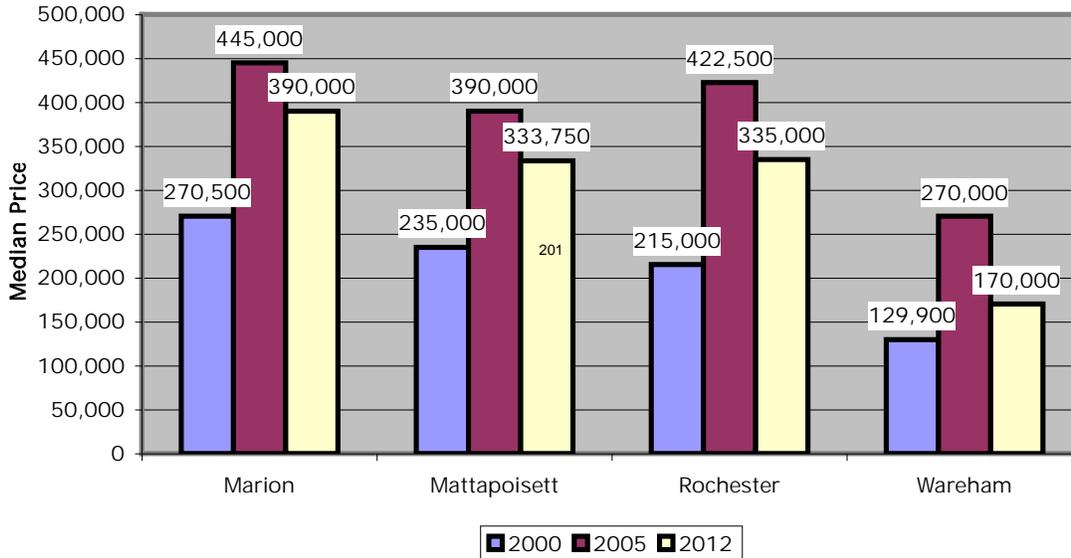
Unlike most communities where median condo prices are substantially lower than those of single-family homes, the condominium market in Wareham has comparable values. Median values have pretty much kept pace with the single-family sales from year to year, typically with only small variations in price. The condo market is much smaller however, with total condo sales tending to be from about 5% to 10% of the single-family sales.

Table III-15: Median Sales Prices, 1990 – 2012					
Year	Months	Single-family (#)	Condo (#)	All Sales	# All Sales
2012	Jan – Dec.	\$170,000 (300)	\$176,700 (18)	\$174,000	405
2011	Jan – Dec	170,000 (242)	150,000 (12)	170,000	342
2010	Jan – Dec	169,500 (261)	167,000 (22)	155,000	387
2009	Jan – Dec	208,500 (268)	200,000 (33)	200,000	367
2008	Jan – Dec	218,000 (207)	216,000 (33)	215,000	318
2007	Jan – Dec	262,450 (243)	262,500 (30)	254,000	355
2006	Jan – Dec	260,000 (307)	232,500 (54)	250,000	538
2005	Jan – Dec	270,000 (396)	238,000 (45)	265,719	626
2004	Jan – Dec	259,900 (427)	255,950 (60)	260,000	694
2003	Jan – Dec	220,000 (379)	197,500 (53)	211,000	592
2002	Jan – Dec	182,950 (378)	175,000 (64)	178,400	639
2001	Jan – Dec	154,450 (430)	169,900 (49)	150,000	657
2000	Jan – Dec	111,500 (417)	155,000 (45)	125,125	608
1999	Jan – Dec	98,000 (411)	122,000 (42)	110,000	622
1998	Jan – Dec	87,950 (418)	104,000 (22)	95,000	552
1997	Jan – Dec	88,000 (322)	87,750 (23)	87,650	438
1996	Jan – Dec	82,200 (306)	71,000 (18)	85,250	410
1995	Jan – Dec	85,000 (268)	81,450 (20)	79,900	369
1994	Jan – Dec	82,250 (266)	68,200 (13)	83,000	372
1993	Jan – Dec	89,700 (234)	76,900 (18)	81,250	332
1992	Jan – Dec	93,000 (184)	91,000 (20)	87,000	307
1991	Jan – Dec	103,500 (154)	106,000 (13)	90,000	235
1990	Jan – Dec	110,000 (185)	72,000 (10)	98,000	301
Source: The Warren Group, January 2013					

A comparison of Wareham’s housing values to some of its neighbors is presented in Figure III-4, comparing 2000, 2005 and 2012 median sales prices of single-family homes. Between 2000 and 2005, values climbed considerably across all communities, especially for Rochester and Wareham where prices doubled. From 2005 to 2012, prices have fallen somewhat but remain well ahead of the 2000 levels. The chart also shows that Wareham has had the lowest median values throughout these periods.

Figure III-4

Change in Median Single-family Home Values



Another analysis of housing market data is presented in Table III-16, which includes a breakdown of sales data from the Multiple Listing Service for single-family homes and condominiums. This data indicates that a significant segment of Wareham’s housing stock is relatively affordable with 62.1% of sales falling below \$200,000 between April 1, 2011 and April 6, 2012, and even about one-fifth of sales priced under \$100,000.

Price Range	Single-family Homes		Condominiums	
	Number	Percent	Number	Percent
Less than \$50,000	8	2.6	0	0.0
\$50,000-\$99,999	50	16.3	0	0.0
\$100,000-\$149,999	65	21.2	5	33.3
\$150,000-199,999	67	21.9	7	46.7
\$200,000-249,000	59	19.3	1	6.7
\$250,000-299,999	23	7.5	1	6.7
\$300,000-349,999	8	2.6	0	0.0
\$350,000-399,999	13	4.2	0	0.0
\$400,000-499,999	4	1.3	0	0.0
Over \$500,000	9	2.9	1	6.7
Total	306	100.0	15	100.0

Source: The Warren Group, Multiple Listing Service, April 25, 2012

To afford the median sales price of a single-family home in Wareham of \$170,000, based on The Warren Group information as of the end of 2012, a household would have to earn approximately \$36,750¹⁸

¹⁸ Figures based on 80% financing, interest of 5.0%, 30-year term, annual property tax rate of \$11.25 per thousand,

(\$43,900 with 95% financing including private mortgage insurance, \$42,225 if private mortgage insurance was not required), substantially lower than the 2010 median income of \$55,136 for Wareham.¹⁹ These relatively low market prices are making it extremely challenging to market affordable units with accompanying deed restrictions unless the affordable purchase prices are significantly lower than the prescribed state levels and targeted to lower income buyers. It is also important to note that in response to the financial crisis, lenders have been requiring more stringent lending criteria, including substantial down payment requirements of up to 20% and higher credit scores, which provide substantial barriers to first-time homeownership.

The borrowing power of the average household, based on the 2010 median household income of \$55,136, was about \$260,000 (based on a 20% down payment, \$215,000 based on a 5% down payment), substantially higher than the median single-family house value of \$170,000 as reported by The Warren Group as of the end of 2012. These figures suggest that Wareham's housing stock is relatively affordable. Most communities have what is called an affordability gap that occurs when the median priced home (\$170,000) is higher than what a median income household can afford (\$260,000), which is not the case in Wareham. However, it must be noted that the purchaser would have to come up with at least \$55,000 in cash for the down payment and closing costs for the median priced single-family house based on 80% financing and would also have to meet rigorous mortgage underwriting criteria, presenting serious obstacles to homeownership, first-time homeownership in particular.

2. Rental Housing – Relatively high rental costs

The U.S. Census also typically provides information on the distribution of rental values. However, the sample size was too small for Wareham and consequently this data is not available. The census, through the American Community Survey (2008–2010) did indicate that the median gross rent was \$992, up 60% from the 2000 median of \$620, and up 85% from the median of \$488 in 1990.

Like housing values for homeownership units, rental values tend to be underestimated in the census data and actual market rents are typically higher. Craigslist, which is typically a good source for rental listings, had no units available in Wareham. A combination of other Internet sources²⁰ included a total of 14 listings from a very small \$800 home on Agaway Lake Shore Drive to a six-bedroom property on Winship Avenue for \$4,000. The median priced listing was \$1,200 and almost all of the listings involved single-family homes.

The gross median rent of \$992, according to the 2010 census, required an income of about \$45,000, also factoring in the costs of utilities. This income is within HUD's limit for three-person households earning at 80% of area median income. Nevertheless, based on 2010 income estimates from the Census Bureau's American Community Survey, about 32% of Wareham's households would not have been able to afford to rent at this level based on the standard of spending no more than 30% of one's income on housing. To put these rentals into another perspective, someone earning the minimum wage of \$8.00 for 40 hours per week and every week during the year would still only earn a gross income of \$16,640. Households with two persons earning the minimum wage would still fall very short of the income that is required to support rents at the low end of Wareham's rental market.

insurance costs of \$1.25 per \$1,000 of combined valuation of dwelling value (value x 0.5), personal property (\$100,000 fixed), and personal liability (\$100,000 fixed), and private mortgage insurance estimated at 0.3125 of loan amount (not necessary for 80% financing), and estimated monthly condo fees of \$250.

¹⁹ Based on the U.S. Census Bureau's 2008–2010 American Community Survey.

²⁰ <http://realestate.masslive.com>, www.homes.com/rentals, <http://hotpads.com>.

3. Cost Burdens – Many residents are paying far too much for their housing

It is also useful to identify numbers of residents who are living beyond their means due to the extent of their housing costs. The 2010 census, through its American Community Survey, provides data on how much households spent on housing whether for ownership or rental. Households paying more than 30% of their incomes for housing are defined by HUD as being cost burdened, and when paying more than 50% of their incomes they are said to be severely cost burdened.

Table III-17 compares 2000 and 2010 U.S. Census data for housing burdens for Wareham. There has been a 44.7% increase in the number of homeowners with a mortgage since 2000 as well as a 68.2% increase in the median mortgage payment, from \$1,053 to \$1,771 per month. Similarly, there were significant increases in the numbers of homeowners who were spending too much on their housing, a total of 3,108 owners in 2010 or 44.5% of all owners.

Table III-17: Housing Burdens, Town of Wareham, 2000 and 2010				
	2000	2010	Change	% Change
# Owners with Mortgage, # Units	3,568	5,163	1,595	44.7%
Monthly Cost of Mortgage (Median)	\$1,053	\$1,771	\$718	68.2%
# Owners with Housing Costs >= 30% to 34% of Household Income	345	786	441	127.8%
# Owners with Housing Costs >=35% of Household Income	1,108	2,322	1,214	109.6%
# Renters with Rental Payments	2,007	1,539	-468	-23.3%
Renter Gross Monthly Rent (Median)	\$620	\$992	\$372	60%
# Renters with Housing Costs >= 30% to 34% of Household Income	199	70	-129	-64.8%
Gross Rent >=35% of Household Income	591	742	151	25.5%
Source: US Census, 2000 and 2010				

According to the Census Bureau’s American Community Survey data, the number of renters paying rent decreased 23.3%, to 1,539 renters, which is somewhat surprising given an 83-unit gain in rental units between 2000 and 2010. This result might have been affected by a small sample size. This data, while showing a decrease in those paying between 30% and 34% of their income on housing, indicates that those paying 35% or more on housing increased by 25.5%. In total, 812 renters, or 39% of all renters were paying too much on their housing, a net increase of 22 such renters since 2000. *In total, 43.3% of all households were spending too much on their housing in Wareham!*

The U.S. Department of Housing and Urban Development (HUD) prepares a special report, referred to as the CHAS Data Report, which identifies cost burdens by household type and whether they are renters or owners. This report, summarized in Table III-18, indicated the following:

- Of the 690 renters and 1,090 owners earning at or below 30% of median income, 58% and 82% respectively, were paying too much for their housing with 51% and 56% spending more than half their income on housing-related expenses.
- There was a total of 1,780 extremely low-income households, or about 20% of all households, earning at or below 30% of median income who are the most vulnerable citizens living in Wareham, 54% spending more than half their income on housing.

- Those earning between 30% and 50% of area median income included 245 renters and 880 owners, more than two-thirds with cost burdens and 38% spending more than half their income on housing.
- Of the 1,260 households who earned between 50% and 80% of area median income, almost half were spending too much on their housing including 31% of renters and about half of owners in this income category.
- Even households who were earning more than 80% of area median income were experiencing cost burdens including 23% of renters and 25% of owners.

Table III-18: Type of Households by Income Category and Cost Burdens*, 2009

Type of Household	Households Earning < 30% MFI/# with cost burdens*	Households Earning > 30% But < 50% MFI/# with cost burdens*	Households Earning > 50% But < 80% MFI/# with cost burdens*	Households Earning > 80% MFI/# with cost burdens*	Total/# with cost burdens*
Elderly Renters	275/20-150	20/0-0	10/0-0	95/0-0	400/20-150
Small Family Renters	225/25-160	115/80-135	60/10-0	260/80-0	660/195-295
Large Family Renters	0/0-0	15/0-15	0/0-0	0/0-0	15/0-15
Other Non-family and Non-elderly Renters	190/0-45	95/25-35	105/45-0	65/15-0	455/85-80
Total Renters	690/45-355	245/105-185	175/55-0	420/95-0	1,530/300-540
Elderly Owners	715/270-285	500/85-95	440/165-40	805/95-65	2,460/615-485
Small Family Owners	165/15-150	180/85-40	330/100-120	2,505/570-75	3,180/770-385
Large Family Owners	25/0-0	70/50-0	105/50-20	345/60-0	545/160-20
Other Non-family and Non-elderly Owners	185/0-170	130/15-105	210/45-0	720/215-15	1,245/275-290
Total Owners	1,090/285-605	880/235-240	1,085/360-180	4,375/940-155	7,430/1,820-1,180
Total	1,780/330-960	1,125/340-425	1,260/415-180	4,795/1,035-155	8,960/2,120-1,720

Source: U. S. Department of Housing and Urban Development (HUD), SOCDS CHAS Data, 2005-2009 (latest data available). MFI indicates median family income.

* Cost burdens indicate that households are spending more than 30% of their income on housing. **The first number in the cell is the total number of households in the category/those who are spending between 30% and 50% of their income on housing – those spending more than half their income on housing.** Small family households have two to four members and large families have five or more members.

- There were 400 elderly households (62 years of age or more) who were renting in Wareham, 38% spending more than half their income on housing.
- Of the 660 small families (two to four family members) who were renting, 74% were experiencing cost burdens, 45% spending more than 50% of their income on rent and utilities.

