



Housing Production Plan

Pembroke, Massachusetts

June 2018 - Technical Assistance provided by
Old Colony Planning Council

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Glossary of Terms

Affordable: The U.S. Department of Housing and Urban Development (HUD) considers housing affordable if housing costs (including utilities) do not exceed 30% of a household's income.

Affordable Housing: Affordable housing is also defined according to percentages of median income for an area.

According to HUD "extremely low income" housing is reserved for households earning at or below 30% of the Area Median Income (AMI); "very low income" households are households earning between 31% and 50% of the AMI; and "low income" households are households earning between 51% and 80% of the Area Median Income (AMI).

Area Median Income (AMI) – means area median household income as defined by HUD pursuant to section 3 of the 42 U.S.C. 1437 (the Housing Act of 1937), as amended, adjusted for household size.

Community Preservation Act: The Community Preservation Act (CPA) is a Massachusetts law that allows participating cities and towns to adopt a real estate tax surcharge of up to 3% in order to fund the four community preservation purposes of open space, historic preservation, affordable housing, and recreation. In addition to the community tax surcharge, the state provides matching funds that are not less than 5% and not more than 100% of the funds raised by the community. The actual percentage varies from year to year dependent on the health of the Commonwealth's community preservation trust fund, which is funded by a surcharge on Registry of Deeds transactions. Communities with Community Preservation funding, such as Pembroke, should find this resource invaluable in paying for upfront predevelopment costs and feasibility analysis, staff and consultants, as well as leveraging additional subsidies. **CPA in Pembroke:** The town of Pembroke adopted the CPA and local bylaw in April 2007. The Pembroke bylaw adopted a rate of 1% for the property tax surcharge and established a Community Preservation Committee (CPC) in October of 2007. Additionally, certain exemptions from the surcharge are available for any person who qualifies for low income housing or low to moderate income senior housing in the town, as defined by Section 2 of the Community Preservation Act. Information about these exemptions is available at the Assessor's Office. The CPC in Pembroke is made up of nine members that include a member from the Conservation Committee, the Historical Commission, the Housing Authority, the Open Space Committee, the Recreation Commission, the Planning Board, the DPW Director or designee and two members appointed by the Pembroke Board of Selectmen.

The Community Preservation Committee (CPC): annually solicits proposals for the use of the funds, ranks the submissions, and makes a recommendation to Town Meeting for the best use of program funds. By law, a minimum of 10% of the CPA money must be spent on affordable housing. The CPC has been a strong advocate of affordable housing and will continue to offer financial assistance to worthwhile projects.

Comprehensive Permit: The Comprehensive Permit Act is a Massachusetts law which allows developers of affordable housing to override certain aspects of municipal zoning bylaws and requirements. A permit for the development of low and moderate income housing issued by a Board or the Committee pursuant to the M.G.L. Chapter 40B Section 20 through 23 and 760 CMR 56.00.

Cost Burdened: When a household pays more than 30% of its income on housing (including utilities), it is considered to be cost burdened.

Detached Unit: A detached home is almost always considered a single-family home, meaning all internal areas are shared and in common, also called a single detached dwelling.

Disability: Difficulty with any of the six types of disability collected in the American Community Survey: vision, hearing, ambulatory, cognitive, self-care, and independent living. It covers functional limitations in the three domains of disability (communication, mental and physical), activities of daily living (ADLs), and instrumental activities of daily living (IADLs). Vision difficulty: Blindness or serious difficulty seeing, even when wearing glasses or contacts. Hearing difficulty: Deafness or serious difficulty hearing. Cognitive difficulty: Serious difficulty remembering, concentrating, or making decisions. Ambulatory difficulty: Serious difficulty walking or climbing stairs. Self-care difficulty: Difficulty dressing or bathing. This type relates to ADLs. Independent living difficulty: Difficulty doing errands alone such as visiting a doctor's office or shopping. This relates to IADLs.

Eligible for Assistance: A family's eligibility for assistance is based on the income limit applicable to the type of housing assistance the family is to receive. A family may be income-eligible for one program but have too high an income for another program.

Employment to population ratio: The ratio of people who are currently employed to the total population, in terms of percentage.

Exclusionary zoning: is the utilization of zoning ordinances to exclude certain types of people from a given community.

Household: A household consists of all the people who occupy a housing unit. A house, an apartment or other group of rooms, or a single room, is regarded as a housing unit when it is occupied or intended for occupancy as separate living quarters; that is, when the occupants do not live with any other persons in the structure and there is direct access from the outside or through a common hall. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household. The count of households excludes group quarters. There are two major categories of households, "family" and "nonfamily".

Housing Unit: A house, an apartment, a group of rooms, or a single room occupies or intended for occupancy as separate living quarters.

Housing Production Plan (HPP) – means an affordable housing plan adopted by a municipality and approved by the Department, defining certain annual increases in its number of SHI Eligible Housing units as described in 760 CMR §56.03(4).

Housing Production Plan Community Survey: a brief survey created and available through survey monkey, to help the committee determine community need and solicit input on affordable housing for inclusion in development of this plan. Pages 89-95 in the back of this plan are the questions and the community responses from the 250 individuals who participated.

Housing Resources: The affordability of most housing development projects typically involves multiple sources of financing including both private and public loans and grants. Even Chapter 40B Comprehensive Permit projects rely on what is referred to as “internal” subsidies where the market rate units support the costs of the affordable ones in tandem with increased density. It will be important for the Town to encourage the establishment of partnerships with other interested parties including non-profit organizations, lenders, public agencies, and developers to secure the necessary financial and technical resources to create affordable units.

Inclusionary zoning: refers to municipal planning ordinances that require a given share of new construction to be affordable by people with low to moderate incomes.

Local Initiative Program (LIP): a state program that encourages the creation of affordable housing by providing technical assistance to communities and developers who are working together to create affordable rental opportunities for low and moderate-income households.

Low Income Persons – means all persons who, according to the latest available United States Census, reside in households whose net income does not exceed the maximum income limits for admission to public housing, as established by the Department. The Department's calculation shall be presumed conclusive on the Committee unless a party introduces authoritative data to the contrary. Data shall be authoritative only if it is based upon a statistically valid, random sample or survey of household income conducted in the relevant area since the latest available U.S. Census. **Low or Moderate Income Housing –** means any units of housing for which a Subsidizing Agency provides a Subsidy under any program to assist the construction or substantial rehabilitation of low or moderate income housing, as defined in the applicable federal or state statute or regulation, whether built or operated by any public agency or non-profit or Limited Dividend Organization. If the applicable statute or regulation of the Subsidizing Agency does not define low or moderate income housing, then it shall be defined as units of housing whose occupancy is restricted to an Income Eligible Household.

OCPC Technical Assistance Program: The Old Colony Planning Council (OCPC) provides grant funding to 17 communities in their region to access technical assistance in promoting affordable housing and other land use planning programs. Funding can be used for a single community or on a regional basis. Pembroke is part of the OCPC Region.

Poverty: the Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is in poverty. If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty. The official poverty thresholds do not vary geographically, but they are updated for inflation using the Consumer Price Index (CPI-U). The official poverty definition uses money income before taxes and does not include capital gains or noncash benefits (such as public housing, Medicaid, and food stamps).

Severely Cost Burdened: When a household pays more than 50% of its income on housing (including utilities), it is considered to be severely cost burdened. As a result these households may have difficulty affording necessities such as food, clothing, transportation and medical care.

Subsidized Housing : can be obtained through vouchers, where the subsidy is used by a tenant to find rental housing in the private market and is paid to a private landlord. This subsidy stays with the tenant or it can be

multifamily subsidized housing, where the subsidy is given to the owner who provides affordable housing. This subsidy stays with the property.

Subsidized Housing Inventory (SHI): used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit law. A list compiled by the Department containing the count of Low or Moderate Income Housing units by city or town.

Subsidizing Agency – means any agency of state or federal government that provides a Subsidy for the construction or substantial rehabilitation of Low or Moderate Income Housing. If the Subsidizing Agency is not an agency of state government, the Department may appoint a state agency to administer some or all of the responsibilities of the Subsidizing Agency with respect to 760 CMR 56.00; in that case, all applicable references in these Guidelines to the Subsidizing Agency shall be deemed to refer to the appointed project administrator.

Subsidy – means assistance provided by a Subsidizing Agency to assist the construction or substantial rehabilitation of Low or Moderate Income Housing, including direct financial assistance; indirect financial assistance through insurance, guarantees, tax relief, or other means; and non-financial assistance, including in-kind assistance, technical assistance, and other supportive services. A leased housing, tenant-based rental assistance, or housing allowance program shall not be considered a Subsidy for the purposes of 760 CMR 56.00.

Use Restriction – means a deed restriction or other legally binding instrument in a form consistent with these Guidelines and, in the case of a Project subject to a Comprehensive Permit, in a form also approved by the Subsidizing Agency, which meets the requirements of these Guidelines.

Warren Group: The Warren Group collects and compiles data on real estate sales and ownership throughout New England. They offer a wide range of real estate products, information services and printed and on-line publications, including the weekly newspaper Banker & Tradesman and monthly magazine The Commercial Record.

Who your landlord is: If you live in public housing, the housing authority owns your building and is your landlord. In a few cases, a private company may manage the building for the housing authority or may be part of the ownership, but the building is still controlled by the housing authority. Housing authorities operate in most cities and towns in Massachusetts. They were established by state law to provide affordable housing for low-income people. If you live in subsidized housing, the housing authority is not your landlord. Subsidized housing is owned and operated by private owners who receive subsidies in exchange for renting to low- and moderate-income people. Owners may be individual landlords or for-profit or nonprofit corporations.

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I. Notices & Acknowledgements

Notices

The preparation of this Plan has been financed through the Massachusetts District Local Technical Assistance (DLTA) program. The views and opinions of the Old Colony Planning Council expressed herein do not necessarily state or reflect those of the Massachusetts Executive Office of Housing and Economic Development.

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II. Executive Summary

This Housing Production Plan (HPP) has been prepared in accordance with the Massachusetts Department of Housing and Community Development guidelines and provides a framework and strategy to increase the production of affordable housing in Pembroke. The Plan includes a comprehensive housing needs assessment and details housing production goals and strategies aimed at meeting these needs over the next five years (2018-2023). A summary of key demographic, housing stock, and housing affordability data from the comprehensive housing needs assessment, as well as an overview of the Plan's goals and strategies is detailed below. Please note that the data in this Plan is from the U.S. Census Bureau's 2000 and 2010 Census, the 2012-2016 American Community Survey (ACS), the U.S. Department of Housing and Urban Development (HUD), the Massachusetts Department of Transportation (MassDOT), Metro Boston Population and Housing Projections 2014; The Warren Group, MassGIS, and the Massachusetts Department of Elementary and Secondary Education as well as other noted sources.

Comprehensive Housing Needs Assessment

Demographics

- The population of Pembroke increased 5.37% from 16,927 in 2000 to 17,837 in 2010. It is expected to increase an additional 936 people by 2030 before declining slightly in 2040.
- The number of households in Pembroke increased 9.53% from 5,750 in 2000 to 6,298 in 2010. It is expected to increase an additional 21.9% or 1,335 households by 2040.
- The large majority 4,769 or (75.7%) of Pembroke's households are family households.
- The average household size in Pembroke decreased from 2.92 persons in 2000 to 2.82 persons in 2010
- A significant majority (64.6%) of owner occupied households in Pembroke consist of 3 people or less.
- The town continues to age, as the population of Pembroke over the age of 45 increased from 2000 to 2010, whereas the population under the age of 45 decreased during the same period.
- The total population less than 15 years of age is expected to decrease by 480 people between 2010-2030
- The total population over 65 year's age is expected to increase 2,210 people in the period 2010-2030.
- The racial and ethnic composition of Pembroke is largely homogenous, with 96.8% of the population identifying as white.
- Enrollment at Pembroke's Public Schools is decreasing.
- The population of Pembroke is well educated, with 35.0% of the population age 25 and over having a college or graduate degree.
- Approximately 10.9% of the residents in Pembroke reported having some type of disability in 2016. The most common types of disabilities were ambulatory difficulties, cognitive and hearing difficulties.
- Pembroke's median household income was \$93,075 in 2016, which trailed the neighboring communities of Norwell, Duxbury, Hanover and Hanson.
- Approximately 23.5% of the households in Pembroke had an annual income of less than \$50,000 in 2016.
- The industries that employ the most residents of Pembroke are the educational services, healthcare and social assistance industries (23.24%) and the retail trade industry (15.45%).
- The unemployment rate in Pembroke has steadily declined over the past five years, dropping from 7.3% in 2011 to 3.4% in 2017.

Housing Stock Analysis

- The number of housing units in Pembroke increased 12.43% from 5,897 in 2000 to 6,630 in 2016.
- The number of housing units in Pembroke is expected to increase 21% by 2030.
- 84.1% of all housing units in Pembroke are single-family detached structures.
- Pembroke's housing stock is relatively young, with approximately 54.4% of Pembroke's housing stock was built after 1969, with 39.6% of those units built between 1980 and 2009.
- Most Pembroke residents own their own home, as 87.20% of housing units are owner-occupied.
- Home ownership is more common in Pembroke for every age group; except for those under age 34 and over age 75 years and over, who prefer renting.
- Larger households in Pembroke are more likely to purchase a home than to rent, as 3+-person households account for 54.2% of owner-occupied households versus just 28.3% of renter-occupied households.
- Pembroke's housing market is very tight, with a 1.7% homeowner vacancy rate and a 4.0% rental vacancy rate.
- The median sales price of a single-family home in Pembroke dipped during the recent recession, but has begun to climb in recent years. In 2017, the median sales price of a single-family home in Pembroke was \$360,000.
- The median sales price of a condominium in Pembroke in 2017 was \$299,000.
- Just like the median sales price, the number of single-family homes sold annually in Pembroke dipped during the recent recession, but these numbers have also begun to climb in recent years. In 2017, there were 251 single-family sales in Pembroke.
- Between 2000 and 2015, Pembroke issued permits for 1050 housing units. Of these 810 units (77%) were for single-family homes, while just 240 (23%) were for multi-family units.
- Pembroke has a projected housing demand of 856 units by 2020 and an additional 539 units by 2030.

Housing Affordability

- Children (under age 18) and Adults 35-64 have the highest levels of poverty in Pembroke.
- Pembroke has only 4% of the population below the federal poverty level; however, some family types are more likely to live in poverty, such as female householders who have children under 18 years of age living with them.
- Approximately 1,780 of the households in Pembroke are considered to be low-income, earning less than 80% of the Area Median Income (AMI) and potentially eligible for federal and state housing assistance.
- Fair Market Rents (FMR) for the Boston/Cambridge/Quincy, MA HUD Metro FMR Area have continued to increase.
- 9.5% of Pembroke's housing units (616 units) are on the state's Subsidized Housing Inventory (SHI) dated 5-8-2017.
- 1,435 of owner-occupied households are cost burdened and 590 of those households are severely cost burdened.
- 345 of renter-occupied households in Pembroke are cost burdened (paying more than 30% of their gross income on housing) and 105 of those are severely cost burdened (paying more than 50% of their gross income on housing)
- According to a Housing Affordability Gap Analysis, a family making the 2017 HUD area Median Income of \$103,400 will fall short \$50,000 to afford the average median single-family home in Pembroke.

Development Constraints

- According to an analysis of MassGIS L3 parcel data, Pembroke has 521 acres of developable residential land, but it is constrained by the Town's many wetlands and floodplains.
- Pembroke does not have wastewater systems, requiring property owners to rely on private septic systems and Pembroke to have large minimum lot size requirements.

- Pembroke has a considerable amount of land that is constrained environmentally, as approximately 5,744 acres of the Town is located within wetlands, 2,705 acres is located within a 100-year floodplain and 237 acres is located within the 500-year floodplain.
- Pembroke has 1,650 acres of permanently protected open space and 830.4 acres of other open space.
- Pembroke is an auto-dependent community, as it lacks public transportation services and has limited amount of bicycle and pedestrian accommodations.
- Residential zoning bylaws requiring a minimum of 40,000 square feet restrict the development of affordable housing.
- Multi-family use is restricted to two zones and Accessory Dwelling Units and In-law apartments are allowed by Special Permit.

Affordable Housing Goals & Strategies

1. Housing Goals

- **Goal #1:** Meet and maintain the 10% state standard for affordable housing so that Pembroke is no longer vulnerable to Chapter 40B housing developments. Create and maintain a level of total affordable housing units that equals 10% of total year round housing units.
- **Goal #2:** Establish a Municipal Affordable Housing Trust to support local housing initiatives.
- **Goal #3:** Create affordable housing units through adaptive reuse of existing buildings and town owned properties.
- **Goal #4:** Promote a diversity of housing options in Pembroke to meet the needs of a changing and aging population and promote a socio-economically diverse population.
- **Goal #5:** Prioritize affordable housing for infill development on abandoned and vacant properties.

2. Implementation Strategies

Strategies to meet and maintain the 10% state standard for affordable housing so that Pembroke is no longer vulnerable to Chapter 40B housing developments. Create and maintain a level of total affordable housing units that equals 10% of total housing units.

- **Strategy 1.1:** Make sure all eligible units are added to the Subsidized Housing Inventory on a timely basis.
- **Strategy 1.2:** Preserve the existing affordable housing stock including its diversity of prices, building types, lot sizes, and restrictions on existing affordable units.
- **Strategy 1.3:** Adopt an Inclusionary Zoning Bylaw.
- **Strategy 1.4:** Investigate Funding Sources for Affordable Housing Maintenance and Rehabilitation.
- **Strategy 1.5:** Continue to utilize Local Initiative Program.

Strategies to establish a Municipal Affordable Housing Trust to support local housing initiatives.

- **Strategy 2.1:** Legislative body adopts a municipal Affordable Housing Trust.
- **Strategy 2.2:** Establish a Board of Trustees.
- **Strategy 2.3:** Declaration of Trust
- **Strategy 2.4:** Create action plan and secure funding mechanism.

Strategies to create affordable housing units through adaptive reuse of existing buildings and town owned properties.

- **Strategy 3.1:** Conduct Screening Analysis of Town-Owned land.
- **Strategy 3.2:** Study opportunities for re-use of existing buildings or use previously developed or town-owned sites for new community housing.
- **Strategy 3.3:** Encourage mixed use development to promote a mix of commercial and affordable units near downtown amenities.
- **Strategy 3.4:** Collaborate with Housing Partners

Strategies to promote a diversity of housing options in Pembroke to meet the needs of a changing and aging population and promote a more socio-economically diverse population.

- ***Strategy 4.1:*** Support aging in the community through increased multi-generational housing including Accessory Dwelling Units and progressive senior facilities.
- ***Strategy 4.2:*** Distribute and diversify new production and insure that new housing creation is harmonious with the suburban character of Pembroke.
- ***Strategy 4.3:*** Consider broader use and acceptance of Accessory Dwelling Units.
- ***Strategy 4.4:*** Review private properties for housing opportunities.

Strategies to promote and prioritize affordable housing for infill development on abandoned and vacant properties.

- ***Strategy 5.1:*** Encourage mixed use development to promote a mix of commercial and affordable units near downtown amenities.
- ***Strategy 5.2:*** Insure that new housing creation is harmonious with the suburban character of Pembroke.
- ***Strategy 5.3:*** Encourage local housing initiatives and continue local planning education to promote continued achievement of state-mandated affordable housing goals.
- ***Strategy 5.4:*** Create flexible zoning standards for affordable housing by allowing development of substandard lots through the special permit process to create affordable units.

III. Introduction

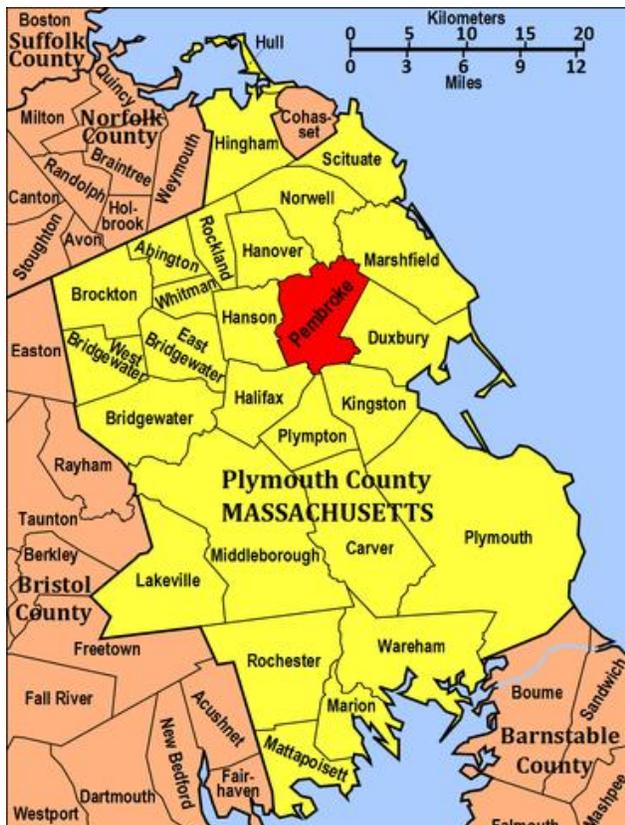
A. Profile of Pembroke

The Town of Pembroke is in the heart of Plymouth County and is bordered by Hanover, Norwell and Marshfield to the north, Duxbury to the east, Halifax, Plympton and Kingston to the south and Hanson to the west. The town has an area of 23.5 square miles and is located 26 miles south of Boston, 16 miles north of Plymouth and 14 miles east of Brockton. Much of the town can be characterized by vast amounts of undeveloped land and suburban single family homes.

The Town of Pembroke can trace its history to 1650, the date of the earliest recorded history of the land, when the earliest European settlers Robert Barker and Dolor Davis settled in the vicinity of Herring Brook. The land was part of the Major's Purchase, a large tract of lands bought from Josias Wampatuck of the Massachusetts by a group of English investors. The area was once part of Duxbury, before it was incorporated as its own community in 1712 and named after Pembroke, Wales. The population was fairly stable until the 1960's, when suburban migration from Boston saw the town more than triple in population. According to the 2010 U.S. Census, the Town had a population of 17,837.

Route 3 passes through the Town's northeast corner. The Town's other state routes include, 139, 14, 27, 36 and 53; which has made it attractive to people who desire its rural, friendly character, but also its accessibility to nearby highways. The primary mode of transportation is the private automobile.

Figure 1: Plymouth County Map



B. Overview of a Housing Production Plan

The Massachusetts Department of Housing and Community Development (DHCD) defines a Housing Production Plan (HPP) as “a community's proactive strategy for planning and developing affordable housing by: creating a strategy to enable it to meet its affordable housing needs in a manner consistent with the Chapter 40B statute and regulations; and producing housing units in accordance with the HPP.”¹ Chapter 40B, also known as the Massachusetts Comprehensive Permit Law (Chapter 774 of the Acts of 1969) is the statute under which Housing Production Plan regulations are issued, specifically 760 CMR 56.03(4). The regulation encourages communities to achieve the statutory minimum of 10% of their total year-round housing units on the Subsidized Housing Inventory (SHI).

To qualify for approval from DHCD, a Housing Production Plan must consist of three elements: a Comprehensive Needs Assessment, Affordable Housing Goals, and Implementation Strategies. The Comprehensive Needs Assessment is required to gain an understanding of who currently lives in the community, demographic trends affecting future growth, a community's existing housing stock and the community's future housing needs. The Affordable Housing Goals section identifies the appropriate mix of housing that is consistent with community needs, with particular attention paid to households with lower levels of income. This section also sets the community's minimum affordable housing production goal, as determined by the total number of year-round housing units published in the most recent decennial Census. The minimum annual affordable housing production goal is greater or equal to 0.5% of the year-round housing stock.² Lastly, the Implementation Strategies section consists of an explanation of the specific strategies by which the municipality will achieve its housing production goals as well as a timeframe/schedule for achieving the identified housing goals. This section also targets potential growth areas, identifies sites for development, assesses municipally owned land that the community has targeted for housing, and identifies regional housing development collaborations.

Upon completion of a HPP, the Plan must be approved by the Town's Planning Board and Board of Selectmen and then sent to DHCD for review and approval. Once it is approved by DHCD, the Plan is valid for five years. Communities that have an approved HPP and that have met their 0.5% or 1.0% annual affordable housing production goals can apply to have their HPP certified by DHCD. Communities with certified HPPs have greater power in controlling new residential development because a decision by a community's Zoning Board of Appeals (ZBA) to deny a Chapter 40B Comprehensive Permit application will be considered “consistent with local need”, meaning that the ZBA's decision to deny the permit would be upheld by DHCD's Housing Appeals Court (HAC).

A community invokes certification in the following manner under 760 CMR 56.03(4). 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 ZBA's assertion, it must do so by providing written notice to the Department, with a copy to the Board, within 15 days of its receipt of the ZBA's notice, including any documentation to support its position. DHCD shall thereupon review the materials provided by both parties and issue a decision within 30 days of its receipt of all

¹ Massachusetts Department of Housing and Community Development: Housing Production Plan: <http://www.mass.gov/hed/community/40b-plan/housing-production-plan.html>

² Ibid.

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 with local needs, provided, however, that any failure of 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.

C. Defining Affordable Housing

The U.S. Department of Housing and Urban Development (HUD) considers housing affordable if housing costs (including utilities) do not exceed 30% of a household’s income. When a household pays more than 30% of its income on housing (including utilities), it is considered to be cost burdened; when a household pays more than 50% of its income on housing (including utilities), it is considered to be severely cost burdened. As a result these households may have difficulty affording necessities such as food, clothing, transportation and medical care.

Affordable housing is also defined according to percentages of median income for an area. According to HUD, “extremely low income” housing is reserved for households earning at or below 30% of the Area Median Income (AMI); “very low income” households are households earning between 31% and 50% of the AMI; and “low income” households are households earning between 51% and 80% of the Area Median Income (AMI).

In assessing a community’s progress toward the Commonwealth’s 10% affordability goal, the Department of Housing and Community Development (DHCD) counts a housing unit as affordable if it is subsidized by state or federal programs that support households earning less than 80% of the AMI.

- The units must be part of a subsidized development built by a public agency, non-profit or limited dividend organization;
- At least 25% of the units in the development must be restricted to households earning less than 80% of the AMI and have rent or sale prices restricted to affordable levels. These restrictions must last at least 30 years;
- The development must be subject to a regulatory agreement and monitored by a public agency or non-profit organization; and
- Project owners must meet affirmative marketing requirements.

WHAT MAKES AFFORDABLE UNITS “COUNT” ON THE SHI?

Units must be:

1. Affordable to households with incomes at or below 80 percent of the Area Median Income.
2. Approved by a housing subsidy agency as eligible for a comprehensive permit or as “Local Action Units” (developed without a comprehensive permit).
3. Protected by a long-term affordable housing restriction; and
4. Marketed and sold or rented under a DHCD compliant Affirmative Fair Housing Marketing Plan.

IV. Comprehensive Housing Needs Assessment

An analysis of local demographic, housing stock, and housing affordability data reveals key characteristics and trends in Pembroke that help explain housing need and demand. In order to understand how Pembroke compares to other communities, Pembroke's data was compared to all of its neighboring communities as well as to Plymouth County and the Commonwealth of Massachusetts. The goal of this assessment is to provide a framework for housing production and to develop the strategies necessary to address the housing needs of Pembroke.

A. Demographics

This housing needs assessment is based on a thorough review of Pembroke's demographic profile. An analysis of population, household, age, race and ethnicity, education, disability, income and employment data was reviewed to help provide insight into the existing housing need and demand.

Key Findings

- The population of Pembroke increased 22.6% from 14,544 in 1990 to 17,837 in 2010. It is expected to increase 4.4% between 2010 and 2040 to 18,622.
- The number of households in Pembroke increased 9.53% from 5,750 in 2000 to 6,298 in 2010. The number of households is expected to increase 21.19% between 2010 and 2040.
- 75.72% of Pembroke's households are family households.
- The average household size in Pembroke decreased from 2.92 persons in 2000 to 2.82 persons in 2010. A significant majority (64.60%) of households in Pembroke consist of 3 people or less.
- The town continues to age, as the population of Pembroke over the age of 45 increased from 2000 to 2010, whereas the population under the age of 45 decreased during the same period. The population over 65 is expected to increase by 2,210 seniors by the year 2030.
- The racial and ethnic composition of Pembroke is largely homogenous, with 96.8% of the population identifying as white.
- Enrollment at Pembroke's Public Schools is decreasing. Population under age 15 is expected to decline by 480 minors by the year 2030.
- The population of Pembroke is well-educated, with 35% of the population age 25 and over having a college and/or graduate degree.
- Approximately 10.9% of the residents in Pembroke reported having some type of disability in 2016. The most common types of disabilities were ambulatory difficulties, cognitive difficulties, hearing difficulties and independent living difficulties.
- Pembroke's median household income was \$93,075 in 2016, which when compared to the eight surrounding communities only trailed Norwell, Duxbury, Hanover and Hanson.
- Approximately 23.5% of the households in Pembroke had an annual income of less than \$50,000 in 2016.
- The industries that employ the most residents of Pembroke are the educational services, healthcare and social assistance industries (23.4%) and the retail trade industry (15.45%).
- The unemployment rate in Pembroke has steadily declined over the past five years, dropping from 7.4% in 2011 to 4.1% in 2018.

1. Population

From 1990 to 2010, Pembroke's population increased 22.6%, from 14,544 residents in 1990 to 17,837 residents in 2010. Pembroke's 22.6% increase in population trailed neighboring Kingston (39.6%), but surpassed the growth that occurred in the seven (7) other neighboring communities as well as the County (13.7%) and the Commonwealth (8.8%).

Although the Pembroke Town Clerk indicated that the 2017 Town Census population was 19,004 in the Annual Town Report. That number reflected a decrease in population for three consecutive years beginning in 2014, which is in keeping with the projections that Pembroke's population will experience only slight growth between 2010 and 2040 due to forces in aging, growing diversity, changing household preferences and migration.

