



Town of Brewster Housing Partnership

2198 Main St., Brewster, MA 02631

(508) 896-3701

LOCAL PREFERENCE INFORMATION SESSION AGENDA A Joint Meeting of the Housing Partnership, Select Board, Affordable Housing Trust, Community Preservation Committee and Finance Committee

2198 Main Street

Thursday, August 17, 2023 at 6:00 PM

Housing Partnership

Select Board

Affordable Housing Trust

Community Preservation Committee

Finance Committee

This meeting will be conducted in person at the time and location identified above. This means that at least a quorum of the members of the public body will attend the meeting in person and members of the public are welcome to attend in person as well. As a courtesy only, access to the meeting is also being provided via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast or affect remote attendance or participation, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda, which includes an applicant and its representatives, should make plans for in-person vs. virtual attendance accordingly.

Members of the public who wish to access the meeting remotely may do so in the following manner:

Phone: Call (929) 436-2866 or (301) 715-8592. Webinar ID: 853 9402 2099 Passcode: 301097

To request to speak: Press *9 and wait to be recognized.

Zoom Webinar: <https://us02web.zoom.us/j/85394022099?pwd=M2JSaDJWYTZPK113eVZPVnVmaTdiUT09>

Passcode: 301097 To request to speak: Tap Zoom "Raise Hand", then wait to be recognized.

When required by law or allowed by the Chair, persons wishing to provide public comment or otherwise participate in the meeting, may do so by accessing the meeting remotely, as noted above. Additionally, the meeting will be broadcast live, in real time, via **Live broadcast** (Brewster Government TV Channel 18), **Livestream** (livestream.brewster-ma.gov), or **Video recording** (tv.brewster-ma.gov).

Please note that the Housing Partnership, Select Board, Affordable Housing Trust, Community Preservation Committee or Finance Committee may take official action, including votes, on any item on this agenda.

1. Call to Order & Declaration of a Quorum for Participating Boards and Committees
2. Meeting Participation Statement
3. Recording Statement - "As required by the Open Meeting Law we are informing you that the Town will be video and audio taping as well as broadcasting this public meeting. In addition, if anyone else intends to either video or audio tape this meeting they are required to inform the chair."
4. Local Preference Information Session:
 - Presentation by Donna Kalinick, Assistant Town Manager, and Jill Scalise, Housing Coordinator
 - Questions and Discussion
5. Adjournment for Participating Boards and Committees

Date Posted:
8.09.2023

Date Revised:

Received by Town Clerk:

BREWSTER TOWN CLERK

123 AUG 5 2:53 PM



Local Preference Information Session

Thursday August 17th at 6PM

Hosted by the Brewster Housing Partnership

With the 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?



