



WestMetro HOME Consortium Regional Fair Housing Plan

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APPENDICES

Prepared for the thirteen WestMetro HOME Consortium municipalities:
Bedford, Belmont, Brookline, Concord, Framingham, Lexington, Natick, Needham, Newton,
Sudbury, Waltham, Watertown, and Wayland

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Appendices

Appendix I: Glossary of Fair Housing Terms

The following terms and acronyms are frequently referenced in this Plan. A longer list of fair housing terms can be found in the Metropolitan Area Planning Council (MAPC) Fair Housing Toolkit: www.mapc.org/fairhousingtoolkit and on the U.S. Department of Housing and Urban Development Glossary of Terms: http://www.huduser.org/portal/glossary/glossary_all.html.

A review of federal and state civil rights laws pertain to fair housing is provided in Appendix II.

Affordability: The extent to which enough rental housing units of different costs can provide each renter household with a unit it can afford (based on the 30-percent-of-income standard).

Affordable Housing: In general, housing for which the occupant(s) is/are paying no more than 30 percent of his or her income for gross housing costs, including utilities. Please note that some jurisdictions may define affordable housing based on other, locally determined criteria, and that this definition is intended solely as an approximate guideline or general rule of thumb.

Analysis of Impediments (AI): A review of impediments or barriers that affect the rights of fair housing choice. It covers public and private policies, practices, and procedures affecting housing choice. The AI serves as the basis for fair housing planning, provides essential information to policymakers, administrative staff, housing providers, lenders, and fair housing advocates, and assists in building public support for fair housing efforts.

Community Development Block Grant (CDBG) program: The Federal CDBG program was established by the Housing and Community Development Act of 1974 with the goal of developing viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. As part of the CDBG program, HUD provides annual grants on a formula basis to local governments and states. HUD's [CDBG regulations](#) address specific information on program implementation. All recipients of CDBG Funds are required by HUD to conduct an Assessment of Fair Housing (replacing the Analysis of Impediments to Fair Housing Choice) to show how funds will be used in accordance with the Fair Housing Act.

Community Housing Development Organization (CHDO): At least 15 percent of HOME Investment Partnerships Program (HOME) funds must be set aside for specific activities to be undertaken by a CHDO. A CHDO is a private nonprofit, community-based organization that has staff with the capacity to develop affordable housing for the community it serves. In order to qualify for designation as a CHDO, the organization must meet certain requirements pertaining to their legal status, organizational structure, and capacity and experience.

Disability: A physical or mental impairment that substantially limits one or more of the major life activities of such for an individual. According to the FFA (42 U.S.C. § 3602(h)), Section 504, the ADA and MGL Chapter 151B^[1], a person with a disability includes (1) individuals with a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) individuals with a record of having such an impairment, and (3) individuals who are regarded as having such an impairment. Persons with a disability are provided protection against housing discrimination under the Fair Housing Act, Section 504, the ADA and MGL Chapter 151B.

Disparate Impact: Policies, practices or services that appear neutral on the surface but in practice are discriminatory are considered to have a disparate impact. In [Village of Arlington Heights vs. Metro Housing Development Corporation](#) (429 U.S. 252 (1977)) the court system developed a series of tests to determine if an action is proven to have a disparate impact. These tests were formalized in HUD's [Final Rule of Implementation of the Fair Housing Act's Discriminatory Effects Standard](#) released February, 2013.

Equitable Land Use Planning: zoning, land use regulation, master planning, and other land use planning that, at a minimum, furthers the purposes of Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act and are intended to achieve additional objectives for expanding housing choice.

Exclusionary Zoning: Exclusionary zoning applies to land use measures that have a disparate impact on one or more of the protected classes under the Fair Housing Act. The Fair Housing Center of Greater Boston offers additional information on [exclusionary zoning](#).

Fair Market Rent (FMR): Primarily used to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, to determine initial rents for housing assistance payment contracts in the Moderate Rehabilitation Single Room Occupancy program, and to serve as a rent ceiling in the [HOME](#) rental assistance program.

Familial Status: According to the Fair Housing Act (42 U.S.C. § 3602(k)) and Massachusetts General Law 151B, housing discrimination on the basis of familial status is illegal. Both laws protect an individual (either a parent or legal custodian) with one or more children (under the age of 18 years) and any person who is pregnant or in the process of securing legal custody of a child.

HOME Investment Partnerships Program (HOME): The HOME program was established under Title II of the Cranston-Gonzalez Affordable Housing Act of 1990 with the goal of creating affordable homeownership and rental housing. As part of the HOME program, HUD provides annual grants on a formula basis to local governments and states. HUD's [HOME regulations](#) address specific information on program implementation. All recipients of CDBG funds are required by HUD complete an Analysis of Impediments to Fair Housing Choice to show how funds will be used in accordance with the Fair Housing Act.

HOME Income Limits: HOME Income Limits are calculated using the same methodology that HUD uses for calculating the income limits for the Section 8 program, in accordance with Section 3(b)(2) of the U.S. Housing Act of 1937, as amended. These limits are based on HUD estimates of median family income, with adjustments based on family size. Individual income and individual median family income limits are shown on the HUD USER website and are broken down by year and by county.

Inclusionary Zoning: Inclusionary zoning is a policy tool used to expand and disperse the supply of affordable housing through incentives and/or requirements passed on to developers by states, counties and localities. Inclusionary zoning commonly requires developers to set aside a percentage of housing units in new residential developments for low- and moderate- income housing, or to issue a payment in lieu of construction of this housing to the local government to be used to develop low and mod housing elsewhere in the municipality. Some inclusionary zoning regulations work on an incentive basis by providing density bonuses, zoning variances, and/or expedited permits in exchange for the construction of affordable housing. [The Center for Housing Policy](#) offers additional information and resources on inclusionary zoning.

Income Limit (IL): Determines the eligibility of applicants for HUD's assisted housing programs. The major active assisted housing programs are the Public Housing program, the [Section 8](#) Housing Assistance Payments program, [Section 202](#) housing for the elderly, and Section 811 housing for persons with disabilities. HUD definitions of income levels:

Language Assistance Plan (LAP): A LAP is a written document, commonly developed by federally funded organizations, state and local governments, that details language assistance services, and how staff and Limited English Proficiency (LEP) persons can access those services. The building blocks of the LAP include a four factor analysis or the consideration of the following items: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP persons come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the grantee/ recipient and costs. Additional information on LAPs can be found on the website of the [Federal Interagency Working Group on Limited English Proficiency](#).

Low-Income Housing Tax Credit (LIHTC) Program: The LIHTC Program was established by the Tax Reform Act of 1986 to offer financial incentives for the development of low-income rental housing by providing significant reductions in federal income tax to investors who provide equity for affordable housing projects. The Internal Revenue Service regulates the LIHTC program. LIHTCs can be used for rehabilitation, new construction, or the acquisition of existing rental properties targeted to lower income households ($\leq 60\%$ of the Average Median Income).^[2] State and local agencies receive annual allocations of tax credits from the U.S. Treasury. These agencies distribute the LIHTCs, guided by a statewide Qualification Allocation Plan and an application process, to developers of low- and moderate-income rental housing. HUD maintains the [LIHTC database](#), which is the only complete national source of information on the size, unit mix, and location of individual LIHTC projects. The database has been geocoded by HUD, which enables researchers to look at the geographical distribution and neighborhood characteristics of tax credit projects.

Massachusetts Rental Voucher Program (MRVP): Formerly known as the Chapter 707 Program, the MRVP provides tenant based and project based vouchers, in a rough parallel to the Section 8 Program. The tenant-based voucher, which is known as Mobile, is assigned to the Participant and is valid for any housing unit that meets the standards of the state sanitary code. Project based vouchers are assigned to a specific housing unit or development. In both cases, a regional non-profit housing agency or a local housing authority administers the program locally.

Public Housing Agency (PHA): Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities that is authorized to engage or assist in the development or operation of low-income housing under the U.S. Housing Act of 1937.

Predatory Lending: Predatory lending is an abusive lending practice that imposes unfair loan terms on a borrower, increasing the likelihood that the borrower will default on the loan.^[3] Often, lenders use these loans to target members of fair housing protected classes such as elders and women, as well as racial and ethnic minorities. The [National Fair Housing Alliance](#), the [National Community Reinvestment Coalition](#) and the [Massachusetts Community and Banking Council](#) offer additional resources on predatory lending.

Protected Classes: The [Fair Housing Act](#) makes it illegal to discriminate on the basis of race, color, national origin, religion, sex, familial status or disability. These classifications are often referred to as protected classes. In addition, [Massachusetts General Law Chapter 151B](#) adds the bases of ancestry, age, marital status, source of income, sexual orientation, veteran history/military status, and genetic information.

Qualified Census Tracts: HUD maintains a listing of [Qualified Census Tracts and Difficult Development Areas](#) that have a high percentage of lower income households. Developers utilizing the LIHTC Program are incentivized to site projects in Qualified Census Tracts through bonuses, or higher tax credits. HUD's emphasis on applying LIHTCs in Qualified Census Tracts has resulted in the segregation of LIHTC projects in low-income and minority segregated areas. Developers, owners and managers of LIHTC developments are required to affirmatively further fair housing through their outreach to potential tenants throughout the application process, and in their treatment of existing tenants.

Reasonable Accommodation: A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. A request for a reasonable accommodation must establish a nexus between the person's disability and the reasonable accommodation request. For example, a housing provider makes an exception to the "no pets" policy for a tenant who is hearing impaired and requires an assistance animal. The Fair Housing Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act and Massachusetts General Law Chapter 151B, all have provisions for reasonable accommodations.

Reasonable Modification: A reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. A request for a reasonable modification must establish a nexus between the person's disability and the reasonable modification request. For example, a private landlord must allow a tenant with a vision impairment to install a flashing doorbell, at the tenant's expense. The Fair Housing Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act and Massachusetts General Law Chapter 151B, all have provisions for reasonable modifications.

Redlining: Redlining refers to the practice introduced by the Federal Housing Administration in the 1930s of delineating areas that were high risk for lenders to issue mortgage loans. These boundaries were determined by the racial and ethnic composition of neighborhoods, instead of criteria related to each household's ability to repay the loan(s). Redlining was institutionalized in "residential security maps," which were color-coded maps reflecting levels of risk for mortgage lending. These maps were incorporated into the FHA's underwriting standards. When the FHA was passed in 1968, it prohibited redlining on the basis of protected classes; however, the long term impact of the urban disinvestment and segregation caused by redlining can still be seen in current settlement patterns, particularly for those of minorities. Additional information on the FHA and the history of redlining can be found [here](#).

SECTION 202: Provides capital advances to finance the construction, rehabilitation or acquisition (with or without rehabilitation) of structures that will serve as supportive housing for very-low-income elderly persons, including the frail elderly, and provides rent subsidies for the projects to help make them affordable.

SECTION 8 Existing Rental Assistance: Provides rental assistance to low-income families who are unable to afford market rents. Assistance may be in the form of vouchers or certificates.

SECTION 8 Homeownership Program: Allows low-income families who qualify for Section 8 rental assistance to use their certificates or vouchers to pay for homeownership costs under a mortgage.

Section 8 Housing Choice Voucher Program (Section 8): The Section 8 program was established through the Housing and Community Development Act of 1974 to increase the supply of housing for low-income families, elderly and people with disabilities. The Section 8 program operates both through tenant based and project based rental assistance. Tenant based rental assistance, currently called the Housing Choice Voucher Program, is provided to program participants in the form of housing vouchers. Project Based Voucher Program funds are used to subsidize housing development projects, where specific housing units will be set aside to be rented by qualified low-income tenants.

WestMetro HOME Consortium (WMHC): The City of Quincy is the lead community of the WestMetro HOME Consortium, a decision-making body comprised of the following communities: the City of Quincy, Town of Weymouth, the Town of Braintree, the Town of Holbrook, and the Town of Milton. Eligible HOME funded activities include the construction

of new affordable housing units, First Time Homebuyer, Downpayment Assistance, Housing Rehabilitation, and rental assistance.

Supportive Housing for the Elderly: Housing that is designed to meet the special physical needs of elderly persons and to accommodate the provision of supportive services that are expected to be needed, either initially or over the useful life of the housing, by the category or categories of elderly persons that the housing is intended to serve.

Sustainable Communities: Urban, suburban, and rural places that successfully integrate housing, land use, economic and workforce development, transportation, and infrastructure investments in a manner that empowers jurisdictions to consider the interdependent challenges of: 1) economic competitiveness and revitalization; 2) social equity, inclusion, and access to opportunity; 3) energy use and climate change; and 4) public health and environmental impact.

Tenant-Based Rental Assistance (TBRA): HUD assists low- and very low-income families in obtaining decent, safe, and sanitary housing in private accommodations by making up the difference between what they can afford and the approved rent for an adequate housing unit.

Transit-Oriented Development (TOD): Development of commercial space, housing services, and job opportunities close to public transportation, thereby reducing dependence on automobiles. TODs are typically designed to include a mix of land uses within a quarter-mile walking distance of transit stops or core commercial areas.

Universal Design: Universal Design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. It was coined in the 1980s by the internationally recognized architect, Ron Mace.

U.S. Department of Housing and Urban Development (HUD): Established in 1965, HUD's mission is to increase homeownership, support community development, and increase access to affordable housing free from discrimination. To fulfill this mission, HUD will embrace high standards of ethics, management and accountability and forge new partnerships – particularly with faith-based and community organizations – that leverage resources and improve HUD's ability to be effective on the community level.

Visitability: Visitability is an affordable, sustainable and inclusive design approach for integrating basic accessibility features into all newly built homes and housing. The term was introduced by [Concrete Change](#) in 1987, a disability advocacy group in Atlanta, Georgia. A visitable residence is a home built to include: a zero-step entrance, wide interior doors, and a half bathroom on the first floor.

Zoning: The classification of land by types of uses permitted and prohibited in a given district, and by densities and intensities permitted and prohibited, including regulations regarding building location on lots.

Appendix II: History and Legal Theories of Fair Housing

Legal Theories of Fair Housing

Standing to sue: Proper Plaintiff

Under fair housing laws, any “aggrieved person,” or any person who suffers an injury or is about to suffer an injury because of a discriminatory housing practice has standing to file a lawsuit in federal or state court or to file an administrative complaint with the appropriate agency. An aggrieved person need not belong to a category of persons delineated under the applicable fair housing law. For example, a mother who is denied housing because of the handicap of her child would have standing to sue, as would a Caucasian person who is deprived of the opportunity to live in a racially diverse community because minorities are being steered away from that community.¹

Moreover, an aggrieved person need not be a bona fide home seeker to have standing. For example, the United States Supreme Court has held that testers, or persons posing as renters or homebuyers so as to detect unlawful housing practices, may have standing to sue, as would fair housing organizations that divert their resources and/or frustrate their mission to detect and respond to discriminatory housing practices.²

Liability: Proper Defendants

Persons or entities that engage in residential real estate-related transactions are prohibited from engaging in unlawful discrimination. Thus, property owners, property managers, property management companies, real estate companies, real estate brokers and agents, and leasing agents are examples of persons and entities that may be sued under fair housing laws. Moreover, proper defendants under fair housing laws include not only the person(s) performing the discriminatory act, but generally also include that person’s employer if the discriminatory act is performed during the course of employment. For example, courts have held that the owner or management company of a property may be held vicariously liable for the discriminatory acts of its agents acting in the scope of their authority or employment (i.e. leasing agents, maintenance staff).³

Legal Theories for Proving Discrimination

With respect to anti-discrimination laws, three methods of proof are primarily applied to attack a variety of discriminatory practices: disparate treatment, mixed motive, and disparate impact.

¹ *Trafficante v. Metropolitan Life Insurance*, 409 U.S. 205 (1972) (holding that plaintiffs suffered an injury-in-fact for the loss of interracial associations resulting from living in a racially nonintegrated housing complex, thereby establishing standing to sue even though they had not themselves been the direct victims of discrimination).

² See e.g., *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 374-75 (1982) (holding that an African-American tester who was misinformed about the availability of an apartment for rent, as well as the fair housing organization that frustrated its mission by employing the tester and devoting significant resources to identify and counteract the defendant's racially discriminatory steering practices, had alleged sufficient injury in fact to support standing to sue under the Fair Housing Act).

³ *Meyer v. Holley*, (Supreme Court held that individual owners and officers of companies may be liable on the grounds that the owner or officer controlled, or had the right to control, the actions of the employee).

Disparate treatment: under the disparate treatment legal theory, the plaintiff has the initial burden to establish a prima facie case of discrimination, which varies according to the facts of the case. Generally, a plaintiff establishes a prima facie case by producing evidence that she belongs to a protected group, that she was qualified for housing, and that she was denied available housing or treated differently from others similarly or less qualified.⁴ The burden then shifts to the defendant to articulate a legitimate non-discriminatory reason for its actions; however, the plaintiff has the ultimate burden to prove that the defendant's articulated non-discriminatory reason is a pretext.⁵ The plaintiff may prove pretext by showing that the defendant's non-discriminatory reason is not credible, or that discrimination was in fact the real reason for defendant's actions.⁶

Disparate treatment/Mixed motive: proving mixed motive requires the plaintiff to prove that a discriminatory motive played a role in the defendant's decision making, after which the defendant must prove that it would have made the same decision regardless of the discriminatory motive. Courts vary in their characterization of the plaintiff's ultimate burden in mixed motive cases.⁷

Disparate impact: dissimilar to the disparate treatment legal theory, the disparate impact theory is applied when the plaintiff is able to prove, i.e., through strong statistical evidence, that a rule or policy, albeit neutral on its face, has an adverse effect on persons protected under fair housing laws.⁸ The defendant must then generally establish that there was a legitimate justification for the policy.⁹ The U.S. Supreme Court has held that evidence of some discriminatory intent is necessary for a plaintiff to prevail on a disparate impact housing claim under the Equal Protection Clause of the U.S. Constitution; however the Supreme Court has held that evidence of discriminatory intent is not necessary under a federal statutory prohibition against discrimination.¹⁰

⁴ See e.g., *Pinchback v. Armistead Homes Corp.*, 907 F.2d 1447 (4th Cir.), cert denied, 498 U.S. 983 (1990); see also Title VII employment discrimination cases *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973); *Texas Dep't of Community Affairs v. Burdine*, 450 U.S. 248 (1981).

⁵ *Id.*

⁶ *Reeves v. Sanderson Plumbing Products, Inc.*, 530 U.S. 133 (2000).

⁷ See e.g., *Woods-Drake v. Lundy*, 667 F.2d 1198, 1201 (5th Cir. 1982) (finding liability under the Fair Housing Act and section 1982 of the Civil Rights Act of 1866 where race was a significant factor in the defendant's decision to evict the plaintiff); *Price Waterhouse* (Title VII case finding no liability if the defendant would have made the same decision without the discriminatory motive).

⁸ See e.g., *Betsey v. Turtle Creek Associates*, 736 F.2d 983 (4 Cir. 1984) (finding disparate impact based on substantial disparity in evictions between Blacks and Whites); *Langlois v. Abington Housing Authority*, 234 F. Supp. 2d 33 (D. Mass. 2002) (finding disparate impact on minorities where the community had a smaller proportion of minority residents than the larger geographical area in which Section 8 applicants were drawn, where local preferences applied to the PHA program waiting lists led to significantly fewer minorities actually participating in PHA programs than minorities waiting to participate in PHA programs, and where the justification of need for the residency preferences was not sufficient); see also *Comer v. Cisneros*, 37 F.3d 775 (2 Cir. 1994).

⁹ See e.g., *Huntington v. Huntington Branch, NAACP*, 488 U.S. 15 (2d Cir. 1988).

¹⁰ *Arlington Heights v. Metropolitan Housing Corp.*, 499 U.S. 252 (1977) (employment discrimination case holding that absent evidence of discriminatory intent, the Village of Arlington Heights could not be held in violation of the Equal Protection Clause of the Fourteenth amendment for denying the rezoning necessary for the development of low-income housing, even though the denial disproportionately affected African Americans); *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971) (employment discrimination case in which the

The Federal Fair Housing Act

The Fair Housing Act (FHA), Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act in 1988, is similar in the categories of persons protected to Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment. The Fair Housing Act prohibits discriminatory housing practices against the following protected classes (categories of persons protected under the law):

- Race;
- Color;
- National origin;
- Religion;
- Sex;
- Familial status; and
- Handicap (this term is used interchangeably with “disability” herein)

Discrimination on the basis of familial status and disability is prohibited in the Fair Housing Act as a result of the Fair Housing Amendments Act of 1988.¹¹ Additional protections are afforded to other categories of persons under Massachusetts General Laws (MGL) Chapter 151B. For further information of MGL Chapter 151B.

Housing Covered by the Fair Housing Act

The Fair Housing Act applies to the following types of housing:

- Multi-family dwellings with greater than four units, including boarding or rooming houses;
- Multi-family dwellings with four or fewer units if the owner does not live in one of the units;
- Single-family privately owned homes when a real estate broker, agent, salesman, or any person in the business of selling or renting dwellings, is used, and/or discriminatory advertising is used to rent or sell the home; and
- Residentially zoned land and house lots for sale or lease.

The Fair Housing Act prohibitions on age discrimination do not apply to housing for older persons if it is: 1) a state or federal elderly housing program specifically designed and operated to assist the elderly; 2) a dwelling intended for the elderly where 80 percent of the units are occupied by at least one person age 55 or older; ¹²or 3) a dwelling intended for the elderly where all residents are age 62 or older.

Although some housing may appear to be exempt under the Fair Housing Act, such an exemption may be lost, for example, if the housing provider uses real estate services or if a

Supreme Court holding that the absence of evidence of discriminatory intent does not absolve the defendant from liability under Title VII of the Civil Rights Act of 1964).

¹¹ 42 U.S.C. § 3604 et seq.

¹² 42 U.S.C. § 3607(b)(2); see also Housing for Older Persons Act of 1995 (HOPA).

discriminatory advertisement is made.¹³ Furthermore, although an exempt property under the Fair Housing Act may preclude a housing discrimination claim under the Fair Housing Act, such a claim may not be precluded under other federal laws or under state or local law, including Massachusetts' civil rights statute MGL Chapter 151B.

Unlawful Housing Practices under the Fair Housing Act

The Fair Housing Act prohibits the following conduct against protected classes:

- Refusing to rent, sell, or negotiate for the sale or rental of a dwelling, or to otherwise make unavailable or deny a dwelling;
- Steering persons seeking to rent or buy housing away from or toward a particular area because of their membership in a protected class;
- Discriminating in the terms, conditions, or privileges, services, or facilities in the sale or rental of a dwelling;
- Making, printing, or publishing, or causing to make, print, or publish, any notice, statement, or advertisement that indicates any preference, limitation, or discrimination, or an intention to make such a preference, limitation, or discrimination, with respect to the sale or rental of a dwelling; and
- Representing that a dwelling is unavailable for inspection, rental, or sale when it is in fact available;
- Inducing or attempting to induce for profit any person to sell or rent a dwelling by representations regarding the prospective entry of a protected class into the neighborhood (referred to as "blockbusting");
- Refusing to make reasonable accommodations in rules, policies, practices, or services necessary to afford a disabled person the equal opportunity to use and enjoy the dwelling;
- Refusing to permit reasonable modifications to the premises necessary to afford a disabled person full enjoyment of that premises;
- Failing to comply with handicap accessibility design and construction requirements;
- Discriminating in residential real-estate related transactions and brokerage services; and
- Interfering, coercing, intimidating, or threatening any person in the exercise or enjoyment of rights under the Fair Housing Act, or on account of aiding or encouraging any other person in the exercise or enjoyment of rights under the Fair Housing Act.

Familial Status Discrimination and Occupancy Standards

¹³ "After December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this subchapter only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 804(c) of this title; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title." 42 U.S.C. § 3603(b)(1).