Table 1: Population, 1990-2010

	1990	2000	2010	Change 1990-2010	
				Number	Percent
Kingston	9,045	11,780	12,629	3,584	39.60%
Pembroke	14,544	16,927	17,837	3,293	22.60%
Plympton	2,384	2,637	2,820	436	18.30%
Marshfield	21,531	24,324	25,132	3,601	16.72%
Hanover	11,912	13,164	13,879	1,967	16.51%
Halifax	6,526	7,500	7,518	992	15.20%
Norwell	9,279	9,765	10,506	1,227	13.22%
Hanson	9,028	9,495	10,209	1,181	13.08%
Duxbury	13,895	14,248	15,059	1,164	8.37%
Plymouth County	435,276	472,822	494,919	59,643	13.70%
Massachusetts	6,016,425	6,349,097	6,547,629	531,204	8.82%

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

The 2014 Metro Boston Population and Housing Projections indicate that Pembroke will grow from 17,837 residents in 2010 to 18,622 residents by 2040. Pembroke's expected 4.40% increase in population during this time period trails several neighboring communities including: Kingston, Hanover, Hanson, Norwell and Plympton as well as the OCPC Region and the Commonwealth; but will surpass the growth expected to occur in Marshfield, Duxbury and Halifax.

The continued population growth, not only in Pembroke but also across the region and the state, suggests a continued increase in housing demand, although changes in household size and type will also have an impact on the type of housing that will be needed.

Table 2: Projected Population, 2010-2040

	2010	2020	2030	2040	Change 2010-2040	
					Number	Percent
Kingston	12,629	13,347	14,283	14,630	2,001	15.84%
Halifax	7,518	7,509	7,486	7,448	-70	-0.93%
Hanover	13,879	14,140	14,554	15,551	1,672	12.04%
Hanson	10,209	10,734	11,237	11,351	1,142	11.18%
Plympton	2,820	2,887	2,910	3,002	182	6.45%
Norwell	10,506	10,739	11,063	11,196	690	6.56%
Pembroke	17,837	18,345	18,773	18,622	785	4.40%
Duxbury	15,059	15,140	15,434	15,472	413	2.74%
Marshfield	25,132	25,305	25,349	26,097	965	3.83%
OCPD Region	348,527	361,527	372,470	372,907	24,380	7.00%
Massachusetts	6,547,629	6,798,770	7,059,629	7,203,380	655,751	10.02%

Source: Metro Boston Population and Housing Projections; January 2014

2. Households

According to the U.S. Census Bureau, a household includes all people who occupy a housing unit, which can be a house, apartment, mobile home, group home or single room that is occupied as separate living quarters. The number of households in Pembroke grew 9.53% from 5,750 in 2000 to 6,298 in 2010. Pembroke's 9.53% increase in the number of households trailed that of neighboring Plympton, Hanson and Kingston, but surpassed its other neighbors, the County and the Commonwealth. The difference between household growth and population growth reflects the continuing decline in household sizes.

Table 3: Households, 2000-2010

	2000	2010	Change 2000-2010	
			Number	Percent
Pembroke	5,750	6,298	548	9.53%
Duxbury	4,946	5,344	398	8.04%
Halifax	2,758	2,863	105	3.80%
Hanover	4,349	4,709	360	8.27%
Hanson	3,123	3,468	345	11.04%
Kingston	4,248	4,665	417	9.81%
Marshfield	8,905	9,526	621	6.97%
Norwell	3,250	3,553	303	9.32%
Plympton	854	1,006	152	17.79%
Plymouth County	168,361	181,126	12,765	7.58%
Massachusetts	2,443,580	2,547,075	103,495	4.23%

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

Between 2010 and 2030, the number of households in Pembroke is expected to increase from 6,298 in 2010 to 7,601 in 2030 and 7,633 in 2040 according to the Mass DOT Demographic and Socio-Economic Forecast. Pembroke's 21.19% increase in the number of households surpasses the rate of growth that is expected to occur

in many of the surrounding communities including Hanover, Duxbury, Marshfield, Norwell and Halifax, as well as the County and the Commonwealth. Its projected number of households trails the neighboring communities of Plympton, Kingston and Hanson.

Table 4: Projected Households, 2010-2040

	2010	2020	2030	2040	Change 2010-2040	
					Number	Percent
Plympton	1,006	1,212	1,345	1,415	409	40.65%
Kingston	4,665	5,414	6,076	6,271	1,606	34.42%
Hanson	3,468	4,007	4,426	4,551	1,083	31.22%
Pembroke	6,298	7,073	7,601	7,633	1,335	21.19%
Hanover	4,709	5,220	5,642	5,699	990	21.02%
Duxbury	5,344	5,940	6,387	6,444	1,100	20.58%
Marshfield	9,526	10,476	10,999	11,354	1,828	19.18%
Norwell	3,553	3,921	4,173	4,214	661	18.60%
Halifax	2,863	3,089	3,213	3,217	354	12.36%
Plymouth County	181,126	199,641	213,311	217,459	36,333	20.10%
Massachusetts	2,547,075	2,725,127	2,884,084	2,973,292	426,217	16.70%

Source: MassDOT Demographics/Socio-Economic Forecasts

<https://www.massdot.state.ma.us/planning/Main/MapsDataandReports/Data/Demographics.aspx>

3. Household Types

Different household types often have different housing needs. As an example, a married couple with children usually require a larger dwelling unit than does a single person. A community’s composition of household types can indicate how well suited the existing housing inventory is to residents.

Pembroke’s 6,298 households can be divided between family households and non-family households. Family households are defined as any household with two or more related persons living together, whereas non-family households are defined as one person or more than one non-related persons living together. In 2010, approximately 75.72% of Pembroke’s households were family households and 24.3% were non-family households, which represented a decrease in the percentage of family households and an increase in the number of non-family households since 2000. In 2010, 39.02% of the households in Pembroke included children under 18 years of age and 23.5% of households included residents aged 65 years and older. Between 2000 and 2010, the percentage of non-family households, people living alone, and senior citizens in the community has increased. These numbers suggest a need for smaller living spaces and for housing options suited for senior citizens.

Table 5: Households Types in Pembroke 2000-2010

	2000		2010		Change 2000-2010	
	Number	Percent	Number	Percent	Number	Percent
Family Households	4,556	79.23%	4,769	75.72%	213	4.67%
Husband-wife family	3,835	66.69%	3,857	61.24%	22	.57%
With own children under 18 years	2,037	35.42%	1,858	29.50%	-179	-8.78%
Male householder, no wife present	N/A	N/A	251	3.98%	N/A	N/A
With own children under 18 years	N/A	N/A	104	1.65%	N/A	N/A
Female householder, no husband present	513	8.92%	661	10.49%	148	28.84%
With own children under 18 years	228	3.96%	303	4.80%	75	32.89%
Nonfamily Households	1,194	20.76%	1,529	24.3%	335	28.05%
Householder living alone	961	16.71%	1,217	19.30%	256	26.63%
Householder 65 years and over	357	6.20%	460	7.30%	103	28.85%
Households with individuals under 18 years	2,511	43.66%	2,458	39.02%	-53	-2.11%
Households with individuals 65 years and over	1,058	18.40%	1,477	23.50%	419	39.60%
Total Households	5,750	100.00%	6,298	100.00%	548	9.53%

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

4. Household Size

Another important factor when assessing the housing needs of a community is household size. According to the U.S. Census Bureau, the average household size in Pembroke decreased from 2.92 persons per household in 2000 to 2.82 persons per household in 2010. The decline in the average household size is also prevalent in most of Pembroke’s neighboring communities as well as Plymouth County. According to the 2010 US Census in Pembroke, the average household size for an owner occupied unit is 2.95 and the average household size of a renter occupied unit is 2.05.

From 2000 to 2010, the households that experienced the largest increase in Pembroke were households consisting of one and two people, whereas households of three or more people remained stable or decreased during the same period. This trend toward smaller household sizes suggests an increasing demand for smaller housing units.

Table 6a: Owner Occupied Household Size in Pembroke 2000-2010

	2000		2010		Change 2000-2010	
	Number	Percent	Number	Percent	Number	Percent
1 Person Household	665	13.00%	812	15.10%	147	22.10%
2 Person Household	1,521	29.70%	1,660	30.80%	139	9.13%
3 Person Household	1,005	19.60%	1,009	18.70%	4	.39%
4 Person Household	1,151	22.50%	1,152	21.40%	1	.086%
5 Person Household	551	10.80%	528	9.80%	-23	-4.17%
6 Person Household	165	3.20%	167	3.10%	2	1.21%
7 or More Person Household	63	1.20%	65	1.20%	2	3.17%
Totals	5,121	100.00%	5,393	100.00%	272	5.31%

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

Table 6b: Renter Occupied Household Size in Pembroke 2000-2010

	2000		2010		Change 2000-2010	
	Number	Percent	Number	Percent	Number	Percent
1 Person Household	296	47.10%	405	44.80%	109	36.82%
2 Person Household	168	26.70%	243	26.90%	75	44.64%
3 Person Household	75	11.90%	123	13.60%	48	64.0%
4 Person Household	65	10.30%	90	9.90%	25	38.46%
5 Person Household	16	2.50%	33	3.60%	17	106.25%
6 Person Household	5	.80%	7	.80%	2	40.0%
7 or More Person Household	4	.60%	4	.40%	0	0%
Totals	629	100.00%	905	100.00%	276	43.87%

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

5. Age Distribution

In order to determine how to meet future housing needs in Pembroke, it is important to examine the current age of the population, as well as aging trends over time. Table 7 shows the population by age for the Town of

Pembroke from 2000 to 2010. The data shows significant population growth in all age groups above age 45. This trend reflects the growth and maturing of the “Baby Boom” generation (those born between 1946 and 1964) as they move across the age ranges. This aging trend is reflected in the increase in the median age, which rose from 36.0 years in 2000 to 40.8 years in 2010. According to MAPC’s population and Housing Projections, January 2014, Pembroke’s total population less than 15 years of age is anticipated to decline by 480 minors between 2010 through 2030 under the Stronger Region Scenerio. The total population over 65 years is anticipated to increase by 2,210 seniors by 2030. The same study shows an increase in median age of the total population during the same time period of 4-6 years.

Table 7: Age Distribution in Pembroke, 2000-2010

	2000		2010		Change 2000-2010	
	Number	Percent	Number	Percent	Number	Percent
Under 5 Years	1,342	7.90%	1,033	5.80%	-309	-23.02
5 to 9 Years	1,349	8.00%	1,339	7.50%	-10	-.74
10 to 14 Years	1,423	8.40%	1,466	8.20%	43	3.02
15 to 19 Years	1,104	6.50%	1,221	6.80%	117	10.59
20 to 24 Years	632	3.70%	809	4.50%	177	28.00
25 to 34 Years	2,287	13.50%	1,644	9.20%	-643	-28.11
35 to 44 Years	3,262	19.30%	2,770	15.50%	-492	-15.08
45 to 54 Years	2,472	14.60%	3,221	18.00%	749	30.29
55 to 64 Years	1,644	9.80%	2,333	13.10%	689	41.90
65 to 74 Years	849	5.00%	1,252	7.10%	403	47.46
75 Years and Over	563	3.40%	749	4.20%	186	33.03
Median Age (Years)	36.0	N/A	40.8	N/A	4.8	13.3%

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

6. Race & Ethnicity

The racial and ethnic composition of Pembroke changed very little from 2000 to 2010. Pembroke is a racially and linguistically homogenous community. In 2010, 96.8% of residents identified themselves as White, a very slight decrease from 97.9% in 2000. The American Indian, Hispanic and Asian populations saw the largest percentage increases from 2000 to 2010, with increases of 141.66%, 114.44 and 97.67% respectively.

Table 8: Race and Ethnicity in Pembroke, 2000-2010

	2000		2010		Change 2000 - 2010	
	Number	Percent	Number	Percent	Number	Percent
<i>White Alone</i>	16,569	97.90%	17,274	96.80%	705	4.25%
<i>Black or African American Alone</i>	85	.50%	109	0.60%	24	28.23%
<i>American Indian or Alaskan Native Alone</i>	12	0.10%	29	0.20%	17	141.66%
<i>Asian Alone</i>	86	0.50%	170	1.00%	84	97.67%
<i>Native Hawaiian or Pacific Islander Alone</i>	2	0.00%	3	0.00%	1	50.0%
<i>Some Other Race Alone</i>	48	0.30%	79	0.40%	31	64.58%
<i>Two or More Races</i>	125	0.70%	173	1.00%	48	38.4%
Total Population	16,927	100.00%	17,837	100.00%	910	5.37%
<i>Hispanic or Latino (of any race)</i>	90	0.50%	193	1.10%	103	114.44%

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

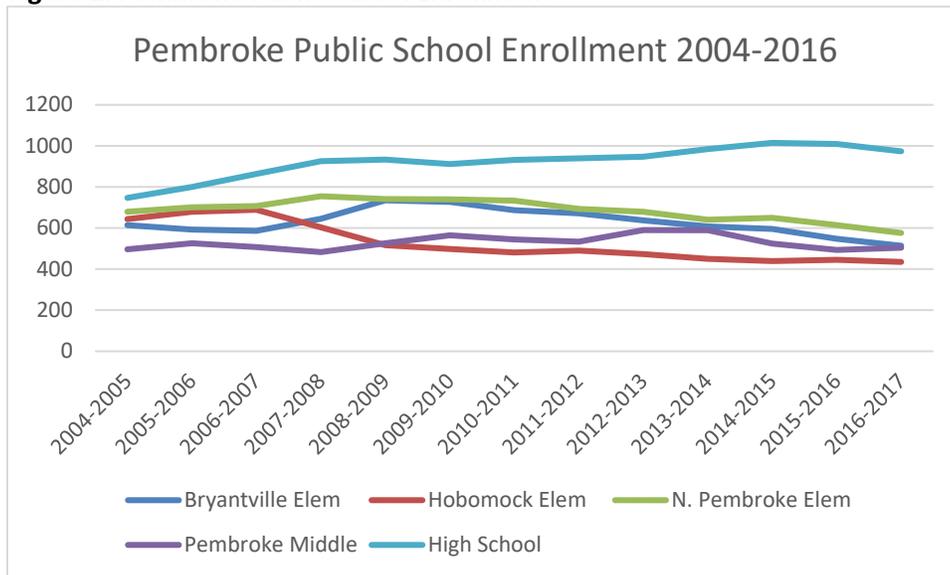
7. School Enrollment

School enrollment trends are a critical component of Pembroke’s growth and population trends. An analysis of school enrollment helps to frame a discussion of the potential future impacts of population change on both the school system and the community and helps better plan for future local housing needs.

For the purposes of this plan, we examined the enrollment numbers at the five schools in Pembroke. According to data from the Massachusetts Department of Elementary and Secondary Education, enrollment at the Bryantville Elementary School decreased from 586 students in 2006-2007 to 514 students in 2016-2017. Enrollment at the Hobomock Elementary School decreased from 689 students in 2006-2007 to 435 in 2016-2017. Enrollment at the North Pembroke Elementary decreased from 708 in 2006-2007 to 576 in 2016-2017. Pembroke Community Middle School Enrollment decreased from 507 in 2006-2007 to 504 in 2016-2017. The enrollment at the High School has increased from 863 in 2006-2007 to 973 in 2016-2017, but is expected to decline in future years based on enrollment in the elementary schools.

Figure 2 shows the enrollment at Pembroke’s Public Schools over the past 13 years. Despite experiencing an increase in population in recent years, the number of students enrolled in school has dropped. This could be the result of several factors, including increased enrollment of students at charter or parochial schools, an increased amount of children being home-schooled, an aging population, and the societal phenomenon of ever-increasing smaller household sizes.

Figure 2: Pembroke Public School Enrollment



Source: Massachusetts Department of Elementary and Secondary Education
<http://profiles.doe.mass.edu/profiles/student.aspx?orgcode=02400010&orgtypecode=6&>

8. Educational Attainment

Table 9 shows the educational profile of adults aged 25 years and older in the region. In Pembroke in 2016, 95.3% of those aged 25 years and older had a high school diploma or higher degree of education and 45.2% had an associate’s degree or higher. These figures are similar to most of its neighboring communities, Plymouth County and the Commonwealth.

Table 9: Educational Attainment (Ages 25+), 2016

	Less than High School Diploma	High School Graduate or GED	Some College	Associate’s Degree	Bachelor’s Degree	Graduate or Professional Degree
Pembroke	4.70%	30.90%	19.20%	10.20%	25.00%	10.00%
Duxbury	1.20%	12.50%	11.90%	7.20%	38.20%	28.90%
Halifax	2.80%	38.10%	19.20%	14.90%	14.90%	10.20%
Hanover	4.10%	22.90%	15.20%	9.20%	30.30%	18.30%
Hanson	6.10%	29.60%	20.40%	12.10%	22.60%	9.30%
Kingston	6.20%	30.30%	16.30%	8.10%	25.00%	14.20%
Marshfield	4.40%	20.00%	21.30%	10.20%	29.80%	14.30%
Norwell	3.40%	18.10%	12.00%	6.60%	36.30%	23.60%
Plympton	5.90%	32.30%	19.70%	11.60%	19.10%	11.60%
Plymouth County	7.50%	29.00%	18.90%	9.60%	22.50%	12.50%
Massachusetts	10.00%	25.10%	16.00%	7.70%	23.10%	18.20%

Source: U.S. Census Bureau, 2012-2016 American Community Survey

9. Disability Status

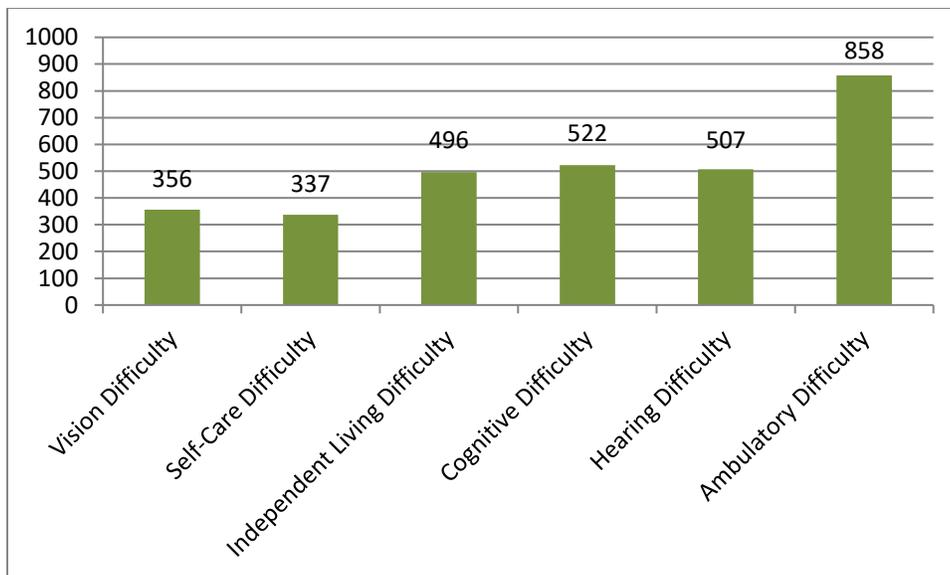
Understanding the needs of disabled residents of Pembroke is a crucial aspect in planning for housing. There are 1,972 residents in Pembroke that experience some type of disability, of which 34.60% were aged 65 years and over. The most common disability reported was an ambulatory disability, which is a disability that involves serious difficulty walking or climbing stairs. The next most common disabilities are cognition, hearing, independent living, vision and self-care difficulties. It is important to note that some residents experience more than one disability, which is why the values in Figure 3 are greater than the total number of disabled residents.

Table 10: Disabled Residents by Age in Pembroke, 2016

	Total Number of Residents	Disabled Residents	
		Number	Percent
<i>Disabled Children (Under 18 years)</i>	4,281	153	3.60%
<i>Disabled Adults (18 to 64 years)</i>	11,407	981	8.60%
<i>Disabled Seniors (65 years and over)</i>	2,423	838	34.60%
Totals	18,111	1,972	10.90%

Source: U.S. Census Bureau, 2012-2016 American Community Survey

Figure 3: Disabilities Reported for Pembroke Residents, 2016



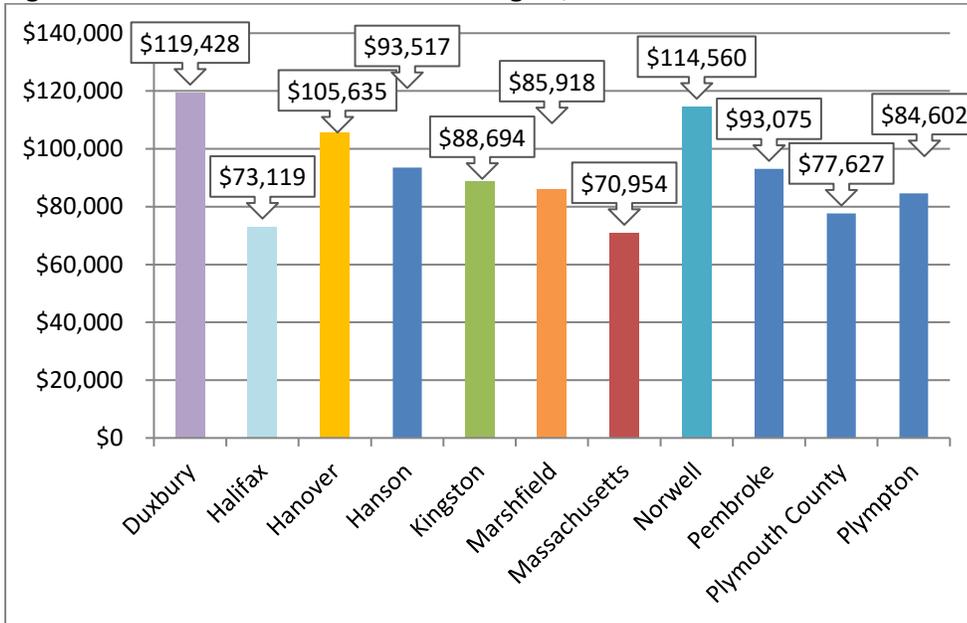
Source: U.S. Census Bureau, 2012-2016 American Community Survey

Disabled residents often have unique housing needs, both in terms of physical design/accessibility of their homes as well as the cost relative to a fixed or limited income. For those reasons, an affordable housing plan should be sensitive to the needs of the disabled community and should incorporate their issues into the goals and strategies of all housing plans.

10. Income

Household income is defined as the total income of all people 15 years of age and older living in a household. The median household income of a community is determined by dividing the income distribution into two equal groups, one having incomes above the median, and the other having incomes below the median. The median household income in Pembroke in 2016 was \$93,075. When compared to the eight surrounding communities, Pembroke's median household income trailed only neighboring Duxbury, Norwell, Hanover and Hanson.

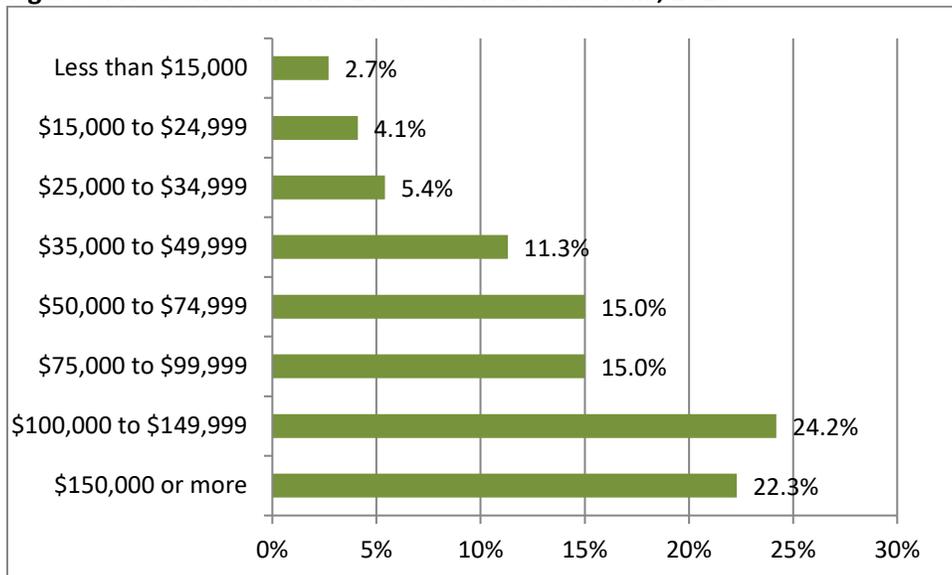
Figure 4: Median Household Income in Region, 2016



Source: U.S. Census Bureau, 2012-2016 American Community Survey

While median household income is a valuable social and economic indicator, it does not account for the broad range of household incomes in a community. The 2016 American Community Survey (ACS) estimates showed that approximately 427 or 6.8% of the households in Pembroke had an annual income of less than \$25,000, and approximately 1,476 or 23.5% of the households in Pembroke had an annual income of less than \$50,000. The needs of low-income households are often overlooked in a community; this Housing Production Plan seeks to focus the Town's attention on the needs of its low-and moderate-income households.

Figure 5: Household Income Distribution in Pembroke, 2016



Source: U.S. Census Bureau, 2012-2016 American Community Survey

11. Employment

The residents of Pembroke are employed in a variety of industries as shown in Table 11. The industries that employ the most residents are the educational services, healthcare and social assistance industries (23.24%) and the retail trade industry (15.45%). Employment data is important to review because it gives a sense as to how many people in Town are working in traditional high-paying industries such as management and finance versus people working in traditional low-paying industries, such as the retail, hospitality and food service industries.

Table 11: Occupation of Residents by Industry, 2016

Industry	Number	Percent
Educational services, healthcare and social assistance	2,378	23.24%
Retail Trade	1,581	15.45%
Agriculture, forestry, fishing, hunting and mining	16	.15%
Professional, scientific, management, administrative and waste management services	1,057	10.33%
Construction	1,012	9.89%
Finance, insurance, real estate rental and leasing	952	9.30%
Arts, entertainment, recreation, accommodations and food services	692	6.76%
Manufacturing	688	6.72%
Other services except public administration	503	4.91%
Transportation, warehousing and utilities	427	4.17%
Public administration	320	3.12%
Wholesale Trade	307	3.00%
Information	297	2.90%
Total civilian employed population (16 years+)	10,230	100.00%

Source: U.S. Census Bureau, 2012-2016 American Community Survey

A related concern to employment and income is unemployment. Over the past several years, the unemployment rates in Pembroke, its neighboring communities, the County and the Commonwealth have all dropped, as the economy continues to rebound from the most recent recession. Low unemployment rates are important in limiting the number of foreclosures as well as the overall strength of the housing market. In 2017, the unemployment rate in Pembroke was 3.4%, lower than the County and the Commonwealth.

Table 12: Annual Unemployment Rates, 2011-2017

	2011	2012	2013	2014	2015	2016	2017
Pembroke	7.30%	6.70%	6.30%	5.40%	4.60%	3.4%	3.4%
Plymouth County	7.80%	7.10%	7.00%	6.10%	5.20%	4.1%	3.9%
Massachusetts	7.30%	6.70%	6.70%	5.70%	5.00%	4.9%	4.4%

Source: Massachusetts Executive Office of Labor and Workforce Development

B. Housing Stock Analysis

This section examines the characteristics and condition of the current housing stock and local housing market in Pembroke as well as the region. Included is an examination of the number of housing units, housing types, the

age and condition of housing, household tenure, home sales trends, recent housing development, and projected housing demand.

Key Findings

- The number of housing units in Pembroke increased 12.43% from 5,897 in 2000 to 6,630 in 2016.
- 84.1% of all housing units in Pembroke are single-family detached structures.
- Pembroke’s housing stock is relatively young, with 54.4% of Pembroke’s housing stock being built after 1969, with 39.6% of that being built between 1980 and 2009.
- Most Pembroke residents own their own home, as 87.20% of housing units are owner-occupied.
- Home ownership is more common in Pembroke for every age group, except the age groups of under 34 and over 75.
- Larger households in Pembroke are more likely to purchase a home than to rent, as 3+-person households account for 54.2% of owner-occupied households versus just 28.3% of renter-occupied households.
- Pembroke’s housing market is very tight, with a 1.7% homeowner vacancy rate and a 4.0% rental vacancy rate.
- The median sales price of a single-family home in Pembroke dipped during the recent recession, but has begun to climb in recent years. In 2017, the median sales price of a single-family home in Pembroke was \$360,000, surpassing the high of \$357,450 in 2006.
- Just like the median sales price, the number of single-family homes sold annually in Pembroke dipped during the recent recession, but these numbers have also begun to climb in recent years. In 2017, there were 251 single-family home sales in Pembroke.
- Between 2000 and 2015, Pembroke issued permits for 1050 housing units. Of these 810 units, 77% were for single-family homes, while just 23% were for multi-family units.
- Pembroke has a projected housing demand of 1,395 units by 2030 under MAPC’s Stronger Region Scenerio.

1. Housing Units

The number of housing units in Pembroke increased by 733 units from 5,897 in 2000 to 6,630 units in 2016. Pembroke’s 12.43% increase in the number of housing units trailed neighboring Plympton, Norwell, Hanson and Hanover. However, it exceeded Duxbury, Kingston, Marshfield, Halifax,

Table 13: Total Housing Units, 2000-2016

	2000	2016	Change 2000-2016	
			Number	Percent
Pembroke	5,897	6,630	733	12.43%
Duxbury	5,345	5,937	592	11.07%
Halifax	2,841	3,043	202	7.11%
Hanover	4,445	5,061	616	13.85%
Hanson	3,178	3,620	442	13.90%
Kingston	4,525	4,968	443	9.79%
Marshfield	9,954	10,780	826	8.29%
Norwell	3,318	3,806	488	14.70%
Plympton	872	1,077	205	23.50%
Plymouth County	181,524	202,564	21,040	11.59%
Massachusetts	2,621,989	2,836,658	214,669	8.18%

Source: U.S. Census Bureau, 2000 Census & 2012-2016 American Community Survey

2. Housing Unit Types

Pembroke’s housing stock primarily consists of single-family detached homes. This type of housing accounts for 84.1% of the homes in Pembroke. The remaining 15.9% of the housing stock consists of single family attached homes (4.0%), complexes of more than 20 units (3.7%), smaller complexes of 5-9 units (3.2%), 2 units (2.10%) 10-19 units (2.0%), 3-4 units (.60%) and Mobile Homes (.30%).

Table 14: Housing Units by Type in Pembroke, 2016

	Number	Percent
1 unit, detached	5,578	84.10%
1 unit, attached	267	4.00%
2 units	142	2.10%
3 or 4 units	38	0.60%
5 to 9 units	212	3.20%
10 to 19 units	130	2.00%
20 or more units	244	3.70%
Mobile Homes	19	.30%
Totals	6,630	100.00%

Source: U.S. Census Bureau, 2012-2016 American Community Survey

3. Age and Condition of Housing

According to the 2012-2016 American Community Survey (ACS), approximately 54.4% of Pembroke’s housing stock was built after 1969, with more than half (39.6%) being built 1980 and 2009.