- All 15 large families were spending more than half of their income on housing.
- There were 2,460 homeowners who were elderly and 45% had cost burdens, 20% with severe cost burdens as they were dedicating half of their income on housing.
- One-third of the large family owners were spending too much on their housing.
- *In total, this data indicates that 55% of all renters and 40% of owners were spending too much on their housing.*

This data shows that while the privately-owned housing in Wareham might be considered affordable in comparison to other communities in the area, the housing is out of reach for many of Wareham’s residents.

D. Subsidized Housing Inventory (SHI)

I. Current Inventory

The Department of Housing and Community Development counts 757 units in Wareham that meet affordability requirements under Chapter 40B and are eligible for inclusion in the Subsidized Housing Inventory (SHI). Chapter 40B mandates that the town should have 10% of its year-round housing stock as affordable housing which would total 988 units out of its 9,880 year-round housing units (2010 US Census)²¹. With a current inventory of 757 units, or 7.66% of its year-round housing stock, Wareham currently has a deficit of 231 affordable units. *Given information on costs burdens in Section III.C.3 above, this inventory of 757 subsidized units is extremely insufficient to meet the existing needs of Wareham residents who have very low incomes and are spending way beyond their means for housing.*

Town	# Year-round units	# Affordable Units	% Affordable Units
Carver	4,514	126	2.8
Fairhaven	7,003	495	7.1
Marion	2,014	90	4.5
Mattapoisett	2,626	70	2.7
Middleborough	8,921	413	4.6
Plymouth	22,285	861	3.9
Rochester	1,865	8	0.4
Wareham	9,880	757	7.7

Source: Massachusetts Department of Housing and Community Development, June 30, 2011

Table III-19 compares Wareham’s level of SHI housing to those of neighboring towns. Wareham’s level of 7.7% affordability is at the top of the range, demonstrating relatively significant progress in producing affordable units.

The Wareham Housing Authority owns and manages 104 units of public housing at Agawam Village and Redwood Park for the elderly and younger disabled residents. Both developments were built years ago, Agawam Village in 1964, and require substantial repairs. The Housing Authority has made some recent progress on property improvements, including new windows and siding for one building at Agawam Village as well as some furnace and boiler replacement. Nevertheless, the other buildings at Agawam Village need improvements and there are deferred maintenance needs at Redwood Village as well.

²¹ Figure calculated by subtracting seasonal units and second homes from the total unit count.

Table III-20: Chapter 40B Subsidized Housing Inventory (SHI)					
Property Name & Address	Housing Type/Sponsor	Total Units	Afford. Expires	Comprehensive Permit	Subsidizing Agency
Cranberry Manor	Rental/Family/SSHDC	24	Perpetuity	No	DHCD, MHP, MassHousing,
Agawam Village	Rental/Elderly and Younger Disabled/WHA	40	Perpetuity	No	DHCD
Redwood Park/ Church Avenue	Rental/Elderly and Younger Disabled/WHA	64	Perpetuity	No	DHCD
Brandy Hill/ Minot Avenue	Rental/Family	132	2016	No	MassHousing
Cromesett Woods Apts.	Rental/Elderly and Younger Disabled	28	2044	Yes	DHCD, RHS
Cromesett Woods II	Rental/Elderly and Younger Disabled	18	2048	Yes	DHCD, RHS
Depot Crossing	Rental/Family/Hall Keen and WHA	32	2083	No	DHCD, FHLBB
Woods at Wareham/Riverview	Rental/Family	100	2035	No	DHCD, MassHousing
Homeownership Rehab Units	Homeownership/Family/ Wareham Community Development	66	2015 to 2029	No	DHCD
DDS Group Homes	Rental/Special Needs	25	NA	No	DDS
Cromsett Landing	Ownership	10	2104	Yes	MassHousing
Carleton Place	Ownership	10	Perpetuity	Yes	FHLBB
Swans Landing	Ownership	2	Perpetuity	Yes	MassHousing
Fieldstone Circle	Ownership	2	Perpetuity	Yes	MassHousing
Cedar Farm Estates	Ownership	2	2053	Yes	MassHousing
Hunter Estates	Ownership	5	Perpetuity	Yes	FHLBB, MassHousing
Village at 815 Main Street	Rental	49	Perpetuity	Yes	DHCD
Retreat at Union Pond	Rental	144	Perpetuity	Yes	DHCD
Byrne Circle	Ownership	4	Perpetuity	No	DHCD
Total	631 Rental Units (83.4%) 35 Ownership Units 25 Special Needs Units 66 Housing Rehab	757			

The WHA maintains a combined wait list for both developments that includes 250 applicants, 38% of whom are Wareham residents. Additionally 40% listed themselves as disabled while there are only four (4) handicapped

- The Town will enter into a 99-year ground lease with the selected developer;
- The Town encourages a phased approach to the development;
- The Town will request \$200,000 to \$500,000 in Community Preservation funding from Town Meeting to support the project;
- A mix of one (1) and two (2) bedroom units is desired;
- The project should produce a mixed-income development that maximizes the number of units targeted to those earning within 30% of area median income, paying no more than 30% of their gross income on rents and utilities;
- At least 5% of the units must be handicapped accessible with additional units constructed to be adaptable to such accessibility in the future;
- Must include common living areas and an on-site garden;
- The Town is interested in proposals that will include the extension of water and sewer services to the site;
- The developer must arrange for GATRA service at least four (4) times a day and also provide a suitable private vehicle and driver to provide transportation for shopping, medical appointments, and other reasonable needs; and
- The developer must also pay for the costs of improving the adjacent baseball fields.

Unfortunately, the Town did not receive any responses to the RFP, most likely related to requirements that the developer cover costs related to athletic field improvements, extending water and sewer services, and additional transportation services. The Town needs to revisit the RFP, eliminate terms that are extraneous to the actual housing to be produced, and perhaps also reconsider the size of the development.

- **361 Main Street**

A recently completed project, 361 Main Street, should also be eligible for inclusion in the SHI, involving six (6) rental units above a commercial space. Two (2) of the units were market units but are also eligible for counting in the SHI because the project involved the Chapter 40B process. The units received temporary certificates of occupancy and the Town and developer are working with DHCD to resolve conflicts between the deed restriction and financing.

- **Main Street Parcel.**

An estimated 40 units of rental housing for seniors is in the predevelopment stage on Main Street. The site involves an empty lot, resulting from the demolition of a former residential structure, in addition to a gas station. Eliminating the gas station will likely involve the removal of underground storage tanks and some environmental remediation.

E. Priority Housing Needs

The Town wants to insure that future growth maintains some diversity in the housing stock, including housing that meets the full range of local needs. While housing prices are regionally relatively affordable, they are out of reach for many of Wareham's residents. For example, median sales prices and gross rents are unaffordable to approximately 40% of all Wareham households.²² Additionally, the significant upfront costs of accessing housing as well as more rigorous lending or leasing criteria provide additional challenges to finding affordable housing.

In 2010 Wareham's housing stock included a 77% to 23% ratio of homeownership to rental units, and in an effort to diversify the housing stock the great majority (83%) of affordable units included in the Subsidized Housing Inventory

²² This is based on income alone, not factoring in potentially available financial assets.

(SHI) have been rentals. To add additional housing choices and present a range of affordable housing options in Wareham, the Town will need to pay particular attention to the following *housing issues and needs*:

Households with Limited Incomes

Wareham has a significant number of lower paying jobs with a relatively low average weekly wage of \$694. As a point of comparison, the average weekly wage for New Bedford was higher at \$785 and Boston's was more than twice the average wage level at \$1,507. Many of Wareham's jobs have tended to be seasonal or related to the service and retail industries.

In fact, 828 or 9.2% of all households had incomes of less than \$10,000 and another 1,201 or about 13.3% had incomes between \$10,000 and \$24,999, representing 22.5% of all households with very limited financial means. Additionally, 3,920 households, or approximately 44.5% of all households were spending too much on their housing. For example, of the 690 renters and 1,090 owners earning at or below 30% of median income, 58% and 82% respectively, were paying too much for their housing with 51% and 56% spending more than half their income on housing-related expenses. Moreover, a HUD report indicates that 4,165 households or 46.5% of all households might have qualified for housing assistance as their incomes were at or below 80% of area median income. Given these numbers as well as high rents with sizable up-front leasing costs, more subsidized rental housing is necessary to make living in Wareham affordable, particularly to those who have very limited financial means.

Gaps in Affordability and Access to Affordable Housing

Even though median home prices are relatively low in comparison to other communities in the region, the large upfront costs of entering the housing market as well as more stringent lending criteria make purchasing a home in Wareham still challenging, particularly for young families without equity from a previous purchase. It is also important to note that some market prices are lower than the deed restricted affordable ones, making the marketing of affordable units extremely challenging. A wider range of affordable housing options is needed, including first-time homeownership opportunities with lower than prescribed purchase prices, particularly for younger households entering the job market and forming their own families, municipal employees, as well as empty nesters.

Housing Conditions

Given that 62.3% of Wareham's housing stock was built before 1980, programs to support necessary home improvements are needed for units occupied by low- and moderate-income households, including deleading and home modifications for the disabled. Moreover, Wareham's large seasonal housing stock presents unique challenges including increased service demands, illegal conversions and substandard conditions.

Target Special Needs Populations

Some households are less able to compete in the housing market because of their limited financial resources and particular needs. This Housing Production Plan will focus resources on supporting the housing needs of the following *target populations*:

Elderly

As a group, elderly households tend to face difficult housing challenges as they are generally on fixed incomes, some relying solely on Social Security assistance. For example, there were 400 elderly households (62 years of age or more) who were renting in Wareham, and of these 38% were spending more than half their income on housing. Clearly these 150 or so seniors, all earning at or below 30% of area median income, would be primary targets for assistance. Additionally, there were 485 elderly owners paying more than half of their income on housing, 285 of whom were earning within 30% AML. These seniors may also confront unusually high health-

related expenses that make it more difficult to stretch their incomes and remain in place. Moreover, substantially reduced Social Security benefits from the death of a spouse can present serious hardships for seniors.

The Wareham Council on Aging (COA) reports that they are seeing more people in need in Wareham, most with extremely low incomes, some on the verge of homelessness. The COA confirmed that there is an insufficient supply of affordable units for the elderly, and many more units need to be produced. Waits as long as seven (7) years for some subsidized developments demonstrate the strong demand for subsidized rentals. Once someone moves into an affordable rental unit, it is very unlikely they will leave as there are no other affordable options available to them. Moreover, there's a pressing need for financial assistance to help residents afford the high up-front costs associated with leasing a new unit. Funding sometimes provided by the Bliss Foundation, Women Aid, Turning Point and Community Resource Network are woefully insufficient. Many seniors are also living doubled up with their children because they cannot locate an affordable place of their own or are living in a mobile home with rising monthly land fees. Wareham has several rest homes and nursing homes but reports from the Council on Aging suggest that these facilities are also insufficient to meet local needs, particularly for affordable assisted living centers or Continuing Care Retirement Communities that allow for aging in place through various tiers of assistance.

Older adults are becoming a larger segment of Wareham's population and the rise is projected to continue to increase in the future. Projections from the Massachusetts Institute for Social and Economic Research (MISER) indicate substantial growth of all the older age cohorts, projecting an increase of those age 65 or older from 16.2% of all residents in 2010 to 23.5% by 2020. The aging of the population is also reflected in substantial increases in the median age, from 34.2 years in 1990 to 44.4 years by 2010. More housing to accommodate this aging population, including more handicapped accessibility, supportive services, and units without substantial maintenance requirements, must be considered in housing planning efforts.

Physically and Mentally Disabled

In total 2,935 residents or 13.4% of the population claimed a disability in 2010, which includes any kind of disability. Of particular note is that 1,151 seniors, or about one-third of those 65 years or older, claimed a disability. Finding affordable housing is often a substantial challenge for the disabled due to financial constraints, as most rely on limited Social Security benefits and many confront discrimination. Few small rental units come onto the market that are affordable to these residents much less have the modifications necessary to make the units accessible to the physically disabled. Some amount of new housing beyond the 5% American with Disabilities Act (ADA) requirements should be built adaptable or accessible to the disabled, and supportive services should also be considered, including the possibility of additional group homes.

Female-headed Households

While the census figures do not indicate a great increase in female-headed households with children, with numbers increasing from 584 in 1990 to 691 by 2010, service providers report that this population is an extremely vulnerable one that confronts serious challenges in finding affordable housing. It is also likely that a considerable number of these households are among those mentioned above who earn within 30% AMI and spend more than half of their income on rent. Turning Point, a non-profit social service agency formed by the Wareham Area Homeless Coalition, reports that about half of their clients are single women with young children who are homeless or at risk of homelessness.

Homeless or Those At Risk of Homelessness

There are no really reliable figures on the size of the homeless population in Wareham or southeastern Massachusetts in large part because this population has found ways to remain hidden. The homeless double-up

with family members or friends, live week-to-week in motels, and even camp outside. The best information is from local service providers who come into contact with these individuals and families in emergency situations.

Turning Point, a local non-profit support service to those who are homeless or at risk of homelessness, reports that they have seen a very large increase in the numbers of people seeking assistance. The people they help typically have incomes of less than \$20,000 and are in a crisis situation, such as having lost their job or domestic abuse. The agency tries to keep these residents off the street and when funding is available²³ provides some rental assistance to stave off eviction or to subsidize the large up-front cash requirements when leasing an apartment. They report that there is not nearly enough affordable housing in Wareham, particularly for those with very low incomes. They also indicate that shelters for the homeless have typically been full and the homeless are referred to local motels that provide insufficient living environments, especially for families. Moreover, while some assistance is available for women through Women Aid and the Bliss Foundation, there are far fewer existing resources for men who are confronting homelessness.

A summary of housing goals based on these priorities is provided in Table III-21 involving an annual housing production goal of 49 units and at least 80% of the units created as rentals.

Table III-21: Housing Production Goals Based on Types of Units		
Type of Units	Annual Goal	5-Year Goals
Rental Housing	40	200
Homeownership Units	9	45
Total	49	245

²³ Turning Point often works with other local and regional agencies (Women Aid in Wareham, Bliss Foundation, Community Resources Network, St. Vincent De Paul, Catholic Charities) and organizations to raise funds.

