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## MEMORANDUM

Date: December 20, 2019

TO: Zoning Board of Appeals Members

FROM: Jonah Temple, Assistant City Solicitor  
Jennifer Caira, Deputy Director, Planning & Development Department

CC: City Council Members  
Mayor Ruthanne Fuller  
Barney Heath, Director, Planning and Development Department  
Alissa Giuliani, City Solicitor

SUBJECT: Update on Chapter 40B Safe Harbors

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The purpose of this memorandum is to update the Zoning Board of Appeals (ZBA) on the most recent calculation of the Chapter 40B “safe harbors” available to municipalities that have met the *General Land Area Minimum*, achieved when affordable housing (as defined by the state) exists on sites comprising 1.5% or more of a municipality’s total land area, and/or the *Housing Unit Minimum*, achieved when a municipality’s affordable housing units exceed 10% of its total housing units.

The City of Newton previously conducted its 1.5% and 10% calculations at the end of 2018 and February 2019, respectively. Those calculations were reported to the ZBA in a Memorandum dated February 15, 2019. A copy of that Memorandum is attached here as Exhibit A. At the time of the previous 1.5% calculation, the City’s land area percentage of affordable housing equaled 1.27%, and at the time of the previous 10% calculation, the City’s affordable housing unit percentage equaled 8.3%. Please refer to the prior Memorandum at Exhibit A for a detailed analysis of the City’s methodology and the Guidelines enacted by the Department of Housing and Community Development (DHCD) governing the calculation. In conducting its 1.5% calculation, the City is required to follow the prescribed methodology and technical instructions that were enacted by DHCD in 2018.

The City’s updated calculations show that Newton still has not met either safe harbor threshold. As of December 16, 2019, the City’s 1.5% calculation has increased to a total of **1.33%** and the 10% calculation increased to **8.58%**.

## **Overview of the 40B Safe Harbor Calculations**

- The safe harbor calculations are made anew each time a comprehensive permit application is filed. They are not static calculations and it is expected that affordable housing properties will be routinely added and removed from the City’s list of sites eligible to be counted towards the calculations, per state regulations.
- If the City has created its fair share of affordable housing by meeting the 1.5% or 10% statutory safe harbors, the provisions of the Chapter 40B law will be lifted, meaning a decision made by the ZBA concerning a comprehensive permit application—whether it is to deny the permit, approve the permit, or approve it with conditions—will be upheld on appeal as a matter of law.
- Achievement of any safe harbor does not deprive the ZBA of the ability to grant additional comprehensive permits to developers seeking to construct housing. Even if a safe harbor is met, 40B applications may still be submitted to the ZBA and the ZBA must determine whether to invoke the safe harbor. If the ZBA invokes a safe harbor, a full public hearing may still proceed and the ZBA may ultimately issue a comprehensive permit.

### **The 1.5% Safe Harbor**

- The 1.5% calculation requires dividing the land area of affordable housing sites that are inventoried or eligible to be inventoried on the City’s Subsidized Housing Inventory (SHI) maintained by DHCD (the *numerator*) by the total developable land area in the City that is zoned for residential, commercial or industrial use (the *denominator*).
- In calculating the land area of affordable housing sites (*numerator*), only the proportion of each site area that is occupied by SHI eligible housing units (including impervious and landscaped areas directly associated with such units) can be counted. For example, if 15% of all units in a development are affordable up to 80% Area Median Income (AMI), such as Washington Place, the City can count 15% of the total acreage of the site (that is directly associated with the affordable units) towards the numerator. Additionally, DHCD Guidelines also provide that for rental developments, if at least 25% of units are affordable up to 80% AMI, then all units in the development are included on the SHI and the entire acreage of the site directly associated with the housing will count towards the City’s 1.5% numerator (e.g.: Austin Street, where 33% of the units are affordable at 80% AMI, so all 68 units count, as does the entire acreage of the site).

### **The 10% Safe Harbor**

- A second safe harbor available to the City can be achieved when Newton’s SHI eligible housing units exceed 10% of its total housing units. This is known as the “Housing Unit Minimum” or the “10% safe harbor.” The total number of housing units used for this calculation is the number reported in the most recent federal (decennial) census. The 10% calculation requires dividing the total number of housing units that are inventoried or eligible to be inventoried on the City’s SHI (the *numerator*) by the total number of housing units in the City (the *denominator*).