Table 15: Year Built of Residential Structure in Pembroke, 2016

	Number	Percent
Built 2014 or later	0	0.00%
Built 2010 to 2013	55	.80%
Built 2000 to 2009	841	12.70%
Built 1990 to 1999	706	10.60%
Built 1980 to 1989	1,079	16.30%
Built 1970 to 1979	926	14.00%
Built 1960 to 1969	1,050	15.80%
Built 1950 to 1959	734	11.10%
Built 1940 to 1949	466	7.00%
Built 1939 or earlier	773	11.70%
Totals	6,630	100.00%

Source: U.S. Census Bureau, 2012-2016 American Community Survey

4. Household Tenure

Data on housing tenure provides information as to the appropriate types of housing that is needed to accommodate current and future households. Table 16 compares Pembroke’s housing occupancy and tenure with those of neighboring communities, Plymouth County and Massachusetts as a whole. As of 2016, 87.20% of the 6,282 occupied housing units in Pembroke were owner-occupied. The percentage of housing units that were owner-occupied in Pembroke trailed neighboring Norwell, Halifax and Hanson; but surpassed neighboring Duxbury, Plympton, Hanover, Kingston, and Marshfield, as well as the County and the Commonwealth.

Table 16: Housing Tenure of Occupied Housing Units, 2016

	Owner-Occupied		Renter-Occupied	
	Number	Percent	Number	Percent
Pembroke	5,478	87.20%	804	12.80%
Duxbury	4,782	89.3%	573	10.7%
Halifax	2,638	90.2%	285	9.80%
Hanover	4,311	85.9%	708	14.1%
Hanson	3,255	90.5%	341	9.5%
Kingston	3,728	79.30%	971	20.70%
Marshfield	7,352	78.0%	2,072	22.0%
Norwell	3,363	92.5%	272	7.5%
Plympton	894	87.0%	134	13.0%
Plymouth County	137,831	76.10%	43,295	23.90%
Massachusetts	1,587,075	62.30%	959,917	37.70%

Source: U.S. Census Bureau, 2012-2016 American Community Survey

The age of householders, both owner-occupied and renter-occupied was also analyzed. Table 17 shows that home ownership is more common in Pembroke in every age group except the age groups of under 34 and over 75, where renting is preferred. Ownership peaks in the 45 to 54 age group and then declines.

Table 17: Housing Tenure by Age in Pembroke, 2010

	Owner-Occupied		Renter-Occupied	
	Number	Percent	Number	Percent
15 to 24 years	20	0.40%	37	4.10%
25 to 34 years	398	7.40%	165	18.20%
35 to 44 years	1,168	21.70%	190	21.00%
45 to 54 years	1,540	28.60%	181	20.00%
55 to 64 years	1,201	22.30%	150	16.60%
65 to 74 years	701	13.00%	82	9.10%
75 to 84 years	288	5.30%	77	8.560%
85 years and over	77	1.40%	23	2.50%
Totals	5,393	100.00%	905	100.00%

Source: U.S. Census Bureau, 2010

Table 18: Housing Tenure by Household Size in Pembroke, 2010

	Owner-Occupied		Renter-Occupied	
	Number	Percent	Number	Percent
1-person household	812	15.10%	405	44.80%
2-person household	1,660	30.80%	243	26.90%
3-person household	1,009	18.70%	123	13.60%
4-person household	1,152	21.40%	90	9.90%
5-person household	528	9.80%	33	3.60%
6-or-more person household	232	4.30%	11	1.20%
Totals	5,393	100.00%	905	100.00%

Source: U.S. Census Bureau, 2010

The size of households, both owner-occupied and renter-occupied was analyzed as well. Table 18 shows that larger households in Pembroke are far more likely to purchase a home than to rent, as 3+ person households account for 54.2% of owner-occupied households versus just 28.3% of renter-occupied households. Conversely, smaller households in Pembroke are much more likely to rent than to purchase a home, as one and two person households account for 71.7% of renter-occupied households versus 45.9% of owner-occupied households.

5. Vacancy

Homeowner vacancy rates across the region, County and Commonwealth were extremely low, with none exceeding 2.2%. Rental vacancy rates varied a bit more, from zero in multiple communities up to 5.7% in Marshfield and 7% in the County. Low vacancy rates signify a tightening market and prices often respond by climbing. Pembroke's homeowner vacancy rate was 1.7% and the rental vacancy rate was 4%.

Table 19: Housing Vacancy by Tenure, 2016

	Homeowner	Rental
Pembroke	1.70%	4.00%
Duxbury	2.2%	0.00%
Halifax	0.00%	0.00%
Hanover	0.00%	0.00%
Hanson	0.00%	0.00%
Kingston	0.00%	0.00%
Marshfield	1.0%	5.7%
Norwell	1.3%	0.00%
Plympton	0.00%	3.6%
Plymouth County	1.20%	7.00%
Massachusetts	1.20%	4.20%

Source: U.S. Census Bureau, 2012-2016 American Community Survey

6. Value of Owner Occupied Housing Units

In 2016, the median value of an owner-occupied housing unit in Pembroke was \$358,100. When broken down by value, 68.8% of the owner-occupied housing units in Pembroke were valued at more than \$300,000.

Table 20: Value of Owner-Occupied Housing Units in Pembroke, 2016

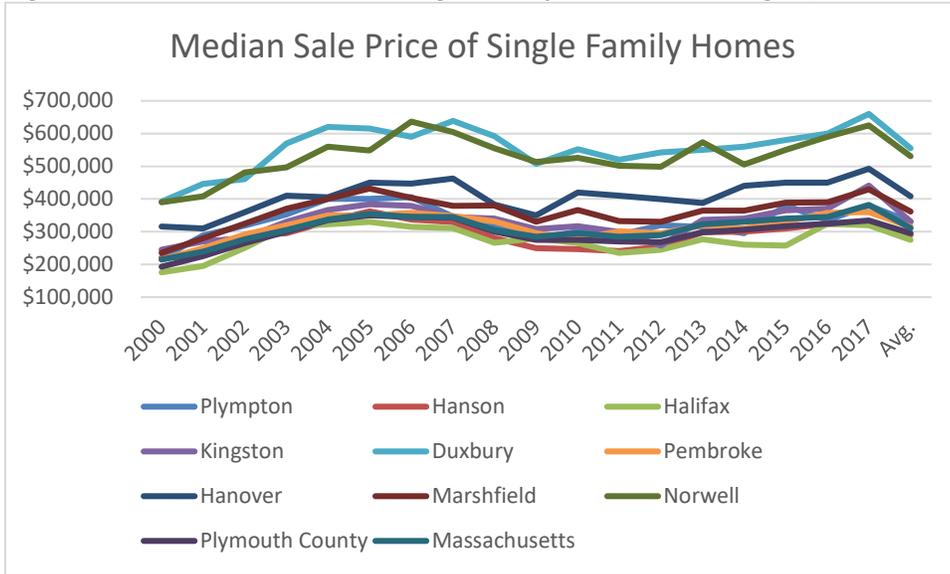
Value	Number	Percent
Less than \$99,999	110	2.00%
\$100,000 to \$199,999	233	4.20%
\$200,000 to \$299,999	1,369	25.00%
\$300,000 to \$499,999	2,874	52.50%
\$500,000 to \$999,999	861	15.70%
\$1,000,000 or More	31	0.60%
Total	5,478	100.00%

Source: U.S. Census Bureau, 2012-2016 American Community Survey

7. Median Sales Price

From 2000 to 2017, Pembroke’s median sales price for a single-family home trailed its neighboring communities of Plympton, Kingston, Hanover, Marshfield and Norwell, Plymouth County and the Commonwealth. Pembroke’s median sales price during this period was \$314,408, which was approximately \$18,627 higher than the Plymouth County average and approximately \$3,364 higher than the Commonwealth’s average. Figure 6a shows that sales prices peaked in 2004 and 2006 in the region, then dipped during The Great Recession. Prices have once again risen to exceed the 2004-2006 peak. In 2017, the average median price of a single family home in Pembroke was \$360,000.

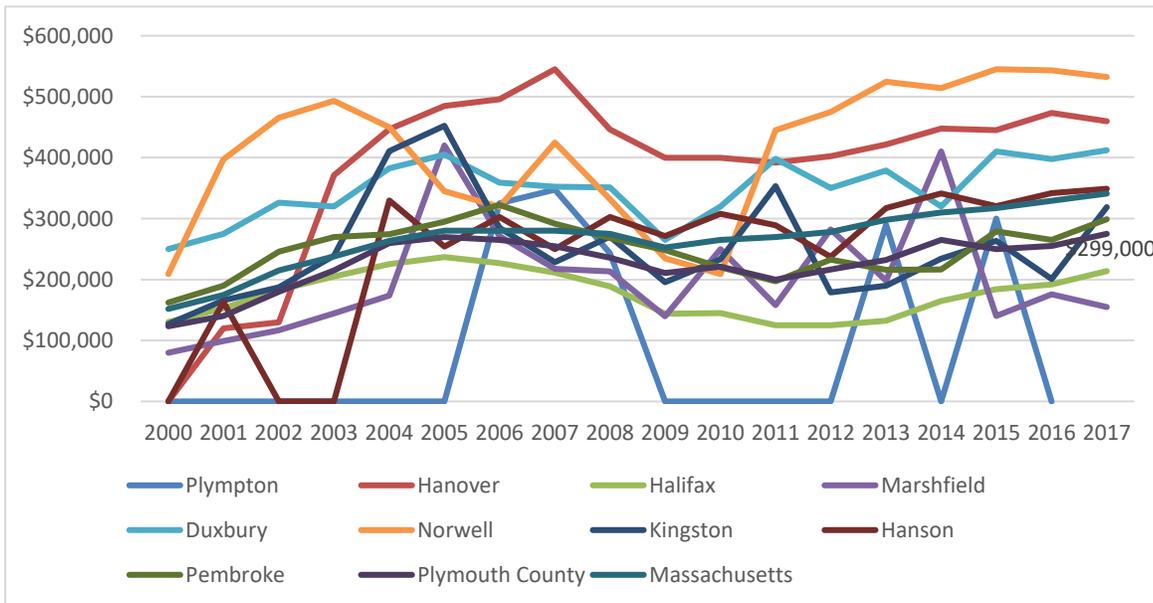
Figure 6a: Median Sales Price of Single Family Homes in the Region, 2000-2017



Source: The Warren Group, Town Stats

From 2000 to 2017, Pembroke’s median sales price for a condominium was \$249,577. The median condominium price trailed all of its neighbors with the exception of Marshfield (\$202,528) and Halifax (\$177,047). Pembroke’s median condominium sales price exceeded Plymouth County’s median by \$23,552 and trailed the Commonwealth median by \$18,685. Although condominium sales prices in Pembroke declined during The Great Recession, the 2017 average of \$299,000 is approaching the 2006 peak of \$322,427.

Figure 6b: Median Sales Price of Condominiums in the Region, 2000-2017

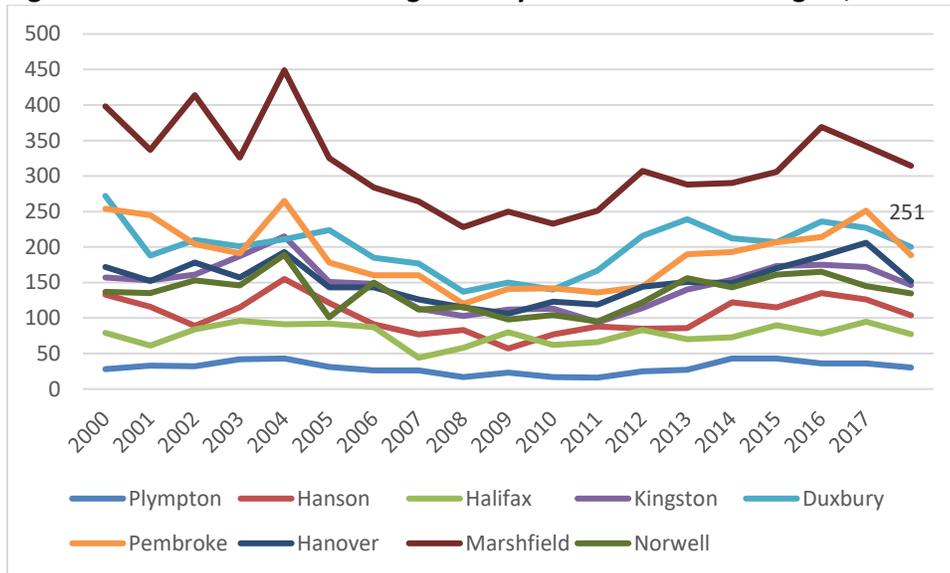


Source: The Warren Group, Town Stats

8. Number of Residential Sales

In 2017, there were 251 single-family homes sold in Pembroke. This number was the second highest amongst Pembroke’s neighboring communities, trailing only Marshfield with 342 units sold. Between 2000 and 2017, the median number of single-family homes sold in Pembroke was 188 units per year. As was the case with single family home prices, Figure 7a below shows that the number of single family homes sold in each community also dipped during The Great Recession, but has begun to climb again in recent years.

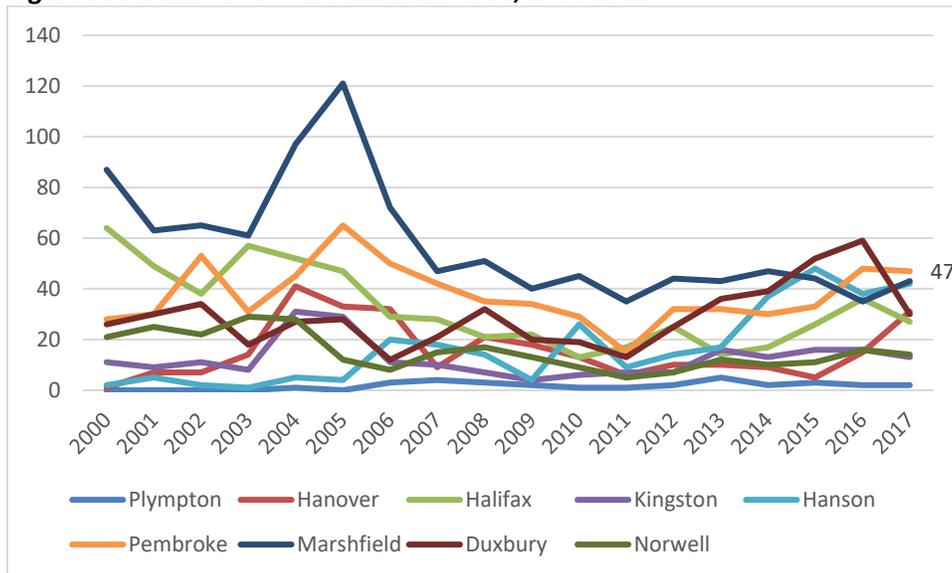
Figure 7a: Median Number of Single Family Homes Sold in the Region, 2000-2017



Source: The Warren Group, Town Stats

In 2017, 47 condominiums were sold in Pembroke. From 2000-2017, the median number of condominiums sold in Pembroke was 37 per year. This number was the second highest amongst Pembroke’s neighboring communities, trailing only Marshfield with an average of 57 condominiums sold per year.

Figure 7b: Number of Condominiums Sold, 2000-2017

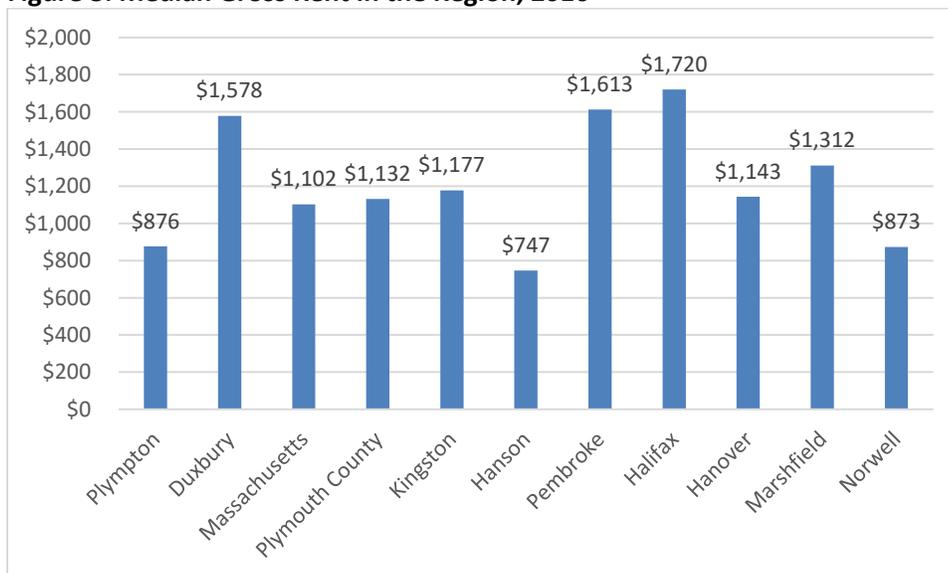


Source: The Warren Group, Town Stats

9. Median Gross Rent

There is quite a range in the median gross rent in the region. At \$747, Hanson’s median gross rent is the lowest, while Pembroke’s is second from the highest at \$1,613, trailing only Halifax at \$1,720. It is hard to determine why there is such a difference in rent between these neighboring communities, but it may be due to the small sample size. There are relatively few opportunities for rental occupancy in many of these communities including Plympton (134 units), Norwell (272 units), Halifax (285 units) and Hanson (341 units).

Figure 8: Median Gross Rent in the Region, 2016

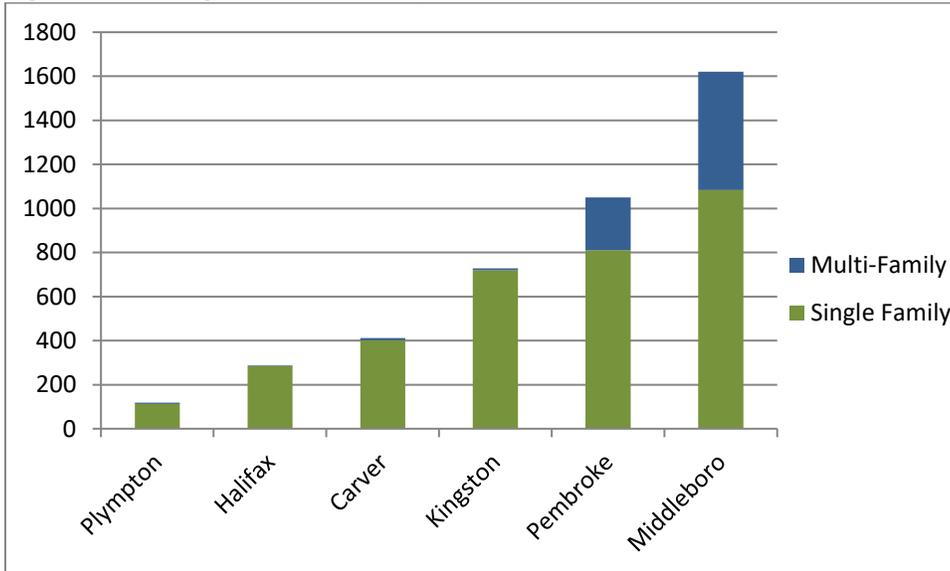


Source: U.S. Census Bureau, 2012-2016 American Community Survey

10. Housing Units Permitted

Between 2000 and 2015, Pembroke issued permits for 1050 housing units. Of those, 810 (77%) were for single-family homes, while 240 (23%) were for multi-family units. A sampling of area towns near Pembroke also issued the majority of their building permits for single-family homes. Pembroke issued a substantial number of building permits for multi-family units compared to other nearby communities.

Figure 9: Housing Units Permitted, 2000-2015



Source: U.S. Census Bureau Building Permit Survey

11. Recent & Future Development

Copperwood, a development with 23 single family detached homes, including nine affordable units is currently underway through the comprehensive permit process. Once added to the SHI, this will bring the subsidized housing inventory to 625 units or 9.64%, based on the 2010 year round housing units of 6,477.

The Town has been exploring options for the Community Center Parcel, located at 128 Center Street for many years. Recent discussions include adding an affordable housing element and leveraging CPA funds for recreation and housing along with private funding sources to create a project the community can embrace. An architectural rendering is included in the Appendix N, along with a google map of the existing parcels.

12. Projected Housing Demand

To determine future housing demand in Pembroke, OCPC utilized the Metropolitan Area Planning Council's (MAPC) *Population and Housing Demand Projections for Metro Boston*. MAPC projected the number of households using age-specific headship rates and municipal specific housing occupancy patterns and vacancy rates. Total household change and housing unit demand are shown in the tables below. New housing demand will outpace population growth due to declining household size.

Table 21a: Households and Housing Demand, 2000-2030 – Stronger Region Scenerio

	2000	2010	2020	2030
Households	5,750	6,298	7,075	7,602
Housing Units	5,897	6,552	7,408	7,947

Source: Metro Boston 2030 Population and Housing Demand Projections

According to MAPC’s Stronger Region Scenario, Pembroke has a projected demand for 856 new housing units by 2020 and 1,395 new housing units by 2030 when compared to the 2010 census numbers.

Table 21b: Households and Housing Demand, 2000-2030 – Status Quo Scenerio

	2000	2010	2020	2030
Households	5,750	6,298	6,949	7,347
Housing Units	5,897	6,552	7,279	7,685

Source: Metro Boston 2030 Population and Housing Demand Projections

According to MAPC’s Status Quo Region Scenario, Pembroke has a projected demand for 727 new housing units by 2020 and 1,133 new housing units by 2030 when compared to the 2010 census numbers.

C. Housing Affordability

This section of the Plan examines the affordability of Pembroke’s housing stock to its residents. Included is an analysis of the town’s poverty rate, the number of households eligible for assistance, rent prices, its current subsidized housing inventory, housing burdens by household type, and the number of foreclosures.

Key Findings

- Children (under age 18) have the highest levels of poverty in Pembroke.
- Pembroke has a low percentage of families below the federal poverty level; however, some family types are more likely to live in poverty, such as female householders who have children under 18 years of age living with them.
- Less than 4% of individuals in Pembroke are below the federal poverty level.
- 1,780 or 28.4% of the households in Pembroke are considered to be low-income, earning less than 80% of the Area Median Income (AMI) and potentially eligible for federal and state housing assistance.
- Fair Market Rents (FMR) for the **Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area** have continued to rise.
- 9.51% of Pembroke’s housing units (616 units) are on the state’s Subsidized Housing Inventory (SHI).
- 22% of owner-occupied households and 56% of renter-occupied households in Pembroke are cost burdened (paying more than 30% of their gross income on housing).
- According to a Housing Affordability Gap Analysis, there is approximately a \$50,000 gap between the cost of the average median single-family home and the cost of a home that the family earning the HUD Area Median Family Income of \$103,400 can afford in Pembroke.

1. Poverty Rate

Pembroke has a relatively low rate of individuals below the federal poverty level, which was \$12,140 for a household of one in 2018. Pembroke’s poverty rate for all individuals was 4.0% in 2016, which was less than both Plymouth County’s rate of 8.0% and the Commonwealth’s rate of 11.4%. Individuals most likely to live in poverty in Pembroke are children under the age of 18, which is consistent with regional, state, and national trends.

Table 22a: Percentage of Individuals in Pembroke Living below the Poverty Level, 2016

Age Range	Total Number	Below Poverty	
		Number	Percent
All Individuals	18,165	733	4.00%
Under 18 Years	4,280	284	6.60%
18 to 64 Years	11,462	373	3.30%
65 Years and Over	2,423	76	3.10%

Source: U.S. Census Bureau, 2012-2016 American Community Survey

In terms of families, Pembroke has a low rate of families below the federal poverty level, which is \$25,100 for a household of four in 2018. Pembroke’s poverty rate for all families is 2.3%, which is less than both Plymouth County’s rate of 8.0% and the Commonwealth’s rate of 11.4% The family type most likely to live in poverty in Pembroke are female householders who have children under 18 years of age living with them.

Table 22b: Percentage of Families in Pembroke below the Poverty Level, 2016

Family Type	Total Number	Below Poverty	
		Number	Percent
All Families	4,815	110	2.30%
With related children under 18 years	2,247	90	4.00%
Married-Couple Families	3,889	23	.60%
With related children under 18 years	1,697	3	.20%
Female Householder, No Husband Present	752	88	11.70%
With related children under 18 years	479	88	18.40%

Source: U.S. Census Bureau, 2012-2016 American Community Survey

2. Households Eligible for Housing Assistance

One measure of the need for affordable housing in a community is the number of households eligible for housing assistance. Federal and state programs use Area Median Income (AMI), along with household size to identify these households. Table 23 shows the U.S. Department of Housing and Urban Development (HUD) income limits for extremely low-income (below 30% of AMI), very low-income (30-50% of AMI), and low income (50-80% of AMI) households by household size for the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area, which includes Pembroke. Households at 80% of AMI and below are eligible for housing assistance, adjusted for household size.

Table 23: FY2018 Affordable Housing Income Limits Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area

Persons in Family	Extremely Low (30%) Income Limits	Very Low (50%) Income Limits	Low (80%) Income Limits
1	\$22,650	\$37,750	\$56,800
2	\$25,900	\$43,150	\$64,900
3	\$29,150	\$48,550	\$73,000
4	\$32,350	\$53,900	\$81,100
5	\$34,950	\$58,250	\$87,600
6	\$37,550	\$62,550	\$94,100
7	\$40,150	\$66,850	\$100,600
8	\$42,750	\$71,150	\$107,100

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

According to the most recent CHAS data available (2010-2014 estimates), 1,780 households or 28.48% of all households in Pembroke are low-income households with a household income \leq 80% HAMFI. Of that population, 505 households are extremely low-income ($<$ 30% AMI) and 680 are very low-income (30%-50% AMI).

Table 24: Pembroke – Income Distribution

	Owner	Renter	Total Households
Household income \leq 30% HAMFI	290	215	505
Household income \geq 30% to \leq 50% HAMFI	570	110	680
Household income \geq 50% to \leq 80% HAMFI	400	195	595
Household income \geq 80% to \leq 100% HAMFI	540	170	710
Household Income $>$ 100% HAMFI	3,590	175	3,765
Total	5,390	860	6,250

Source: HUD Comprehensive Housing Affordability Strategy (CHAS), 2010-2014

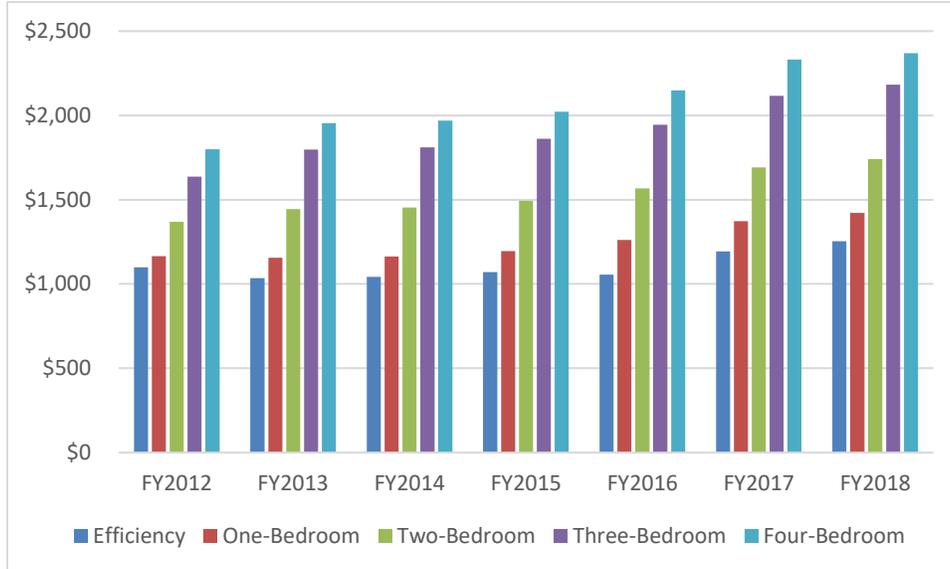
3. Fair Market Rents

Another measure of housing affordability is whether local rents exceed the Fair Market Rents (FMR) or maximum allowable rents (not including utility and other allowances), determined by HUD for subsidized units in the **Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area**. As seen in Figure 10, FMR have varied depending on the number of bedrooms in a unit. Rents for all types of apartments are on the rise.

In 2018, studio apartment rent is \$1,253, one bedroom \$1,421, two bedroom, \$1,740, three bedroom \$2,182, four bedroom \$2,370. A June 2018 search of Apartments.com showed approximately eight one-bedroom units and nine two-bedroom units available at Pembroke Woods. One bedroom units were advertised for \$1,952-

\$2,537 and two bedroom units were advertised from \$2,248-\$2,783. No three-bedroom units were listed as available on the website.

Figure 10: Fair Market Rent, Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area

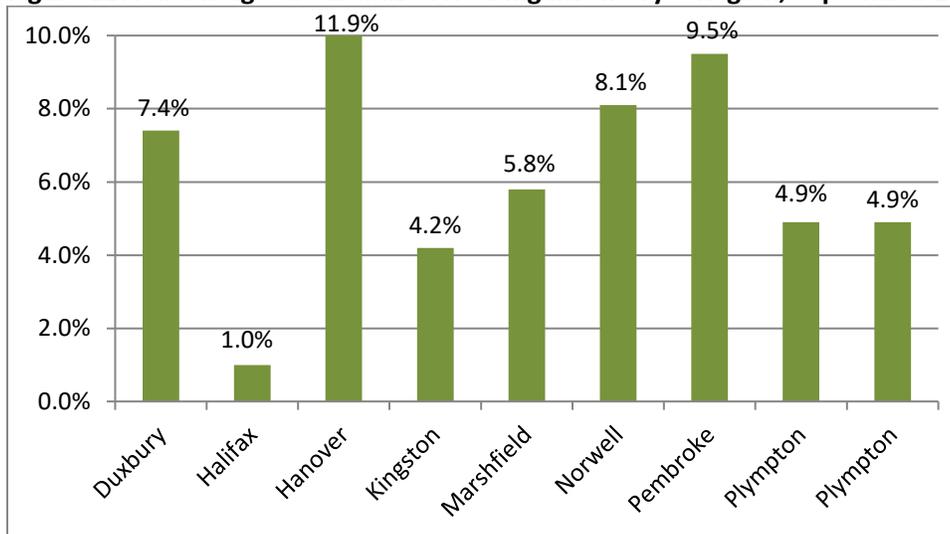


Source: U.S. Department of Housing and Urban Development (HUD)

4. Current M.G.L. Chapter 40B Subsidized Housing Inventory

According to M.G.L. Chapter 40B, affordable housing is defined as housing that is developed or operated by a public or private entity and is reserved by deed restriction for income-eligible households at or below 80% of the Area Median Income (AMI). The regulation encourages communities to achieve the statutory minimum of 10% of their total year-round housing units on the Subsidized Housing Inventory (SHI).