IV. CHALLENGES TO PRODUCING AFFORDABLE HOUSING

Producing affordable housing is challenging in Wareham based on the following constraints to new development:

A. Sewer Capacity

The Town responded to pressing sewer capacity issues with a \$24 million upgrade and expansion of the wastewater treatment facility. The impetus for this work was the poor water quality of the Agawam River and Buzzards Bay due to high concentrations of nitrogen associated with the discharge from the plant. While work on the plant will greatly reduce nitrogen loading, the Town remains concerned about unlimited sewer connections. Areas that have high rates of septic failure are prioritized for tie-ins, but the expansion of service to the vast areas of undeveloped land north of Route 25 could not be accommodated as part of this expansion project.

Mitigation Measures

The major \$24 million investment that the community has made in the wastewater treatment facility needs to be protected by requiring new development meet strict standards in regard to nitrogen loading. Given the remaining limitations on sewer capacity in the undeveloped areas of Wareham, particularly in the northern parts of town, local leaders will be proactive in establishing regulations for septic systems and package treatment facilities that will serve new development. The Town is working with a consultant on revisions to its zoning and subdivision regulations as well as working with the Buzzards Bay Project and the Massachusetts Estuaries Project on nitrogen loading issues. Both major and minor development proposals will be held to appropriate nitrogen loading standards. Also, to the greatest extent possible, new development will occur in areas where infrastructure is available as opposed to undeveloped parcels that lack such services.

B. Water Capacity

There are two (2) water districts in Wareham – the Onset Fire District and the Wareham Fire District – with 3,100 and 7,430 service connections, respectively. The Wareham District has been extended to all of the community, except areas covered by the Onset District, but water service is presently provided to a smaller area. The Wareham Fire District has adopted a policy of supporting incremental extension requests that allow it to stay within its Water Management Withdrawal Permit from DEP. If a water line extension is less than 1,500 feet, the District will support it if the developer pays for its extension. Extensions of more than 1,500 feet are carefully scrutinized to ensure that the District can adequately service the amount of development associated with the extension. A draft 20-Year Management Plan, prepared in 2003, indicates that the water system can reasonably accommodate the growth of 77 new residential services per year. Any growth at a faster rate may require additional investments in the system.

Mitigation Measures

The Wareham Fire District is implementing a plan for new well fields to better accommodate growth.

C. Other Environmental Concerns

The Town prepared a Seven-Year Open Space and Recreational Plan in 2010 that established priority areas in the community for environmental protection and recreational development. These areas include aquifer and wellhead protection areas, river corridor land areas, habitat areas for rare species, and coastal access areas.

Mitigation Measures

The Town works to direct development away from the environmentally sensitive areas identified in its Open Space and Recreational Plan and towards infill sites with access to infrastructure. Construction in the large tracts of undeveloped land not served by water or sewer connections must be done according to high protection standards, particularly in regard to nitrogen loading and critical habitats. The Town refers to the state's Biomap to aid in the protection of critical habitats as the map identifies areas that provide viable biodiversity of plant and animal species. In Wareham, much of this land is also the land area in the zones of contribution for the Town's water sources.

D. Zoning

Most of Wareham's land is zoned residential and much of the town's existing housing consists of dense summer communities that were settled long ago on lots ranging from about 3,500 to 5,000 square feet. Given local environmental concerns, particularly related to wastewater, water and circulation, the Zoning By-law was revised to significantly increase minimum lot sizes that now range from a low of 5,000 square feet in the Onset Village District to a high of three (3) acres in the R-130 District. Nearly 61% of Wareham's land area is zoned R-130 or R-60 for the development of single-family homes on three (3) acre or one and one-half (1½) acre lots, respectively, largely in areas that are environmentally more sensitive.

Wareham's Zoning By-law includes twelve (12) major zoning districts that allow housing as summarized in Table IV-1. With the exception of the village areas – Wareham Village and Onset Village – zoning dictates relatively large minimum lot areas and other dimensional requirements that make the development of affordable housing very challenging. To obtain the economies of scale that are typically necessary for affordable housing, it is likely that regulatory relief, particularly the comprehensive permit process, would be necessary.

The Zoning By-law also does not include provisions that provide incentives for incorporating affordable housing into planned development. While the Residential Cluster Development bylaw²⁴ offers a more efficient use of land based on "smart growth" principles, unlike such bylaws in many other communities there are no mandates or incentives for the inclusion of affordable units. The By-law also includes provisions for multiple family and apartment dwellings²⁵ that stipulate minimum lot areas of at least five (5) acres in the MR-30 or Commercial Districts, again without any incentives for including affordable housing such as density bonuses. Accessory apartments, which provide small year-round rentals as part of existing housing, are only mentioned in the Zoning By-law as being permitted by-right in the CG district and not allowed in the CP District).

Mitigation Measures

This Housing Production Plan includes a number of strategies that are directed to reforming local zoning regulations, making them "friendlier" to the production of affordable housing and smart growth development. These include promoting affordable housing in mixed-use development, accessory apartments and the subdivision of merged lots (see Section VI.B).

²⁴ Wareham Zoning By-law, Article 8, Section 810.

²⁵ Wareham Zoning By-law, Article 8, Section 820.

Table IV-1: Zoning Districts				
District	Acreage #/%	Minimum Lot Size (sq. ft.)	Minimum Frontage (feet)	Dwellings Per Lot
R-130	6,638/27%	3 acres	200	Single-family By-Right (BR)
R-43	234/1%	43,000	180	Single-family BR
R-60	8,240/33.6%	1½ acre	180	Single-family BR
R-30	2,258/9.2%	30,000/ 45,000 for 2-family	150/200 for 2-family	Single and multi-family units BR
MR-30	4,073/16.6%	30,000/ 45,000 for 2-family	150/200 for 2-family/250 other res. use	Single and two-family units BR; multi-family by Special Permit (SP)
Wareham Village 1	676/2.8%	7,500 for 1 and 2-family/10,000 for 1st unit + 2,000 each added unit for multi-family	75	Single and 2-family BR/multi-family by SP
Wareham Village 2		15,000 + 2,000 for each added unit	75	Single and 2-family BR/multi-family in existing structures
Onset Village 1/ 2	270/1.1%	5,000 + 1,000 for each added unit/10,000 + 4,000 for added unit	50/50	Single and 2-family BR/multi-family in existing structures
Commercial CS	1,421/5.8%	30,000/ 45,000 for 2-family/ 20,000 other res. use	150 for 1-family/200 for 2-family/250 other residential use	Single-family and 2-F BR/multi-family by SP
Marine	61.5/.25%	30,000/ 45,000 for 2-family/ 30,000 other res. use	150 for 1-family/200 for 2-family	Single-family and 2-F BR/3 and 4 units in new structures BR
Institutional	5/0.02	30,000/ 45,000 for 2-family/ 30,000 other res. use	150	All residential uses BR
Sources: Wareham Zoning Bylaws and 2000 State Executive Office of Environmental Affairs/SRPEDD build-out data. BR = Permitted by right SP = Permitted by Special Permit Note: All residential uses of 30 units or more require site plan approval				

E. Deed Restrictions

Wareham's housing stock is relatively affordable and market prices are frequently at least comparable to market prices. Consequently, it is difficult to market affordable homeownership units that bring with them the added burden of very long-term deed restrictions for maintaining affordability.

Mitigation Measures

Given the pressing need for more affordable rental housing that is targeted to very low-income residents, this Housing Plan projects that most of the units created will be rentals. Nevertheless, the Plan does include a small number of first-time homebuyer opportunities, but it is likely that some additional subsidies or amenities will be needed to successfully market the units.

F. Transportation

Wareham is served by a web of principal highways including U.S. Route 6, Interstate Route 195, state Route 28, and state Route 25 that shares a roadway with Interstate 495. The accessible highway system does allow for relatively easy commutes by car to areas in southeastern Massachusetts and Rhode Island, even to Boston and Providence. There is no passenger rail service, but the town is part of the Greater Attleboro/Taunton Regional Transit Authority (GATRA) bus service that operates four (4) links,²⁶ providing regular bus service throughout the community. The Town, through a dispatcher at the Council on Aging, also works with GATRA on Dial a Ride service that provides low-fare bus transportation to the disabled and those 60 years of age or older on a reservation basis from 8:30 a.m. to 4:30 p.m. Regional bus transportation is also available through by Bonanza Bus Lines between Buzzards Bay, Wareham and Boston. Nevertheless, census data indicates that 90% of residents commute to work by car and residents have been almost totally reliant on the automobile, which adds another cost burden for those with limited incomes, particularly those on fixed incomes.

Mitigation Measures

Opportunities to direct development to areas that are most conducive to higher densities and along GATRA service lines, such as village areas and the commercial corridors, may serve to reduce transportation problems somewhat.

G. Availability of Subsidy Funds

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 creative in determining how to finance projects and tenacious in securing these resources. Wareham is fortunate to have passed the Community Preservation Act (CPA) that provides an important local resource for affordable housing, which it will continue to use to effectively leverage additional public and private financing to make affordable development feasible as the Town is hoping to do on the Westfield site. The Town also has access to some limited funding through the Wareham Affordable Housing Trust and Community Development Block Grant (CDBG).

Mitigation Measures

This Housing Plan provides guidance on the use of Community Preservation Funds and Wareham's Affordable Housing Trust Fund 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. In an effort to better manage and coordinate

²⁶ Linked service includes the Wareham/Onset link, Cranberry Plaza to Buzzards Bay via Main Street, Shangri-La to Cranberry Plaza, and Cranberry Plaza to West Wareham. Service is not available in the evening hours or on Sundays and some holidays plus is more limited on Saturday.

funding for affordable housing purposes, this Plan recommends that the Town secure sufficient professional housing support (see Section VI.A.1).

H. Community Perceptions

In every community the Not in My Backyard (NIMBY) response to affordable housing can be more the norm than the exception. However, there is a growing recognition that while housing is relatively affordable in Wareham, it remains out of reach for many residents. Also, once residents understand that the Town can potentially reserve up to 70% of the affordable units in any new development for those who live or work in the community, referred to as "local preference", greater local support is typically more forthcoming.²⁷

Mitigation Measures

Wareham proposes launching an ongoing educational campaign 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 VI.A.2). This Housing Production Plan also offers an excellent opportunity to showcase the issue of affordable housing, providing information to the community on local needs and proactive measures to meet these needs.

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. Moreover, this Plan proposes that the Town hold at least annual housing summits to provide opportunities for local leaders to share information about the status of affordable housing initiatives to better promote municipal communication and cooperation in the implementation of various strategies. The Plan also calls for ongoing training for local leaders and appropriate staff related to affordable housing. Better communication through an enhanced Town website and cable access programming are also proposed.

I. Schools

While school enrollments have been declining, the Town has two (2) elementary schools, the Decas and Minot Schools, which are in very poor condition. According to the state, both schools cannot be rehabilitated but must be replaced. This substantial building program will put additional stress on the Town's limited budget and may cause disruptions in school operations.

Mitigation Measures

The Town is exploring options for financing the rebuilding of both schools and for limiting impacts on school operations during the construction process.

²⁷ "Local or community preference" units are allowed pursuant to submission of an Affirmative Fair Housing Marketing Plan, the requirements of which are promulgated by the state and last updated on June 25, 2008. These requirements include the following allowable preference categories:

- Current residents: A household in which one or more members is living in the city or town at the time of application. Documentation of residency should be provided, such as rent receipts, utility bills, street listing or voter registration listing.
- Municipal employees: Employees of the municipality, such as teachers, janitors, firefighters, police officers, librarians, or town hall employees.
- Employees of local businesses: Employees of businesses located in the municipality.
- Households with children attending the locality's schools, such as METCO students.

J. Municipal Services

As is the case in many municipalities, the financial crisis has put a major strain on the Town's finances with corresponding cuts in municipal services. The library and Council on Aging have been particularly affected by budget reductions and diminished services.

Mitigation Measures

The Town remains committed to providing a high level of municipal services and continues to search for resources and minimize service reductions.

V. AFFORDABLE HOUSING PRODUCTION GOALS

The Massachusetts Department of Housing and Community Development (DHCD) introduced the Planned Production Program in December 2002, in accordance with regulations that were meant to provide municipalities with greater local control over housing development. Under the Program, participating cities and towns were required to prepare and adopt a Housing Plan that demonstrated the production of an increase of .75% over one year or 1.5% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory.²⁸ If DHCD certified that the locality had complied with its annual goals or that it had met two-year goals, the Town could, through its Zoning Board of Appeals, potentially deny what it considered inappropriate comprehensive permit applications for one or two-years, respectively, without the developer's opportunity for appeal.²⁹

Additional changes to Chapter 40B established some new rules.³⁰ For example, Planned Production Plans are now referred to as Housing Production Plans. Moreover, annual goals changed from 0.75% of the community's year-round housing stock to 0.50%, meaning that Wareham will have to now produce at least 49 affordable units annually to meet annual production goals through 2010, still a challenge for a relatively small community.³¹

Using the strategies summarized under Section VI and priority needs established in Section III.E, the Town of Wareham has developed a Housing Production Program to chart affordable housing activity over the next five (5) years as presented in Table V-1. 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:

- At a minimum, at least fifty percent (50%) of the units that are developed on publicly-owned parcels should be affordable to households earning at or below 80% of area median income. The rental projects will also target households earning at or below 60% of area median income, even lower than 30% AMI. It should also be noted that the Town can provide CPA assistance to subsidize units for those earning between 80% and 100% of area median income, commonly referred to as "community housing" units, however these units cannot count as part of the Subsidized Housing Inventory.
- Projections are based on no fewer than four (4) units per acre, averaging about eight (8) total bedrooms. 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.
- Because housing strategies include development on privately owned parcels, production will involve projects sponsored by private developers through the standard regulatory process or the "friendly" comprehensive

²⁸ Massachusetts General Law Chapter 40B, 760 CMR 31.07 (1)(i).

²⁹ 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.

³⁰ Massachusetts General Law Chapter 40B, 760 CMR 56.00.

³¹ It should be noted, however, that all units in Chapter 40B rental developments count as part of annual production goals and the 10% state goal as opposed to only 25% for homeownership projects.

permit process. The Town will continue to work with these private developers to fine-tune proposals to maximize their responsiveness to community interests and to increase affordability to the greatest extent feasible, potentially infusing funding from the Municipal Affordable Housing Trust Fund or CPA where appropriate.

