

**What next for accessory dwellings?
Getting from bylaws to buildings**

by

Elinor Hope Stege

B.A. Geography and Japanese
Middlebury College, 2004

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Submitted to the Department of Urban Studies and Planning
in partial fulfillment of the requirements for the degree of

Master in City Planning
at the

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Author: _____
Department of Urban Studies and Planning
May 21, 2009

Certified by: _____
Terry Szold
Adjunct Associate Professor of Land Use Planning
Department of Urban Studies and Planning
Thesis Supervisor

Accepted by: _____
Joseph Ferreira
Professor of Urban Planning and Operations Research
Department of Urban Studies and Planning
Chairman, Master in City Planning Committee

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ABSTRACT

Accessory dwellings—secondary, self-contained housing units on the same property as a primary residence, either attached to or detached from the main dwelling, and subordinate in size, location and appearance—are recognized by planners, homeowners, and occupants alike as an efficient tool for supplying the smaller, more varied, and more flexible housing stock needed now and into the future. While many municipalities have legalized accessory dwellings and added them to their palette of housing tools, it is readily apparent that passing a bylaw alone is not enough to create units on the ground. Upon this realization, places such as Barnstable, Massachusetts and Santa Cruz, California have turned with varying success to four major strategies for encouraging accessory apartments: tying to other initiatives, providing funding, “handholding” programs, and further revisions to bylaws. This investigation considers how the Boston suburbs of Newton, Lexington and Lincoln, Massachusetts have applied versions of these strategies to their own attempts to encourage accessory dwellings and finds several underlying barriers to creating accessory dwellings. The impediments include lack of homeowner motivation, insufficient planner advocacy, prohibitive zoning bylaws, and complicated ties to affordable housing standards. These remaining barriers are the basis for recommending several actions planners can take to make accessory dwellings an appealing and viable housing tool, and for giving specific next steps forward in the three cases of Newton, Lexington, and Lincoln.

THESIS SUPERVISOR: Terry Szold
Adjunct Associate Professor of Land Use Planning

THESIS READER: Susan Silberberg-Robinson
Lecturer in Urban Design and Planning

WHAT NEXT FOR ACCESSORY DWELLINGS?

Getting from bylaws to buildings

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All opinions and especially all mistakes are my own.

“...the idea of accessory apartments is deceptively simple...”

Patrick Hare

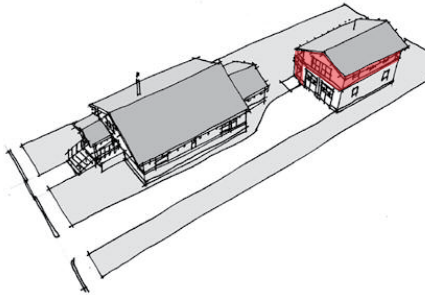
in *Accessory Units: The State of the Art (1989)*

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WHAT IS AN ACCESSORY DWELLING?

An accessory dwelling is a secondary, self-contained housing unit on the same property as the primary residence; the accessory dwelling can be attached to or detached from the main residence, but is subordinate in size, location and appearance.



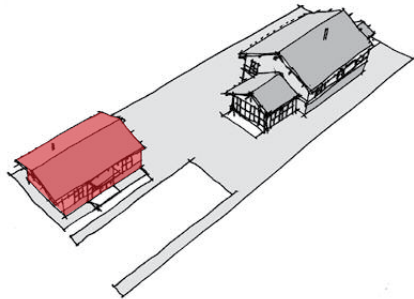
accessory apartment

accessory cottage

accessory dwelling unit

ADU

auxiliary unit



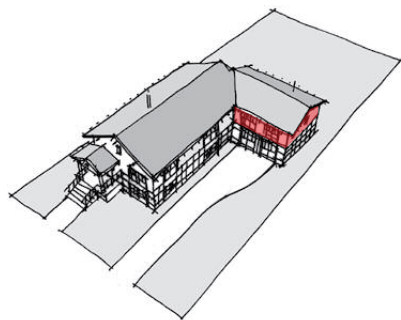
backyard cottage

carriage house

English basement

granny flat

guest house



in-law apartment

mother-in-law apartment

secondary unit

single-family conversion

Illustrations: Bruce Race of RACESTUDIO
Source: City of Santa Cruz (2003)

CONTEXT

I. Introduction

Accessory dwellings are often lauded as an inexpensive, efficient tool for addressing changing housing needs. Our rapidly aging population, combined with the ongoing decrease in average household size and changes in family composition, means that there is growing demand for smaller, more varied, and increasingly flexible housing stock. Accessory dwellings, typically studios or one-bedroom units, fit this need quite well. Furthermore, it is claimed that these units take advantage of currently under-utilized space, tap into existing infrastructure and services, add to neighborhood stability, provide affordable housing, and even expand the local tax base. Because of these perceived benefits, comprehensive plans often recommend increasing the prevalence of accessory dwellings as a component of an overall housing strategy, and the last couple of decades have seen numerous towns and cities pass zoning bylaws to legalize accessory dwellings.

However, as many planners and housing advocates have realized, simply creating an accessory dwelling ordinance and the associated regulations does not guarantee that units will start appearing on the ground. After seeing few new accessory apartments in response to initial bylaws legalizing them, communities have tried several strategies for increasing the construction rate of accessory apartments: homeowner counseling and guidance, financial incentives, tie-ins with other initiatives such as affordable housing and compact growth, and even revising bylaws once again. This study looks

first at some of these methods and the places they have been implemented, analyzing the various successes and failures in an effort to identify the barriers—both real and perceived—to creating accessory dwellings. Importantly, special consideration is given to the perspective of the homeowners who ultimately decide whether or not to go forward with creating an accessory dwelling. With an understanding of these barriers, this exploration then turns towards what we, as planners, can do to make accessory units a more feasible, and even attractive, housing option in the future.

•• **Accessory dwellings from past to present**

Before turning to the future, it is helpful to have some understanding of the role of accessory dwellings in the past. It is believed that accessory dwellings first appeared in North America in Amish communities, in the form of the *Grossdaadi Haus*, a small unit for retired grandparents erected in front of a family's main home. In urban settings, accessory dwellings can be traced back to the alley-facing mews houses of 1830s London, originally built as housing for low-wage laborers and service workers. This practice extended to the alleys of American cities such as Philadelphia and Washington, with the dwellings shifting from worker housing to regular rental use in the early 1900s (Antoninetti 2008).

Accessory dwellings survived the widespread introduction of zoning regulations in the 1910s and 1920s, as well as the growing elevation of single-family homes as the American ideal (Ritzdorf 1994, Fischel 2004). In fact, until World War II, accessory units were fairly common in the United States, providing homeowners with rental income or housing for relatives (MRSC 1995, Ogbu 2008, Antoninetti 2008). The physical form of these accessory dwellings varied greatly by region, with refurbished basements, above-garage units, and carriage houses in addition to the alley dwellings already mentioned (Antoninetti 2008). However, the massive post-war housing boom and suburban expansion were accompanied by further zoning restrictions

and neighborhood covenants that turned developers and homebuyers away from anything but the single-family suburban home, thus eliminating accessory apartments as a component of new construction (Wright 1983). Additionally, the homogenized housing design of the 1950s and 1960s, with homes often lacking basements and garages, made it physically challenging to create unobtrusive accessory dwellings (Antoninetti 2008). For decades, public policy and lenders' preferences continued to elevate the single-family, residential suburb while zoning regulations barred the legal occupation of accessory dwellings through restrictive definitions of family and prevention of accessory uses (Wright 1983, Ritzdorf 1985, Ritzdorf 1994, Fischel 2004). If accessory dwellings were allowed at all, it was almost always as a conditional use or a non-conforming structure grandfathered into legal usage (Antoninetti 2008).

Renewed interest in accessory dwellings has emerged at multiple scales, first with the fall of the real estate market in the early 1980s, and again now in the midst of the current housing and credit crisis. While in the past, periods of high creation rates for accessory dwellings seem to align with times of abnormally high housing demand (Antoninetti 2008), the more recent pushes for accessory dwellings seem to come from increasing attention on smart growth and affordability, along with the transformation of housing needs as population structure shifts.

Though the actual ability to regulate land use sits with local governments, within the last couple decades the states of California, Vermont, and Washington have all instituted laws promoting accessory dwellings (Arlington Housing Division 2008). State mandates generally come as an effort to correct housing deficits, and often to serve the needs of a particular population segment such as low-income residents or the elderly. Cities and towns in these states and many others recognize the potential benefits of accessory dwellings and have worked to pass bylaws permitting their creation. California cities such as Santa Cruz, Daly City, and Carlsbad are recognized for their efforts to encourage accessory dwellings. However, municipalities across the country have been making a variety of attempts to create more accessory dwell-

ings. These range from Montgomery County, Maryland and Portland, Oregon—both known for progressive planning in general—to Wellfleet, Massachusetts and Fauquier County, Virginia (Cobb and Dvorak 2000, Antoninetti 2008, U.S. Department of Housing and Urban Development 2008). In the Boston area alone, about 70 of the 101 municipalities composing the Metropolitan Area Planning Council now have bylaws allowing accessory dwellings.

This revived interest in accessory dwellings provides a critical opportunity to test new strategies for encouraging their creation, and to continue work on dissolving the remaining barriers to their presence. Planners must stand firmly with one foot in the past, considering earlier efforts to encourage accessory dwellings, and another in the future, developing new strategies for smoothing the way to their creation, enabling accessory dwellings to contribute significantly to meeting current and future housing needs. The remainder of this investigation explores this question of creating accessory dwellings, aiming to uncover successful implementation strategies, to expose remaining impediments to creation, and to suggest actions planners can take to increase the presence of accessory dwellings.

•• **Investigating accessory dwellings**

What can planners do to encourage the creation of accessory dwellings? This question grows from the initial observation that passing a bylaw permitting accessory dwellings is anything but a guarantee they will actually be created. Research done several decades ago makes this same point (Gellen 1982, Hare 1989, Goldberg 1984). Recent discussions with planners and housing advocates confirms that there is indeed a lot of uncertainty around how to actually encourage the creation of accessory dwellings, and that there are many localities that already allow accessory dwellings but are frustrated by their slow adoption.

Of course, this central question about the role of the planner in encouraging accessory dwellings requires that several preliminary questions be addressed first. This investigation begins by asking: *Where did the idea of accessory dwellings come from, why do we need them, and what are their benefits and drawbacks?* This sort of contextual information is necessary to develop a detailed understanding of the current issues and practices around accessory dwellings, and leads to the next in the series of questions: *How have communities successfully established more accessory dwellings?* Though not common, there are a smattering of cities and towns around the country that have established multi-faceted programs for encouraging accessory dwellings, and through them, greatly increased their impact on local housing. Examining two of these precedents reveals a series of common strategies used by these towns, then begging the question: *Knowing that these strategies exist, and work in some places, what barriers prevent other communities from creating more accessory dwellings?* It is only in clearly identifying these barriers that we can begin to seek ways to overcome them, finally directly addressing the overarching question: *What can planners do to encourage the creation of accessory dwellings?* The methods for approaching this series of questions are detailed below.

Attempting to answer each of these questions requires a flexible and varied approach to research. Accordingly, this investigation combines several modes of inquiry in an overall methodology. The elements include:

- Thorough review of existing material on accessory dwellings and their creation—both within the urban planning and housing literature, and as compiled in online resources for planners, residents, and housing advocates—to develop the needed context for the investigation.
- Preliminary interviews with housing experts at the national and state levels to gain an initial understanding of how accessory dwellings fit into the larger puzzle of housing issues and housing choice.
- Selection and study of precedents to understand the components of a

successful attempt to encourage the creation of accessory dwellings, and to identify the primary strategies used to do so.

- Selection and study of cases to see how some of the enabling strategies have been applied, and to identify the remaining barriers to the creation of accessory dwellings.
- Synthesis of observations and findings in order to make recommendations on key steps that planners and other accessory dwelling supporters must take in order to make them a more appealing and viable housing choice.

While each of these inquiries carries its own importance, the bulk of information and analysis comes from the precedents and case studies. The following discussion outlines the case study process followed over the course of this investigation in order to provide rationale for the research and to point out both its strengths and its faults.

Also, it is important to note that this investigation is approached with the underlying assumptions that accessory dwellings are good for communities as a whole and more should be produced than at present. The former assumption rests on how one defines good—in this case, good refers to housing that meets the needs and preferences of the current population, and is created with attention to the increasing limitations on the consumption of land and other resources. A deeper discussion of the merits and drawbacks of accessory dwellings is presented in the following chapter. The latter assumption, the encouragement of increased production, exists in a murky reality. The large number of illegal units and lack of central record-keeping on their status makes it unclear exactly how many accessory apartments currently exist and the rate at which they are created. However, demand exists for housing with the characteristics of accessory apartments, and until there is supply to meet that demand, and this supply is available in a transparent and open marketplace, we can assume that more accessory dwellings need to be produced.

•• **Precedents and case studies**

Comprehending the complexities around accessory dwellings demands a nuanced understanding of the forces at hand, a task best accomplished through the case study approach. Initial research makes clear the lack of numerical data on accessory dwellings, further supporting this choice of primary methodology, and also causing this investigation to be based primarily on qualitative information from interviews and planning documents, while supplemented with quantitative data as possible.

Identifying precedents and case studies

Selecting case studies requires a clear understanding of what one intends to investigate via the research process. In the case of this study, two contrasting sets of ideas are sought—the enablers and the barriers to creating accessory dwellings—calling for two different groupings of cases. The first is termed precedents and demonstrates successful examples of strategies for enabling the creation of accessory dwellings, while the second is termed cases and demonstrates the barriers that can prevent enabling strategies from being applied successfully or even at all.

The precedent studies in this investigation serve as unique examples of success in creating accessory dwellings, so must demonstrate specific actions and results. Existing material on accessory dwellings and preliminary interviews with housing experts alike point consistently to the examples of Santa Cruz, California, and Barnstable, Massachusetts as cities that have successfully encouraged accessory dwellings through comprehensive programs developed by planners. Both have carefully organized accessory dwelling programs that demonstrate an interesting variety of strategies for encouraging the creation of units. However, Barnstable and Santa Cruz are extraordinarily different cities from one another and from the case studies in Boston's suburbs. Though this presents some challenges in comparing their approaches to accessory dwellings, the differences are also helpful because programs and strategies for encouraging the creation of accessory dwellings inherently vary

by place, making it important to take these differences into account when choosing precedents.

While the precedents serve as successful examples of creating accessory dwellings, the cases are intended as a representative sample of current efforts around accessory dwellings. Therefore, identifying case studies in the Boston area requires first getting a sense of the range of approaches towns are taking to accessory dwellings. In discovering that about three-quarters of the 101 municipalities that comprise the Metropolitan Area Planning Council (MAPC, Boston's regional planning organization) already have an accessory dwelling bylaw, it becomes clear that the most widely-applicable findings will come from choosing cases among this majority of towns that have legalized accessory dwellings and are now in the process of residents creating them. Furthermore, this step of getting from having a bylaw on the books to actually having accessory dwellings created on the ground has emerged as a major sticking point for most towns, deserving to be the focus of this investigation.

Thus, the primary criterion for case study selection is the existence of a bylaw allowing accessory dwellings, whether by right or by special permit. Other criteria include being a desirable residential area and having a different approach to accessory dwellings than either of the other cases. The desirability of various towns is determined by their ease of access to Boston (adjacency to major interstates, preferably with access to public transportation) and degree of housing demand (cost and turnover of homes, community reputation, including schools and livability). Due to their appeal, the selected cases all end up being particularly wealthy municipalities. However, they vary significantly in population, governance, and amount of remaining developable land. Though it is not ideal to have so many differences among cases, the varied characteristics of the localities can hopefully help to explain some of the choices made in how each place approaches accessory dwellings. The final criterion is that the three cases represent a variety of approaches to accessory dwellings, in order to reveal as many different remaining barriers as possible.

Gathering information about precedents and case studies

Though the precedents and cases serve different roles in this investigation, the general manner of gathering information on all of the examples remains consistent. Basic local statistics such as income and population are pulled from a common government database to allow for comparison among precedents and cases. Assembling the next layer of information about the actual places and accessory dwelling programs requires a much more individualized search, typically of online materials. Following this initial research, local planners, housing advocates, residents, architects, and realtors are then contacted to arrange for interviews. Some contacts are culled from preliminary research, while others are initially recommended during initial interviews with state-level experts or earlier case study interviews. This so-called “snowball effect” produces a surprising number of contacts, and is also a good method for gaining a sense of who key actors are and how they comprise a local network. Interviews are typically conducted on the telephone, though a minority are done in person. All begin with a few initial questions, but quickly become back-and-forth conversations. Interviewees provide a first-hand description of local attempts at creating accessory dwellings, and also are reliable resources for local documents such as memos and meeting minutes.

