

Affordable Housing in Acton Acton Community Housing Corporation

The Town Board charged with facilitating affordable housing is the Acton Community Housing Corporation (ACHC). This quasi-public body is a Selectmen appointed board, created by a Home Rule petition in 1996. Prior to this, ACHC was a private non-profit housing partnership group formed by the Selectmen in 1986. The Home Rule petition granted the ACHC broad powers not normally held by Town Boards. Original membership included individuals from the banking, real estate and development fields, lawyers, housing advocates, and interested citizens. Many of these same dedicated individuals became charter members of the 1996 Town board and remain members today.

ACHC has five full members and two associate members. The Town's charge to ACHC is to “provide affordable housing opportunities for working families with modest incomes.”

The role of the ACHC is to act as the Town's initial contact with developers of proposed affordable residential housing projects, which may be site-specific or exploratory. The developer presents a proposed housing plan, indicating unit design and size, related facilities, site planning and affordability. The developer indicates any requests that will be made for a density bonus or other variances in return for the provision of affordable housing. Following ACHC review and discussion, specific requests may be made of the developer relative to the proposed housing, particularly as to the size, scale, adequacy, and appropriateness of the development, before the proposal is taken to the town staff and town boards. ACHC generally holds one or more public information sessions on each proposal.

Affordable Housing is defined in Massachusetts as *housing for households with incomes not exceeding 80% of the Area Median Income and housing that restricts rents or home prices for a specific period of time, generally in perpetuity*. The price range of affordable homes is currently \$140,000-175,000. Deed riders restrict the future re-sales of these properties to other income eligible families. Housing is considered affordable if it does not consume more than 38% of gross household monthly income. There may be some properties in Acton that are valued at these low prices but unless they are deed restricted for income eligible families, they can neither be counted toward the Town's 10% nor officially termed Affordable Housing.

The most effective tool for the creation of affordable units is the "Comprehensive Permit". This is the common term used to describe the process of permitting affordable development using MA General Laws Chapter 40B. This legislation was enacted in 1969 to encourage the development of housing for low and moderate-income individuals and families. Since 1970, more than 48,000 housing units across state have been developed under Chapter 40B. Under the statute, 40B establishes a comprehensive or “streamlined” permitting process enabling a local ZBA to approve a proposed housing development if at least 20-25% of the units are affordable to households whose gross annual household income does not exceed 80% of area median income. These units also must have long term

affordability deed restrictions. The 2008 median household income for the Boston Metropolitan area that includes Acton is \$85,800. For a household of four, 80% of the median household income is \$66,150.

Although a 40B project must adhere to the state Wetlands Protection Act, meet state building codes, and DEP Title V requirements, a comprehensive permit circumvents all other local zoning and approvals. A comprehensive permit may be used in a community where less than 10% of the housing units are affordable to households whose median income is 80% or less of area median. **Acton has 6.6% of its 7645 total housing units designated as affordable.** The MA Department of Housing and Community Development (DHCD) is responsible for maintaining an inventory of affordable housing and certifying the number of affordable units in each city and town.

Under the comprehensive permit process, an eligible developer may request that the ZBA waive certain requirements under the community's zoning ordinance if the developer believes that the provisions make the development financially unfeasible. If the developer's application is denied, the ZBA's decision can be appealed to the state Housing Appeals Committee (HAC). The five-member HAC, which operates under DHCD, can override a local denial or conditional approval unless the project poses serious health and safety issues that cannot be mitigated. Historically, most cases that have been appealed to HAC have been decided or settled in favor of the developer especially in the communities under the mandated affordable housing count of 10%.

The Acton Community Housing Corporation primarily focuses on moderate income households seeking home ownership. Low income households should contact the Acton Housing Authority (AHA) at (978) 263-5339. The AHA provides affordable rental housing units in the Town of Acton and rental assistance in the form of subsidies to low-income individuals and families so that they can rent housing in the private market.

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2/15/09