Familial status is defined under the Fair Housing Act as one or more individuals (under the age of 18 years) that is domiciled either with either a parent or another person having legal custody of such individual or individuals, or the designee of such parent or other person having such custody, with the written permission of such parent or other person. Under the Fair Housing Act, it is unlawful to limit the number of individuals allowed in a dwelling and/or in a bedroom if such a limit has the affect of discriminating against families with children. In 1998, HUD adopted the “Keating Memorandum” to provide guidance as to whether a housing provider’s occupancy restrictions are discriminatory.¹⁴

The Keating Memorandum recognizes the “two heartbeats per bedroom” occupancy standard as a general guideline for fair housing compliance; however, it also provides that such a guideline is rebuttable in view of other factors, such as the number and size of bedrooms, the availability of living space that could be used as a bedroom, and the age of the occupants. For example, a requirement that a couple with a young child live in a two-bedroom instead of a one-bedroom apartment would likely be found discriminatory.

Government Discrimination in Housing: Zoning, Land Use, and Public Housing

Courts have interpreted the Fair Housing Act to prohibit state and local governments from exercising their land use and zoning authority, as well as their authority to provide residential services and benefits, in a discriminatory fashion. For example, local zoning laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities has been held to violate the Fair Housing Act.¹⁵ Persons with disabilities are entitled to request reasonable accommodations in rules, policies, practices, or services under the Fair Housing Act; as such, group homes for the disabled must be given the opportunity to seek a waiver to zoning restrictions.¹⁶ Government discrimination held to be unconstitutional includes enforcement of discriminatory restrictive covenants.¹⁷

Courts have also held that government policies that have a disparate or segregative effect on minorities are in violation of the Fair Housing Act.¹⁸ Even absent direct evidence of intentional discrimination by local government, the provision of financial support for

¹⁴ Memorandum from Frank Keating to All Regional Counsel, HUD, Re Fair Housing Enforcement Policy: Occupancy Cases (Mar. 20, 1991); Department of Housing and Urban Development, “Fair Housing Enforcement—Occupancy Standards Notice of Statement of Policy,” 63 Fed. Reg. 243 (December 18, 1998) (stating HUD will consider the factors in the Keating Memorandum when evaluating housing discrimination complaints alleging a housing provider’s occupancy policies violate the Fair Housing Act on the basis of familial status).

¹⁵ Massachusetts General Laws Chapter 40A (The Zoning Act) also prohibits health and safety laws or land-use requirements that constitute such discrimination against congregate living arrangements of nonrelated disabled persons.

¹⁶ See e.g., *Groome Resources Ltd., LLC v. Parish of Jefferson*, 234 F.3d 192, 199 (5th Cir.2000) (holding that Jefferson Parish’s failure to entertain a waiver of its zoning policy as a reasonable accommodation for Groome Resources’ proposed group home for persons with Alzheimer’s disease violated the Fair Housing Act).

¹⁷ See *Shelly v. Kraemer*, 334 U.S. 1 (1948) (state enforcement of racial restrictive covenants is unconstitutional).

¹⁸ See e.g., *United States v. Yonkers Bd. of Educ.*, 801 F.2d 593, 596 (2d Cir. 1986) (holding that there was sufficient evidence to infer racial animus by city officials, who were acting on behalf of constituents seeking to exclude minorities from their neighborhoods, to concentrate public housing in an area predominantly inhabited by minorities).

segregated housing despite knowledge of segregation may engender Fair Housing Act liability.¹⁹ Moreover, claims of ignorance of segregation patterns are likely to be unsuccessful, as government entities have duties to investigate how their funds are being used.

Enforcement of the Fair Housing Act

With respect to Fair Housing Act violations, HUD's Office of Fair Housing and Equal Opportunity (FHEO) investigates and enforces discriminatory housing practices occurring or continuing to occur within one year of the filed complaint. If after the investigative process HUD determines that there is probable cause to conclude that unlawful housing discrimination occurred, the complainant may elect to have their case heard before an Administrative Law Judge ("ALJ"), or litigated in U.S. Court with representation by the U.S. Attorney General. The Department of Justice may bring discrimination lawsuits based upon a "pattern or practice" or an issue of general public importance. An aggrieved person may directly file a lawsuit in federal court within two years of the occurrence or continued occurrence of the alleged discriminatory practice, without filing an administrative complaint with HUD.

HUD will refer complaints alleging discrimination under the Fair Housing Act to state or local public agencies for investigation and enforcement if it has certified that said agencies enforce a law that provides substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the Fair Housing Act. Thus, in Massachusetts, many complaints alleging discriminatory housing practices that are prohibited under the Fair Housing Act are referred to the Massachusetts Commission Against Discrimination, the Boston Human Rights Commission, and the Cambridge Human Rights Commission.

Other Federal Civil Rights Laws

Section 1981 and 1982 of the Civil Rights Act of 1866

Sections 1981 and 1982 of the Civil Rights Act of 1866 provide that all citizens shall have the same right to make and enforce contracts²⁰ and to inherit, purchase, lease, sell, and convey real property as White citizens.²¹ Enforcement may be sought by filing a lawsuit in court. Legal principles applied under the Fair Housing Act are similarly applied to Sections 1801 and 1802 of the Civil Rights Act of 1866. For example, establishing a prima facie case under the Fair Housing Act in a racial discrimination case also establishes a prima facie

¹⁹ Young v. Pierce, 685 F. Supp. 975, 978 (ED Tex. 1988) (holding HUD liable for knowingly maintaining and perpetuating racially segregated public housing by failing to take desegregation action).

²⁰ 42 U.S.C. §1981 (stating "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishments, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.").

²¹ 42 U.S.C. §1982 (stating "All citizens of the United States shall have the same right in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.").

case under sections 1981 and 1982.²² Section 1982 significantly enhances fair housing protections on the basis of race and color by providing for equal rights with respect to inheriting and conveying real property.²³ However, Section 1982 only provides for equal protection of U.S. Citizens.

Title VI of the Civil Rights Act of 1964

Title VI states that no person "in the United States" shall be discriminated against on the basis of race, color, or national origin by an entity receiving federal financial assistance."²⁴The entity must perform governmental functions, or be principally engaged in the business of providing education, health care, housing, social services, or parks and recreation. The Department of Justice and HUD have also issued guidance on national origin discrimination against individuals with limited English proficiency.²⁵ Enforcement of Title VI is primarily conferred on those federal agencies extending financial assistance to the program or activity. The primary means of enforcing compliance is through voluntary agreements with the recipients, with fund suspension or termination as a means of last resort.²⁶ Enforcement may also be sought through private lawsuits.

Section 109 of the Housing and Community Development Act of 1974

Section 109 states that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with federal financial assistance, on the grounds of race, color, national origin, religion, or sex. Section 109 applies to programs or activities funded by HUD's Community Development Block Grant Program (CDBG), as well as by Urban Development Action Grants, Economic Development Initiative Grants, and Special Purpose Grants.²⁷ Enforcement of Section 109 may be sought by filing a complaint with HUD or by filing a private lawsuit.

Age Discrimination Act of 1975

The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance. The Act applies to all ages, but permits

²² See e.g., *Steptoe v. Savings of America*, 800 F. Supp. 1542 (N.D. Ohio 1992).

²³ See e.g., *Scott v. Eversole Mortuary*, 522 F.2d 1110 (1975) (holding that under § 1982 all citizens have the same rights as White citizens to inherit, purchase, lease, sell, hold, and convey real or personal property, and that § 1982 prohibits private and public discrimination in the sale of property).

²⁴ 42 U.S.C § 2000d et seq.

²⁵ Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against persons with Limited English Proficiency, Fed. Reg. Vol. 65, No. 159, Wed., August 16, 2000, p. 50123; Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, Fed. Reg., December 19, 2003.

²⁶ Title VI also provides that the Attorney General shall issue guidelines for establishing reasonable time limits on efforts to secure voluntary compliance, on the initiation of sanctions, and for referral to the Department of Justice for enforcement where there is noncompliance. See supra note 24.

²⁷ 42 U.S.C. § 5309; 24 C.F.R. 6.

federal programs or activities to provide benefits or assistance to persons, such as the elderly, based upon their age.²⁸

The Act authorizes the head of any federal department or agency who prescribes regulations under the Act to terminate or to refuse to grant assistance under the program or activity involved to any recipient found to have violated the applicable regulation after reasonable notice and opportunity for hearing.

Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 prohibits the exclusion of disabled persons from participating in, being denied the benefits of, or being subjected to discrimination under any program or activity receiving federal financial assistance (excluding vouchers or tax-credits) or under any program or activity conducted by any Executive agency or by the United States Postal Service.²⁹ HUD enforces Section 504 against housing programs funded by HUD through its administrative complaint process. The U.S. Department of Justice also has authority to enforce Section 504, and enforcement may be sought through private lawsuits as well.

Title II of the Americans with Disabilities Act (ADA)

Title II of the Americans with Disabilities Act of 1990 (ADA) prohibits discrimination in housing that is owned, operated, or substantially financed by a state or local government entity.³⁰ HUD enforces Title II when it relates to state and local public housing, housing assistance, and housing referrals. The U.S. Department of Justice also has authority to enforce Title II of the ADA, and enforcement may be sought through private lawsuits as well.

Title III of the Americans with Disabilities Act ADA)

Title III of the ADA is far less reaching than Title II with respect to housing because it prohibits discrimination in privately owned public accommodations; however, housing providers are obligated to comply with Title III in public areas such as a rental office in an apartment complex.³¹ The U.S. Department of Justice has authority to enforce Title III of the ADA, and enforcement may also be sought through private lawsuits.

United States Constitution

²⁸ 42 U.S.C. §§ 6101-6107. (The act does not apply to a program or activity that takes action “that reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of such program or activity or the differentiation made by such action is based upon reasonable factors other than age,” and states “The provisions of this chapter shall not apply to any program or activity established under authority of any law which provides any benefits or assistance to persons based upon the age of such persons; or establishes criteria for participation in age-related terms or describes intended beneficiaries or target groups in such terms.”).

²⁹ 29 U.S.C. § 794.

³⁰ 42 U.S.C. §§ 12131 et seq.

³¹ 42 U.S.C §12181 et seq.

The Thirteenth Amendment (1865) abolishes slavery and involuntary servitude within the United States, and has also been interpreted to prohibit the “badges and incidents” of slavery, such as segregation.³²

The Equal Protection clause of the Fourteenth Amendment (1868) prohibits state action, and federal action by application to the Fifth Amendment (1791) that deprives any person of the equal protection of the laws. The Equal Protection Clause applies to public housing authorities and some privately owned publicly subsidized housing units.³³ Similarly, the due process clause of the Fifth Amendment prohibits federal action that deprives any person of the equal protection of the laws.³⁴

Government action that denies equal protection to suspect classes such as race has been subject to strict judicial scrutiny, whereby the government has the burden of establishing that it has a compelling interest and no less restrictive alternative for creating or engaging in a discriminatory policy or practice. Alleged equal protection violations towards other categories of people, such as women and the disabled, have been subjected to less stringent judicial scrutiny.³⁵

Massachusetts General Laws (MGL) Chapter 151B

With respect to prohibited discriminatory housing practices, MGL Chapter 151B closely mirrors the Fair Housing Act. However, MGL Chapter 151B has significantly expanded the classes of individuals protected under the Fair Housing Act.³⁶ The additional protected classes are:

- Age;
- Marital status;
- Sexual orientation;
- Ancestry;
- Recipients of public or rental assistance³⁷; and

³² See e.g., *Baker v. McDonald’s Corp.*, 680 F. Supp. 1474 (S.D. Fla. 1987), *aff’d*, 865 F.2d 1272 (11th Cir. 1988), *cert denied*, 110 S. Ct. 57 (1989).

³³ See e.g., *Jeffries v. Georgia Residential Finance Authority*, 678 F.2d 919 (11th Cir.), *cert. denied*, 459 U.S. 971 (1982).

³⁴ See e.g., *Bolling v. Sharpe*, 347 U.S. 497 (1954) (holding that the Fifth Amendment’s due process clause provides for equal protection).

³⁵ Strict scrutiny has been applied to “suspect classifications” such as race, national origin, religion, and alienage in some cases, as well as classifications burdening fundamental rights; the U.S. Supreme Court has also articulated two additional levels of scrutiny. “Intermediate scrutiny,” which has been applied to classifications based on gender and children of illegal aliens, requires that a law be “substantially related” to an “important” government interest; “rational basis” scrutiny requires that laws that categorize on some other basis, such as mental disability or sexual orientation, be “reasonably related” to a “legitimate” government interest.

³⁶ M.G.L. c. 151B.

³⁷ M.G.L. c. 151B(10) states it is unlawful “For any person furnishing credit, services or rental accommodations to discriminate against any individual who is a recipient of federal, state, or local public assistance, including medical assistance, or who is a tenant receiving federal, state, or local housing subsidies, including rental assistance or rental supplements, because the individual is such a recipient, or because of any requirement of such public assistance, rental assistance, or housing subsidy program.”

- Military history

MGL Chapter 151B also specifically states that it is unlawful “to cause to be made any written or oral inquiry or record concerning the race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, genetic information, ancestry, handicap or marital status of a person seeking to rent or lease or buy any such commercial space.”³⁸ However, to ensure compliance with civil rights requirements, records on race, color, ethnicity, religion, age, gender, and disability are collected by federal programs.³⁹ Furthermore, local-housing agencies must collect information on minority households in order to satisfy the affirmative fair marketing and tenant selection requirements under 760 C.M.R. 47.08. Housing providers or administrators for subsidized programs also request information from households on family size and the existence of a disability in order to allocate an appropriately sized and/or accessible unit.⁴⁰

MGL Chapter 151B does not apply to dwellings containing three apartments or less, if one of the apartments is occupied by an elderly or infirm (disabled or suffering from a chronic illness) person “for whom the presence of children would constitute a hardship.” Familial status is also protected under the Massachusetts Lead Paint Law, which prohibits the refusal to rent to families with children under six, or the eviction or refusal to renew the lease of families with children under six, because of lead paint.⁴¹

Housing Covered by MGL Chapter 151B

MGL Chapter 151B of the Massachusetts Anti-Discrimination Act is broader than the Fair Housing Act in that it applies to all multi-family housing, except owner occupied two-family housing and single-family dwellings that are temporarily leased or subleased for one year or less. MGL Chapter 151B also applies to any organization of unit owners in a condominium or housing cooperative.

Housing for older persons is also exempt from the age discrimination provisions of MGL Chapter 151B where the housing is: state-aided or federally-aided housing developments for the elderly; assisted under the federal low income housing tax credit and intended for use as housing for persons 55 years of age or over or 62 years of age or over; consisting of either a structure or structures constructed expressly for use as housing for persons 55 years of age or over or 62 years of age or over, on 1 parcel or on contiguous parcels of land, totaling at least 5 acres in size.⁴² MGL Chapter 151 B was recently amended by MGL Chapter 291 of the Acts of 2006, which strikes out the land area requirement and instead requires that the housing owner or manager of age-restricted housing constructed on or after January 1, 2007, register biennially with the department of housing and community development. MGL

³⁸ Id.

³⁹ Meeting Local Housing Needs: A Practice Guide for Implementing Selection Preferences and Civil Rights Requirements in Affordable Housing Programs. Citizens' Housing and Planning Association. September 2004.

⁴⁰ Id.

⁴¹ M.G.L. Chapter 151B § 4(6).

⁴² For the purpose of this subsection, housing intended for occupancy by persons fifty-five or over and sixty-two or over shall comply with the provisions set forth in 42 USC 3601 et seq.” M.G.L. c. 151B §6, 7.

Chapter 151B also states that housing intended for occupancy by persons fifty-five or over and sixty-two or over shall comply with the provisions set forth in the Fair Housing Act.⁴³

Although some housing may not be exempt under MGL Chapter 151B, it may be exempt under the Fair Housing Act. In such cases, a complaint alleging a discriminatory housing practice may be brought under MGL Chapter 151B and not under the Fair Housing Act. A further discussion on MGL Chapter 151B and its exemptions is included herein, infra section III (A).

Familial Status Discrimination and Occupancy Standards

MGL Chapter 151B states that is unlawful to discriminate against persons intending to occupy the premises with a child or children, but it does not negate or limit the applicability of any local, state, or federal restrictions regarding the maximum number of persons permitted to occupy a dwelling.⁴⁴

Government Discrimination in Housing

Exemptions from zoning regulations provided in Section 3 of MGL Chapter 40A of the Massachusetts General Laws includes land use for religious purposes if the land is owned or leased by the Commonwealth or any of its agencies, or by a nonprofit educational corporation (otherwise known as the “Dover Amendment”).⁴⁵

MGL Chapter 40A Section 3 also explicitly states that local land use and health and safety laws and practices shall not discriminate against disabled persons, including land use requirements on congregate living arrangements among non-related disabled persons that are not imposed on families and groups of similar size or other non-related persons.⁴⁶

Enforcement of Massachusetts Anti-Discrimination Laws

With respect to MGL Chapter 151B violations, the Massachusetts Commission Against Discrimination (MCAD) in turn investigates and enforces discriminatory housing practices occurring or continuing to occur within 300 days the filed complaint.

Complaints generally must be filed in person at the MCAD offices in Boston or Springfield, unless the complainant is represented by an attorney. MCAD does not generally accept complaints by phone unless the complainant is deaf, hard of hearing.

⁴³ M.G.L. c. 151B § 4(11).

⁴⁴ “No zoning ordinance or by-law shall . . . prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.” M.G.L. 40 § 3 (the Dover Amendment was enacted in response to a zoning by-law passed by the town of Dover, Massachusetts, prohibiting religious schools within Dover’s residential neighborhoods. See Attorney General v. Dover, 327 Mass. 601, 603-04 (1951)).

⁴⁵ M.G.L. 40 § 3.

⁴⁶ Boston Fair Housing Ordinance, C.B.C., Ordinance 10, § 152(1)

Complaints may be filed with MCAD regardless of immigration status, and MCAD will not question your citizenship or request a copy of your documentation. Further information on filing a complaint with MCAD may be found at <http://www.mass.gov/mcad/filing.pdf>.

If after the investigative process MCAD determines that there is probable cause, or sufficient evidence to support a conclusion that unlawful discrimination may have occurred, the complainant may elect to have their case resolved by MCAD through a hearing, or litigated in state court. If a complainant elects a hearing and does not have an attorney, an MCAD attorney will prosecute the case on behalf of the Commission. If a complainant elects litigation in state court, the Massachusetts Attorney General will prosecute the case on behalf of the complainant in superior court. Aggrieved persons may directly file a lawsuit in superior court within three years of the occurrence or continued occurrence of the alleged discriminatory practice, without filing an administrative complaint with MCAD, or 90 days after filing a complaint with MCAD.

Complaints alleging discrimination occurring in Boston or Cambridge may also be filed with the Boston Fair Housing Commission (BFHC)⁴⁷ and the Cambridge Human Rights Commission⁴⁸ respectively. Said complaints may be filed on the basis of race, color, sex, age, ancestry, disability, children, national origin, source of income,⁴⁹ military status, marital status, religion, and sexual preference, and must be filed within 180 days of the last discrimination incident.

Other Massachusetts Anti-Discrimination Laws

Massachusetts General Laws Chapter 184 § 23B

MGL Chapter 23B renders any provision in an instrument relating to real property void, with some exceptions, if it directly or indirectly limits the conveyance, encumbrance, occupancy, or lease of that property to individuals to a specified race, color, religion, national origin, or sex.⁵⁰

Massachusetts General Laws Chapter 12 § 11H and 11I

MGL Chapter 12 § 11H provides that the Massachusetts attorney general may bring a civil action in the name of the Commonwealth for an injunction or other appropriate equitable

⁴⁷ Cambridge Fair Housing Ordinance, chapter 14.04.

⁴⁸ BFHC defines "source of income" as "income from all lawful sources, including but not limited to, public benefits, public subsidies, insurance or investment of any sort, alimony or child support, businesses, and employment or professional services of any sort," C.B.C. 10, § 1.02(0); CHRC defines to "source of income" as "receipt of public reciprocity...(which) shall not include income derived from criminal activity," 14.04.030(T).

⁴⁹ M.G.L.A. c. 184 § 23B (stating "A provision in an instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals of a specified race, color, religion, national origin or sex shall be void. Any condition, restriction or prohibition, including a right of entry or a possibility of reverter, which directly or indirectly limits the use for occupancy of real property on the basis of race, color, religion, national origin or sex shall be void, excepting a limitation on the basis of religion on the use of real property held by a religious or denominational institution or organization or by an organization operated for charitable or educational purposes which is operated, supervised or controlled by or in connection with a religious organization.").

⁵⁰ Mass. Const. Amend., Art. CXIV.

relief against any person(s) interfering with a person(s) rights under the U.S. Constitution or Massachusetts Constitution through actual or attempted threats, intimidation, or coercion. MGL Chapter 12 § 11I provides for a private cause of action for such violations.

Massachusetts Equal Rights Law

The Massachusetts Equal Rights Law was adopted in 1990 and was inspired by the federal Civil Rights Act of 1866, which designated the right to contract as an enforceable civil right. Section 102 of the Equal Rights Law provides that any person, regardless of sex, race, color, creed or national origin, except as otherwise provided by law, shall have equal rights to contract, as well as the right to inherit, to purchase, to lease, to sell, to participate in law suits and to receive the full benefit of the law.⁵¹

Section 103 provides similar rights to any person regardless of disability or age, as defined under MGL Chapter 151B, with reasonable accommodation.⁵² Enforcement of the Massachusetts Equal Rights Law takes place through the courts.

Article CXIV of the Massachusetts Constitution

The Massachusetts Constitution was amended in 1980 to preclude discrimination against handicapped individuals under any program or activity within the Commonwealth.⁵³ Article CXIV parallels Section 504 of the Rehabilitation Act, excepting the federal financial assistance requirement. Article CXIV is generally only applied when public policy has been violated and there is no alternative viable statutory means for addressing the discrimination.⁵⁴ Enforcement of Article CXIV is through the courts.

Fair Housing Rights of Disabled Persons

In addition to the fair housing rights discussed thus far, disabled persons also enjoy numerous protections under various civil rights laws,⁵⁵ including the following:

Fair Housing Act

⁵¹ M.G.L. c.93 § 102 (stating All persons within the commonwealth, regardless of sex, race, color, creed or national origin, shall have, except as is otherwise provided or permitted by law, the same rights enjoyed by white male citizens, to make and enforce contracts, to inherit, purchase, to lease, sell, hold and convey real and personal property, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other).

⁵² M.G.L. c.93 § 103 (stating “any person within the commonwealth, regardless of handicap or age as defined in chapter one hundred and fifty-one B, shall, with reasonable accommodation, have the same rights as other persons to make and enforce contracts, inherit, purchase, lease, sell, hold and convey real and personal property, sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property, including, but not limited to, the rights secured under Article CXIV of the Amendments to the Constitution.”).

⁵³ M.G.L. c. 22, § 13A.

⁵⁴ See e.g., Layne v. Superintendent, 406 Mass. 156 (1989).

⁵⁵ For further information, see Meeting Local Housing Needs: A Practice Guide for Implementing Selection Preferences and Civil Rights Requirements in Affordable Housing Programs. Citizens’ Housing and Planning Association. September 2004.

Pursuant to the Fair Housing Act, discrimination against disabled persons includes the refusal to make a reasonable accommodation and/or modification for disabled persons. Determinations as to whether an accommodation or modification request is reasonable is made on a case-by-case basis. Under the Fair Housing Act, a disabled person (now used interchangeably with the term handicap) is defined as:

- having a physical or mental impairment which substantially limits one or more of such person's major life activities;
- having a record of such an impairment; or
- regarded as having such impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

A “reasonable accommodation” is a change in rules, policies, practices, or services that is necessary to afford such person equal opportunity to use and enjoy a dwelling, without posing an undue financial or administrative burden to the housing provider, or fundamentally altering the nature of the housing provider’s operations. Examples of a reasonable accommodation include waiving a “no animals” rule for a disabled individual in need of a service animal, or permitting a disabled individual to have a reserved parking space closer to his/her unit.