Of course, there are several problems with the interview method described above. First, interviewees are not asked a standardized set of questions. Instead, inquiries run specific to their role and community, leading to free-flowing conversations instead of easily comparable responses. However, this approach allows for deeper probing of the underlying issues around accessory dwellings. Key comments often come up not as a response to a pre-meditated question, but grow out of a tangential remark or the interviewee’s initiative. Second, though the snowball effect proves a successful method of making contacts, it generally links together individuals of similar mindsets, rather than exposing those on all sides of the accessory dwelling issue. Attempts are made to identify key opponents and contact them, but are not very

successful. Also, it is important to note that information-gathering for cases is much more intensive than that for precedents.

Analyzing precedents and case studies

Following the information-gathering process, precedents and cases studies are analyzed on a variety of bases. Precedents are combed for the different strategies used to encourage the creation of accessory dwellings. These strategies, as well as the programs within which they are situated, are described and the key lessons learned from each place are summarized.

The case studies undergo a more structured form of analysis than the precedents. First, context is examined. This involves an assessment of the local housing market and consideration of demographics and other drivers behind demand for accessory dwellings. Second, the town's approach to accessory dwellings is documented. Attention is given to the presence of accessory dwellings in the comprehensive plan and as a component of local housing strategy, to the details of the ordinances and regulations permitting accessory dwellings, to the quantity of accessory dwellings (both legal and illegal, as possible) in the municipality, to any programs or initiatives towards encouraging accessory dwellings, and finally to the general attitudes towards accessory dwellings. Each analysis concludes with a short discussion of the broader trends in how each place is trying (or not trying) to encourage the creation of accessory dwellings. The case study analysis is followed by a synopsis of the remaining barriers to accessory dwellings, as revealed by the cases. These barriers become the foundation of the final recommendations on how planners can move forward with helping communities create more accessory dwellings.

In order to begin moving towards the goal of developing firmly-grounded recommendations for planners to encourage the creation of accessory dwellings, the next chapter presents some of the background to asking about implementation by first explaining the demand for accessory apartments and then presenting the major

arguments both for and against accessory dwellings. Developing a clear understanding of current and future housing demand helps identify the niche accessory apartments can fill within the continuum of housing choices. Furthermore, knowledge of the issues surrounding accessory apartments will provide the basis for understanding the broader strategies and barriers discussed later in the investigation.

2. To dwell, or not to dwell?

Accessory dwellings have been and clearly still are a contentious housing type. According to an unpublished survey of over 250 cities about the reception of regulations encouraging types of development that increase housing supply in already developed areas, accessory dwellings are more politically sensitive than other strategies such as transit-oriented development, mixed use, adaptive reuse, and small lot zoning (Whittemore 2008). This section establishes the demand for accessory dwellings and other housing choices, and discusses both sides of the debate around their creation.

•• The demand for greater housing choice

The view from both sides of the debate over accessory dwelling units may offer a similar snapshot of the current housing market. Whether for or against accessory apartments, one might acknowledge that the combination of shifting demographics and changing trends in household formation suggests that we need a more varied, flexible, and responsive housing stock (Frey and Berube 2002, Riche 2003). Of particular note are the rapidly aging population, the decreasing average household size, and the increasing prevalence of non-traditional families.

The aging population

In the short-term, the quick increase in the elderly population will be driven by the 78 million-strong cohort of baby boomers entering their retirement years (Myers and Ryu 2008). However, the American population is undergoing a structural change that will endure beyond the baby boom bubble (Riche 2003), as demonstrated in the population pyramids below (Figure 1). Older individuals often need smaller, more manageable housing that is affordable on a fixed income. Reports from the early 1980s suggest that much of the elderly population is overhoused—having more space than they need or want—and that their assets are often locked up in home value rather than being in a more liquid, accessible form (Brooks 1982, Gellen 1982, Hare et al 1984). One can expect that this is still very much the case, especially considering that homes are only growing in size: the median floor area of new single-family houses in 1980 was 1,595 sf, and increased 43% to 2,277 sf by 2007 (U.S. Census Bureau 2008).

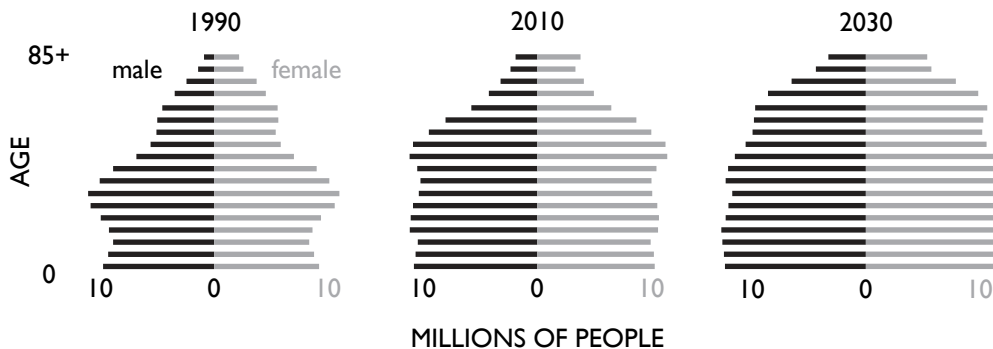


FIGURE 1: Population pyramids for the United States (1990, 2010, 2030)
Source: U.S. Census Bureau, International Data Base (2009)

The decreasing household size

Households are getting smaller, with childless couples and singles outnumbering nuclear families, even in the traditional family stronghold of the suburbs (Frey and Berube 2002). The average household size has almost halved in the last century, going from 4.6 people per household in 1990 to 2.6 in 2000 (Figure 2). As noted

over a half-century ago, household formation is a principal determinant of demand for new construction. However, this relationship only emerges in the long term and relates to those actually buying a home, rather than renting (Winnick and Shilling 1957). One might expect demand for rental units appropriate for these new households to react more quickly.

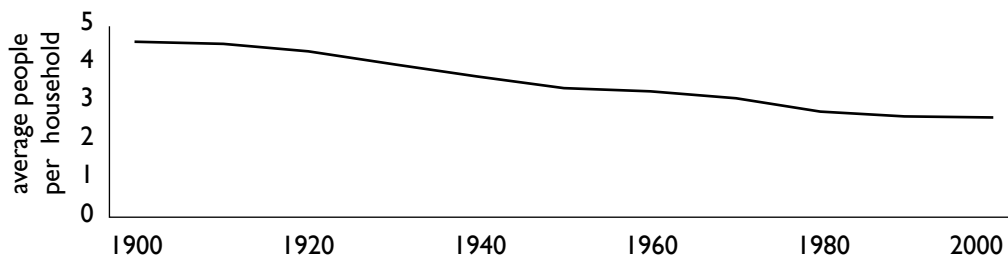


FIGURE 2: Average household size for the United States (1900–2000)
Source: U.S. Census Bureau, Statistical Abstract of the United States (2003)

The increasing prevalence of non-traditional families

In 2000, married couples with children made up about one quarter of all households; by 2025, they are expected to only be one fifth of the total (Riche 2003). The following table illustrates the changes in household structure, as non-traditional households gain prevalence (Figure 3). The housing industry’s long-standing focus on traditional families must shift to serve these changing needs (Riche 2003).

	1990 (%)	2000 (%)
Family households	70.2	68.1
Married couple	55.1	51.7
Married couple with children under age 18	26.7	23.5
Other family households	15.0	16.4
Other family with children under age 18	9.3	9.2
Non-family households	29.8	31.9
Persons living alone	24.6	25.8

FIGURE 3: Changing household structure (1990, 2000)
Source: Frey and Berube 2002; originally the U.S. Census Bureau

In a country with three-quarters of its housing in single-family units (U.S. Department of Housing and Urban Development 2008), there are many conceivable ways to go about creating the smaller, more flexible housing units demanded by our shifting demographics. So-called “small homes,” pre-fabricated dwellings, or rental units derived from existing “McMansions” are just some of the possibilities alongside accessory dwellings. This research does not attempt to address the question of which might be the best of these housing types to serve future needs, but instead, assumes that a combination of them will be necessary and that each must be effective and implementable in its own right in order to contribute towards the overall goal of better housing choice for all.

•• **In support of accessory dwellings**

Support for accessory dwellings comes out of the manner in which they fulfill needs of the changing demographics of the American population. Current and future housing needs, as presented above, are very different from the traditional homes still marketed to the American public. Accessory dwellings have the potential to aid owners, occupants, and municipalities alike as they present an affordable, efficient, and socially beneficial housing option:

Affordability

- Earn rental income by transforming physical wealth (extra space) into fiscal wealth
- Spend manageable portion of income on housing in an otherwise unaffordable location
- House aging parents or other relatives at less cost than an off-site apartment or care facility
- Trade help with household chores for rent

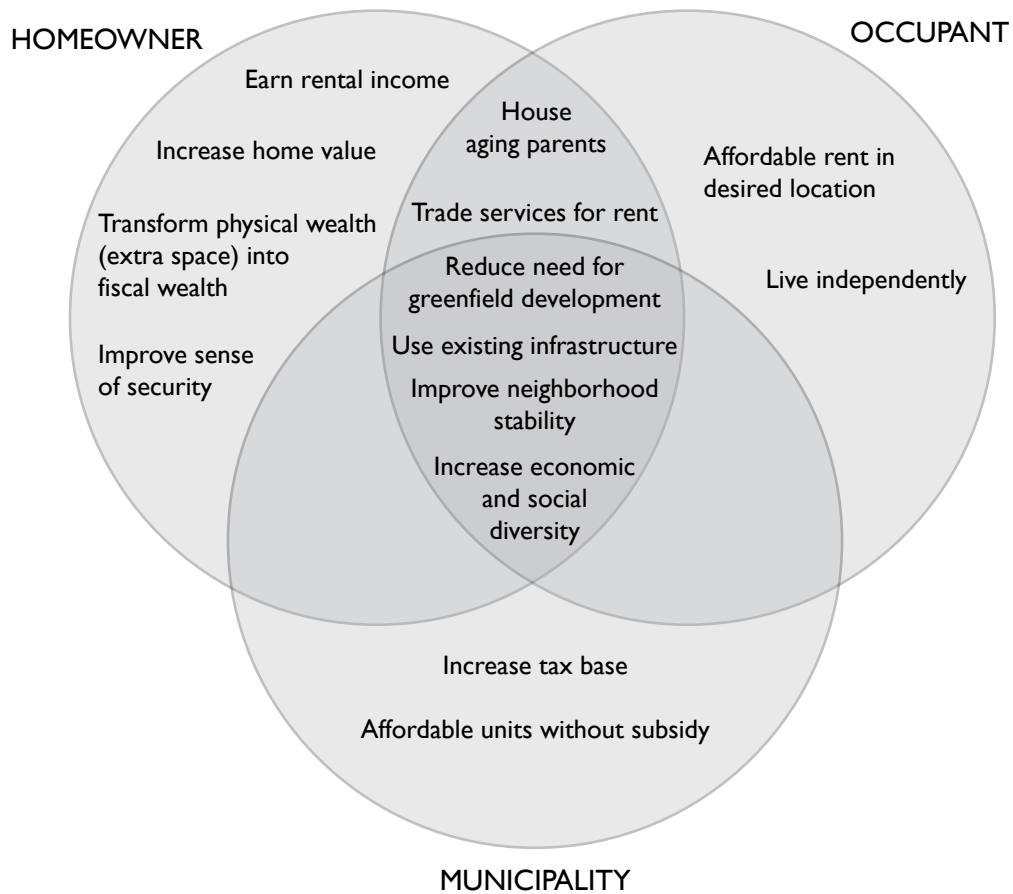


FIGURE 4. Shared benefits of accessory dwellings.
 Sources: Gellen 1982, Hare 1989, Metropolitan Research and Services Center of Washington 1995, City of Santa Cruz 2003

- Provide affordable housing at no cost to the government
- Increase income and property tax base

Efficiency

- Use existing physical and social infrastructure more intensively, rather than creating new infrastructure elsewhere
- Use otherwise under-utilized space productively, reducing need for green-field development

Social benefit

- Improve sense of security by having another person nearby
- Live independently when physical or mental handicaps might otherwise prevent it
- Improve neighborhood stability by enabling long-time residents to stay in their current homes, whether by earning rental income allowing them to pay otherwise unaffordable property taxes or mortgage payments, or by moving to a smaller and more affordable unit still within the neighborhood
- Increase economic and social diversity by encouraging a wider mix of residents in a neighborhood

These rationales and many more are brought up in numerous general reports and articles on accessory units (Gellen 1982, Hare 1989, Metropolitan Research and Services Center of Washington 1995, City of Santa Cruz 2003).

•• In opposition to accessory dwellings

Even though other reasons may be stated, opposition to most change in residential areas is rooted in homeowners wanting to protect the value of their primary asset—their home (Fischel 2001, Keifer 2008). The rapid rise in real estate values in the first part of this decade only served to make Americans think even more of their homes as investments, rather than places to live. Appreciation in home value is often a primary component of retirement savings, ready to be cashed out upon retirement. Thus, protecting home value is tantamount to protecting any fiscal asset. In the case of accessory dwellings, this fear of losing home value tends to come out in the following arguments against accessory dwellings:

Loss of single-family neighborhood “feel”

The identity of place is often rooted in its residential character, and clearly visible apartments might threaten the perceived cohesion of the single family neighborhood.

Threat of outsiders

Residents may be hesitant to welcome people different from themselves, whether it is from a basic fear of the “other,” or a more specific concern about the neighborhood becoming inundated by people of lesser means or with different cultures and beliefs.

Loss of privacy

Both homeowners and abutters have concerns about the loss of privacy an accessory dwelling might cause. Abutters might worry that neighbors will build an accessory apartment close to the lot line in order to stay far from their own house, and all of a sudden what was a secluded back porch might be visible out the main window of the accessory dwelling. On the other hand, in creating an accessory unit, the homeowners themselves are purposely allowing another household to live in extremely close proximity.

Increase in noise and crowding

Neighbors of educational institutions often worry that students will inundate the area if accessory apartments are allowed, over-occupying apartments to cut down on costs, and throwing loud parties or being disrespectful of the existing neighborhood milieu. In some ways, this fear of noise and crowding is simply one specific instance of the “threat of outsiders” argument mentioned above.

Increase in traffic congestion and parking needs

Creating an accessory apartment will definitely increase the number of people living on a block, and might also cause an increase in the number of cars. With more cars, street traffic may increase, and more parking areas will certainly be needed. Parking

might be accommodated on the street, or in new off-street parking areas created on properties with accessory dwellings. Either option may be problematic for neighbors concerned about local parking capacity or aesthetics.

Threat of more school-aged children

Creating additional housing, in the form of accessory dwellings, may increase the number of school-aged children residing in a neighborhood. Schools are among the most expensive services a municipality provides, so governments and tax-payers alike worry about rising school enrollment.

The actual impact of any of these factors on home value is not clear, for either the value of the home with the accessory dwelling or for that of neighboring properties. Boston-area realtors informally suggest that accessory dwellings have no effect on home price, and that they periodically have clients searching specifically for a home that already has an accessory dwelling or could be easily converted to accommodate one (Kussin 2009, McKenna 2009). In contrast, hedonic modeling suggests that having an in-law apartment may lower a home's value by about 5% (Sirmans and MacPherson 2003), which is in line with other research showing that some home "improvements" actually detract from its resale value (Lang 2005, cited in Tyre 2008). A commonly-cited parallel is the installation of a swimming pool: while some might think a pool is an amenity that will increase a house's resale price, it in fact makes it more difficult to sell, causing the price to fall instead. Still, it is impossible to tell which of the listed arguments against accessory dwellings actually impact home value versus those that are perceived to affect value, but really do not. Perceptions, though, may be as important as reality in this situations, because as whether a resident is correct or incorrect in their belief that accessory dwellings will have a negative effect on home prices, that belief still provides a basis for opposing their creation. And finally, the effect accessory dwellings have on home prices may vary significantly by location, making it even more difficult to assess.

Rather than lingering on the arguments for and against accessory dwellings, this analysis hereafter turns to the task of actually creating accessory dwellings. The arguments are already well-documented elsewhere, and thus it is only by working towards improving strategies for implementation that more units will actually be created. Yet the many factors just discussed in the debate around accessory dwellings cannot be completely divorced from the implementation question. They must be understood for their influence on the various parties involved in creating accessory apartments, and particularly the homeowners who make the final decision about building one.