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



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

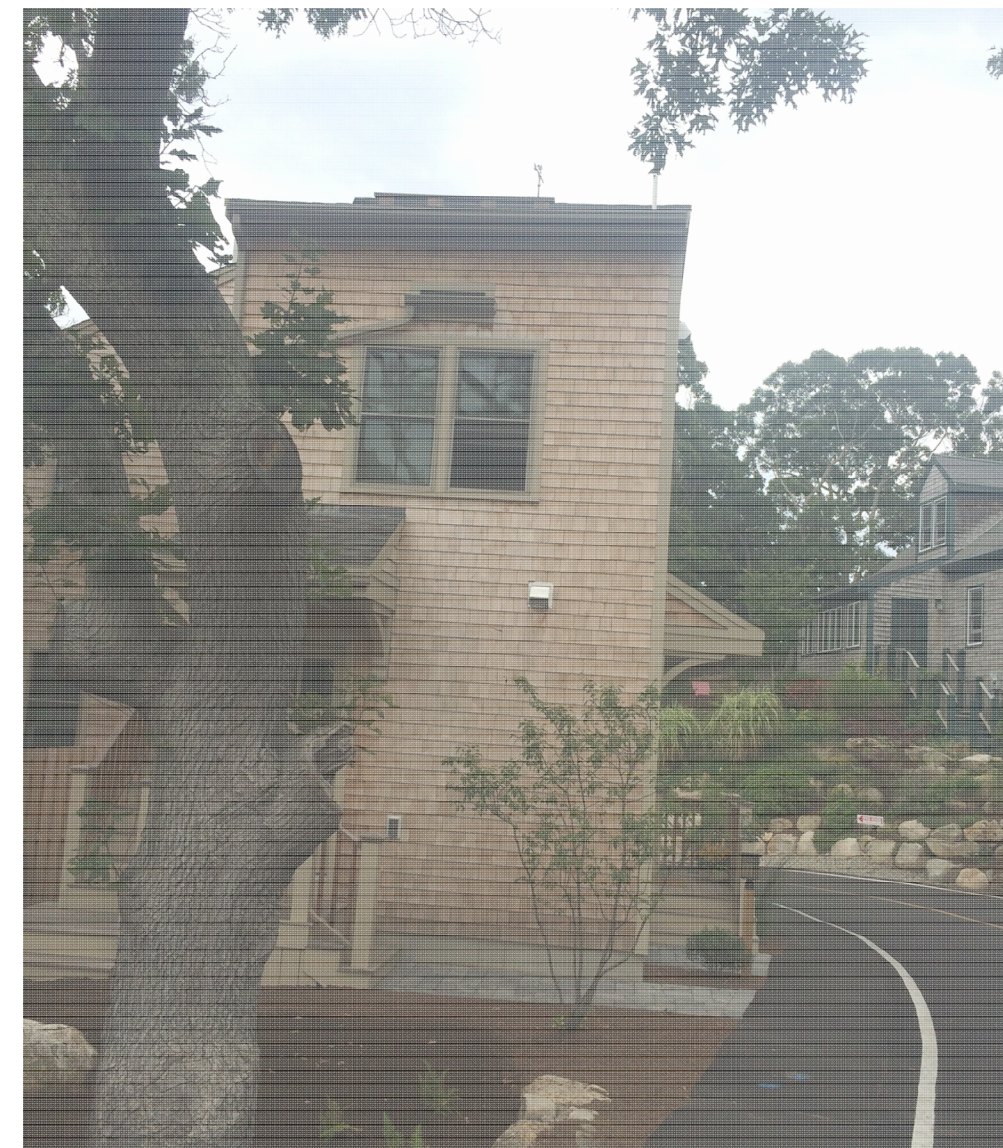
Ancestry

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 & 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

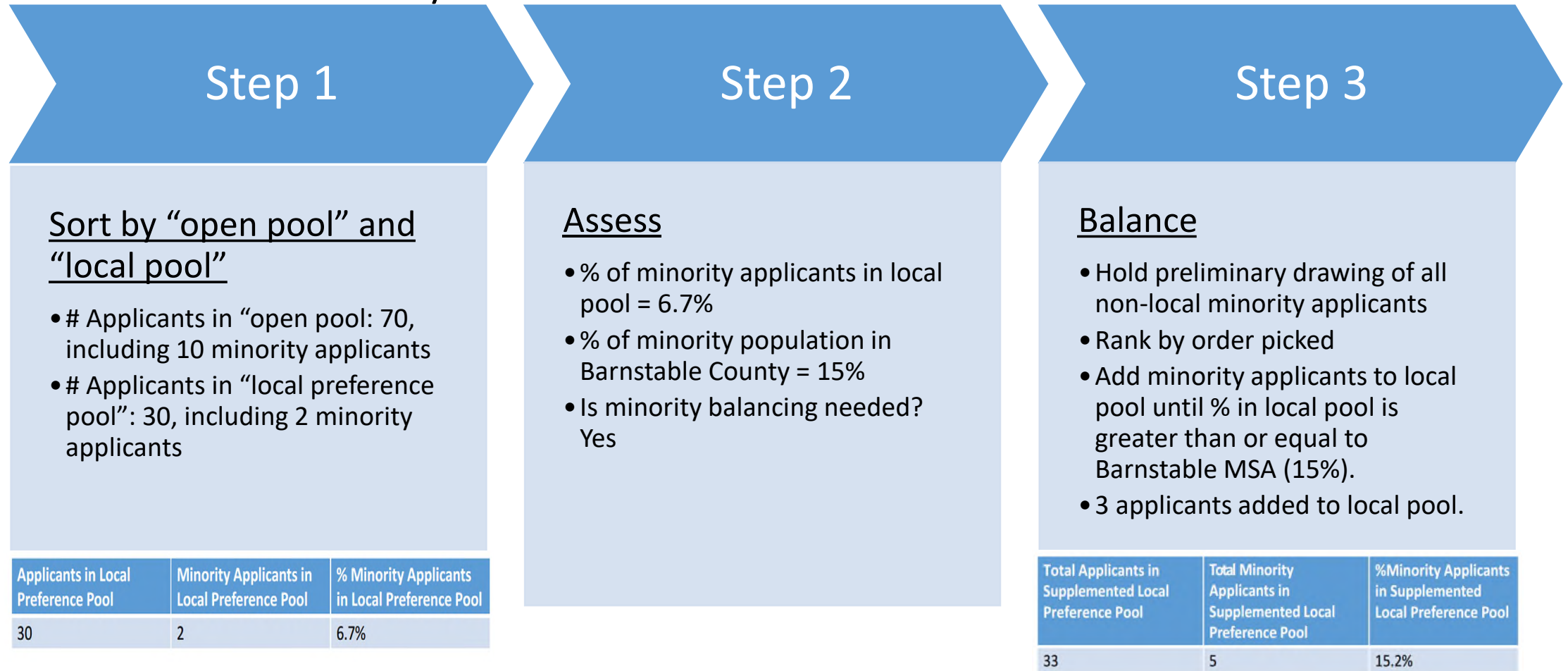
- If the % of minority local resident households in local pool is less than % in the Metropolitan Statistical Area (MSA), then
- Hold a preliminary lottery comprised of all minority applicants in the open pool.
- Add minority applicants to local pool until the % of minorities in local pool is equal to 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.