- In calculating the numerator, DHCD Guidelines provide that if at least 25% of units in a rental development are affordable up to 80% AMI, then all units in the development—including market rate units—are included on the SHI (e.g., 28 Austin Street). In calculating the denominator, the total number of housing units is the total number of year-round units as reported in the most recent federal (decennial) census. As enumerated on the 2010 Census, Newton has 32,346 total housing units.

### **The Large Project Safe Harbor for Specific Projects**

- There is a third project-specific safe harbor for “Large Projects” that allows the ZBA to deny a project over a certain size if it meets the definition of that term under DHCD regulations. For Newton, a “Large Project” is any proposed 40B project that contains more than the number of housing units equal to 2% of all housing units in the City. As the City has 32,346 total housing units, any project that contains more than 646 units will constitute a “Large Project.” While there is no limit on the maximum number of units in a 40B project, this safer harbor will, in most instances, act as a practical cap on the number of units that a developer will propose for any individual 40B project.

### **The City’s Current 1.5% Calculation**

- The City’s current land area percentage of affordable housing equals 1.33%.<sup>1</sup>

$$\text{New Calculation} = \frac{102.78 \text{ acres}}{7730.99 \text{ acres}} = 1.33\%$$

- The City currently has 102.78 acres of affordable housing, compared to 98.52 acres the last time this calculation was updated at the end of 2018—a net gain of 4.26 acres.
- The increase in 4.26 acres of affordable housing is attributed to the following projects being approved since the last calculation: 39 Herrick Road; 182-184 California Street; 432 Cherry Street; 160 Stanton Avenue; Northland; 956 Walnut Street; 15-21 Lexington Street; and 20 Kinmonth Road.
- The previously approved project located at 389 Watertown Street, accounting for .02 acres of affordable housing (and 2 affordable units), has been removed from the City’s calculation as a building permit was not issued within one year of special permit approval, making the project no longer SHI eligible. If and when a building permit is issued for the project, the acreage will be added back to the calculation. This one-year requirement to receive a building permit does not apply while litigation is pending due to a legal challenge to a special permit or comprehensive permit. The previously approved project located at 111 JFK Circle (known as

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<sup>1</sup> The final required step in calculating the area of each affordable housing site requires calculating the maximum number of residential units that would be permitted at that site under the Newton Zoning Ordinance. The land area devoted to affordable housing must then be further reduced if the total number of units on site is less than the maximum permitted. As this number varies based on the zoning district and building type (and will change if new zoning is adopted as part of Zoning Redesign) and would only further reduce the affordable housing acreage, this final step in the calculation has not been undertaken at this time. As the City nears the 1.5% safe harbor, staff will further refine the numerator by completing this calculation.

Haywood House) has also been removed from the calculation as a building permit was not issued within one year of the project's comprehensive permit approval. While the removal of Haywood House does not impact the 1.5% calculation (as the entire parcel is already counted because of the existing affordable housing at that site), it does result in the reduction of 55 units towards the 10% calculation.

- There has been no change the City's calculation of its total land area of developable land (known as "Total Land Area"). The City currently has 7,730.99 acres of developable land. After the taking of Webster Woods is completed and the land is rezoned to the Public Use District, the area of Newton's developable land will ultimately be reduced by approximately 17 acres. This reduction will have little impact to the overall 1.5% calculation.

### **The City's Current 10% Calculation**

- The City currently has 2,416 housing units inventoried on the most recently published Subsidized Housing Inventory (SHI). Based on that number, and the 2010 Census number of 32,346 total housing units, DHCD reports that Newton has an affordable housing percentage of 7.47% on the previously published SHI. In accordance with DHCD regulations, the City is also allowed to count units that are SHI "eligible" but that have not yet been officially inventoried on the SHI. Currently the City has approximately 358 SHI eligible units not listed on the SHI (e.g.: Washington Place and the Northland development, and multiple smaller projects). Using the City's total number of SHI eligible housing units of 2,774, the City calculates it currently has an affordable housing percentage of 8.58%.
- Both DHCD and the City are operating under the 2010 Census for the number of total housing units (*denominator*) in making this calculation. The total number of units will change when the 2020 Census, which is soon to be underway, is completed. An updated 10% calculation will be reported once the City receives the results of the 2020 Census, likely in the second half of 2021. It is anticipated that the 2020 Census will report an increase in the City's total number of housing units.