ANALYSIS

3. Getting from bylaws to buildings

Perhaps the best way to move from debating accessory dwellings to creating accessory dwellings is to look at the examples set by municipalities that have successfully implemented strategies for encouraging their creation. This chapter presents programs in Barnstable, Massachusetts and Santa Cruz, California that have successfully encouraged the creation of accessory dwellings, and then extracts and describes the four primary enabling strategies for creating units. The remainder of the analysis section then considers how these four strategies are being applied to specific towns in the Boston suburbs, and assesses the overall outcome of each place's approach to creating accessory dwellings in order to identify the remaining barriers to their production.

•• The challenges to implementation

Despite the many arguments for accessory dwellings, as described in the previous chapter, actually bringing them into existence is an entirely different matter. Like other forms of so-called "smart growth," it seems that we talk about them a lot more than we actually implement them (Downs 2005). Anthony Downs suggests, though the idea of avoiding sprawl through careful land use and growth policy is generally appealing in the abstract, actually adopting the policies needed to do so

requires giving up long-held preferences for low-density development and local control of land use that Americans are reluctant to relinquish (2005). Other research suggests that impediments to smart growth include existing models of zoning, social acceptance of separation among socio-economic groups, a lack of education about smart growth, and the higher short-term costs of smart growth versus conventional development (Warbach et al 2004).

Accessory dwellings, as a specific tool for accomplishing smart growth, certainly share these general barriers, colliding with them at all stages of local engagement with accessory dwellings, from town meeting to backyard conversations. The barriers are perhaps the most visible during the process of crafting and approving an accessory dwelling bylaw, but given that nearly three-quarters of the towns in the Boston metro area already have passed a bylaw allowing accessory dwellings to some degree, it seems that the more pressing issue is to determine how to move beyond bylaws to actual buildings. This analysis pays special attention to the process of growing the number of accessory dwellings after they are legalized in both the precedents and cases discussed later, eventually identifying the remaining layer of barriers to their creation.

This focus on implementation, rather than legalization, is supported by the literature. In most circumstances, land use regulation is not enough to change densities or uses against the desire of the market (Levine 2005). As accessory apartment expert Patrick Hare noticed two decades ago, production of new accessory dwellings does not jump as soon as a bylaw legalizing them is passed (1989). Clearly, zoning bylaws that allow accessory apartments are a necessary, but not sufficient, component of creating accessory dwellings. Though in some ways, separating bylaw from building is a false act—the requirements set out in the bylaws often determine the feasibility of a homeowner going forth with the actual building—it does seem important to recognize this disjuncture given that more and more municipalities have passed bylaws yet then fail to generate any change in the rate of accessory apartment creation.

In the following two precedent studies, both Barnstable and Santa Cruz have developed strategies for overcoming the barriers to smart growth and accessory dwellings in order to increase creation of accessory apartments. These techniques are first described in situ, and then generalized into four main approaches to encouraging the creation of accessory apartments.

•• **Accessory success: precedent studies**

Communities that have successfully incorporated substantial quantities of accessory dwelling units into their housing stock are few and far between. Conversations about accessory dwellings in Massachusetts invariably wind their way to the topic of Barnstable, a town on Cape Cod that has developed an accessory apartment program allowing for both new and existing units to be added to the town's affordable housing stock. At a national scale, California and specifically the city of Santa Cruz are widely associated with accessory dwellings. California first promoted accessory apartments with their 1982 Second Unit Law, followed by a more recent bill passed by the legislature in 2003 requiring localities to allow accessory dwellings by right, rather than conditionally, which forced all applications to go through the onerous special permitting process (Center for Housing Policy 2009). Though Santa Cruz developed its Accessory Dwelling Unit Program before this more recent bill, the city is still associated with the state's open stance towards non-traditional housing types. Valuable lessons in implementing accessory dwellings can be gleaned from the experiences of both Barnstable and Santa Cruz.

BARNSTABLE, MASSACHUSETTS

On Cape Cod, Barnstable has about 50,000 year-round residents and nearly 150,000 seasonal residents (Town of Barnstable 2008). Like many other Massachusetts towns,

Barnstable experienced a rapid rise in home values that was not matched by an increase in income during the late 1990s; at the same time, off-Cape residents were purchasing many single-family houses in Barnstable as vacation homes. New development in the area is quite restricted due to the fragile environment and limited drinking water, and thus home and rental prices have been driven well beyond affordable. At the beginning of the decade, only 5.1% of Barnstable's housing units were deemed affordable. (Affordable rent, as defined by Massachusetts' Chapter 40B Comprehensive Permit Law and "fair share" affordable housing regulation, costs no more than 30% of the gross household income for a household at or below 80% of the area median income.) Addressing this pending housing crisis head-on, the Barnstable Town Council approved an ambitious Affordable Housing Plan in 2001 with the ten-year goal of producing 1,000 units of affordable housing. An accessory apartment amnesty program had been in place since the year before, and was quickly identified as a key component of the new Affordable Housing Plan (Town of Barnstable 2003). Barnstable's approach to accessory dwellings is clearly from the standpoint of affordability.

Barnstable's Accessory Affordable Apartment Program began in 2000 as a device for granting amnesty to existing, illegal accessory apartments so they could be added to the count of affordable units in the town. In 2002, it was expanded to allow for the creation of new accessory apartments in either attached or detached structures. As a HUD-designated entitlement community, Barnstable receives a \$75,000 annual grant to support the program. The program coordinator helps property owners determine their eligibility, assemble application materials, coordinate the application processing, and request up to \$5,000 in eligible expenses if rehabbing an existing apartment to bring it up to code (Cape Cod Commission 2008, Town of Barnstable 2009a). In return, the property owner registers for a deed restriction guaranteeing that the property will remain affordable to residents beneath the state-designated income cut-off of 80% AMI. For the Town, the key step is then for the deed restriction and other requirements to be recognized by DHCD so the unit can be added

to the state's Subsidized Housing Inventory (SHI) and officially count towards the goal of 10% affordability, thus tying the Accessory Affordable Apartment Program into meeting overall affordable housing goals.

Approximately 125 affordable accessory apartments have been created via the program (Town of Barnstable 2009b), comprising over a tenth of Barnstable's 1,000 unit goal. This accomplishment has been recognized by towns all over Massachusetts, many of which aim to emulate the success of Barnstable but end up finding the affordability requirements too restrictive to get units listed on the SHI. Even other towns on the Cape have failed to meet anything close to Barnstable's rate of installation. Possible reasons include a lack of town resources, poor enforcement of zoning requirements, the stigma of affordable housing, and lack of economic gain by working within the system (Parry 2004). Still, Barnstable's flurry of accessory apartments has garnered regional attention (Cape Cod Commission 2008), and even national recognition as a case study by the U.S. Department of Housing and Urban Development (2008).

Lessons learned

- Barnstable's existing stock of illegal accessory units helped pave the way for the success of the program, which grew much faster on the amnesty side than the new apartment side. The expense of upgrading an existing unit is much less than creating a new one (whether borne by the homeowner or by a program-administered grant or loan). Also, neighbors were presumably more accepting of existing apartments than new ones. Additionally, in requiring existing units to be legalized through the program or shut down, the town gained a point of leverage over the homeowner. This is a clear example of the power that can come from enforcing accessory dwelling regulations for existing units, something that occurs infrequently in most towns.
- Outside funding to support the handholding program, and particularly the position of program coordinator, made the effort financially viable from the

town's perspective. Otherwise, the number of units created may not have been worth the human and financial resources spent on the initiative.

- Tying the accessory dwelling initiative to affordable housing goals clearly served Barnstable well. However, many other Massachusetts municipalities that have done the same have been unsuccessful in getting units officially counted on the Subsidized Housing Inventory, if any new ones are created at all. The reasons for this are unclear—Barnstable's program may be better-administered and have more accessible funding than others, the threat of condemning existing units may have caused homeowners to respond strongly, or Barnstable may have gotten special consideration from the DHCD as the first town to try to count accessory dwellings as affordable. Whatever the reason, it is curious that Barnstable's success has not been replicable.

SANTA CRUZ, CALIFORNIA

At the beginning of the decade, the city of Santa Cruz, California was faced with a severe shortage of affordable housing (Bernstein 2005, Berg 2008). Ongoing expansion of the University of California at Santa Cruz combined with the growth of nearby Silicon Valley had driven up home prices and the community of about 55,000—which has long valued diversity—worried that current residents would be forced out and that Santa Cruz would become yet another homogenous, wealthy, California bedroom community. Already, elementary schools had closed, indicating the inaffordability of housing to families with children (Berg 2008).

The Santa Cruz City Council took this risk seriously, and quickly initiated a study to look into ways to reintroduce more affordable housing in order to maintain diversity, eventually settling on accessory dwelling units as a promising way to do so. Accessory apartments were a good fit for Santa Cruz because the City was already accustomed to rental housing (53% of the City's recognized housing units were rental),

and had a building stock well-suited to accessory dwellings (there were already a number of illegal accessory apartments, typically rented to students). Furthermore, residents were committed to the community and to maintaining its diversity to the greatest extent possible, and were willing to make changes personally in order to do so (Berg 2008).

In 2002, the City Council changed the zoning ordinances to reflect the commitment to accessory dwellings, loosening the existing bylaw particularly by adjusting parking requirements to reduce the need for on-site covered parking structures (Berg 2008). The City's encouragement of accessory dwellings would have rested with this zoning change and some financial assistance if it had not been for the vision of the California Pollution Control Financing Agency (CPCFA), which recognized infill development, including accessory dwellings, as ultimately an energy issue, and hence provided a \$350,000 grant through their Sustainable Communities Grant and Loan Program that was used for community outreach and technical assistance programs to further enable accessory dwellings. The final form of Santa Cruz's Accessory Dwelling Unit Program, supported in large part by the CPCFA grant, had five components (City of Santa Cruz 2003, Berg 2008):

- *Zoning changes*
City Council initiated a revision to the zoning bylaw to make it easier for Santa Cruz residents to create legal accessory dwellings. Specifically, the revised bylaw removed some of the parking requirements for accessory units and reduced building fees, yet was still carefully designed to minimize potential adverse impacts of accessory dwellings.
- *Community outreach*
Education efforts made by the Santa Cruz Planning Department, and specifically its housing division, focused on personalizing the idea of accessory dwellings, emphasizing that they are homes for real people, not just density for the sake of density. Reciprocally, workshops and outreach sessions were

an opportunity for the City to really listen to community concerns about accessory dwellings, often leading to simple yet effective adjustments in the bylaws or program.

- *Design prototypes*

Twelve accessory dwelling design typologies are an important component of the Santa Cruz Accessory Dwelling Unit Manual. The typologies have been expanded into City-approved design prototypes that homeowners can use rather than relying completely on hired designers. Pre-approval also cuts several steps out of the permit review process.

- *Technical assistance*

Santa Cruz's Accessory Dwelling Design Manual provides a great deal of technical and practical guidance to a homeowner building an accessory dwelling. In addition, the City's Building Department provides significant review of plans and the Planning Department offers a \$100 grant that homeowners can apply to professional consultation with designers or contractors.

- *Financial assistance:*

Originally, existing city programs were combined with an additional loan option through the Santa Cruz Community Credit Union. The specifics of financial assistance have changed over the life of the program.

Although the multiple program components all fed off of one another, the community outreach component was what made the difference in actually getting more accessory dwellings built, according to the manager of Santa Cruz's Housing and Community Development agency (Berg 2008). Community meetings and newspaper articles helped explain that accessory dwellings were not just more density for the sake of density, but would actually make a difference at a personal level, as a way to provide housing for parents or children, or to bring in additional income to help support mortgage payments and taxes (Berg 2008). These meetings were also a venue for listening to community concerns around accessory dwellings, and then

begin to respond. For instance, people were worried about their own privacy if a neighbor were to build an accessory dwelling at the edge of their lot. This led to setback requirements as well as directives on positioning accessory dwelling doors and windows towards the primary dwelling, so that any encroachment on privacy would be felt by the owners rather than neighbors (Berg 2008).

All in all, Santa Cruz's Accessory Dwelling Unit Program has been a success. It was awarded the American Planning Association's 2005 Outstanding Planning Award for a Program (Andrews 2008), but more importantly, the program helped Santa Cruz go from less than ten permit applications for accessory dwelling construction in 2001 to over fifty applications in 2007, with accessory dwellings making up the majority of building projects in the city (Berg 2008). Also, the program is very transferable; communities up and down the west coast, and as far away as New England, have looked to the Santa Cruz's Accessory Dwelling Unit manual and program as examples.

Lessons learned

- The absolutely critical base conditions for accessory dwellings to take hold were a real (and readily apparent) housing crisis and the community's underlying commitment to maintaining a diverse population and willingness to take a long-term perspective on housing. Success also depended to a degree on timing and the fortunate confluence of actors.
- Both the City Council and the CPCFA needed strong forward vision and risk-taking capacity in order to agree to the investment of time, money, and staff that was required to make the program a success.
- The accessory dwelling unit zoning ordinance had to be carefully worked out to reduce impact on neighbors and to require owners to be accountable for managing the impacts of the accessory dwelling they create.
- While all the program components build on each other, community outreach was perhaps the most important as it communicated to residents that

accessory dwellings are about building homes, not just about adding density. This shift from the abstract to the real must take place in order to diminish resident opposition to accessory dwellings.

- **Getting from bylaws to buildings:
major strategies for encouraging accessory dwellings**

The many techniques used by Barnstable and Santa Cruz can be distilled down to four primary strategies for encouraging accessory dwellings. Between the two precedents, all of the strategies come to play—providing funding, tying to other initiatives, handholding programs, and revising bylaws—and both programs demonstrate the positive results that can come from having all these pieces in place. The various strategies merge with and feed from one another in a manner that makes the overall programs much richer than the sum of the individual strategies that go into them.

Tying to other initiatives

This typically involves introducing accessory apartments as a specific strategy for addressing a larger community (or even statewide) goal, often increasing the amount of affordable housing, encouraging infill development, or allowing for the preservation of historic dwellings. Pulling accessory apartments into a larger initiative can provide visibility and funding to help with their creation, though can sometimes complicate the actual implementation process by instituting additional restrictions or requirements. Homeowners can benefit from this sort of bundling when it actually makes them aware of accessory apartments or serves as a source of financial help. But more often, the narrowed purview of accessory apartments seems to actually deter their construction.

PRECEDENTS: In both cases, the push for accessory dwellings came from a strong demonstrated need for more affordable housing. For Barnstable, the affordability

motivation was both explicit—the statewide Chapter 40B requirements and Barnstable’s ability to tie their accessory apartment program in to meeting their quota—and implicit—the need to house the service and hospitality workers who support the area’s tourism-based economy—and resulted in linking the program to Chapter 40B. Similarly, Santa Cruz appealed to the area’s need for housing, but also gained necessary funding from linking accessory dwellings to the statewide focus on infill development for reducing future transportation needs.

Providing funding

This could involve free assistance with the development process, subsidized permitting fees, or low-cost loans or even grants of varying sizes to finance an accessory dwelling project. The source of these funds is typically quite important, as it may require various limitations to be placed on the uses or recipients of the funds. Also, marketing efforts to educate residents about the availability of money and simplified application procedures for financial assistance seem to increase the use of such programs. For the homeowner, both the accessibility of these funds as well as the flexibility in how they can be used are critical.

PRECEDENTS: The funding for both programs grew out of their ability to tie in to other initiatives—affordable housing in the case of Barnstable, and infill development for Santa Cruz. While this funding helped make the creation of accessory apartments more economically feasible for homeowners, it seems that it was more important for enabling the existence of educational and handholding programs.

“Handholding” programs

Recognizing how difficult it can be to navigate the many rules and regulations around creating an accessory apartment, a handholding program matches homeowners with advocates or “handholders” who guide them through the process. Handholding efforts are often combined with a funding program or are available when accessory apartments are tied to other initiatives. This sort of service can be particularly

helpful to elderly homeowners, first time homeowners, or homeowners who otherwise need extra guidance and decision-making support.

PRECEDENTS: For both Barnstable and Santa Cruz, the effort to connect directly with homeowners and provide them with support seemed to be the critical component of their affordable apartment programs. Some of these efforts fall under the handholding strategy, while others are more broadly a form of community education and outreach. Dedicated staff members not only helped individual homeowners negotiate creating and legalizing apartments, but also added stability to the overall effort.

Revising bylaws

Making changes to bylaws can happen incrementally, with small changes every year, or suddenly with a drastic revision to the bylaw. The success of the revising bylaws strategy depends on the nature and intent of the changes, and on how much conditions have (or have not) changed since the bylaw was first adopted: is there now reason to be more permissive of accessory dwellings? Depending on the nature of the changes, homeowners could benefit significantly from this, as it would likely tip the cost-benefit balance further in their favor. However, experience has shown that bylaw revisions work much more effectively when tied with other strategies such as handholding or providing funds.