A “reasonable modification” is a change to the existing premises occupied or to be occupied by a disabled person that is necessary to afford such person full enjoyment of the premises. Examples of reasonable modifications include constructing ramps into units and widening doorways for wheelchair access. The Fair Housing Act does not obligate the housing provider to cover the cost of the modification, although it must permit the modification to be made. In a rental situation, the housing provider may reasonably condition permission for a modification on the tenant’s agreement to restore the interior of the premises to the condition that existed before the modification (excepting reasonable wear and tear).

The Fair Housing Act also requires compliance with design and construction accessibility requirements in multifamily dwellings with first occupancy after March 13, 1991. A multifamily dwelling with four or more units and an elevator is required to have all units handicap accessible. A multifamily dwelling with four or more units without an elevator is required only to have the ground floor unit’s handicap accessible.

Covered multifamily dwellings must comply with the following requirements:⁵⁶

- the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

⁵⁶ Features of adaptive design under the federal Fair Housing Act require: 1) that there is an accessible route into and through the dwelling; 2) light switches, electrical outlets, thermostats, and other environmental controls are in accessible locations; 3) reinforcements are in bathroom walls to allow later installation of grab bars; and 4) usable kitchens and bathrooms are such that an individual in a wheelchair can maneuver about the space.

- all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
- all premises within such dwellings contain the following features of adaptive design.

Accessibility requirements under the Fair Housing Act are provided by the Fair Housing Accessibility Guidelines (FHAG). The Fair Housing Act also accepts compliance with the standards of the American National Standard Institute ("ANSI A117.1") with respect to the features of adaptive design. For further information about accessibility requirements under federal law, see the Fair Housing Accessibility First website at <http://www.fairhousingfirst.org/index.asp> .

Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 (discussed further herein, supra IV) requires housing programs to be readily and accessible and usable to persons with disabilities if the dwelling was constructed after July 11, 1988. Section 504 requires accessibility compliance with the Uniform Federal Accessibility Standards (UFAS). Five percent of public housing units must be accessible to tenants with mobility disabilities and two percent must be accessible to tenants with hearing or vision disabilities. For further information on UFAS, see www.access-board.gov/ufas/ufas-html/ufas.htm .

The Americans with Disabilities Act (ADA)

Title II of the Americans with Disabilities Act of 1990 (ADA) (discussed further herein, supra IV) requires that applicable housing be readily accessible to disabled persons if the dwelling was constructed after January 26, 1992. Accessibility requirements under Title II of the ADA are met through compliance with the ADA Accessibility Guidelines (ADAAG) or UFAS. Title III of the ADA⁵⁷ obligates accessibility in public areas such as a rental office in an apartment complex, and accessibility requirements are met through compliance with ADAAG. For further information on ADAAG see <http://www.accessboard.gov/adaag/html/adaag.htm> ; see also the Title II Technical Assistance Manual at <http://www.ada.gov/taman2.html#II-6.2000>.

Architectural Barriers Act of 1968

The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with federal funds after September 1969 are accessible to and usable by disabled persons in accordance with federal residential accessibility standards.⁵⁸ The Access Board investigates and enforces complaints of non-compliance with the Architectural Barriers Act.

Massachusetts General Laws Chapter 151B

An important distinction between MGL Chapter 151B and the Fair Housing Act is that under MGL Chapter 151B, reasonable modifications must be made at the expense of the owner or

⁵⁷ 42 U.S.C §12181 et seq.

⁵⁸ 42 U.S.C §4151 et seq.

other person having the right of ownership in the case of publicly assisted housing, multiple dwelling housing consisting of ten or more units, or contiguously located housing consisting of ten or more units. Pursuant to MGL Chapter 151B, an owner or other person having the right of ownership is only required to pay for modifications to make units fully accessible to persons using a wheelchair in ten percent of the units.^{59 60}

MGL Chapter 151B also includes specific provisions that have been implied from the Fair Housing Act through judicial decisions. Notably, MGL Chapter 151B specifically states that it is unlawful to discriminate against any person “because such person possesses a trained dog guide as a consequence of blindness or hearing impairment.”⁶¹

Massachusetts imposes additional requirements with respect to handicap accessibility than federal civil rights laws. Along with MGL Chapter 151B, which parallels the accessibility provisions of the Fair Housing Act, Massachusetts accessibility requirements are governed by the Massachusetts Architectural Access Law.⁶² The Massachusetts Architectural Access Law established the Architectural Access Board (AAB) to develop standards for handicap accessibility.⁶³

The AAB’s Rules and Regulations establish adaptability and accessibility requirements for both individual units and public and common use spaces in multiple dwellings. The AAB accessibility requirements apply to multiple dwellings consisting of three or more units with building permits for new construction issued on or after September 1, 1996, as well as to public and common use spaces in multiple dwellings of 12 or more units with building permits issued before September 1, 1996.⁶⁴ In multiple dwellings with 20 or more units for rent, hire, or lease: at least 5 percent of the units must be wheelchair accessible, exempting townhouses,⁶⁵ and proportionally distributed by size, quality price, and location; at least 2

⁵⁹ “ Reasonable modification shall include, but not be limited to, making the housing accessible to mobility-impaired, hearing-impaired and sight-impaired persons including installing raised numbers which may be read by a sight-impaired person, installing a door bell which flashes a light for a hearing-impaired person, lowering a cabinet, ramping a front entrance of five or fewer vertical steps, widening a doorway, and installing a grab bar; provided, however, that for purposes of this subsection, the owner or other person having the right of ownership shall not be required to pay for ramping a front entrance of more than five steps or for installing a wheelchair lift.” M.G.L. c. 151B § 7A (3).

⁶⁰ Id.

⁶¹ M.G.L. c. 151B

⁶² The Architectural Access Board defines “adaptability” as follows: “The ability of certain building spaces and elements, such as kitchen counters, sinks, and grab bars, to be added or altered so as to accommodate the needs of persons with or without disabilities or with different types or degrees of disability.” M.G.L. c. 22 § 13A.

⁶³ Massachusetts Commission Against Discrimination regulations state that owner occupied two-family housing is not exempt if: (1) the homeseeker or renter is a recipient of public assistance or housing subsidy; (2) the leasing or rental process utilized the services of a person or organization whose business includes engaging in residential real estate related transactions; or, (3) the availability of the unit is made known by making, printing, publishing, or causing to be made printed or published any notice, statement, or advertisement with respect to the rental of such a unit that indicates any preference limitation, exclusion or discrimination based upon any of the protected classes under Chapter 151B. See 804 C.M.R. 02.00.

⁶⁴ 521 C.M.R 1.00-47.00.

⁶⁵ When 5% of the total number of units required to be accessible includes townhouses, they shall comply by any of the following means:

a. substitute a fully accessible flat of comparable size, amenities, etc.;

percent of units must be audible accessible. With respect to renovations for residential use, if costs within a three-year period exceed 30 percent of the building's value, new construction accessibility requirements apply. AAB adaptability requirements (not involving structural change) for newly constructed units after September 1, 1996 are similar to those of the Fair Housing Act: in buildings with elevators, all units must be adaptable, and in buildings without elevators, all ground floor units must be adaptable.

Furthermore, buildings subjected to AAB accessibility requirements must provide at least one means of accessible egress; at least two means of accessible egress must be provided when more than one means of standard egress is required by the Massachusetts State Building Code.⁶⁶ For further information about accessibility requirements under the AAB regulations, see the Architectural Access Board website at <http://www.mass.gov/aab>.

The Massachusetts Commission Against Discrimination has also issued regulations in connection with MGL Chapter 151B, which state that newly constructed multi-family dwellings (constructed as of March, 1991) must provide "basic access" for individual units and for public common spaces, and must make five percent of all units wheelchair accessible and two percent communication accessible.⁶⁷

Protections for Domestic Violence Victims

As domestic violence victims are disproportionately women, the treatment of such victims by housing providers may be a fair housing issue. In the case *Bouley v. Sabourin*, the United States District Court of Vermont ruled in 2005 against the defendant's motion for summary judgment, finding that the Fair Housing Act prohibits discrimination against domestic violence victims. In said case, the landlord evicted a domestic violence victim after writing a letter indicating a perception that the tenant did not react appropriately to the domestic abuse in accordance with gender stereotypes. The court found that the plaintiff had established a prima facie case of discrimination, and cited *Cf. Smith v. City of Elyria*, which found there was "evidence on the record from which a jury could find defendant's domestic disputes policy had a discriminatory impact and was motivated by intent to discriminate against women."⁶⁸

The Domestic Violence Against Women Act (VAWA) of 2005 is another federal law that provides protections for domestic violence victims in housing. In addition to creating program funding for long-term affordable and transitional housing for domestic violence victims, the Act provides that public housing and Section 8 providers shall not find domestic

b. provide space for the future installation of a wheelchair lift to access either upper or lower level of townhouse.

c. provide space for the future installation of a residential elevator to access either the upper or lower level of the townhouse.

⁶⁶ 521 C.M.R. 20.11 ("All spaces or elements required to be accessible by 521 CMR shall be provided with no less than one accessible means of egress. Where more than one means of egress is required under 780 CMR (The Massachusetts State Building Code) from any accessible space or element, each space or element shall be served by not less than two accessible means of egress. Exception: For the purpose of 521 CMR 20.11, fire escapes shall be exempt.").

⁶⁷ 804 C.M.R 02.00.

⁶⁸ *Cf. Smith v. City of Elyria*, 857 F. Supp. 1203, 1212 (N.D. Ohio 1994).

abuse as good cause for terminating a lease held by the victim, and that the abuser's criminal activity beyond the victim's control shall not be grounds for termination or eviction.

Pursuant to regulations governing local housing authorities in Massachusetts, a local housing authority may find domestic abuse as mitigating circumstances to a finding of housing disqualification due to damage or disturbance during the tenancy.⁶⁹ Said regulations also provide that local housing authorities provide "reasonable and appropriate assistance" to a tenant who is a victim of domestic violence, including granting a transfer.⁷⁰

Fair Lending Laws

Discriminatory lending practices violate the Fair Housing Act, as well statutes such as those indicated below, because of the effect they have on housing opportunities. The Fair Housing Act and the Massachusetts Anti-Discrimination Statute, MGL Chapter 151B The Fair Housing Act and MGL Chapter 151B prohibit any person or entity whose business includes engaging in residential real estate-related transactions from discriminating in making available such a transaction, or in the terms or conditions of such a transaction, because of a person's membership in a protected class.

"Residential real-estate transactions" is broadly defined as:

- Making or purchasing loans or providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling;
- Making or purchasing loans or providing other financial assistance (such as homeowner's insurance) secured by residential real estate; or
- Selling, brokering, or appraising residential real property.

Examples of unlawful lending practices include:

- Requiring more or different information or conducting more extensive credit checks;
- Excessively burdensome qualification standards;
- Refusing to grant a loan;
- Applying differing terms and conditions of loans, including more onerous interest rates and co-signer requirements;
- Denying insurance, or applying differing terms of insurance, in connection with loans;
- "Redlining" neighborhoods (denying mortgages and other credit, or granting unfavorable loan terms, in geographic areas characterized by residents of a protected class);
- Steering individuals to buy and finance homes in a particular geographical area based on their membership in a protected class;
- Making excessively low appraisals

⁶⁹ 760 C.M.R. 5.08(2).

⁷⁰ 760 C.M.R. 5.03. Additionally, 760 C.M.R. 6.04(3)(b) provides that there may be good cause to waive late fees and interest when rent is re-calculated because of the removal of the domestic abuser.

MGL Chapter 151B provides that age may be considered as a factor if the applicant has not reached the age of majority or if age is a pertinent factor in determining creditworthiness; however, a negative score is not to be assigned to a person on the basis of attaining the age of 62 or older.

The Fair Housing Act and MGL Chapter 151B also make it unlawful to discriminate in the provision of brokerage services by denying access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate in the terms or conditions of such access, membership, or participation, on account of membership in a protected class.

The Massachusetts Predatory Home Loan Practices Act

The Massachusetts Predatory Home Loan Practices Act⁷¹ requires that lenders with 50 or more home mortgage loans in the last calendar year be examined for their compliance with fair lending laws including the Home Mortgage Disclosure Act (HMDA), the federal Equal Credit and Opportunity Act (see below), and the Predatory Home Loan Practices Act. Examples of predatory lending practices include loan flipping (refinancing of loans repeatedly in a short time, sometimes with prepayment penalties, that strips home equity), excessive fees, concealed fees (i.e., “packing” fees into the loan amount without the understanding of the borrower, or concealing yield-spread premiums in which mortgage brokers are compensated for placing the borrow into a higher than par interest rate), and other types of lending practices that are made regardless of the borrower’s ability to repay that increase the danger of default and foreclosure.

Equal Credit and Opportunity Act of 1974 (ECOA)

The Equal Credit and Opportunity Act (ECOA) prohibits discrimination in any aspect of a credit transaction on the basis of race, color, religion, national origin, sex, marital status, age, receipt of assistance from public assistance programs, and the good faith exercise of any right under the Consumer Credit Protection Act.⁷² If the credit transaction involves residential property, individuals may file a complaint with the HUD or may file a lawsuit in court. Moreover, federal agencies have regulatory authority over certain types of lenders and they monitor creditors for their compliance with ECOA. If it appears that a creditor is engaged in an unlawful pattern or practice, ECOA requires these agencies to refer the matter to the Justice Department.

Federal and State Community Reinvestment Acts (CRA)

The Federal Community Reinvestment Act (CRA) requires federally insured depository institutions to meet the credit needs of the entire communities in which they are chartered to do business, including low- and moderate-income urban neighborhoods.⁷³ The CRA is enforced by requiring regulatory agencies to consider an institution's record of meeting

⁷¹ M.G.L. Chapter 183C, Section 8.

⁷² Title VII of the Consumer Protection Act of 1974 (as amended), Section 701 of the Equal Credit Opportunity Act of 1974, Pub. L. 93-49, tit. V, 88 Stat. 1500, 15 USC §§ 1691-1691f.

⁷³ 12 U.S.C. § 2901(b) (2000).

community credit needs when evaluating that institution's application for a deposit facility. The regulatory agencies periodically evaluate banks for CRA compliance, and rate them appropriately. Although the federal CRA does not apply to credit unions and independent mortgage companies, Massachusetts' CRA statute, M.G.L. c. 167, § 14 (1982), applies additionally to state chartered credit unions.⁷⁴ Pursuant to the Massachusetts CRA, the Commissioner of Banks has enforcement authority as well as the authority to evaluate the records of supervised institutions in meeting community credit needs in accordance with the statute.

An allegation that minorities are being unfairly served with respect to lending in their communities may draw evidentiary support from data required by the Federal Home Mortgage Disclosure Act of 1975 (HMDA). HMDA mandates that lending institutions whose assets exceed \$28 million and have home or branch offices within a primary metropolitan area annually report the race, sex, and income of mortgage of home loan applicants and borrowers to a variety of federal agencies.⁷⁵ State-chartered institutions do not have to comply with HMDA if their state has substantially similar disclosure laws.

⁷⁴ See also 804 C.M.R. 7.00.

⁷⁵ 12 U.S.C § 2801 et seq.

Appendix III: Demographics and Household Characteristics Charts and Tables

Demographics

Chart: Population by Age, Census 2010

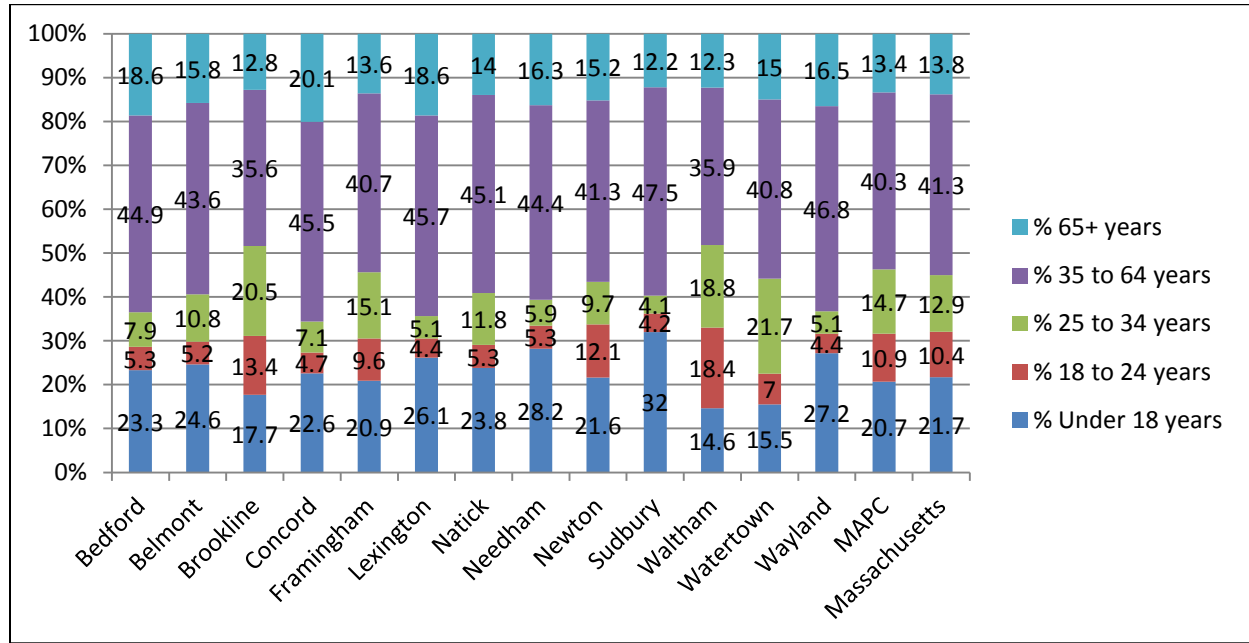


Chart: Population by Race/Ethnicity, Census 2010

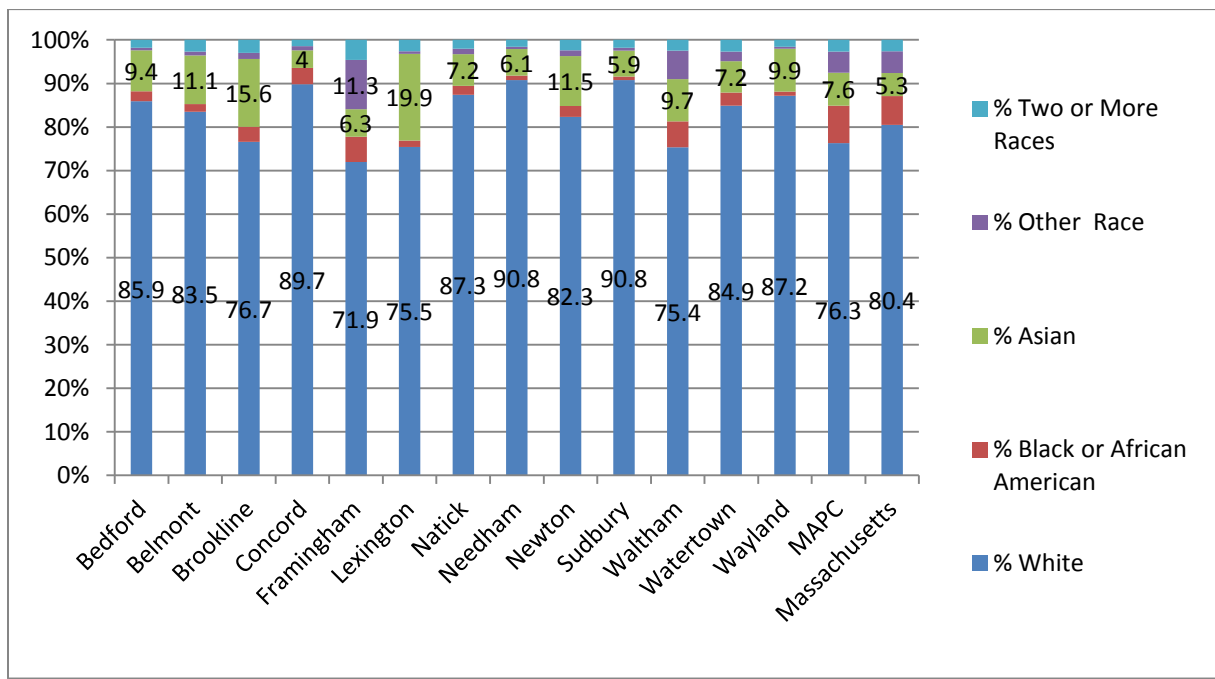


Table: Foreign Born, ACS 2009-2013 Five-Year Average

	U.S. Born Citizen	% U.S. Born Citizen	Foreign Born	% Foreign Born	Naturalized Citizens	% Naturalized Citizens	Not a U.S. Citizen	% Not a U.S. Citizen
Bedford	11419	84.2	2138	15.8	1155	8.5	983	7.3
Belmont	19430	77.9	5513	22.1	2488	10.0	3025	12.1
Brookline	44316	75.4	14422	24.6	6725	11.5	7697	13.1
Concord	16775	91	1667	9	906	4.9	761	4.1
Framingham	50848	73.4	18440	26.6	6342	9.2	12098	17.4
Lexington	24559	77	7327	23	4593	14.4	2734	8.6
Natick	29060	86.4	4574	13.6	2597	7.7	1977	5.9
Needham	25609	87.6	3631	12.4	2924	10.0	707	2.4
Newton	68627	79.6	17614	20.4	10765	12.5	6849	7.9
Sudbury	16037	89.5	1885	10.5	1159	6.5	726	4.0
Waltham	45191	73.7	16130	26.3	6168	10.0	9962	16.3
Watertown	24220	74.9	8132	25.1	4526	14.0	3606	11.1
Wayland	11334	86.1	1832	13.9	1195	9.1	637	4.8
MAPC	2575698	80.5	625903	19.5	301824	9.4	324079	10.1
Massachusetts	5613350	85	991708	15	500860	7.6	490848	7.4

Chart: Households Primarily Speaking a Language Other Than English, Census 2010

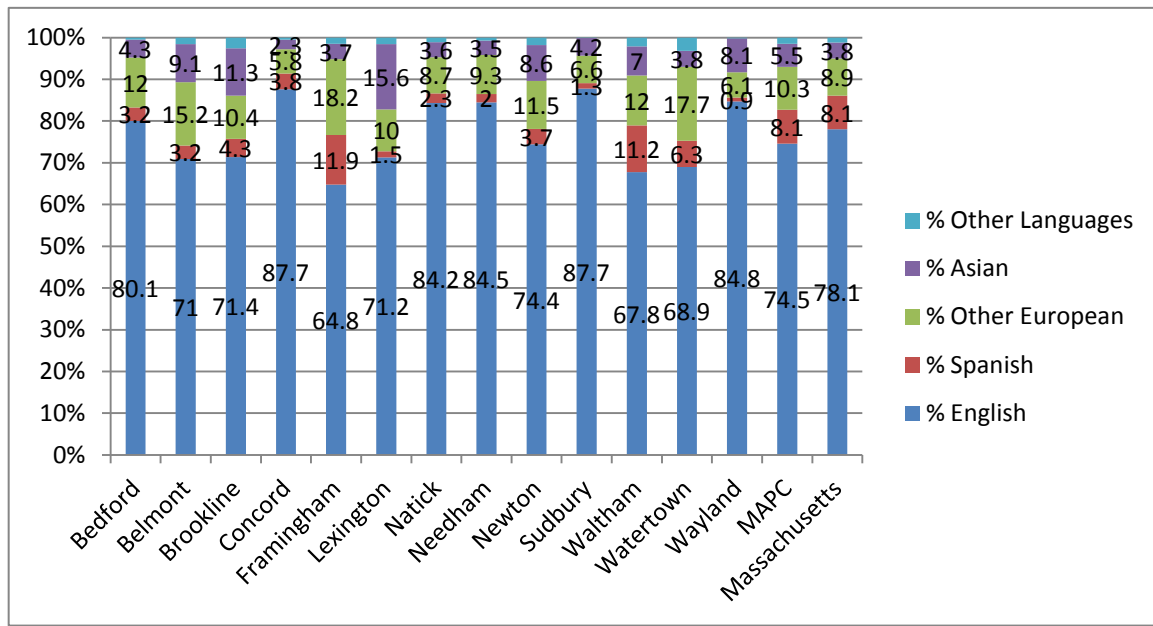


Table: Linguistically Isolated Households, ACS 2009-2013 Five-Year Average

	Total Households	Households Speaking Another Language at Home	Linguistically Isolated Households	% Linguistically Isolated of Household Speaking Another Language at Home
Bedford	4977	1221	144	12%
Belmont	9242	2750	398	14%
Brookline	25403	8176	1516	19%
Concord	6493	750	54	7%
Framingham	26501	9599	3195	33%
Lexington	11541	3665	405	11%
Natick	13690	2647	359	14%
Needham	10519	1989	257	13%
Newton	31295	9107	1581	17%
Sudbury	5783	994	135	14%
Waltham	23951	7838	1803	23%
Watertown	14159	4772	904	19%
Wayland	5084	961	104	11%
WMHC	188638	54469	10855	20%
MAPC	1234945	330795	81103	25%
Massachusetts	2530147	603279	145803	24%