### **Looking Forward**

- Based on the City's current 1.5% calculation, in order to meet the 1.5% safe harbor, the City needs to have 116 acres of land dedicated to SHI eligible affordable housing (at or below 80% AMI). Therefore, at a minimum, in order to achieve the 1.5% safe harbor, 13.24 additional acres of affordable housing would need to be developed in the City. However, our current calculation does not take into account the final step in the calculation detailed in footnote 1 herein that will likely further reduce the City's land area of affordable housing, requiring some amount more than 13.24 acres to be developed.
- Based on the City's current 10% calculation, in order to meet the 10% safe harbor, the City needs to have 3,235 SHI eligible housing units. In order to achieve this, a minimum of 461 additional SHI eligible units need to be developed in the City. It is important to keep in mind, however, that the results of the 2020 census are expected to show an increase the City's total number of housing units in the last ten years, which in turn is likely to have an impact on the City's 10% calculation. Therefore, in the event the City reaches the 10% threshold before the

new federal census data is available in the second half of 2021, it is very likely that the City will fall back below the 10% threshold after the data from the 2020 census is available.

- There are numerous development projects in the pipeline that will increase the City’s number of affordable housing units and its land area dedicated to affordable housing.<sup>2</sup>
  - The Riverside project will be before the City Council for a special permit in January 2020. If a special permit is granted based on the current configuration of the Riverside project (617 proposed residential units), subject to further evaluation to determine the portion of the 14.5 acre site that is “directly associated” with the affordable units, 15% of that area will be counted towards the 1.5% calculation and 93 affordable units will be counted towards the 10% calculation.
  - There are also two 40B projects that are expected to be filed with the ZBA in the coming weeks. If approved, the project known as “Dunstan East” on Washington Street will add 2.98 acres to the 1.5% calculation and 243 affordable units to the 10% calculation. The project known as “Residences on the Charles” at 15 Riverdale Avenue, if approved, will add 3.40 acres to the 1.5% calculation and 204 affordable units to the 10% calculation.

### **Northland FAQ**

There has been much discussion of the 40B scenarios for Northland given the ongoing signature collection effort for a referendum petition. In an effort to address some open questions, below is additional information on this topic.

- In the event the City Council’s rezoning of the Northland project is repealed by a referendum, the Northland developer may consider one or more 40B projects at the same site. The Northland site is currently made up of three separate parcels. The developer could ultimately choose to pursue multiple 40B projects, as each parcel could contain a separate 40B project. The developer could also subdivide into additional parcels by right as long as each parcel meets the frontage and lot area requirements in the City’s zoning ordinance.
- There would be no cooling off or waiting period before the developer could pursue a 40B project. There is also nothing that prevents the developer from pursuing multiple individual 40B projects on separate parcels at the same time. For any 40B project, the first step by the developer would be filing for and receiving a Project Eligibility determination from a subsidizing agency before submitting a 40B application with the City of Newton’s ZBA.
- Given the “large project” safe harbor, it would be expected that the maximum number of units the developer would propose for a 40B project on a single parcel is 646 units. A 40B project can also contain nonresidential elements such as office or retail uses. Mixed-use projects are not

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<sup>2</sup> Please note that the expansion of the Golda Meir facility at 160 Stanton Avenue (69 affordable units and .38 acres) previously approved by a comprehensive permit is scheduled to lose its SHI eligibility in January 2020 for lack of a building permit. This will result in a change to the 1.5% calculation from 1.33% to 1.32% and change the 10% calculation from 8.58% to 8.36%. Additionally, in the event that the Northland rezoning is repealed through the City’s referendum procedure, 120 affordable units and 3.39 acres will also be removed from the City’s safe harbor calculations.

disfavored under 40B so long as the nonresidential elements complement the primary residential use. There is minimal guidance on the allowable limit of nonresidential elements within a 40B project, but because the primary use must be residential, likely at least 50 percent of a 40B project should be residential. While it is impossible to predict the details of any potential 40B projects, one or more initial 40B projects at the Northland site could each contain 646 units located on separate portions of the 22-acre site.