PRECEDENTS: Both Santa Cruz and Barnstable made significant changes to their accessory dwelling bylaws around the start of their programs. The revisions generally loosened the restrictions around creating accessory apartments, and were necessary, but not sufficient, for the success of the overall accessory apartment initiatives.

A final observation on these two precedent cases is that Barnstable and Santa Cruz each faced some sort of outside threat to their existing communities and housing

stock prior to introducing their accessory apartment development programs. In Massachusetts, this took the form of off-Cape vacationers buying single-family homes in Barnstable and driving up local housing prices. In California, it was the wealth of Silicon Valley spreading out and threatening the ongoing affordability of living in Santa Cruz. Both situations suggest that the functioning of the regional housing markets must be taken into consideration when thinking about accessory apartment programs. Also, it raises the question of whether some sort of common fear is necessary for a community to pull together enough to allow for an increase in accessory apartments—a process that in most other situations receives so much opposition it is effectively shut down. While the residents of the suburban Boston towns presented in the next chapter's cases do not face a uniform affordability threat, one wonders whether the changing demographics will eventually create enough of a crisis around elderly housing to break down some of the opposition to accessory apartments.

The next chapter presents case study analyses of three Boston suburbs' current approach to accessory dwellings. In analyzing their comprehensive plans, zoning bylaws, and resident involvement, the discussion strives to reach a detailed understanding of the various barriers in existence and efforts that have been made to overcome them. With this in place, the final section of the investigation will suggest next steps forward for each and make general recommendation on actions planners can take to encourage the creation of accessory dwellings.

4. Debating and creating

The three cases in this analysis—Newton, Lexington, and Lincoln—have engaged with the idea of accessory dwellings to varying degrees. Their different approaches to accessory apartments follow elements of the four strategies described in the previous chapter (tying to other initiatives, providing funding, handholding programs, and revising bylaws), but each town struggles in a different way, helping to reveal the strengths and weaknesses of the strategies as well as the underlying barriers to the creation of accessory dwellings, and also giving rise to several possible manners of moving forward to support creation of these units.

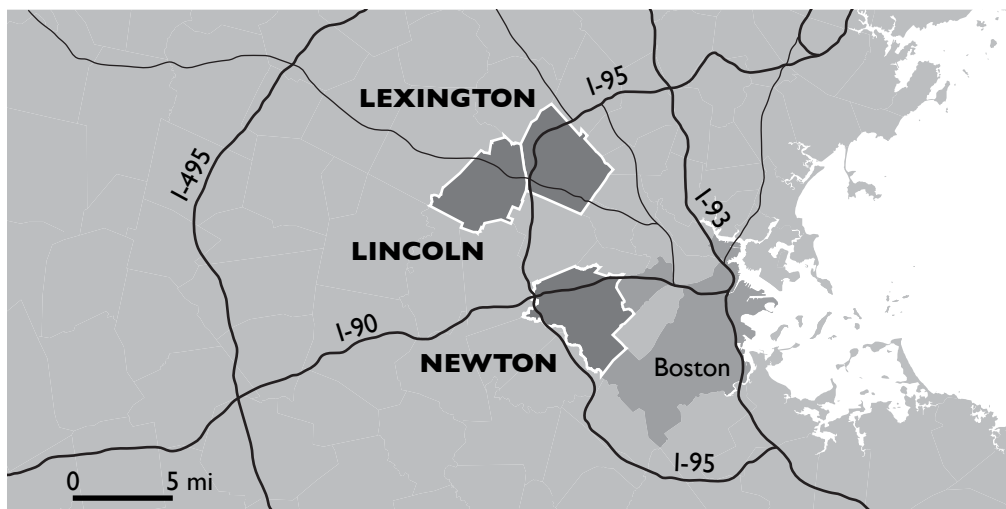


FIGURE 5. Greater Boston area, indicating locations of Newton, Lexington, and Lincoln

	Newton	Lexington	Lincoln
Population	83,271	30,332	7,994
Housing units	32,112	11,332	2,911
Population per square mile	4,613.4	1,849.5	556.3
Housing units per square mile	1,779.1	691.0	202.6
Assessed value single family	\$807,541	\$702,346	\$1,059,665
Average single family tax bill	\$8,043	\$9,109	\$11,466
Median single-family home sales price	\$760,000	\$700,000	\$1,045,000
Annual number of home sales	540	360	49
# affordable (SHI)	2,435	1,279	218
% affordable (SHI)	7.6%	11.3%	10.5%
Average hh size	2.54	2.71	2.8 f
% owner-occupied	70.6%	83.2%	61.3% (2000)
Median hh income	\$104,014	\$122,656	\$97,031 (f)
Residents below poverty level	4.7%	2.8%	0.8% (2000)
% land area residential	49%	44%	39%
Governance	Mayor, Aldermen	Town Manager, Selectmen, Representative Town Meeting	Town Administrator, Selectmen, Open Town Meeting

FIGURE 6. Comparison of basic indicators for Newton, Lexington, and Lincoln.

Sources: Massachusetts Department of Revenue 2009, The Warren Group 2009, Department of Housing and Community Development 2008, American Community Survey 2007, City-Data.com 2009, U.S. Decennial Census 2000b, City of Newton 2002, Town of Lexington 2002b, Town of Lincoln 2008a

•• **The Boston area housing market**

The three suburbs studied as part of this investigation fall within the greater Boston housing market, and thus it is important to have a basic understanding of regional housing dynamics. Nearly 4.5 million people live in the Boston Metropolitan Statistical Area (reaching from New Hampshire to Connecticut, and including Worcester and Lawrence), making it the tenth-largest in the country. Population of the region

has increased approximately 1.8% since 2000, though the number of households has remained relatively constant. The Boston economy has grown as well, with a 2.4% increase in employment and a 5.6% increase in median household income (U.S. Department of Commerce 2009). This suggests an overall growth in housing demand, though variations in income growth between homeowners and renters, as well as a shift in tenure choice towards owner-occupied housing suggests that this increase in demand has been primarily on the ownership side of the housing market. Regarding tenure, about 38% of the area's 2.2 million housing units were renter-occupied in 2000 (U.S. Decennial Census 2000b).

On the supply side, the total number of housing units increased 2.9% from 2000 to 2006, though the actual number of occupied units remained about the same, meaning a drastic increase in vacancy rates, perhaps from foreclosures. Still, median rent prices rose by 16.3%—much faster than income, though more slowly than the median owner cost of housing including mortgage, which rose 21.7%. This suggests that supply could not keep up with demand for shelter, but that much of this was due to housing valuation.

•• **The significance of inner-ring suburbs**

Inner-ring suburbs are an important setting to consider for accessory apartments because they are mostly built out and pose numerous barriers to larger-scale infill development (Farris 2001), yet have market demand for more housing and still have capacity for increased density. Within the greater Boston housing market, some of the demand to live in suburbs such as Newton, Lexington, and Lincoln comes from their easy access to downtown workplaces and cultural institutions, strong school systems, and desirable sense of community. Also, these inner-ring suburbs are dominated by single-family housing, which has been identified as the most conducive type of structure for creating accessory dwellings (Gellen 1983). However, the

current state of the housing market along with the demographic changes and evolving household structure discussed in the context section mean that more affordable housing options are necessary, and that there need to be reasonable rental opportunities for those who might not be well-suited to home ownership.

Additionally, it is important to think about how to encourage accessory dwellings in suburbs for the challenge it poses. Established single-family suburbs have slow turnover in housing stock and less development in general than center cities that already have a large proportion of multi-family housing and a greater mix of housing types, or brand-new subdivisions that do not have constituent homeowners opposing growth. The suburbs considered in these cases also are on the wealthier end of the spectrum, meaning that many homeowners are well-educated and empowered, but possibly more likely to have a knee-jerk reaction to any change that could affect the value of their home and encroach on the many benefits that are felt to be included in the purchase price of a single-family property (Tanner 2009). Between the slow rate of development and the potential for strong homeowner opposition, inner-ring suburbs may be among the most difficult types of environment in which to encourage accessory dwellings. While the challenge of developing a successful accessory dwelling creation program in single-family suburbs is great, it opens the opportunity to come up with creative ways of addressing the implementation question that can then be transferred to similar cities or adapted to other environments.

•• **Engaging with accessory dwellings: case studies**

NEWTON, MASSACHUSETTS

Newton was among the earliest Boston suburbs to develop, beginning as a farm community with a few town centers and growing through the 1900s to the present-day city of about 90,000. The city is now organized into about 15 villages, and is known for its suburban character including good schools, large homes, and open

space. Just 8 linear miles from downtown Boston, Newton is easily accessible by both public transit (express bus, commuter rail and the T) and car (the Massachusetts Turnpike). Residents of Newton are among the wealthiest of the Boston metropolitan area with a median household income above \$100,000 per year. However, Newton's population is aging with significant drops in the number of 20–34 year olds and increases in the number of 45–60 year olds. Also, average household size dropped about 3.5% from 1990 to 2000, with a 20% increase in the number of one-person households (MetroBoston DataCommon 2008).

Newton is a primarily residential community, with over half its housing stock consisting of single-family, detached dwellings. Another quarter of homes are two-family dwellings, while the remainder are multi-family (City of Newton 2007). With its convenient location, many amenities, and limited opportunity for further growth, it is not surprising that Newton's housing stock is highly valued. In 2007, the median value of an owner-occupied home was just under \$700,000. This is consistent with the 2008 median sale price for single-family homes of \$760,000 (The Warren Group 2009). About 1,000 (3%) of Newton's 33,000 housing units changed hands in 2008. Approximately 70% of housing is owner-occupied, with the remainder is rented (American Community Survey 2007). Newton falls below the 10% "fair share" requirement for affordable housing set by the state, and is thus required to submit to the comprehensive permitting process that streamlines mixed-income and affordable housing development. The combination of an aging population, shrinking household size, development already near the zoned capacity, and lack of affordable housing, suggests that Newton is a place where there could be strong demand for accessory apartments.

Newton's approach to accessory dwellings

At first glance, Newton seems to have embraced accessory apartments as a viable component of the City's housing strategy. On the whole, Newton's comprehensive plan acknowledges that some growth is inevitable, and that growth needs to be

guided to best suit the interest of the city and its inhabitants. The plan cites a need to protect truly affordable housing in order to maintain a diverse community, and recognizes that there is little vacant land that can be utilized to do so. Thus, one of the city's main strategic approaches to housing is to use the existing housing stock more efficiently through accessory apartments and other techniques for increasing density (City of Newton 2007).

Accordingly, accessory apartments have been allowed in Newton for several decades, and the zoning bylaw was amended in the mid-1990s to both provide for creating new accessory apartments by right or by special permit, and to allow the legalization of existing but un-reported accessory apartments (Molinsky 2009). Though the bylaw does exist, it purposefully sets up strict limitations and requirements for accessory apartments in order to ameliorate aldermen who would have otherwise blocked its passage. These restrictions are listed in Figures 7 and 8, and described further in the discussion of the Accessory Apartment Incentive Program, below.

Since 1995, Newton's Inspectional Services Department has granted 36 permits for accessory apartments. Of these, 8 were pre-existing units that were legalized, 5 were as-of-right new units, and the remaining 23 were new units allowed by special permit (City of Newton Planning Department 2009). The total population of legal accessory apartments in Newton is unknown, and interviews suggest that there are around 1,000 informal accessory apartments in the City.

This summary of Newton's accessory apartment bylaw makes clear the many barriers to creating these units, particularly lot size requirements, the limit of just one accessory apartment per lot, and dimensional restrictions placed on the unit itself. The following table (Figure 7) details the dimensional requirements as set out in the bylaw. The maximum building size (including accessory dwelling) varies with the lot size, though exceptions to the standards can be allowed through the special permit process. According to the assessor's database, only 4,000 of Newton's 32,000 lots

NEWTON'S ACCESSORY APARTMENT BYLAW

Source:

The Revised Ordinances of Newton, Massachusetts, 2006
30-8(d) Use Regulations for Single Residence Districts

Date adopted:

Original date unknown. Significant revisions made c. 1995.

Definition of accessory apartment:

A separate dwelling unit located in a building originally constructed as a single family dwelling or in a detached building located on the same lot as the single family dwelling, provided that such separate dwelling unit has been established pursuant to the provisions of section 30-8(d) and 30-9(h) of this ordinance.

Method:

- 1) Review of accessory apartment petitions (RAAP, by-right)
- OR
- 2) Special permit (allowing a bit more flexibility for the owner, but requiring review by the Newton Board of Aldermen)

Pre-existing apartments:

Deemed lawful if homeowner can prove existence prior to December 31, 1979 and the apartment fulfills all the current requirements for accessory apartments, other than the size restrictions.

Restrictions and requirements:

Lot or zoning standards:

- Single-family zoning—main dwelling must be owner-occupied single family dwelling
- Multi-family zoning—lot must already have two units (cannot add an accessory unit to a lot zoned for multi-family but with only one built dwelling)
- Maximum of one accessory dwelling per lot

Occupancy requirements (owner and renter):

- No lodgers in either dwelling unit (a lodger lives and sleeps in the space, but lacks cooking facilities)

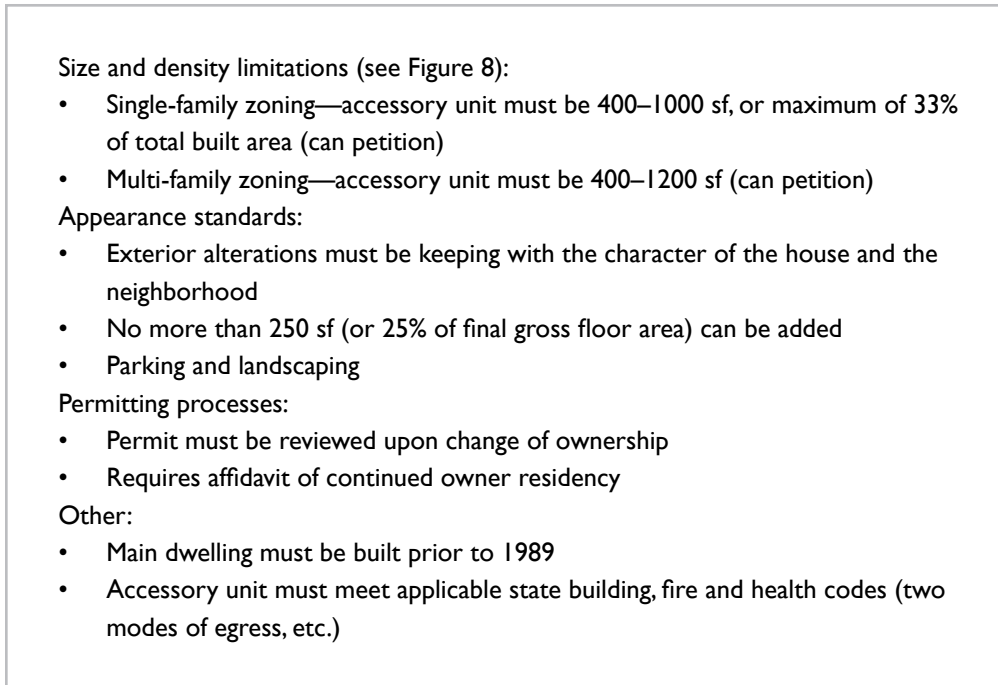


FIGURE 7. Summary of Newton’s accessory apartment bylaw.
Source: City of Newton 2006

qualify for the by right Review of Accessory Apartment Petition process. Of these 4,000 lots, an estimated 3,500 (barely 10%) fulfill overlay zones and building size requirements as well (McCormick 2007a).

Since Newton’s accessory apartment bylaw was significantly revised in 1995, several efforts have been made to encourage their creation and use—the Accessory Apartment Assistance Project in the 1990s to provide assistance for elderly homeowners wishing to create accessory apartments, two iterations of the Accessory Apartment Incentive Program from 2006–2008 to provide financial support and assistance navigating the permitting process, and an upcoming attempt to revise the accessory apartment bylaws to make creating an accessory apartment more feasible.

	Lot size (sf)	Building size (sf)
Single Residence 1		
RAAP*	25,000	4,000
Special permit	15,000**	3,200
Single Residence 2		
RAAP	15,000	3,100
Special permit	10,000**	2,600
Single Residence 3		
RAAP	10,000	2,500
Special permit	7,000**	1,800
Overlay A		
RAAP	43,500	4,400
Special permit	15,000**	3,200
Overlay B		
RAAP	16,000	3,600
Special permit	10,000**	2,600
Overlay C		
RAAP	10,000	3,100
Special permit	7,000**	1,800
Overlay D		
RAAP	30,000	4,000
Special permit	15,000**	3,200**
Legal non-conforming 2-family in Single Residence 1, 2 or 3		
Special permit	25,000**	2,600
Multi-Residence 1 or 2		
RAAP		
Special permit	8,000	2,600

* RAAP stands for Review of Accessory Apartment Petitions, a by right permitting process that enables homeowners wishing to build an accessory apartment that fall within all of the existing guidelines to submit a streamlined application, rather than going through the special permitting process.