Figure 11: Percentage of Subsidized Housing Inventory*- Region, September 2017



Source: *Pembroke's 9.5% figure is from DHCDs Chapter 40B Subsidized Housing Inventory Detailed Report Dated 5-8-2017 and State Wide report 9-2017

Housing that meets these requirements, if approved by DHCD, are added to the SHI. A community’s SHI fluctuates with new development of both affordable and market-rate housing. The SHI percentage is determined by dividing the number of affordable units by the total number of year-round housing units in the most recent decennial Census.

Table 25: Summary of Pembroke’s Subsidized Housing Inventory

Project Name	Address	SHI Units	Comp Permit	Year End	Tenure	Subsidizing Agency
Housing Authority	MacDonald Way	47	no	Perp	Rental	HUD
Housing Authority	Schooset Street	2	yes	Perp	Rental	HUD
Housing Authority	School St/Mayflower	56	no	Perp	Rental	DHCD
Housing Authority	Kilcommons Dr	60	no	Perp	Rental	DHCD
n/a	62 & 64 Lydia Ford Road	8	no	Perp	Rental	DHCD
n/a	490 Center Street	8	no	Perp	Rental	DHCD
n/a	Scattered Sites	5	no	Perp	Rental	DHCD
Cross Creek	Off Birch Street	8	yes	Perp	Ownership	DHCD
Blueberry Hill	34 Elliot Street	5	yes	Perp	Ownership	DHCD
Joselyn Farms	Joselyn Farm	13	yes	Perp	Ownership	DHCD
Joselyn Farms	Joselyn Farm	4	yes	Perp	Ownership	DHCD
South Shore HDC	Lot 3 Brick Kiln Lane	3	no	2028	Rental	Mass Housing
DDS Group Homes	Confidential	82	no	n/a	Rental	DDS
Barker Square	5 Barker Street	6	yes	Perp	Ownership	FHLBB
Pine Grove Estates	186 Lake Street	10	yes	Perp	Ownership	FHLBB
Center Commons	235 Center St	11	yes	Perp	Ownership	DHCD
Pembroke Woods	Industrial Park Dr. off Oak St	240	yes	Perp	Rental	FHLBB
Pembroke Woods	Industrial Park Dr. off Oak St	240	yes	Perp	Rental	Mass Housing
Schoosett Village	178-180 Schoosett St	38	yes	Perp	Rental	HUD
DMH Group Homes	confidential	8	no	n/a	Rental	DMH
Oldham Park Condo	105 Wampatuck St	2	yes	Perp	Ownership	Mass Housing

Source: Massachusetts Department of Housing and Community Development

Pembroke is not currently at the 10% threshold. As of May 2017, 616 housing units or 9.51% of the town’s 6,477 housing units have been included in Pembroke’s SHI. The majority of the units are in rental developments. The majority of the units are rental units. 59 of the units are ownership, with the majority being condominiums. All of the ownership units were developed via a Comprehensive Permit. The Massachusetts Department of Developmental Services (DDS) operates 82 units of housing and the Department of Mental Health (DMS) operates

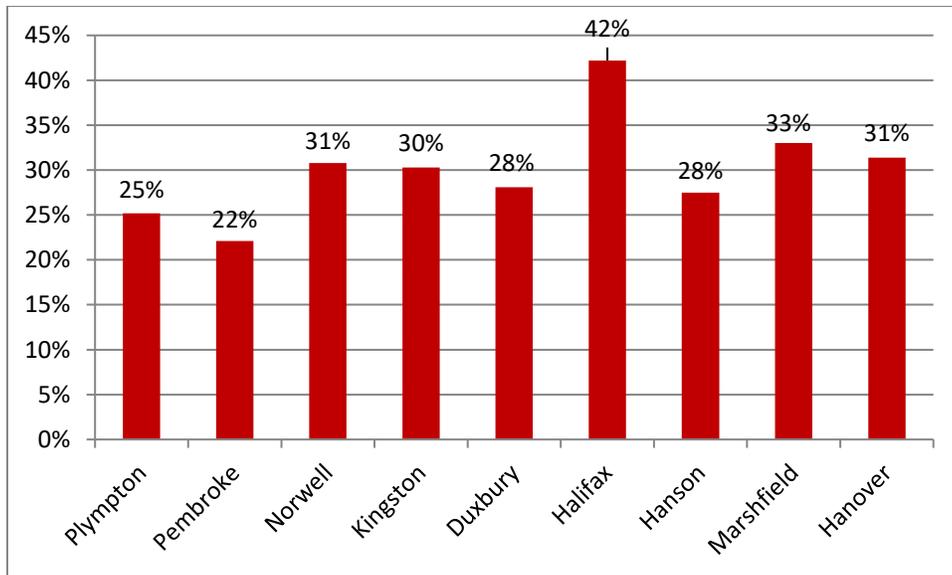
eight units. These units represent one bedroom in a group home. All but three of the units on the SHI are affordable into perpetuity with the exception of three rental units developed by South Shore HDC whose affordability restriction expires in 2028. The Town’s most recent SHI is included in the Appendix. When compared to its neighboring communities, Pembroke only trails Hanover in the production of affordable housing.

In order to address unmet housing needs and to be compliant with M.G.L. Chapter 40B, Pembroke officials should continue to work towards achieving their housing production target. With 616 units on the SHI, Pembroke needs an additional 32 units in order to achieve the M.G.L. Chapter 40B requirement of 10% of the year-round housing inventory designated for households earning at or below 80% of the AMI. As mentioned previously, nine units are currently in development at Copperwood, leaving Pembroke the need to produce 23 units to meet their goal.

5. Housing Cost Burden

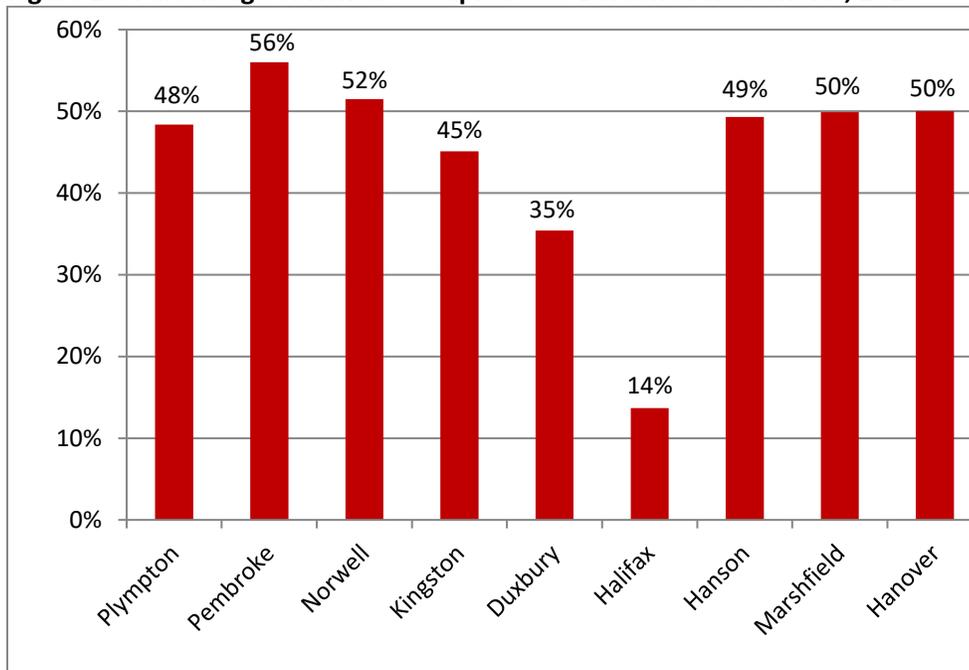
Another way to determine if housing is affordable in a community is to analyze monthly housing costs as a percentage of household income. HUD defines households that spend more than 30% of their gross income on housing to be cost burdened. When analyzing the percentage of owner-occupied households that are cost burdened among its neighboring communities, Pembroke has the lowest percentage at 22%. When analyzing the percentage of renter-occupied households that are cost burdened, Pembroke has the highest percentage at 56%. In the case of most of these communities, with the exception being Halifax, the percentage of renter-occupied households that are cost burdened is higher than the percentage of owner-occupied households that are cost burdened.

Figure 12: Percentage of Owner-Occupied Cost Burdened Households, 2016



Source: U.S. Census Bureau, 2012-2016 American Community Survey

Figure 13: Percentage of Renter-Occupied Cost Burdened Households, 2016



Source: U.S. Census Bureau, 2012-2016 American Community Survey

6. Rental Affordability for Current Households

The median gross rent for Pembroke in 2017 was \$1,613; which placed it second among neighboring communities, trailing only Halifax at \$1,720. The median gross rent in Plymouth County was \$1,132.

The Boston-Cambridge-Quincy HMFA (HUD Metro Fair Market) is made up of thirty-eight percent renters, per the National Low Income Housing Coalition. Fair Market Rent, in the area is more than the Massachusetts fair market rent, at \$1,489 for a 2-bedroom apartment. The estimated mean renter wage in the Boston-Cambridge-Quincy HMFA is \$24.12, which is \$4.06 more than the state mean renter wage. In this area, someone making the mean renter wage would need to work fifty-seven hours a week to afford the FMR for a 2-bedroom apartment.

Wages needed to afford Fair Market Rent in MA in 2018

In MA, the Fair Market Rent (FMR) for a two-bedroom apartment is \$1,740. To afford this level of rent and utilities—without paying more than 30% of income on housing – a household must earn \$69,600 annually. Assuming a 40-hour work week, 52 weeks per year, this level of income translates into a housing wage of \$33.46.

In MA, a minimum wage worker earns an hourly wage of \$11.00. To afford the FMR for a 2-bedroom apartment a minimum wage earner must work 122 hours per week, 52 weeks per year.

In MA, the estimated mean (average) wage for a renter is \$24.12. To afford the FMR for a 2-bedroom apartment at this wage, a renter must work 55 hours per week, 52 weeks per year or, working 40 hours per week year-round, a household must include 1.38 workers earning the mean renter wage to make the two bedroom FMR affordable.

IN MA and the Boston-Cambridge-Quincy HMFA, the Supplemental Social Security (SSI) monthly payment is \$864, which means the rent affordable to an SSI recipient is \$259 per month.

Source: National Low Income Housing Coalition, Out of Reach 2018 MA

STRATEGY IMPLICATIONS

As income levels rise, housing costs will also rise, potentially leaving long-term residents with limited housing options. Consideration should be given to developing strategies and/or funding mechanisms to assist those who may need help with housing as costs rise beyond their means.

Table 26: Pembroke – Income by Cost Burden (Renters Only)

Cost burden is the ratio of housing costs to household income. For renters, housing cost includes gross rent (contract housing cost) plus utilities.

	Cost Burden >30%	Cost Burden >50%	Total
Household income <=30% HAMFI	130	55	215
Household income >=30% to <=50% HAMFI	70	50	110
Household income >=50% to <=80% HAMFI	85	0	195
Household income >=80% to <=100% HAMFI	50	0	170
Household Income >100% HAMFI	10	0	175
Total	345	105	860

Source: HUD Comprehensive Housing Affordability Strategy (CHAS), 2010-2014

7. Homeownership Affordability for Current Households

The U.S. Department of Housing and Urban Development (HUD) defines households that spend more than 30% of their gross income on housing costs to be “cost burdened” and households that spend more than 50% of their gross income on housing costs to be “severely cost burdened”. For homeowners, housing cost include mortgage payments, utilities, association fees, insurance and real estate taxes. As can be seen in table 27, 1,435 of Pembroke’s households are cost burdened and 590 households are severely cost burdened.

Table 27: Pembroke – Income by Cost Burden (Owners Only)

Cost burden is the ratio of housing costs to household income. For owners housing cost includes mortgage payment, utilities, association fees, insurance and real estate taxes.

	Cost Burden >30%	Cost Burden >50%	Total
Household income <=30% HAMFI	200	175	290
Household income >=30% to <=50% HAMFI	290	220	570
Household income >=50% to <=80% HAMFI	220	95	400
Household income >=80% to <=100% HAMFI	290	100	540
Household Income >100% HAMFI	435	0	3,590
Total	1,435	590	5,390

Source: HUD Comprehensive Housing Affordability Strategy (CHAS), 2010-2014

8. Housing Affordability Gap

Another way to measure the housing cost burden in a community is to conduct a Housing Affordability Gap Analysis. According to an analysis of single-family ownership costs in 2017, when compared to the single-family median sales price homes in Pembroke, there is an affordability gap of \$49,800 or more for households making less than the HUD Area Median Family Income (AMFI) of \$103,400 (Pembroke is part of the Boston-Cambridge-Quincy, MA-NH HUD METRO FMR AREA). These figures, including the aforementioned housing burden figures indicate a need for more affordable housing – both in terms of market rate housing and subsidized housing.

Table 28: Pembroke Housing Affordability Gap, 2010-2017 (Single Family Homes)

	A	B	C	D
	HUD MFI	“Affordable Price” (A x 3)	Single Family Home Median Sales Price	“Affordability Gap” (C – B)
2010	\$91,800	\$275,400	\$277,500	\$2,100
2011	\$96,500	\$289,500	\$301,000	\$11,500
2012	\$97,800	\$293,400	\$295,500	\$2,100
2013	\$94,400	\$283,200	\$320,000	\$36,800
2014	\$94,100	\$282,300	\$309,950	\$27,650
2015	\$98,500	\$295,500	\$330,000	\$35,700
2016	\$98,100	\$294,300	\$358,000	\$63,700
2017	\$103,400	\$310,200	\$360,000	\$49,800

Source: U.S. Department of Housing & Urban Development (HUD) & The Warren Group

9. Waiting list for Affordable Housing

To assist in understanding the great need for affordable housing in Pembroke, the waiting list for the Pembroke Housing Authority are summarized below. Waits for public housing units total more than 422 households, with the greatest demand for family units for which there is the least capacity.

Table 29: Pembroke Housing Authority Capacity

Type of Unit	Current Number of Units	Number of Households on Waiting list	Wait List Ratio
Elderly/Disabled	163	154	.94
Family	10	268	26.8
Total	173	422	2.43

Source: Pembroke Housing Authority

There are 154 applicants on the waitlist for elderly/disabled (single bedroom) units. Twenty-one of the 154 applicants are local Pembroke residents. Six of those 154 applicants are veterans. There are 268 applicants for family units. Ten of the 268 applicants are local Pembroke residents. One of the 268 applicants is a veteran family. The Town can continue to request local preference as housing units are developed.

In many regulated affordable housing developments, there are options for setting aside units for those with a Local Preference. The exact percentage and the precise definition for this Local Preference, or any other preferences, vary by project and are regulated within a specific affordable housing program. The local preference set-aside was created to allow communities to provide opportunities for their own, as a benefit for increasing affordable housing, though the details often vary between projects and programs.

The 40B units are often regulated by MassHousing and the Department of Housing and Community Development (DHCD) under the Local Initiative Program, using the regulations promulgated at 760 CMR 56 and Comprehensive Permit Guidelines published by DHCD. This guidance (which is the subject of this information), allows the Local Preference option of 70% of the units in a project (rounded down) to be set aside for local preference applicants, with all applicants eligible for the other 30%. [Note that 40B is a permitting mechanism for projects across many programs.]

a. Allowable Preference Categories

(1) 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.

(2) Municipal Employees: Employees of the municipality, such as teachers, janitors, firefighters, police officers, librarians, or town hall employees.

(3) Employees of Local Businesses: Employees of businesses located in the municipality.

(4) Households with children attending the locality's schools, such as METCO students.

b. When determining the preference categories, the geographic boundaries of the local resident preference area may not be smaller than municipal boundaries.

c. Durational requirements related to local preferences, for example, how long an applicant has lived in or worked in the residency preference area, are not permitted in any case.

d. Preferences extended to local residents should also be made available not only to applicants who work in the preference area, but also to applicants who have been hired to work in the preference area, applicants who demonstrate that they expect to live in the preference area because of a bona fide offer of employment, and applicant households with children attending the locality's schools, such as METCO students.

e. A preference for households that work in the community must not discriminate (including have a disproportionate effect of exclusion) against persons with disabilities and elderly households in violation of fair housing laws

Some publicly funded housing offers veterans' preference to veterans with wartime service who have a discharge or release under honorable conditions. As a veteran, you may qualify for veterans' preference. Disabled veterans can contact the Massachusetts Accessible Housing Registry for assistance

V. Challenges to Producing Affordable Housing

Pembroke has attracted and developed close to 10% of its year round housing units in affordable housing, despite reliance on private septic systems, automobile dependence, large lots requirements and zoning bylaws that favor single-family homes. The town hopes by implementation of a Housing Production Plan, that they can maintain their affordable housing goals and continue to produce and maintain diverse housing options for all income levels. This section examines land constraints and limitations that have an impact on future development in Pembroke. It includes an analysis of land use, an assessment of the natural and built environment, as well as an analysis of zoning, infrastructure and transportation.

A. Land Availability

According to MassGIS L3 parcel file, which categorizes each parcel by type or land use, it was found that Pembroke has 5,744.5 acres of wetlands of which 2,215.04 acres is open water. 1,650.7 acres is permanently protected open space and 830.4 acres are classified as other open space. 2,705.40 acres are located within the 100-year flood zone. Approximately 521.03 acres of developable land remains though this development may be constrained by the Town's many wetlands and floodplains, its need for onsite wastewater systems and large lot zoning requirements.

B. Watershed Areas

A watershed consists of an area of land where run-off from higher elevations is channeled into a specific body of water such as a pond, lake, river or ocean. Pembroke is located within the South Coastal Watershed, one of 27 major watersheds in Massachusetts. The South Coastal Watershed is a 240-square mile watershed that spans over all or parts of 14 municipalities. In addition, Pembroke has its own local watershed protection group called the Pembroke Watershed Association and focuses on monitoring the quality and restoring the ponds of Pembroke for clean and safe recreational use of the Furnace, Hobomock, Little Sandy Bottom, Oldham and Stetson Ponds.

The purpose of the Floodplain and Watershed Protection District "is to protect the health and safety of persons against the hazards of flooding, to conserve the value of land and buildings, to facilitate the adequate provision of a water supply through preservation and maintenance of the groundwater table, to protect and to preserve the marches, bogs, ponds and water courses and their adjoining wetlands, to encourage the most appropriate use of wetlands, to encourage the most appropriate use of the land and to preserve and increase the amenities of the Town."³ A map of these areas is in Appendix C.

C. Protected Open Space, Wetlands & Floodplains

The town has extensive wetlands and river front protection act 100'-200' buffer areas. These have significant development constraints though 20% of the required lot area may be made up of wetlands. These areas are protected via Pembroke's Wetlands Protection Bylaw and Pembroke's Floodplain and Watershed Protection District.

³ *Town of Pembroke Zoning and Municipal By-Laws*

The purpose of the Wetlands Protection Bylaw “is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Pembroke.”⁴

Extensive zone II water recharge areas and wildlife habitat areas. The town also has significant zone II recharge areas surrounding the water supply wells and limiting intensified use of some of the older neighborhoods. There are also bio map areas, priority habitats and estimated habitats not shown on the map and having less direct constraints on development.

D. Water & Sewer

Pembroke’s town water system is well developed and supplies are understood to be adequate for moderate growth. The 2003 Community Development Plan noted that “the maximum permissible build out under present zoning and disposal conditions” would increase average daily consumption from the 1.37 million gallons/day (MGD) of 2002 to 1.72 MGD, or 47.5% of the maximum safe yield of 3.62 MGD. Thus water supplies are not a constraint. Pembroke has no wastewater collection and treatment facilities, though this lack can be partially mitigated with innovative alternative on-site systems.

E. Transportation

Roadways

The Pembroke Department of Public Works is responsible for maintaining 114.19 miles of town roadway, which includes state highway Routes 139, 14, 27, 36 and 53. These roadways not only serve the residents of Pembroke, but also serve the residents of the region as important north-south (Route 58) and east-west (Route 44 and 106) corridors. Overall, the roadways in Pembroke are in good condition and easily support the level of development within the town.

Public Transit

Although there is currently no public transit service available in the Town of Pembroke, the neighboring communities of Halifax, Kingston, and Hanson all have Massachusetts Bay Transportation Authority (MBTA) Commuter Rail Stations. In addition, Marshfield/Duxbury/Kingston has a fixed route bus service via the Greater Attleboro Taunton Regional Transit Authority (GATRA that runs to the edge of the community at Routes 53 and 139 (Kohl’s and Stop & Shop Plaza). There is limited shuttle service from Pembroke Center to the Hanson MBTA Rail station, which provides service to Boston. In addition to fixed route service, GATRA provides demand response (Dial-A-Ride) services for people with disabilities and seniors in all 28 member communities.

Bicycle and Pedestrian Facilities

Pembroke is an auto-dependent community, with a limited amount of bicycle and pedestrian infrastructure in town. There is one regional bike path that runs close to Pembroke. The Claire Saltonstall Bikeway. The 135-mile bikeway was established in the 1970s and runs from Boston to Provincetown. The Bikeway runs through Plympton and along the Halifax and Kingston town lines.

⁴ *Town of Pembroke Zoning and Municipal By-laws*

F. Schools

Following Pembroke's withdrawal from the Silver Lake Regional School District the upgraded or remodeled schools have considerable capacity and space issues are not expected to constrain moderate development according to the District. There is presently a bubble of students working its way through the system. It is projected to ultimately put 1,100 students into the high school at the peak. This is still below the school's capacity of 1,200 students.

G. Residential Zoning

There are many direct and indirect constraints on preservation and expansion of affordable housing. Regulatory factors include the minimal provisions for multi-unit housing. Pembroke allows multi-unit housing by right only in Residence District A, Business District B and the Center Protection District.

In-law and accessory units are allowed by Special Permit in some zones. These units could be eligible for inclusion on the Subsidized Housing Inventory if there were affordability restrictions.

In the residential-commercial district along Route 53 where multi-unit market rate and affordable buildings up to 120,000 square feet is permitted on lots that can accommodate up to four dwelling units per acre by special permit. This relatively small district has accommodated a number of successful market and chapter 40B town house developments.

The Center Protection District allows multi-unit in mixed-use development on parcels with a minimum lot size of 100,000 sf required. The maximum lot coverage is 1/7,000 square feet of the total site area.

While in-law apartments and accessory units are allowed in the RD-A and BD-A residential commercial and center protection districts, moderate density multi-unit housing is only allowed in the last two. This suggests enacting comparable zoning in suitable areas, perhaps around Bryantville.

**Table 30:
Pembroke's Zoning Summary**

District	Allowed Res.				Lot size	Area/du
Res. A	Single family AOR	In law unit SP	Accessory unit SP	Multi-family units N	New lots - 40,000 s.f.	40,000 s.f.
R-C Dist	AOR	SP	SP	Multi units SP	40,000 s.f. for Res A uses; 120,000 s.f. for all others	4 dwelling units per acre
Bus. A	AOR	SP	SP	N	40,000 s.f.	
Bus.B	N	N	N	N	80,000 s.f.	
Ind. A	N	N	N	N	80,000 s.f.	
Ind.B	N	N	N	N	80,000 s.f.	
Center Protection District	AOR	SP	SP	Multi units/in Mixed Use Developent AOR	Res. A and Bus.uses need 40,000 s.f. Mixed Uses need 100,000 s.f.	1/7,000 s.f. Max lot coverage of total site area

Source: Town of Pembroke's Zoning and Municipal By-Laws

AOR= As of Right
SP= Special Permit

H. Community Perceptions about Affordable Housing

The term “affordable housing” can sometimes conjure images of negative impacts to the community, decreased property values, increased crime and neglect. However, those responding to the Pembroke Housing Production Plan Community Survey⁵ responded with a positive attitude toward affordable housing, suggesting that residents appreciate need for affordable housing for the elderly, disabled, families and young professionals who may not be in the position to afford steep homeownership costs but prefer to live or remain in the community. The Community of Pembroke has been welcoming to affordable housing and should continue that creative and proactive approach to affordable housing initiatives, so they do not fall behind on the 10% affordable housing goal.

VI. Affordable Housing Goals and Strategies

A. Housing Goals

An analysis of demographics, housing needs, projected demand and zoning policy indicate the need for more affordable and deed-restricted housing in Pembroke in order to meet the community’s affordable housing needs. To that end, the following goals and strategies were developed to serve as a guide for generating a diverse and affordable housing stock that will meet Pembroke’s current and future housing demands.

Goal #1: Meet and maintain the 10% state standard for affordable housing so that Pembroke is no longer vulnerable to Chapter 40B housing developments. Create and maintain a level of total affordable housing units that equals 10% of total housing units

State law, Chapter 40B, dictates that if a municipality has less than 10% of its year-round housing set-aside for low and moderate income residents, it is not meeting 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 Chapter 40B comprehensive permit process.

Pembroke is very close to meeting its goal of 10% total year round housing units are affordable to households with incomes less than or equal to 80% AMI (Per c.40B state mandate). Once achieved, the town will work to sustain 10% affordable housing in proportion with future growth of total housing units. The town will lead the effort to ensure expiring affordable units are preserved.

Pembroke will encourage the development of rental units affordable for lower income households and homeownership units that are affordable to households at or below 80% of area median income to meet the need for affordable starter homes, multi-family units and housing for the elderly and disabled. The 87.20% of units in Pembroke are owner occupied while 12.8% are renter occupied. The Plymouth County average for rental occupation is 24%. The Town needs to continue to maintain the affordability of existing units and as the of market rate units grows, create additional rental units that are affordable with incomes at or below 30% of the area median income. In addition, the Town needs to continue to maintain and create homeownership

⁵ The Pembroke Housing Production Plan Community Survey results appear in Appendix F.

opportunities that are affordable to households at or below 80% of the area median income, especially family housing.

Goal #2: Establish a Municipal Affordable Housing Trust to support local housing initiatives.

A Municipal Affordable Housing Trust shall provide for the creation and preservation of affordable housing for the benefit of low and moderate income households, while at the same time preserving our Town's character and resources. The Trust would have the authority to acquire by gift, purchase, or otherwise real estate and personal property, both tangible and intangible, of every sort and description, and to use such property in such a manner as the trustees shall deem most appropriate to carry out its purpose of creating and preserving affordable housing for the residents of the Town. The Municipal Affordable Housing Trust is an advisory, regulatory, and ministerial committee of the Town.

The funds for the Municipal Affordable Housing Trust could come from several sources: 1.) Community Preservation Act Funds; 2.) Payments in Lieu of Onsite Construction provided for by adopting an Inclusionary Zoning Bylaw; 3.) Community Development Block Grant funding; 4.) Private Cash Contributions to the Trust Fund; and 5.) from Principal and Interest earned from Trust Fund loan payments, etc.

Goal #3: Create affordable housing units through adaptive reuse of existing buildings and town owned properties.

Pembroke may have municipal structures that become abandoned, underutilized, or functionally obsolete. There may be opportunities to convert town-owned property to accommodate some affordable housing. Future tax title property may also provide the community with opportunities to construct affordable housing for its residents. Additionally, privately owned properties (for example, a farmhouse) might be converted to multi-unit dwellings that would include affordable units.

Goal #4: Promote a diversity of housing options in Pembroke to meet the needs of a changing and aging population and promote a socio-economically diverse population.

The community's housing needs are diverse, yet the majority of stock consists of single-family homes. It is important to enable children who grew up in town, to return to raise their own families here, to offer town employees the opportunity to live in the community in which they work, to provide housing alternatives to elderly residents who have spent much of their lives in town but now require alternatives to their large single-family homes, and to offer families the flexibility of moving to larger homes as their families grow.

Goal #5: Prioritize affordable housing for infill development and on abandoned and vacant properties near downtown.

Create affordable housing opportunities through adaptive reuse of vacant properties and infill development. This can include preservation of historic buildings, redevelopment of previously developed properties to utilize existing infrastructure, capitalizing on underutilized sites and mixed-use development in appropriate sites. Pembroke can support multiple community goals for historic preservation and economic revitalization in addition to affordable housing.

B. Implementation Strategies

To meet and maintain a 10% affordable housing rate in a manner reflective of its rural character, Pembroke will need to strategically work to preserve the affordability of the current units on the subsidized housing inventory and to create new affordable renter and homeownership opportunities as the number of market rate units increase.

The Town should explore and consider the following planning and zoning related strategies to promote the creation of additional affordable units and to appropriately direct new development. The intent of this plan is to identify strategies that can promote new affordable housing opportunities. When these strategies are applied to particular circumstances they will enable new affordable unit creation that is more responsive to local needs and priorities.

It should also be noted that recent changes to Chapter 40B regulations expand the items that a subsidizing agency must consider when determining the appropriateness of a site for eligibility through the comprehensive permit process. These items include information provided by the municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, including inclusionary zoning, multi-family and mixed-use districts. In short, the state has created an incentive for municipalities to adopt these measures. Pembroke's progress in reforming its land use provisions to promote affordable housing and community appropriate growth will likely have a meaningful impact on the determination of project eligibility/site approval for comprehensive projects in the future.

Pembroke has defined the following implementation strategies to accomplish the affordable housing goals, as outlined in this section. The strategies defined in this section are the specific initiatives by which Pembroke can continue to meet and maintain its housing production goals.

In order to carry out the strategies including in the Housing Production Plan and meet production goals, it will be important for the Town of Pembroke to build its capacity to promote affordable housing activities. This capacity includes gaining access to greater resources – financial and technical – as well as building local support, developing partnerships with public/private developers and lenders, and creating a local organization and systems that will support housing production.

Specific actions to help build local capacity to meet local housing needs and production goals are detailed below. While these strategies do not directly produce affordable units, they provide the foundation to implement a proactive affordable housing agenda.

Goal #1: Meet the 10% state standard for affordable housing so that Pembroke is no longer vulnerable to Chapter 40B housing developments. Create and maintain a level of affordable housing units that equals 10% of total housing units.

Strategy 1.1: Make sure all eligible units are added to the Subsidized Housing Inventory on a timely basis.

Timeframe: Priority 1.

Responsible Entities: The Town Manager's Office or his designee should be responsible for adding units to the Subsidized Housing Inventory (SHI) on a timely basis.

Strategy 1.2: Preserve the existing affordable housing stock including its diversity of prices, building types, lot sizes, and restrictions on existing affordable units.

The Town should consider and explore incentives or other methods to preserve affordability restrictions on existing affordable units for the longest period allowable under the law, fostering housing stability for all income households. The Town could consider using housing trust funds to preserve affordability on expiring units or could utilize right of first refusal to purchase available units until income eligible householders can be found.