Chart: Total Civilian Non-Institutionalized population with a Disability, ACS 2009-2013 Five-Year Average

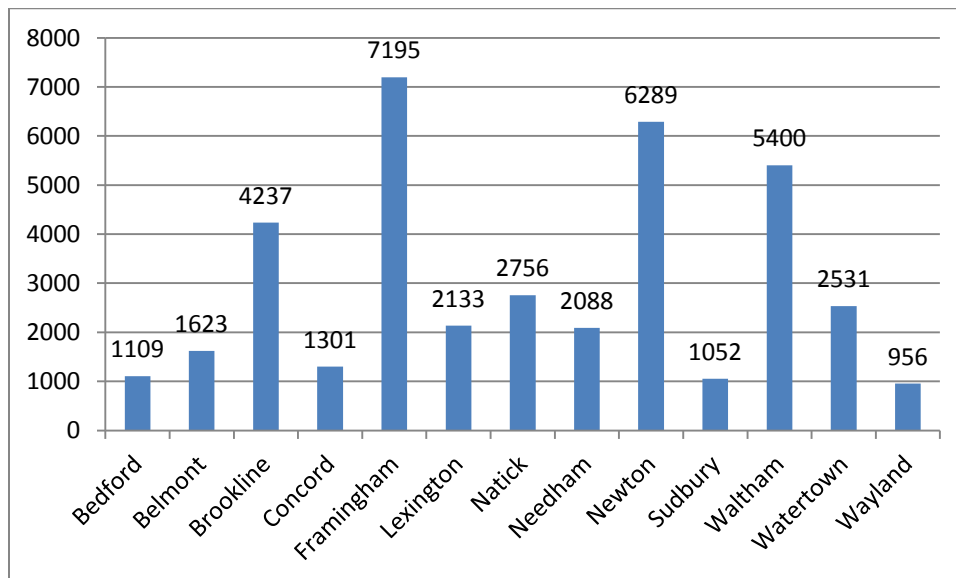


Chart: Total Population with Veteran Status, ACS 2009-2013 Five-Year Average

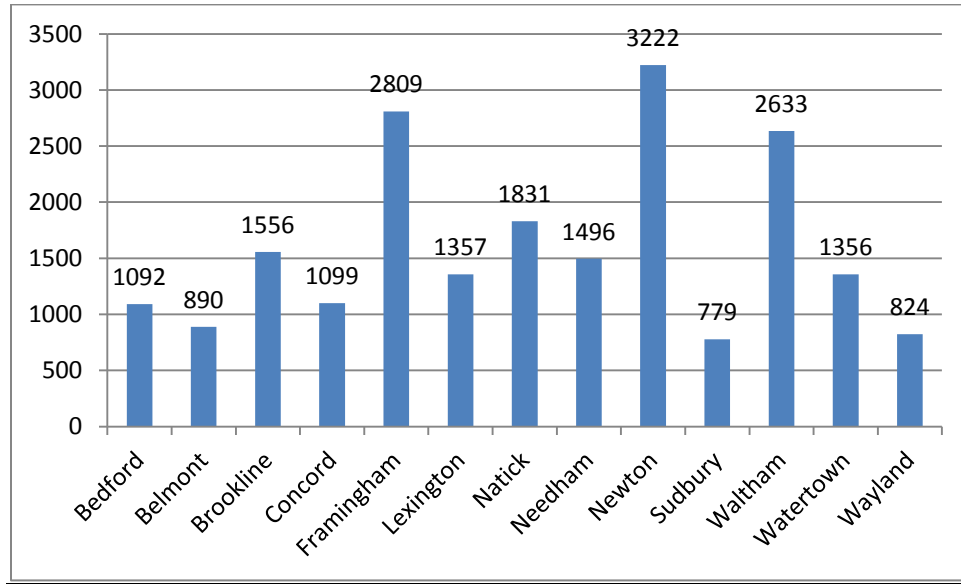


Table: Total Same Sex Couple Households, ACS 2009-2013 Five-Year Average

	Total Households	Total Same Sex Couple Households
Bedford	4977	0
Belmont	9242	30
Brookline	25403	251
Concord	6493	31
Framingham	26501	196
Lexington	11541	62
Natick	13690	56
Needham	10519	51
Newton	31295	253
Sudbury	5783	27
Waltham	23951	166
Watertown	14159	106
Wayland	5084	21
MAPC	1234945	9793
Massachusetts	2530147	18183

Housing Stock

Table: Subsidized Housing Inventory, December 2014

	2010 Census Year Round Housing Units	Total Development Units	SHI Units	%
Bedford	5322	1087	902	16.9%
Belmont	10117	392	380	3.8%
Brookline	26201	2634	2111	8.1%
Concord	6852	766	710	10.4%
Framingham	27443	2870	2870	10.5%
Lexington	11946	1510	1329	11.1%
Natick	14052	1672	1442	10.3%
Needham	11047	969	838	7.6%
Newton	32346	2515	2438	7.5%
Sudbury	5921	575	354	6.0%
Waltham	24805	2253	1785	7.2%
Watertown	15521	1219	1000	6.4%
Wayland	4957	362	200	4.0%
Massachusetts	2692186	282268	250863	9.3%

Household Characteristics

Chart: Occupied Households by Type & Tenure, ACS 2009-2013

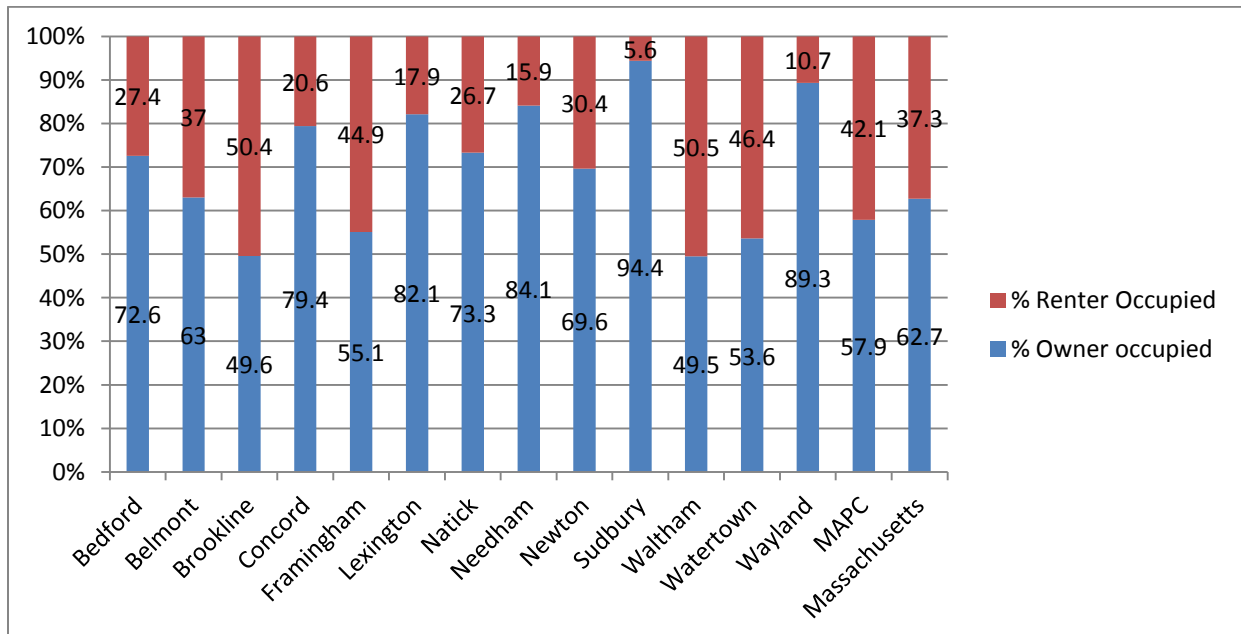


Table: Occupied Housing Inventory by Tenure, Census 2010

	Owner occupied	Renter Occupied	Total occupied
Bedford	3613	1364	4977
Belmont	5824	3418	9242
Brookline	12593	12810	25403
Concord	5154	1339	6493
Framingham	14601	11900	26501
Lexington	9480	2061	11541
Natick	10035	3655	13690
Needham	8848	1671	10519
Newton	21788	9507	31295
Sudbury	5461	322	5783
Waltham	11859	12092	23951
Watertown	7588	6571	14159
Wayland	4542	542	5084
MAPC	715583	519362	1234945
Massachusetts	1585259	944888	2530147

Table: Average Household Size, ACS 2009-2013

	Average Household Size	Average Household Size (Owner Occupied)	Average Household Size (Renter Occupied)
Bedford	2.62	2.81	2.12
Belmont	2.67	2.85	2.36
Brookline	2.24	2.47	2.02
Concord	2.55	2.67	2.1
Framingham	2.47	2.64	2.26
Lexington	2.72	2.87	1.99
Natick	2.43	2.64	1.83
Needham	2.69	2.88	1.7
Newton	2.5	2.65	2.18
Sudbury	3.06	3.11	2.24
Waltham	2.25	2.45	2.05
Watertown	2.23	2.31	2.14
Wayland	2.58	2.7	1.54
Massachusetts	2.51	2.69	2.22

Chart: Family and Non-Family Households in WMHC communities, Census 2010

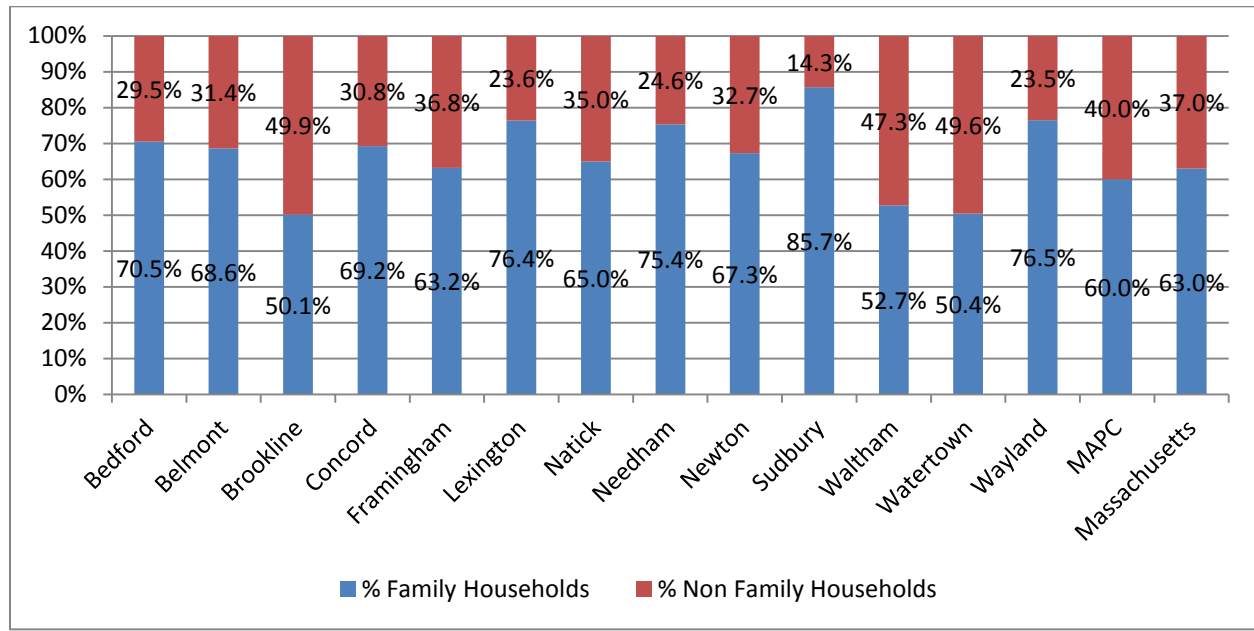


Table: Family Households with Children- Familial Status, ACS 2009-2013

	Family Households with Children	Married Family Households with kids	Other Family Households with Kids	% Married Family Households with Kids	Male Householder with Children	Female Householder with Children
Bedford	1745	1480	265	85%	69	196
Belmont	3556	2948	608	83%	97	511
Brookline	6273	5112	1161	81%	152	1009
Concord	2203	2018	185	92%	44	141
Framingham	8450	6044	2406	72%	519	1887
Lexington	4747	3967	780	84%	117	663
Natick	4470	3791	679	85%	114	565
Needham	4206	3581	625	85%	99	526
Newton	10560	8819	1741	84%	229	1512
Sudbury	2894	2690	204	93%	44	160
Waltham	5251	3810	1441	73%	273	1168
Watertown	3108	2573	535	83%	84	451
Wayland	1853	1665	188	90%	50	138
WMHC Region	59316	48498	10818	82%	1891	8927
MAPC	366423	260338	106085	71%	20682	85403
Massachusetts	776684	526518	250166	68%	51025	199141

Household Income and Affordability

Table: Household Income as a Percentage of Area Median Income (AMI), CHAS 2007-2011

	Median Household income	< 50% AMI	50-80% AMI	> 80% AMI
Bedford	107705	13.1	11.2	75.7
Belmont	110584	16.9	7.2	75.9
Brookline	96488	21	6.7	72.3
Concord	134705	13.2	6.3	80.5
Framingham	67915	27.6	12.3	60.1
Lexington	139561	12.7	5.4	81.9
Natick	95202	18.9	7.3	73.8
Needham	127753	14.3	4.2	81.5
Newton	119148	17.2	6.2	76.6
Sudbury	170924	8.5	2.9	88.7
Waltham	74198	26.6	10.9	62.5
Watertown	87401	20.9	8.5	70.6
Wayland	130746	10.9	6.2	82.9
MAPC		26.8	9.9	63.4
Massachusetts	66866	27.6	11.8	60.7

Table: Median Household Income by Tenure, ACS 2009-2013 Five-Year Average

	Median Household Income	Owner-Occupied Median Household Income	Renter-Occupied Median Household Income
Bedford	\$ 107,705.00	\$ 127,529.00	\$ 59,167.00
Belmont	\$ 110,584.00	\$ 144,868.00	\$ 71,875.00
Brookline	\$ 96,488.00	\$ 145,828.00	\$ 55,388.00
Concord	\$ 134,705.00	\$ 149,444.00	\$ 68,934.00
Framingham	\$ 67,915.00	\$ 99,771.00	\$ 37,157.00
Lexington	\$ 139,561.00	\$ 158,355.00	\$ 48,538.00
Natick	\$ 95,202.00	\$ 112,599.00	\$ 53,814.00
Needham	\$ 127,753.00	\$ 145,938.00	\$ 47,736.00
Newton	\$ 119,148.00	\$ 150,344.00	\$ 68,977.00
Sudbury	\$ 170,924.00	\$ 174,434.00	\$ 31,500.00
Waltham	\$ 74,198.00	\$ 96,192.00	\$ 52,157.00
Watertown	\$ 87,401.00	\$ 97,014.00	\$ 75,530.00
Wayland	\$ 130,746.00	\$ 143,561.00	\$ 19,700.00
Massachusetts	\$ 66,866.00	\$ 89,668.00	\$ 36,588.00

Table: Income as Percent of AMI by Household Type/Size, HUD Comprehensive Housing Affordability Strategy (CHAS) 2007-2011

	Total Households	Low Income Households			>80% AMI
		≤ 30% AMI (Extremely Low Income)	30-50% AMI (Very Low Income)	50-80% AMI (Low Income)	
Bedford					
Elderly (1-2 Members)	1540	120	175	185	1060
Small Related (2-4 persons)	2505	125	40	270	2070
Large Related (5+ persons)	325	0	0	30	295
Other	570	90	100	75	305
Total	4940	335	315	560	3730
Belmont					
Elderly (1-2 Members)	2595	400	420	275	1500
Small Related (2-4 persons)	4445	240	235	205	3765
Large Related (5+ persons)	690	0	35	40	615
Other	1645	140	130	160	1215
Total	9375	780	820	680	7095
Brookline					
Elderly (1-2 Members)	6090	1325	665	470	3630
Small Related (2-4 persons)	9315	450	360	455	8050
Large Related (5+ persons)	1125	145	45	20	915
Other	7550	1910	340	715	4585
Total	24080	3830	1410	1660	17180
Concord					
Elderly (1-2 Members)	2290	220	355	225	1490
Small Related (2-4 persons)	2595	40	50	75	2430
Large Related (5+ persons)	534	35	4	10	485
Other	720	75	40	80	525
Total	6139	370	449	390	4930
Framingham					
Elderly (1-2 Members)	6320	1615	985	900	2820
Small Related (2-4 persons)	11910	1160	1055	1445	8250
Large Related (5+ persons)	1790	75	220	250	1245
Other	5620	1185	920	625	2890
Total	25640	4035	3180	3220	15205
Lexington					
Elderly (1-2 Members)	3830	470	420	420	2520
Small Related (2-4 persons)	5745	195	140	155	5255

	Total Households	Low Income Households			>80% AMI
		≤ 30% AMI (Extremely Low Income)	30-50% AMI (Very Low Income)	50-80% AMI (Low Income)	
Large Related (5+ persons)	955	25	0	25	905
Other	875	130	65	35	645
Total	11405	820	625	635	9325
Natick					
Elderly (1-2 Members)	3345	820	585	405	1535
Small Related (2-4 persons)	6150	190	345	250	5365
Large Related (5+ persons)	899	0	14	50	835
Other	2895	335	255	270	2035
Total	13289	1345	1199	975	9770
Needham					
Elderly (1-2 Members)	3275	575	370	260	2070
Small Related (2-4 persons)	4960	140	90	140	4590
Large Related (5+ persons)	1064	55	20	4	985
Other	1040	195	35	30	780
Total	10339	965	515	434	8425
Newton					
Elderly (1-2 Members)	9214	1930	985	574	5725
Small Related (2-4 persons)	14100	620	665	855	11960
Large Related (5+ persons)	1765	100	45	55	1565
Other	5460	580	375	410	4095
Total	30539	3230	2070	1894	23345
Sudbury					
Elderly (1-2 Members)	1315	125	160	50	980
Small Related (2-4 persons)	3300	80	50	65	3105
Large Related (5+ persons)	790	0	0	15	775
Other	200	45	10	25	120
Total	5605	250	220	155	4980
Waltham					
Elderly (1-2 Members)	5270	1290	780	875	2325
Small Related (2-4 persons)	8995	755	880	800	6560
Large Related (5+ persons)	1155	70	85	145	855
Other	7515	1715	675	740	4385
Total	22935	3830	2420	2560	14125
Watertown					
Elderly (1-2 Members)	3175	925	535	345	1370
Small Related (2-4 persons)	5500	210	425	325	4540

	Total Households	Low Income Households			>80% AMI
		≤ 30% AMI (Extremely Low Income)	30-50% AMI (Very Low Income)	50-80% AMI (Low Income)	
Large Related (5+ persons)	490	55	15	60	360
Other	4560	520	250	460	3330
Total	13725	1710	1225	1190	9600
Wayland					
Elderly (1-2 Members)	1508	239	150	130	989
Small Related (2-4 persons)	2348	4	35	120	2189
Large Related (5+ persons)	464	0	10	4	450
Other	574	80	4	50	440
Total	4894	323	199	304	4068
MAPC					
Elderly (1-2 Members)	295799	78698	50830	36751	129520
Small Related (2-4 persons)	520550	48771	41773	42556	387450
Large Related (5+ persons)	88925	6587	7632	7891	66815
Other	301520	62235	32067	34059	173159
Total	1206794	196291	132302	121257	756944
Massachusetts					
Elderly (1-2 Members)	639225	160330	119330	92415	267150
Small Related (2-4 persons)	1111825	107125	93145	109045	802510
Large Related (5+ persons)	185735	14680	16685	19845	134525
Other	550965	119905	63830	75760	291470
Total	2487750	402040	292990	297065	1495655

Table: Percentage of Cost-Burdened Households, ACS 2009-2013

	% Moderately Cost Burdened (spend 30-50%)	% Severely Cost Burdened (spend over 50%)
Bedford	22.0	15.4
Belmont	18.2	14.3
Brookline	18.2	21.7
Concord	17.7	14.1
Framingham	21.7	18.6
Lexington	17.6	15.3
Natick	19.4	12.4
Needham	18.1	12.5
Newton	18.7	15.1
Sudbury	14.1	9.0

	% Moderately Cost Burdened (spend 30-50%)	% Severely Cost Burdened (spend over 50%)
Waltham	20.2	17.7
Watertown	23.0	12.1
Wayland	19.3	14.2
MAPC	21.7	18.0
Massachusetts	21.6	17.7

Table: Number of Cost-Burdened Households, ACS 2009-2013

	Cost Burdened Households Paying 30-50% of their Income	Cost Burdened Households paying more than 50% of their income
Bedford	1094	766
Belmont	1634	1283
Brookline	4450	5295
Concord	1131	902
Framingham	5652	4849
Lexington	1994	1737
Natick	2606	1660
Needham	1859	1280
Newton	5741	4617
Sudbury	805	515
Waltham	4705	4112
Watertown	3177	1676
Wayland	967	710
MAPC	261358	216363
Massachusetts	533594	437036

Table: Cost Burdened Households by Tenure, ACS 2009-2013 Five-Year Average

	Cost Burdened Owner Households	% Cost Burdened Owner Households	Cost Burdened Renter Households	% Cost Burdened Renter Households
Bedford	1149	31.80%	711	52.51%
Belmont	1665	28.81%	1252	39%
Brookline	3608	28.88%	6137	51.41%

	Cost Burdened Owner Households	% Cost Burdened Owner Households	Cost Burdened Renter Households	% Cost Burdened Renter Households
Concord	1491	29.07%	542	43.26%
Framingham	4717	32.33%	5784	50.36%
Lexington	2816	29.80%	915	48.52%
Natick	3025	30.33%	1241	36.05%
Needham	2444	27.95%	695	45.34%
Newton	6404	29.55%	3954	44.06%
Sudbury	1263	23.22%	57	19.79%
Waltham	3739	31.65%	5078	44.22%
Watertown	2798	37.49%	2055	32.35%
Wayland	1455	32.10%	222	46.06%
MAPC	236062	33.16%	241659	49.11%
Massachusetts	521245	33.06%	449385	50.30%

Table: Cost Burdened Households by Household Type, HUD Comprehensive Housing Affordability Strategy (CHAS) 2007-2011

	Households	Cost Burdened		Severely Cost Burdened	
		Count	Percent	Count	Percent
Bedford					
Elderly Family (1-2 members)	1535	535	35%	320	21%
Small Related (2-4 persons)	2500	780	31%	295	12%
Large Related (5 plus persons)	320	70	212%	30	9%
Other	575	285	49.50%	155	27%
Total	4930	1670	33.87%	800	16%
Belmont					
Elderly Family (1-2 members)	2534	1079	43%	630	25%
Small Related (2-4 persons)	4395	1265	289%	505	11%
Large Related (5 plus persons)	681	152	22%	28	4%
Other	1714	564	33%	245	14%
Total	9324	3060	32.82%	1408	15%
Brookline					
Elderly Family (1-2 members)	6040	2550	42%	1370	23%
Small Related (2-4 persons)	9135	2285	25%	825	9%
Large Related (5 plus persons)	1129	270	24%	140	12%
Other	7820	3815	49%	1905	24%
Total	24124	8920	36.98%	4240	18%