- As the City's safe harbor calculations are made anew each time a comprehensive permit is filed, in the event a Northland 40B project is ever submitted to the ZBA, the City will again determine its safe harbor status at the time an application is filed. Both safe harbor calculations can only count units that have already received permitting approval. This means that the SHI eligible units and acreage associated with the above-referenced pipeline projects would only be counted after they are approved by special permit or comprehensive permit. It also means that the proposed units and acreage of any Northland 40B itself would not count towards the City's calculations of determining whether it has met a safe harbor at the time of a Northland 40B application.
- While there are many variables involved in a potential 40B project or projects at Northland, the timing of any 40B application will be important. It is possible that the City could be close to attaining the 10% safe harbor prior to a Northland 40B if the first Northland application were to be filed after approval of the pipeline projects referenced earlier (Riverside; Dunstan East; Riverdale). If one or more Northland 40B projects are filed before approval of one or more of those pipeline projects, it is unlikely the ZBA would be able to invoke a safe harbor. The City does anticipate that the ZBA's approval of one or more initial large scale 40B projects at Northland (in conjunction with approval of all the above-referenced pipeline projects) would likely allow the City to reach the 10% safe harbor. As previously stated, however, achievement of the 10% safe harbor in 2020 or early 2021 is likely to be for a short duration until the availability of the 2020 census of total housing units in Newton.

# EXHIBIT A



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## MEMORANDUM

Date: February 15, 2019

TO: Zoning Board of Appeals Members

FROM: Jonah Temple, Assistant City Solicitor **JT**  
Jennifer Caira, Chief Planner, Current Planning, Planning & Development Department

CC: City Council Members  
Mayor Ruthanne Fuller  
Barney Heath, Director, Planning and Development Department  
Alissa Giuliani, City Solicitor

SUBJECT: Update on Chapter 40B Safe Harbors

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The purpose of this memorandum is to update the Zoning Board of Appeals (ZBA) on the most recent calculation of the Chapter 40B “safe harbor” available to municipalities that have met the *General Land Area Minimum*, achieved when affordable housing exists on sites comprising 1.5% or more of a municipality’s total land area, as well as the 10% safe harbor that is met when a municipality’s affordable housing units exceed 10% of its total housing units. The City’s calculation of the 1.5% safe harbor has again changed significantly since the last update done in December 2017 as a result of new Guidelines enacted by the Department of Housing and Community Development (DHCD) governing the calculation. The calculations show that Newton still has not met either threshold and, in fact, is not as close to the 1.5% safe harbor as previously calculated.

### Overview of the 1.5% Calculation

- The 1.5% calculation is made anew each time a comprehensive permit application is filed. This is not a static calculation and it is expected that affordable housing properties will be routinely added and removed from the City’s list of sites eligible to be counted towards the calculation.
- If the City has created its fair share of affordable housing by meeting the 1.5% statutory safe harbor, the provisions of the Chapter 40B law will be lifted. That means the decision made by the ZBA concerning a comprehensive permit application—whether it is to deny the permit, approve the permit or approve it with conditions—will be upheld on appeal as a matter of law.

- The calculation requires dividing the land area of sites of affordable housing that are inventoried or eligible to be inventoried on the City's Subsidized Housing Inventory (SHI) maintained by DHCD (the *numerator*) by the total developable land area in the City that is zoned for residential, commercial or industrial use (the *denominator*).
- In calculating the land area of affordable housing sites (*numerator*), only the proportion of the site area that is occupied by SHI eligible affordable housing units can be counted. For example, if 15% of all units in a development are SHI eligible affordable (such as Washington Place), the City can count 15% of the total acreage of the site towards the numerator. Additionally, DHCD Guidelines also provide that for rental developments, if at least 25% of units are affordable up to 80% AMI, then all units in the development are included on the SHI (e.g.: if a rental development like Washington Place contains 25% affordable units, then the entire acreage of the site would count towards the City's numerator).
- Since the City's last calculation (prepared in December 2017 and explained in a January 31, 2018 Memorandum) DHCD has enacted new Guidelines that set forth detailed technical instructions for calculating the General Land Area Minimum.