- The projections involve a mix of rental and ownership opportunities that reflect the priority housing needs in the Housing Needs Assessment (see Section III.E) where at least 80% of the units are directed to rentals. The Town will work with developers to promote a diversity of housing types directed to different populations with housing needs including families, older adults and other individuals with special needs.

Table V-1: Wareham Housing Production Program			
Strategies by Year	Affordable Units	Ineligible for SHI	Total # units*
Year 1 – 2013			
Private property development/361 Main Street 40B – family rental	6 (all units count)	0	6
<i>Subtotal</i>	<i>6</i>	<i>0</i>	<i>6</i>
Year 2 – 2014			
Development of public property/Westfield Site or Swifts Beach site “friendly” 40B – rentals for seniors	50-280	0	50-280
<i>Subtotal</i>	<i>50-280</i>	<i>0</i>	<i>50-280</i>
Year 3 – 2015			
Covered under Year 2			
Year 4 – 2016			
Private development/mixed-use through new zoning – homeownership (mixed-income condos)	3	0	12
Private development/group home or other congregate setting – special needs rental	4	0	4
Accessory apartments	0	2	2
Private development/Small Lot Program - homeownership	2	0	4
Private development/“Friendly” 40B – rental	30	0	30
Development of public property/Tax Title Property - homeownership	10	0	10
<i>Subtotal</i>	<i>49</i>	<i>2</i>	<i>62</i>
Year 5 – 2017			
Private development/mixed-use zoning – senior rental	2	0	8
Private development/“Friendly” 40B - homeownership	12	0	48
Accessory apartments	0	2	2
Private development/small lot program - homeownership	2	0	4
Private development/Habitat for Humanity - homeownership	4	0	4
Development of public property/ “Friendly” 40B - rental	20	0	20
Development of public property/Tax Title Property - rentals	10	0	10
<i>Subtotal</i>	<i>50</i>	<i>2</i>	<i>96</i>
Total	155-385	4	214-444

VI. HOUSING STRATEGIES

As mentioned earlier, the Town of Wareham prepared an Affordable Housing Plan under previous Planned Production guidelines, receiving state approval in October 2004. In fact, based on progress in providing affordable housing, Wareham was “certified” under this Housing Plan and was able to deny inappropriate comprehensive permit projects for a period of time. This Plan, now submitted under Housing Production requirements, builds on the Town’s accomplishments since then.

The strategies outlined below are derived primarily from the 2004 Housing Plan, “Meeting Housing Needs in Wareham”, updated demographic and housing data in the Housing Needs Assessment (see Section III), local housing goals and resources, interviews, as well as 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, Zoning Reforms, Housing Development, Housing Preservation and Direct Assistance – and categorized according to priority as those to be implemented within Years 1 and 2, where some immediate action is required, and those within Years 3 to 5. A summary of these actions is included in Table I-3 in the Executive Summary.

The strategies also reflect state requirements that ask communities to address all of the following major categories of strategies to the greatest extent applicable:³²

- *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;*
 - Promote affordable housing in mixed-use development (strategy VI.B.1)
- *Identification of specific sites for which the municipality will encourage the filing of comprehensive permit projects;*
 - Continue to make suitable public land available for affordable housing (strategy VI.C.1).
 - Continue to partner with private developers on privately owned sites (strategy VI.C.2)
- *Characteristics of proposed residential or mixed-use developments that would be preferred by the municipality;*
 - Continue to partner with private developers on privately owned sites (strategy VI.C.2)
 - Promote affordable housing in mixed-use development (strategy VI.B.1)
 - Promote accessory apartments (strategy VI.B.2)
 - As indicated in strategy VI.C.1 and C.2, the Town should work with developers to create affordable housing in line with smart growth principles including:
 - The redevelopment of existing structures,
 - Infill site development including small home development as starter housing,
 - Development of housing in underutilized locations with some existing or planned infrastructure,
 - Parcels large enough to accommodate clustered housing,
 - Mixed-use properties in village areas or along commercial corridors;
 - Good carrying capacity for water and septic systems or can accommodate special treatment facilities,

³² Massachusetts General Law Chapter 40B, 760 CMR 56.03.4.

- Buffer between adjacent properties, and
 - Located along a major road.
- *Municipally owned parcels for which the municipality commits to issue requests for proposals to develop affordable housing.*
 - Continue to make suitable public land available for affordable housing (strategy VI.C.1)
 - *Participation in regional collaborations addressing housing development*
 - Promote homebuyer counseling and other assistance programs that are operated regionally (strategy VI.A.2)

It should also be noted that a major goal of this Plan is not only to strive to meet the state's 10% goal under Chapter 40B, but to also to serve local needs. Consequently, 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 potentially include the promotion of accessory apartments or mixed-income housing that includes "community housing" units)³³.

Within the context of these compliance issues, local needs, existing resources, affordability requirements and housing goals, the following housing strategies are proposed. ***It is important to note that these strategies are presented as a package for the Town to prioritize and process, each through the appropriate regulatory channels.*** Moreover, these actions present opportunities to judiciously invest funding from the Wareham Affordable Housing Trust Fund or CPA to subsidize actual unit production (predevelopment funding and/or subsidies to fill the gap between total development costs and the affordable rent or purchase prices) and leverage additional resources, modify or create new local zoning provisions and development policies, help preserve the existing affordable housing stock, and build local capacity.

A. Capacity Building Strategies

Wareham is a small town and unlike most cities or larger communities does not have substantial state or federal funding to support local housing initiatives on an ongoing basis. Nevertheless, Wareham is making considerable progress on building a local structure to better coordinate housing activities.

For example, at the 2006 Annual Town Meeting, the Town approved the establishment of a *Municipal Affordable Housing Trust Fund*, the mission of which is the creation and preservation of affordable housing in Wareham for the benefit of low and moderate-income households. Towards this mission, the Housing Trust seeks to direct funding based on the following priority eligibility criteria:

1. Produce new affordable housing units;
2. Provide new affordability through the preservation of the existing housing stock;
3. Create units affordable to households within a range of incomes, particularly units for households with incomes below 60% of area median income (AMI);
4. Promote affordable units for the elderly;
5. Encourage affordable units for the disabled and homeless;
6. Propose the longest term of affordability;
7. Support projects sponsored by non-profit organizations; and
8. Target units that need to be brought up to state building and sanitary codes.

³³ Community housing generally refers to units directed to those earning between 80% and 100% AMI.

Projects that incorporate units for those earning at or below 60% AMI will be more competitive for funding as well as projects that demonstrate a readiness to proceed, have a higher percentage of affordable units, are part of a larger neighborhood revitalization plan, utilize Town owned property or existing structures, and reduce environmental impacts through innovative strategies or technology.

The Housing Trust consists of five (5) members appointed by the Board of Selectmen, including a member of the Board of Selectmen. The Housing Trust is preparing this Housing Production Plan and will serve as the municipal entity responsible for coordinating affordable housing activities for the Town, including the implementation of this Plan.

The Town of Wareham also approved the *Community Preservation Act*, which provides important local funding support for affordable housing.³⁴ In April 2002, Wareham Town Meeting voted to adopt CPA with support of 74% of all voters. Wareham approved a 3% surcharge that exempted the first \$100,000 of a property's value.

The Community Preservation Committee is comprised of nine (9) members including representatives of the Housing Authority, Conservation Commission, Historical Commission, Recreation Commission, Planning Board, Open Space Committee, and at-large residents, each appointed for three-year terms by the Board of Selectmen. Estimates indicate that the surcharge raised almost \$600,000 in fiscal year 2011, matched by the state at about a 33% level for a total amount of about \$788,000. There was a reserve of about \$379,000 for affordable housing in the Community Preservation Fund as of May 2012, and the Town had committed specific funding for the following housing-related efforts:

- Wareham Affordable Housing Trust = \$60,000
- Agawam Village = \$70,000
- Decas Habitat Project = \$40,000
- Depot Crossing = \$50,000
- Habitat Housing = \$150,000
- LIP Affordable Housing Restriction (to maintain affordability of a resold affordable unit) = \$45,000
- Westfield Project = \$50,275

The Town also has the *Community and Economic Development Authority (CEDA)* that was created as an urban renewal authority under Massachusetts General Laws Chapter 121B, also with authority as an economic development corporation under Chapter 121C. CEDA is governed by a seven-member board, which is appointed by the Board of Selectmen, and is funded primarily through the federal Community Development Block Grant (CDBG). Programs that are administered by CEDA include the *Housing Rehabilitation Program* that subsidizes necessary home improvements of qualifying property owners. CEDA also manages the *DEP Title V Septic Loan Program* that provides assistance to homeowners to not only replace failing septic systems, but also to connect to the sewer system.

³⁴ In September of 2000, the Community Preservation Act (CPA) 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% funded through new fees at the Registry of Deeds and Land Court. 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.

The *Wareham Housing Authority*, which owns and manages 104 units for seniors and the younger disabled at the Agawam Village and Redwood Park developments, is an integral component of Wareham's affordable housing network, providing housing for some of the most vulnerable of Wareham's residents. It also manages the tenant selection process at Depot Crossing with 32 units for low-income families and administers rental subsidies as well.

Other valuable housing resources are available to Wareham residents through a number of *housing-related development and service organizations* including South Shore Housing Development Corporation, Buzzards Bay Habitat for Humanity, Community Resources Network, Turning Point, the Bliss Foundation, Women Aid, St. Vincent DePaul Society, and Catholic Charities of New Bedford.

This *Housing Production Plan* will also boost the Town's capacity to promote affordable housing as it provides the necessary blueprint for prioritizing and implementing affordable housing initiatives based on documented local needs, community input and existing resources. The Plan will also provide important guidance on how to invest funding from the Housing Trust Fund and CPA for housing. The Plan will also provide the Town with a comprehensive resource on housing issues in Wareham that can be readily updated as necessary.

To further build local capacity to meet local housing needs and production goals, the Town will undertake the following activities. While such actions do not directly produce affordable units, they help build important local support for new affordable housing initiatives.

1. Secure Sufficient Professional Support

Timeframe: Years 1-2

Responsible Parties: Housing Trust and Planning Board with support from the Community Preservation Committee and Board of Selectmen

Current Status: The 2004 Housing Plan stressed that there were three (3) issues related to capacity-building that were critical to moving the Plan from ideas to reality including:

- **Implementation Oversight**

The recommended actions call upon the Town to undertake new programs, adopt new regulations, and participate in new housing development initiatives. The 2004 Plan proposed establishing a Housing Partnership to coordinate the implementation of the Plan as this model of local oversight on housing issues had worked well in other communities and had credibility with state agencies at the time. Since then, the state adopted new legislation, called the Municipal Affordable Housing Trust Fund Act, which provided a better alternative to the Housing Partnership model as Affordable Housing Trusts are also able to manage Housing Trust Funds in support of affordable housing production. *The Town approved the Wareham Affordable Housing Trust in 2006 and the Trust became operational in 2009.*

- **Collaboration**

The 2004 Plan emphasized that collaboration with the private sector, religious organizations, social service providers, and neighborhood groups was key to the successful implementation of proposed actions. The Plan also suggested that representation of these diverse stakeholders on the proposed Housing Partnership would be useful. This diversity of experience and expertise is in fact reflected in the membership of the existing Affordable Housing Trust. It should also be noted that collaboration and cooperation between various local boards and committees in project permitting, for example, and other housing policy issues is an important ingredient in effective planning and ultimately to actual housing production. *This Housing*

Plan proposes annual housing summits among appropriate local leaders to boost this collaboration (see strategy VI.A.2).

- **Staffing and Resources**

The 2004 Housing Plan observed that the recommended actions will require staffing and resources, and the Town will need to expand its capacity for project management. The Plan acknowledged that financial resources through the Community Preservation Fund and the Community Development Block Grant (CDBG) can be used to support new housing. It also recommended that the Town establish a Housing Trust Fund, which has in fact been created. Nevertheless, the Wareham Affordable Housing Trust does not have any professional support available on an ongoing basis to meet its mission, particularly the responsibilities associated with overseeing the issue of affordable housing and coordinating the implementation of this Housing Production Plan. Moreover, the Town Planner is currently working on a part-time basis and does not have sufficient time available to promote longer term planning and new zoning.

Oversight of the Subsidized Housing Inventory (SHI) is an important and time-consuming job function but essential for insuring that all new affordable units get included on the SHI and current SHI units remain eligible to the greatest extent possible. This work involves substantial communication and coordination with the staff of the state's Local Initiative Program (LIP) administered by the Department of Housing and Community Development (DHCD). In addition to being used for "friendly" 40B projects, LIP is used for counting those affordable units as part of a Town's Subsidized Housing Inventory (SHI) that are being developed through some local action, referred to as Local Action Units, 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; and/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 insure that these units get counted.

Some of the important tasks for insuring 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 insuring that the unit(s) can be included in the Subsidized Housing Inventory through the state's Local Initiatives Program (LIP).
- Contact DHCD to discuss the project and determine the purchase price based on LIP Guidelines.
- Prepare a LIP Local Action Units application submitted by the municipality (chief elected official), working with the developer, including an Affirmative Fair Housing Marketing Plan.

- Execute a regulatory agreement to further insure long-term affordability between the developer, municipality and DHCD.
- 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.
- Work with winning applicants and lenders to secure mortgage commitments for ownership projects.
- Obtain the deed rider and resale price certificate from DHCD that requires the loan commitment letters, purchase and sale agreements, disclosure statement and contact info for the closing attorneys for ownership projects.
- Work with lenders and the developer to close on the units for ownership projects.
- Submit necessary documentation to DHCD to have the unit counted as part of the Subsidized Housing Inventory.
- Annually recertify the continued eligibility of affordable units.

To date the Town has relied on project sponsors to insure that all affordable units meet state requirements. However, with Local Action Units, the Town will require some local oversight. The Wareham Affordable Housing Trust, while responsible for preparing and coordinating the implementation of this Housing Plan, still does not have any professional/staff support. Additionally, while the affordability restrictions for all units produced through the Local Initiative Program will be monitored by DHCD, 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.

As the town makes progress in producing affordable housing, particularly in its efforts to promote Local Action Units under the state's Local Initiative Program for counting towards annual production goals and the state's 10% affordability threshold, it will need professional expertise. Such a housing professional will insure that all state requirements are met and provide the town with greater expertise and accountability towards the implementation of this Housing Production Plan.