	Households	Cost Burdened		Severely Cost Burdened	
		Count	Percent	Count	Percent
Concord					
Elderly Family (1-2 members)	2295	905	39%	470	20%
Small Related (2-4 persons)	2585	820	32%	330	13%
Large Related (5 plus persons)	537	118	22%	34	6%
Other	755	200	26%	100	13%
Total	6172	2043	33.10%	934	15%
Framingham					
Elderly Family (1-2 members)	6330	2740	43%	1345	21%
Small Related (2-4 persons)	11835	4380	37%	1620	14%
Large Related (5 plus persons)	1765	620	35%	285	16%
Other	6105	2870	47%	1355	22%
Total	26035	10610	40.75%	4605	18%
Lexington					
Elderly Family (1-2 members)	3819	1525	40%	815	21%
Small Related (2-4 persons)	5723	1238	22%	450	8%
Large Related (5 plus persons)	959	224	23%	65	7%
Other	868	315	36%	230	26%
Total	11369	3302	29.04%	1560	14%
Natick					
Elderly Family (1-2 members)	3265	1300	40%	555	17%
Small Related (2-4 persons)	6134	1739	28%	615	10%
Large Related (5 plus persons)	899	254	28%	35	4%
Other	2995	1170	39%	345	11.50%
Total	13293	4463	33.57%	1550	12%
Needham					
Elderly Family (1-2 members)	3204	1024	32%	700	22%
Small Related (2-4 persons)	4949	1289	26%	379	8%
Large Related (5 plus persons)	1064	300	28%	100	9%
Other	1028	353	34%	149	14%
Total	10245	2966	28.95%	1328	13%
Newton					
Elderly Family (1-2 members)	9143	3538	39%	1874	20%
Small Related (2-4 persons)	13955	4190	30%	1745	12.50%
Large Related (5 plus persons)	1763	439	25%	265	15%
Other	5629	2199	39%	1059	19%
Total	30490	10366	34.00%	4943	16%
Sudbury					
Elderly Family (1-2 members)	1303	438	34%	205	16%
Small Related (2-4 persons)	3289	669	20%	275	8%

	Households	Cost Burdened		Severely Cost Burdened	
		Count	Percent	Count	Percent
Large Related (5 plus persons)	790	180	23%	50	6%
Other	190	60	31.50%	40	21%
Total	5572	1347	24.17%	570	10%
Waltham					
Elderly Family (1-2 members)	5253	2244	43%	1219	23%
Small Related (2-4 persons)	8980	3590	40%	1740	19%
Large Related (5 plus persons)	1149	324	28%	100	9%
Other	7789	3389	43.50%	1584	20%
Total	23171	9547	41.20%	4643	20%
Watertown					
Elderly Family (1-2 members)	3060	1305	43%	740	24%
Small Related (2-4 persons)	5489	1669	30%	559	10%
Large Related (5 plus persons)	490	235	48%	130	26.50%
Other	4840	1745	36%	755	15.50%
Total	13879	4954	35.69%	2184	16%
Wayland					
Elderly Family (1-2 members)	1500	562	37%	294	20%
Small Related (2-4 persons)	2343	678	29%	174	7%
Large Related (5 plus persons)	464	94	20%	14	3%
Other	564	304	54%	104	18%
Total	4871	1638	33.63%	586	12%
MAPC					
Elderly Family (1-2 members)	292744	122958	42%	61950	21%
Small Related (2-4 persons)	517475	175094	34%	73402	14%
Large Related (5 plus persons)	88676	31657	36%	12770	14%
Other	313739	138844	44%	70054	22%
Total	1212634	468553	38.64%	218176	18%
Massachusetts					
Elderly Family (1-2 members)	633490	253145	40%	123350	19%
Small Related (2-4 persons)	1106460	373625	34%	155285	14%
Large Related (5 plus persons)	185240	65505	35%	25490	14%
Other	571745	255840	45%	127870	22%
Total	2496935	948115	37.97%	431995	17%

Chart: Fair Market Rents in WMHC Municipalities, HUD FMR, 2013

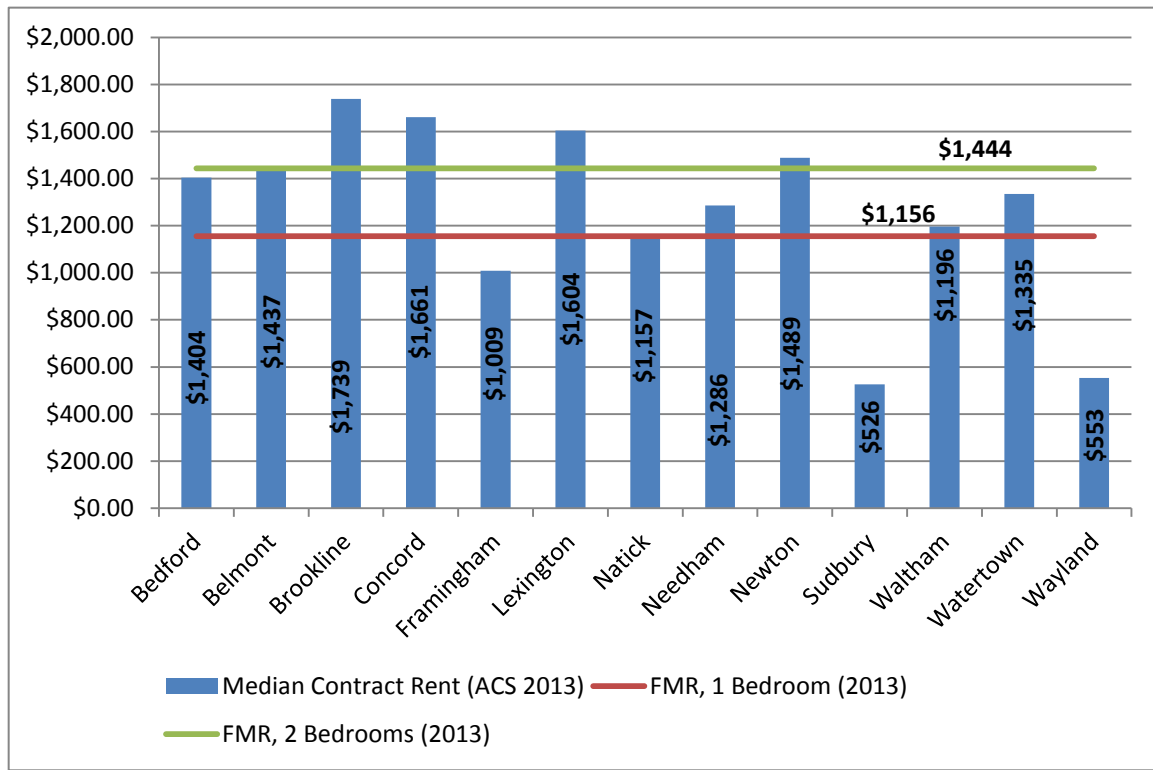


Table: Range of Market Rents by Number of Units, Zillow (April 26, 2015)

	1 bed min	1 bed max	2 bed min	2 bed max	3 bed min	3 bed max
Bedford	\$2,040	\$2,040	\$2,265	\$2,300	No listings	No listings
Belmont	\$1,100	\$1,650	\$1,700	\$2,600	\$2,100	\$2,900
Brookline	\$800	\$2,350	\$1,750	\$2,650	\$2,100	\$3,700
Concord	\$1,250	\$1,850	\$1,800	\$2,800	\$2,750	\$2,750
Framingham	\$1,095	\$1,529	\$1,300	\$1,739	\$1,800	\$3,000
Lexington	\$1,100	\$2,300	\$1,900	\$3,200	\$3,100	\$5,200
Natick	\$1,150	\$2,185	\$1,460	\$2,700	No listings	No listings
Needham	\$1,200	\$2,580	\$800	\$4,280	\$2,999	\$2,999
Newton	\$1,200	\$2,580	\$1,350	\$3,400	\$1,800	\$4,850
Sudbury	No listings	No listings	No listings	No listings	No listings	No listings
Waltham	\$1,250	\$2,300	\$1,500	\$3,000	\$1,700	\$4,800
Watertown	\$1,300	\$2,300	\$1,550	\$3,750	\$1,900	\$3,700
Wayland	No listings	No listings	\$1,650	\$2,300	\$1,900	\$5,500
WMHC Average	\$1,226	\$2,151	\$1,585	\$2,893	\$2,215	\$3,940

Table: Median Sales Price by Unit Type, Warren Group Town Stats, January-December 2014

	Single Family	Condo	All
Bedford	\$580,000	\$550,000	\$580,000
Belmont	\$899,000	\$464,500	\$749,900
Brookline	\$1,485,000	\$620,000	\$775,000
Concord	\$914,000	\$385,000	\$775,000
Framingham	\$336,000	\$136,000	\$317,000
Lexington	\$950,000	\$505,000	\$860,500
Natick	\$477,000	\$334,000	\$449,000
Needham	\$805,000	\$550,000	\$789,500
Newton	\$941,000	\$555,000	\$800,000
Sudbury	\$685,000	\$638,750	\$675,000
Waltham	\$449,450	\$342,000	\$420,000
Watertown	\$528,000	\$375,750	\$454,000
Wayland	\$624,120	\$585,000	\$619,000

Table: Housing Affordability Gap, ACS 2007-2011 Five-Year Average

	< 50% AMI	50-80% AMI	> 80% AMI
Bedford	310	345	-645
Belmont	875	15	-895
Brookline	2930	495	-3420
Concord	456	30	-480
Framingham	2615	-1435	-1170
Lexington	761	390	-1140
Natick	1400	-350	-1065
Needham	635	185	-825
Newton	2845	380	-3230
Sudbury	165	110	-285
Waltham	3230	-1670	-1580
Watertown	1170	-690	-475
Wayland	250	205	-455
MAPC	136237	-44766	-91405
Massachusetts	196370	-119240	-77130
WestMetro HOME Consortium	17642	-1990	-15665

Table: Units at Risk of Expiring by 2018, CEDAC December 2013

Note: The CEDAC expiring use database does not purport to show all the affordable housing in a community and will indicate lower numbers of affordable housing than the Chapter 40B Supported Housing Inventory. Below is a list of several significant housing programs that are not included in the CEDAC database and the reason that the housing is not included in the Atlas:

Program	Reason
Public Housing (state and federal)	Not privately owned housing
Supportive Housing Programs (e.g. Stewart B. McKinney, Housing Innovations Fund, Community Based Housing, Facilities Consolidation Fund, Veterans Affairs Supportive Housing)	Lack of available data
Special Needs Housing (frequently service-enriched)	Lack of available data
Section 8 Housing Choice Vouchers	Not project-based (mobile vouchers)
Section 8 Moderate Rehabilitation	Lack of available data
Section 8 Project-based vouchers	Lack of available data
Rental Housing developed with HOME and Community Development Block Grant (CDBG)	Lack of available data
Chapter 40B Partially Assisted Projects	Largest projects have been entered; data input is ongoing

Units at Risk of Expiring by 2018, CEDAC December 2013

Property Name	City	Agency	Local Use Restriction	Total Units	Original Subsidy Units	Subsidy Units Lost	Units at Risk 2018
AVALON AT BEDFORD CENTER	BEDFORD	MHFA	40B	139	35	0	0
BEDFORD VILLAGE	BEDFORD	MHFA		96	96	0	96
HERITAGE @ BEDFORD SPRING	BEDFORD	HUD	40B	164	33	0	0
WAVERLEY WOODS	BELMONT	HUD		40	40	0	0
100 Centre Plaza	BROOKLINE	HUD		211	71	71	54
1550 BEACON PLAZA	BROOKLINE	HUD		179	120	120	45
BEACON PARK	BROOKLINE	MHFA	121A	80	30		30
Brookline Coop	BROOKLINE	HUD		116	115	83	0

Property Name	City	Agency	Local Use Restriction	Total Units	Original Subsidy Units	Subsidy Units Lost	Units at Risk 2018
CENTRE COURT 120	BROOKLINE	HUD	121A	125	105		105
VILLAGE AT BROOKLINE THE	BROOKLINE	MHFA	121A	307	307		141
COMMUNITY HOUSING OPTIONS	CONCORD	HUD		20	20		0
Fairhaven Gardens	CONCORD	PRIVATE	40B	42	11	0	0
Warner Woods	CONCORD	PRIVATE	40B	80	20	0	0
Beaver Park I	FRAMINGHAM	HUD	121A	286	150	150	106
Beaver Park II (Gdns)	FRAMINGHAM	HUD	121A	136	136	136	107
BEAVER TERRACE APTS	FRAMINGHAM	HUD	121A	254	254	36	0
CLAFLIN HOUSE	FRAMINGHAM	HUD	40B	40	40		0
COCHITUATE HOMES COOP	FRAMINGHAM	PRIVATE		160	160		160
EDMANDS HOUSE	FRAMINGHAM	MHFA		190	143		0
FRAMINGHAM GREEN	FRAMINGHAM	HUD	40B	110	110		0
HIGHLAND STREET 21-23	FRAMINGHAM	PRIVATE		5	5		5
IRVING SQUARE APTS	FRAMINGHAM	PRIVATE	40B	46	46		0
IRVING STREET APTS	FRAMINGHAM	PRIVATE		11	11		0
PELHAM I APARTMENTS	FRAMINGHAM	MHFA		286	155	0	0
PINE ST 22-40	FRAMINGHAM	PRIVATE		11	11		0
SAXONVILLE VILLAGE	FRAMINGHAM	HUD	40B	64	64		0
SHERWOOD PARK APTS	FRAMINGHAM	PRIVATE		81	81	21	60
SHILLMAN HOUSE	FRAMINGHAM	HUD		150	50	0	0
TRIBUNE APARTMENTS	FRAMINGHAM	PRIVATE	40B	53	53		0
VERNON STREET RESIDENCE	FRAMINGHAM	HUD		9	8	0	0
AVALON AT LEXINGTON	LEXINGTON	PRIVATE	40B	198	56	0	0
Douglas House	LEXINGTON	HUD		9	9	0	0
FRANKLIN SCHOOL	LEXINGTON	MHFA		38	30	0	0
INTERFAITH HSG	LEXINGTON	MHFA		6	6	0	6
KATAHDIN WOODS	LEXINGTON	PRIVATE		102	26	0	26
PINE GROVE VILLAGE	LEXINGTON	MHFA		16	16	0	0
CLOVERLEAF APARTMENTS	NATICK	HUD	40B	183	46	0	0
NATICK VILLAGE	NATICK	HUD		6	6		0
SHERWOOD VILLAGE	NATICK	HUD	40B	235	235		0
GREENDALE RESIDENCE	NEEDHAM	HUD		5	5	0	0
HIGH ROCK HOMES	NEEDHAM	HUD		20	20	0	0
HIGHLAND	NEEDHAM	HUD		6	6		0

Property Name	City	Agency	Local Use Restriction	Total Units	Original Subsidy Units	Subsidy Units Lost	Units at Risk 2018
AVE/CHARLES RVR ARC							
MARKED TREE ROAD	NEEDHAM	HUD		4	4		0
NEHOIDEN GLEN	NEEDHAM	HUD	40B	62	61		0
WEBSTER STREET II	NEEDHAM	HUD		10	10		0
WEBSTER STREET RESIDENCES	NEEDHAM	HUD		4	4	0	0
WEST STREET APTS	NEEDHAM	HUD		8	6		0
ALTERNATIVE HOME	NEWTON	HUD		8	8		0
ARBORPOINT @ WOODLAND STA	NEWTON	HUD	40B	180	36	0	0
AVALON AT CHESTNUT HILL	NEWTON	HUD	40B	204	43	0	0
AVALON AT NEWTON HIGHLAND	NEWTON	MHFA	40B	294	74	0	0
BONTEMPO ROAD	NEWTON	HUD		4	4		0
CABOT PARK VILLAGE	NEWTON	MHFA		100	20	0	0
CALIFORNIA STREET	NEWTON	HUD		8	8		0
CAMPUS HOUSE I	NEWTON	HUD	40B	100	99		0
CAMPUS HOUSE II	NEWTON	HUD	40B	46	45		0
COYNE ROAD GROUP HOME	NEWTON	HUD		6	6	0	0
EVANS PARK	NEWTON	MHFA		115	23	0	0
GOLDA MEIR HOUSE I	NEWTON	HUD	40B	124	100		0
GOLDA MEIR HOUSE II	NEWTON	HUD	40B	75	75		0
HAMILTON GROVE APTS. / NEWTON	NEWTON	PRIVATE	40B	42	42		0
HAMLET STREET	NEWTON	MHFA		50	30	0	0
JOHN W. WEEKS HOUSE	NEWTON	MHFA		75	75		75
JUNIPER HOUSE	NEWTON	HUD		7	6		0
NEW FALLS APTS	NEWTON	HUD	121A,ZON,	60	41		0
NONANTUM VILLAGE PLACE	NEWTON	HUD	40B	35	34	0	0
PEIRCE HOUSE	NEWTON	MHFA		34	29		0
SUMNER ST HSG FOR THE ELDERL	NEWTON	HUD	121A	43	43		0
WARREN HOUSE	NEWTON	MHFA		59	21	0	0
LONGFELLOW GLEN	SUDBURY	HUD	40B	120	120		0
ORCHARD HILL AT SUDBURY	SUDBURY	HUD	40B	45	9	0	0
FRANCIS CABOT LOWELL MILL I	WALTHAM	HUD	121A	150	149		0

Property Name	City	Agency	Local Use Restriction	Total Units	Original Subsidy Units	Subsidy Units Lost	Units at Risk 2018
FRANCIS CABOT LOWELL MILL II	WALTHAM	HUD	121A, 40B	108	108		0
RIDGE, THE	WALTHAM	PRIVATE	40B	264	66	0	0
ST MARY'S APARTMENTS	WALTHAM	HUD		70	69		0
WALTHAM RESIDENCE	WALTHAM	HUD		4	4	0	0
ARSENAL APARTMENTS	WATERTOWN	HUD		156	156		0
BEAVERBROOK STEP	WATERTOWN	HUD		14	14		0
BRIGHAM HOUSE ASSISTED LIVING	WATERTOWN	PRIVATE		64	46	0	46
COOLIDGE, THE	WATERTOWN	HUD		38	15	0	0
ST JOSEPH'S HALL	WATERTOWN	PRIVATE		25	25	0	25
WMHC TOTAL				7130	4669	617	1087

Table: AHVP and MRVP Voucher Holders by WMHC Municipality as of March 2015, Department of Housing and Community Development State Rental Assistance Program

City	AHVP Leased	MRVP Leased	Total
Bedford	0	24	24
Belmont	1	2	3
Brookline	0	34	34
Concord	0	0	0
Framingham	2	78	80
Lexington	0	24	24
Natick	1	9	10
Needham	0	0	0
Newton	0	33	33
Sudbury	0	0	0
Waltham	4	13	17
Watertown	0	3	3
Wayland	0	0	0
Total	8	220	228

Table: Section 8 Units by Bedroom Size and Expiration Date, HUD, YEAR

This will be inserted

Chart: Municipal-Level Segregation (Dissimilarity Index), MAPC Region, Census 2000 and 2010

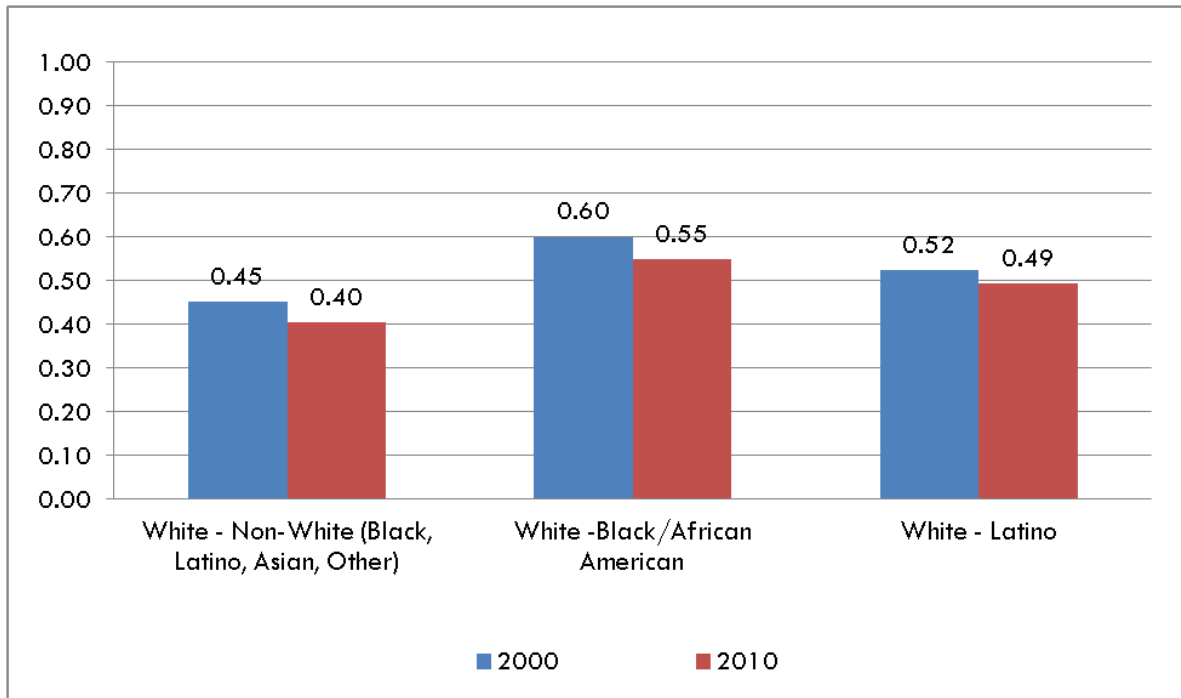


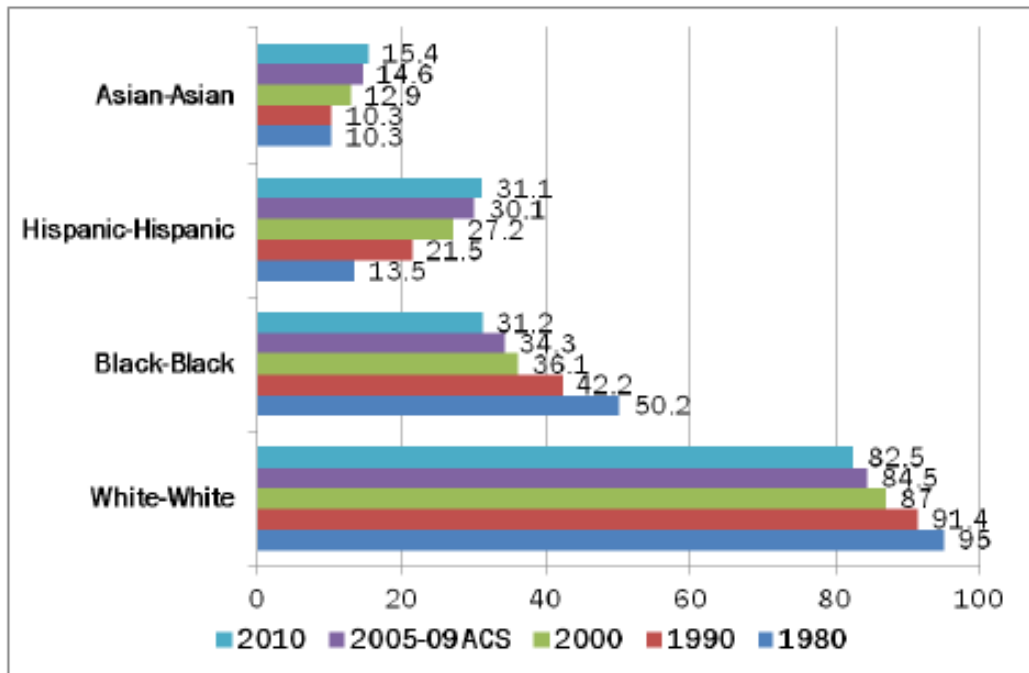
Table: Trends in Segregation Dissimilarity Indices, Boston Metropolitan Statistical Area (MSA), 1980-2010

Table 2.5 Trends in Segregation Dissimilarity Indices, Boston MSA, 1980 to 2010

	1980	1990	2000	2010	HUD (2010)
Black-White	0.76	0.69	0.66	0.64	0.65
Latino-White	0.55	0.55	0.59	0.6	0.57
Asian-White	0.48	0.44	0.45	0.45	0.43

Chart: Isolation Index for Major Racial/Ethnic Groups in Metropolitan Boston, 1980-2010

Figure 2.5 Isolation Index for Major Racial/Ethnic Groups in Metropolitan Boston, 1980-2010



“The isolation index is the percentage of same-group population in the census tract where the average member of racial/ ethnic group lives. It has a lower bound of zero (for a very small group is quite dispersed) to 100 (meaning that group members are entirely isolated from other groups). It should be kept in mind that this index is affected by the size of the group - - it is almost inevitably smaller for smaller groups, and it is likely to rise over time if the group becomes larger.”