Timeframe: Priority 1

Responsible Entities: The Board of Selectmen or The Affordable Housing Committee and/or Trust.

Strategy 1.3: Adopt an Inclusionary Zoning Bylaw.

The Zoning Bylaw neither mandates, nor provides any incentive for the private sector to produce affordable housing. Therefore, the town continues to experience residential growth primarily through the creation of expensive single family subdivisions. This type of development could impact the town's suburban character as well as impact the cost of home ownership in the community.

Single family housing is a critical component of Pembroke's housing stock; however, the current zoning does not include provisions for the creation of affordable single family housing. This may be done by adopting an Inclusionary Zoning Bylaw.

Inclusionary zoning is another tool to create affordable housing and helps to ensure that production of new affordable units keeps pace with the overall rate of new development of market rate units in the community, thereby helping to ensure continued compliance with the State's 10% affordable housing goal. An Inclusionary Zoning bylaw would require a developer to set aside a certain percentage of housing units for that will qualify for certification as affordable housing. An inclusionary zoning bylaw is an effective and predictable way to increase affordable housing stock in the community without requiring significant outlays by the community and ensures that new sizeable market-rate developments will not adversely affect the Town's SHI percentage. It should be noted that the bylaw can also allow in-lieu payments that reflects the price of affordable housing and land

availability in Pembroke. The fee will be calculated based on a formula that will be detailed within the Zoning Bylaw. Many variations of inclusionary zoning bylaws have been adopted throughout the Commonwealth with varying degrees of success. It is important that Pembroke craft a bylaw that is custom to Pembroke to ensure its success.

- Consider adopting inclusionary zoning to ensure that any new residential development in Pembroke provides a percentage of affordable units or cash in lieu of units.
- The Town zoning regulations could be amended to require that any new subdivisions with 4 or more housing units have 25% of the units designated as permanently affordable (1 of every 4 units must be affordable).
- The Planning Board could review an Inclusionary Zoning Bylaw proposal. After detailed review and analysis with public comment, the Planning Board could bring an Inclusionary Zoning Bylaw to the Annual Town Meeting for acceptance.

Timeframe: Priority 1

Responsible entity: The Town Manager will work with the Board of Selectmen, the Affordable Housing Committee and/or Trust, the Planning Board and the Zoning Board of Appeals to craft an Inclusionary Zoning Bylaw that suits the needs of the community. Town Meeting will have to vote the bylaw into law.

Strategy 1.4: Investigate Funding Sources for Affordable Housing Maintenance and Rehabilitation

Seek regional housing rehabilitation programs that provide grants to correct code violations, upgrade deficient systems, and make energy improvements in existing SHI stock.

Timeframe: Priority 2

Responsible Entity: The Town Manager along with the Board of Selectmen and the Affordable Housing Committee and/or Trust should study opportunities and build professional networks to support affordable housing opportunities.

Strategy 1.5: Continue to Utilize Local Initiative Program

The Planning Board should review Local Initiative Program criteria to make sure it meets the town’s needs and to further develop a cooperative relationship with private not-for-profit developers of affordable housing. Too often comprehensive permit developments create adversarial contests with neighbors, who may feel high density proposals are detrimental to the value of their single family home. A LIP proposal, however, sometimes referred to as a “Friendly 40B” creates a different dynamic. The Town can negotiate with the developer to help realize a project that will benefit the community with an appropriate scale, better design, open space and other amenities, and sensitivity to neighborhood concerns. Affordable units created through this process are eligible for the SHI.

Timeframe: Priority 2

Responsible Entity: The Town Manager, The Board of Selectmen will work with The Affordable Housing Committee and/or Trust in conjunction with the Planning Board and other appropriate boards and committees.

Goal #2: Establish a Municipal Affordable Housing Trust.

Strategy 2.1: Legislative body adopts a Municipal Affordable Housing Trust

After the Municipal legislative body votes to adopt the trust, the Town Clerk must certify the bylaw. Once certified, the bylaw must be submitted to the Attorney General of the Commonwealth of MA. The Attorney General is statutorily required to approve bylaws for consistency with state law within 90 days from the Clerk’s submission of a certified copy of the bylaw, a request for approval, a statement explaining the purpose and adequate proof that all procedural requirements have been met. The request and the proof must be submitted within 30 days after final adjournment of the town meeting at which the bylaw was adopted.

Timeframe: Priority 1

Responsible entity: The Board of Selectmen, The Town Manager and Town Meeting.

Strategy 2.2: Establish a Board of Trustees

The municipality’s chief executive officer is required to appoint the members of the board of trustees per the requirements adopted through your local affordable housing trust bylaw. A strong board of trustees should include broad representation from the public and private sectors. The Trust consists of five trustees with the Town Manager, or his designee being an ex-officio trustee. The Trustees are appointed by the Board of Selectmen for staggered two year terms.

Timeframe: Priority 1

Responsible entity: The Board of Selectmen and the Town Manager.

Strategy 2.3: Declaration of Trust

The first order of business for the new board of trustees is to execute the Declaration of Trust, which sets the trust’s authority, rules and regulations. It should be recorded at the Registry of Deeds/Land Court District. While a declaration of trust is not legally required under the statute, it is strongly recommended because the declaration once recorded, will provide record notice of the establishment of the Trust and its owners and authority to hold and convey title to real estate. In any event, it would have to be recorded when a trust acquired any interest in real property by deed, restriction or mortgage. Declaration of the trust will not be accepted by the land court registry district unless these declarations are filed with the deed to a specific piece of property. The declaration should be reviewed by Town Counsel.

Timeframe: Priority 1

Responsible entity: The Board of Selectmen, Town Manager and The Affordable Housing Trust.

Strategy 2.4: Create action plan and secure funding mechanism to capitalize trust.

The Affordable Housing Trust is charged with providing for the creation and preservation of affordable housing for the benefit of low and moderate income households. The Trust has the authority to acquire by gift, purchase, or otherwise real estate and personal property, both tangible and intangible, of every sort and description, and to use such property in such a manner as the trustees deem most appropriate to carry out its purpose of creating and preserving affordable housing for the residents of the Town. The fund could be capitalized via Community Preservation Act (CPA). Other communities in the region also partially fund their affordable housing trusts in this manner. Pembroke adopted CPA in November of 2006. CPA assesses a 1% charge on town property taxes. There is an exemption for low income residents on the first \$100,000 of assessed value. As of May 2018, Pembroke has a total revenue of \$3,106,891 in local surcharges and trust fund distributions, resulting in a minimum of 10% or \$310,689 reserved for affordable housing. The Town could opt to utilize additional reserves to meet their affordable housing goals.

Timeframe: Priority 1

Responsible entity: The Board of Selectmen, Town Manager and The Affordable Housing Trust.

Goal #3: Create affordable housing units through adaptive reuse of existing buildings and town owned properties

Strategy 3.1: Conduct Screening Analysis of Town-Owned Land

The Town of Pembroke will conduct screening analysis of Town-owned land to target other opportunities for developing affordable housing. Many parcels of Town land are dedicated to park and conservation purposes, and thus are not available for development (Article 97 of the Massachusetts Constitution requires, that in order to withdraw conservation land for other purposes, the Conservation Commission must give its unanimous consent, Town Meeting must provide a 2/3 vote and the State legislature must also provide a 2/3 vote). Land that is not otherwise committed to a specific purpose may be suitable for affordable housing development. The screening analysis will filter out properties that are not suitable; factors to consider include environmental constraints, slope, soils, road access, and neighborhood compatibility. If one or more properties offer promise, the Board will propose engaging professionals to perform a feasibility study, including soil testing to estimate septic capacity and installing test wells to judge the quantity and quality of ground water. For those sites with high development suitability, the Planning Board will reach out to the neighborhood and collaborate with other boards to seek to develop a consensus on a preferred housing concept.

Timeframe: Priority 2: begin process of analyzing Town-owned land for affordable housing suitability. Rank sites and identify priority locations. Year 3: Hold informational meeting(s) on the process and generate support for

proceeding to the next step. Request funding for testing and engineering costs. Year 4: Conduct preliminary site planning process. Year 5: Pending the outcome of the previous phases, prepare a strategy for implementation.

Responsible Entity: The Board of Selectmen, Town Manager and The Affordable Housing Committee and/or Trust should study opportunities for adaptive reuse.

Strategy 3.2: Study opportunities for re-use of existing buildings or use previously developed or town-owned sites for new community housing.

In the future, Pembroke may have municipal structures that become abandoned, underutilized, or functionally obsolete. There may be opportunities to convert town-owned property to accommodate some affordable housing. Future tax title property may also provide the community with opportunities to construct affordable housing for its residents. Additionally, privately owned properties (for example, a farmhouse) might be converted to multi-unit dwellings that would include affordable units.

- Prioritize affordable housing on abandoned and vacant properties.
- Identify potential funding and grant options.
- Target development projects to Town-owned properties where feasible to take advantage of parcels that will have discounted or nominal acquisition costs to make affordable housing more financially feasible.
- The Town can explore whether any Town-owned parcels or buildings could be developed as affordable.
- Consider streamlining the permitting process.
- Consider discounting permitting fees for development of affordable housing units.

Recommended Action: The Board of Selectmen and The Affordable Housing Committee and/or Trust will study municipal land holdings to determine if any are appropriate for affordable housing. The town will study the potential for re-using structures as the need arises. Reusing properties as housing is a strategy that enables the community to accommodate growth in established locations instead of on green space and at the same time preserve or restore the architectural fabric of the community.

In the future, whenever the community analyzes property for future municipal uses, affordable housing potential will be taken into consideration. If any parcel is determined to have potential, land planners or other consultants could be hired to conduct a more rigorous analysis of the property. If a property is deemed appropriate for the construction of affordable housing, the town will work with a not-for-profit developer and target the disposition of the property for the specific purpose of creating affordable housing. The town will retain control over the review process and will structure the deed in such a way as to protect the community and public interest.

Timeframe: Priority 2

Responsible Entity: The Board of Selectmen, Town Manager Affordable Housing Committee and/or Trust, Planning Board

Strategy 3.3: Encourage mixed use development to promote a mix of commercial and affordable units near downtown amenities.

Mixed-use should be facilitated in commercial zones to allow high density residential uses to be integrated with commercial uses, pursuant to appropriate design criteria. This approach makes for optimal use of commercial areas while providing efficient locations for housing units.

Timeframe: Priority 2

Responsible Entities: Board of Selectmen, Planning Board, Zoning Board of Appeals.

Strategy 3.4: Collaborate with Housing Partners.

The implementation of this Housing Production Plan will likely require the support and assistance from a variety of resources. The Town of Pembroke will establish or strengthen partnerships with housing providers, funding agencies and other housing experts to achieve the goals of this Plan. Local community housing development organizations that the town should reach out to include Housing Solutions for Southeastern Massachusetts, NeighborWorks Southern Mass and South Shore Habitat for Humanity. These organizations can provide technical assistance, resources, funding and development services to help the Town of Pembroke achieve its housing goals.

Timeframe: Priority 2

Responsible Entities: Town Manager, Board of Selectmen, Affordable Housing Committee and/or Trust

Goal #4: Promote a diversity of housing options in Pembroke to meet the needs of a changing and aging population and promote a socio-economically diverse population, including constructing new units and preserving existing dwellings.

Strategy 4.1: Support aging in the community through increased multi-generational housing options, and progressive senior facilities.

- Maximize existing community resources to enable seniors to continue living in the housing of their choice, and provide education about a range of housing options.
- Provide multi-generational community housing opportunities that give priority to local residents, veterans, town employees, and families of students enrolled in the town public schools.

Timeframe: Priority 2

Responsible Entities: The Board of Selectmen and The Committee.

Strategy 4.2: Distribute and diversify new production and insure that new housing creation is harmonious with the rural character of Pembroke.

- Spread new affordable housing development geographically throughout town to avoid substantial impacts in any one residential neighborhood.
- Create housing in neighborhoods that currently have little or no affordable housing.
- Develop project alternatives in recognition of a range of housing needs in town including rental and homeownership options as well as housing for seniors, veterans, families, and individuals with disabilities.
- Help eligible homeowners and home buyers access housing assistance.
- Encourage the creation of workforce-housing units that are affordable to middle income households making between 80% and 120% of AMI.

Workforce households, both local municipal employees and employees of local businesses, earn slightly over the 80% income limits, and cannot afford market rate housing in Pembroke.

Enabling people who work in Pembroke to live in Pembroke creates a sustainable community and helps to reverse the trend of exporting professionals during the day, and importing the service workers.

Timeframe: Priority 1

Responsible Entities: The Board of Selectmen, Town Manager, The Affordable Housing Committee and/or Trust will work with the appropriate board and committees (Zoning Board & Planning Board and Conservation Commission) to accomplish this goal.

Strategy 4.3: Consider broader use & acceptance of Accessory Dwelling Units.

Accessory Dwelling Units, ADU's are sometimes referred to as in-law apartments can accommodate young or old, relatives or the unrelated, students or the working or the retired. These small units inside larger single family homes already exist in some communities both authorized and unauthorized. The zoning rules vary widely across the state and that is one of the reasons ADU's haven't caught on faster. US Census figures show that household sizes have decreased significantly in recent decades. Single family houses are the most prominent housing type in most communities. Most baby boomer homeowners have some empty rooms. Add to that the fact that older people with fixed incomes and rising costs may want to stay in their homes but find it financially difficult or too physically demanding. In these cases an ADU may be a valuable option with obvious benefits for both the homeowner and the tenant. The minimum criteria might be require an owner occupied single family house on a lot of more than 5,000 square feet, must contain sleeping, cooking and sanitary facilities, maintain a separate entrance from the inside or the outside. In order for a unit to count on the subsidized housing inventory, accessory dwelling units would need to be restricted to low income tenants and would be subject to DHCD guidelines. This would require monitoring and income verification.

Timeframe: Priority 1

Responsible Entities: The Board of Selectmen and the Affordable Housing Committee and/or Trust would consider broader guidelines through interactions with appropriate committees (Zoning Board, Planning Board, Conservation Commission and Board of Health).

Strategy 4.4: Review private properties for housing opportunities.

The Town should review private parcels for affordable housing development when the opportunity arises. Some private properties of interest include Chapter 61 (Forestry), Chapter 61A (Agriculture) and 61B (Recreation) property. These properties are under special designated tax status to the benefit of both the Town and the landowners. Many of the parcels enrolled in this program are of interest for preservation of open space and conservation. Some parcels would also be suitable for a small number of housing units in addition to the larger open space use. These are explored in detail when those properties are sold or converted and the Town considers exercising its Right of First Refusal. The Town will review any property under Chapter 61, 61A or 61B for suitability for affordable housing, when the Town considers exercising its Right of First Refusal.

Timeframe: Priority 2

Responsible Entities: The Board of Selectmen, The Town Manager and the Affordable Housing Committee and/or Trust will work with the appropriate board and committees (Planning Board, Conservation Commission, Board of Health, Zoning Board of Appeals) coordinate the review of properties under Chapter 61 to determine which properties are suitable for the construction of affordable housing when those properties become eligible for sale.

Goal #5: Prioritize affordable housing on infill development and abandoned and vacant properties.

Strategy 5.1: Encourage mixed use development to promote a mix of commercial and affordable units near downtown amenities.

Mixed use should be facilitated in commercial zones to allow high density residential uses to be integrated with commercial uses, pursuant to appropriate design criteria. This approach makes for optimal use of commercial areas while providing efficient locations for housing units.

Timeframe: Priority 1

Responsible Entities: The Board of Selectmen, The Town Manager and The Affordable Housing Committee and /or Trust will work with the appropriate board and committees (Planning Board, Zoning Board of Appeals, Conservation Committee) to accomplish this goal.

Strategy 5.2: Distribute and diversify new production and insure that new housing creation is harmonious with the rural character of Pembroke.

- Spread new affordable housing development geographically throughout town to avoid substantial impacts in any one residential neighborhood.
- Create housing in neighborhoods that currently have little or no affordable housing.

- Develop project alternatives in recognition of a range of housing needs in town including rental and homeownership options as well as housing for seniors, veterans, families, and individuals with disabilities.
- Help eligible homeowners and home buyers access housing assistance.
- Encourage the creation of workforce-housing units that are affordable to middle income households making between 80% and 120% of AMI.

Workforce households, both local municipal employees and employees of local businesses, earn slightly over the 80% income limits, and cannot afford market rate housing in Pembroke.

Enabling people who work in Pembroke to live in Pembroke creates a sustainable community and helps to reverse the trend of exporting professionals during the day, and importing the service workers.

Timeframe: Priority 1

Responsible Entities: The Board of Selectmen, The Town Manager and The Affordable Housing Committee and/or Trust will work with the appropriate board and committees (Zoning Board of Appeals, Planning Board, Conservation Commission) to accomplish this goal.

Strategy 5.3: Encourage local housing initiatives and continue local planning education to promote achievement of state-mandated affordable housing goals.

Education of the community at large, as well as members of specific boards, will be an important component of successfully meeting the goals of this plan.

- Increase resident awareness of unmet housing needs and demand and the meaning of affordable housing. Town-wide, there may be concerns about the impacts of developing additional affordable housing.
- The Town should promote dialogue on this issue to promote the exchange of ideas and concerns.
- Engage the local real estate community and property owners to increase understanding of and foster development/redevelopment opportunities.
- Provide and encourage affordable and fair housing education/training opportunities to Town Boards, Committee members and staff, to take advantage of ongoing training and educational programs related to affordable housing and ensure compliance with the Fair Housing Act and the Americans with Disabilities Act (ADA) and other legal housing requirements.

Specific learning opportunities include the University of Massachusetts Extension's Citizen Planner Training Collaborative (CPTC) offers classes periodically throughout the year and may provide customized training sessions to individual communities. The Massachusetts Housing Partnership (MHP) conducts the annual Massachusetts Housing Institute "a workshop that actively engages participants in discussion and problem solving around issues related to the development of affordable housing". Other organizations, such as Department of Housing and Community Development (DHCD), Citizens Housing and Planning Association (CHAPA), and the Community Preservation Coalition (CPC) also provide conferences, training sessions and publications on a wide variety of housing issues. If fees are involved, funding should be made

available. This training should also be accessed on an ongoing basis as membership of these boards and committees turns over. Specialized training should also be made available to professional staff persons to keep them up-to-date on the new regulations and best practices.

Timeframe: Priority 1

Responsible Entities: The Board of Selectmen, The Town Manager, The Affordable Housing Committee and/or Trust should encourage members of appropriate committees (Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health) to attend statewide and regional training sessions on housing-related issues

Strategy 5.4: *Create flexible zoning standards for affordable housing by allowing development of substandard lots through the special permit process to create affordable units.*

Timeframe: Priority 1

Responsible Entities: The Board of Selectmen, The Town Manager and the Affordable Housing Committee and/or Trust will work with the appropriate board and committees (Conservation, Zoning Board of Appeals, Planning Board, Board of Health) to accomplish this goal.

Conclusions: The housing strategies outlined above, form a comprehensive and complex web that directly relates to the policy implications, gap analysis, and housing goals identified in this Plan. The Town of Pembroke is confident that the goals and strategies set forth in this document will help to diversify the housing stock and provide alternative housing options for Pembroke's residents.

Table 31 provides a list of the planned strategies in each category of activities.

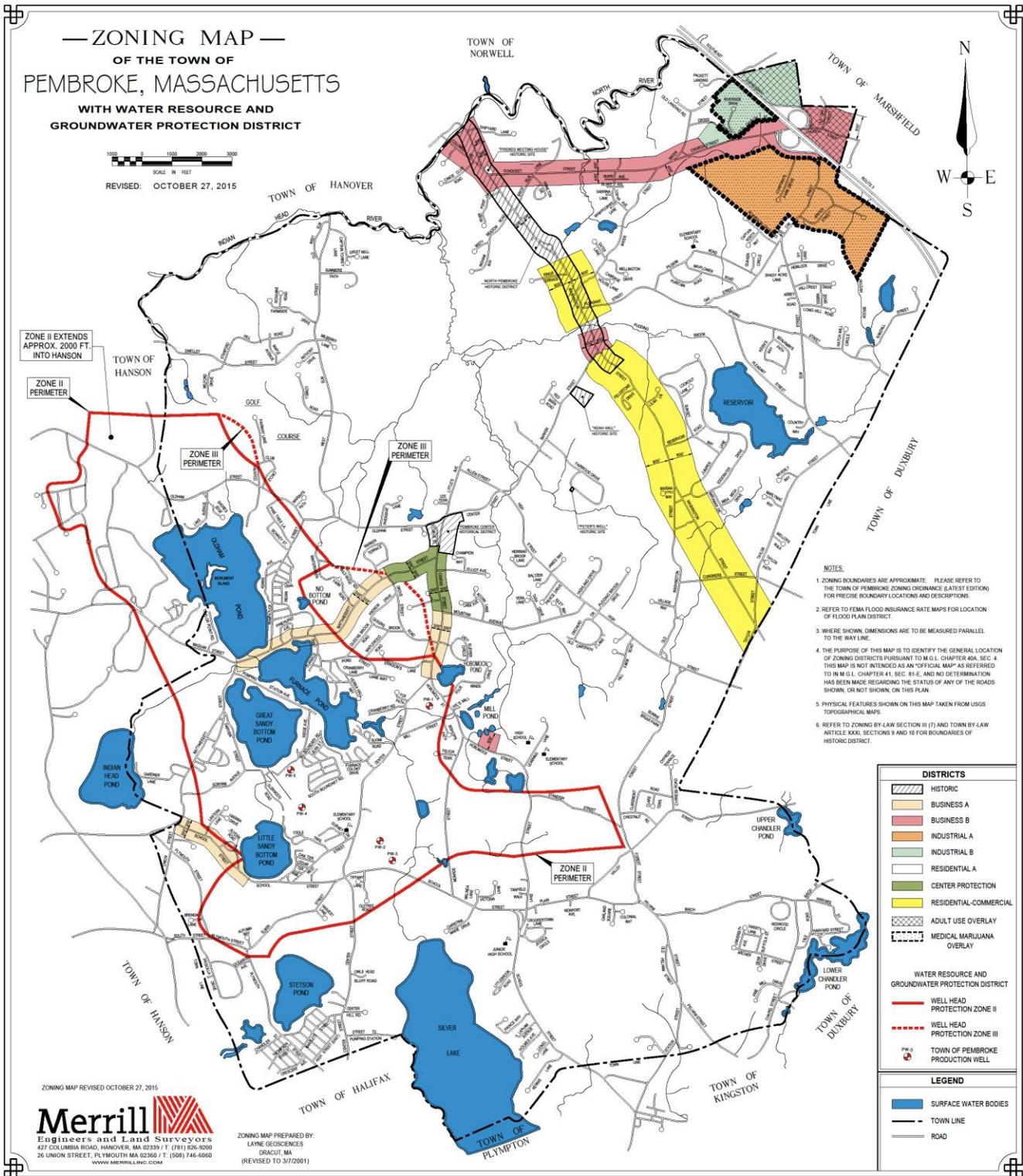
Table 31: Pembroke Housing Production Plan Strategy

Strategies	Priority 1	Priority 2	Responsible Entities
Goal #1: Meet the 10% state standard for affordable housing so that Pembroke is no longer vulnerable to Chapter 40B housing developments. Create and maintain a level of total affordable housing units that equals 10% of total housing units.			
Strategy 1.1: Add eligible units to SHI	√		TM
Strategy 1.2: Preserve affordable housing stock.	√		BOS, AHC
Strategy 1.3: Adopt an inclusionary zoning bylaw.	√		BOS, TM, AHC, PB, ZBA
Strategy 1.4: Investigate funding sources for affordable housing maintenance and rehabilitation.		√	BOS, TM, AHC
Strategy 1.5: Continue to utilize the local initiative program.		√	BOS, TM, AHC, PB
Goal #2: Establish a Municipal Affordable Housing Trust.			
Strategy 2.1: Legislative body adopts a Municipal Affordable Housing Trust.	√		BOS, TM
Strategy 2.2: Establish a Board of Trustees.	√		BOS, TM
Strategy 2.3: Declaration of Trust	√		BOS, TM
Strategy 2.4: Create action plan and secure funding mechanism.	√		BOS, TM
Goal #3: Create affordable housing units through adaptive reuse of existing buildings and town owned properties			
Strategy 3.1: Conduct screening analysis of Town-owned properties		√	BOS, TM, AHC
Strategy 3.2: Study opportunities for re-use of existing buildings or use previously developed or town-owned sites for new community housing.		√	BOS, TM, AHC, PB
Strategy 3.3: Encourage mixed use development to promote a mix of commercial and affordable units near downtown amenities.		√	BOS, PB, ZBA
Strategy 3.4: Collaborate with Housing Partners		√	BOS, TM, AHC

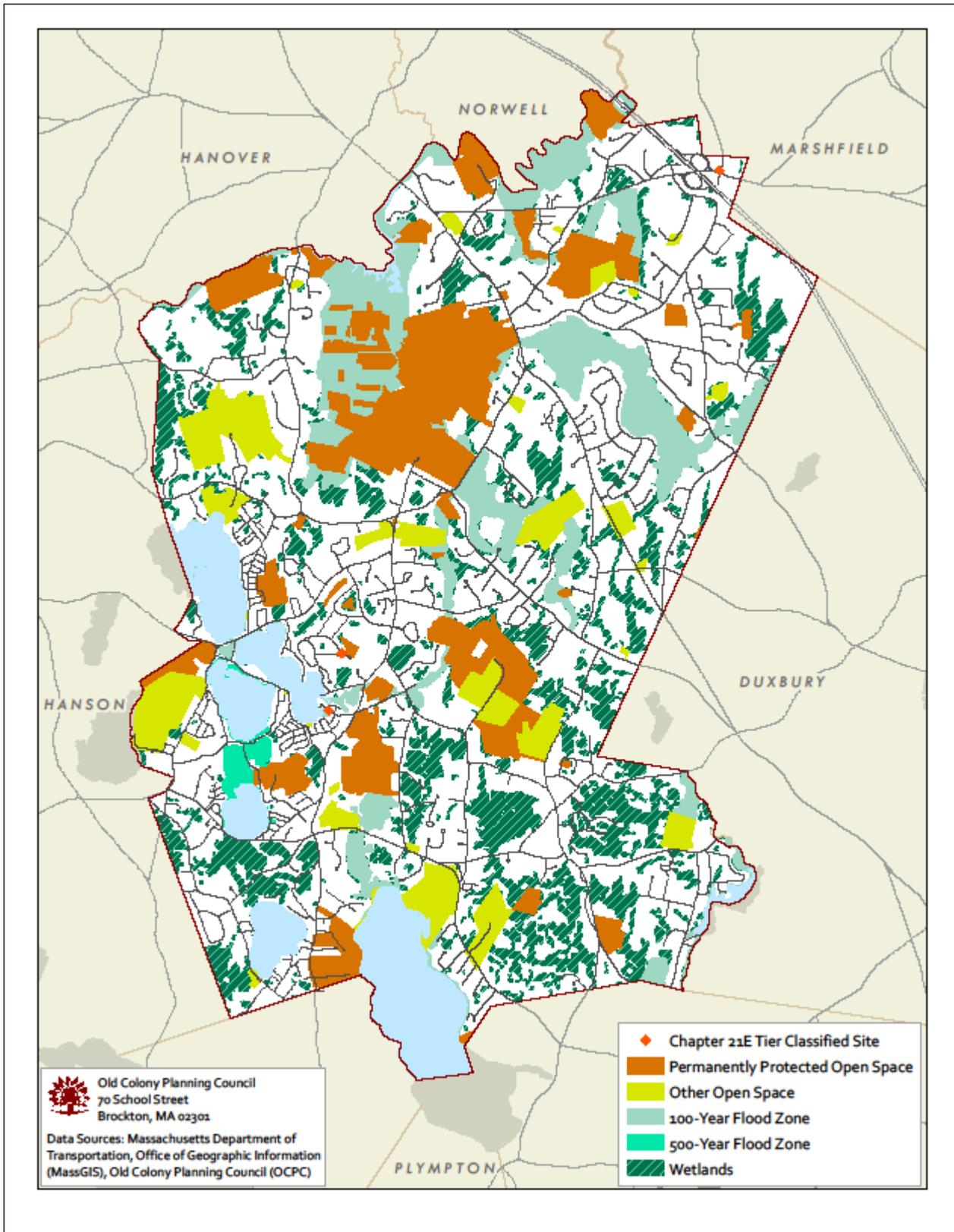
Strategies	Priority 1	Priority 2	Responsible Entities
Goal #4: Promote a diversity of housing options in Pembroke to meet the needs of a changing and aging population and promote a socio-economically diverse population.			
<i>Strategy 4.1: Support aging in the community through increased multi-generational housing options and progressive senior facilities.</i>		√	BOS, AHC
<i>Strategy 4.2: Distribute and diversify new production and ensure that new housing creation is harmonious with the suburban character of Pembroke.</i>	√		BOS, TM, AHC, PB, ZBA, CC
<i>Strategy 4.3: Consider broader use and acceptance of Accessory Dwelling Units</i>	√		BOS, TM, AHC, PB, ZBA, CC, BOH
<i>Strategy 4.4: Review private properties for housing opportunities.</i>		√	BOS, TM, AHC, PB, ZBA, CC, BOH
Goal #5: Prioritize affordable housing on infill development and abandoned and vacant properties.			
<i>Strategy 5.1: Encourage mixed use development to promote a mix of commercial and affordable units near downtown amenities.</i>	√		BOS, TM, AHC, PB, ZBA, CC
<i>Strategy 5.2: Insure that new housing creation is harmonious with the suburban character of Pembroke.</i>	√		BOS, TM, AHC, PB, ZBA, CC
<i>Strategy 5.3: Encourage local housing initiatives and continue local planning education to promote achievement of state-mandated affordable housing goals.</i>	√		BOS, TM, AHC, PB, ZBA, CC, BOH
<i>Strategy 5.4: Create flexible zoning standards for affordable housing by allowing development of substandard lots through special permit process to create affordable units.</i>	√		BOS, TM, AHC, PB, ZBA, CC

*Affordable Housing Committee=AHC; Board of Selectmen=BOS; Planning Board=PB; Conservation Commission=CC; Zoning Board of Appeals=ZBA, Town Manager = TM, Board of Health = BOH

Appendix A: Pembroke Zoning Map



Appendix B: Pembroke Developmental Constraints Map



Appendix C: Available Housing Resources & Programs

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

HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination, and transform the way HUD does business. Additional information can be found at <https://portal.hud.gov/hudportal/HUD>

Massachusetts Department of Housing and Community Development (DHCD)

DHCD's mission is to strengthen cities, towns and neighborhoods to enhance the quality of life of Massachusetts residents. DHCD provides leadership, professional assistance and financial resources to promote safe, decent affordable housing opportunities, economic vitality of communities and sound municipal management. Additional information can be found at <http://www.mass.gov/hed/housing/>

Citizens' Housing and Planning Association (CHAPA)

The Citizens' Housing and Planning Association (CHAPA) is a non-profit umbrella organization for affordable housing and community development activities in Massachusetts. Established in 1967, CHAPA's mission is to encourage the production and preservation of housing that is affordable to low and moderate income families and individuals and to foster diverse and sustainable communities through planning and community development.