Next Steps: The Housing Trust will prepare a scope of work for a part-time Housing Coordinator and present this proposed scope to the Community Preservation Committee and Board of Selectmen for approval. Following final funding approval by Town Meeting, the Housing Trust will prepare a Request for Proposals and select the most qualified respondent. There may even be opportunities to share this consultant with a nearby community.

Another option would be to have the CEDA Grants Manager, who also administers the Town's Housing Rehab Program, staff the Housing Trust, managed by the CEDA Director.

The Housing Trust will also work with the Planning Board to advocate for sufficient funding to enable the Town Planner to increase his availability to a full-time basis.

Resources Required: The costs of a housing consultant will vary according to the scope of work, however, most communities that have brought in such assistance have budgeted about \$25,000. This is an eligible activity for funding under the Community Preservation Act. Additional funding will be needed to increase the Town Planner's availability to full-time.

2. Conduct Ongoing Community Education

Timeframe: Years 1-2

Responsible Parties: Housing Trust and other sponsors of affordable housing-related initiatives such as the Planning Board and CEDA

Current Status: The 2004 Affordable Housing Plan proposed that the Town engage in education and advocacy for affordable housing including a series of workshops on housing issues, working with local and regional groups. This need for community outreach and advocacy for housing initiatives is still needed as most of the housing strategies in this Housing Plan rely on local approvals, including those of Town Meeting. Strategic efforts to better inform residents and local leaders on the issue of affordable housing and specific new initiatives can build local support by generating a greater understanding of the benefits of affordable housing, reducing misinformation and dispelling negative stereotypes. These outreach efforts are mutually beneficial as they provide useful information to community residents and important feedback to local leaders on local concerns and suggestions.

The Affordable Housing Trust has held several meetings that have been open to the public in regard to this Housing Plan to insure ample civic engagement in the project and input into the draft document. Meetings to present the Housing Plan included an open meeting of the Planning Board on August 27, 2012, a public forum on January 10, 2013, and a meeting with the Board of Selectmen on February 5, 2013.

Next Steps: The Town of Wareham has sponsored outreach opportunities in the past, but will boost community education efforts. The presentation of this Housing Production Plan offers an opportunity to bring attention to the issue of affordable housing, providing information on housing needs and proposed strategies that can help attract community support for affordable housing initiatives. Other education opportunities include:

- *Forums on specific new initiatives*
As the Town develops new housing initiatives, the sponsoring entity will hold community meetings to insure a broad and transparent presentation of these efforts to other local leaders and residents, providing important information on what is being proposed and opportunities for feedback before local approvals are requested.
- *Annual housing summits*
Most communities lack an effective mechanism for promoting regular communication among relevant Town boards and committees on issues related to affordable housing. Having a special forum to share information on current housing issues will help foster greater collaboration and coordination among these entities. Additionally, inviting residents can help build community interest, improve communication and garner support. Many communities are sponsoring such events, at least on an annual basis. For example, Truro organized a panel discussion on housing issues, inviting representatives of other towns on the Cape and organizations involved in affordable housing. Yarmouth held a spaghetti dinner and offered an update on their affordable housing initiatives with opportunities for feedback from local leaders and the public.
- *Public information on existing programs and services*
The Town will get the word out about existing programs and services that support homeownership, property improvements or help reduce the risk of foreclosure including first-time homebuyer and foreclosure prevention counseling from South Shore Housing Development Corporation, Pro-Home and others. For example, South Shore Housing and Pro-Home offer education courses for first-time homebuyers. Financial management and foreclosure prevention workshops are also conducted. Additional housing rehab and counseling programs that are available to qualifying local residents are summarized in Appendix 2. Other

communities are finding that a special brochure, ongoing housing programming on the local cable channel, an enhanced Town website, and special forums are effective means of providing this important information on housing resources.

- *Educational opportunities for board and committee members*

Local boards such as the Board of Selectmen, Community Preservation Committee, Housing Trust, Zoning Board of Appeals, Planning Board, CEDA and other interested local leaders will be encouraged to receive ongoing training on affordable housing issues. Well advised and prepared board and committee members are likely to conduct Town business in a more effective and efficient manner. New members without significant housing experience would benefit substantially from some training and orientation. Moreover, requirements keep changing and local leaders must keep up-to-date. Funding for the professional development of staff, including appropriate staff from CEDA and the Planning Department as well as the proposed Housing Trust Coordinator, will also help keep key professionals up-to-date on important new developments, best practices and regulations.

The University of Massachusetts Extension's Citizen Planner Training Collaborative (CPTC) offers classes periodically throughout the year and will even provide customized training sessions to individual communities. The Massachusetts Housing Partnership conducts its Massachusetts Housing Institute at least annually, which is "an educational program to support municipalities and local participants to better understand the affordable housing development process and have an effective role in initiating and implementing local solutions to increasing housing choices". 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, 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: Donated time from members of the Housing Trust, Planning Board and CEDA as well as staff time from the potential Housing Trust Coordinator (see strategy VI.A.1), Town Planner and CEDA Director to help organize the necessary forums, track training opportunities and inform appropriate local leaders. Some costs related to producing educational materials might also be necessary.

3. Capitalize the Wareham Affordable Housing Trust (WAHT)

Timeframe: Years 1-2

Responsible Party: Housing Trust with support from the Community Preservation Committee and Board of Selectmen

Current Status: The Wareham Housing Trust was established in 2006 by a vote of Town Meeting and the board of Selectmen subsequently appointed the members. In 2011, the Community Preservation Committee, with support of Town Meeting, allocated \$60,000 in CPA funding to begin its work. Additionally, the Housing Trust has raised additional funding from developer contributions of Chapter 40B projects and currently has about \$250,000 available in its Housing Trust Fund.

Some communities have decided to commit CPA funding on an annual basis to Housing Trust Funds without targeting the funding to any specific initiative. For example, the Towns of Grafton and Sudbury have been directing 10% of their annual CPA allocation to their Trust Funds. The Trusts are encouraged to apply for additional CPA

funds for specific projects. Scituate's Town Meeting funded its Housing Trust with \$700,000 of Community Preservation funding from its community housing reserves. The Town of Harwich has committed lease payments from its cell tower as well as sale proceeds of a Town-owned property (fetching more than a million dollars) to its Housing Trust Fund.

Next Steps: The Wareham Affordable Housing Trust will discuss the prospects of securing CPA funding on an annual basis with the Community Preservation Committee in an amount at least equivalent to the minimal annual allocation for affordable housing. This funding would also require Town Meeting approval.

Resources Required: CPA funding in support of affordable housing initiatives of at least 10% of the Town's annual CPA allocation, including the local surcharge and state match.

4. Inventory Town-Owned Property Potentially Suitable for Affordable Housing

Timeframe: Years 3-5

Responsible Party: Housing Trust with support from other Town boards and committees

Current Status: This Housing Plan includes the development of Town-owned property as its major strategy for producing affordable housing. Specifically, responses from the Request for Proposals (RFP) to develop the Town-owned Westfield site are due in July 2012, and it is anticipated that this project will include 150 to 280 affordable rental units for those 55 years of age or older (see strategy VI.C.1). A more comprehensive review of existing municipally owned properties would be helpful to determine future opportunities to create affordable housing in Wareham to help meet local needs and the production goals included in this Housing Plan. This includes tax title properties.

It should be noted that there have been some prior attempts at identifying tax title properties that might be conducive to for affordable housing. For example, the Housing Trust identified a parcel on Seawood Springs Road that was close to tax foreclosure. There was no final resolution on the site, but the Housing Trust continues to be interested in supporting any costs associated with completing the tax title process, having the property conveyed to the Housing Trust, and undertaking the necessary due diligence to have it improved, occupied and added to the SHI.

It is also worth noting that there are approximately 800 vacant, unoccupied residential units in Wareham, which are likely to enter the tax foreclosure process if they have not already. Clearly some strategy to resolve this problem is necessary.

Next Steps: The Housing Trust will work with representatives of other Town boards and committees such as the Planning Board, CEDA, Town Assessor, Open Space Committee, Recreation Commission and Conservation Commission, on a special task force (appointed by the Board of Selectmen) to review the inventory of Town-owned land and buildings, including tax title property, to determine what property should be earmarked for particularly purposes including affordable housing. Those parcels identified as appropriate for affordable housing, should be declared surplus, and conveyed to the proposed Housing Trust, after Town Meeting approval, for eventual disposition to a developer based on prescribed terms and conditions for the development of affordable 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.

Resources Required: Donated time of representatives from the Housing Trust, Planning Board, CEDA, Town Assessor, Open Space Committee, Recreation Commission and Conservation Commission to serve on a special task force and staff time from the proposed Housing Trust Coordinator (see strategy VI.A.1), CEDA, the Planning Office, or a consultant.

5. Prepare Local 40B Procedures

Timeframe: Years 3-5
Responsible Parties: Housing Trust and ZBA

Current Status: The 2004 Housing Plan proposed that the now disbanded Housing Committee work with the Zoning Board of Appeals to clarify and improve rules for developing housing projects using the Chapter 40B comprehensive permit process. These rules would detail policies and procedures from early predevelopment planning through project completion, specifying the respective obligations of developers and the Town, the ZBA and Housing Trust in particular as well as existing staff. These rules must also be in conformance with state regulations.

Next Steps: The Housing Trust will work in collaboration with the ZBA to prepare local procedures for the processing of comprehensive permit applications. For example, it is reasonable to have the Housing Trust be the first point of contact for developers who are interested in pursuing the “friendly” 40B process of the state’s Local Initiative Program (LIP). This process involves the developer and Town agreeing on basis project terms and conditions and submitting a LIP application to the state’s Department of Housing and Community Development (DHCD) to pursue development through LIP (see Appendix 2 for details on LIP).

It would be useful to form a special task force of representatives of the Housing Trust and ZBA to prepare these procedures, staffed by the proposed Housing Trust Coordinator (see strategy VI.A.1), a staff person from CEDA or the Planning Department, or a consultant funded by the Housing Trust Fund or CPA. Many communities have produced such local procedures and models are available for review and adaptation to Wareham. As policies or guidelines, they would not be required to be approved by Town Meeting.

Resources Required: Donated time of representatives of the Housing Trust and ZBA as well as some staff time from the proposed Housing Trust Coordinator, CEDA, the Planning Department, or a consultant.

6. Conduct a Mobile Home Study

Timeframe: Years 3-5
Responsible Party: Housing Trust

Current Status: As indicated in Table III-12, there was a net increase of 124 mobile homes, going from 926 such units in 2000 to 1,050 by 2010, after a decrease of 237 units between 1990 and 2000. Mobile homes, while not included in the Town’s SHI, still provide a valuable segment of the Town’s unsubsidized affordable housing stock and should be safe guarded to the greatest extent possible. Service providers indicate that mobile homes are occupied by very low-income residents who have few other housing options that they can afford in town.

The Town is trying to locate a mobile home study that was conducted by a college intern a number of years ago. If found, this report would likely provide some useful insights into this segment of the housing stock. Nevertheless, it would be useful to have updated information on the inventory of mobile homes in Wareham including locations, ownership, conditions and occupancy. With such information the Town will be in a better position to determine if

interventions are necessary to upgrade or even replace units, perhaps even converting them to long-term affordability.

Next Steps: The Housing Trust should work with the Board of Selectmen to identify an intern to undertake the study or seek funding to hire a consultant. The Housing Trust will have to prepare a Scope of Work that outlines what information must be collected and analyzed. This study might also provide support for advocating for the inclusion of mobile homes in the SHI.

Resources Required: Funding for this study could come from a variety of sources including CPA, the Housing Trust Fund, or CDBG funding. The Housing Trust should hire a consultant to conduct the study. Depending on the scope of work and costs, the Housing Trust might need to prepare a Request for Proposals to select a consultant.

B. Zoning Strategies

To most effectively and efficiently execute the strategies included in this Plan and meet production goals, greater flexibility will be needed in the Town's Zoning By-law, and new tools will be required to capture more affordable units and better guide new development to specific "smarter" locations. It should also be noted that because Wareham does not have substantial amounts of subsidy funds available for affordable housing, zoning becomes a powerful tool for "incentivizing" affordable unit production.

The Zoning By-law includes a minimum lot requirement of at least 30,000 square feet outside of the Wareham and Onset Village Districts as well as frontage, setback and other requirements that are not typically conducive to affordable housing, which often relies on some economies of scale and density. This creates the likely need for regulatory relief for most residential development that includes affordable units, possibly through the "friendly" comprehensive permit process that overrides local zoning if not through normal regulatory channels. Additionally, the Zoning By-law does not currently have any specific provisions that mandate or encourage affordable housing development.

The Town of Wareham will consider the following zoning-related strategies to promote the creation of additional affordable units and to better direct new development. These actions can be considered as tools that the Town will have available to promote new housing opportunities, each applied to particular circumstances. (Units created through the use of these bylaws are counted as part of housing development strategies in Section VI.C.)

1. Promote Affordable Housing in Mixed-Use Development

Timeframe: Years 1-2

Responsible Party: Planning Board with support from the Housing Trust and CEDA

Current Status: Wareham's Zoning By-law allows residential uses in commercial buildings in two (2) zoning districts – the General Commercial and Planned Commercial Districts – but not in the Villages or along commercial corridors. Housing in commercial areas lends vitality, provides ready customers to local businesses, and reduces the reliance on the automobile for those who occupy the residential units.

Next Steps: Local leaders in Wareham have begun to discuss changing zoning to allow mixed-use development, including "above the shop" mixed-income housing, in more areas of town, the Villages in particular. Such development would not only produce housing, including affordable housing, but represents a part of Wareham's overall economic development strategy, helping property owners generate more revenue and ultimately more jobs.

It may be useful to create a special Task Force of representatives from appropriate boards and committees to

explore this zoning change, including members of the Planning Board, CEDA, SRPEDD, and the Housing Trust. This group should explore bylaws for promoting mixed-use development in appropriate locations, such as the commercial corridors and Wareham and Onset Village, and prepare a zoning amendment that best meets the community's needs and also incorporates some housing. This amendment would be submitted to Town Meeting for approval. Some housing affordability should be required as part of a mixed-income development strategy and design guidelines met in return for allowing the density that will make high quality development economically feasible.

There are bylaws that have been adopted in other communities that offer models on how to integrate housing, including affordable housing, in town or village centers and other commercial areas. For example, the Town of Yarmouth passed a Village Center Bylaw that would be worth reviewing, and the Metropolitan Area Planning Council (MAPC) has prepared a report entitled, "Mixed Use Zoning: A Planner's Guide" that can be referenced. Additionally, the Citizen Planner Training Collaborative offers several models including one adopted by the Town of Dennis.