### **The New DHCD 1.5% Guidelines**

- The new DHCD Guidelines establish, for the first time, standard methods and data sources for calculating the General Land Area Minimum. The Guidelines set forth detailed technical instructions and specifications on how to perform the calculation using Geographic Information Systems (GIS) software and spatial data provided by MassGIS. The Guidelines also set forth key definitions.
- The Guidelines require that the calculation be prepared by a technical analyst trained in GIS. The analyst is required to utilize digital parcel data and automated GIS tools to calculate the acreage of every affordable housing site and the acreage of all developable land. The Guidelines further require a specific format for tables, spreadsheets and GIS files showing each step of the calculation and maps depicting each affordable housing site.
- The Guidelines provide much needed guidance and explanation on how to calculate the "Directly Associated Area" of each affordable housing parcel. The Guidelines explicitly require that only the portion of each affordable housing parcel that is occupied by affordable units and the impervious and landscaped areas "directly associated" with those units can count towards the numerator calculation. The Guidelines instruct how the parcel data for each site must be edited to remove areas that are not "directly associated." The Guidelines also create a new mechanism for MassGIS to calculate the acreage occupied by group homes and to report that calculation to municipalities while maintaining the confidentiality of the locations.
- The Guidelines also include detailed step-by-step instructions for calculating the City's total developable land area (*denominator*). This new methodology requires the iterative subtraction of various "excluded areas" which must be removed from the total land area through the use of numerous datalayers, geoprocessing tools and spatial data provided by MassGIS, and requires specific formatting of map images showing the results of each step of the calculation.



### The City's Previous 1.5% Calculation

- The City previously calculated in December 2017 that the land area percentage of affordable housing equaled 1.47%. That calculation was based on the City having 105.6 acres of affordable housing (*numerator*) and 7,174.9 acres of developable land (*denominator*).
- The previously calculated numerator of 105.6 acres did not reduce the acreage of individual parcels through the removal of areas not “directly associated” to the affordable units on each parcel. At the time, the City had no guidance on how to make such determinations. The calculation also counted 4.7 acres associated with confidential group homes, which was based on address lists that the Department of Mental Health and Department of Developmental Services produced to the City in response to a court order.
- The previously calculated denominator was based on the City’s original calculation of developable land that was performed by Doug Greenfield, the City’s GIS Administrator, in 2014. The calculation included the acreage of the City’s private golf courses as a result of a prior ruling from the Housing Appeals Committee (HAC) that there was no basis for Newton to exclude golf course acreage from its developable land figure.

### The City's Current 1.5% Calculation

- In connection with the filing of a comprehensive permit application for a project located at 160 Stanton Avenue (Golda Meir House expansion) in October 2018, the City’s GIS Administrator and Planning Department, with assistance from the Law Department, performed the General Land Area Minimum calculation in accordance with the new Guidelines enacted by DHCD. Significant interdepartmental time and resources were spent implementing the technical instructions, which included mapping, measuring and scrutinizing parcel data for every site containing affordable housing, as well as visiting and walking many of the sites.
- The City’s current land area percentage of affordable housing equals 1.27%.<sup>1</sup> This is a significant reduction from the City’s previous calculation of 1.47% from December 2017. As detailed below, the change in the calculation is attributable to the utilization of new methodologies and technical instructions required by the Guidelines.

$$\begin{array}{r} \text{New} \\ \text{Calculation} \end{array} = \frac{98.52 \text{ acres}}{7730.99 \text{ acres}} = 1.27\%$$

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<sup>1</sup> The final step under the new Guidelines in calculating the area of each affordable housing site requires calculating the maximum number of residential units that would be permitted at that site under the Newton Zoning Ordinance. The land area devoted to affordable housing must then be further reduced if the total number of units on site is less than the maximum permitted. As this number varies based on the zoning district and building type (and will change if new zoning is adopted as part of Zoning Redesign) and would only further reduce the affordable housing acreage, this final step in the calculation has not been undertaken at this time. As the City nears the 1.5% safe harbor, staff will further refine the numerator by completing this calculation.