CHAPA pursues its goals through advocacy with local, state, and federal officials; research on affordable housing issues; education and training for organizations and individuals; programs to expand rental and homeownership opportunities; and coalition building among a broad array of interests in the housing and community development field. Additional information can be found on CHAPA's website at <https://www.chapa.org/>

Massachusetts Housing Partnership (MHP)

The Massachusetts Housing Partnership (MHP) is a statewide public non-profit affordable housing organization that works in concert with the Governor and the state Department of Housing and Community Development (DHCD) to help increase the supply of affordable housing in Massachusetts.

MHP was established in 1985 to increase the state's overall rate of housing production and work with cities and towns to demonstrate new and better ways of meeting the need for affordable housing. The MHP focuses its efforts in three main areas: community assistance, rental development, and homeownership. Additional information can be found on MHP's website at <http://www.mhp.net/>

South Shore Habitat for Humanity

Habitat for Humanity is a global nonprofit housing organization working in nearly 1,400 communities across the United States and in approximately 70 countries around the world. Habitat's vision is of a world where everyone has a decent place to live. Habitat works toward their vision by building strength, stability and self-reliance in partnership with people and families in need of a decent and affordable home.

The South Shore Chapter of Habitat for Humanity was founded in 1986, and covers 35 cities and towns south and southwest of Boston. In the 30 years since its inception, South Shore Habitat for Humanity has built 56 homes in 21 communities, helping more than 99 adults and 194 children build a place to call home. Additional information can be found on the Chapter's website at <https://sshahabitat.org/>

Housing Solutions for Southeastern Massachusetts

Housing Solutions for Southeastern Massachusetts – formerly known as South Shore Housing – is a regional nonprofit organization focused on providing housing services and developing affordable housing in Plymouth and Bristol counties. Its mission is to help low- and moderate-income families and individuals secure affordable housing and use that housing as a foundation for improving their economic stability and wellbeing.

This is accomplished through a wide variety of programs and resources, including: housing for homeless families, homeless prevention initiatives, training and support for homebuyers and owners, the effective administration of 2,200 rental subsidies, the development and management of affordable housing, technical assistance to help cities and towns increase the supply of affordable housing, and through partnerships with service providers to address the housing needs of individuals with mental illness and developmental disabilities. Additional information can be found at <http://housingsolutionssema.org/>

NeighborWorks Southern Mass

NeighborWorks Southern Mass is non-profit corporation that believes affordable housing and stable neighborhoods help individuals and families realize their full dignity and potential. NeighborWorks Southern Mass consists of a partnership of residents, businesses, and local governments. Its mission is to help people have a safe and affordable place to live. They accomplish this by developing and managing affordable housing, educating and assisting homeowners and homebuyers, and helping homeowners repair and maintain their homes. Additional information can be found at <http://nwsoma.org/>

MassHousing

MassHousing is an independent public authority that provides financing for the construction and preservation of affordable rental housing, and for affordable first and second mortgages for homebuyers and homeowners. MassHousing is a self-supporting not-for-profit public agency that raises capital by selling bonds and then lending the proceeds to low- and moderate-income homebuyers and homeowners, and to developers who build or preserve affordable and/or mixed-income rental housing. Additional information can be found at <http://masshousing.com>

Community Preservation Act (CPA)

The Community Preservation Act (CPA) was signed into law in Massachusetts in 2000, and allows communities to create a local Community Preservation Fund through a real estate tax surcharge of no more than 3% that can be used for open space protection, historic preservation, affordable housing, and outdoor recreation. The funds earned by a community are matched each year by a state trust fund, which varies from year to year.

To adopt the CPA, Town Meeting must first vote by simple majority to place the CPA on the ballot for the next town election, where it then needs a simple majority approval from town voters to pass. Communities can choose to place certain exemptions on the tax surcharge to lessen the burden on residents, such as exempting low income residents from paying the surcharge, or exempting the first \$100,000 of a property's assessed value. Each year at least 10% of the funds earned must be spent or set aside for open space, historic preservation, and community housing. The remaining funds can be used for any of these areas and outdoor recreation. The CPA requires that a local Community Preservation Committee be created that makes recommendations to the Board of Selectmen and Town Meeting on how to use the funds. To date, 172 municipalities (49% of the municipalities in Massachusetts) have adopted the CPA, including the local communities of Pembroke, Kingston, Hanson, Norwell, Marshfield, Hanover, Duxbury and Plympton. Halifax is the only community bordering Pembroke that has not adopted CPA. Additional information can be found at <http://www.communitypreservation.org/>

Local Initiative Program (LIP)

The Local Initiative Program (LIP) is a state program that encourages the creation of affordable housing by providing technical assistance to communities and developers who are working together to create affordable rental opportunities for low- and moderate-income households. Unlike conventional housing subsidy programs, in which a state or federal agency must approve every aspect of financing, design and construction, the LIP allows most of these decisions to be made by the municipality. LIP regulations and guidelines address those program components that must be reviewed and approved by DHCD. For example, incomes of households served, fair marketing, profit limitation and establishing long-term affordability for the units which are built. Eligible applicants include both for-profit and non-profit developers working in concert with a city or town, as the municipality and developer jointly submit the application. Additional information can be found at <http://www.mass.gov/hed/housing/affordable-own/local-initiative-program-lip.html>

HOME Investment Partnerships Program (HOME)

HOME is a federally funded program that assists in the production and preservation of affordable housing for low and moderate-income families and individuals. HOME funds can be used for the acquisition and/or rehabilitation of existing structures for sale to income-eligible first-time homebuyers, including distressed or failed properties, or for the new construction of homeownership projects. Projects seeking HOME funds must include a minimum of 3 HOME-assisted ownership units, the sites for which must be secured with a signed Purchase & Sale Agreement at the time of application. Eligible applicants include for-profit developers; non-profit developers; non-profit organizations designated as Community Housing Development Organizations (CHDOs) and municipalities in cooperation with any of the above. Additional information can be found at <http://www.mass.gov/hed/housing/affordable-own/home-investment-partnerships-program.html>

Housing Stabilization Fund

The Housing Stabilization Fund (HSF) is a state funded bond program that assists in the production and preservation of affordable housing for low-income families and individuals. HSF monies may be used for the acquisition and/or rehabilitation of existing structures for sale to income-eligible first-time homebuyers, including distressed or failed properties, or the new construction of homeownership projects. Projects seeking HSF must have a minimum of 3 HSF-assisted ownership units, which must be secured with, at a minimum, a signed Purchase & Sale Agreement at the time of application. Eligible applicants include for-profit developers, non-profit developers, local housing authorities and municipalities in cooperation with for-profit or non-profit developers. Additional information can be found at <http://www.mass.gov/hed/housing/affordable-own/housing-stabilization-fund.html>

The Massachusetts Affordable Housing Trust Fund (AHTF)

The AHTF is designed to provide resources to create or preserve affordable housing throughout the state for households whose incomes are not more than 110% of median income. AHTF funds are focused on those activities that create, preserve or acquire housing throughout the state for the benefit of those households. AHTF funds may also be used for permanent or transitional housing for homeless families and individuals, and for the modernization, rehabilitation and repair of public housing. Eligible applicants include governmental subdivisions, community development corporations, local housing authorities, community action agencies, community-based or neighborhood-based non-profit housing organizations, other nonprofit organizations, for-profit entities, and private employers. Additional information can be found on the AHTFs website at <http://www.mass.gov/hed/housing/affordable-rent/ahtf.html>

Community Development Block Grants (CDBG)

The Massachusetts Community Development Block Grant Program is a federally funded, competitive grant program designed to help small cities and towns meet a broad range of community development needs.

Assistance is provided to qualifying cities and towns for housing, community, and economic development projects that assist low and moderate-income residents, or by revitalizing areas of slum or blight. Municipalities with a population of under 50,000 that do not receive CDBG funds directly from the federal Department of Housing and Urban Development (HUD) are eligible for CDBG funding.

Eligible CDBG projects include but are not limited to housing rehabilitation or development, micro-enterprise or other business assistance, infrastructure, community/public facilities, public social services, planning, removal of architectural barriers to allow access by persons with disabilities, and downtown or area revitalization. Additional information can be found at <http://www.mass.gov/hed/community/funding/community-development-block-grant-cdbg.html>

Federal Low-Income Housing Tax Credit (LIHTC)

The Low-Income Housing Tax Credit (LIHTC) was created by Congress in 1986 to promote the construction and rehabilitation of housing for low income persons. The tax credit provides a means by which developers may raise capital for the construction or acquisition and substantial rehabilitation of housing for low income persons. Both for-profit and nonprofit developers are eligible to take advantage of the tax credit. At least 20% of the units must be reserved for persons with incomes at/or below 50% of the area median income adjusted for family size; or at least 40% of the units must be made affordable for persons with incomes at/or below 60% of the area median income adjusted for family size. In addition, the project must be retained as low-income housing for at least 30 years. Additional information can be found at <http://www.mass.gov/hed/housing/affordable-rent/low-income-housing-tax-credit-lihtc.html>

Community Economic Development Assistance Corporation (CEDAC)

CEDAC is a public-private community development finance institution that provides financial resources and technical expertise for community-based and other non-profit organizations engaged in effective community development in Massachusetts. CEDAC's work supports three key building blocks of community development: affordable housing, workforce development, and early care and education. In terms of housing programs, CEDAC helps community development corporations and other non-profit developers by providing them early stage capital financing and technical assistance throughout the development process. CEDAC Housing's financing options, which include predevelopment, acquisition, and bridge lending, provide developers with the patient capital to acquire property, hire a team of professional consultants that are needed for moving a development forward, and assemble financing packages to complete the projects. Additional information can be found at <https://cedac.org/>

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, multi-family housing opportunities, community revitalization, and job creation. The Program represents an administrative consolidation of the following six former grant programs: Public Works Economic Development (PWED), Community Action Development Grant (CDAG), Growth Districts Initiative (GDI), Massachusetts Opportunity Relocation and Expansion Program (MORE), Small Town Rural Assistance Program (STRAP), and the Transit Oriented Development (TOD) Program. Additional information can be found at <http://www.mass.gov/hed/eohed/pro/infrastructure/massworks/>

Appendix D: DHCD, MHP, CEDAC, MassHousing and MassDevelopment Bedroom Mix Policy

INTERAGENCY AGREEMENT

Regarding Housing Opportunities for Families with Children

This Interagency Agreement (this "Agreement") is entered into as of the 17th day of January, 2014 by and between the Commonwealth of Massachusetts, acting by and through its Department of Housing and Community Development ("DHCD"), the Massachusetts Housing Partnership Fund Board ("MHP"), the Massachusetts Housing Finance Agency (in its own right and in its capacity as Project Administrator designated by DHCD under the Guidelines for Housing Programs in Which Funding is Provided By Other Than a State Agency, "MassHousing"), the Massachusetts Development Finance Agency ("MassDevelopment") and the Community Economic Development Assistance Corporation ("CEDAC"). DHCD, MHP, MassHousing, MassDevelopment and CEDAC are each referred to herein as a "State Housing Agency" and collectively as the "State Housing Agencies".

Background

A. DHCD's 2013 Analysis of Impediments to Fair Housing Choice ("AI") includes action steps to improve housing opportunities for families, including families with children, the latter being a protected class pursuant to fair housing laws, including the federal Fair Housing Act, as amended (42 U.S.C. §§ 3601 et seq.) and Massachusetts General Laws Chapter 151B. In order to respond to development patterns in the Commonwealth that disparately impact and limit housing options for families with children, such steps include requiring a diversity of bedroom sizes in Affordable Production Developments that are not age-restricted and that are funded, assisted or approved by the State Housing Agencies to ensure that families with children are adequately served.

B. The State Housing Agencies have agreed to conduct their activities in accordance with the action steps set forth in the AI.

C. This Agreement sets forth certain agreements and commitments among the State Housing Agencies with respect to this effort.

Definitions

1) "Affordable" - For the purposes of this Agreement, the term "Affordable" shall mean that the development will have units that meet the eligibility requirements for inclusion on the Subsidized Housing Inventory ("SHI").

2) "Production Development" - For purposes of this Agreement "Production Development" is defined as new construction or adaptive reuse of a non-residential building and shall include rehabilitation projects if the property has been vacant for two (2) or more years or if the property has been condemned or made uninhabitable by fire or other casualty.

Agreements

NOW, THEREFORE, DHCD, MHP, MassHousing, MassDevelopment and CEDAC agree as follows:

Bedroom Mix Policy

1) Consistent with the AI, it is the intention of the State Housing Agencies that at least ten percent (10%) of the units in Affordable Production Developments funded, assisted or approved by a State Housing Agency shall have three (3) or more bedrooms except as provided herein. To the extent practicable, the three bedroom or larger units shall be distributed proportionately among affordable and market rate units.

2) The Bedroom Mix Policy shall be applied by the State Housing Agency that imposes the affordability restriction that complies with the requirements of the SHI.

3) The Bedroom Mix Policy shall not apply to Affordable Production Developments for age-restricted housing, assisted living, supportive housing for individuals, single room occupancy or other developments in which the policy is not appropriate for the intended residents. In addition, the Bedroom Mix Policy shall not apply to a Production Development where such units:

(i) are in a location where there is insufficient market demand for such units , as determined in the reasonable discretion of the applicable State Housing Agency; or

(ii) will render a development infeasible, as determined in the reasonable discretion of the applicable State Housing Agency.

4) Additionally, a State Housing Agency shall have the discretion to waive this policy (a) for small projects that have less than ten (10) units and (b) in limited instances when, in the applicable State Housing Agency's judgment, specific factors applicable to a project and considered in view of the regional need for family housing, make a waiver reasonable.

5) The Bedroom Mix Policy shall be applicable to all Production Developments provided a Subsidy as defined under 760 CMR 56.02 or otherwise subsidized, financed and/or overseen by a State Housing Agency under the M.G.L. Chapter 40B comprehensive permit rules for which a Chapter 40B Project Eligibility letter is issued on or after March 1, 2014. The policy shall be applicable to all other Affordable Production Developments funded, assisted, or approved by a State Housing Agency on or after May 1, 2014.

Appendix E: Draft Inclusionary Zoning Bylaw

Exemptions. This Section of the Bylaw shall not apply to the reconstruction of any Dwelling Units that were destroyed by fire, flood, earthquake or other act of nature, or a project of less than six (6) Dwelling Units.

Pembroke Zoning Bylaw –

Inclusionary Housing.

A. Purpose and Intent.

1. The purpose of this Section of this Bylaw is to promote the public welfare by promoting the development and availability of housing affordable to a broad range of households with varying income levels within the Town, and to outline and implement a coherent set of policies and objectives for the development of affordable housing which will satisfy the Town's obligations under G. L.c. 40B, §§ 20-23, its regulations, or any amendments thereto, and which will be consistent with the Refined Village Centers Plan, as well as any Affordable Housing Plan and/or Comprehensive Master Plan for the Town as may be adopted from time to time.
2. It is intended that the Affordable Units that result from this Section of the Bylaw be considered as Local Initiative Program (LIP) Dwelling Units in compliance with the requirements for the same as specified by the Massachusetts Department of Housing and Community Development (MHDC), and that said units count toward the Town's requirements under G. L. c. 40B, §§20-23, Regulations thereunder, or any amendments thereto

B. Definitions

AFFORDABLE UNIT – A Dwelling Unit constructed per the requirements of the Bylaw which meets the following conditions:

1. In a Project in which Affordable Units will be rented, a unit shall be considered an Affordable Unit if:
 - a. It is rented to an eligible LOW or MODERATE INCOME HOUSEHOLD; and
 - b. It is made available at a cost including rent, insurance and tenant-paid utilities of no more than 30% of gross household income of households at LOW or MODERATE HOUSEHOLD INCOME LEVELS.
 - c. The Massachusetts Department of Housing and Community Development (DHCD) regulations and guidelines for qualification of the Affordable Units towards meeting the requirements under Chapter 40B of the Massachusetts General Laws, its regulations, or any amendments thereto, including maximum rents and sale price, will be followed in order to enable the Town to qualify the Dwelling Units created under this Section of the Bylaw towards the Town's subsidized housing inventory.
2. In a Project in which Affordable Units will be sold, a unit shall be considered an Affordable Unit if:
 - a. It is sold to an eligible LOW or MODERATE HOUSEHOLD INCOME; and
 - b. It is made available at a cost including mortgage interest, principal, taxes, insurance and common charges of no more than 30% of gross household income of LOW OR MODERATE HOUSEHOLD INCOME LEVELS.
 - c. The Massachusetts Department of Housing and Community Development (DHCD) regulations and guidelines for qualification of the Affordable Units towards meeting the

requirements under G. L. c. 40B, its regulations, or any amendments thereto, including maximum rents and sale price, will be followed in order to enable the Town to qualify the Dwelling Units created under the Bylaw towards the Town's subsidized housing inventory.

HOUSEHOLD INCOME, LOW – A combined household income which is less than or equal to 50% of MEDIAN HOUSEHOLD INCOME or any other limit established under Chapter 40B, its regulations or any amendment thereto.

HOUSEHOLD INCOME, MEDIAN – The median income, adjusted for household size, as reported by the most recent information from, or calculated from regulations promulgated by, the United States Department of Housing and Urban Development (HUD), pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, and/or the Commonwealth's Local Initiative Program (LIP) and/or any successor federal or state program.

HOUSEHOLD INCOME, MODERATE – A combined household income which is less than or equal to 80% of MEDIAN HOUSEHOLD INCOME or any other limit established under G.L. c.40B, its regulations or any amendment thereto.

HOUSING TRUST – An account established by: (a) the Town for the specific purpose of creating affordable housing, or (b) a housing trust or community development corporation designated by the Town and created under the laws of the Commonwealth of Massachusetts; for the specific purpose of creating affordable housing, including use of the funds for the purchase of land or units, or the development of new or rehabilitation of existing Dwelling Units for low or moderate income housing occupants.

MARKET RATE UNIT – a Dwelling unit in a residential or mixed-use development that is not restricted in terms of price or rent.

PROJECT – any residential development, including the subdivision of land, pursuant to G. L. c. 41, §81-U, which results in the construction of new Dwelling Units within the Town of Pembroke as defined in Paragraph C(1) of this Bylaw.

RURAL SERVICE AREA – As defined in the Bylaw.

SPECIAL PERMIT GRANTING AUTHORITY (SPGA) – *Planning Board and/or Board of Appeals*. VILLAGE SERVICE AREA – As defined in §204-5 of the Bylaw.

C. Procedure.

1. Applicability. In all zoning Districts, a Special Permit pursuant to the provisions of this Section shall be required for the following uses:
 - a) any residential use of land that requires a Special Permit and results in any net increase of six (6) or more Dwelling Units, whether on one or more contiguous parcels, and whether by new construction or by the alteration, expansion, reconstruction or change of existing residential or non-residential space; and
 - b) a residential subdivision of land into six (6) or more lots for residential use pursuant to G.L. c.41, §81-U; and

- c) any development of less than six (6) Dwelling Units or less than six (6) lots is eligible for this Special Permit on a voluntary basis.

The requirements of this Section are applicable to lots within a tract of land in whole or in part. For purposes of this section, a tract of land shall mean a single parcel or lot or a set of contiguous parcels or lots which were held in common ownership on April 4, 2005 or on any date subsequent thereto.

- 2. **Local Preference.** The SPGA shall require the applicant to comply with local preference requirements, if any, as established by the Board of Selectmen and/or the Director of the Office of Community Development.

- 3. **Affordable Units Required.**

- a. **Requirement.** All Projects shall include the number of Affordable Units required under this Section of the Bylaw. No application for uses noted in Section (C) (1) shall be approved, nor shall any such Project be constructed, without compliance with this Section of the Bylaw.

- b. **Exemptions.** This Section of the Bylaw shall not apply to the reconstruction of any Dwelling Units that were destroyed by fire, flood, earthquake or other act of nature, or a project of less than six (6) Dwelling Units.

- 4. **Information in Application.** Applications for Projects shall include the following information, in addition to information otherwise required under the Bylaw: three (3) copies of ONE of the following (a through e), and f, in order of preference:

- a. **The Memorandum of Understanding (MOU)** between the Developer and *the Pembroke Housing Authority* as of the date of the Application, OR

- b. The information requested for submittal to the Pembroke Housing Authority and the *Pembroke Planning Board/Zoning Board of Appeals*, OR

- c. The following information:

- i. The location, structure, proposed tenure (rental or ownership) and size of the proposed Market Rate and Affordable Units;

- ii. The calculations used to determine the number of required Affordable Units;

- iii. A floor plan or site plan depicting the location of the Affordable Units;

- iv. The income level targets for each Affordable Unit;

- v. The mechanisms that will be used to assure that the Affordable Units remain affordable for the required term;

- vi. for phased developments, a phasing plan;

- vii. a description of any requested incentives as allowed in Paragraph C(9); and

- viii. a marketing plan for the process by which qualified households will be reviewed and selected to either purchase or rent affordable units, consistent with the Local Initiative Plan requirements of the Massachusetts Department of Housing and Community Development; OR

- d. A written request for waivers of this requirement stating the reasons for this request, OR

- e. A written explanation of reasons Petitioner seeks confirmation of exemption from said requirements, AND

- f. Any other information requested by the SPGA.

- 5. **Number of Affordable Units.**

- a) **Basic Requirement.** The required number of Affordable Units included in a Project shall depend upon the total number of Dwelling Units in the Project. The Developer of the Project may choose which type of Affordable Units to include.

Once the total number of Dwelling Units is established within a Project, based on the underlying zoning regulations and/or applicable subdivision rules and regulations (the “By-Right Dwelling Units”), there shall be added to and included within Rental Projects or Ownership Projects an additional number of Affordable Units consisting of not less than ten (10) percent of the By-Right Dwelling Units. The SPGA and the applicant can mutually agree upon a number that exceeds the Basic Requirement number. The SPGA shall have the authority as part of the Special Permit provided in this Section to waive the dimensional, intensity and other applicable regulations of the Bylaw to implement the creation of the Affordable Units required herein.

- b. **Fractional Units.** When the application of the percentages specified above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.7 or more. If the result includes a fraction below 0.7, the Developer shall have the option of rounding up to the next whole number and providing the Affordable Unit on-site.
- c. **Blended Targeted Income Levels.** The Developer may request that the project include Affordable Units that are targeted to a mix of income levels (Moderate and Low) instead of just to one income level. The final decision regarding the mix of targeted income levels shall be made by the SPGA pursuant to Paragraph D.
- d. **Unit Mix.** The unit mix (i.e. the number of bedrooms per unit) of the Affordable Units shall be in the same proportion as the unit mix of the market rate units. For example, if a project has 10 two-bedroom units and 20 one-bedroom units and is required to include 3 Affordable Units, then the Affordable Units must consist of 1 two-bedroom unit and 2 one-bedroom units. If only one Affordable Unit is required and the other units in the project have various numbers of bedrooms, the Developer may select the number of bedrooms for that unit. If Affordable Units cannot mathematically be exactly proportioned in accordance with the Market Rate Units, the unit mix shall be determined by the SPGA pursuant to Paragraph D.
- e. **Location of Affordable Units.** Except as provided in Paragraph C (6) Alternatives, all Affordable Units shall be built on the same site as the remainder of the project.
- f. **Replacement Units.** If a proposed residential project would result in the demolition or elimination of existing Dwelling Units that have (or within the twelve months prior to submittal of the application had) rent levels affordable to Low-Income Households, and these Dwelling Units were built less than 30 years ago, and these Dwelling Units did have an affordable deed-restriction, the affordable Dwelling Units must be replaced on a one-for-one basis affordable to Low-Income Households under the provisions of this Section of the Bylaw. If the number of required Affordable Units is less than the number of low-income units being eliminated, then Developer shall include a number of Affordable Units affordable to Low Income Households in an amount equal to the number of low-income units being eliminated.

6. **Alternatives.** The Developer may propose an alternative means of compliance with this Section of the Bylaw instead of provision of on-site Affordable Units. The Developer is required to submit the reasons by which the alternative to construction of affordable units on-site is being offered for consideration. The Town has a

preference for construction of affordable units on site where feasible. If an alternative is proposed, information supporting the request is required at the time of the submittal of the Petition.

- a) **Off-Site Construction of Affordable Units.** Affordable Units may be constructed offsite upon a determination by the SPGA that on-site construction is infeasible, or that on-site construction is not in the best interests of the Town, or that off-site construction would be more advantageous, as demonstrated to the satisfaction of the SPGA by the proponent. The proponent is required to provide a written summary with respect to the proposal's consistency with the State's Smart Growth guidelines and the Town of Pembroke's Comprehensive Master Plan, and in making said determination, the SPGA will evaluate whether the proposal is consistent with said criteria. If this option is chosen, then the off-site Affordable Units must be constructed prior to or concurrently with construction of the on-site project. The Affordable Unit size must meet the same requirements as if the Affordable Units were constructed on-site. No Certificate of Occupancy will be issued for any corresponding Market Rate Unit prior to Affordable Unit construction completion.
- b) **Land Dedication.** The SPGA, in its sole discretion, only upon a determination by the SPGA that construction of the affordable units per Paragraph C(5) or Paragraph C(6)a is infeasible and/or is not in the best interest of the Town, determine that, in lieu of building Affordable Units, the Developer may offer to the Town land within the Town of Pembroke, and the SPGA, in concert with the Board of Selectmen, may recommend to Town Meeting to accept, donations of land in fee simple, on or offsite, that the SPGA determines is suitable for the construction of at least the number of Affordable Units otherwise required per Section C(5). The proponent is required to provide a written summary with respect to the proposal's consistency with the State's Smart Growth guidelines and the Town of Pembroke's Comprehensive Master Plan, and in making said determination the SPGA will evaluate whether the proposal is consistent with said criteria. The SPGA shall require prior to accepting land as satisfaction of the requirements of this Bylaw, that the Developer shall submit two (2) appraisals of the land in question (future values may be taken into account in this appraisal), as well as other data relevant to the determination of equivalent value. The value of donated land shall be equal to or greater than 115% of the construction or set-aside of affordable units. The Developer must also supply certified information that the land to be donated will support the required number of Dwelling Units per then current Pembroke Zoning Bylaws, Pembroke Board of Health Regulations, and Pembroke Conservation Commission requirements as of the date of transfer (i.e. that the land is buildable). The transfer of said land shall be at no cost to the Town, and shall include title insurance. Providing that Town Meeting accepts said land, the developer will not have to build the Affordable Units otherwise required under this Section of the Bylaw.
- c) **Fees in Lieu of Affordable Housing Units.**
 - 1. As an alternative to Section (C) (5A), and allowed by law, a Developer may contribute a fee to the Pembroke Affordable Housing Trust Fund or other 501 (C) (3) fund established for the purposes of creating affordable housing as designated by the SPGA to be used for the development of affordable housing in-lieu of constructing and offering affordable units within the locus of the proposed development or off-site.
 - 2. **Calculation of fees-in-lieu of units** is subject to current pricing of affordable housing units and related land and construction costs.
 - 3. **Payment of Fees-in-lieu of Affordable Housing Units** shall be paid according to the following schedule; 25% of Calculated Fee to be paid by developer to the Pembroke Affordable Housing

Trust Fund or other Internal Revenue Code, §501 (C) (3) fund as designed by the SPGA within ten (10) days from the date on which a copy of the Special Permit is filed with the Town Clerk, excluding the amount of time required for the appeal period to expire and the amount of time required to pursue and await the determination of any such appeal, then these Special Permits shall expire, except insofar as the foregoing statement is modified by Chapter 195 of the Acts of 1984. The balance to be paid in three (3) equal payments; first payment due when 1/3 of the total units have been built, second payment due when 2/3 of the total units have been built, and final payment due when ninety percent of the units have been built. This payment schedule may be negotiated at the sole discretion of the SPGA and may include incentives for earlier payments

7. Affordable Unit Standards.

- a) **Design.** Affordable Units must be dispersed throughout a Project and be comparable in construction quality and exterior design to the Market Rate Units. The Affordable Units must have access to all on-site amenities.
- b) **Timing.** All Affordable Units must be constructed and occupied concurrently with or prior to the construction and occupancy of Market Rate Units or development. In phased developments, Affordable Units may be constructed and occupied in proportion to the number of units in each phase of the Project.
- c) **Terms of Affordability.** Rental Affordable Units must remain affordable in perpetuity, as documented through an affordable housing agreement recorded against the property per Paragraph C (8). Ownership Affordable Units must remain affordable in perpetuity pursuant to an affordable housing agreement recorded against the property per Paragraph C (8).

8. Inclusionary Housing Agreement.

- a. **Agreements Required.** Applications for Projects shall be approved only concurrently with the approval of an Inclusionary Housing Agreement pursuant to this Section.
- b. **Approval.** An Inclusionary Housing Agreement between the Developer and the Town of Pembroke in a form approved by the SPGA shall be executed and recorded at the Plymouth County Registry of Deeds or Land Court Registry District of Plymouth County prior to issuance of a building permit. The Inclusionary Housing Agreement shall provide for the implementation of the requirements of this Section of the Zoning Bylaw. All Inclusionary Housing Agreements must include, at minimum, the following:
 - i. Description of the development, including whether the Affordable Units will be rented or owner-occupied;
 - ii. The number, size and location of the Affordable Units, or any approved alternative;
 - iii. Inclusionary incentives by the Town of Pembroke (if any);
 - iv. Provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal or rental restrictions that shall be recorded against the property;
 - v. Provisions for monitoring the ongoing affordability of the units, and the process for marketing units, and qualifying prospective residents household for income eligibility; and
 - vi. Deed Restriction acceptable to the Town of Pembroke.

