

Commentary: Newton's post-40B housing affordability

That Newton has met and surpassed its subsidized affordable housing obligations under the state's Chapter 40B law is wonderful news.

The obligations Chapter 40B imposes on every municipality are onerous and very few communities have been able to meet them. Chapter 40B requirements can be satisfied by the familiar 10 percent of total housing units standard or by the 1.5 percent land area minimum standard. If a community complies with 40B via the 1.5 percent standard, there is no need to meet the requirements via a second standard.

By surpassing the 1.5 percent standard with 1.88 percent of Newton's developable land dedicated to subsidized affordable housing, it's clear that Newton has done its part to provide such housing to those in the region eligible to obtain it. Going farther than the state requires makes no sense, as Newton's elected leaders would then be sacrificing the needs of their constituents to the interests of 40B developers.

Newton's generosity and compassion have enabled many individuals and families at income levels at or below 80 percent of the area median income (for the federally defined region that contains Newton) to move into Newton to access our amenities and schools. In addition, the 40B mechanism has also allowed 75 percent of units constructed under that law to become new apartments and condos for higher-income families able to pay market-rate rents and prices, as they too have moved into Newton and its schools.

Chapter 40B does a very good job of enabling developers to force high-density housing projects into communities that don't want high-density housing, and it helps 25 percent lower-income and 75 percent higher-income people from outside a community to move into that community if they are willing to live in high-density housing projects. Chapter 40B, because it circumvents Newton's zoning ordinance, makes land capable of denser development and so more valuable to developers, which actually drives up the price of Newton houses by driving up the price of the land beneath them. In that same way, 40B contributes to the teardown/overbuild phenomenon here, which is eliminating Newton's stock of small houses attractive to young families and downsizing seniors. 40B also facilitates the granting of special permits for multi-units and other overbuilds on single-family and two-family lots because of the implicit threat that a developer could come back with a hostile 40B proposal if the aldermen don't grant the special permit.

What 40B does not do well is to assist the existing residents of a community who are struggling with housing affordability issues in that community. For years we have been hearing that Newton is becoming too expensive for the adult children of its residents, and other young families, to buy houses here. It is not their dream to move into "units" here, but rather houses with backyards and privacy, as their parents did. We've heard that some city employees can't afford to buy houses here. Most of all, we've heard that many of our seniors need help to remain in their houses, and that others are house-rich but cash-poor. This last group includes some seniors who would like to downsize and remain in Newton, but find the new 40B luxury, market-rate units have carrying costs that are prohibitive. These 40B condo prices plus fees and the apartment rents would too quickly consume seniors' savings and the proceeds from selling their homes. No Newton senior who owns a home here can qualify for the subsidized affordable 40B units because selling his or her home would result in assets exceeding the \$275,000 limit for 40B eligibility.

Meeting and surpassing our obligations under 40B means that Newton can now reject all 40B proposals, and put the focus squarely on addressing the housing affordability needs of the residents of Newton, especially seniors. Any other approach is irresponsible, and contemptuous of the residents who are asking for relief. 40B housing proposals introduce density that Newton residents don't want, impose burdens on Newton's schools and infrastructure that we can't afford, and consume land that we need including open space and properties crucial to preserving the city's tiny commercial tax base.

The sudden announcement of the 1.5 percent achievement on Dec. 18 was not a holiday miracle. It came about because residents mobilized in response to fear and outrage generated by the profoundly unjust, late-night, 3-2 Zoning Board of Appeals vote on Oct. 2 to grant a 40B permit to the Court Street developer. That decision gave the stamp of approval to the displacement of some of Newton's most vulnerable households to make way for a 40B luxury condo complex, and trampled over the rights of the residents of modest means in that long-established Newtonville neighborhood. The developer has since put the permitted project up for sale as a "shovel-ready" investment opportunity.

The Court Street decision, which is being appealed, set a precedent for high-density 40Bs to be built on lots in any single- or two-family neighborhood. Neighbors near threatened 40Bs at Rowe Street, Goddard Street, Four Corners, St. Phillip Neri and elsewhere quickly organized to protect their neighborhoods. The Newton Villages Alliance (www.newtonvillagesalliance.org) arranged a meeting at which representatives from all of these neighborhoods and others came together to work on figuring out if the 1.5 percent standard applied to Newton, and might have prevented the Court Street travesty. Residents researched databases, searched for unpublished locations of subsidized affordable housing, made inquiries at City Hall and at the state level, asked sympathetic alders for help, made public records requests, sent stacks of emails and made dozens of calls to the mayor's office, pleading with him to release the 1.5 percent data that we were confident his staff had. We are grateful to Alders Baker, Brousal-Glaser, Cote, Gentile, Harney, Norton, Rice, Sangiolo and Yates who kept the pressure on the administration to release the data and invoke the 1.5 percent.

The mayor did the right thing in allowing his staff to release the 1.5 percent data, and the ZBA has done the right thing in invoking the 1.5 percent standard at

the start of hearings on 40B proposals for Rowe Street and Goddard Street. The city must maintain the 1.5 percent (1.88%) standard to protect Newton from the threat of any more 40B projects, the ZBA must invoke the 1.5 percent standard for every 40B proposal until they stop coming, and the ZBA must reject every 40B proposal going forward. It is time for our community to resolve the housing affordability issues in Newton that 40B doesn't address and, in fact, exacerbates.

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Print Page