Another bylaw that would be worth reviewing was one prepared by the Marion Planning Board with the consultant, Randall Arendt, in an effort to create a mixed-use village center in the area surrounding the intersection of Route 105 and Route 6. This rural village concept is meant to direct growth and somewhat higher density to this area through a Neighborhood Overlay District (NOD). "Above the shop" housing, including some amount of affordable housing, was integrated into the zoning. The Planning Board suggested that this zoning overlay would create the following important benefits:

- Retain Marion's rural village character;
- Increase housing affordability at all income levels including housing for Town employees;
- Prevent unwelcome 40B projects;
- Incorporate and maintain public open space;
- Increase the Town's tax base;
- Reduce the per unit costs of Town services;
- Enact "high hurdles" of special permits and eliminate by-right changes;
- Make use of existing infrastructure; and
- Promote growth under Town's control.

A fallback option would be to develop policy and design guidelines (see strategy VI.A.5) on mixed-use development and process acceptable mixed-use development projects through the "friendly" 40B process as established under the state's Local Initiative Program (LIP) in areas that are appropriate for such development.

At some time in the future, the Planning Board may want to also explore form-based zoning, starting with a mixed-use overlay district in the Villages. A form-based zoning code controls the specific urban form of growth and development as opposed to the traditional zoning focus on controlling land uses. Form-based zoning was developed largely in response to urban sprawl, the deterioration of historic neighborhoods, and lack of focus on walkability. The regulations and standards in form-based codes designate the appropriate form, character and scale of development based on a community vision as opposed to the type of use and the control of development intensity through abstract and uncoordinated parameters such as floor area ratios, number of units per acre, setback requirements, parking ratios, etc.

Resources Required: This strategy will require volunteer time from representatives of various Town boards and committees, the Planning Board, CEDA and Housing Trust in particular, as well as staff time from the Town Planner, CEDA Director and potentially the proposed Housing Trust Coordinator (strategy VI.A.1).

2. Promote Accessory Apartments

Timeframe: Years 3-5

Responsible Party: Planning Board in coordination with the Housing Trust, Zoning Board of Appeals and input from the Inspection Department

Current Status: The Zoning By-law defines an accessory apartment as “a second dwelling unit located within or attached to a structure originally designed, constructed and occupied as a detached single-family dwelling unit in a manner that maintains the appearance of the structure as a detached single-family home.”³⁵ Moreover, the By-law limits accessory apartments to the General Commercial Zoning District.

Accessory units, which are secondary to the principal dwelling and are sometimes referred to as “in-law” apartments, are helpful in meeting a number of public policy objectives as they:

- Enable homeowners to capture additional income, which is particularly important for elderly homeowners or single parents where such income may be critical to remaining in their homes. Also, some young families or moderate-income households might be able to afford homeownership if they could count on income from an accessory apartment.
- Provide appropriately sized units for growing numbers of smaller households.
- Offer inexpensive ways of increasing the rental housing stock at lower cost than new construction and without loss of open space, without significant impact on the surrounding neighborhood, and without additional Town services such as streets or utilities.
- Provide companionship, security and services for the homeowner, from shoveling the sidewalk for an elderly owner to babysitting for a single parent.
- Offer good opportunities for keeping extended families in closer contact.
- Generate tax revenue in a locality because accessory units add value to existing homes.

Given the limitations of the existing by-law, few such units have been approved, but it is likely that many have been created but are not permitted and therefore illegal. These illegal units might in fact pose health and safety problems for occupants.

In recognition of these benefits and problems associated with illegal accessory apartments, the Housing Trust proposed amending zoning to add a Wareham Affordable Accessory Apartment by-law that would enable residents with non-permitted units to bring their property into compliance while encouraging the creation of legal and affordable accessory units. The proposed program was modeled after Barnstable’s successful initiative that utilizes the Chapter 40B comprehensive permit as a vehicle for converting units to long-term affordability and committed the Town to providing the following resources in support of the program:

- Waiver of fees for the inspection and monitoring of the properties identified under the by-law;
- Designation of Town staff to assist the property owner in navigating through the process established by the by-law;
- To the extent allowable by law, the negative effect entailed by the deed restriction would be offset by a reduction in the property tax assessment; and
- Assistance to property owners in locating municipal, state and federal funds for rehabilitating and upgrading their properties.

³⁵ Wareham Zoning By-law, Section 354.

The by-law was never adopted as it was pulled by a recommendation of Counsel given the need for additional revisions.

Changes to state regulations have in fact made it more difficult to include accessory apartments in the Subsidized Housing Inventory. For example, deed restrictions are required and tenants must be chosen through a pre-approved list of qualifying renters, a "Ready Renters List", and family members are not eligible.

Next Steps: Because accessory apartments provide small rental units that diversify the housing stock within the confines of existing dwellings or lots, the Town will amend the by-law to better promote such units even if they are not eligible for inclusion in the Subsidized Housing Inventory.³⁶ For example, the Planning Board, with support from the Housing Trust, will amend the current by-law and consider possible provisions for allowing the following:

- Permitting of accessory apartments in all residential zoning districts, commercial districts and villages;
- Development in detached structures,
- Inclusion in commercial structures,
- Inclusion in investor-owned properties,
- Possible by-right provisions,
- Insurance of enforcement provisions, and
- Possible granting of approvals for existing accessory apartments that do not have the necessary permits after appropriate inspections.

Moreover, the by-law might promote housing affordability based on Wellfleet's Program that does not require deed restrictions, thus the units would still be affordable although still ineligible for inclusion in the Subsidized Housing Inventory. Wellfleet has established the following process for approving Affordable Accessory Dwelling Units:

- Property owner applies for a special permit.
- Building Inspector and Board of Health visit and inspect the unit to determine if there are any health and safety violations that must be corrected prior to the owner obtaining the special permit. Those whose incomes are below 100% of area median are eligible for participation in Wellfleet's Affordable Accessory Dwelling Unit Loan Program that provides no interest loans to support necessary improvements.
- The ZBA reviews the application and the reports submitted by the Building Inspector and Board of Health, holds a public hearing, and grants the special permit.
- The Building Inspector issues a Certificate of Occupancy prior to the unit being occupied.
- Prospective tenants must submit income information to the Assistant Town Administrator that documents that they qualify for the units. Once qualified, property owners will be officially notified of the monthly rent they are able to charge based on HUD Fair Market Rents. A list of qualified tenants is available to property owners, or owners may be able to select their own.
- The Town Assessor issues a tax abatement to the property owner based on a specified formula, without the need for the owner to submit to a separate application process (this requires state legislative approval).
- The property owner annually submits forms that document the continued eligibility of the tenant and use of HUD Fair Market Rents.

³⁶ State Local Initiative Program (LIP) regulations stipulate that owners of all "affordable" accessory apartments select tenants from a lottery-ranked list of interested and eligible tenants, following an affirmative marketing process, and that the owners also accept deed riders to insure the long-term affordability of the accessory units.

If a property owner decides at some point to opt out of the special permit, they must inform the Building Inspector and remove the kitchen in the accessory unit. They are allowed to convert the space to other uses such as a “private guest house” or office.

In adapting a comparable program to Wareham, it would be useful to consider limiting income eligibility to those earning at or below 80% AMI and also reducing maximum rents to a level below Fair Market Rents (FMR’s) as FMR’s are lower than market rents in Wareham.

In promoting accessory apartments, following changes in the by-law, it will be important for the Zoning Board of Appeals, the permit granting authority for accessory units, to work closely with the Building Department that is responsible for inspecting the units and issuing the permits.

Resources Required: The donated time of local officials with professional support from the potential Housing Trust Coordinator (see strategy VI.A.1), Town Planner and Building Inspector.

3. Allow the Subdivision of Merged Lots Under Certain Conditions

Timeframe: Years 3-5

Responsible Party: Planning Board in coordination with the Housing Trust

Current Status: As mentioned in Section IV.D, given local environmental concerns, particularly related to wastewater, water and circulation, the Zoning By-law was revised to significantly increase minimum lot sizes that now range from a low of 5,000 square feet in the Onset Village District to a high of three (3) acres in the R-130 District. Nearly 61% of Wareham’s land area is zoned R-130 or R-60 for the development of single-family homes on three (3) acres or one and one-half (1½) acre lots, respectively, largely in areas that are environmentally more sensitive.

This rezoning resulted in the effective merger of smaller, abutting lots under common ownership. Therefore, if you owned two (2) or more lots at the time, the new zoning conjoined these lots to form one parcel that could not be subdivided.

This zoning has had some unintended consequences. At this point property owners are choosing to pursue substantial additions to their existing houses that are significantly out of character with the surrounding neighborhood. In some cases the additions are as much as three (3) times larger than the original house. These oversized additions are particularly problematic in areas that were formerly cottage communities.

This new zoning would have a minimum impact on the environment, providing opportunities for small infill housing as rentals or ownership. Moreover, many homeowners have been struggling to keep their homes in the midst of the recent financial crisis. If they could sell their extra large side yard, for example, it could provide them with greater financial stability. This development strategy would also disperse the burden of growth throughout the community as it is easier for any one neighborhood to absorb a handful of small dwelling units rather than significant numbers of units through a larger project. The promotion of small units would also address real housing needs as demographic trends indicate that there are more single adults, married couples without children, single parents and small families in transition looking for smaller affordable units. Moreover, this small initiative would provide opportunities for small contractors who have been challenged by the recent building slump.

Next Steps: The Housing Trust should request the legal opinion of Town Counsel to determine whether lots that had previously been merged due to common ownership could subsequently be subdivided and what entity had the legal authority to grant permits for these particular subdivisions.

If Town Counsel provided the necessary go-ahead to proceed, the Housing Trust should then work with the Planning Board to prepare a zoning amendment that would allow the subdivision of certain lots previously merged due to common ownership. This amendment would provide some parameters for this subdivision including:

- Lots must have sewer and water services available;
- No more than two (2) lots can be sold and at least one of these properties must be affordable and eligible for inclusion in the SHI with deed restrictions in effect in perpetuity;
- Owners who decide not to sell the subdivided lots would still be able to build additional units, homeownership or rentals, and maintain ownership but at least one of the new units built must be affordable and eligible for inclusion in the SHI;
- New dwellings would be limited to no more than two (2) bedrooms;
- Aside from the lump sum secured from selling the property, the Town would deduct \$25,000 from the assessed value of the remaining property until it is sold or ownership is transferred (This change in tax policy would require state legislative approval in addition to Town Meeting approval, which is most likely more work than it is worth); and
- Require a special permit from the ZBA.

With the passage of the necessary zoning, the Housing Trust should prepare and distribute outreach materials that describe the new zoning, referring to the zoning initiative as a new special program to help local homeowners.

Resources Required: Donated time of members of the Housing Trust and Planning Board to develop a by-law including staff time from the Town Planner and proposed Housing Trust Coordinator (see strategy VI.A.1).

C. Housing Development Strategies

While some of the units produced may rely on the participation of existing property owners, most of the production will continue to depend on joint ventures with developers – for profit and non-profit – to create affordable units, which the Town has been actively pursuing over the past few years.

In addition to the participation of the development community, Wareham will seek continued support from state and federal agencies. In addition to the state's Department of Housing and Community Development (DHCD), other state and quasi-public agencies that have resources to support affordable and special needs housing include MassHousing, MassDevelopment, Department of Developmental Services, Department of Mental Health, Community Economic Development Assistance Corp. (CEDAC), Massachusetts Housing Partnership, and Massachusetts Housing Investment Corporation (MHIC). Regional resources, both financial and technical, will be sought as well including South Shore Housing Development Corporation and Buzzards Bay Area Habitat for Humanity. Because affordable housing is rarely developed without private financing, developments remain reliant on private lenders as well.

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

1. Make Suitable Public Property Available for Affordable Housing

Timeframe: Years 1-2

Responsible Party: Board of Selectmen with support from the Housing Trust

Current Status: As mentioned in strategy VI.A.4, this Housing Plan includes the development of Town-owned property as its major strategy for producing affordable housing. The Board of Selectmen issued a Request for Proposals (RFP) to solicit interest from qualified developers to build from 150 to 280 affordable rental units for those 55 years of age or older on an 18.5-acre Town-owned parcel at Charlotte Furnace Road. Unfortunately, the Town did not receive any responses to the RFP, most likely related to requirements that the developer cover costs related to athletic field improvements, extending water and sewer services, and additional transportation services. The Town needs to revisit the RFP, eliminate terms that are extraneous to the actual housing to be produced, and perhaps also reconsider the size of the development. An alternative to this site is a Town-owned property on Swifts Beach Road. Also as noted in strategy VI.A.4, the Town will undertake a formal review of Town-owned property and identify land or buildings that might be suitable for some amount of affordable housing.

There are also likely to be opportunities to develop affordable housing through the conversion of tax-title properties to long-term affordability. Wareham currently has approximately 800 such residential properties in various stages of tax foreclosure and should consider ways for returning them to the tax rolls.

Like many other communities, the Town of Wareham may also decide to acquire privately owned sites at some time in the future for the purposes of protecting open space, providing for some municipal use, and developing some amount of housing, including affordable housing, through cluster development on a portion of the sites. Additional smaller sites may become available as well to build affordable new starter homes on in infill basis. As the Town becomes alert to opportunities for acquiring property that would be suitable for some amount of affordable housing, such properties would ideally meet a number of "smart growth" principals such as:

- The redevelopment of existing structures,
- Infill site development including small home development as starter housing,
- Development of housing in underutilized locations with some existing or planned infrastructure,
- Parcels large enough to accommodate clustered housing,
- Mixed-use properties in village areas or along commercial corridors;
- Good carrying capacity for water and septic systems or can accommodate special treatment facilities,
- Buffer between adjacent properties, and
- Located along a major road.

Next Steps: The Housing Trust will continue to work with other Town boards and committees to identify and pursue surplus municipal property or acquire private property for the development of affordable housing. For such properties, when identified, the Town will provide the following types of support including:

- *Predevelopment Costs:* Where appropriate, the Town will support the costs of preliminary feasibility analyses of existing publicly-owned properties or on sites identified on the open market, through negotiations with interested sellers for reduced prices or through tax foreclosures that might potentially include some amount of affordable housing. Such analyses could be funded through Community Preservation funds or the Housing Trust Fund.

