



# Local Preference Information Session

Thursday August 17<sup>th</sup> at 6PM

Joint meeting of the  
Brewster Housing Partnership,  
Select Board,  
Affordable Housing Trust,  
Community Preservation Committee &  
Finance Committee



# Welcome & Introductions

Donna Kalinick, Brewster Assistant Town Manager

Jill Scalise, Brewster Housing Coordinator

# THANK YOU, THANK YOU, THANK YOU!

## Brewster's Housing Plan is certified.

In 2017, Brewster's Subsidized Housing Inventory (SHI) had 250 units, 5.2% of 4,803 year-round housing units.

Today, Brewster's SHI has 372 affordable housing units.

Brewster's SHI has increased to 7.2% of 5,170 year-round housing units.

The state certified the Housing Production Plan three times in five years!



# Local Preference

How does local preference work?

What does local preference mean?

How is local preference implemented?

What is Brewster's experience with local preference?





# Executive Office of Housing and Livable Communities (EOHLC) Guidelines

## **GUIDELINES**

*Updated December 2014*

### **G.L. C.40B COMPREHENSIVE PERMIT PROJECTS**

### **SUBSIDIZED HOUSING INVENTORY**

Regulatory Authority: see 760 CMR 56.00



### **Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines**



*Updated May 2013*



If a municipality wishes to implement a local preference process, it **must**:

- Demonstrate in the AFHMP the need for Local Preference. For instance, a community that has a subsidized rental housing or public housing waiting list **with applicants likely to apply for the project** may support a local preference.
- Justify the extent of the Local Preference (the percentage of units to be set aside for local preference). That is, how does the documented local need, in the context of the size of the community, justify the proposed size of the local preference for a given project. *Note, however, that in **no event shall a local preference exceed 70% of the affordable units in a project.***
- Demonstrate that the proposed local preference **will not have a disparate impact** on protected classes

# Municipality Must Demonstrate Need





# Protected Classes

## **Federal Fair Housing Act**

Race

Color

National Origin

Religion

Sex

Disability/Handicap

Familial Status; Children

## **M.G.L. 151B**

Marital Status

Age

Sexual Orientation

Gender Identity

Military Status

Public Assistance/ Housing  
Subsidy/Source of Income

Genetic Information

Ancestry



# Local Preference – How to



“A municipality must provide the developer ( and the subsidizing agency\*) the documentation required to support a local preference **within 3 months of the issuance of the Comprehensive Permit**. Failure to comply with this requirement shall be deemed to demonstrate that there is not a need for a local preference and shall not be approved as a part of any Affirmative Fair Housing Marketing Plan or Use Restriction.”

“The Subsidizing Agency...as well as the municipality, must approve a local preference scheme as part of the AFHMP. Therefore, the nature and extent of local preferences **should be approved** by the Subsidizing Agency **prior to including such language in any zoning mechanism**. Furthermore, a **comprehensive permit shall only contain requirements or conditions relating to local preferences to the extent permitted by applicable law and this policy.**”

\*Subsidizing Agencies: EOHLC (LIHTC, LIP, LAU, etc.), MHP, MassHousing, and MassDevelopment



# Who Qualifies for Local Preference?

## • Allowable Preference Categories

- **Current residents:** a household in which one or more members is living in the city or town at the time of application.
- **Municipal employees:** employees of the municipality
- **Employees of local businesses:** employees of businesses located in the municipality.
- **Households with children attending the locality's schools,** such as METCO students and regional schools in the municipality







# Local Preference & Schools

## Examples of Locality Schools

- **Nauset Regional High School in Eastham:**  
Village at Nauset Green -
  - Local Preference for students in the Nauset Regional School District (NRSD), including school choice.
- **Nauset Middle School in Orleans:**  
Cape Cod Five (Pennrose) & Main Street (HAC)-
  - Local preference for students in the NRSD, including school choice.
- **Stony Book & Eddy Elementary Schools in Brewster:**  
Brewster Woods & Spring Rock Village (0 Millstone Road)-
  - Brewster elementary schools are not part of the NRSD. However, families with students attending the NRSD pre-K in Brewster would qualify for Brewster local preference.

# Local Preference- Guard Rails



- When determining the preference categories, the geographic boundaries of the local resident preference area may not be **smaller** than the municipal boundaries. For regional preferences, generally it must be the **MSA** (Barnstable County not Upper Cape)
- **Durational requirements** related to local preference, that is, how long an applicant has lived in, worked, or gone to school in a preference area **are not permitted** in any case.
- Preferences extended to local residents should also be made available not only to applicants who live or work in the preference area, but also to applicants who have a bona fide offer to work or have a pending purchase or lease of a home in the preference area





## Local Preference- Guard Rails

- A preference for households that work in the community **must not discriminate** against persons with disabilities and elderly households.
- Advertising must not have a discriminatory effect on eligible applicants. As such, **local preference preferences must not be advertised** as they may discourage non-local applicants
- **Local Preference only applies to the initial sale or lease up!**

# Local Preference-

## The lottery for initial sale or leasing opportunities

- The number and type of pools will depend on the project.
- For projects with approved local preference, there will be two pools: local and open.
- Local applicants will be placed in both pools.



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# Local Preference- Minority Balancing

The Percentage (%) of applicants who identify as minorities in the Local Preference pool must be equal to or greater than the % of minority residents in the Metropolitan Statistical Area(MSA).

Using 2020 Census figures, the percentage of minorities in the Barnstable County MSA is **15%**.