9. Incentives.

In approving an Inclusionary Housing Agreement, the SPGA may, in its sole discretion, include one or more of the following incentives:

- a. **Unit Size Reduction.** The size of the Affordable Units may be smaller than the Market Rate Units as long as the units meet the requirements under G. L. c. 40B, §§20-23, its regulations, or any amendments thereto, and consistent with all other provisions herein.
- b. **Interior Finishes.** Affordable Units may have different interior finishes and features than Market Rate Units so long as the interior features are durable, of good quality and consistent with current State Building Code standards for new housing

D. Administration.

For the purposes of this Section, the designated SPGA shall be (a) the Planning Board in the case of Special Permits issued by the Planning Board in accordance with the provisions of the Bylaw and for residential subdivisions, or (b) the Zoning Board of Appeals in the case of Special Permits issued by the Zoning Board of Appeals in accordance with the provisions of the Bylaw. In reviewing an Inclusionary Zoning proposal, the SPGA shall be governed by the Special Permit procedures as specified in Section 6.D, and shall take advisory recommendations from the Town's Office of Community Development and Affordable Housing Committee under consideration on all Projects regarding consistency with the Town's Affordable Housing Plan. The SPGA may adopt regulations for carrying out its duties under this Bylaw.

Appendix F: Community Housing Survey – posted 5-22-18

1. How long have you lived in Pembroke?

- Less than 1 year
- 2-5 years
- 6-10 years
- 11-20 years
- More than 20 years

2. Which best describes your current living situation?

- Own my home
- Rent my home
- Live with parents relatives

Other (please specify)

3. Which of the following best describes your household?

- Family with children
- Couple without children
- Empty nest couple
- Single, below age of 65
- Single, above age of 66
- Share your home with an elderly parent or grandparent.

Other (please specify)

4. How would you describe your ability to meet your monthly housing costs including: mortgage/rent, insurance, taxes and utilities?

- It is very easy.
- It is somewhat easy.
- I am just able to meet my needs.
- It is somewhat difficult.
- It is very difficult.

5. Do you know someone who would like to live in Pembroke, but cannot afford to?

- Yes
- No

6. Which best describes your housing plans for the next five years?

- Plan to stay in the same home.
- Plan to move to a larger home.
- Plan to move to a smaller home.
- Plan to move to a more affordable location.

Other (please specify)

7. What types of affordable housing should be included in the Pembroke Housing Production Plan? Please use the drop down menu to rank the housing types below from 1 – 6 with 1 being the highest preference and 6 being your lowest preference.

Single Family Homes

Duplexes

Multi Family Homes 3+

Apartments

Condominiums

Conversion of existing large homes or municipal buildings into housing.

8. How would you rank the following groups in regard to their need for affordable housing? Please rank these from 1-5 with 1 having the most need.

Elderly	<input type="text"/>
Disabled	<input type="text"/>
Families	<input type="text"/>
Single Person Households	<input type="text"/>
Young Adults	<input type="text"/>

9. Which category best describes your age?

- Under 25
- 26-34
- 35-44
- 45-54
- 55-64
- 65-74
- 75 years and older

10. Which best describes your annual household income? (optional)

- Less than \$20,000
- \$20,000-\$24,999
- \$25,000-\$34,999
- \$35,000-\$49,999
- \$50,000-\$74,999
- \$75,000-\$99,999
- \$100,000 – \$149,999
- \$150,000 +

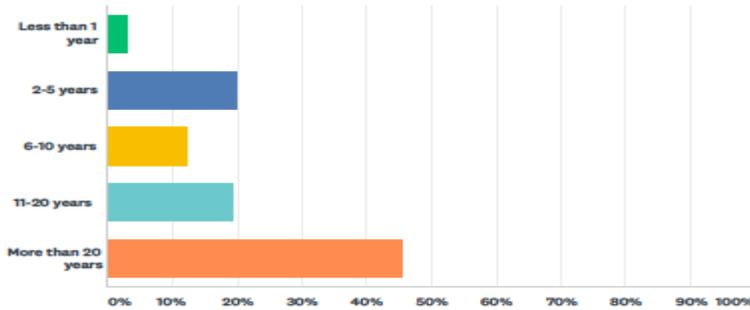
Appendix G: Community Housing Survey Results

Pembroke Housing Survey

SurveyMonkey

Q1 How long have you lived in Pembroke?

Answered: 249 Skipped: 1



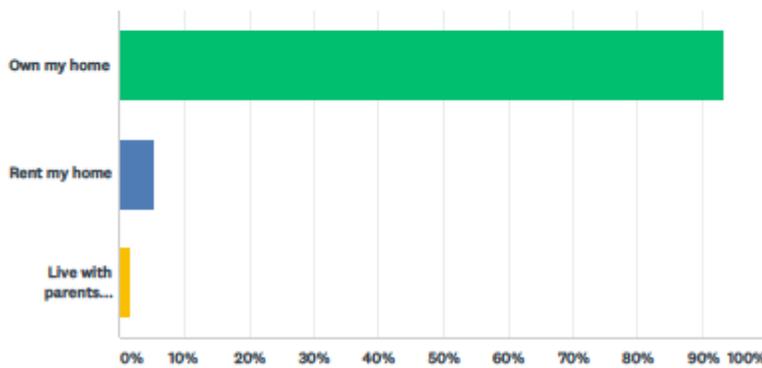
ANSWER CHOICES	RESPONSES
Less than 1 year	3.21% 8
2-5 years	20.08% 50
6-10 years	12.05% 30
11-20 years	19.28% 48
More than 20 years	45.38% 113
TOTAL	249

Pembroke Housing Survey

SurveyMonkey

Q2 Which best describes your current living situation?

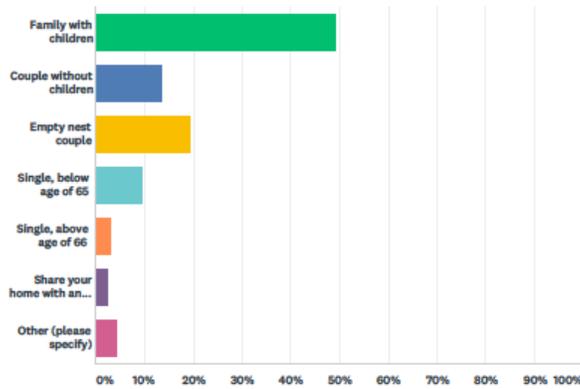
Answered: 247 Skipped: 3



ANSWER CHOICES	RESPONSES
Own my home	93.12% 230
Rent my home	5.26% 13
Live with parents relatives	1.62% 4
TOTAL	247

Q3 Which of the following best describes your household?

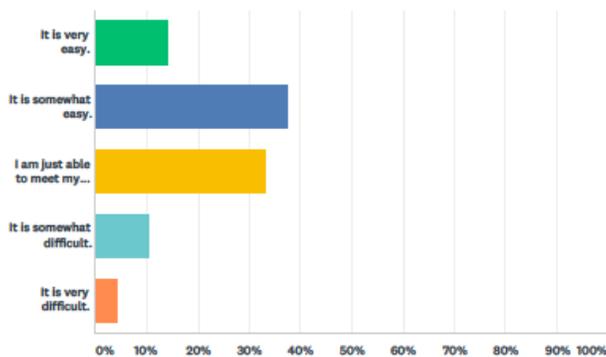
Answered: 250 Skipped: 0



ANSWER CHOICES	RESPONSES	
Family with children	49.20%	123
Couple without children	13.60%	34
Empty nest couple	19.20%	48
Single, below age of 65	9.60%	24
Single, above age of 66	3.20%	8
Share your home with an elderly parent or grandparent.	2.40%	6
Other (please specify)	4.40%	11
Total Respondents: 250		

Q4 How would you describe your ability to meet your monthly housing costs including: mortgage/rent, insurance, taxes and utilities?

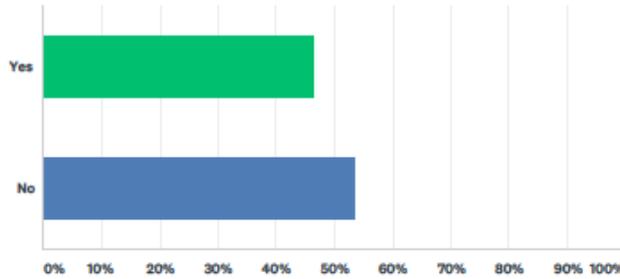
Answered: 249 Skipped: 1



ANSWER CHOICES	RESPONSES	
It is very easy.	14.06%	35
It is somewhat easy.	37.75%	94
I am just able to meet my needs.	33.33%	83
It is somewhat difficult.	10.44%	26
It is very difficult.	4.42%	11
TOTAL		249

Q5 Do you know someone who would like to live in Pembroke, but cannot afford to?

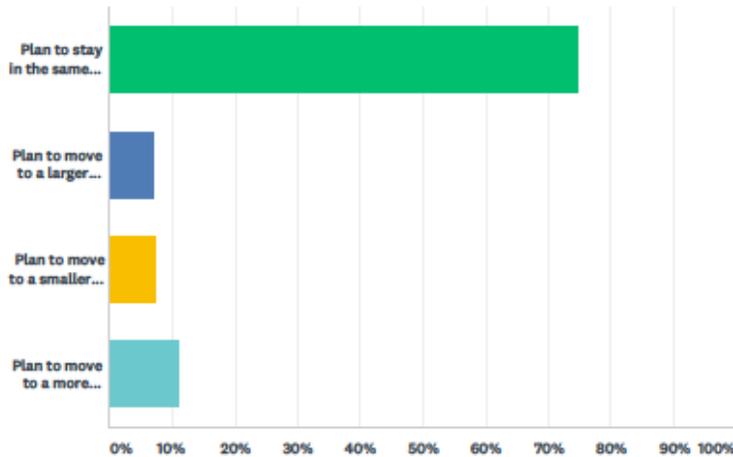
Answered: 248 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	46.37%	115
No	53.63%	133
TOTAL		248

Q6 Which best describes your housing plans for the next five years?

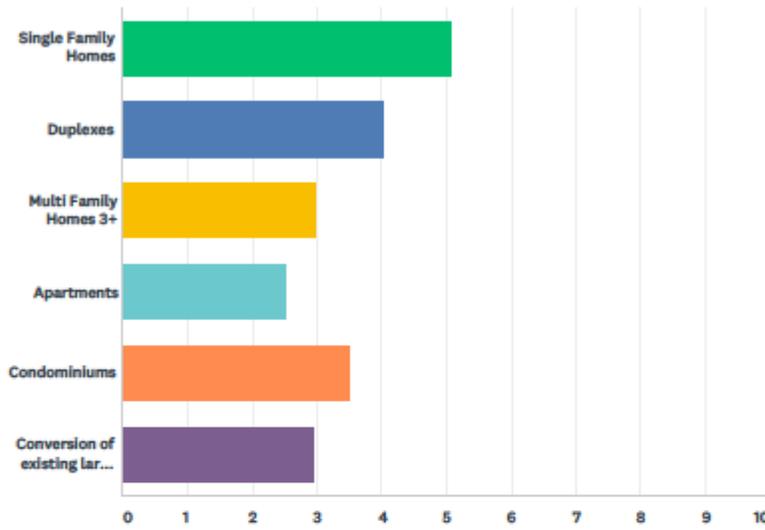
Answered: 244 Skipped: 6



ANSWER CHOICES	RESPONSES	
Plan to stay in the same home.	74.59%	182
Plan to move to a larger home.	6.97%	17
Plan to move to a smaller home.	7.38%	18
Plan to move to a more affordable location.	11.07%	27
TOTAL		244

Q7 What types of affordable housing should be included in the Pembroke Housing Production Plan? Please use the drop down menu to rank the housing types below from 1 – 6 with 1 being the highest preference and 6 being your lowest preference.

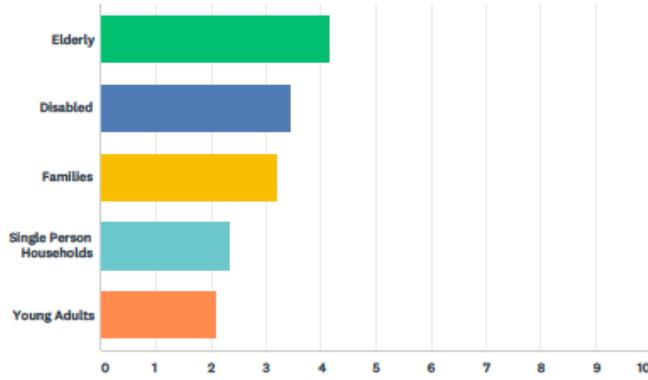
Answered: 240 Skipped: 10



	1	2	3	4	5	6	TOTAL	SCORE
Single Family Homes	69.40% 161	8.19% 19	4.31% 10	4.74% 11	6.47% 15	6.90% 16	232	5.09
Duplexes	5.05% 11	39.91% 87	27.52% 60	13.30% 29	9.17% 20	5.05% 11	218	4.03
Multi Family Homes 3+	4.23% 9	11.27% 24	22.07% 47	24.41% 52	16.90% 36	21.13% 45	213	2.98
Apartments	3.18% 7	8.18% 18	12.27% 27	18.64% 41	29.55% 65	28.18% 62	220	2.52
Condominiums	5.29% 12	22.03% 50	23.35% 53	22.91% 52	19.38% 44	7.05% 16	227	3.50
Conversion of existing large homes or municipal buildings into housing.	14.78% 34	9.13% 21	12.17% 28	15.65% 36	16.96% 39	31.30% 72	230	2.95

Q8 How would you rank the following groups in regard to their need for affordable housing? Please rank these from 1-5 with 1 having the most need.

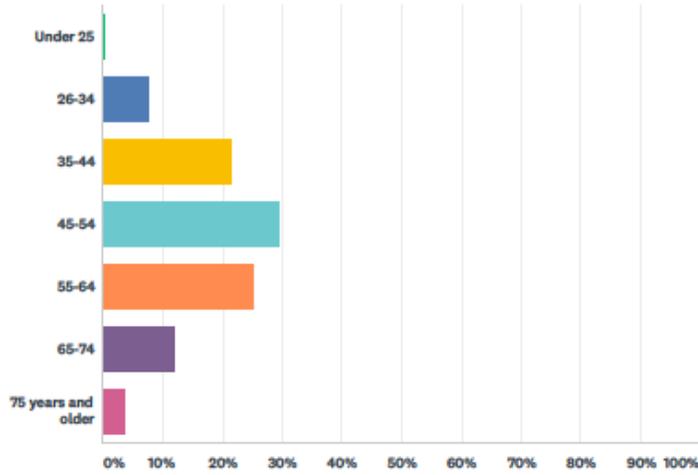
Answered: 240 Skipped: 10



	1	2	3	4	5	TOTAL	SCORE
Elderly	52.65% 119	25.22% 57	10.62% 24	6.19% 14	5.31% 12	226	4.14
Disabled	16.22% 36	40.99% 91	20.72% 46	14.41% 32	7.66% 17	222	3.44
Families	20.63% 46	14.35% 32	40.81% 91	13.00% 29	11.21% 25	223	3.20
Single Person Households	6.73% 15	10.31% 23	15.25% 34	45.29% 101	22.42% 50	223	2.34
Young Adults	9.33% 21	9.33% 21	12.44% 28	19.56% 44	49.33% 111	225	2.10

Q9 Which category best describes your age?

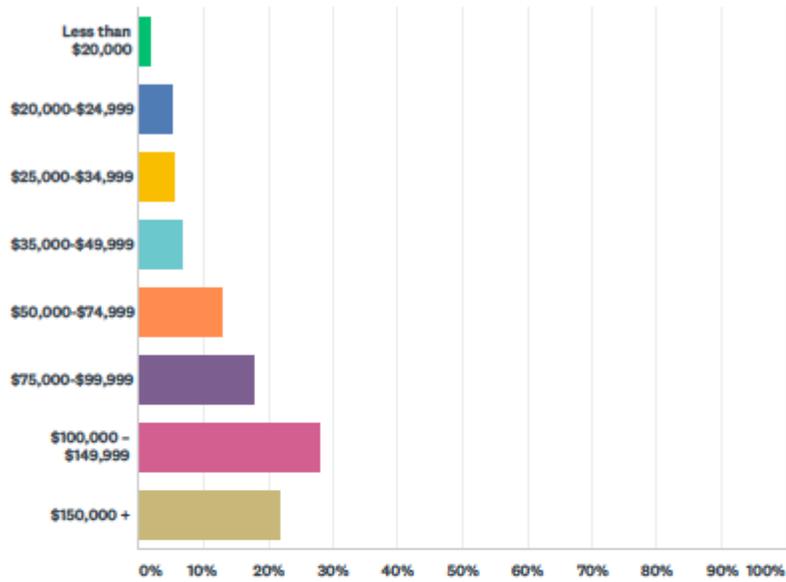
Answered: 250 Skipped: 0



ANSWER CHOICES	RESPONSES	
Under 25	0.40%	1
26-34	7.60%	19
35-44	21.60%	54
45-54	29.60%	74
55-64	25.20%	63
65-74	12.00%	30
75 years and older	3.60%	9
TOTAL		250

Q10 Which best describes your annual household income? (optional)

Answered: 209 Skipped: 41



ANSWER CHOICES	RESPONSES	
Less than \$20,000	1.91%	4
\$20,000-\$24,999	5.26%	11
\$25,000-\$34,999	5.74%	12
\$35,000-\$49,999	6.70%	14
\$50,000-\$74,999	12.92%	27
\$75,000-\$99,999	17.70%	37
\$100,000 - \$149,999	27.75%	58
\$150,000 +	22.01%	46
TOTAL		209

Appendix H: Subsidized Housing Inventory - Pembroke

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CHACOB SUBSIDIZED HOUSING INVENTORY

Pembroke

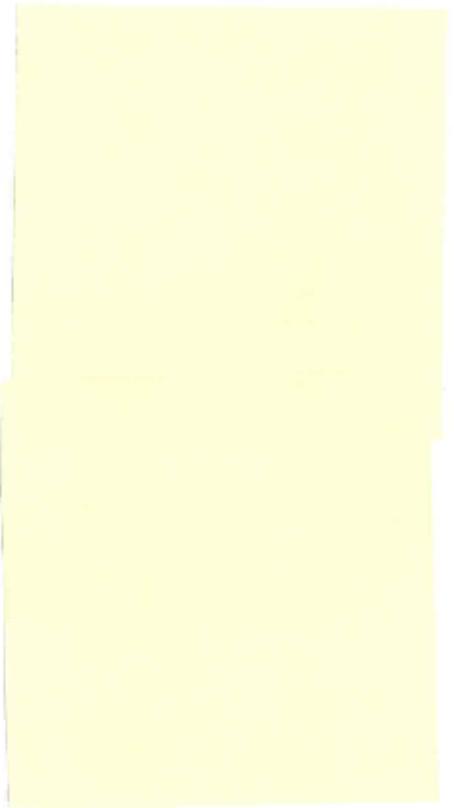
DHCD ID#	Project Name	Address	Type	Total SHI Units	Affordability Expires	Buildout Comp. Permit?	Subsidizing Agency
2443	National Way	National Way	Serial	47	Perp	No	DHCD
2444	Schooner St	Schooner St	Serial	2	Perp	Yes	HUD
2445	nil	School St/Mayflower	Serial	56	Perp	No	DHCD
2446	nil	Kilbourne St	Serial	95	Perp	No	DHCD
2447	nil	52 & 54 Lytle Cove Road	Serial	3	Perp	No	DHCD
2448	nil	400 Center Street	Serial	6	Perp	No	DHCD
2449	nil	scattered sites	Serial	5	Perp	No	DHCD
2450	Oliver Creek	off Birch Street	Conversion	1	Perp	Yes	DHCD
2451	3 Jubilee Hill	34 Filer Street	Conversion	5	Perp	Yes	DHCD
2452	Joseph Farms	Joseph Farm	Conversion	12	Perp	Yes	DHCD
2453	Joseph Farms	Joseph Farm	Conversion	4	Perp	Yes	DHCD
2454	South Stone Farm	1 or 31 Birch Hill Lane	Serial	2	2020	No	Masaf Housing LHHS
4777	DRS Group Homes	Commercial	Serial	82	MAX	No	DHS
6035	Dorothy Square	L Harbor Street	Conversion	1	perp	Yes	HALLE
6034	Paula Davis Estates	1251 Lake Street	Conversion	10	perp	Yes	HALLE
6036	Carver Cottages	235 Center Street	Conversion	11	perp	Yes	DHCD
6038	Alexis et Puyoussier Woods	Insular Park Drive (off of Oak St)	Serial	240	perp	Yes	HALLE

1. The data is derived from information provided to the Department of Housing and Community Development (DHCD) by the data contributors and is subject to change as new information is obtained and law results in change.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CH40B SUBSIDIZED HOUSING INVENTORY

Pembroke

DHCD ID #	Project Name	Address	Type	Total SHI Units	Affordability Expires	Built w/ Comp. Permit?	Subsidizing Agency
8474	Alexis at Pembroke Woods	Industrial Park Drive 100' at Oak St	Rental	240	perp	Yes	MassHousing
6825	Schoosec Village	178-180 Schoosec Street	Rental	38	perp	Yes	MAH
7603	PAH Group Homes	Confidential	Rental	6	via	No	D/M/I
8474	Dickson Park Condominiums	105 Varraults St	Ownership	2	Perp	YES	MassHousing
Pembroke Totals				318	Census 2010 Year Round Housing Units		6,477
					Percent Subsidized		9.51%



Appendix I: Subsidized Housing Inventory- Facts, Questions, Answers

Subsidized Housing Inventory Information and Procedures The Department of Housing and Community Development (DHCD) maintains the Subsidized Housing Inventory (SHI) to track each municipality's stock of eligible affordable housing. The SHI includes housing units that are either:

- Developed through the issuance of a Comprehensive Permit
- Developed under G.L. c. 40A, c. 40R
- Developed by other statutes, regulations, and programs, so long as the units are subject to a use Restriction, an Affirmative Fair Marketing Plan, and the requirements of guidelines issued by DHCD. For Regulatory Authority, see: G.L. C 40B, s. 20-23 and 760 CMR 56.00, particularly 760 CMR 56.03.

Communities must follow these steps to add units to the Subsidized Housing Inventory (SHI).

More detail is available at <http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf>

1. The community may request for units to be added to the SHI at any time by submitting a "Requesting New Units Form" with supporting documentation.
2. For rehabilitation units, the party administering the grant locally submits the necessary information using the "Housing Rehab Units Only" form.
3. Requests to include new units or corrections are submitted by the municipality, a developer, or a member of the public to: Department of Housing and Community Development Office of General Counsel 100 Cambridge Street, Suite 300 Boston, MA 02114-2524 Attention: Subsidized Housing Inventory.
4. Every two years, the municipality must submit a statement to DHCD certified by the Chief Executive Officer stating the number of SHI eligible housing units besides those created in a Comprehensive Permit project.
5. DHCD updates the SHI every two years or more frequently if information is provided by the municipality and verified by the Department.

Requesting new SHI units form: <http://www.mass.gov/hed/docs/dhcd/hd/shi/rnuf.doc>

Requesting new rehabbed SHI units form: <http://www.mass.gov/hed/docs/dhcd/hd/shi/rehabunits.xls>

SUBSIDIZED HOUSING INVENTORY – REQUESTING NEW UNITS FORM

Development _____

Address _____

Total Acreage _____

Subsidizing Agency – List All (i.e., MassHousing, DHCD)

Subsidy Program – List All (i.e., Housing Starts, NEF, LIP, HOME)

	Rental	Ownership
Total Units in Development		
Total Affordable Units		
Restricted at 80% of AMI		
Restricted at 50% of AMI		
Restricted at 30% of AMI		

Date of Building Permit(s) _____

(Provide a listing of issued building permit numbers and corresponding unit numbers and addresses. Please note that foundation permits are *not* to be included as building permits)

Date of Occupancy Permit(s) _____ (Provide a listing of issued occupancy permit numbers and corresponding unit numbers and addresses)

For Comprehensive Permit Projects, Zoning Approvals under M.G.L. c.40A, and Completed Plan Reviews under M.G.L. c.40R (provide copy of applicable permit, approval, or plan review):

- Date comprehensive permit application was filed with the ZBA: _____
- Date comprehensive permit, zoning approval under M.G.L. c.40A, or completed plan review under M.G.L. c.40R was filed with the town clerk: _____
- Was an appeal filed? YES or NO

Was an appeal filed by the Zoning Board of Appeals? YES or NO
- Date the last appeal was fully resolved: _____
 (Provide documentation)

Documentation* evidencing the following must be submitted with this form:

1. The zoning or permitting mechanism under which the housing development is authorized
2. The units are subsidized by an eligible state or federal program
3. The units are subject to a long term use restriction limiting occupancy to income eligible households for a specified period of time (at least thirty years or longer for newly created affordable units, and at least fifteen years for rehabilitated units)
4. The units are subject to an Affirmative Fair Housing Marketing Plan
5. The last appeal has been fully resolved (where applicable)

Submit form and documentation to: DHCD Office of the General Counsel
Attn: Subsidized Housing Inventory
100 Cambridge Street, Suite 300
Boston, MA 02114

Submitted by: Name & Title: _____
Mailing Address: _____
Phone and email: _____

*Please review Section II of the DHCD Comprehensive Permit Guidelines, "Measuring Progress Towards Local Goals," available at <http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf> for more information about the required criteria for inclusion on the Subsidized Housing Inventory.

Appendix J: Important Affordable Housing Resources

Housing Production Plan Guidelines: <http://www.mass.gov/hed/docs/dhcd/cd/pp/hpp-guidelines.pdf>

Comprehensive Permit Guidelines

<http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf> 760 CMR 56.00

Local Initiative Program (LIP) and links to forms

<http://www.mass.gov/hed/community/40b-plan/local-initiative-program-lip.html>

- LIP Comprehensive Permit application
- LIP LAU application
- LIP LAU accessory apartment application
- LIP affordable housing deed rider

40B Design Review Handbook

<http://www.mass.gov/hed/economic/eohed/dhcd/fact-sheets/lip.html>

DHCD Program Facts and FAQ

<http://www.mass.gov/hed/economic/eohed/dhcd/fact-sheets/>

[http://www.mass.gov/hed/housing/affordable-rent/Compact Neighborhoods Zoning](http://www.mass.gov/hed/housing/affordable-rent/Compact_Neighborhoods_Zoning)

<http://www.mass.gov/hed/docs/dhcd/cd/ch40r/compact-neighborhoodspolicy.pdf>

40R Smart Growth Zoning Overlay

<http://www.mass.gov/hed/economic/eohed/dhcd/legal/regs/760-cmr-59.html>

<http://www.mass.gov/hed/community/planning/chapter-40-r.html>

<http://www.chapa.org/pdf/Ch40RFinal0704.pdf>

Municipal Affordable Housing Trust Operations Manual

https://www.mhp.net/writable/resources/documents/MAHT-Ops-Manual_final.pdf

Municipal Affordable Housing Trust Guidebook –

https://www.mhp.net/writable/resources/documents/municipal_affordable_housing_trust_guidebook.pdf

Housing Toolbox for Massachusetts Communities: <https://www.housingtoolbox.org/>

Create, Preserve, Support, Guide to utilizing Community Preservation Funds to foster local housing initiatives
https://www.mhp.net/writable/resources/documents/CPA-guidebook-2016_lowres.pdf

Intro, tips for building an effective trust, fair housing and eligible funding activities
<https://www.mhp.net/writable/resources/documents/Intro-Trust-Operations-Fair-Housing-and-Eligible-Activities-May-18-2018.pdf>

Trust Building: Building Relationships, Establishing Credibility and Acknowledging & Addressing the Elephant(s) in the Room
<https://www.mhp.net/writable/resources/documents/MHP-Training-Trust-Building-DPolitis-051818.pdf>

Legal and Operational Issues

<https://www.mhp.net/writable/resources/documents/Legal-and-Operational-Issues-for-MAHTs-051818.pdf>

Appendix K: Model Bylaw for Accessory Dwelling Units



MODEL BYLAW FOR ACCESSORY DWELLING UNITS

Introduction

Accessory dwelling units (also known as ‘accessory apartments’, ‘guest apartments’, ‘in-law apartments’, ‘family apartments’ or ‘secondary units’) provide units that can be integrated into existing single family neighborhoods to provide low priced housing alternatives that have little or no negative impact on the character of the neighborhood.

The regulatory approach used by most municipalities for accessory dwelling units is a zoning bylaw that permits an accessory unit, thereby allowing certain improvements to be made to the existing dwelling. Provisions can address certain restrictions based on whether the dwelling existed as of a certain date, the maximum allowed building and site modifications, the options for choosing inhabitants, whether the main unit needs to be owner occupied, and minimum lot sizes. However, the greater the number of restrictions, the fewer options there are available to homeowners for adding the units.

The following is a model bylaw for accessory dwelling units. It is recognized that there is no single “model” that can be added to community regulations without some tailoring, therefore revisions to the text within this model is encouraged. There may also be a need to examine local development review process to find ways that the process can be streamlined to encourage homeowners to use the accessory dwelling unit ordinance.

The annotation included in this model bylaw will not be part of the adopted bylaw, but will serve as a “legislative history” of the intent of the drafters and the interpretation to be given to certain terms and provisions. The annotation includes some recommended positions that reduce burdens on both homeowners and municipalities when implementing the bylaw.

MODEL BYLAW

01.0 Purpose and Intent: The intent of permitting accessory dwelling units is to:

1. Provide older homeowners with a means of obtaining rental income, companionship, security and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;

2. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
3. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
4. Provide housing units for persons with disabilities;
5. Protect stability, property values, and the residential character of a neighborhood.

COMMENT: *Accessory dwelling units are a relatively rare circumstance in most communities, but can be very important to the homeowner that needs this option. There are various provisions in this model bylaw that will ensure that the appearance of neighborhoods are not substantially affected, including limitations on floor area, number of bedrooms, setbacks, ingress/egress location, and ensuring that accessory dwelling units are installed only in owner-occupied houses.*

02.0 Definitions:

1. Accessory Dwelling Unit: An Accessory Dwelling Unit is a self-contained housing unit incorporated within a single-family dwelling (not within accessory structures, except with a Special Permit) that is clearly a subordinate part of the single-family dwelling and complies with each of the criteria stated below.