- *Preparation of the RFP:* Following the necessary approvals for the conveyance of Town-owned properties, the Housing Trust in concert with the Board of Selectmen, the Town's Chief Procurement Officer, and potentially a housing consultant, will prepare a Request for Proposals (RFP) to solicit interest from developers based on the Town's specific project requirements. They will then select a developer based also on identified criteria included in the RFP. Projects may require densities or other regulatory relief beyond what is allowed under existing zoning, and this might be obtained through normal regulatory channels or the "friendly" comprehensive permit process through DHCD's Local Initiative Program (LIP).
- *Conveyance of Property:* The Town will convey the property to the selected developer at a nominal cost, representing a significant subsidy that will help contribute to project feasibility.
- *Project Financing:* Additionally, the Town will need to be involved in helping the developer attract the necessary financial and technical support. As evidence of municipal support is often critical when seeking financial or technical assistance from regional, state or federal agencies, CPA funding or Housing Trust Funds are important gap fillers and very helpful in leveraging other essential financial resources.
- *Project Advocacy:* The Town will not only establish the terms and conditions of development through the RFP, but the Housing Trust will also advocate for the project, supporting the developer in obtaining the necessary permits and community support.

In concert with other Town boards and committees, CEDA in particular, the Housing Trust will work to develop a special program that focuses on *tax title properties* in an effort to return these properties to the tax rolls in good condition and to provide affordable housing. CEDA has begun to explore possible options, one being that such properties would be conveyed by Town Meeting to CEDA, which would then own the properties, make necessary improvements, insure occupancy of the units by low-income occupants, and also insure that the units meet all requirements for inclusion in the Subsidized Housing Inventory. An alternative approach would be for CEDA to transfer the properties for the cost of the back taxes to another entity, a non-profit organization for example, which has the experience to own, improve and manage these units as affordable rentals or transfer them to qualifying first-time homeowners. Once again, all units would necessarily qualify for inclusion in the SHI.

To help qualifying first-time homebuyers purchase these properties, many communities are providing funding to help offset some of the upfront costs related to the down payment and closing costs. There are numerous models for such programs that dovetail nicely with units that are already being subsidized and eligible for inclusion in the SHI.

Required Resources: Resources will be required to help subsidize the development. For example, the Town has already committed \$60,000 in CPA funding towards the Westfield development, and the RFP indicates that up to another \$500,000 might be forthcoming. The conveyance of the Westfield property or any other future Town-owned property for a nominal amount, typical of such projects, involves another important subsidy to the project. The foregone tax revenue from tax foreclosed properties, which are subsequently developed as affordable or mixed-income housing, would also represent a significant local contribution that would help leverage other public and private funding sources. Additional funding support to offset some of the upfront costs associated with the down payment and closing costs might also be provided to assist qualifying first-time homebuyers on homeownership projects. Nevertheless, CEDA believes, that if structured appropriately, a Town-sponsored tax title program will ultimately generate revenue.

Many communities have used the "friendly" comprehensive permit process to take advantage of internal subsidies where market rate units cross subsidize affordable ones, to create the necessary densities to make development

feasible, and to make it easier to navigate the existing regulatory system. For example, it is likely that the Westfield project will involve a comprehensive permit through the state's Local Initiative Program (LIP).

Affordable housing developments also typically require public subsidies to help cover the costs of affordable or mixed-income residential development and thus need to access public subsidies through local, state and/or the federal government and other financial institutions. Because the costs of development are typically significantly higher than the rents or purchase prices that low- and moderate-income households can afford, multiple layers of subsidies are often needed to fill the gaps. Even some 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, to support other amenities or public purposes, or to fill gaps that market rates cannot fully cover. A mix of financial and technical resources will be required to continue to produce affordable units in Wareham. Appendix 2 includes summaries of most of these housing assistance programs.

Other necessary resources include the donated time of members of the Housing Trust and other Town boards and committees (such as the Board of Selectmen, CEDA, Assessing, ZBA, the Planning Board, and Community Preservation Committee), including coordination from the Town Administrator, CEDA staff and potentially the proposed Housing Trust Coordinator (see strategy VI.A.1).

Projected Number of Affordable Units Produced: 190-320 units

2. Partner with Private Developers on Privately Owned Sites

Timeframe: Years 1-2

Responsible Party: Housing Trust in cooperation with the Planning Board and ZBA

Current Status: Continuing to work cooperatively with private developers, non-profit and for profit, in the development of affordable housing is also a major component of this Housing Production Plan. The Town already has a track record working with developers on affordable housing including Habitat for Humanity of Buzzards Bay and South Shore Housing Development Corporation in addition to a number of private developers. With incentives created in the Zoning By-law to promote affordable housing (see Section VI.B) and with the availability of the "friendly 40B" option, the Town is in a reasonable position to continue to work cooperatively with developers to guide new development that incorporates affordable units. Moreover, when the Town obtains certification under Housing Production guidelines by meeting its annual production goals, it will be in an even better position to negotiate with private developers on project terms and conditions since it will be able to deny what it considers inappropriate comprehensive permit projects without the developer's ability to appeal the decision.

Next Steps: The Town will focus on the following approaches for creating new affordable units on privately-owned parcels in line with "smart growth" principles:

- *Zoning changes:* The zoning strategies included in Section VI.B should provide some additional incentives for attracting new development that will include affordable housing. In addition to promoting mixed-use development in additional areas of town, these zoning changes suggest new zoning to encourage the creation of small year-round rentals through accessory apartments and more infill development through the subdivision of merged lots.
- *Chapter 40B:* Comprehensive permits, particularly the "friendly" 40B process through the state's Local Initiative Program (LIP), have proven to be a useful tool in many communities for projects that require significant waivers of local zoning but meet local needs and priorities. It is likely that the comprehensive

permit process will be needed for the planned Westfield site development, for example. Comprehensive permits have also been used to create 46 units of rental housing for seniors and the younger disabled at Cromesett Woods Apartments and Cromesett Woods II as well as 193 family rental units at the Village at 815 Main Street and the Retreat at Union Pond. Another 21 units of affordable homeownership housing were also produced through the 40B process. This means that 260 units or more than one-third of all SHI units were created through comprehensive permitting.

- *Infill development:* Wareham has a number of small-scale infill developments that have involved affordable housing and is interested in supporting additional projects.

The Housing Trust will continue to reach out to local developers who have been active in producing affordable housing in the area to discuss the Town's interest in promoting these types of development, possible areas and opportunities for new development, and local guidelines and priorities (see strategy VI.A.5). CPA funding and Housing Trust Funds to support preliminary feasibility analyses, some acquisition costs or other subsidies are a good investments towards meeting production goals and local needs. *To effectively guide affordable housing development, the Town should establish a formal process for reviewing local housing proposals in their early conceptual stages through its Housing Trust, providing useful feedback to developers on preliminary plans.*

Resources Required: Donated time of members of the Housing Trust as well as potential staff time from the proposed Housing Trust Coordinator. Subsidy funds are also likely to be needed to support some predevelopment costs as well as to fill gaps to make the project financially feasible.

Projected # Affordable Units Produced: 65 units

D. Housing Preservation Strategies

The 2004 Housing Plan, entitled "Meeting Housing Needs in Wareham", established four (4) major housing goals, which are also embraced by this Housing Production Plan, including the need to preserve the existing diverse housing stock, including affordable units. The Town has in fact been providing such support in the form of a Housing Rehabilitation Program and the modernization of WHA units, both of which need to be continued to the greatest extent feasible.

In an effort to preserve and protect historic properties, the Town also passed a demolition delay by-law at its Fall 2009 Town Meeting. Through this by-law, no demolition permit will be issued for a building which is in whole or in part 50 years or older for at least six (6) months following a determination of the Wareham Historical Commission that the property is significant and should preferably be preserved.

1. Continue Supporting the Housing Rehabilitation Program

Timeframe: Years 1-2

Responsible Party: Wareham Community and Economic Development Authority (CEDA)

Current Status: The Wareham Community and Economic Development Authority (CEDA) has been administering a Housing Rehabilitation Program through Community Development Block Grant funding (CDBG), applied through the state's Department of Housing and Community Development (DHCD). The Program has been in operation for 20 years, providing deferred payment and low interest loans to low- and moderate-income homeowners in the town's CDBG target area, enabling them to make needed home repairs including handicapped accessibility, heating system repair and replacement, electrical work, carpentry, and other structural repairs.

Next Steps: This Program has been an important resource for Wareham’s homeowners who have limited financial ability to make necessary home improvements and has been an effective tool for preserving the existing housing stock. As such, the Town needs to continue to pursue CDBG funding to keep it operational, tweaking the program as appropriate to keep up-to-date with local needs and maximize program effectiveness and efficiency.

Resources Required: CEDA staff time to operate the Program and CDBG funding of approximately \$95,000 per year.

2. Continue Pursuing Modernization Funding for WHA Units

Timeframe: Years 1-2

Responsible Party: Board of Selectmen and Housing Trust

Current Status: The Wareham Housing Authority (WHA) owns and manages the Agawam Village and Redwood Park developments for seniors as well as the younger disabled with 40 and 64 units, respectively. These properties were built decades ago and have substantial needs for capital improvements, although some recent progress has been made. For example, one of the five (5) buildings at Agawam Village received new siding and windows as well as some stair improvements. Six (6) new furnaces were also installed in addition to eight (8) new boilers. Nevertheless, new siding and windows are needed on the other four (4) Agawam Village buildings and improvements are also required at Redwood Park. In particular, there is a pressing need for more handicapped accessible units as the WHA currently has only four (4) available at Redwood Park.

Next Steps: Upon submission of a request by the WHA for needed modernization funding for Agawam Village or Redwood Park, the Housing Trust will continue to advocate for such funding to support the sustained viability of this very valuable segment of Wareham’s affordable housing stock.

Resources Required: Donated time of members of the Housing Trust.

E. **Direct Assistance Strategies**

Many communities have determined that it is important to provide direct financial assistance to individual households to help them either afford to stay in their existing housing or access new housing. Funding for these purposes has typically come from federal funds such as CDBG and HOME funds. Some communities, however, have used CPA funding to provide this direct assistance as well.³⁷

³⁷ It should be noted that there appears to be some differences of opinion regarding providing CPA funds for the acquisition, creation, preservation and support of deed-restricted units versus directly to income-eligible individuals. At this time, the use of CPA funding is clearly incontrovertible when the unit is deed restricted and becomes a long-term community asset, affordable in perpetuity. Without the deed restriction, the term “support” is subject to interpretation by local counsel and leadership. While it is probably safer to combine CPA-funded down payment and closing cost assistance with an existing housing program or development that requires the deed restriction at this time, there are quite a few communities that are providing direct assistance to individuals. Specific legislation to eliminate any concern about using CPA funding for direct assistance to individuals has been proposed and is currently winding its way through the legislative approval process.

1. Develop a Rental Assistance Program

Timeframe: Years 3-5

Responsible Party: Housing Trust (I eliminated references to CEDA based on their recommendation.)

Current Status: The 2004 Housing Plan included a recommendation to create a Rental Assistance Program. Reports from local service providers indicate that the high upfront costs of leasing an apartment – including first and last month’s rent plus a security deposit – create challenging barriers for accessing rental housing. Clearly the 540 or so renters who earn at or below 50% AMI and spend more than half of their income on housing would be target beneficiaries of such a program when they need to relocate (see Table III-18).

A program to provide up-front assistance to renters could be modeled after one that has been operating in Chatham and Harwich, which provides qualifying households with first, last and/or security deposits for rental units. The Harwich Housing Authority presented the Program to the Town and received initial funding of \$100,000 through the Town’s Community Preservation Fund towards the purpose of making it easier for households to access year-round rental housing and to build opportunities for lower income households to budget for homeownership.

Participants receive a voucher that is in fact a loan, the amount of which is based on their income, expenses, and rent level and is paid directly to the landlord. This amount is repaid by the Program participants in monthly installments and deposited into the Program’s Revolving Loan Fund and thus available for further lending to other eligible participants. The Program requires all participants to sign a one-year loan agreement outlining their obligations under the Program and also sign a Limited Funding Agreement that explains the Program. Moreover, each participant must enroll in a Budgeting Class within six (6) months of receiving the voucher/loan and encouraged to attend first-time homebuyer classes.

Next Steps: The Town should consider developing a Rental Assistance Program similar to the one implemented in Chatham and Harwich. The Housing Trust, working with a consultant, should design the program and obtain funding from the Housing Trust Fund or CPA. If CPA funding is used, the Housing Trust should obtain the opinion of Town Counsel regarding the eligibility of such funding for this purpose.

Following funding approval, an implementation plan should be prepared that details the respective roles and responsibilities of all those involved in implementation as well as all procedures and necessary documentation.

Resources Required: The donated time of members of the Housing Trust and staff time from the proposed Housing Trust Coordinator (strategy VI.A.1) to administer the program with the potential of hiring a consultant to develop the program and implementation plan. Funding will also be needed to provide the direct assistance and ongoing administrative costs.

2. Develop an “Above the Shop” Program

Timeframe: Years 3-5

Responsible Party: Housing Trust (I eliminated references to CEDA.)

Current Status: The Town is beginning to discuss the potential of promoting mixed-use development in additional areas such as Wareham and Onset Village (see strategy VI.B.1 for more information). In an effort to insure that some affordable housing is integrated into future mixed-use development, the Town might

consider providing additional incentives beyond some mandates for inclusion in a new by-law. For example, the Town of Harwich approved what it calls its Second Story Program in the Harwich Port Business District where under current zoning business owners who have second floor expansion capacity can add an affordable rental unit(s) above their business. The Program provides funds for feasibility studies. If it turns out that a unit(s) cannot be produced, the funding becomes a grant, however, if the owner can and is willing to pursue the creation of the unit(s), the funding becomes a loan. While the Town received \$20,000 in CPA funding to introduce the Program (maximum loan/grant amount of \$5,000), it has not yet been implemented.

Next Steps: The Town should consider developing a similar program to the one that was approved in Harwich. The Housing Trust could decide to administer the Program itself, staffed by the proposed Housing Coordinator or a consultant, or enter into an agreement with an appropriate non-profit.³⁸

The Housing Trust should adapt the model to Wareham's needs, and obtain funding from the Housing Trust Fund or CPA. It is likely that the services of a consultant would be useful in these early stages of program development. Following funding approval, perhaps starting at \$20,000 for the first year, an implementation plan should be prepared by the proposed Housing Trust Coordinator or a consultant that details the respective roles and responsibilities of all those involved in implementation as well as all procedures and documentation.