**If building constructed on lot created prior to December 7, 1953.

FIGURE 8. Newton's accessory apartment bylaw dimensional requirements.

Source: Table 30-8 Dimensional Requirements for Accessory Apartments (City of Newton 2006).

Accessory Apartment Assistance Project (c. 1997)

This program grew out of a study done in conjunction with Boston University in the late-1980s that looked at elders' housing needs and preferences in Newton and showed significant interest in accessory dwellings as a housing option. The non-profit organization Cooperative Living of Newton (CLN) ran the project, which supplied interested individuals with information about accessory apartments, and provided (for a nominal fee) a range of services: initial assessment, detailed assessment, preparing the zoning application, selecting a remodeler, finding financing, acting as developer, supervising construction, property management, and tenant selection (Accessory Apartment Assistance Project 1997). Though the program was able to help with some remodeling projects that created accessory dwellings, it was not successful in creating new apartments. Elderly homeowners were still worried about going in front of peers at a zoning hearing, the cost of creating an apartment, and navigating the regulatory requirements (Robinson 2009). The first two of these concerns was addressed nearly a decade later in the next iteration of a "hand-holding" program in Newton, the Accessory Apartment Incentive Program.

Accessory Apartment Incentive Program (2006–2008)

The Accessory Apartment Incentive Program (AAIP) was initiated to encourage the creation of accessory apartments while trying to isolate the reasons for their slow adoption in Newton. It had a broader target audience than the earlier Accessory Apartment Assistance Project, which focused on elderly homeowners. The AAIP had a budget of \$90,000 to supply homeowners with grants or loans to help create an accessory apartment, provided the homeowner earned less than 150% of the area median income, and was willing to put a deed restriction on the apartment guaranteeing it would be leased at an affordable rate. This funding was complemented by significant administrative assistance to homeowners going forth with creating an accessory dwelling.

The program had limited money for advertising, but was able to spread news of its existence through the local newspaper, notices at the grocery store, radio interviews, public meetings, and other straight-forward means (McCormick 2009). Over 350 people contacted the AAIP within the first 16 months of its existence, but no one actually enrolled in the program, either because their property was not eligible or because in learning more about the program they found the affordability requirement too restrictive or had other conflicting interests (Figure 9, McCormick 2007b).

When the AAIP was renewed in 2007, the financial element was simplified to incorporate only loans, rather than grants and loans as in the original version of the program, but this change still did not elicit further participation. About a half-dozen accessory apartments were permitted in Newton outside of the AAIP while the program was in existence. The local housing advocacy group, Uniting Citizens for Housing Affordability in Newton (UCHAN) worked with the AAIP to review the

Over 350 Newton residents contacted Community Living Network about the AAIP through email, telephone, or in person.

Of these, 245 also gave their address of the property where they wanted to create an accessory apartment. Below are reasons why some of these properties were not eligible:

- 63 were lots that were too small for the zone that they were in
- 29 were single family houses in a multi-family zone
- 3 had a house that was built after 1989
- 9 were not owner occupied

Of those homeowners that were initially eligible, 74 responded on why they were not interested in the program:

- 38 felt the deed restriction was too restrictive
- 6 wanted to move into the accessory apartment and rent out the larger unit
- 7 wanted to do more new construction than was allowed
- 7 had building code or space issues that they could not resolve

FIGURE 9. Accessory apartment incentive program: summary of feedback as of July 5, 2007. Source: McCormick 2007b

reasons for the program's lack of success, and came to the conclusion that since financial assistance and administrative support were available through the program, but still no residents took advantage of it, restrictions in the bylaws were the main barrier to Newton homeowners creating accessory apartments (McCormick 2009). This led to the next major action to encourage accessory apartments in Newton—revising the zoning bylaws to be friendlier to accessory dwellings.

Proposed revisions to accessory apartment bylaw (2009)

Seeing that the financial and administrative assistance available through the AAIP was not enough to induce homebuyers to create more accessory apartments, several changes to the accessory dwelling section of the zoning bylaw are being put before the Board of Aldermen, as recommended by UCHAN and the AAIP:

- Allow the homeowner to live in either the primary or secondary dwelling, rather than just the primary dwelling as at present.
- Allow accessory apartments to be created in existing single-family houses within a multi-family zoning district, rather than just on existing two-family houses as at present.
- Allow accessory dwellings to be added to homes built at least 10 years prior to the application, rather than before a specific date (January 1, 1989) as currently required.
- Reduce the requirement for additional screening of parking spaces to match the standards for all dwelling units, rather than increasing the standard for accessory apartments.
- Change lot size and building size requirements so more properties are eligible for accessory apartments.
- Allow further exterior alterations to the dwelling, as long as the dwelling remains within the FAR requirements.
- Allow for the primary dwelling to be rented out at times when the acces-

sory apartment is not occupied, rather than requiring that any dwelling with an accessory apartment be permanently owner occupied.

- Allow lodgers in a dwelling where an accessory apartment is being created. (McCormick 2007a)

The outcome of this proposal is yet to be determined.

This series of initiatives in Newton covers all four of the major strategies for encouraging the creation of accessory apartments: providing funding (AAIP grants and loans), tying to other causes (AAIP tie to affordable housing), handholding (AAAP and AAIP staff) and now revising bylaws to make them more permissive of accessory apartments. Beyond these specific actions to encourage accessory apartments, Newton benefits from an unusual degree of citizen interest and advocacy in local housing efforts. Newton residents are quick to recommend additional contacts, and clearly have built a network of volunteers around accessory apartments and other housing issues. As alluded to above, several locally-organized non-profits have been particularly engaged in encouraging accessory dwellings—Uniting Citizens for Housing Affordability in Newton (UCHAN), Cooperative Living of Newton (CLN), and the League of Women Voters Housing Committee, among others. Also, accessory apartments have remained a topic of conversation for the Board of Aldermen, keeping them present in the City’s political landscape. Yet, despite substantial engagement with the idea of accessory apartments and significant effort towards encouraging their creation, Newton has not seen any degree of increase in their creation.

Discussion

Newton’s overall approach to accessory apartments has been focused on bylaws, rather than homeowner motivation, as the primary barrier to creating accessory apartments. Numerous sources explained that the AAIP was undertaken as an experiment, holding accessory apartment bylaws constant while testing whether removing cost and difficulty as factors (by providing grants and “handholding”) would

lead to more accessory dwellings. Seeing that the program produced no new accessory apartments, it was assumed that the bylaws themselves are still too restrictive, and attention has turned back to modifying them.

Data collected by the AAIP coordinator support this conclusion to a degree, with about 100 homeowners turned away because of bylaw-related issues (lot size, zoning, age of home), but only about 40 giving up the idea because of worry about the deed restriction required on any property assisted by the program. However, it still seems quite relevant that the deed restriction required by the program stood in the way of many accessory dwellings. If the deed restriction were not required (implying that the program would not have been tied to trying to create more affordable housing units in Newton), and even half the people turned away by the idea were to go through with creating an accessory apartment in the absence of such a deed restriction, there could still have been 20 new accessory dwellings over the 2-year course of the program's existence. Seeing as only about 6 were created outside of the program during this time, the program—adding just the “handholding” services, and not the financial support tied to affordability requirements—could have theoretically quadrupled the number of apartments created. This brief thought experiment suggests that it may be worthwhile to continue with handholding and financial assistance programs, but to work to make them less restrictive and more appealing to residents.

LEXINGTON, MASSACHUSETTS

Lexington is a small town perhaps best known as a Revolutionary War battlefield, but currently home to about 30,000 residents who enjoy its functional town center, its strong school system, and its neighborhood feel. It has long been tied to nearby Boston, first by a rail line connecting the two in 1846 and now by Route 2 and other local roadways. While many residents still commute to Boston and Cambridge for work, Lexington has built up its own employment base over the last couple of

decades, particularly with the rise of the Route 128 tech corridor. Residents of Lexington have a median household income of approximately \$122,500, double the state median of \$61,785. Furthermore, they have a very low poverty rate of only 3%. Lexington's demographics have been shifting, with a significantly higher proportion of residents over 45 years old than the state average, and smaller proportion of young adults (Town of Lexington 2002b).

About 44% of Lexington's land area is residential, containing 11,500 housing units that are 83% owner-occupied (Town of Lexington 2002b, American Community Survey 2007). The Town is close to being fully built out—the 1990s saw a net gain of only 50 housing units per year, and most homebuilding takes the form of replacing tear-downs or additions to existing homes (Town of Lexington 2002b). As of 2007, the median value of owner-occupied homes was \$677,200—slightly above that of Newton, and nearly twice the state median value of \$366,200 (American Community Survey 2007). Turnover is currently about 3.8% per year, with about 430 units changing hands in 2008 (The Warren Group 2009).

Lexington's approach to accessory dwellings

Lexington legalized accessory dwellings in 1983, at which point a rush of existing apartments were recognized as formal dwellings, but few new apartments were constructed (McCall-Taylor 2009). These original accessory dwelling bylaws were adopted with four objectives in mind:

- “Increase the number of small dwelling units available for rent in the Town;
- Increase the range of choice of housing accommodations;
- Encourage greater diversity of population with particular attention to young adults and senior citizens; and
- Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods.” (Lexington 2002a)

In the following years, city staff received inquiries about creating accessory apartments and spoke with homeowners about the possibility. Many of these conversations were with younger homeowners, and city staff soon realized that despite the original bylaw aiming to serve young adults and senior citizens, younger homeowners were having difficulty in creating accessory dwellings on their property (McCall-Taylor 2009). Also, data showed that only 30 accessory dwellings were permitted from 1990 to 2000, and about the same number the prior decade (Massachusetts Executive Office 2008). Accessory dwellings were being created at an average of only 3 units per year.

These observations were taken into consideration when the Town undertook the process of creating a new comprehensive plan in 2000. The Housing Element of the final plan, *The Lexington We Want*, identifies the goals of increasing social and economic diversity and meeting housing affordability needs for both low-income and middle-income households. The town recognizes that much of this must come through changes to the existing housing stock, rather than new construction and the plan's Implementing Actions include exploring ways to reduce the restrictions on creating accessory apartments (Town of Lexington 2002b).

Responding to the call of the comprehensive plan, Lexington's Planning Department and Planning Board constructed a revised accessory apartment bylaw that was adopted in 2005 (Figure 10). Though the new bylaw stated the same four goals as the original one, the changes to its content were intended to relax restrictions in order to encourage a greater rate of implementation. Specifically, the new bylaw allowed larger units—up to 1000 sf by right, or 40% of the total built floor area of both dwellings by special permit. Since the 2005 changes, there have been only four inquiries about creating accessory apartments and one permit application, which failed because the homeowner refused to comply with the size requirements (Henry 2009). Lexington's Planning Department has made some attempts at educating

the public about the option of accessory apartments, but has not employed any programs or strategies aimed at increasing the number of accessory dwellings other than amending the bylaw as just discussed.

LEXINGTON'S ACCESSORY APARTMENT BYLAW

Source:

Lexington Zoning Bylaw. Ch. 135: Zoning.

Date adopted:

Original bylaw adopted in 1983; revised significantly c. 2005.

Definition of accessory apartment:

A second dwelling unit subordinate in size to the principal dwelling unit on an owner-occupied lot, located in either the principal dwelling or an existing accessory structure. The apartment is constructed so as to maintain the appearance and essential character of a one-family dwelling and any existing accessory structures.

Method:

Attached accessory apartments are allowed by-right or special permit (depending on degree of change and size of apartment) in one-family dwelling and multi-family dwelling residential districts, as well as neighborhood business commercial districts. Detached accessory structure apartments are allowed by special permit in the same zones as well as two-family dwelling residential districts.

Pre-existing apartments:

Unknown

Restrictions and requirements:

Lot or zoning standards:

- No more than two dwelling units per structure or two dwelling units per lot
- By right—lot must be 10,000 sf
- By special permit—lot must meet minimum area set in the Schedule of Dimensional Controls, or specific dimensions set for accessory structure apartments

Occupancy requirements (owner and renter):

- Owner must occupy one of the dwelling units, except for temporary absences

- No boarders or lodgers in either dwelling unit (each unit must have kitchen facilities)

Size and density limitations:

- By right—apartment cannot exceed 1,000 sf, maximum of two bedrooms
- By special permit—apartment can be up to 40% of total dwelling floor area

Appearance standards:

- Must maintain the appearance and character of a single-family dwelling (stairwells must be within enclosure of main building, new entrances cannot be in the front)
- By right—no enlargements of main dwelling to accommodate apartment

Other:

- Dwellings must be connected to public water and sewer systems
- There must be at least two off-street parking spaces for the primary dwelling and one for the accessory dwelling, though a maximum of four outdoor parking spaces per lot; additional visibility and paving requirements
- Must meet applicable state building, fire and health codes (two modes of egress, etc.)
- By right—structure containing accessory apartment must have existed for 5 years

FIGURE 10. Lexington's accessory apartment bylaw.
Source: Chapter 135, Zoning (Lexington 2008).

Interestingly, Lexington has been selected as the suburban case study for the Massachusetts Smart Growth/Smart Energy Toolkit, an online resource designed to help with the implementation of smart growth and smart energy initiatives (Massachusetts Executive Office 2008). However, Lexington's Planning Department has expressed that encouraging accessory dwellings is not a priority, particularly with the economic downturn that has put stress on municipal finances (McCall-Taylor 2009). Accessory apartments are generally supported by both the Planning Board and the Lexington Housing Partnership, an advisory board to the town selectmen, but there is little advocacy around them in the community (Bicknell 2009, Wood 2009).

In general, the Town has a low tolerance for increasing density and adding to the diversity of housing options (Harden 2009, Henry 2009, Tanner 2009, Wood 2009).

This fear was consistently expressed in a couple of terms:

- “*We don’t want the floodgates to open.*”

Apparently, many residents carry the perception that if even the smallest amount of development is allowed, it will bring all sorts of growth to the town. Much of this is the fear of change—property values might drop, the neighborhood may lose its charm, there might be strange people on the streets.

- “*This isn’t Arlington...this isn’t Waltham...*”

Many residents see Lexington as a single-family, and perhaps even rural, enclave with a much more spacious and suburban feel than neighboring towns. Any proposal that might result in increased density and more multi-family housing, characteristics associated with nearby towns, is thought of negatively.

While neither of these perceptions are unique to Lexington, it was noticeable how repeatedly they both came up, whether in speaking with planners, residents, housing advocates, or developers.

Discussion

In comparison to Newton, where the primary perceived barrier to creating accessory dwellings was restrictive bylaws, homeowner motivation was spoken of time and time again as the major obstacle to creating accessory dwellings in Lexington. The Planning Director and head of the Planning Board claim that the bylaw is not much of a deterrent, and rather, that it is a matter of homeowners knowing that accessory apartments are an option and having a strong enough need for one to undertake the costly and time-consuming process of construction (McCall-Taylor 2009 and Manz 2009). This may be in part because residents are quite wealthy, so even if they have plenty of space for an accessory apartment, are not at all motivated by the need for

income, seeing no reason to trade it for their privacy (Tanner 2009). Add to that the responsibility of being a landlord, and there is even less motivation for a homeowner to create an accessory apartment for rental use (Bicknell 2009, Harden 2009). Anecdotally, most apartments that actually are built benefit the homeowner socially rather than financially—the apartment may be used for aging parents, for a caretaker, or even for a long-time resident who through circumstances could no longer live in her own home (Wood 2009).

LINCOLN, MASSACHUSETTS

With a population of barely 8,000, and only about 2,900 housing units, Lincoln is a much smaller and more rural town than either of the cases considered so far (U.S. Decennial Census 2000, a Town of Lincoln 2008a). It is a bit further from Boston than both Newton and Lexington, but still highly accessible to downtown via commuter rail and automobile, and known for its rural identity and small town character. Development in Lincoln is relatively spread out, without a clear town center. While this contributes to the pastoral landscape the Town and its residents value so highly, it also means that Lincoln is not built out to the maximum capacity allowed within current zoning regulations, suggesting future development pressure that will need to be directed towards the best interests of the Town (Town of Lincoln 2008a).