COMMENT: *The definition of an accessory dwelling unit can restrict tenants to family members, low- or moderate-income tenants, or be unrestricted. However, unrestricted or family-member only units will not count towards the 10% goal of the Subsidized Housing Inventory (SHI). This bylaw is not intended to provide housing which would count towards the Commonwealth's Local Initiative Program ("LIP"). Please see the Department of Housing and Community Development's regulations for additional information and requirements regarding the LIP.*

RECOMMENDED POSITION: *Do not restrict tenants. Allowing only family members is easiest politically and may limit the overall impact of the units, but it will also limit the use (and reuse) of these units and may result in additional administration costs associated with enforcement. Having no restrictions on accessory dwelling unit tenants gives greater control over the unit to the homeowner while offering more diverse housing opportunities.*

COMMENT: *Restricting accessory dwelling units to low-income tenants may help add units to the town's SHI list; however, the units must be permitted under a DHCD-approved bylaw. This model does not contemplate the SHI compliance.*

COMMENT: *The following definitions (or similar) are typically used in an accessory dwelling unit bylaw to support the accessory dwelling unit definition.*

2. Building, Attached: A building having any portion of one or more walls in common or within five feet of an adjacent building.
3. Building, Detached: A building having a five feet or more of open space on all sides.
4. Dwelling, Single-Family: A building designed or used exclusively as a residence and including only one dwelling unit.

COMMENT: *The limitations on accessory dwelling units that are identified in the bylaw will strengthen the distinction between two-family dwellings, and single-family dwellings with accessory dwelling units. However, it is recommended that a community review its other definitions and residential bylaws to ensure the distinction.*

6. Dwelling Unit: One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. This definition does not include a trailer, however mounted.
7. Primary Residence: A building in which is conducted the principal use of the lot on which it is located. For residentially zoned lots, such a building would be a dwelling.

03.0 Procedural Requirements:

1. Review procedure: [Refer to the existing Special Permit or Site Plan Review procedures for your municipality.]

COMMENT: *Permitting can be through Special Permit; Site Plan Review; or As-of-Right. The Special Permit procedure is a legislative procedure that provides the highest level of control to the municipality. A Special Permit approval is attached to the land, meaning that it is not affected by change of ownership unless specified. Site Plan Review provides an opportunity for a local entity within the municipality (other than the Building Commissioner) to review the design (possibly including both site plans and elevations) of a proposed development to determine the impacts on surrounding properties. The As-of-Right procedure allows property owners to submit construction plans to the Building Commissioner for assessment against relevant zoning bylaws (including accessory dwelling unit bylaws) prior to issuing a construction permit.*

RECOMMENDED POSITION: *For accessory dwelling units within a home, use as-of-right; for attached or detached accessory dwelling units use Special Permit. As-of-Right permitting will facilitate the development of units that have limited or no impact from the street; for attached and detached units, towns may wish to have a heightened level of control especially on issues of design compatibility and privacy.*

04.0 Use and Dimensional Regulations:

1. The Building Commissioner may issue a Building Permit authorizing the installation and use of an accessory dwelling unit within an existing or new owner-occupied, single-family dwelling and the Special Permit Granting Authority (SPGA) may issue a Special Permit authorizing the installation and use of an accessory dwelling unit in a detached structure on a single-family home lot only when the following conditions are met:

COMMENT: *The SPGA is usually designated as either the Zoning Board of Appeals or Planning Board.*

COMMENT: *Some towns allow all single-family homes to contain accessory dwelling units, while others restrict it to homes existing prior to a certain date, or to a maximum percentage of the community.*

RECOMMENDED POSITION: *Allow accessory dwelling units in all single-family homes that can meet the requirements of the bylaw. This will enable more accessory dwelling units and reduce administration burdens on the municipality associated with assessment of each unit.*

- (a) The unit will be a complete, separate housekeeping unit containing both kitchen and bath.

COMMENT: *This provision is to ensure that the unit is separately habitable.*

- (b) Only one accessory dwelling unit may be created within a single-family house or house lot.

COMMENT: *This provision is to ensure that accessory dwelling units remain ancillary to the principal single-family dwellings.*

- (c) The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence, except for bona fi de temporary absences.

COMMENT: *This helps to protect the stability and character of the neighborhood. Provided that similar circumstances prevail, a change of ownership should not automatically result in a Special Permit lapse (refer to 04.5 below).*

- (d) Any new separate outside entrance serving an accessory dwelling unit shall be located on the side or in the rear of the building.

COMMENT: *This is to ensure that the principal dwelling has the appearance of a single family dwelling. However, entrances could be combined in a single location.*

- (e) The gross floor area of an accessory dwelling unit (including any additions) shall not be greater than nine hundred (900) square feet.

COMMENT: *The sizes of accessory dwelling units allowed in the various bylaws studied ranged from 500 to 900 square feet. The purpose of stating a maximum floor area is to ensure that the unit remains subordinate to the single-family dwelling. An additional limitation that can be placed on accessory dwelling units is the number of bedrooms (see 04.1(g) below). This limitation may be more important in areas that are not served by a sewer and/or water supply. Another alternative is to use the Special Permit to allow larger ADU's when located in larger homes with additional size criteria added to the bylaw/ordinance.*

COMMENT: *An option for the size of the unit could be a percentage of the existing main dwelling, with a minimum to ensure appropriate living space is available in the accessory dwelling unit.*

- (f) Once an accessory dwelling unit has been added to a single-family residence or lot, the accessory dwelling unit shall never be enlarged beyond the nine hundred (900) square feet allowed by this bylaw/ordinance.

COMMENT: *This enables homeowners to make modifications and additions to the accessory dwelling unit while remaining subordinate to the single-family dwelling.*

- (g) An accessory dwelling unit may not be occupied by more than three (3) people nor have more than two bedrooms.

COMMENT: *The intent of this provision is to limit impacts on sewer and water supply systems. This is an important issue for accessory dwelling units in areas that are not served by a sewer or water supply (see 04.1(h)). Local conditions may suggest a different number of bedrooms and a different number of people allowed.*

- (h) The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and other local bylaws/ordinances and regulations.

COMMENT: *Provisions can be added in the bylaw stating that the accessory dwelling unit must conform to all applicable health, building, and other codes. In areas without sewer and water infrastructure, a minimum lot size may be needed to ensure that the accessory dwelling unit has adequate and safe water supply and sewage disposal. It should be noted that the provisions of the accessory dwelling unit bylaw may not conflict with the State Building Code, Title V of the State Sanitary Code or other local bylaws relating to health and safety without appropriate variance.*

- (i) Off-street parking spaces should be available for use by the owner-occupant(s) and tenants.

COMMENT: *The accessory dwelling unit may result in demand for extra vehicle parking; however, the number of additional vehicles associated with the property may be minimal due to the limited size of the unit. The typical requirement is for one additional on-site parking space for the accessory dwelling unit.*

RECOMMENDED POSITION: *Require one additional parking space and consider allowing a waiver when transit is a reasonable option.*

2. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the SPGA may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.
3. Approval for an ADU requires that the owner must occupy one of the dwelling units. The zoning approval and the notarized letters required in 04.4 and 04.5 below must be recorded in the County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Commissioner, prior to the occupancy of the accessory dwelling unit.
4. When a structure, which has received a permit for an accessory dwelling unit, is sold, the new owner(s), if they wish to continue to exercise the Permit, must, within thirty (30) days of the sale, submit a notarized letter to the Building Commissioner stating that they will occupy one of the dwelling units on the premises as their primary residence, except for bona fi de temporary absences.

COMMENT: *Some municipalities include a provision in the bylaw/ordinance stating that the zoning approval or Special Permit for the accessory dwelling unit will lapse if the owner no longer occupies one of the dwelling units. This adds unnecessary administrative burden on the municipality. Provided that similar circumstances prevail, a change of ownership should not automatically result in a permit lapse.*

5. Prior to issuance of a permit, the owner(s) must send a notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence, except for bona fi de temporary absences.

COMMENT: *Some bylaws/ordinances specify time periods for which the owner must occupy the dwelling in any given year, however, enforcement of this adds unnecessary administrative burden on local officials.*

6. Prior to issuance of a permit, a floor plan must be submitted showing the proposed interior and exterior changes to the building.

COMMENT: *This is to demonstrate that the accessory dwelling unit will not significantly affect the appearance of the single-family dwelling.*

05.0 Administration and Enforcement

COMMENT: *Cities and towns need to examine their development review processes to find ways that the review process can be streamlined so homeowners are encouraged to use the accessory dwelling unit ordinance. It is recognized that most towns have existing illegal accessory dwelling units, and if a town is to encourage homeowners to legalize the existing units or create new accessory dwelling units under this bylaw, the process should be made as straight forward as possible. Making the process simple for the homeowners while still imposing all reasonable requirements for accessory dwelling units helps reduce the administrative burden on municipalities.*

COMMENT: *Some towns require annual notarized letters attesting to the conditions of the accessory dwelling unit (owner-occupancy and any restriction on tenancy). Some bylaws require annual renewal of the permit.*

RECOMMENDED POSITION: *No requirements for annual compliance or renewal are recommended. This places unnecessary burden on local officials. Using change in ownership as the trigger for renewal of the accessory dwelling unit is preferable.*

1. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this Bylaw.
2. No building shall be constructed or changed in use or configuration, until the Building Commissioner has issued a permit. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health and the proposed building and location thereof conform with the town's laws and bylaws. Any new building or structure shall conform to all adopted state and town laws, bylaws, codes and regulations. No building shall be occupied until a certificate of occupancy has been issued by the Building Inspector where required.
3. The Building Commissioner shall refuse to issue any permit, which would result in a violation of any provision of this chapter or in a violation of the conditions or terms of any special permit or variance granted by the Board of Appeals or its agent.
4. The Building Commissioner shall issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.
5. Construction or use according to a building permit or special permit shall conform to any subsequent amendment of this chapter unless the construction or use is begun within a period of not more than six months after the issuance of a permit granted before the effective date of the amendment. To qualify for this exemption, construction must be completed in a continuous and expeditious manner.

6. The SPGA specified in this section may, after making findings of fact that support the decision, approve modifications to the dimensional standards of this bylaw, section 04.0, that will not exceed those standards by more than [10] percent.

COMMENT: *These provisions may be standard within the community's regulations, and can be simply referenced in this section. Additional references may be made to the Site Plan Review and Special Permit processes if included in this bylaw.*

Appendix L: Local Initiative Program(LIP) / Local Action Units

“Friendly 40Bs” (Local Initiative Program Comprehensive Permits) For Regulatory Authority see: G.L. C 40B, s. 20-23 and 760 CMR 56.00. For LIP Comprehensive Permit guidance refer to GUIDELINES: G.L. C 40B Comprehensive Permit Projects; Subsidized Housing Inventory, section VI. Local Initiative Program (LIP) E.1. Summary of the process [For complete information see GUIDELINES, section VI] STEP ONE: Project must meet requirements of 40B STEP TWO: Receive written support of Chief Executive Officer STEP THREE: Complete Local Initiative Program Application for Comprehensive Permit Projects as Word Fillable Form [LIP Guidelines pg. VI – 3]: <http://www.mass.gov/hed/housing/affordable-own/localinitiative-program-lip.html> Include: (a) Letter of support signed by the Chief Executive Officer of the municipality. (b) Signed letter of interest from a construction lender (c) Site plan showing contours of the site and the footprint of all proposed buildings, roads, parking and other improvements (d) Front and rear elevations for each building and sample floor plans for each unit type (e) Description of proposed units by size, type, number of bedrooms, location within the project, and proposed rents or sales prices. APPLICATION FEE: \$1,500 per project plus an additional \$20 per unit with checks payable to Department of Housing and Community Development. [Reduced by one-half for non-profit developers; waived for public agencies and municipalities.] Application fee is refunded if the application is not accepted or is rejected. One-half of the fee is refunded if application not approved. STEP FOUR: Determination of Project Eligibility. [GUIDANCE, p. VI-9] Upon receipt of the application, DHCD reviews the LIP Comprehensive Permit Application. (f) The Determination of Project Eligibility is a prerequisite to application for a Comprehensive Permit for the Project from the municipality’s Zoning Board of Appeals. (g) DHCD makes the following findings in order to issue a Determination of Project Eligibility. 1. The application meets the requirements specified in 760 CMR 56.04(4). 2. The proposed project appears generally eligible under the requirements of the LIP, subject to final program review and approval. xvi 3. The proposed site plan is appropriate in the context of the surrounding area and taking into account previous municipal action to meet affordable housing needs, and the housing design is appropriate for the site. 4. The proposed project appears financially feasible in the context of the local housing market. 5. The initial pro forma for the project appears financially feasible on the basis of estimated development costs and revenues. 6. The applicant is a public agency, a non-profit organization, or a Limited Dividend Organization. 7. The applicant controls the site. 8. For age-restricted housing, that the market study demonstrates need and marketability within the municipality. (h) A Determination of Project Eligibility will be effective for two years from date of issuance unless otherwise stated therein. STEP FIVE Comprehensive Permit Application and Zoning Board of Appeals Hearing See G.L.C. 40B COMPREHENSIVE PERMIT INFORMATION SHEET, starting with STEP FOUR. STEP SIX Regulatory Agreement and Use Restrictions The Regulatory Agreement memorializes the rights and responsibilities of the parties and provides for monitoring of the project throughout the term of affordability. DHCD has model regulatory agreements for ownership and rental projects and a model Local Initiative Program Affordable Housing Deed Rider. (a) The Developer forwards a copy of the final Comprehensive Permit to the LIP staff at DHCD. (b) DHCD prepares a Regulatory Agreement, which also serves as the final written approval for the Project. (c) A Regulatory Agreement for each project will be executed by DHCD, the municipality, and the Developer (d) The Regulatory Agreement is filed with the Registry District of the Land Court. (e) The term of affordability for the Project generally should be the longest period permitted by law (in perpetuity). xvii F. Local Action Units Local Action Units (LAUs) are built without a Comprehensive Permit but meet LIP criteria and are suitable for inclusion in the SHI. They meet the following standards: 1. Built pursuant to one of the following local actions: a. Zoning-based approval i. Inclusionary Zoning, Accessory

Apartment Bylaw meeting the LAU criteria ii. Condition of a variance or special permit; agreement between town and a Developer to convert and rehabilitate municipal buildings into housing; b. Substantial municipal financial assistance: Funds raised, appropriated, administered by city or town. c. 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. iii. donation of municipally-owned land iv. use of local funds to develop or write down housing units 2. Must meet requirements for SHI eligibility (see above) Maximum LIP rents are calculated at what is affordable to a household earning 80% of the area median family income adjusted for household size. E.g.: 2 BR unit Household size = (#BR + 1) = 3 80% of AMFI = \$58,000 Monthly Income = \$4,875 Max Rent (30% of monthly income) = \$1,462 F.1. Process to implement STEP ONE. Discuss the Local Action Unit projects with DHCD LIP staff prior to submitting an application. STEP TWO. File a MEPA Environmental Notification Form, for new construction only. STEP THREE. Complete a Regulatory Agreement for Ownership Developments, or a Regulatory Agreement or Rental Developments, or a HOME Covenant/Deed Restriction STEP FOUR. Submit a complete, signed copy of the Local Initiative Program Application for Local Action Units to DHCD, attention LIP Program Coordinator; including: (a) Documentation of the municipal action (b) Submit a copy of the Regulatory Agreement for Ownership or Rental Developments or the HOME covenant/deed restriction, redlined to reflect any proposed changes. (c) MEPA environmental notification form (ENF) for new construction only (d) Affirmative Fair Marketing and Lottery Plan. STEP FIVE. DHCD expects to review and process the application within 60 days. To receive LAU approval, DHCD reviews for location action or approval. LAUs cannot be developed with a Comprehensive Permit. xviii F.2. Accessory apartments In order for Accessory Apartments to be added to the Subsidized Housing Inventory, they must receive Local Action Unit (LAU) approval: • Resulted from city or town action or approval • Subject to a recorded use restriction approved by DHCD, that has a term of not less than 15 years • Meet the requirements for LIP units, with the exception of receiving a Comprehensive Permit. Process 1. Municipality adopts an Accessory Apartment zoning bylaw or ordinance that permits the creation of accessory apartments that are affordable to Income Eligible Households. a. Submit a draft to DHCD for compliance review prior to local approval – DHCD’s review will be limited to noting any provisions that might conflict with LIP requirements. b. Units to be submitted to DHCD will have received zoning approval under the bylaw or ordinance. c. There shall be no provisions that conflict with the LIP requirements i. Allowing affordable accessory dwelling units to be rented to family members. ii. Allowing affordable accessory apartments to be rented to households earning more than 80% of AMI iii. A requirement that all accessory dwelling units shall be restricted to residents of the municipality iv. Any provision in conflict with applicable fair housing laws. 2. Complete a Local Initiative Program Application for Accessory Apartments. a. Letter of Support signed by the Chief Executive Officer b. An Affirmative Fair Housing Marketing Plan c. Designation of a Local Project Administrator (LPA) for all accessory apartments – responsible for oversight of all accessory apartments i. Local Official ii. Local Housing Partnership board member or staff member iii. Director of an area housing non-profit organization iv. Another appropriate person meeting DHCD approval d. Schedule of maximum rent for each accessory apartment e. Proposed tenant application form and plan for processing of applications f. Plan for annual verification of tenants’ income 3. Submit a letter of support from the local housing partnership, if any. 4. Meet the Local Action Requirements: a. Municipality has a local zoning bylaw or ordinance that permits the creation of accessory apartments. b. Received approval under the bylaw 5. Tenant Eligibility xix a. Family Members Prohibited b. Household income shall not exceed 80% of the AMI adjusted for actual household size, as determined by HUD. Limits may be lower. i. Certification of income eligibility made by the Local Project Administrator (documentation may include recent tax returns, pay stubs, affidavits, etc.). Any post-occupancy changes must be

reported to the owner and the LPA. 6. Affirmative Fair Housing Marketing a. Affirmative Fair Housing and Marketing and Resident Selection Plan i. Outreach ii. Minimum Advertising Period – 60 days iii. Wait List: “Ready Renters List” b. Annual Data Collection: the LPA shall collect data annually regarding the number of minority households renting accessory apartments. c. DHCD may suspend/revoke the eligibility of units if a Failure to Apply Good Faith Efforts is found. d. Tenant Selection i. Owner gives written notice to LPA that a unit is available and requests referral of applicants. ii. Within 5 business days, the LPA refers the top appropriately-sized household(s), no more than 3 at a time. iii. The owner meets the referred applicant(s) and show the unit. The referred applicant has a minimum of 10 business days to view the unit. Owner may select one of the applicants or request additional referrals. Non-selected applicants return to the top of the Ready Renters List. iv. Owner enters into a 1-year lease with selected applicant. v. Upon request of the LPA, the owner shall specify in writing a substantial nondiscriminatory reason for having rejected an applicant.

Appendix M: Comprehensive Permit Process

Comprehensive Permits For Regulatory Authority see: G.L. C 40B, s. 20-23 and 760 CMR 56.00.

For Comprehensive Permit guidance refer to GUIDELINES: G.L. C 40B Comprehensive Permit Projects;

Subsidized Housing Inventory : <http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf>

Summary of the process [For complete information see 760 CMR 56.04-06]

STEP ONE

Application for Determination of Project Eligibility [760 CMR 56.04(2)] The Applicant submits an application for Project Eligibility to the Subsidizing Agency, with a copy to the Chief Executive Officer of the municipality and written notice to the Department of Housing and Community Development (DHCD), which shall include: (a) The name and address of the Applicant; (b) The address of the site and site description; (c) A locus map identifying the site within a plan of the neighborhood, accompanied by photographs of the surrounding buildings and features that provide an understanding of the physical context of the site; (d) A tabulation of proposed buildings with the approximate number, size (number of bedrooms, floor area), and type (ownership or rental) of housing units proposed; (e) The name of the housing program under which Project Eligibility is sought; (f) Relevant details of the particular Project if not mandated by the housing program (including percentage of units for low or moderate income households, income eligibility standards, the duration of restrictions requiring Low or Moderate Income Housing, and the limited dividend status of the Applicant); (g) Conceptual design drawings of the site plan and exterior elevations of the proposed buildings, along with a summary showing the approximate percentage of the tract to be occupied by buildings, by parking and other paved vehicular areas, and by open areas, the approximate number of parking spaces, and the ratio of parking spaces to housing units; (h) A narrative description of the approach to building massing, the relationships to adjacent properties, and the proposed exterior building materials; (i) A tabular analysis comparing existing zoning requirements to the Waivers requested for the Project; and (j) Evidence of control of the site.

STEP TWO

Review and Comment Process. [760 CMR 56.04(3)] (a) Upon receipt of the application, the Subsidizing Agency provides written notice to the Chief Executive Officer of the municipality where the Project is located (b) 30-day review period of Project begins with written notice to municipality. (c) The Subsidizing Agency shall conduct a site visit, which Local Boards may attend. (d) Local Boards and other interested parties submit written comments to Subsidizing Agency. (e) The Subsidizing Agency issues a determination of Project Eligibility after the 30-day review period.

STEP THREE

Findings in Determination. [760 CMR 56.04(4)] After the 30-day review period, the Subsidizing Agency will make a determination of Project Eligibility based upon its review of the application, and taking into account information received during the site visit and from written comments. Copies of the written determination of

Project Eligibility will be provided to the Department, the Chief Executive Officer of the municipality, and the Board. Issuance of a determination of Project Eligibility shall be considered by the Zoning Board of Appeals (ZBA) or the Housing Appeals Committee (HAC) to be conclusive evidence that the Project and the Applicant have satisfied the project eligibility requirements of 760 CMR 56.04(1).

STEP FOUR

Applicant Files an Application with the Local Zoning Board of Appeals [760 CMR 56.05(2)] The applicant files a Comprehensive Permit Application and a complete description of the proposed project with the municipality's ZBA.

STEP FIVE

Conduct of Zoning Board of Appeals Hearing. [760 CMR 56.05(3)-(4)] (a) The ZBA has seven days, after the receipt of a complete application, sends a notice of the application and a copy of the list of Waivers required by 760 CMR 56.05(2)(h) and invite the Local Boards to participate in the hearings. (b) The Board shall open a hearing within 30 days of its receipt of a complete application, and it shall thereafter pursue the hearing diligently. (c) A hearing shall not extend beyond 180 days from the date of opening the hearing, presuming that the Applicant has made timely submissions of materials in response to reasonable requests of the Board that are consistent with its powers under 760 CMR 56.05, except with the written consent of the Applicant. (d) If the Board wishes to deny an application on one or more of the grounds set forth in 760 CMR 56.03(1), it must do so in accordance with the procedure set forth in 760 CMR 56.03(8), or it shall be deemed to have waived its rights. (e) A Board may stay the commencement of a hearing if three (3) or more Comprehensive Permit applications are concurrently undergoing hearings before the Board, and the total number of housing units in those pending Projects exceeds the numerical threshold for a large project within that municipality, as set forth in 760 CMR 56.03(6).

Consultant review [760 CMR 56.05(5)] (a) If, after receiving an application, the Board determines that in order to review that application it requires technical advice in such areas as civil engineering, transportation, environmental resources, design review of buildings and site, and (in accordance with 760 CMR 56.05(6)) review of financial statements that is unavailable from municipal employees, it may employ outside consultants. Whenever possible it shall work cooperatively with the Applicant to identify appropriate consultants and scopes of work and to negotiate payment of part or all of consultant fees by the Applicant. Alternatively, the Board may, by majority vote, require that the Applicant pay a reasonable review fee in accordance with 760 CMR 56.05(b) for the employment of outside consultants chosen by the Board alone. The Board should not impose unreasonable or unnecessary time or cost burdens on an Applicant. Legal fees for general representation of the Board or other Local Boards shall not be imposed on the Applicant. (b) A review fee may be imposed only if: 1. the work of the consultant consists of review of studies prepared on behalf of the Applicant, and not of independent studies on behalf of the Board; 2. the work is in connection with the Applicant's specific Project; and 3. all written results and reports are made part of the record before the Board. 4. a review fee may only be imposed in compliance with applicable law and the Board's rules. C.3. Review of financial statements [760 CMR 56.05(6)] (a) A Board may request to review the pro forma or other financial statements for a Project only after the following preconditions have been met: 1. Other consultant review has been completed; 2. The Applicant

has had an opportunity to modify its original proposal to address issues raised; 3. the Board has had an opportunity to propose conditions to mitigate the Project's impacts and to consider requested Waivers; and 4. The Applicant has indicated that it does not agree to the proposed condition(s) or Waiver denial(s) because they would render the Project uneconomic. A Board may not conduct review of a pro forma in order to see whether a Project would still be economic if the number of dwelling units were reduced, unless such reduction is justified by a valid health, safety, environmental, design, open space, planning, or other local concern xii that directly results from the size of a project on a particular site, consistent with 760 CMR 56.07(3). (b) If the Applicant does not agree to some or all of the proposed permit conditions or Waiver denials because they would render the Project Uneconomic, the Board may ask the Applicant to submit its pro forma, in form satisfactory to the Subsidizing Agency, and revised as necessary to reflect the additional cost of meeting these conditions and/or denials. The revised pro forma may be subjected to the same consultant review as any other technical information submitted to the Board, in accordance with 760 CMR 56.05(5) and the Board's rules. The Board may then use this information to decide whether to adopt or modify its originally proposed conditions and/or denials. Pro forma review should conform to recognized real estate and affordable housing industry standards, consistent with the policies of the Subsidizing Agency and guidelines adopted by the Department. (c) Related financial issues, including related-party transactions, the estimated sales price or rental rates of market-rate units, and land acquisition costs, shall be addressed in accordance with the Department's guidelines. Disagreements between the Applicant and the Board's consultant should be resolved in accordance with the Department's guidelines. The Subsidizing Agency has the sole responsibility to establish and enforce reasonable profit and distribution limitations on the Applicant, as set forth in 760 CMR 56.04(8).

Waivers from local requirements and regulations [760 CMR 56.05(7)] The Applicant may request Waivers, solely from the "as-of-right" requirements of the zoning district where the project site is located, as listed in its application or as may subsequently arise during the hearing, and the Board shall grant such Waivers as are Consistent with Local Needs and are required to permit the construction and operation of the Project. If a Project does not request a subdivision approval, waivers from subdivision requirements are not required (although a Board may look to subdivision standards, such as requirements for road construction, as a basis for required project conditions, in which case the Applicant can seek Waivers from such requirements).

STEP SIX

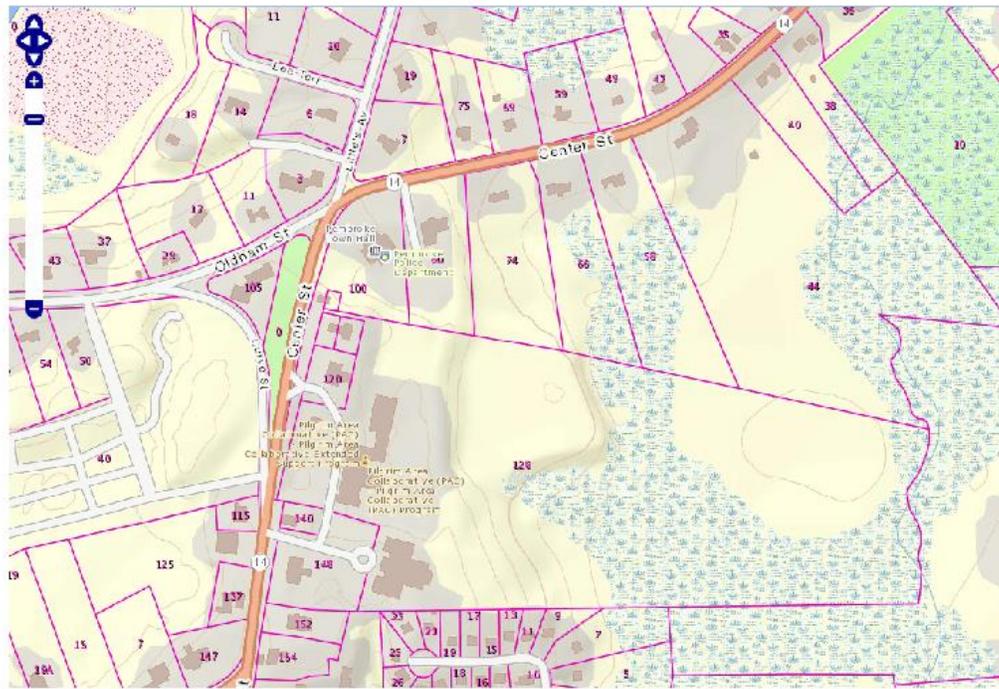
Board Decisions- [760 CMR 56.05(8)] (a) Forty-five days after the close of the public hearing, the Board shall render a decision, based on a majority vote of the Board, taking into consideration the recommendations of Local Boards. (b) The Board shall file its decision within 14 days in the office of the city or town clerk, and it shall forward a copy of any Comprehensive Permit to the Applicant or its designated representative and to DHCD when it is filed. (c) The Board may: 1. approve a Comprehensive Permit on the terms and conditions set forth in the application; 2. approve a Comprehensive Permit with conditions with respect to height, site plan, size, shape or building materials that address matters of Local Concern; or 3. deny a Comprehensive Permit as not Consistent with Local Needs if the Board finds that there are no conditions that will adequately address Local Concerns. (d) Uneconomic Conditions. The Board shall not issue any order or impose any condition that would cause the building or operation of the Project to be Uneconomic, including a requirement imposed by the Board on the Applicant: 1. to incur costs of public infrastructure or improvements off the project site that: a. are not generally imposed by a Local Board on unsubsidized housing; b. address a pre-existing condition affecting the

municipality generally; or c. are disproportionate to the impacts reasonably attributable to the Project; or 2. to reduce the number of units for reasons other than evidence of Local Concerns within the purview of the Board (see 760 CMR 56.05(4)(e); see also 760 CMR 56.07(3)(c – h) regarding evidence that would be heard by the Committee on an appeal), such as design, engineering, or environmental deficiencies that directly result from the impact of a Project on a particular site. If a proposed nonresidential element of a Project is not allowed by-right under applicable provisions of the current municipal zoning code, a condition shall not be considered Uneconomic if it would modify or remove such nonresidential element.

STEP SEVEN

Appeals from Board Decisions [760 CMR 56.05(9)] (a) If the Board approves the Comprehensive Permit, any person aggrieved may appeal within the time period and to the court provided in M.G.L. c.40A, §17. (b) If the Board denies the Comprehensive Permit or approves the permit with unacceptable conditions or requirements, the Applicant may appeal to the Housing Appeals Committee as provided in M.G.L. c.40B, §22 and 760 CMR 56.06. (c) If the Board takes action adverse to the Applicant under 760 CMR 56.03(8), 760 CMR 56.05(11), or a similar provision of 760 CMR 56.00, or otherwise violates or fails to implement M.G.L. c.40B, §§20 through 23, the Applicant may appeal to the Housing Appeals Committee as provided in M.G.L. c.40B, §22 and 760 CMR 56.06. For Procedural Regulations for Appeals to the Housing Appeals Committee see 760 CMR 56.06.

Appendix N: 128 Center Street- Existing and Proposed



8 DECEMBER 2017