Source: USA 2010, <http://www.s4.brown.edu/us2010/index.htm>

Appendix IV: WMHC Program Funding, Commitments, and Disbursements as of March 6, 2015

Funding Commitments and Disbursements by Fiscal Year Source of Funds

Fiscal Year	Original Amount	Authorized Amount	Amount Committed	% Committed	Amount Disbursed	% Disbursed
1992	\$1,490,000	\$1,490,000	\$1,490,000	100.00%	\$1,490,000	100.00%
1993	\$986,000	\$986,000	\$986,000	100.00%	\$986,000	100.00%
1994	\$910,000	\$910,000	\$910,000	100.00%	\$910,000	100.00%
1995	\$982,000	\$982,000	\$982,000	100.00%	\$982,000	100.00%
1996	\$933,000	\$933,000	\$933,000	100.00%	\$933,000	100.00%
1997	\$907,000	\$907,000	\$907,000	100.00%	\$907,000	100.00%
1998	\$977,000	\$977,000	\$977,000	100.00%	\$977,000	100.00%
1999	\$1,049,000	\$1,049,000	\$1,049,000	100.00%	\$1,049,000	100.00%
2000	\$1,056,000	\$1,056,000	\$1,056,000	100.00%	\$1,056,000	100.00%
2001	\$1,170,000	\$1,170,000	\$1,170,000	100.00%	\$1,170,000	100.00%
2002	\$1,264,000	\$1,264,000	\$1,264,000	100.00%	\$1,264,000	100.00%
2003	\$1,690,494	\$1,690,494	\$1,690,494	100.00%	\$1,690,494	100.00%
2004	\$1,848,132	\$1,848,132	\$1,848,132	100.00%	\$1,848,132	100.00%
2005	\$1,679,934	\$1,679,934	\$1,679,934	100.00%	\$1,679,934	100.00%
2006	\$2,155,694	\$2,155,694	\$2,155,694	100.00%	\$2,155,694	100.00%
2007	\$2,144,366	\$2,144,366	\$2,144,366	100.00%	\$2,144,366	100.00%
2008	\$2,051,376	\$2,051,376	\$2,051,376	100.00%	\$2,051,376	100.00%
2009	\$2,279,312	\$2,279,312	\$2,279,312	100.00%	\$2,279,312	100.00%
2010	\$2,263,634	\$2,263,634	\$2,263,634	100.00%	\$2,256,740	99.70%
2011	\$2,044,347	\$2,044,347	\$2,032,087	99.40%	\$2,025,759	99.09%
2012	\$1,229,930	\$1,229,930	\$1,112,284	90.43%	\$463,952	37.72%
2013	\$1,211,784	\$1,211,784	\$113,303	9.35%	\$62,390	5.15%
2014	\$1,239,898	\$1,239,898	\$69,878	5.64%	\$0	0.00%
Total	\$33,562,901	\$33,562,901	\$31,164,494	92.85%	\$30,382,149	90.52%

Funding Commitments and Disbursements by Fiscal Year Source of Funds (Projects)

Fiscal Year	Projects Authorized	Projects Committed	% Projects Committed	Projects Disbursed	% Projects Disbursed
1992	\$1,323,085	\$1,323,085	100.00%	\$1,323,085	100.00%
1993	\$850,982	\$850,982	100.00%	\$850,982	100.00%
1994	\$773,826	\$773,826	100.00%	\$773,826	100.00%
1995	\$834,700	\$834,700	100.00%	\$834,700	100.00%
1996	\$800,034	\$800,034	100.00%	\$800,034	100.00%
1997	\$797,550	\$797,550	100.00%	\$797,550	100.00%
1998	\$847,408	\$847,408	100.00%	\$847,408	100.00%
1999	\$891,650	\$891,650	100.00%	\$891,650	100.00%
2000	\$897,600	\$897,600	100.00%	\$897,600	100.00%
2001	\$994,500	\$994,500	100.00%	\$994,500	100.00%
2002	\$1,079,267	\$1,079,267	100.00%	\$1,079,267	100.00%

2003	\$1,448,162	\$1,448,162	100.00%	\$1,448,162	100.00%
2004	\$1,608,489	\$1,608,489	100.00%	\$1,608,489	100.00%
2005	\$1,446,045	\$1,446,045	100.00%	\$1,446,045	100.00%
2006	\$1,862,719	\$1,862,719	100.00%	\$1,862,719	100.00%
2007	\$1,885,278	\$1,885,278	100.00%	\$1,885,278	100.00%
2008	\$1,761,632	\$1,761,632	100.00%	\$1,761,632	100.00%
2009	\$2,051,381	\$2,051,381	100.00%	\$2,051,381	100.00%
2010	\$1,957,615	\$1,957,615	100.00%	\$1,957,615	100.00%
2011	\$1,774,708	\$1,774,708	100.00%	\$1,774,708	100.00%
2012	\$1,090,261	\$982,121	90.08%	\$333,789	30.62%
2013	\$1,068,769	\$0	0.00%	\$0	0.00%
2014	\$1,090,747	\$0	0.00%	\$0	0.00%
Total	\$29,136,407	\$26,868,751	92.22%	\$26,220,419	89.99%

Leveraging

HOME Dollars for Completed HOME Units	\$26,015,492	Total Dollars for Completed HOME Units	\$233,704,455
OTHER Dollars for Completed HOME Units	\$207,688,963	Ratio of OTHER Dollars to HOME Dollars	7.98

Program Production by Fiscal Year

	Disbursements for Completed Projects	Completed Units	Disbursements for TBRA Projects	Completed TBRA households
Activity in FY 1993	157,000	5	\$0	0
Activity in FY 1994	852,436	32	\$76,886	5
Activity in FY 1995	996,928	74	\$0	0
Activity in FY 1996	861,784	38	\$32,735	9
Activity in FY 1997	632,306	25	\$23,083	3
Activity in FY 1998	977,753	49	\$0	0
Activity in FY 1999	279,492	13	\$0	0
Activity in FY 2000	913,408	23	\$0	0
Activity in FY 2001	1,558,993	22	\$0	0
Activity in FY 2002	299,230	12	\$0	0
Activity in FY 2003	1,144,175	25	\$0	0
Activity in FY 2004	1,148,874	27	\$0	0
Activity in FY 2005	2,281,920	29	\$0	0
Activity in FY 2006	1,307,769	27	\$0	0
Activity in FY 2007	1,902,812	43	\$0	0
Activity in FY 2008	2,067,478	67	\$0	0
Activity in FY 2009	1,868,981	33	\$0	0
Activity in FY 2010	476,269	15	\$0	0
Activity in FY 2011	1,839,813	16	\$0	0
Activity in FY 2012	1,410,584	62	\$0	0
Activity in FY 2013	484,687	11	\$0	0
Activity in FY 2014	67,475	1	\$0	0
Total	23,530,167	649	\$132,704	17

Reservations/Commitments/Disbursements for CHDOs

Fiscal Year	Amount of HOME Funds Reserved	% Reserved	Amount of CHDO Funds Committed	% of Reserved Amount Committed	Amount of CHDO Funds Disbursed	% of Reserved Amount Disbursed
1992	366,200	24.58%	366,200	100.00%	366,200	100.00%
1993	147,900	15.00%	147,900	100.00%	147,900	100.00%
1994	237,569	26.11%	237,569	100.00%	237,569	100.00%
1995	172,550	17.57%	172,550	100.00%	172,550	100.00%
1996	387,379	41.52%	387,379	100.00%	387,379	100.00%
1997	270,032	29.77%	270,032	100.00%	270,032	100.00%
1998	442,172	45.26%	442,172	100.00%	442,172	100.00%
1999	633,116	60.35%	633,116	100.00%	633,116	100.00%
2000	551,058	52.18%	551,058	100.00%	551,058	100.00%
2001	243,556	20.82%	243,556	100.00%	243,556	100.00%
2002	189,600	15.00%	189,600	100.00%	189,600	100.00%
2003	253,574	15.00%	253,574	100.00%	253,574	100.00%
2004	443,203	23.98%	443,203	100.00%	443,203	100.00%
2005	152,442	9.07%	152,442	100.00%	152,442	100.00%
2006	264,892	12.29%	264,892	100.00%	264,892	100.00%
2007	80,657	3.76%	80,657	100.00%	80,657	100.00%
2008	305,573	14.90%	305,573	100.00%	305,573	100.00%
2009	341,897	15.00%	341,897	100.00%	341,897	100.00%
2010	339,545	15.00%	339,545	100.00%	339,545	100.00%
2011	306,652	15.00%	306,652	100.00%	306,652	100.00%
2012	120,417	9.79%	120,417	100.00%	112,187	93.17%
2013	0	0.00%	0		0	
2014	0	0.00%	0		0	
Total	6,249,986	18.62%	6,249,986	100.00%	6,241,756	99.87%

Lower Income Benefit (Based on occupants of completed projects and recipients of TBRA)

% of MEDIAN INCOME	% TBRA FAMILIES	% OCCUPIED RENTAL UNITS	% TBRA and OCCUPIED RENTAL UNITS	% OCCUPIED HOMEOWNER UNITS	% OCCUPIED HOMEBUYER UNITS
0 - 30%	64.71%	59.50%	59.76%	10.53%	2.27%
31 - 50%	29.41%	28.04%	28.11%	68.42%	12.30%
Subtotal 0 - 50%	94.12%	87.54%	87.87%	78.95%	14.56%
51 - 60%	0.00%	7.79%	7.40%	15.79%	13.27%
Subtotal 0 - 60%	94.12%	95.33%	95.27%	94.74%	27.83%
61 - 80%	5.88%	4.67%	4.73%	5.26%	72.17%
Total	100.00%	100.00%	100.00%	100.00%	100.00%
REPORTED As VACANT	0	0		0	0

COMMITMENTS

Committed Activity Commitments

ACTIVITY	RENTAL	HOMEBUYER	HOMEOWNER	TOTAL	% of FUNDS
Rehabilitation	1,351,811	N/A	61,050	1,412,861	45.01%
New Construction	1,726,257	N/A	N/A	1,726,257	54.99%
Total	3,078,068	N/A	61,050	3,139,118	100.00%
% of FUNDS	98.1%	0.0%	1.9%		100.00%

Committed Units by Tenure and Activity

Activity Units	RENTAL	HOMEBUYER	HOMEOWNER	TOTAL	% of UNITS
Rehabilitation	19	N/A	0	19	100.00%
New Construction	0	N/A	N/A	0	0.00%
Total	19	N/A	0	19	100.00%
% of UNITS	100.0%	0.0%	0.0%		100.00%

Committed Activity Disbursements

ACTIVITY	RENTAL	HOMEBUYER	HOMEOWNER	TOTAL	% of UNITS
Rehabilitation	1,158,642	N/A	42,385	1,201,028	43.07%
New Construction	1,587,216	N/A	N/A	1,587,216	56.93%
Total	2,745,858	N/A	42,385	2,788,243	100.00%
% of UNITS	98.5%	0.0%	1.5%		100.00%

COMPLETIONS

Project Funding Completions by Activity Type and Tenure

ACTIVITY	RENTAL	HOMEBUYER	HOMEOWNER	TOTAL	% of FUNDS
Rehabilitation	7,257,046	2,811,138	660,689	10,728,874	41.47%
New Construction	1,665,141	5,151,067	N/A	6,816,208	26.35%
Aquisition	469,834	7,720,577	N/A	8,190,411	31.66%
TBRA	136,821	N/A	N/A	136,821	0.53%
Total	9,528,843	15,682,782	660,689	25,872,313	100.00%
% of FUNDS	36.8%	60.6%	2.6%		100.00%

Units Completed by Activity Type and Tenure

ACTIVITY Units	RENTAL	HOMEBUYER	HOMEOWNER	TOTAL	% of UNITS
Rehabilitation	259	50	19	328	50.54%
New Construction	45	39	N/A	84	12.94%
Aquisition	17	220	N/A	237	36.52%
Total	321	309	19	649	100.00%
% of UNITS	49.5%	47.6%	2.9%		100.00%
TBRA	17	N/A	N/A	17	

HOME Cost per Unit by Activity Type and Tenure (Based on Completions)

ACTIVITY	RENTAL	HOMEBUYER	HOMEOWNER	AVERAGE
Rehabilitation	28,019	56,223	34,773	32,710
New Construction	37,003	132,079	N/A	81,145
Aquisition	27,637	35,094	N/A	34,559
AVERAGE	29,259	50,753	34,773	39,654
TBRA	8,048	N/A	N/A	8,048

Appendix V: Summary of Impediments and Actions Identified in 2012-2013 Municipal Analyses of Impediments to Fair Housing

Municipality	Impediments identified in 2012-2013 Plan	Actions to Eliminate Impediments, Identified in 2012-2013 Plan
Bedford	<ul style="list-style-type: none"> • Accessory Apartments • Maintenance and Monitoring • Cluster Development • Density • Parking 	<ul style="list-style-type: none"> • Accessory apartments provide small apartments for family members or renters. Accessory apartments are allowed in Bedford if they meet certain specifications. Zoning requires that a structure with an accessory apartment maintain the appearance of a single family structure with enclosed stairways, new entrances located in the side or rear, and if two entrances exist in the front, they must be made to look as a principal and secondary entrance. Two parking spaces need to be provided for each unit with only two spaces in the front. These restrictions of the appearance and particularly the parking requirement are potential barriers to creating accessory units. Provision of the two spaces in the front and two in the back increases costs and many lots are unable to accommodate this geometry. In addition, one person who will not have a need for two cars could easily occupy an accessory unit. • The Town of Bedford joined forces with other area municipalities to form the Regional Housing Services Office (RHSO). The RHSO is actively working on bringing monitoring efforts up to date, and is ensuring that units are being issued properly to qualifying tenants and owners. In addition to issuance of units, the RHSO also ensures fair housing standards and practices are followed, and that and assists the Town with any issues or concerns relating to fair housing. The Town is also working on rehabilitation of some of our units, in conjunction with the Bedford Housing Authority to help ensure we have quality housing stock. A current rehabilitation project is on Railroad Avenue, utilizing HOME funds. Monitoring efforts have been undertaken to ensure that Town monitored affordable housing is in compliance with all rent and affordability standards and procedures. The RHSO also works to address any fair housing issues • Cluster development encourages the conservation of open space, so parts of the

Municipality	Impediments identified in 2012-2013 Plan	Actions to Eliminate Impediments, Identified in 2012-2013 Plan
		<p>development have higher densities but other parts are open space. The number of units is determined by dividing the total area of the tract, exclusive of land situated within the Flood Plains or Wetlands. All of the units must be single-family detached homes. Effort is made to try to have handicap or senior-friendly units when possible.</p> <ul style="list-style-type: none"> • The allowable densities in most districts and for most types of residential development, including cluster and PRD, are low and prohibit the creation of a variety of unit types, are more expensive to build, and provide fewer units making it more difficult to create affordable units. • Two parking spaces are required per unit. As mentioned above, there are sites where there is not room for two parking spaces per unit. In addition, it is required that no more than two spaces be in the front yard and independently accessible for each unit. Particularly for two family units, this increases cost and many lots will not be able to accommodate two spaces per unit. Not all occupants will require two parking spaces, particularly for one bedroom and studio apartments.
Belmont	<ul style="list-style-type: none"> • Discrimination against protected classes meaning perceptions of Belmont being a homogenous population and lacking ethnic diversity in homeownership and therefore being an “unwelcoming community”. While the 2008 Analysis of Impediments suggests that this discrimination also includes adverse mortgage lending practices and discrimination by real estate agents and owners, there has not been any evidence discovered to support this claim. • Limited Rental Housing and Land Availability; • Policies Related to Zoning Restrictions, Rehabilitation and Limited Developable Land; • Lead Paint and Hazardous Materials, and; • Funding. 	<ul style="list-style-type: none"> • In the Town of Belmont there are a limited number of affordable housing units outside of public housing– 40 rental units and 6 homeownership units. The rental units are all contained within Waverley Woods, a development within the Waverley Square neighborhood. They were developed and are managed by agencies that specialize in developing and managing affordable housing. Under an agreement with the Town of Belmont, Affirmative Investments, a developer well known for developing affordable housing, was responsible for constructing the housing units and securing a management agency. The management agency, Mahoney Properties, is responsible for managing the units including marketing, leasing, and insuring that units comply with various state and federal affordable housing regulations. • The homeownership units were developed under several affordable housing programs and were developed for families, each containing three bedrooms. Three of the units were built

Municipality	Impediments identified in 2012-2013 Plan	Actions to Eliminate Impediments, Identified in 2012-2013 Plan
		<p>on Town owned land, two units were required as part of zoning regulations adopted under MGL Chapter 40R, and one unit was developed by Habitat for Humanity. All of these units contain deed restrictions that require the units to be affordable in perpetuity, limit the resale value of them and establish the resale process to insure that the units are sold to another income qualified family.</p>
Brookline	<ul style="list-style-type: none"> • Brookline is becoming more racially diverse but housing discrimination in the region still exists. While the Asian population continues to increase at a very rapid rate – more than doubling over the past 20 years -the percentage of Black/African American and Hispanic population in Brookline is increasing at a much slower rate. • The number of non-white homeowners is 16.6% of total homeowners in Brookline. These percentages are similar to the Boston-Cambridge-Quincy MSA and to the state as a whole. Black/African American households represent only 1.2% and Hispanic households represent only 2.4% of all homeowners in Brookline - figures that are below state and area-wide percentages. At the same time, Asian homeownership rates are much higher, representing 11.8% of all homeowners in Brookline - almost three times the rate of Boston-Cambridge-Quincy MSA or the state as a whole. • As shown on maps in this report, census block groups with higher minority populations tend to be co-located with block groups that have lower household income, a greater percentage of rental units and a lower percentage of single family homes. • Some residents are not aware of what constitutes housing discrimination and the fair housing laws designed to 	<ul style="list-style-type: none"> • Conduct public education and training sessions on Fair Housing and housing discrimination in the Town on a more regular basis. • Repeat previously successful trainings on Fair Housing for specific stakeholders such as multi-unit property owners and managers, realtors, lenders, etc., whether done alone or in conjunction with other regional organizations including the WestMetro HOME Consortium, to access the resources of the Metropolitan Boston Housing Partnership, and the Fair Housing Center of Greater Boston. • Work collaboratively with Brookline’s social service agencies, Town Boards and commissions, and Town employees to increase staff and board awareness of housing discrimination and fair housing issues via training and information sharing sessions. Make sure that the system for filing housing discrimination complaints is available and understood. • Continue coverage of fair housing issues and solutions in the local media sources such as Brookline Access Television (BATV) or the Brookline TAB Newspaper, as well as the Town’s website, making sure that people know whom to contact in the case of housing discrimination. • Support the Metropolitan Area Planning Council in developing its Fair Housing and Equity Assessment for the region. Participate in on-going regional efforts to address fair housing on a regional basis. Take advantage of resources and materials made available through this effort. • Support forums and other public education activities focused on increasing racial diversity and intentional integration in the Town.

Municipality	Impediments identified in 2012-2013 Plan	Actions to Eliminate Impediments, Identified in 2012-2013 Plan
	<p>mitigate discrimination. If aware, some residents may not know where to turn when experiencing discrimination. This can result in minorities and other protected classes experiencing discrimination.</p> <ul style="list-style-type: none"> ● With changes in staffing over time, community agencies and Town departments dealing with housing issues and protected classes of persons need to be regularly trained and encouraged to identify housing discrimination and handle related complaints. ● Persons 65+ represent over 53% of Brookline’s disabled population and this age group is on the rise. 58.7% of these have ambulatory difficulty while 41.8% have independent living difficulty. This may mean that there is a need for more assisted living units. There are good models but relatively few opportunities for assisted living in Town. ● Service providers continue to express a need for increased supportive housing opportunities for persons with mental and/or physical disabilities. Housing opportunities for persons on Supplemental Security Income and Social Security Disability Insurance are very limited. Providers report that this population is often precariously housed and put at risk by some private property owners. ● As noted by staff of the Metropolitan Boston Housing Partnership and in the Newton study, housing discrimination against persons with disabilities continues in the private market and there is a need to increase private property owners’ awareness of obligations to provide “Reasonable Accommodation” and “Reasonable Modification” for persons with disabilities. ● Service providers report a need to increase the number of housing 	<ul style="list-style-type: none"> ● Explore the creation of a fair housing working group to support collaborative efforts between Town Boards, Commissions, and Departments on the topic of fair housing. ● Continue to affirmatively market all affordable units, outreaching to minority homebuyers by advertising in newspapers which specifically target Black/African American, Hispanic, and Asian readers; in correspondence to minority families participating in Brookline’s METCO school program; by including new affordable units in Metrolist maintained by the City of Boston’s Fair Housing Office; and by listing new units on available websites operated by regional nonprofit housing entities that reach a wide audience. ● Increase publicity about the Massachusetts Home Loan Modification Program, which provides low-interest loans to homeowners who need to remodel to make their homes accessible. Consider sponsoring a workshop on this topic. ● Provide public and staff education on “Reasonable Accommodation” and “Reasonable Modification”. ● Provide training to Building and Planning/Community Development staff on Federal Fair Housing, ADA and other Fair Housing requirements, in order to ensure that staff has most recent information and that the Town can assure accessible housing options for persons with disabilities. ● Increase opportunities for group homes and lodging houses serving persons with disabilities. Continue to support the redevelopment of existing lodging houses as service-enriched housing by service-oriented developers. ● Work with developers and nonprofit operators to expand the inventory of accessible housing, potentially providing incentives and/or subsidies to projects that go beyond state and federal requirements or for low-income individuals with special needs. ● Continue to support capital improvements to special needs housing on an as needed basis through the Community Development Block Grant program. ● Support development of new assisted living and