Homes in Lincoln are among the most expensive in the state; the median sales price for a single-family home has been over \$1 million for the last several years. About 39% of Lincoln's land (3,500 of 9,300 acres) is under residential use, and is almost exclusively single-family rather than multi-family (Town of Lincoln 2008a). Impressively, a nearly equal amount of land is held in conservation. Conserved land, along with residential lots that are typically 2 acres in size, both help to preserve the Town's character and ensure the continued health of its water supply, as Lincoln does not have municipal sewer services, instead requiring each property to have a septic system. However, conservation land and large lot sizes restrict the supply of

residential lots significantly. This limited supply, when coupled with the high level of demand for homes in Lincoln that only intensified during the last housing boom, has driven the rising home prices, and also contributed to the trends of teardowns and “mansionization” that have been replacing the Town’s smaller homes with much, much larger ones. It is unclear how this change affects the number of accessory apartments, but it does continue to decrease the supply of smaller and more affordable housing choices.

Recent data on household income are only estimates, but let it suffice to say that residents of Lincoln can be assumed to be quite wealthy. Still, Lincoln residents and planners consider the town’s high cost of housing to be the most pressing housing issue the town faces, and are particularly concerned about maintaining the diversity of both housing stock and residents, especially as smaller homes are replaced or enlarged, and about meeting the Chapter 40B target of having 10% of housing units be affordable (Scheff 2009, Frederickson 2009, Town of Lincoln 2003, Town of Lincoln 2009).

Lincoln’s approach to accessory dwellings

Since being legalized in Lincoln in 1972, accessory apartments have been thought of as a strategy for building low- and middle-income housing, yet have never taken strong hold in the Town. The accessory apartment bylaws were liberalized in 1978 and 1985 and then slightly modified at various points during the 1980s and 1990s to encourage the creation of accessory apartments for affordable housing. The current accessory dwelling bylaw allows a generously-sized apartment (Figure 11), yet as of 2003, there were only about 60 permitted apartments and an estimated 40 non-permitted existing accessory dwellings in Lincoln (Town of Lincoln 2003). In the last two years, only two legal accessory apartments have been created (Blakeley 2009); this gives an estimated total of about 100 accessory apartments, or less than 5% of the town’s housing units.

LINCOLN'S ACCESSORY APARTMENT BYLAW

Source:

Town of Lincoln Zoning By-Law. Latest amendment March 29, 2008.

14.3 Accessory Apartments in a R-I District

Date adopted:

October 16, 1972

Definition of accessory dwelling:

“Accessory dwelling” is undefined in the bylaws, though the components “accessory use or structure” and “dwelling unit” can be combined to create a rough definition:

- Accessory use or structure: A use or structure which is subordinate to, customarily incidental to and located on the same lot with the principle use or building to which it is accessory.
- Dwelling unit: A portion of a building occupied or suitable for occupancy as a residence and arranged for the use of one or more individuals living as a single housekeeping unit with its own cooking, living, sanitary and sleeping facilities, but not including trailers or mobile homes, however mounted, or commercial accommodations offered for periodic occupancy.

Method:

Special permit only for homeowners of a single-family dwelling unit in a R-I District

Pre-existing apartments:

Unknown

Restrictions and requirements:

Lot or zoning standards:

- Lot must be 40,000 sf
- No more than one apartment per lot (unless by special permit, which requires the designation of nearby open space)

Occupancy requirements (owner and renter):

- Owner must live in either the apartment or the principal residence, except for temporary absences (unless the lot is owned by the Town, in which case owner-occupancy is not required)

Size and density limitations:

- Apartment must be under 1200 sf and no more than 35% of the total floor area of the primary and secondary units combined; larger units can be granted by special permit, but must then be rented at affordable rates for five years (the affordability requirement can be deferred if the apartment is initially used by a family member)

Appearance standards:

- The apartment's construction and existence cannot be detrimental to the neighborhood or injurious to persons or property

Permitting processes:

- Permit for special exceptions requiring affordable rental rates must be renewed every 7 years

Other:

- Adequate provision must be made for disposal of sewage, waste and drainage
- Must have adequate ingress and egress from apartment
- Existing building must be 10 years old; if not, the accessory apartment addition cannot compromise more than 10% of the total floor area, cannot be more than 900 sf, and must be rented at affordable rates for five years; the affordability requirement can be deferred if the apartment is initially used by a family member
- Provisions must be made for off-street parking

FIGURE 11. Town of Lincoln Zoning By-Law.

Source: Town of Lincoln 2008b

Recently, the Lincoln Housing Commission and the Comprehensive Long Range Plan Committee have both re-identified accessory apartments as one of several tools for addressing the Town's diversity and affordability concerns (Town of Lincoln 2003, 2008a; Moore 2008). Accessory apartments are an appealing "no-build" option for developing affordable housing, with low impact on the neighborhood, little environmental disturbance, and negligible administrative burden or cost to the Town (Town of Lincoln 2003). However, the Town itself recognizes that accessory apartments are a slow way to increase the number of affordable units, and has chosen to focus on other means, such as group housing, for meeting its immediate low-cost housing goal (Moore 2008).

Other activity around accessory apartments in Lincoln is minimal, and there seems to be little resident engagement in the topic. The staff assistant to the Planning Board is working to get all the existing permits renewed, as they must be every 7 years, but this is a formality as much as anything. The renewal process does provide an opportunity for abutters to air their grievances regarding a neighboring accessory apartment, but apparently that has only happened in one out of about forty recent renewals (Blakeley 2009). Also, the draft goals and recommendations for the forthcoming comprehensive plan mention the need to encourage accessory apartments, possibly allowing for small homes to be moved to share a lot with an existing home and serve as an accessory dwelling, rather than being torn down (Town of Lincoln 2009). The treatment of accessory dwellings in the new comprehensive plan will be an important indicator for their future in Lincoln.

Discussion

The decision to focus on group homes is an indicator of Lincoln's priority: to create and identify enough affordable housing to be exempt from Chapter 40B comprehensive permit development. Interviews with members of the Housing Commission confirmed this goal, with multiple mentions of "hostile" Chapter 40B developers and the need to maintain local control over development (Scheff 2009, Fredericksen 2009). Lincoln seems more conscious of the standard than other towns, probably because of the very real threat that they will fall below the 10% cutoff once updated data are used for the State's calculations.

This goal of 10% affordability for Chapter 40B has been a long-standing concern in Lincoln. Several years ago, Lincoln's Housing Commission tried to establish a Local Initiative Program (LIP) so local accessory apartments could be added to the Subsidized Housing Inventory with slightly less strict standards than those set by the state. (Even if rented at affordable rates, accessory apartments will only count towards meeting the 10% goal if they are actually listed on the SHI.) The state did

not approve the proposed LIP, which means that now, though accessory apartments may be rented at affordable rates to low-income individuals, they are inventoried as market rate units rather than affordable units. This increases the number of market rate units in the town, thus raising the number of state-recognized affordable units needed to meet the 10% affordability standard (Scheff 2009). Creating de facto affordable accessory dwellings actually hurts Lincoln's effort to meet the Chapter 40B affordable housing goal; this is a misaligned incentive that needs to be carefully considered, especially for smaller towns that are dealing with affordable units on the scale of tens rather than hundreds. One member of the housing commission even suggests building a coalition with other towns to try to engage the DHCD in the issue of how they count accessory apartments (Scheff 2009). However, it seems that there recently has been a sort of peacemaking with the role of accessory apartments—that they will not be able to contribute to the tally of state-recognized affordable units, but that they are beneficial to the broader goal of maintaining diversity in Lincoln's housing stock (Fredericksen 2009).

The distinct approaches to accessory dwellings taken by Newton, Lexington, and Lincoln are instructive reminders of the complexity of the issues involved. Clearly, local politics, resident opinion, and pre-existing housing issues all play into how seriously a municipality considers accessory dwellings, and whether they simply talk about the idea and pass a bylaw that permits them to some degree, or take action to develop programs that will actually help encourage the creation of units. Seeing the varying struggles of these three suburbs also helps to clarify the underlying barriers to creating accessory dwellings—barriers that are in place even after accessory dwellings have been legalized. The next chapter describes the four such impediments that were revealed by the cases studies: lack of homeowner motivation, insufficient planner advocacy, prohibitive zoning bylaws, and complicated ties to affordable housing regulations.

5. Impediments

As all of the cases make clear, there are still barriers to creating accessory dwellings that exist unseen and often unrecognized in places such as Newton, Lexington, and Lincoln that have already passed bylaws legalizing the housing type, and are now making various efforts to encourage their installation. These sometimes invisible barriers must be drawn out and examined if Boston suburbs, and really any town in Massachusetts, intend to have more success at creating accessory dwellings than they do presently. The remainder of this chapter will be devoted to the four major barriers to creating accessory dwellings that emerged from this investigation, before moving on in the final chapter to suggest ways to overcome such barriers and go forward with the task of creating more accessory dwellings.

Each barrier is described below as if it were completely unaffected by the other barriers. This is not actually the case, but it is presented this way for clarity. In reality, the idea of accessory dwellings remains a complicated concept that faces numerous barriers. When working with accessory dwellings one is faced with the unique interaction they have with local politics, individuals, and economic factors.

- **Lack of homeowner motivation to create and maintain an accessory dwelling**

While homeowner motivation is certainly affected by the strictness of bylaws and the effort required to comply with them, motivation is also a separate key ingredient necessary for the creation of an accessory dwelling unit. No matter how lenient an accessory dwelling bylaw might be, no constituency—future occupants, planners, the city—other than homeowners has the power to decide to create an accessory dwelling. As such, homeowners must first know that accessory dwellings exist as a housing possibility, and then have the information they need to conduct a careful analysis of the costs and benefits involved with the project. From the homeowner perspective, the following considerations may be barriers to creating and maintaining an accessory apartment:

Homeowner not knowing about accessory dwellings as a potential housing type:

This may seem overly basic, but in order for anyone to consider creating an accessory dwelling, they must know that they exist as a housing type. Consider the case of Newton, which permitted no more than a dozen accessory dwellings per year for the decade prior to running their Accessory Apartment Incentive Program. The marketing and educational efforts of the AAIP caused the number of inquiries to jump to about 17 per month, or 350 over the course of the 20-month program.

Homeowner only thinking of accessory dwellings as a solution for other people, not for self:

However, it seems that simply knowing that accessory dwellings exist is not nearly as effective towards creating them as efforts to have homeowners envision themselves with an accessory apartment. The Santa Cruz program was particularly adept at this, per conversation with the City's Housing Manager (Berg 2009). Furthermore, personalizing the idea of accessory dwellings not only encourages more homeowners to

create units, but helps to make the general population more open to the idea. For instance, even in Newton, which had no success in creating accessory apartments through its incentive and handholding program, a homeowner who had independently created an in-law apartment during the same time-period reported that his neighbors were receptive to his new accessory unit in part because they were aging, and could see themselves eventually wanting to work out a similar situation.

Homeowner cannot afford the initial or ongoing costs of an accessory dwelling:

There are unavoidable costs to creating an accessory dwelling, even if the physical structure is already in place—fees for permitting a unit and additional expenses to bring the structure up to code and make it a comfortable, livable home. In many cases, there are also the more substantial costs of remodeling or adding on to an existing house in order to create an accessory unit. Though much of this cost will be defrayed over time as the accessory apartment provides return on investment, the upfront cost can still be a deterrent to homeowners.

Beyond the short-term costs of creating an accessory dwelling, there are the long-term costs of maintaining the unit as well as the impact the accessory dwelling has on the overall property value. Maintenance costs could be higher for accessory dwellings that are rented out, and thus need to be cleaned and repainted regularly, rather than those created for a family member's use. There is no conclusive evidence as to the effect an accessory apartment has on long-term home value, though at least one quantitative study has been conducted (Sirmans and MacPherson 2003).

Homeowner is uncomfortable with the loss of privacy and control:

Whether a homeowner resides the primary or secondary dwelling, they will lose privacy in comparison to when there was just one housing unit on the lot. The additional dwelling unit might have windows or doors facing the main dwelling, or encroach upon the yard that was previously a buffer between the main residence

and the closest neighbor. Also, even though the homeowner has a degree of control over the tenant they choose, they must follow non-discriminatory rental practices. Concern for selecting an unsatisfactory tenant and close neighbor could act as a deterrent to creating an accessory dwelling at all.

Homeowner does not want to take on the responsibility of being a landlord:

If a homeowner is considering creating an accessory apartment to rent out, another long-term consideration must be the responsibilities that come with being a landlord. A primary component of this is the task of finding tenants who are reliable and responsible. But even with the best of tenants, the landlord is still the person called to fix light fixtures or handle a plumbing emergency. This means being accessible in case of emergency, and over the years, can come to be a burden (Harden 2009, Whitney 2009). Also, there are legal responsibilities that come with being a landlord, and Massachusetts law tends to favor tenants over landlords in disputes. These many forms of responsibility become even less appealing as a homeowner ages.

Homeowner lacks strong incentive to create an accessory dwelling:

In the calculation of deciding whether to create an accessory dwelling, the need for it must be very strong to outweigh the drawbacks discussed above (costs, loss of privacy, responsibility as a landlord). In both Santa Cruz and Barnstable, the community-wide need for affordable housing was a strong enough motivation for homeowners. However, in the three Boston suburbs considered as case studies, there is not the same overarching sense of crisis and the reasons for creating accessory dwellings tended to be quite different. In these Newton, Lexington and Lincoln, few homeowners feel a responsibility to do their part in creating affordable housing. Over the course of this study, only one accessory dwelling owner mentioned creating the unit to contribute towards affordable housing for all—and she is the current chair of the local housing commission (Fredericksen 2009). Typically, people who

actually create an accessory dwelling do so because of a family situation, often aging parents needing extra care.

•• **Insufficient planner advocacy for accessory dwellings**

At present, planners have done little to pull accessory dwellings from their state of relative neglect as a housing alternative. In fact, even the term “accessory dwelling” is rarely understood outside of planning circles. One typically has to interject, “Like a granny flat, or in-law apartment” for others to even recognize the topic. But if the idea for this investigation grew in part from the observation that planners’ enthusiasm for accessory dwellings is not matched by the quantity created in recent years, then how might it be that planners are not strong enough advocates for accessory dwellings? Conversations with numerous planners in the Boston area suggest that while accessory dwellings are an appealing concept and a promising housing tool, planners are still wary of resident reception to growth and densification, and that other initiatives currently take priority over accessory dwellings (Henry 2009, McCall-Taylor 2009, Price 2009). However, as seen in the precedent studies of Barnstable and Santa Cruz, heavy support from the local planning department is needed to mobilize residents around accessory dwellings and to initiate programs encouraging them.

The term “growth” puts residents on guard as it evokes mental images of houses only feet away from one another, stalled traffic, and high-rise apartment complexes towering over split-level ranches. Homeowners, often with the bulk of their assets tied up in their property value, are quick to oppose the unknown, especially if it could even tangentially lead to a drop in their home value (Fischel 2001). This general sentiment against change is a force with which planners must constantly contend, typically causing new projects or initiatives to be revised and re-revised until they more closely resemble what exists than what could be. Planners, all the

more process-conscious in the last decades (Wachs 2001), run the risk of prioritizing community involvement over functional outcomes, particularly when those outcomes are efforts to increase housing density.

Furthermore, adding to the local housing stock is rarely a planner's top priority. Especially given the current recession and credit crisis, planners are more focused on keeping people in the homes they already have, and in finding ways to raise local tax revenue, which has dropped precipitously as property values have declined. The heads of Lexington's Planning Department and Planning Board made clear that encouraging retail in the town center was the most critical task ahead—that accessory dwellings are nice, but not a pressing matter. This may be true at present, but not for long. It is quite clear that current land use habits cannot be sustained indefinitely, and working towards new models of housing and methods for increasing residential density will become among the most critical of planning tasks.

- **Prohibitive zoning bylaws that restrict the creation of accessory dwellings**

Researchers have long recognized the power of existing bylaws to prevent innovative land use and housing strategies (Ritzdorf 1985, Pollak 1994), and several reports discuss the various types of legal barriers to accessory dwellings in particular, even providing municipalities with model accessory dwelling bylaws (Municipal Research and Services Center of Washington 1995, Cobb and Dvorak 2000, Meck 2006). Of course, accessory dwelling bylaws clearly differ significantly by municipality, reflecting local conditions. The following discussion of bylaws summarizes the most troubling zoning restrictions on accessory dwellings, in light of existing literature as well as the case studies. All of the key regulatory factors listed below can add time, cost, and uncertainty to the process of creating and maintaining an accessory apartment, often reducing the flexibility of the unit and thus detracting from its overall utility:

Special permit requirements

In order to maintain maximum control over the creation of accessory dwellings, some town bylaws require that that accessory dwelling applications be reviewed by the planning board in order to receive a special permit for construction or occupancy. In some cases, accessory dwellings that meet basic requirements are allowed by right, but a homeowner can gain additional design or size flexibility by going through the special permit process. A special permit requirement can give the municipality more control over how many units are created and what those units look like, but deters homeowners by lengthening the permitting process, by adding uncertainty to the endeavor, and by requiring that homeowners put their case out publicly amidst friends or neighbors (Hare 1989).