Resources Required: The donated time of members of the Housing Trust as well as staff time from the proposed Housing Trust Coordinator (strategy VI.A.1) and the potential of hiring a consultant to develop the program and implementation plan. Funding will also be needed to provide the direct assistance and ongoing administrative costs.

³⁸ To hire a consultant or a non-profit organization, it is likely that the Town will have to prepare Requests for Proposal and select the best-qualified respondent.

APPENDIX 1

Glossary of Housing Terms

40R/40S

State legislation that provides cash incentives to municipalities that adopt smart growth overlay districts that also increase housing production, including affordable housing (see Appendix 3 for details).

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.

Cluster Development

A site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for other uses, most typically open space preservation. Some provisions allow density bonuses for certain conditions of development, including affordable housing.

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.

Conservation Development

A project that conserves open space, protects site features and provides flexibility in the siting of structures, services and infrastructure.

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.

Design Guidelines

A set of discretionary standards, including design and performance criteria, developed as a public policy to guide the planning and land development.

Easements

The right to use property for specific purposes or to gain access to another property.

Energy Star

A voluntary labeling program of the US Environmental Protection Agency (EPA) and the US Department of Energy that identifies energy efficient products.

Enhanced Single Room Occupancy (ESRO)

A single person room with a private bath and/or kitchen rather than shared facilities.

Expedited Permitting

The state's Chapter 43D Program allows a community to gain state incentives for projects meeting certain criteria and permitted within a 180-day regulatory process.

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.

Form-based Zoning

Zoning regulations that define desired building and site characteristics but do not strictly regulate the uses.

Green Building

A term used to describe buildings that have been designed or retrofitted to reduce energy consumption

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.

LEED

Leadership in Energy and Environmental Design (LEED) is a voluntary standard for developing high performance, sustainable buildings that significantly reduce energy consumption. There are various standards, including silver, gold and platinum, which are awarded to particular properties through a certification process.

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. Wareham is part of the Boston MSA.

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.

Planned Development

A district or project designed to provide an alternative to the conventional suburban development standards that promote a number of important public policy benefits, often including a variety of housing, including affordable housing, and creative site design alternatives.

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 rental assistance.

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 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 Development Corporation serves as Wareham'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 Southeast Regional Planning and Economic Development District (SRPEDD) serves as Wareham'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.

Single Room Occupancy (SRO)

A single room occupancy (more commonly SRO, sometimes called single resident occupancy) is a multiple tenant building that houses one or two people in individual rooms (sometimes two rooms, or two rooms with a bathroom or half bathroom), or to the single room dwelling itself. SRO tenants typically share bathrooms and /or kitchens, while some SRO rooms may include kitchenettes, bathrooms, or half-baths. Although many are former hotels, SROs are primarily rented as permanent residences.

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.

Sustainability

Development that includes a balanced set of integrated principles such as social equity, environmental respect, and economic viability, which preserves a high quality of life for current occupants and future generations.

Transfer of Development Rights (TDR)

A program that coordinates the relocation of development from environmentally sensitive areas that should be preserved as open space to areas that can accommodate higher densities.

Transit Oriented Development (TOD)

Development that occurs within walking distance of public transportation, usually bus or trains, to reduce the reliance on the automobile and typically accommodate mixed uses and higher densities.

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 2

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 U.S. 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 met³⁹:

- 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.
- 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.

³⁹ Section 56.03 of the new Chapter 40B regulations.

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.⁴⁰ 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.
- *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.

⁴⁰ 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.

- *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.

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 local Board of Selectmen for a 30-day comment period. The Board of Selectmen 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 Board of Selectmen for their endorsement of the project, and the Selectmen 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 expands 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 to 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 principal 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 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 insuring 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 (10 units and 21 units, respectively, for Wareham until the new census figures are available in 2011) for *approval* by DHCD.⁴¹
- 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:

⁴¹ Massachusetts General Law Chapter 40B, 760 CMR 31.07 (1)(i).

- 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.
 - 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 Board of Selectmen 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”.⁴²

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.”⁴³ 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:

⁴² 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.

⁴³ Massachusetts General Law, Chapter 40R, Section 11.

Incentive Payments

Incentive Units	Payments
Up to 20	\$10,000
21 - 100	\$75,000
101 - 200	\$200,000
210 - 500	\$350,000
501 or more	\$600,000

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 Zoning Districts bylaw for Town Meeting enactment, would be “able to ensure that what is built in the District is compatible with and reflects the character of the immediate neighborhood.”⁴⁴

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.

⁴⁴ “A Housing Strategy for Smart Growth and Economic Development: Executive Summary,” p. 4.

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 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 Rents⁴⁵

- 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 fees⁴⁶, private mortgage insurance (if putting less than 20% of purchase price down), and hazard insurance.

⁴⁵ DHCD has an electronic mechanism for calculating maximum sales prices on its website at www.mass.gov/dhcd.

⁴⁶ 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 Board of Selectmen 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 insure 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 Board of Selectmen 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). For legal questions contact Elsa Campbell, Housing Specialist (phone: 617-573-1321; fax: 617-573-1330; email: 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 Wareham are described below.⁴⁷

A. Technical Assistance

1. *Priority Development Fund*⁴⁸

A relatively new state-funded initiative, the Priority Development Fund, provides planning assistance to municipalities for housing production. In June 2004, DHCD began making \$3 million available through this Fund on a first-come, first-served basis to encourage the new production of housing, especially mixed-income rental housing. PDF assistance supports a broad range of activities to help communities produce housing. Applications must demonstrate the community's serious long-term commitment and willingness to increase its housing supply in ways that are consistent with the Commonwealth's principles of sustainable development.

Eligible activities include community initiated activities and implementation activities associated with the production of housing on specific sites. Community initiated activities include but are not limited to:

Zoning activities that support the program objectives include:

- Incentive zoning provisions to increase underlying housing density;
- Smart Growth Zoning Overlay or Compact Neighborhoods Districts;
- Inter- and intra-municipal Transferable Development Rights proposals;

⁴⁷ 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.

⁴⁸ Description taken from the state's program description.

- Zoning that promotes compact housing and development such as by right multi-family housing, accessory apartment units, clustered development, and inclusionary zoning;
- Zoning provisions authorizing live-and-work units, housing units for seasonal employees, mixed assisted living facilities and the conversion of large single-family structures, vacant mills, industrial buildings, commercial space, a school or other similar facilities, into multi-family developments; and
- Other innovative zoning approaches developed by and for an individual community.

Education and outreach efforts that support the program objectives include:

- Establishment of a local or regional affordable housing trust;
- Development of a plan of action for housing activities that will be undertaken with Community Preservation Act funds; and
- Efforts to build local support (grass-root education) necessary to achieve consensus or approval of local zoning initiatives.

Implementation activities associated with the production of housing in site-specific areas include but are not limited to:

- Identification of properties, site evaluation, land assembly and financial feasibility analysis; and
- Development of a Request for Proposal (RFP) for the disposition of land.

The PDF assistance is not available to serve as a substitute for pre-development assessment of alternative development scenarios for parcels already controlled by an identified private developer or to supplant municipal funds to pay staff salaries.

Eligible applicants consist of cities and towns within the Commonwealth. Municipalities may enter into third party agreements with consultants approved by DHCD, however only a municipality will be allowed to enter into a contract with MassHousing regarding the distribution of funds. Municipalities will be responsible for attesting that all funds have been expended for their intended purposes.

Joint applications involving two or more communities within a region or with similar housing challenges are strongly encouraged as a way to leverage limited resources, however, one municipality will be required to serve as the lead.

MassHousing and DHCD reserve the right to screen applications and to coordinate requests from communities seeking similar services. For example, rural communities may be more effectively served by an application for a shared consultant who can work with numerous towns to address zoning challenges that enhance housing production. Likewise, it may be more effective to support an application for a consultant to review model zoning bylaws or overlay districts with a number of interested communities with follow-up at the community level to support grassroots education, than it is to support the separate development of numerous zoning bylaws. Communities submitting multiple applications must prioritize their applications.

In exchange for the assistance, municipalities must agree to share the end product of the funded activities with DHCD and MassHousing and with other communities in the Commonwealth through reports, meetings, workshops, and to highlight these activities in print, on the web or other media outlets.

The agencies will focus the evaluation of applications to determine overall consistency with program goals and the principles of sustainable development. Applications will be evaluated based on:

- Eligibility of activity;
- Public support;

- Demonstrated need for funds;
- Likelihood activity will result in production of housing;
- Reasonableness of the timeline;
- Readiness to proceed with proposed project;
- Capacity to undertake activity;
- Cost estimates and understanding of the proposed project cost;
- Proposed activity having clearly defined benefits that will result in the production of housing; and
- Benefits being realized within a 2-3 year-timeframe.

Applications for funding will be accepted and evaluated on a rolling review basis. In order to deploy this assistance as effectively and efficiently as possible, or in the event the planning funds are oversubscribed, communities that have relatively greater planning capacity and/or resources may be requested to provide some matching funds. Additional consideration and flexibility for the assistance will be made for communities with little or no planning staff capacity or resources.

Communities may apply to DHCD for assistance of up to \$50,000. The amount of funds awarded will be a reflection of the anticipated impact on housing production. DHCD and MassHousing reserve the right to designate proposals as "Initiatives of Exceptional Merit," in order to increase the amount of assistance and scope of services for certain projects.

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.

Applications are accepted on a continuous basis, but funding is limited (contact is Karl McLaurin at DHCD). 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 Board of Selectmen 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. (Contact MHP's Community Housing Initiatives Team at 617-330-9944 ext. 227.)

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.

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.

Because Wareham is not an entitlement community, meaning that it is not automatically entitled to receive HOME funding based on HUD's funding formula, the Town would need to join a consortium of other smaller towns and cities to receive funding or submit funding applications to DHCD on a project by project basis through its One Stop Application. Wareham is not part of a Consortium so would have to apply directly to DHCD for this funding at this time.

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). Those communities that do not receive HOME or CDBG funds directly from HUD, like Wareham, can apply for up to \$65,000 per unit. 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 Soft Second 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.

There are other programs funded through the Community Development Block Grant Small Cities Program for both homeownership and rental projects. A number of the special initiatives are directed to communities with high "statistical community-wide needs", however, the **Community Development Fund II** is targeted to communities with lower needs scores that have not received CDBG funds in recent years. This may be the best source of CDBG funding for Wareham besides HDSP described above. Funding is also awarded competitively through an annual Notice of Funding Availability. DHCD also has a **Reserve Fund** for CDBG-eligible projects that did not receive funding from other CDBG funded programs or for innovative projects.

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) 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. In addition to the federal Section 8 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.

C. Homebuyer Financing and Counseling

1. *Soft Second Loan Program*

The Massachusetts Housing Partnership Fund, in coordination with the state’s Department of Housing and Community Development, administers the Soft Second Loan Program to help first-time homebuyers purchase a home. The Program began in 1991 to help families earning up to 80% of median income qualify for a mortgage through a graduated-payment second mortgage and down payment assistance. Just recently the state announced that it had lent \$1 billion in these affordable mortgages. Participating lenders originate the mortgages which are actually split in two with a conventional first mortgage based on 77% of the purchase price, the soft second mortgage for typically about 20% of the purchase price (or \$20,000 if greater) and a requirement from the buyer of at least a 3% down payment. Borrowers do not need to purchase private mortgage insurance that would typically be required with such a low down payment, thus saving the buyer significant sums on a monthly basis. Program participants pay interest only on the soft second mortgage for the first ten years and some eligible buyers may qualify for an interest subsidy on the second mortgage as well. Additionally, some participating lenders and communities offer grants to support closing costs and down payments and slightly reduced interest rates on the first mortgage. Wareham is already a participating community in the Program.

For over 20 years, MHP has made homeownership possible for low- and moderate-income homebuyers by offering the Soft Second Loan Program. Since 1990, Soft Second has helped over 17,000 families purchase their first home and has provided over \$2.7 billion in private mortgage financing. Soft Second will continue to be available through the end of 2013 but MHP will be transitioning the program from a two-mortgage structure to one and will relaunch the program as the ONE Mortgage Program. MHP and its partner banks expect to start making ONE Mortgages by the summer of 2013. Like Soft Second, ONE will offer first-time homebuyers a discounted fixed interest rate, a low down payment and will not require the homebuyer to purchase costly private mortgage insurance.

2. *American Dream Downpayment Assistance Program*

The American Dream Downpayment Assistance Program is also 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 Soft Second 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 deleading 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.

3. *USDA Section 502 Financing*

Because the US Department of Agriculture defines Wareham as a rural area, home purchasers may be eligible for Section 502 financing. These Rural Housing Direct Loans, directly funded by the federal government, are available for qualifying households to obtain homeownership. The program provides 100% financing to purchase an existing dwelling or purchase a site and construct a new home. Loan terms are for up to 33 years for those earning below 80% of area median income (AMI), 38 years in the case of those earning below 60% AMI and who cannot afford the 33-year term. The term is 30 years for manufactured homes. The interest rate is set by the program based on the government’s cost of money, however that interest rate is modified by a payment assistance subsidy. Purchased

homes must be “modest” in terms of size, design and cost, and the applicant must demonstrate that they cannot obtain financing from another source.

4. Homebuyer Counseling

There are a number of programs, including the Soft Second Loan 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 Wareham include the following:

Fall River Affordable Housing Corporation
(508) 677-2220

Pro-Home, Inc.
Taunton
(508) 821-1092

South Shore Housing Development Corporation
Kingston
(781) 422-4200

4. 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 (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.

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, South Shore Housing, administers these funds for the state. The Wareham Council on Aging also is available to help older residents complete application materials.

5. *Rural Housing Repair and Rehabilitation Loans*

Wareham is defined as a rural area by the US Department of Agriculture's Rural Development Housing and Community Facilities Programs. Through the USDA's Rural Housing Repair and Rehabilitation Program, funding is available to very low-income homeowners, earning within 50% of area median income, who need to make home repairs to remove health and safety hazards. Owners must also have been unable to get home improvement financing elsewhere and be at least 62 years of age to qualify. Loans of up to \$20,000 for a maximum term of 20 years at 1% interest are offered as well as grants of up to \$7,500. Grants may be recaptured if the property is sold in less than three (3) years. A grant/loan combination is made if the applicant can repay part of the cost of the loan.