## Reasons why the 1.5% Calculation Changed

- Change in Affordable Housing Acreage (Numerator)
  - > Under the methodology prescribed by the new Guidelines, the City has 98.52 acres of affordable housing, compared to 105.60 acres the last time this calculation was updated in December 2017—a net loss of 7.08 acres.
  - > There are two explanations for this reduction. First, a handful of parcels were edited to remove land area that was not directly associated with the affordable housing units on the parcels, per the new Guidelines. Examples of this include the YMCA at 276 Church Street (where some of the wooded land and outdoor recreation/track land was removed), Arborpoint at 1940 Washington Street (where the land that the MBTA parking garage occupies was removed) and the Coleman House at 677 Winchester Street (where wooded land was removed). This “carving” of parcels, even after counting the additional new affordable housing projects in the past year, accounts for a reduction of 5.42 acres. Second, through the new mechanism for calculating the acreage of group homes, MassGIS reported to the City that there are 3.04 acres of group homes located in Newton, a reduction of 1.66 acres from the group home acreage previously calculated by the City based on addresses subpoenaed from the state agencies. While DHCD has not been able to fully explain the group home discrepancy, it suggested some of the reduction is due to a group home located in Brookline that was previously reported as a Newton address. The discrepancy may also be due to the fact that the address lists that the City previously relied on were for group homes in existence in 2016.
- Change in the Total Land Area Acreage (Denominator)
  - > Under the methodology prescribed by the new Guidelines, the City has 7,730.99 acres of developable land (known as “*Total Land Area*”), compared to the 7,174.90 acre amount that the City has used since 2014—a net gain of 556.09 acres.
  - > While no technical instructions from DHCD existed when the City originally calculated the denominator in 2014, the City did utilize GIS methods similar to those now required by the Guidelines. However, following DHCD’s new Guidelines and the prescribed standardized step-by-step instructions yields a different result. There are three primary explanations for the increase in developable land calculation. First, the City’s previous calculation excluded floodplains, conservation land and land with conservation restrictions, while the new Guidelines include such land as developable. Second, some of the land area that is excludable from the calculation—such as water bodies, registered wetlands, zoning where development is prohibited, publicly-owned rights-of-way and publicly-owned parcels—has changed, been updated or reclassified in GIS in the five years since the City last calculated its Total Land Area. The GIS data sources have also been updated since the last calculation. Third, the new DHCD Guidelines’ GIS instructions are highly specific as to the order of operations and formatting of queries and, therefore, the particular measuring methodology mandated by the Guidelines, which does not mirror the City’s previous process, produced a different result based on the process.

## Overview of the 10% Calculation

- A second safe harbor available to the City can be achieved when Newton’s affordable housing units exceed 10% of its total housing units. This is known as the “Housing Unit Minimum” or the “10% safe harbor.” The 10% calculation requires dividing the total number of affordable housing units that are inventoried or eligible to be inventoried on the City’s SHI (the *numerator*) by the total number of housing units in the City (the *denominator*).
- In calculating the numerator, DHCD Guidelines provide that if at least 25% of units in a rental development are affordable up to 80% AMI, then all units in the development—including market rate units—are included on the SHI. In calculating the denominator, the total number of housing units is the total number of year-round units as reported in the most recent federal Census. As enumerated in the 2010 Census, Newton has 32,346 total housing units.
- The City currently has 2,416 affordable units inventoried on the most recently published SHI. Based on that number, and the 2010 Census number of 32,346 total housing units, DHCD reports that Newton has an affordable housing percentage of 7.47%. In accordance with DHCD regulations, the City is also allowed to count affordable units that are SHI “eligible” but that have not yet been officially inventoried on the SHI. Currently the City has approximately 276 SHI eligible units not listed on the SHI (e.g.: Austin Street and Washington Place developments; recent 40B projects). Using the City’s total number of SHI eligible affordable housing units of 2,692, the City believes it currently has an affordable housing percentage of 8.3%.
- Both DHCD and the City are operating under the 2010 Census for the number of total housing units (*denominator*) in making this calculation. This number will change when the 2020 Census, which will be underway starting in April 2020, is completed. An updated 10% calculation will be reported once the City receives the results of the 2020 Census, likely in the second half of 2021. It is anticipated that the 2020 Census will report an increase in the City’s total housing units.

## Looking Forward

- Based on the 1.5% calculation under the new DHCD Guidelines, in order to meet the 1.5% safe harbor, the City needs to have 116 acres of land dedicated to SHI eligible affordable housing (less than 80% AMI). In order to achieve this, based on the current Guidelines, approximately 17.5 additional acres of affordable housing would need to be developed in the City.
- There are numerous development projects in the pipeline that will increase the City’s number of affordable housing units and its land area dedicated to those units. Currently, there are pending applications for projects that propose approximately 180 SHI eligible affordable units, which includes 123 affordable units for the Northland project. There are also many potential projects that the City anticipates developers seeking approval for in the near future (such as the Riverside project) that would offer additional SHI eligible affordable units. It is not anticipated, however, that these pipeline projects would bring the City significantly closer to reaching the 1.5% or 10% safe harbors.<sup>2</sup>

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<sup>2</sup> If future pipeline projects were to take the form of large-scale rental developments containing 25% SHI eligible affordable housing units (which would allow the City to count the entire acreage of the development site toward the 1.5% calculation and to count 100% of the development units toward the 10% calculation), it could be possible that such projects would bring the City significantly closer to reaching one or both of the safe harbors.