Minimum age of primary dwelling

Setting a “drop-dead” date is another way for towns to restrict the number of accessory dwellings that are created, by not allowing them in homes either constructed or added on to after a certain point in time. The requirement is intended to prevent massive additions that are then converted into additional dwelling units. This date is typically set ten to fifteen years prior to the adoption of the bylaw, and may or may not be revised on a regular basis. Some bylaws set a moving date instead, usually stating that construction or a major addition must have been completed either five or ten years prior to the application for creating an accessory dwelling. Though the actual number of accessory dwellings prevented by a drop-dead date might not be that high, the practice is indicative of the extreme concern residents have of being overrun by accessory dwellings, and discriminates against the age of buildings in a potentially unlawful manner.

Size and density limitations

Restricting the dimensions, lot coverage, proportion of total built floor area, or

number of bedrooms allowed in an accessory dwelling can help quell neighbors' fears that their home will be overshadowed or their privacy will be threatened by a new accessory apartment next door and that the neighborhood will be inundated with highly-visible secondary dwellings, losing its single-family character (Hare 1989, Municipal Research and Services Center of Washington 1995, Dain 2008). Limitations on unit size can also indirectly control the types of people who move into the units—specifically, units with fewer bedrooms are less likely to draw families with school-aged children, whose education would be costly from the taxpayer and municipal standpoints. However, complex size standards and area calculations can intimidate homeowners and complicate the design process. Lot size requirements can prohibit accessory dwellings from a large proportion of residential properties, such as Newton (p. 42), while limits to the number of accessory dwellings in a given area makes it all the more difficult to create more units.

Primary or secondary dwelling occupancy rules

Occupancy restrictions, whether for the main house or the accessory dwelling, greatly reduce the flexibility typically afforded by accessory apartments. Common restrictions are that the homeowner must live in the primary dwelling, that the homeowner must be a permanent resident (6 months per year, or other limits), or that the accessory unit occupant be related to the homeowner. In some cases, there are also limits to the number of people who may live in the accessory dwelling. Some homeowner restrictions are meant to reduce the possibility of absentee landlords neglecting maintenance or indiscriminately choose tenants (Hare 1989, Municipal Research and Services Center of Washington 1995, Dain 2008). Accessory dwelling occupancy restrictions are often to prevent the presence of school-aged children requiring costly public education, or sometimes just a loosely-disguised way to discourage people of lower social or economic classes from moving to the neighborhood.

•• **Complicated ties to affordable housing standards**

As every Massachusetts urban planner will quickly point out in a conversation about accessory dwellings, one of the most complicated issues around them is their potential to be listed on the Commonwealth's Subsidized Housing Inventory (SHI) that is used to calculate the percent of a town's housing stock that is affordable (Barrett 2009, Blakeley 2009, Gornstein 2009, Henry 2009, Herr 2009, McCall-Taylor 2009, Price 2009, Raitt 2009). If a town does not meet the goal of 10% of its housing units being affordable, then Chapter 40B (Comprehensive Permit Law) makes it susceptible to having the Commonwealth's Housing Advisory Committee overturn local zoning board decisions, allowing more multi-family and affordable housing developments that the town would otherwise permit. As indicated in several of the cases analyzed earlier, this threat to local control is taken very seriously by town planners, and one of their greatest concerns is to keep their town above the 10% threshold as protection from what are perceived as hostile developers.

Accessory dwellings can only be added to the SHI if stringent requirements are met, most notably, agreeing to a permanent deed restriction that guarantees the unit will be rented at an affordable rate and meeting fair marketing requirements for tenant selection. These conditions have shown to be quite off-putting to homeowners interested in creating an accessory dwelling, even if fulfilling them makes the homeowner eligible for financial assistance towards creating the unit (such as in Newton). In fact, this tie to affordable housing is often the only well-identified and reliable source of funding in the state that can be directed towards helping to create accessory dwellings.

However, in many cases, the incentive for towns to get accessory dwellings on the SHI is doubly strong because if an accessory dwelling is not officially listed, it risks being counted as another market-price unit (even if its rent falls under the afford-

ability cutoff)—so permitting ten new accessory dwellings that are not on the SHI means that the town is responsible for one more affordable unit. Thus, we can see why municipalities are tempted to provide strong support for accessory dwellings that get counted on the SHI, and pay little attention to or even discourage those that are not. A few municipalities have tried to move beyond this, stating the need to encourage accessory dwellings for the sake of improving the local housing stock, but in the majority of localities, any sort of accessory dwelling program a town runs is tied tightly to the onerous requirements of the SHI, discouraging homeowners from pursuing the accessory dwelling option.

Having identified these many barriers, it is clear that all parties involved with accessory dwellings blur perception and reality. Homeowners cannot see how accessory dwellings could possibly help them, planners feel that the only way to promote accessory dwellings is to tie them to affordable housing goals, and regulatory bodies are caught up in pleasing their constituencies. It will take significant effort on the part of planners and many others to overcome these barriers in order to create more accessory dwellings. The next chapter considers possible methods for doing so in order to move forward with the use of accessory apartments as a significant tool for broadening housing choice.

CONCLUSION

6. Planning for accessory dwellings

This investigation began as an effort to seek methods for simplifying and streamlining the process of creating an accessory dwelling. However, each additional interview conducted and every piece of data collected only reinforces the complexity of that task, repeatedly pointing out that accessory dwellings are not a neatly-categorized issue that can be addressed by conventional planning tools. Instead, working towards more accessory dwellings initially requires a degree of accepting the messiness around them in order to provide this issue the attention deserves. The following recommendations are just a first attempt at this, a series of suggestions coming from careful thought around the outcomes of the analysis presented in the prior section. Continued research and reflection is needed in order to ensure that the creation of accessory dwellings increases, establishing them as a significant component of the housing stock. Only with this, is it fully possible for accessory dwellings to fully contribute to the affordability, equitability, and flexibility of housing as they certainly have the potential to do.

•• Strategies and impediments

As this chapter's recommendations are grounded in the findings of the prior section, it is important to reiterate the outcomes of both the precedent and case study

analyses. Four primary strategies for encouraging accessory dwellings emerged from precedent programs in Barnstable, Massachusetts and Santa Cruz, California. The exact form of these strategies varies by place, with some programs incorporating all four enabling strategies or just selected ones, depending on local conditions. The strategies are:

- *Tying accessory dwellings to broader initiatives, both for program funding and visibility:*

Introducing accessory dwellings as a tool towards a larger, often state-wide goal, such as smart growth or improving the availability of affordable housing brings the housing type attention and links to funding sources to help set up programs or assist homeowners.

- *Providing homeowners with financial assistance in creating accessory dwellings:*
This may come in the form of grants or loans, and can be short-term or long-term assistance. Sometimes funding is intended to diffuse some of the upfront cost of remodeling an existing home or constructing a small addition to accommodate an accessory dwelling, while at other times, it helps to reduce monthly mortgage payments.
- *Running “handholding” programs to help homeowners navigate the processes of funding, permitting, constructing, and operating an accessory dwelling:*
Homeowners most in need of an accessory dwelling are often those who are at a life juncture such as a divorce or entering a caretaking role for an ailing parent that makes any decision more difficult, especially one as complex as creating an accessory dwelling. Handholding programs can help demystify the otherwise intimidating permitting and construction processes, and assist with decision-making in particularly challenging times.
- *Revising existing bylaws to relax restrictions on accessory dwellings:*
Any town applying one of the preceding strategies already has an accessory dwelling bylaw on the books. However, limited success with creating more units through other approaches may lead to the conclusion that the bylaws

themselves are too strict and need to be changed to make it easier to create an accessory dwelling. With less restrictive bylaws, other enabling strategies may become more viable.

These preliminary findings are the basis for uncovering the remaining barriers to creating accessory dwellings, as described next. By analyzing how each of the three cases of Newton, Lexington, and Lincoln, Massachusetts are approaching accessory dwellings, and particularly how each has applied the enabling strategies identified in the Barnstable and Santa Cruz precedents, it becomes clear that there are still many barriers remaining to creating accessory dwellings. These barriers can loosely be considered human (planners and homeowners) and regulatory (bylaws and Chapter 40B), but none are completely clear-cut or separable from the others:

- *Lack of homeowner motivation to create and maintain an accessory dwelling:*
As homeowners ultimately decide whether to construct accessory dwellings, knowledge that the housing type exists is prerequisite for a unit to be built. Beyond this, a homeowner balances the financial expenditure, loss of privacy, and responsibility of being a landlord with the benefits from having an accessory dwelling. Thus, the degree of a homeowner's enthusiasm and need for an accessory dwelling must be able to override the costs and concerns they foresee.
- *Insufficient planner advocacy for accessory dwellings:*
It is the planner's role and responsibility to advocate for change in the built environment that will be to the public's benefit, and particularly to support tools such as accessory dwellings that might require seeing well into the future to comprehend their full benefit. This includes working towards the initial passage of an accessory dwelling bylaw, as well as later efforts to create them.
- *Prohibitive zoning bylaws that set numerous restrictions on accessory dwellings:*
Accessory dwellings remain illegal in many municipalities, and even in places where they are allowed, must follow very strict requirements in order to

be approved by the local building commissioner. These limitations restrict design and occupancy in various manners, and typically grow out of popular concern that the town will be overcome by accessory dwellings, and that everyone's home values will drop as a result. In many cases, the bylaws are written to intentionally discourage accessory dwellings, and are often quite successful in doing so.

- *Complicated ties to affordable housing standards:*

Though somewhat peculiar to Massachusetts, the potential for accessory dwellings to be listed on the Subsidized Housing Inventory that forms the basis of determining whether a town is meeting its affordable housing requirements has been a barrier to creating accessory units more than an encouraging factor. Even though the link to affordable housing gives accessory dwellings more visibility, many towns tie numerous additional requirements to those already existing for accessory dwellings in order to have the units qualify for the list. This only makes accessory dwellings less appealing to homeowners, and complicates their creation.

•• **Recommendations**

Though each enabling strategy and each barrier is described separately, it is impossible to do so in real life. Accordingly, the six recommendations below do not attempt to give solutions for each and every barrier, but instead, give specific but still multi-faceted suggestions on how to move forward with accessory dwellings. Do remember that all of this work is based on the assumption that accessory dwellings are good and more need to be created. Before moving forward with any of these recommendations, a community should conduct a thorough assessment of its housing needs and carefully consider whether accessory dwellings are an appropriate tool in the given context.

I. Planners must become stronger and better-informed advocates for accessory dwellings.

The earlier findings state that planners are not strong enough advocates for accessory dwellings, at times emphasizing the planning process over its outcomes. However, this sort of advocacy is well within the role of the planner, and if planners don't push for accessory dwellings, who will? Planners are professionals who approach the future with the belief that it can be better than the present, and work systematically towards those improvements. In many instances, planners have accomplished the first part of their role—envisioning how the future can be better than the present—and have long-recognized the need for this sort of infill housing, particularly in already built-out areas such as older suburbs (Shore 1995). Planners must now take the next step of working systematically to encourage the creation of accessory dwellings. It is the planner's responsibility to see beyond short-term political interests (though of course, still work within them) and instead support what is best for the long-term public good, striving to install solutions before problems become completely unmanageable.

The need for planners as advocates and educators becomes even clearer when one examines the other constituencies in the accessory dwelling debate. Earlier in this argument, it was stated that accessory dwellings benefit homeowners, occupants, and municipalities alike. While this is indeed the case, it does not guarantee that all three parties support them equally. In fact, the case studies all suggest that while town planners see the benefits of accessory dwellings and generally encourage their presence, there is genuine ambivalence and even dislike of accessory dwellings on the part of both homeowners and members of regulatory bodies. Potential accessory dwelling occupants presumably would support them, but are not an organized or even identifiable constituency, so do not appear as an actor in local debates over accessory dwellings. This leaves planners and possibly housing board volunteers as the only potential advocates for accessory dwellings, particularly at the local scale, making their role all the more critical.

The current recession provides a particularly timely opportunity for planners to advocate for accessory dwellings locally, as more multi-generational households are formed due to economic circumstances (Wadler 2009). Though finances are tight, experts point out that separate kitchens and entrances can go a long way towards familial harmony (Niederhaus and Graham 2007, cited in Wadler 2009), a perfect opening for planners to encourage homeowners in their community to create accessory dwellings. Some advocacy efforts will necessarily be long-term, as planners work with volunteers and regulatory bodies to envision their town's future, negotiating where additional housing units will be added and presumably increasing residential density in at least some areas. At this point, a planner can easily demonstrate the difference between adding units via accessory dwellings, and adding units via new subdivisions. While this will be important to further integrating accessory dwellings within housing policy, planners must be sure to encourage accessory dwellings among homeowners on the basis of personal benefit, rather than infill development, as explained in the next recommendation.

Still, accessory dwelling advocacy can happen in many forms and at multiple scales, and part of the planner's task will be to develop new and effective methods of implementation. Given the number of questioning looks in response to the term "accessory dwelling," one very important consideration is what to call this housing type for which planners are advocating—granny flats, in-law apartments, second units. A combined advocacy and marketing effort needs to occur at the local, state, regional, and national scales, putting forth a quickly recognizable and descriptive name to replace "accessory dwelling." Giving accessory dwellings an easy-to-understand, yet still unassuming title could be a significant step in advocating for their increased presence. Another component of advocacy that must be mentioned is the need for planners to collect much more data on accessory dwellings. This should start with every municipality keeping a comprehensive list of permitted accessory dwellings, and could be expanded to record physical or occupancy characteristics among other information.

2. When communicating with homeowners, planners need to emphasize the human benefits from accessory dwellings rather than the planning motivations for them.

Planners are quick to list off the many benefits accessory dwellings can provide a community—affordable housing, higher density residential areas, even a broader tax base. However, this sort of city-scale benefit is not necessarily felt directly by the individual homeowners who actually decide whether to create an accessory dwelling. Anecdotes from several different places suggest that focusing on the human rationales for accessory dwellings (semi-independent living for an aging parent, affordable way for a widow to remain in her neighborhood) rather than the planning rationales (affordable housing at little cost to the town, smart growth and infill development) can be an effective way to encourage accessory dwellings among residents, both in their capacity as property owners and as participants in local governance.

An example of this comes from the city of Brookline, Massachusetts, another inner-ring Boston suburb that is currently in the process of putting an accessory dwelling bylaw up to be voted on in Town Meeting. During the pre-approval process, a special sub-committee of the Board of Selectmen vetted the proposed accessory dwelling bylaw and narrowly recommended its passage. Following this vote, a number of selectmen attended a presentation by a woman living in a nearby town and speaking on behalf of the benefits of accessory dwellings. The presenter conveyed how important it had been to her family to know that her ailing mother could come live in a small apartment in her home, where she could be cared for by familiar people and could afford to stay, yet still retain some independence. While her mother's change in health prevented this scenario from ever playing out, upon seeing how important the flexibility and affordability of creating an apartment for a relative could be to an individual, two of the selectmen in attendance changed their position from opposing accessory dwellings to supporting them (Price 2009).

Planners need to switch back and forth between the perspective of the town and the individual in order to give residents a mental picture of who might benefit from accessory dwellings, naming community members and bringing in speakers to provide personal connection and first-hand examples. It might be possible to collect this testimony from across the nation and compile it, but it seems that such an approach would not be as meaningful as seeking out speakers locally who bring with them a strong local perspective, presence, and context.

3. Planners, local regulatory bodies, and residents must work together to loosen regulations on creating and occupying accessory dwellings.

Each case study and precedent analyzed over the course of this investigation has struggled to some degree with developing accessory dwelling bylaws that balance the needs of the many constituencies involved—homeowners, neighbors, urban planners, regulatory bodies, affordable housing advocates, and taxpayers, among others. It is a difficult task, to say the least. The list below turns to the examples set by communities that have been able to approximate that balance, combining their experience with recommendations made in the literature and suggestions from Newton’s Accessory Apartment Incentive Program (McCormick 2007b). Relaxing the following components of an accessory dwelling bylaw will help to allow for more units to be created:

- *Special permit requirements:*
Towns only allowing accessory dwellings by special permit should add a by right option. Though this somewhat reduces municipal control over accessory dwellings, the experience of Santa Cruz demonstrates that by right permit requirements can be carefully written with community input to allay most fears. Simplifying the permitting process in this manner will allow for more units to be created.