# Local Preference- Minority Balancing

- If the % of minority local resident households in local pool is less than % in the Metropolitan Statistical Area (MSA), then
- Hold a preliminary lottery comprised of all minority applicants in the open pool.
- Add minority applicants to local pool until the % of minorities in local pool is equal to or greater than the % of minorities in MSA
- If there are not enough minority applicants in the open pool to increase the local pool to the MSA %, then additional marketing must happen to attract additional applicants

**Minority Applicants chosen for local pool will also be in open pool.**





# Example of Minority Balancing:

1 forty (40) unit Comprehensive Permit (40B) Development in Barnstable County with 10 affordable units.

## Step 1

### Sort by “open pool” and “local pool”

- # Applicants in “open pool: 70, including 10 minority applicants
- # Applicants in “local preference pool”: 30, including 2 minority applicants

Applicants in Local Preference Pool	Minority Applicants in Local Preference Pool	% Minority Applicants in Local Preference Pool
30	2	6.7%

## Step 2

### Assess

- % of minority applicants in local pool = 6.7%
- % of minority population in Barnstable County = 15%
- Is minority balancing needed? Yes

## Step 3

### Balance

- Hold preliminary drawing of all non-local minority applicants
- Rank by order picked
- Add minority applicants to local pool until % in local pool is greater than or equal to Barnstable MSA (15%).
- 3 applicants added to local pool.

Total Applicants in Supplemented Local Preference Pool	Total Minority Applicants in Supplemented Local Preference Pool	% Minority Applicants in Supplemented Local Preference Pool
33	5	15.2%

# Brewster's Recent Local Preference Experience

Habitat for  
Humanity

Brewster  
Woods

Serenity



# Paul Hush Way: 14 homes in 2 phases

- 70% Local Preference request granted
- \$1,397,000 Town CPA funding
- Affirmative fair housing marketing
- 157 total applicants (2 phases)
- 49 applicants qualified for drawing/lottery
- Both the lottery pool and home ownership build selection demonstrated a fair and diverse representation of qualified applicants





# Brewster Woods: 30 rental apartments

- 70% Local Preference request granted
- Housing Authority land, \$550,000 Brewster CPA funds and \$1.68 Million MassWorks grant to the Town
- Affirmative fair housing marketing for 27 units affordable at 30 to 60% Area Median Income (AMI)
- 240 total applicants, 128 applicants qualified for the lottery
- 40 applicants in local preference pool
- Fair representation, no minority balancing required







## Serenity at Brewster: 27 affordable rentals

- Renovation of the former Wingate Rehabilitation facility into 132 apartments for folks aged 55+
- 50% Local Preference request granted, no Town funding in the rehabilitation
- Affirmative fair marketing for 27 units affordable at 80% AMI
- 72 applicants, 53 qualified for the lottery
- Minority balancing used in the lottery
- 14 applicants in the supplemented local preference pool, all offered apartments at Serenity



# Habitat for Humanity: 2 homes on Phoebe Way

- Two affordable 3-bedroom homes.
- One at 60%AMI, One at 80%AMI.
- \$100,000 Brewster CPA funds
- One veteran preference home. This will become local preference if no veterans qualify.
- Application deadline ended August 14<sup>th</sup>







Local Preference Decision Point: Spring Rock Village, 0 Millstone Road



# Spring Rock Village: (0 Millstone Road) 45 affordable rentals

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- \$ 285,000 CPA funds used to purchase 1.5-acre access parcel in 2018
- 16.6 acres of Town land designated for Community Housing
- Feasibility study & community outreach
- Town led Request for Proposals 2021
- Land Disposition Agreement 2022 & Future land lease with Town
- Comprehensive Permit approved 2023
- 1, 2 & 3-bedroom units at a mix of income levels up to 80% AMI.
- Current \$500,000 CPA request. Expected \$500,000 request to Housing Trust



# What income qualifies for affordable housing?


**2023 Housing and Urban Development (HUD) Barnstable County Median Family Income is \$124,300.**

**Low-to-moderate income housing on the SHI is capped at 80% of the Area Median Income (AMI).**

**These income levels are computed for Barnstable County every year by HUD.**

2023 HUD Income Limits	Household Size	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons
80% AMI		\$64,450	\$73,650	\$ 82,850	\$92,050	\$99,450	\$106,800





# Brewster may request up to 70% Local Preference

- Town decision and request is made by the Select Board
- The Select Board has often received input from Housing Partnership
- Request must be made to EOHLC by September 14<sup>th</sup> 2023
- Request must include documentation of need.
- Final decision on the approval of local preference is made by EOHLC

# Brewster Housing & Documentation of Need Housing Production Plan



Brewster's Subsidized Housing Inventory (SHI) is 7.2%.  
Based on 2020 Census and 5,170 year-round housing units.



2017 Housing Plan approved and twice certified by state:  
April 2018- April 2019 & May 2022-May 2023.



In August 2022, current Housing Plan approved by state and  
currently certified by the state June 14, 2023- June 13, 2024.



A photograph of a row of colorful, single-story houses with gabled roofs. The houses are painted in various colors like red, yellow, and green. Some houses have solar panels installed on their roofs. In the foreground, there is a central garden path with a wooden fence and various plants. The sky is blue with some white clouds.

# Questions?



# Brewster Local Preference Information Session



Special thanks to Laura Shufelt,  
Director of Community Assistance,  
Massachusetts Housing Partnership



Part of this presentation is based on  
slides created and originally used by  
Laura Shufelt May 18, 2023 at the  
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