Municipality	Impediments identified in 2012-2013 Plan	Actions to Eliminate Impediments, Identified in 2012-2013 Plan
	<p>opportunities for persons needing accessible accommodations to live in the Town. Many of the current larger apartment buildings are older and not accessible while there are few fully accessible housing units in the Brookline Housing Authority stock. At the same time there is a lack of sufficient federal and state funding to make properties accessible.</p> <ul style="list-style-type: none"> • A survey of housing discrimination complaints filed with the Massachusetts Commission against Discrimination (MCAD) in eastern Massachusetts show that the greatest number of alleged violations involved claims of disability discrimination (27.5%). The same survey notes that discrimination complaints brought on the basis of disability had the highest success rate for the complainant at 43.7% of the closed cases. • MAPC’s recent Fair Housing and Equity Assessment finds that despite important progress, people with significant disabilities continue to live in segregated, institutional settings or inaccessible housing. • Service providers report that holders of federal and state rental housing vouchers have difficulty finding owners of rental properties willing to accept HUD-determined “fair market rents”, which lag considerably behind market rents. • Waiting lists for larger privately-owned affordable housing developments and for public housing containing 2+ bedroom units are currently closed and not expected to be open in the near future. Smaller projects serving this population (mostly developed under inclusionary zoning) tend to have very slow turnover. • Service providers report that households with Section 8 Vouchers often selfselect out of Brookline because of the difficulty in finding 	<p>other supportive housing for seniors with disabilities, for a range of income groups.</p> <ul style="list-style-type: none"> • Continue to apply for exception payment standards from HUD to increase the amount that the Section 8 program pays to landlords in order to approximate Brookline’s market rents. • Work with developers of market rate units subject to inclusionary zoning to produce affordable apartments with two or more bedrooms. • Continue to encourage collaboration between affordable housing developers and the Brookline Housing Authority (BHA) to encourage the project-basing of Section 8 vouchers as at the completed St. Aidan’s project and the proposed 86 Dummer Street project. • Increase privately-owned rental opportunities that encourage Section 8 voucher holders to apply, particularly those for families containing two or more bedrooms, like the Brookline Improvement Coalition’s project at 154-156 Boylston Street, which contains six permanently affordable units which encourage Section 8 households to apply. • Encourage the BHA to actively reach out to landlords about the Section 8 program and encourage their participation in the program. • Provide trainings for property owners and managers about Fair Housing and illegality of discriminating against those with children and Section 8 housing vouchers. • Provide regular workshops for homeowners, landlords and property managers on Lead Paint laws and programs in conjunction with Health Department. Include information on the new Lead Renovation, Repair and Painting Rule which establishes safety standards for construction that disturbs lead paint in housing built before 1978. • Continue to act as agent for MassHousing “Get the Lead Out” program, which provides low-interest loans for lead paint abatement. • Continue to develop relationships and work with local and regional banks to encourage favorable lending to income eligible first-time buyers. • Continue to hold and/or inform potential first time homebuyers of homebuyer training

Municipality	Impediments identified in 2012-2013 Plan	Actions to Eliminate Impediments, Identified in 2012-2013 Plan
	<p>suitable housing within the needed timeframe, particularly those with children needing 2+ bedrooms.</p> <ul style="list-style-type: none"> • Over 80% percent of the Town's housing stock as of 2010 was built before 1970. Many of these units may be assumed to have lead paint, which was commonly used before the 1970's. Because of active enforcement of State laws for testing of units with children under six years of age, owners of rental properties may feel hesitant to rent to families with children. • Regional data from the Home Mortgage Disclosure Act (HMDA) shows persistent patterns of disparate outcomes in mortgage lending, with Black, Latino, and Asian purchasers experiencing higher levels of loan denials for conventional mortgage loans. • As noted previously, Black/African American and Hispanic homeownership rates in Brookline are below those at the state and MSA levels. • Property taxes rise by close to the maximum percentage allowed by the state every year, and the Town is currently considering a second and possible third override in five years. • LEP population in Brookline is nearly 10% of the population. These persons may need assistance to fully access housing opportunities and services. Primary languages of the LEP population include Asian, Spanish, and Russian languages. • Town resources and funding are limited to address this issue. • Current Zoning excludes multi-family housing in 71% of the Town and 50% of the land within a quarter mile of MBTA lines. • Zoning prohibits accessory dwelling units/apartments within single family districts. 	<p>workshops.</p> <ul style="list-style-type: none"> • Continue to assist lower income buyers in their relationships with lenders when they purchase homes in Brookline sponsored by the Town's Affordable Housing Program. • Continue to affirmatively market all affordable units, outreaching to minority homebuyers by advertising in newspapers which specifically target Black, Hispanic, and Asian readers; in correspondence to minority families participating in Brookline's METCO school program; by including new affordable units in Metrolist maintained by the City of Boston's Fair Housing Office; and by listing new units on available websites operated by regional nonprofit housing entities that reach a wide audience. • Continue to provide special exemptions and deferrals to property tax for low-income, senior, veteran, and disabled households. • Continue to publicize these exemptions and deferrals through the Assessor's office, the Brookline Senior Center, Brookline Veterans Services and the Commission for the Disabled. • Town agencies, service providers and community groups need to collaborate to come up with creative solutions to this problem. Potential ideas include: • Explore the possibility of a Language Assistance Line or Service – like HUD's language assistance line – possibly on a regional basis with MAPC. • Explore programs or written materials that inform individuals of how and where to get housing services in their own language in conjunction with other HOME Consortium Communities. • Explore producing cable television programming on housing issues in languages other than English, particularly Spanish and Chinese. Work with other HOME Consortium communities or other Regional entities on this. • Explore the possibility of putting Google Translate on the Town's website similar to Newton. • Explore the possibility of enlisting volunteer translators to assist Town staff and Boards/Commissions.

Municipality	Impediments identified in 2012-2013 Plan	Actions to Eliminate Impediments, Identified in 2012-2013 Plan
	<ul style="list-style-type: none"> • Parking requirements for multifamily units are higher than regional standards. • Parking requirements are not differentiated between studios, one-bedrooms, and two-bedroom units. • 	<ul style="list-style-type: none"> • Explore ways to work with the School Department on Language Assistance. • Explore new zoning options that increase diversity in the Town’s housing stock, including: • Allow accessory apartments in more zoning districts. • Encourage smaller units or a higher percentage of affordable units through zoning incentives (such as lower parking requirements).
Concord	<ul style="list-style-type: none"> • Acquiring land suitable for affordable housing is consistently the largest obstacle. The vast majority of Town owned lands in Concord are already in municipal use or are permanently protected open space, and available land acquired through private sale is expensive. Additionally, the State and Federal Government owns extensive land area in the Town (Massachusetts Dept. of Conservation and Recreation - Walden Pond Reservation; Massachusetts Dept. of Corrections – MCI Concord and the Northeast Correctional Center; USA Dept. of the Interior – Great Meadows Wildlife Refuge and the Minute Man National Historical Park). Concord is also located at the intersection of three rivers (floodplain) and is further constrained by an abundance of wetlands and wildlife resource areas which place restrictions on future developments. • Zoning, building and land use policies also limit the availability of land to develop affordable housing. Concord has four residential zoning districts and four categories of commercial districts (Business, Limited Business, Village and Medical-Professional) which allow by-right single-family housing; there is no district which allows by-right multi-family development. All multi-family developments, such as Planned Residential Developments, 	<ul style="list-style-type: none"> • The Concord Housing Development Corporation (CHDC) was established by special legislation in 2007 as a 501(C) (3) organization dedicated to creating, fostering, supporting and preserving affordable housing in Concord. The CHDC was created to provide the flexibility needed to respond to real estate opportunities in a timely manner. The CHDC has successfully restored and preserved the affordability of several units at the Emerson Annex development and constructed six affordable units at their first independent development, Lalli Woods. Additionally, the Concord Board of Selectmen actively supported a Local Initiative Project by 40B developers to successfully complete the Concord Mews development on land that was part of an Industrial Park; this project added 350 units (88 of which are considered affordable) to the Town’s affordable housing inventory and allowed Concord to exceed 10% on the State Housing Inventory for the first time. Over the next five years, Concord proposes to build on these existing accomplishments. The CHDC has recently secured a former State owned parcel, through the efforts of the Walden Woods Project and Legislator Cory Atkins, and is in the process of soliciting pre-development assistance in determining current housing needs and the best use of the site. The CHDC anticipates moving forward with the development of the parcel in the next year and within the next five years will complete 20+ units which contribute to the diversity of housing options available in Concord. The Town itself continues to be open to the development of further affordable housing and has approved the construction of a “friendly” 8 unit 40B

Municipality	Impediments identified in 2012-2013 Plan	Actions to Eliminate Impediments, Identified in 2012-2013 Plan
	<p>Residential Clusters, and Residential Compounds, must go through the Special Permit process, which can be complicated and time consuming and occasionally involves neighborhood opposition. Concord's Zoning Bylaw allows a combined business/residence use that allows multiple-unit housing, but the requirement that at least 20% of the units be affordable has been an impediment to owners/developers of smaller scale properties. The lack of available developable land underscores the need to evaluate existing zoning and land use policies that promote a diversity of housing options; however, changes to the Zoning Bylaw requires a 2/3 vote of Town Meeting. Concord's Town Meeting has also passed the Stretch Building Code, which has more stringent energy requirements than might otherwise be necessary to meet the existing building code. These requirements necessitate the use of energy efficient materials and equipment, which often increases the initial cost of construction in any location.</p> <ul style="list-style-type: none"> Concord's municipal water and sewer systems serve approximately one-third of the land area of the Town and are limited primarily to existing village centers and developed neighborhoods. Outlying properties rely on septic systems, and in some instances well water, which can significantly increase the development costs of a project. In addition, the municipal systems are quickly approaching capacity for the entire Town. The capacity issue requires additional funding to complete necessary studies before any new extensions or connections are permitted, which can also add to project costs. It is not unreasonable to expect that these challenges could 	<p>development in West Concord over the next year. The Town will also be working with a local developer over the next few months to develop and permit the construction of a mixed use development that includes 74 studio, one bedroom, and two bedroom units that will further expand the diversity of housing options. The units are proposed for the center of West Concord, providing housing that is central to local businesses and transportation options. Lastly, as part of the Town's approval of this project, at least 10% of the housing units must also be made available at an affordable rate. There is no available information on the demographic breakdown of those living in the affordable housing units developed under the 40B or other affordable housing programs in Concord. Of the six units developed to date by the Concord Housing Development Corporation, one was purchased by a minority household.</p> <ul style="list-style-type: none"> The Town of Concord has built incentives into several sections of its Zoning Bylaw to encourage the development of affordable housing. Concord's Planned Residential Development (PRD) regulations allow for increased site density when at least 10% of the units are affordable and under the Special PRD program, non-profit developers can increase the density of the site so long as 75% of the units are affordable at the State or local level. Concord also allows increased density with affordable housing development in its Residential Cluster Bylaw, but this tool is rarely put into use. The Planning Board should open a dialogue with Affordable Housing Advocates and owners of commercial property to discuss revisions to the 20% requirement for affordable housing in small commercially-zoned properties. Concord is looking at multiple solutions for this impediment. The Town has completed an assessment of the expansion potential for its existing waste water treatment facility and is working with State and Federal agencies to assess whether the plant's capacity can be increased. Concord is preparing a report to the Dept. of Environmental Protection (DEP) regarding groundwater discharge as a "relief valve" to address short- and mid-term sewer

Municipality	Impediments identified in 2012-2013 Plan	Actions to Eliminate Impediments, Identified in 2012-2013 Plan
	<p>significantly impact the cost of both new and existing housing units as demand and development costs increase.</p>	<p>capacity needs and plans to revise the “capacity allowance model” previously approved. Currently, the Town allows new sewer connections to be considered for approval based on the existing criteria outlined in the sewer regulations. The Town is also considering additional sites on which to build a second water treatment plant to address concerns about capacity in the future.</p>
Framingham	<ul style="list-style-type: none"> ● Mixed use zoning adoption: Central Business District. ● Review and possible revision of subdivision regulations. ● Cluster housing development policy. ● Cluster Housing development policy. ● De-concentration of low and moderate income housing. ● Program planning, development, and operational management. ● Implementation of the town’s articulated housing policy needed. ● Regional planning initiatives to be explored. ● Target neighborhood infrastructural improvements. ● Target programs to create housing opportunity for low/moderate income residents. ● Obtain data from financial institutions concerning investments in low-income areas 	<ul style="list-style-type: none"> ● The Analysis of Impediments to Fair Housing was conducted by the Community and Economic Development Department Community Development program staff, led by the Community Development Coordinator, assisted by the Housing Program Assistant and other staff members who have contributed to the preparation of the Town of Framingham Consolidated Plan. ● Participants and contributors to the preparation of the Analysis of Impediments included the Community Development Coordinator, the Fair Housing Committee, and members of the Community and Economic Development Department staff. ● The Analysis of Impediments is a synthesis, by a task group, of data compiled in the formulation of a number of documents articulating fair and affordable housing opportunity over, in particular, the last ten years. That period of time encompasses the tenure in practice of the provision of housing and related services of the key contributors

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	<ul style="list-style-type: none"> • Subsidized housing tenant selection procedures. • Collaborative efforts to address potential impediments. • Property Tax policies. • Explore options to reduce burden for those most in need. 	<p>and participants cited above. The framework within which data was compiled and policy promulgated is that described by the Town Fair Housing Committee, whose vision and goals were identified in the Framingham Fair Housing Plan devised for and adopted by the Board of Selectmen in 1980, as amended and updated. Data, descriptions of impediments found, assessments of the status of current systems, and actions to be taken were transcribed by the Community Development staff of the Community and Economic Development Department, under the direction of the Community Development Coordinator. Information was derived from documents such as the Fair Housing Plan, Community Housing Affordability Strategies, Consolidated Plans, draft material from Framingham's participation in the Commonwealth of Massachusetts sponsored Executive Order 418 Community Development Planning process, draft material from the creation of the Framingham Housing Plan by the Housing Liaison Committee, and Public Housing Authority Comprehensive Plans. Participants and contributors, and materials cited above, were consulted to provide input and validation of analyses and goals.</p> <ul style="list-style-type: none"> • The Analysis of Impediments was not a separately funded activity. It was later supported, in-kind, by the resources of the agencies who support the individuals and groups cited as participants and contributors. Formal synthesis and preparation was supported by the Community Development Program.
Lexington	<ul style="list-style-type: none"> • The single largest barrier to fair housing choice in Lexington is its high cost of entry. Whether one is looking to buy or rent in Town, the (high) price limits those who can live in Lexington to only those households that can afford it. This high cost of entry is a result of both a relative scarcity of housing units combined with the high regional demand for them. While fair housing law does not protect lower income households directly, many 	<ul style="list-style-type: none"> • The community has chosen to address this problem by taking a proactive approach to affordable housing. In fact, the Town has achieved compliance with Massachusetts General Law chapter 40B, which requires at least 10% of a community's housing stock be affordable to households earning at or below 80% of the Boston area's median income. While this may not provide access to the Town across all income bands, particularly those in the middle tiers, increasing the local supply of housing affordable to those earning at or less

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	<p>protected classes are disproportionately represented in lower income households. In part, this is the case because of both historical and current local land use laws and policies. Since the post-WWII era began, the Town has consistently steered property development toward a prototypical suburban model. Single-family detached homes generate the majority of the Town's tax receipts, which are, in turn, invested in the public school system. Regardless of the size of lot, the price of a detached single-family home in Lexington is now well above \$500,000, with the average home selling for around \$700,000. The desirability of the Town affects the rental market as well; Lexington's average gross monthly rent exceeds \$1,800 – one of the highest in the metropolitan region.</p>	<p>than 80% of the area median income will increase the metropolitan region's overall access to Lexington.</p> <ul style="list-style-type: none"> • In response to this, the Town of Lexington has prioritized taking the following actions: 1. The Board of Selectmen will continue to support the Lexington Housing Assistance Board (LexHAB) in its mission to acquire, develop, or redevelop affordable housing units. Other housing projects that can increase the number of affordable housing units within the Town should also be supported. 2. The Board of Selectmen will complete the Housing Production Plan (HPP) by the end of calendar year 2014. The HPP must contain detailed housing needs and housing market analyses and include, among other things, a numerical affordable housing production goal.
Natick	<ul style="list-style-type: none"> • Information on fair housing is not reaching wide distribution in the community. • Information is not reaching the small investor/owner. • Lead paint may be a significant impediment to fair housing based on the amount of pre-1979 house construction. • There is a lack of diversity on decision making boards including the Board of Appeals, Planning Board, and the Board of Assessors. 	<ul style="list-style-type: none"> • Natick Community Development Department should provide an outreach program for landlords/ real estate professionals and tenants that insure compliance and an understanding of the penalties for violations. • The Town should continue to expand the ongoing Fair Housing Information Program. • The Community Development Department should continue to participate with the West Metro HOME Consortium on activities that promote the education and advancement of Fair Housing. • The Town should continue to improve public outreach to encourage community diversity through appointments to boards.
Needham	<ul style="list-style-type: none"> • (1) Land use policies and zoning can limit the quantity of non-single family housing and the availability of developable land to promote Fair Housing. • Although nearly one half of Needham's land area is zoned for 10,000 square foot lots, apartment districts and districts that allow for multi-family housing are limited. 	<ul style="list-style-type: none"> • (1) The Commonwealth of Massachusetts' Analysis of Impediments plan states that "Land use regulations can be inclusive of minorities, disabled persons, and other groups that are disproportionately low income and/or disadvantaged in the housing market by increasing housing affordability (i.e. through infrastructure efficiency and housing density) and access to public transit, jobs, schools, hospitals, and by decreasing proximity to health

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	<ul style="list-style-type: none"> • Accessory apartments are not permitted. • There is no “as-of-right” development option for affordable housing, making the permitting process more time-consuming and adding to the cost of development. Town of Needham Analysis of Impediments to Fair Housing Choice, 2014 • Complexity of zoning and the process can be overwhelming for small-scale, nonprofit organizations wishing to develop affordable housing. • There are limited incentives and mandates for encouraging affordable housing in the Zoning Bylaw. • (2) Lack of information, education and outreach on Fair Housing. • There is a shortage of information of Fair Housing issues in the community. Education for residents, employees, lenders, realtors and landlords has been minimal and occurred a few years back. Information that is available is often provided by sources that may not be objective. • With a greater understanding of Fair Housing issues and local affordable housing needs, neighborhood opposition to development of higher density affordable housing can likely be reduced somewhat. • There has not been any investigative testing or monitoring of real estate agencies, lenders, or landlords to determine if discrimination is occurring in Needham. This lack of information limits the Town’s ability to confirm compliance with Fair Housing practices. • Although there are resources within the Town of Needham that provide housing assistance, where and how to obtain this assistance is not always clear to residents. • As indicated earlier, a substantial portion of Needham’s housing stock was built before 1978 and may have 	<p>and safety hazards.” This broad solution could serve as a framework for Needham to guide some decisions in Town to ensure inclusivity of all people.</p> <ul style="list-style-type: none"> • Inclusionary zoning and incentives for affordable housing are included in downtown rezoning, as approved by Town Meeting in 2009, and the Elder Services Overlay District adopted in 2010. This inclusionary zoning requires that developers integrate a certain number or percentage of affordable units into their developments. • Creating guidelines for developers of affordable housing will provide important information on local policies, procedures, preferences and priorities, particularly for developers applying for waivers of existing zoning and/or approvals through the Chapter 40B comprehensive permit process. (completed through the preparation of Town of Needham Chapter 40B Guidelines in October 2012) • The Town is in the early stages of preparing a Housing Production Plan that will meet state requirements under 760 CMR 56.03(4) to better understand and address unmet housing needs. This Plan will incorporate recommendations for changing zoning to better promote affordable housing and smart growth development. (short-term) • The Planning Board should consider the recommendations regarding multi-family dwellings as part of Needham’s 2007 Affordable Housing Plan, such as encouraging multi-family housing and mixed-use development in Needham Crossing. This recommendation will also likely be included as part of the Town’s current efforts to prepare a Housing Production Plan. (short-term) • Allowing accessory apartments should be considered by the Planning Board, as noted in Needham’s Affordable Housing Plan, dated June 2007, and will be addressed in the Housing Production Plan that the Town is in the process of preparing. Although such units can be difficult to regulate, all abutting communities to Needham allow some form of accessory dwellings either through special permit or by-right. Anecdotal evidence suggests that there

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	<p>lead-based paint which is a hazard to young children and may cause landlords to discriminate against families with such children. Some landlords may not be aware of laws and regulations related to lead-based paint and Fair Housing.</p> <ul style="list-style-type: none"> • There has not been a Town staff person devoted to housing issues, limiting the Town’s ability to perform housing outreach, coordination and monitoring functions. • (3) Needham has many people, of all age groups, who consider themselves disabled, and it is important that their housing needs are met. Seniors and disabled people, whose disabilities can be income-limiting, could benefit from housing subsidies so that they are not paying disproportionately for their housing. • Housing not only must be affordable but also accessible for these populations and proximity to transportation and commercial areas is additionally helpful. • The MassAccess Housing Registry¹¹ identifies only eight (8) units in Needham that are handicapped accessible. This is in the context of 2,197 residents who claimed a physical or mental disability according to the Census Bureau’s American Community Survey estimates, representing significant special needs within the Needham community. • Affordability in housing disproportionately affects people in protected classes. • The high costs of housing in Needham can inhibit low- and moderate-income individuals and families from moving into Needham or being able to afford to remain in Needham. These high costs are also causing many residents to pay far too much for their housing. For example, more than half of all households earning at or below 80% 	<p>are many illegal apartments of this type in Needham. (long-term)</p> <ul style="list-style-type: none"> • (2) Providing staff resources to coordinate housing activities, including efforts related to outreach and the monitoring of Fair Housing issues, will be important to the Town making significant progress in this area. (complete as a Community Housing Specialist was hired in January 2014 to coordinate local housing activities). • Continue the educational effort that was started through Newton’s FHIP grant of community stakeholders on Fair Housing laws including outreach and training for lenders, landlords, tenants, Town employees, and others. For example, the Human Rights Committee sponsored the Bridging Cultures Initiative in cooperation with the Needham Public Library that was funded by a grant from the National Endowment for the Humanities (NEH) to encourage communities to revisit the history of civil rights in America through a series of special documentaries and follow-up discussions. Other educational activities will include additional information on the Town’s website, including information related to Fair Housing (also issues related to lead-based paint) and training for realtors from the Fair Housing Center of Greater Boston. (short- term) • Create a network of people who are interested in bolstering Fair Housing issues, ideally including people from various sectors of government and the community Town of Needham Analysis of Impediments to Fair Housing Choice, 2014 that can be available to provide information and referrals regarding Fair Housing. (short-term) • Education should come before new developments are proposed for approval and be ongoing. (short-term) The Town should conduct research regarding the possibility of inequitable housing practices including an assessment of real estate and rental advertisements, a possible survey, or other actions that could aid in obtaining a better understanding of what possible Fair Housing practices are being violated. The Town’s Community Housing Specialist will attend meetings of the Fair Housing Center of Greater

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	<p>of median family income were paying more than half of their income on housing, which includes 11% of all Needham households.</p> <ul style="list-style-type: none"> • The Housing Authority’s waiting list for elderly and family units illustrates the substantial need for more affordable housing. • The high cost of land in Needham can deter developers from building affordable housing because the affordability gaps are so large and the profit margin might be marginal. • (4) Elevators have been lacking in many Town buildings and affordable housing developments, e.g. Linden Chambers and Town Hall. This makes it difficult for some members of the community to access certain public resources. The quality of life for this population is affected when daily activities are difficult or impossible to manage. • Accessibility is required in new construction, but many of the buildings in Needham are older and do not have these features. • Although there are some transportation options, including several MBTA commuter rail stations and bus routes, they are not always easily accessible to those with disabilities. • There is no easy way for people to move within the Town by public transit. 	<p>Boston to obtain additional insights and suggestions on ways to better insure fair and equal access to housing. Some form of testing could be considered. (long-term)</p> <ul style="list-style-type: none"> • (3) Needham can boast completion of 350 units of new rental housing through the Charles River Landing project. This development was permitted through the “friendly” Chapter 40B process with the Town submitting an application to the state’s Department of Housing and Community Development (DHCD) to participate in the Local Initiative Program (LIP)12. While 25% of the units (88 units in total) will be affordable to low- and moderate-income households earning at or below 80% of area median income, all of the units can be counted as part of the state’s Subsidized Housing Inventory, increasing Needham’s affordable units from 4.61% of its year-round housing to 7.86% and thus closer to the 10% goal. Most of the units are directed to non-families as they have no more than two bedrooms. The affordable units are distributed among all apartment types, and 70% of the units can be reserved for those living or working in Needham. The project is located on Second Avenue at the outer edge of the New England Business Center, adjacent to a residential neighborhood and overlooking the Charles River. The parcel contains 7.9 acres and will promote a number of smart growth principles as it is served by existing infrastructure; is located in proximity to Town services, transportation and employment; promotes higher density housing; and includes affordable housing. The Town will look for additional opportunities to create additional rental housing using this development model. (long-term) • Continue to utilize HOME funds and CPA funds for the development of affordable housing. The initial funding for High Rock Homes leveraged funding from other sources, which enabled the Housing Authority to complete the project. Home funds and CPA funds were also being allocated to the Charles River Center group home that has recently been completed. The project created five (5) bedrooms for adults with developmental disabilities, and is located

