

Lower hurdle for zoning changes seen as critical for housing production in Mass.



The present supermajority requirement to pass local zoning changes has been a "legal barrier" to municipalities that want to create housing in "sustainable locations," Secretary Jay Ash said Tuesday. SAM DORAN - STATE HOUSE NEWS SERVICE

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By Colin A. Young, State House News Service

BOSTON — Flanked by two top economic development officials, Gov. Charlie Baker told lawmakers Tuesday that the gap between housing demand and supply "poses the most serious long-term hurdle to continued economic growth" in Massachusetts, and pitched a plan that municipalities said they can get on board with.

Local officials have long resisted changes to state zoning laws and Baker called the housing gap "one of the thorniest issues" for the state and local governments. But municipal leaders said Tuesday the governor's proposal to make it easier for cities and towns to build more housing would be effective

and would not infringe upon local decision-making authority.

"It has been decades since this state produced enough housing to keep up with demand. The result has been predictable. A limited supply creates overheated demand and rising prices," Baker told the Housing Committee. "Young people, seniors, young, working and middle class families can't afford to rent or buy a home here in the Commonwealth."

Baker's bill (H 4075) would allow cities and towns to adopt certain zoning changes by a simple majority vote rather than the existing requirement of a two-thirds supermajority vote.

"The legislation is simple," Housing and Economic Development Secretary Jay Ash said. "If a municipality wants to allow changes to its zoning that foster the creation of more housing, then the voting requirement is a simple majority."

Under the governor's bill, municipalities would need only a simple majority vote of their legislative body to reduce house lot sizes or other dimensional restrictions, allow mixed-use zoning in a downtown area, create cluster zoning for houses, adopt so-called smart growth zoning policies, and allow accessory dwelling units, according to Ash.

"Do you have any idea how difficult it is, with an 11-member city council, to get a supermajority on zoning changes?" Newburyport Mayor Donna Holaday said in her testimony in support of the governor's bill. "This is a very, very important tool."

Ellen Allen, a member of the Norwell Board of Selectmen, said her town will often get 60 to 65 percent support for zoning changes, but "can't quite get things over the finish line" because of the current supermajority requirement.

"Almost no zoning issues in our town pass the two-thirds (voting requirement) because not very many people want to take the time to read those kinds of off-putting zoning bylaw changes in our warrants, to be perfectly frank, and because they're just afraid for change," she said.

Local officials support the governor's bill because it makes it easier for them to make changes if they want to, but does not require cities or towns to make any changes to their zoning.

"If a municipality does not want to change its zoning, it does not have to," Ash said Tuesday.

That aspect of the governor's plan was key to winning the support of local officials. Geoff Beckwith, executive director of the Massachusetts Municipal Association, said the organization has opposed previous efforts to change state zoning laws because they have been "very restrictive and taken away authority for communities to make decisions."

"The flexible proposal and package of resources and tools along with preserving basic decision-making authority on the part of communities is a framework that we think can build a lot of support in and have a positive impact on the housing challenges throughout the commonwealth of Massachusetts," Beckwith said.

Without being specific, Beckwith implored the Housing Committee and the Legislature as a whole to "avoid adding polarizing amendments that would disrupt this balance and lead essentially to a loss of opportunity in terms of making a difference."

The Housing Committee on Tuesday heard from business leaders who echoed the governor's assertion that a shortage of housing, particularly housing that would be affordable to young workers, could put a serious damper on the state's economic growth. Among them was Paul Grogan of the Boston Foundation, James Rooney from the Greater Boston Chamber of Commerce and Dan

O'Connell of the Massachusetts Competitive Partnership.

"We are building less than half the housing that we were building in the 1980s and we are not building the same number of multi-family housing units that we need in diverse locations across the commonwealth to accommodate the workforce we need to continue our economic growth," the governor said. "The bottom line: Massachusetts needs to build more housing to remain competitive economically and to serve the needs of all of our residents."

The Massachusetts Smart Growth Alliance said Tuesday that it supports the governor's bill but does not want to see the Legislature "just declare victory with this bill and call it a day."

"There is already a working group on this issue in the House, as well as one in the Senate. We simply ask the Legislature to complete its work and assemble a coherent package out of the various bills," Smart Growth Alliance Executive Director Andre Leroux said, according to prepared testimony. "The governor and his administration have done an admirable job with the Housing Choice program on the agency side ... and now we expect that the Legislature will do what it does very well, which is hear all stakeholders, come to compromise and pass laws for the benefit of all residents of the commonwealth."

The governor's bill is one part of a multi-pronged plan that the administration hopes will spur the development of 135,000 new housing units by 2025.

When the governor's bill was filed in December, the Baker administration also announced the launch of the Housing Choice Initiative, a system of incentives and technical assistance for municipalities that demonstrate sustainable housing growth. Communities that qualify will be able to access capital grants, receive preferential treatment for existing grant programs - including MassWorks and transportation grants -- and access \$2 million in MassHousing technical assistance grants to help them make progress toward affordable housing goals.

Chrystal Kornegay, the outgoing undersecretary of housing and community development, said Tuesday that communities that qualify will receive extra points when they apply for state capital grants, will have exclusive access to a new state grant program for local capital improvement projects and will get "streamlined access" to technical assistance.

Clark Ziegler, executive director of the Massachusetts Housing Partnership, told the Housing Committee that the governor's goal of 135,000 new housing units by 2025 would "close most of the gap, not quite all, but most of the gap" between housing supply and demand.