- *Primary or secondary dwelling occupancy rules:*
 Accessory unit occupancy restrictions that allow for overt discrimination against certain types of families or people may be unlawful. Furthermore, removing homeowner occupancy restrictions will widen the range of homeowners to whom accessory dwellings appeal, particularly in the case of elderly residents interested in renting out their house and living in the accessory apartment themselves. As long as a full-time owner residency requirement remains, expect that homeowners will naturally be selective in their tenants, as they are choosing their own closest neighbor.
- *Size and density limitations:*
 Though some size limitations are needed to keep accessory dwellings in proportion with their surroundings, and concern over their density is understandable, rules should be kept as simple and minimal as possible. This will allow homeowners to move more quickly through the design and permitting stages of creating an accessory dwelling, saving time and costs, and better allows accessory dwellings to serve the purpose of diversifying the neighborhood housing stock and population.
- *Minimum age of primary dwelling:*
 At the least, towns should set a moving age requirement for homes that might be converted to include an accessory dwelling, making the requirement somewhat more meaningful than an arbitrary date chosen whenever the bylaw happened to be written. Preferably, drop-dead dates should be eliminated and towns should strongly question the need to slow the creation of accessory dwellings in any manner possible. Concerns about huge, unsightly accessory dwelling additions can be met through other appearance and size restrictions in the zoning regulations.

It may not be possible to make all, or even any, of these recommended bylaw revisions at once, but they are important changes to keep in mind and to work towards slowly, particularly as more and more accessory dwellings are created.

4. Planners and housing advocates must expand efforts to support accessory dwellings at the regional, state, and national scales.

Like all land use choices, encouraging accessory dwellings demands very localized action and decision-making. In Massachusetts, this is epitomized by the town meeting style of governance, which requires a two-thirds vote—either from residents-at-large in attendance, or from a pre-determined caucus of town electors who carry voting rights, depending on the specific form of town meeting—in order to pass any zoning change, such as the adoption of a bylaw allowing for accessory dwellings. All of the programs presented in precedents and cases were administered locally, even if tied to statewide funding or policy, such as California’s Pollution Control Financing Agency or Massachusetts’ Chapter 40B.

Though case study findings do not directly point at over-localization being a barrier to creating accessory dwellings, certain facts do suggest that expanding accessory dwelling advocacy and debates to the regional, state, and national scales could be of benefit. For instance, Lincoln, Massachusetts filed a Local Initiative Program (LIP) application to try to qualify accessory dwellings as affordable housing under slightly more relaxed standards than existed at the time. This request was denied by the Massachusetts Department of Housing and Community Development, causing the former head of the Lincoln Housing Commission to consider building a coalition of local towns all in support of a LIP for accessory dwellings in order to gain traction at the state level (Scheff 2009).

In a more general sense, wider-reaching action around accessory dwellings is quite logical given that demand for them is clearly situated within the pushes and pulls of the regional housing market and demographic trends that often stretch beyond town borders. Furthermore, the isolation of various accessory apartment programs may in fact hurt their overall effectiveness, eliminating the possibility of economies of scale, and also make it harder to share best practices. As suggested by accessory

dwelling expert Patrick Hare (2009), a national organization or coalition supporting accessory dwellings could provide critical resources, support, and advocacy for local efforts. Regional or state-wide initiatives could potentially do the same, while being more tailored to the peculiarities of state policies, resident perception of accessory dwellings, and economic nuances that all affect the creation of accessory dwellings. This sort of initiative could also be an excellent conduit for funding to support accessory dwelling programs.

If shifting scales, it remains crucial to remember that accessory apartments still are a locally grounded issue, and that the efforts of various residents and town governments must be supported by, rather than supplanted by, a regional or national organization. Also, developing any sort of large-scale accessory dwelling programming or organization will undoubtedly be a slow process, taking many years to show an impact. If more immediate change is desired, local efforts will be much more effective.

5. Massachusetts policy-makers must redefine how accessory dwellings are linked to Chapter 40B (Comprehensive Permit Law).

As discussed in the case study findings, the possibility of listing accessory dwellings on the Subsidized Housing Inventory (SHI) tantalizes local planners to develop bylaws and programs that focus on meeting the SHI requirements rather than the interests of homeowners and residents. Planners do this both to grow their list of state-recognized affordable housing, and to try to make funding tied to affordable housing available to run programs and directly assist homeowners in creating accessory dwellings. Though these are the best of intentions, linking accessory dwellings to Chapter 40B seems to deter, rather than encourage, the creation of accessory dwellings. The preferred remedy is to apply slightly more lenient standards for accessory dwellings to be counted on the SHI, thus keeping accessory dwellings within the purview of Chapter 40B programming, visible to planners and maintaining

a connection to funding. Still, the strict standards for adding units to the SHI are, with good reason, intended to ensure that any dwelling added to the list in fact contribute towards Chapter 40B's stated goal of "increasing the supply and improving the regional distribution of low-or moderate-income housing" (Commonwealth of Massachusetts 2009). Unless vigorous leadership and new legislative initiative is undertaken, it is unlikely that existing regulations will change.

An alternate possibility is to completely separate accessory dwellings from the SHI and Chapter 40B and seek a different source of funding that might be used for local accessory dwelling programs. This strategy would simply remove accessory dwellings from the politics and maneuvering around Chapter 40B calculations, making their creation a less emotion-charged debate. In separating accessory dwellings from official affordable housing programs, towns may relinquish a source of funding for helping in their creation, so it will be important to consider other streams of money from outside the local budget that might be used to help develop an accessory apartment program. As seen with the precedents of both Barnstable and Santa Cruz, this extra-budgetary support is critical for getting a strong accessory dwelling initiative off the ground. Whether money comes from smart growth initiatives or is designed to support the aging population, these new funds cannot require accessory dwellings to submit to yet another round of difficult limitations. However, the risk of this strategy is that in moving to more neutral territory, accessory dwellings will fall from the attention of planners focused on meeting their 10% requirement for Chapter 40B.

6. Planners and policy-makers must encourage accessory dwellings in new construction.

Encouraging accessory units in new construction—whether new residential developments or single-family teardowns—is a way to skirt some of the barriers posed by homeowners, neighbors and regulatory bodies. The earlier discussion of barriers to creating accessory dwellings suggests that it is much more difficult to install a

unit than to maintain it. The creation process runs up against severe lack of homeowner motivation, restrictive bylaws and complicated ties to affordability standards. Although homeowners may still fear a lack of privacy and the role of landlord, maintaining an existing accessory dwelling causes much less conflict than creating a new one. Neighbors will only complain about an existing accessory unit, whether legal or illegal, if its presence is actually causing an annoyance, due, for example, to excess noise or intruding on privacy. The same neighbors are much quicker to oppose a permit request for a new accessory dwelling next door simply because it means change which, in many instances, triggers fear.

Many New Urbanist developments around the country already incorporate large numbers of accessory dwellings in residential areas, often facing the trademark alleyways. Developers report that accessory dwellings are frequently framed out above the garage, giving homeowners the choice of finishing them off during initial construction or in the future. Making space for an accessory dwelling during new construction is much more cost-effective than renovating an existing structure to incorporate one, can potentially take advantage of flexibility in zoning for Planned Unit Developments, and often avoids the opposition of well-organized resident groups, as the potential homeowners for new development have not yet coalesced. This is true in traditional developments as well as New Urbanist ones. However, some of the suburbs considered as case studies, and many others beyond the scope of this investigation, do not have the land needed for new development. In that event, tear-downs could be targeted as sites for new homes with accessory dwellings.

Impetus for including accessory dwellings in new residential construction is most likely to come from incentives. Some New Urbanist developers have practiced this method for almost a decade. Rather than requiring builders to pay a per lot fee, developers charged them a percentage of their product's sales revenue. Builders had to pass on 17% of a home's sale price to developers, but only 6% of the profit from the accessory dwelling upgrade. This financial motivation encouraged builders—who

typically had no experience constructing apartments above a garage—to create them in conjunction with 15 of 24 single-family homes in the Trinity Heights infill project adjacent to the Duke University campus (New Urban News 2001). Incentives could also be established for developers and homebuyers, though it is unlikely that accessory apartments would be mandated in new construction.

While the idea of drastically increasing the number of accessory dwellings in new construction appeals on many levels, it cannot replace efforts to couple them with existing homes. As mentioned before, we must increase the density of our extant suburban residential fabric, not just try to change the nature of future developments. Furthermore, from the perspective of the homeowner, moving to a new development in order to have a home with an accessory dwelling is typically an undesirable option. It negates one of the primary benefits of the housing type, adding flexibility to one's living situation without having to relocate.

The six recommendations described here are an attempt to address some of the key barriers identified earlier by focusing on actions that planners can take to encourage the creation of these dwellings. Many of the recommendations are idealistic, and may take years to achieve, but it is critical for planners to begin thinking now about what role accessory dwellings might play in the future, and how to lay the groundwork for change. A short discussion below considers the key recommendation for planners in each of the three case study locations—Newton, Lexington, and Lincoln.

•• **Next steps for Newton, Lexington, and Lincoln**

Turning back to the cases studies presented in Chapter 4 provides an opportunity to consider how some of these recommendations might be applied, depending on the specific local context. The suggestions below are certainly not the only actions that

each town should consider. Instead, they are the most critical first steps, and reflect the existing conditions.

NEWTON: *When communicating with homeowners, planners need to emphasize the human benefit from accessory dwellings rather than the planning motivations for them.*

As discussed in the case study, Newton's recent attention to accessory dwellings has been very focused on the ordinances and regulations that constrain them. Though the handholding component of the Accessory Apartment Incentive Program sought to connect directly with homeowners, satisfaction of the permitting and affordable housing requirements still seemed to overshadow motivating homeowner to proceed with individual projects. This is evident in the program's failure to create any new accessory dwellings. Now that accessory dwelling supporters in Newton are ready to amend the bylaws, they must give greater weight to the homeowner's perspective. Homeowners who desire to create a unit would have a vested interest in helping to get a new bylaw passed, which would provide that effort a better possibility of success. There is no benefit in a more permissive set of regulations if no residents end up taking the plunge.

LEXINGTON: *Planners must become stronger and better-informed advocates for accessory dwellings.*

Where Newton has recently had a strong focus on the issue of accessory dwellings, Lexington is quite the opposite. Interviews in Lexington give the impression that the town is generally a difficult place to develop any type of housing (Tanner 2009, Henry 2009), suggesting that planners will have a great deal of work to generate any sort of increased residential density, whether from accessory dwellings or otherwise. Though accessory dwellings are a contentious issue, they are less likely to change the feel of existing neighborhoods than multi-unit apartment buildings or other forms of higher-density housing. As a consequence, accessory dwellings may end up being a particularly good fit for development-adverse Lexington.

LINCOLN: *Planners and policy-makers must encourage accessory dwellings in new construction.*

While Lincoln's current concern is accumulating enough affordable units to be exempt from Chapter 40B development, its comprehensive planning documents point to the town's rural character and open space as its greatest assets. Even though the town currently has many limitations to new development, including septic system requirements and large lot sizes, future development pressure is inevitable. Ideally, Lincoln could add housing units with little disruption to its existing open space by making the most of any new construction. One way to add more housing units per project would be to strongly encourage accessory dwellings as part of any new homes that are built.

•• **What next for accessory dwellings?**

Accessory dwellings are a complicated option in this nation's housing future. This investigation, a "state of the effort," so to speak, has demonstrated as much. Our understanding of how to encourage their creation is very much a work in progress. Beginning with an overview of the evolution of accessory dwellings and the cases for and against them, one can see that the simple and efficient concept of accessory dwellings are actually a messy undertaking. Precedent studies of Barnstable and Santa Cruz show that in certain conditions, and with the benefit of several strategies for encouraging their creation, accessory dwellings can in fact take hold. However, as seen in the case studies of Newton, Lexington, and Lincoln, merely applying these strategies does not guarantee growth in the number of accessory dwellings, and four major barriers remain—lack of homeowner motivation, insufficient planner advocacy, prohibitive zoning regulations, and the complicated tie to affordable housing. While these barriers are not insurmountable, it will take determined effort by planners to sort through the many issues around accessory dwellings in order to install the

housing type firmly in the minds both of homeowners and regulatory bodies as a beneficial and attainable addition to communities.

This research is only a starting point, though, for taking the next step. Much needs to be accomplished on the ground. Collected information must be disseminated to planners around the state, and qualitative analysis has to be supplemented with quantitative analysis. Attention needs to be given to places like Brookline, Massachusetts—municipalities that are at the very beginning of the accessory dwelling life-cycle, only now are about to pass a bylaw legalizing them at all, but are already wondering how a new regulation can be translated into more units on the ground.

Perhaps, more than anything, what we all need to do is envision a future in which accessory dwellings have a meaningful presence. A future in which families have the choice of easily relocating aging parents to an in-law apartment or granny flat, rather than a nursing home or assisted care facility. A future in which school teachers, fire fighters, and police officers can afford mortgages in the communities they serve by renting our garage apartments or secondary units. A future in which a recently-divorced neighbor can remain amidst friends by smoothly converting an unfinished basement into a basement walk-out. A future in which creating an accessory dwelling is straight-forward, encouraged, and supported, with planners, residents, and municipalities alike joining efforts in enabling and encouraging housing that truly fits the needs of the community.

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INTERVIEWEES

General

Barrett, Judi	<i>Community Opportunities Group</i> Principal Planner	25 February 2009
Berg, Carol	<i>City of Santa Cruz,</i> <i>Housing and Community</i> <i>Development Division</i> Housing Manager	19 December 2008
Gornstein, Aaron	<i>Citizens' Housing and Planning Association</i> Executive Director	31 December 2008
Hare, Patrick	<i>Patrick H. Hare Planning and Design</i>	14 February 2009
Kussin, Sarah	<i>Carlson/GMAC</i> Realtor	9 March 2009
McKenna, Laura	<i>J.M. Barrett & Co.</i> Realtor	2 March 2009
Price, Fran	<i>Town of Brookline,</i> <i>Department of Planning and</i> <i>Community Development</i> Housing Development Manager	8 April 2009 6 May 2009
Raitt, Jennifer	<i>Boston Metropolitan Area Planning Council</i> Chief Housing Planner	13 January 2009 14 May 2009
Whitney, Tim	<i>Concord Architects</i> Architect	2 March 2009
Whittemore, Andrew	<i>University of California, Los Angeles</i> Doctoral Candidate in Urban Planning	22 November 2008

Newton

Herr, Philip	<i>Philip B. Herr & Associates</i> Planning Consultant Former Professor of Urban Planning	10 March 2009
Hess-Mahan, Ted	<i>Newton Board of Aldermen</i> Alderman at Large, Ward 3	4 March 2009

Lipsitt, Brooke	<i>Newton Board of Aldermen</i> Former President	2 March 2009
Molinsky, Jen	<i>City of Newton,</i> <i>Planning and Development Department</i> Zoning and Planning Coordinator	4 February 2009
McCormick, Kevin	<i>Accessory Apartment Incentive Program</i> <i>Community Living Network</i> Former Program Director	18 March 2009
Munkenbeck, Peter	<i>Peter Munkenbeck Co.</i> Housing Consultant Multi-family Property Owner	18 March 2009
Robinson, Virginia	Housing Advocate, Resident	14 March 2009
Tattenbaum, Myra	<i>Newton League of Women Voters</i> Chair of Housing Committee <i>Newton Board of Aldermen</i> Former Member	6 March 2009
Turner, Bob	Accessory Dwelling Homeowner	9 April 2009

Lexington

Bicknell, Bob	<i>Lexington Housing Partnership</i> Chairperson	14 March 2009
George, David	<i>Town of Lexington, Building Division</i> Zoning Administrator	8 April 2009
Harden, Tom	Accessory Dwelling Homeowner	4 April 2009
Henry, Aaron	<i>Town of Lexington, Planning Department</i> Senior Planner	27 January 2009
Katz, Arthur	Accessory Dwelling Occupant	3 April 2009
Manz, Wendy	<i>Lexington Planning Board</i> Chairperson	2 April 2009
McCall-Taylor, Maryann	<i>Town of Lexington, Planning Department</i> Planning Director	2 April 2009

Tanner, Russ	<i>R. Tanner Consulting</i> Housing Development Consultant	2 April 2009
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Wood, Martha	<i>Lexington Planning Board</i> Former Member	5 April 2009
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Lincoln

Blakely, Dorothy	<i>Lincoln Zoning Board of Appeals</i> Staff	7 April 2009
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Fredericksen, Renel	<i>Lincoln Housing Commission</i> Chairperson Accessory Dwelling Homeowner	31 March 2009
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Perry, Catherine	<i>Town of Lincoln, Planning Office</i> Assistant to Town Planner	30 March 2009
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Scheff, BJ	<i>Lincoln Housing Commission</i> Former Chairperson	31 March 2009
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