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		<p>on South Street in census tract 4033, therefore spreading assisted housing into an underserved area of the community. (short-term)</p> <ul style="list-style-type: none"> • The Town is assisting the Needham Housing Authority (NHA) in its plans to redevelop its housing for elderly and disabled residents at its Linden-Chambers development that would result in improved living conditions for existing tenants and a net increase in the number of units. The Town provided NHA with Community Preservation funding to undertake a preliminary feasibility analysis that included the preparation of a Housing Needs Assessment as well as engineering and financial analyses on site conditions and various development and financing options. The NHA held a special meeting to discuss the results of this feasibility analysis and next steps in February 2014, which included a representative of the Town of Needham’s Department of Planning and Community Development. (short-term) • The Town will continue to work with developers to support projects that respond to local Housing Guidelines that were produced in October 2012. It issued a comprehensive permit on June 4, 2013 for the development of a 20-unit townhouse development on Greendale Avenue in Needham, referred to as Greendale Village. This project will include four (4) affordable units that will be targeted to those earning at or below 50% of area median income. The Town also approved a comprehensive permit for a ten-unit condominium development at 28 Webster Street known as Webster Street Green. Two (2) of the units will be affordable to those earning at or below 50% of area median income. As is the case with Greendale Village, both seniors and families will be encouraged to apply for these units and both projects are under construction. (short-term) • The Town has met with representatives of Metro West Collaborative Development, a regional non-profit housing organization whose mission is to mobilize resources and identify opportunities for improving the quality of life for those living in Metro West communities, including the creation of affordable housing. The Town is continuing to communicate with

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		<p>this organization on potential affordable housing opportunities in Needham. (short-term)</p> <ul style="list-style-type: none"> • There are possibilities of creating a special fund to support affordable housing that the Town could consider. One option would be to establish a Municipal Affordable Housing Trust Fund. (short-term). • (4) Public buildings should be renovated to incorporate design and construction elements to insure accessibility for those with disabilities. (renovation of Town Hall completed) • The Needham Housing Authority is in the early stages of planning the redevelopment of its Linden-Chambers project and plans to incorporate significant numbers of handicapped accessible units into development plans. (short-term) • The concept of “visitability” (as explained earlier in this AI) should be incorporated into the goals for new housing and development and encouraged in new development. (long-term) • The issue of accessibility, especially as it relates to the current infrastructure, is an issue that cannot be fixed easily and quickly but require long-term solutions and planning. Nevertheless, some actions could be explored. New construction will contain the necessary AAB requirements; however, as time passes, it would benefit the Town to consider how it would be possible to fund the additions of accessible features to additional existing Town buildings. Discussions with the MBTA to ensure accessibility on all bus and rail routes might help surface possible solutions. (long-term)
Newton		<ul style="list-style-type: none"> • Zoning Reform-Perhaps the most impactful action to address geographic diversity in the City is the current comprehensive zoning reform effort, the first since 1987. This initiative will help shape the City’s diversity for decades to come. The first phase of clarifying the existing ordinance is currently underway. The second phase will consider substantive updates to Newton’s zoning ordinance to incorporate policy changes to further the goals of the City’s Comprehensive Plan.³⁸ Funds have been appropriated to hire a consultant to aid in this effort. The request for proposals for Phase Two, which is scheduled for release in 2014, will

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		<p>require the hired consultant to address fair housing and the negative disparate impact that zoning can have in a community, particularly on race, people with a disability and families with children.</p> <ul style="list-style-type: none"> • Economic Initiatives in a Community of Opportunity –The City is also currently in the design stage of piloting a comprehensive human services program with the goal of moving families and children toward self-sufficiency and economic independence. The City has adopted benchmarks set forth by the Brookings Institution to measure success, is in the process of forming a coalition with non-profits and businesses, and planning a pilot intervention program with the Crittenton Women’s Union. The goal of this initiative is to model a program to successfully move families of all backgrounds out of poverty and into the middle class through evidence-based efforts and benchmarks to measure success. • Enhancing Alternative Modes of Transportation -The City is currently adding additional bike lanes in the village of Newtonville. This is addition to the approximately five miles of bike lanes already created. The City is also closely following the visions set forth by the Massachusetts Department of Transportation’s Capital Investment Plan for 2014 through 2018. Within the Plan is a reconfiguration of the existing commuter rail line into a rapid transit line and an expansion of this line to the Riverside Train Station by 2024. While this vision is in its very preliminary stages and will require years to come to fruition, this potential change to the Commuter Rail will have a tremendous impact on Newton’s housing, transportation options and accessibility into Boston. • Affirmative Marketing -The City will continue to utilize its Guidelines for Uniform Local Resident Selection Preferences in Affordable Housing, which guides the City and developers on how marketing is conducted for affordable housing units. These Guidelines are also codified in the current Inclusionary Housing Ordinance. As the data indicates, the Guidelines are contributing to increasing the City’s racial diversity in its affordable housing developments.

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		<ul style="list-style-type: none"> <li data-bbox="906 268 1523 827">• Language Assistance Planning - In response to increases in the immigrant population and greater prevalence of non-English languages in Newton and the greater Boston area, Newton staff will collaborate with the WestMetro HOME Consortium communities to develop a regional Language Assistance Plan in FY15. The Planning Department will take the lead in conducting the four-factor analysis during the development of the regional Analysis of Impediments to Fair Housing Choice due to HUD in FY15. This analysis will assess the Consortium's demographics, frequency of contact, program importance and resources needed to take reasonable steps in providing equal access to persons with limited English proficiency. <li data-bbox="906 835 1523 1881">• Community Engagement and Education - Many participants in the fair housing discussion group held on May 20, 2014, cited that decisions based on housing development opposition impacts the ability to further fair housing if a protected class is negatively disparately impacted. The City has also received requests to outline a clear and transparent process for community engagement regarding Chapter 40B affordable housing proposals. In response, the City's Planning Department is embarking on an opportunity to better engage and listen to resident concerns while also providing fair housing education. The Department is currently formalizing community engagement procedures for its affordable housing funding and Chapter 40B review processes.³⁹ The purpose of formalizing a process is to create opportunities for an inclusive dialogue between residents, City Planning staff and the developer early in the development process. Part of the early engagement will include listening to neighborhood needs, setting parameters, sharing development ideas and educating attendees on the federal Fair Housing Act and the City's fair housing responsibilities. The policy discussion has already included meetings with the chairs of Newton's CDBG, HOME and local Community Preservation Act funding advisory committees: the Newton Housing Partnership, the Fair Housing Committee, the Planning and Development Board and the

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		<p>Community Preservation Committee. The Board of Aldermen's Zoning and Planning Committee will also provide feedback on the community engagement process in the summer of 2014 before a policy is finalized. This process will be integrated within Newton's Citizen Participation Plan as part of the FY16-20 Consolidated Plan process, which will be submitted as part of the FY16-20 Consolidated Plan to HUD no later than May 15, 2015.</p>
Sudbury	<ul style="list-style-type: none"> ● Zoning and land use policies limit the availability of land to develop diverse types of housing, including attached multi-family housing and rental housing. With minimum lot sizes of one acre in Sudbury and no zoning provision for multi-family units, this type of development is only permitted through MGL Chapter 40B. This approval and permitting process is complicated and time consuming and there is frequently neighborhood opposition to proposed developments. Projects may be proposed that are at odds with neighborhood character, and local control over density and design is difficult at best. The lack of zoning remedies underscores the need to evaluate existing zoning and land use policies that impede development except for those uses which are currently available by-right. Changes to the zoning ordinance require Town Meeting approval and with a general lack of community awareness and support for affordable and attached housing, it is difficult to revise current land use policies. ● Available land for development of either market rate housing or affordable housing is limited. The price per acre of land in Sudbury is high, which requires the development of large, expensive homes, or the development of high density 40B developments, to sustain the cost of acquisition. With limited land availability, and no zoning for denser developments other than 	<ul style="list-style-type: none"> ● The Town of Sudbury revised its accessory apartment bylaw at the 2009 Town Meeting, which increases housing options for owners and renters. The Town of Sudbury has included zoning reforms for the Town-owned Melone property and in commercial districts on Route 20, including 40R, in the recent Housing Production Plan. The Planning Board is discussing potential zoning changes for Route 20 through the municipal sewer initiative which may include the provision for rental or multi-family housing. ● The use of MGL chapter 40B in Sudbury has been the only method of producing alternative housing types. One of these developments yielded 8 small single family dwellings, while most of the other recent 40B developments have constructed condominiums. The Sudbury Housing Trust, approved by Town Meeting and chartered in 2007 is proposing a 3 unit condominium development on a 1 acre parcel. The Sudbury Housing Authority has recently completed the innovative development of ten units of new multi-family construction. However, market rate housing continues the development pattern of only single family homes on large lots or age-restricted housing. Changing zoning requirements to allow smaller lots (which in turn may provide smaller units) should be proposed to Town Meeting. Smaller units translate into lower priced units, which will fill a need in Sudbury and provide more housing choice. ● Providing education on the benefits of affordable housing and housing diversity, and continuing consistent and positive outreach on housing initiatives is important to the success of the overall housing program in Sudbury and in ensuring adequate housing choice. Engaging

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	<p>age-restricted communities, single family subdivisions become the de-facto housing choice.</p> <ul style="list-style-type: none"> Lack of support for diverse housing styles is an impediment to housing choice. 40B developments are often opposed by neighbors and residents. This opposition may be due to specific project factors, such as style, size and location, but regardless of these factors this lack of support has hindered the creation of diverse types of units – both affordable and market rate. 	<p>community groups who represent various segments of the population in developing goals and objectives for future housing types would be constructive (i.e. Council on Aging for senior housing issues, young professionals, empty nesters, teachers, etc.). The Town has been successful in creating community programs that balance potentially competing interests, such as the Community Preservation Act, however more work is needed. A more active approach to incorporating diverse housing into multiple use projects must be pursued. The support for the Sudbury Housing Trust and its Home Preservation Program, the new Sudbury Housing Authority duplexes, as well as the Habitat for Humanity project which garnered significant community support, are excellent examples of successful local initiatives in providing diverse housing choices.</p>
Waltham	<ul style="list-style-type: none"> The current Inclusionary Zoning Ordinance directs assistance to households at or below 80% of the median income. To this date affordable units developed under this ordinance market at the 80% income level only. No units to date have been marketed to incomes below the 80% of AMI. The city’s existing system for reviewing, approving, and monitoring residential developments for compliance with local, state, and federal architectural access requirements needs to be examined and significantly strengthened. Lack of knowledge by housing consumers of Fair Housing Laws, discriminatory practices and enforcement agencies and procedures. Residents experiencing discrimination do not report it or proceed with filling fair housing complaints. Lack of affordable housing. One of the components to providing fair housing is providing a variety of housing that is affordable to people of all races, thnicities, religious affiliations, gender, and income levels. 	<ul style="list-style-type: none"> Recommend that review be made of the current Inclusionary Zoning Ordinance in the City Council for consideration to change the income level assisted form 80% of AMI to 60% of AMI. Develop a committee that will review the current policy on architectural access requirements. The committee should involve representatives from the Disability Commission, the Planning Department, the Building Department and the Waltham Housing Authority. Continue to require Inspectional staff to attend trainings on architectural accessibility. In addition, train key personnel in other city departments on architectural access regulations. Ensure staff involved with CDBG and HOME funded projects are current in housing accessibility and accessibility in public accommodations requirements. Ensure that accessibility provisions are included in CDBG and HOME written agreements. Strengthen education, training, and advocacy efforts and programs; Provision of informational materials on fair housing to rental property owners. Work with local agencies to provide fair housing seminars and outreach programs to the owners of rental properties. Improve information provided through the city website that address fair housing to include resources for developers, real estate agencies, and lenders.

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	<p>Approximately, fifty-four (52%) percent of the city's rental population is low to moderate income. Census American Community Survey 2009-2011 data shows that 46% of rental households with income of less than \$50,000 pay 30% or more for their rent.</p> <ul style="list-style-type: none"> • The large number of rental units containing lead paint. This discourages families with children from finding housing and continues to be a factor in local housing. • Based on the results of the community survey completed by the Housing Division in 2013, and information learned through providing residents with assistance with landlord/tenant issues, discrimination based on race, national origin, familial status, source of income, and disability occurs in the City's rental and for-sale real estate markets. • Lack of multi-lingual marketing materials from lenders that describe the services and information they make available to populations not often targeted by the mortgage industry, particularly Information on all mortgage products for which an applicant may be eligible. Additional translation will increase opportunities to minority consumers. • Lack of a lead agency within the City to promote fair housing and develop policy that will assist in the co-ordination across municipal departments and its outreach to citizens and businesses. • Current activities related to fair housing complaints are received by the Housing Division of the Planning Department. The staff does not take official fair housing complaints, but rather refers to either I-100 or the Fair Housing Center of Greater Boston. Landlord tenant issues are often referred to BC Legal Aid and or a local housing advocacy group that provides 	<ul style="list-style-type: none"> • Encourage the development of all types of affordable housing throughout Waltham; continue to support programs that create or preserve affordable housing and housing choice. The Waltham Municipal Affordable Housing Trust Fund serves as a good communication link between the public and private sectors and enables joint planning for fair housing issues. Consider the development of a Security Deposit Grant Program for low to moderate income renters. • The City continues to provide interest free deferred loans to homeowners for lead paint abatement. City Housing, Planning and Building staff have been certified as lead safe renovators. The City will continue to support training for City staff that will ensure compliance with Federal and State lead laws. • Improve outreach to the Real Estate Community in Waltham. Provide fair housing education for real estate brokers and agents, property managers and landlords through workshops with the Fair Housing Center of Greater Boston. Provide real estate agencies, property managers, and landlords with resources such as brochures or other literature in multiple languages containing information about the fair housing laws to distribute to all prospective tenants and homebuyers. • Form partnerships with local lenders and housing counseling agencies to provide or sponsor consumer education programs on bank products and services, financial management, savings and investment and/or credit. Continue to require HOME program down payment assistance applicants to attend homeownership classes. • Recommend the creation of a Fair Housing Committee that will be made up of members from a broad spectrum of public and private groups that include persons with a strong interest and desire to promulgate fair housing policy. The purpose of the Committee will be to aid the City in its effort to foster a climate in which the individual human dignity and civil rights of all people are respected and where every potential homeowner has access to all housing regardless of race, color, religious

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	<p>mediation services. There is no current data or system that provides the City with any information about discrimination taking place within the local real estate agencies and or private landlords.</p> <ul style="list-style-type: none"> ● Large number of rental units containing lead paint discourages families with children from finding housing. ● Financial difficulties families face when renovating older housing stock to make the housing accessible is especially cost prohibitive to the elderly and disabled population. 	<p>creed, national origin, ancestry, age, children. marital status, disability. sexual orientation, public assistance status, or gender. The function of the Committee will be to act in a monitoring and advisory capacity toward the implementation and evaluation of the City's fair housing policies. The Committee in conjunction with the Planning Department will be the public voice for advocating for the goals of Fair Housing. The Fair Housing Committee will oversee the development and implementation of the Fair Housing Plan. The Committee will also take a lead role in fair housing education throughout the City in the form of annual fair housing workshops. creating and distributing fair housing brochures (including translation into different languages). and as a referral service for residents, landlords, and housing industry representatives.</p> <ul style="list-style-type: none"> ● The Housing Division will conduct fair housing audits with the Fair Housing Center of Greater Boston of the rental and for-sale markets to determine fair housing compliance and to provide valuable input to the City's future Fair Housing Plans. This information will be shared with other municipal offices and committees. ● The city will continue to fund the CDBG Lead Loan Program to address the issue of lead paint in our aging housing stock that limits housing choices for families with young children. ● The city will continue to provide the CDBG Housing Rehabilitation Loan Program for low to moderate income eligible applicants. ●
Watertown	<ul style="list-style-type: none"> ● Lack of knowledge among small landlords ● Lack of knowledge among realtors ● Lack of knowledge/empowerment among housing seekers ● Restrictive zoning ● Lead paint issues – rentals to families with children ● Lack of development sites – limited availability of parcels ● Low vacancy rates – ownership and rental ● High cost of housing – ownership and 	<ul style="list-style-type: none"> ● Review the Analysis of Impediments to Fair Housing Plan with the Town Council - The purpose of the presentation would be to inform the Town Council of the conclusions and recommendations generated through the AI planning process and to advocate that the Council support the implementation of the recommendations. ● Increase education/perform community outreach about fair housing choice, affordable housing and fair housing complaint procedures in multiple languages - In partnership with local housing and social service agencies, the Town will raise awareness of fair housing laws and

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	<p>rental affordability gap</p> <ul style="list-style-type: none"> • Language barriers 	<p>complaint procedures through postings on the Town website, social media, and in local newspaper and through correspondence with those on the Section 8 and Ready Renter waitlists.</p> <ul style="list-style-type: none"> • Incorporate more diversity into the permit granting authorities and other decision making boards • Investigate zoning amendments that provide better incentives for higher density development with a variety of unit sizes and price points to encourage more diversity and increase housing choice • Identify districts and parcels within the Town that could accommodate higher density development to increase the number and availability of housing units in Town particularly in the East End which has a larger concentration of minorities. • Encourage developers to create more accessible units by incorporating Universal Design into new residential developments. • Investigate funding sources to bring back the discontinued First Time Homebuyers downpayment assistance and Home Improvement Program loan programs - These programs would decrease the affordability gap and provide funds to modify older homes to enable senior with decreased mobility to age in place. • Assist homeowners with obtaining financial assistance for deleading of units, such as the possible creation of a Town sponsored lead abatement tax credit in order to increase the number of housing units suitable for families with young children. • Offer security deposit assistance through a new Tenant Based Rental Assistance program - Over 60% of people on both the Section 8 and Ready Renter waitlists are non-white. This program would further decrease impediments of finding suitable rental housing in Watertown by helping renters with the large upfront costs associated with moving into a new apartment. • Continue to work with the local Community Housing Development Organization to develop affordable units - The affordable units would be both ownership and rental (including accessible

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		units) and be affirmatively marketed to protected classes via paid advertising in minority language newspapers, local cable television, mailings to nonprofit and community institutions, and website postings on the main affordable housing services websites
Wayland	<ul style="list-style-type: none"> • Meet local housing needs along the full range of incomes that promotes diversity and stability of individuals and families. • Leverage public and private resources to the greatest extent possible. • Ensure the creation of new housing that is compatible with the existing community and helps promote open space. • Make steady progress toward the state standard for affordable housing of 10%. • Produce affordable housing that equals ½ of 1% of the town’s housing stock in order to be housing certified under MGL Chapter 40B 760 CMR 56.00, which is 24 units per year based on the 2000 US Census for year-round housing units in the Town of Wayland.⁴ 	<ul style="list-style-type: none"> • The Wayland Housing Partnership, in conjunction with the Planning Board and Board of Selectmen, should continue to develop an outreach program to educate local residents about the need for affordable housing and the available housing opportunities. This could include forums on housing for Town officials and residents and re-run on the local cable channel, workshops for first-time buyers in concert with local lenders and nonprofit housing organizations, information about new programs, etc. • The Town should encourage the donations of property, both land and buildings, providing information on tax advantages. • Provide user-friendly public information on the procedures to follow for the first-time sale of units when they initially come on line and for the resale of affordable units in a way that retains their affordability in conformance with all state requirements. • Explore an enhanced website on affordable housing issues and resources. • Develop Local Initiative Program (LIP) procedures to standardize and formalize the local process for approving comprehensive permit projects in conformance with state regulations and guidelines. • Prepare a Resource Manual for residents on available programs and services related to housing. • Strive to maintain affordability for new housing through deed restrictions for the longest time allowed by law. A consultant should be hired through a Request for Proposals (RFP) process, paid by CPA

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		<p>funding, to closely monitor those properties with deed restrictions to insure continued affordability, among other affordable housing-related tasks.</p> <ul style="list-style-type: none"> • Publicize the Section 8 program and work with property owners to maintain availability through long-term agreements and incentives such as tax abatements and basic property management services by the WHA. • Work with landlords to rehabilitate rental units through financial assistance and/or a buy-down initiative. • Modify the inclusionary zoning bylaw to better define off-site development options and other potential changes. • Adopt a Multi-family Housing Conservation Cluster bylaw. • Modify the current Accessory Apartment Bylaw to make it easier to create such units. • Allow housing on the upper floors of buildings within the Business A and Business B districts. • Work with the Zoning Board of Appeals, the Building Commissioner, and the Town Planner to develop standard guidelines for 40Bs that reflect current state requirements. These should include target percentages of affordable units, inclusion of units with greater subsidies, affordability of condominium fees, maintenance of long-term affordability, and targeting the population such as Town residents, families of town residents, employees of the town, and others who should benefit from affordable units to the maximum extent possible. • Adopt a zoning bylaw to allow increased densities in both residential and commercial developments in return for the creation of affordable housing units in designated areas or in exchange for affordable units in areas where there will

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		<p>be minimal environmental impact.</p> <ul style="list-style-type: none"> • Expand the Planned Development District and the Senior and Family Housing Overlay District. • Create a residential subdivisions fee-based special permitting process that allocates the fees to affordable housing development. • Establish a Municipal Affordable Housing Trust and capitalize it through a number of resources including payments of fees in-lieu of actual units as part of its inclusionary zoning and other zoning bylaws, private donations of land and funding, negotiated fees from developers, and a minimum percentage of each year's CPA revenue to affordable housing, e.g., 25%, in support local housing initiatives. Offer predevelopment funding through CPA funds to insure that the development will be feasible, particularly given site conditions. • Provide gap financing to leverage project financing as such funding, typically CPA money in the case of small towns, often provides the last "gap filler" to make projects feasible and the key leverage to secure necessary financing from state and federal agencies as well as private lenders. • Promote the creation and use of accessory dwellings. • Utilize available financial resources and participate in programs such as the State's Soft Second Loan program, the HOME program consortium or other program, and other sources to develop rental housing. • Use the Community Preservation Fund and other programs as a source of funds for purchasing land or deed restrictions for development of affordable housing. • Continue thorough reviews of 40B projects. Developers are encouraged to

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		<p>meet with the Wayland Housing Partnership before proposals are submitted to the Zoning Board of Appeals. Pro forma statements should be reviewed to ensure that densities do not exceed those required for a reasonable profit. The Town should strive to negotiate for infrastructure improvements wherever these are needed. Technical review funds from the Massachusetts Housing Partnership can be obtained where these can help with review of any aspect of the proposal including financial statements and site design.</p> <ul style="list-style-type: none"> • Explore existing models for the “buy-down” of existing housing units and implement a program, using CPA funding, HOME or Trust Funds, which best meets the needs of Wayland. These models can be adapted for rentals and first-time homeownership. • Prepare an inventory of all Town-owned property including information about jurisdiction, suitability for affordable units and number of potential units, and suitability for other types of municipal uses. • Further identify sites and develop affordable housing on Town-owned land. Such housing would be built at low density relative to comprehensive permit developments and be integrated with conservation or recreational open space when possible for combined benefit to the community. The Town might explore retaining ownership of the land and provide for construction of affordable housing through perpetual or renewable 99-year leaseholds. At least 50% of the housing units would be deed-restricted affordable housing. Since there would be no more limited numbers of market units built to offset the cost of affordable ones, the town might be spared some of the excess build-out and population increase

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		<p>associated with comprehensive permit developments that typically required three market units to be built for every affordable unit for ownership projects (100% of all units in a 40B rental development are counted as affordable in the SHI). However, multiple layers of subsidies will be required to insure the feasibility of a development that includes a higher portion of affordability.</p> <ul style="list-style-type: none"> • Work with organizations like Habitat for Humanity and Minutemen Technical High School, among others, to develop affordable housing on scattered sites in existing.