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 14th





Local Preference Decision Point: 0 Millstone Road

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

- \$ 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
- Current \$500,000 CPA request
- Expected \$500,000 request to Housing Trust





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 14th 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, 2023.

A photograph of a residential development featuring a row of colorful, single-story houses with gabled roofs. The houses are painted in various colors including brown, yellow, and green. Several houses have solar panels installed on their roofs. A central garden path with a wooden fence runs through the middle of the row, leading to a central garden area with various plants and trees. 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



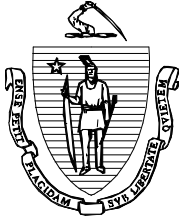
Part of this presentation is based on
slides created and originally used by
Laura Shufelt May 18, 2023 at the
Barnstable HOME Consortium.



For further information, contact:
Jill Scalise, Housing Coordinator
at jscalise@brewster-ma.gov or
508-896-3701, ext. 1169



For further information, contact:
Donna Kalinick, Asst. Town Manager
at dkalinick@brewster-ma.gov or
508-896-3701, ext. 1130



Commonwealth of Massachusetts
**EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES**

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus, Jr., Secretary

August 1, 2023

Mr. Ned Chatelain
Chair, Brewster Select Board
2198 Main St.
Brewster, MA 02631

Housing Production Plan – Certification Approved

Dear Mr. Chatelain:

The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the Town of Brewster's July 13, 2023 request for certification of compliance with its Housing Production Plan (HPP). In order for a municipality to be certified the following needs to occur:

- Housing units affordable to low- and moderate-income households and eligible for inclusion on the Subsidized Housing Inventory (SHI) have been produced during one calendar year, the same year for which certification is requested during the initial year of SHI eligibility.
- Units must total at least 0.5% units for Brewster of year-round housing units for a one-year of certification. A total of 1% of year-round housing units for Brewster are needed for a two-year certification.
- The municipality must have a valid Housing Production Plan (HPP) at the time the units became initially eligible for the SHI.
- The units were produced and are eligible in accordance with the approved HPP and EOHLC's c. 40B Guidelines.¹

EOHLC makes the following findings:

1. The project for which certification is requested is 0 Millstone Road (SHI ID # 10855). The project's Comprehensive Permit was filed with the Brewster Town Clerk on June 14, 2023.
2. The project consists of 45 SHI-eligible units, which constitute enough units for a one-year certification period.
3. The municipality had a valid Housing Production Plan (HPP) at the time the units were produced. The HPP is valid until August 11, 2027.
4. The housing development is consistent with the production goals outlined in Brewster's HPP.

¹ <https://www.mass.gov/files/documents/2017/10/10/guidecomprehensivepermit.pdf>

This certification is effective for a one-year period from June 14, 2023 to June 13, 2024. Please note that all units must retain eligibility for the SHI for the entire certification period. If units are no longer eligible for inclusion on the SHI, they will be removed and will no longer be eligible for certification. This action may affect the term of your certification.

I have included an updated list of SHI eligible units. Brewster's current SHI stands at 7.20%. If you have any questions or need assistance, please contact Phillip DeMartino, Technical Assistance Coordinator, at (617) 573-1357 or Phillip.DeMartino@mass.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Louis Martin", with a long horizontal flourish extending to the right.

Louis Martin
Director
Division of Community Services

cc: Senator Julian Cyr
Representative Christopher Richard Flanagan
Peter Lombardi, Town Administrator, Town of Brewster
Donna Kalinick, Assistant Town Administrator, Town of Brewster
Jill Scalise, Housing Coordinator, Town of Brewster

EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES CH40B SUBSIDIZED HOUSING INVENTORY

Brewster

DHCD ID #	Project Name	Address	Type	Total SHI Units	Affordability Expires	Built w/ Comp. Permit?	Subsidizing Agency
409	n/a	Frederick Court	Rental	32	Perp	No	EOHLC
410	Huckleberry Lane	Huckleberry Lane	Rental	12	Perp	No	EOHLC
411	Huckleberry Lane	Huckleberry Lane	Rental	12	Perp	No	EOHLC
412	Belmont Park	Belmont Park Drive	Ownership	20	Perp	Yes	EOHLC
413	Great Fields Affordable Housing	Great Fields Road	Ownership	2	Perp	No	FHLBB
416	King's Landing	Underpass Road	Rental	108	2033*	No	MassHousing
417	Yankee Village	Signal Hill Circle	Ownership	12	2045	Yes	EOHLC
3746	Frederick Court expansion	Wells Court	Rental	24	perp	Yes	HUD
3747	Yankee Drive II	Yankee Drive	Ownership	3	2102	Yes	FHLBB
3748	Eagle Point	151 Turning Mill Rd	Rental	3	2040*	No	HUD
4223	DDS Group Homes	Confidential	Rental	12	N/A	No	DDS
8806	Habitat for Humanity	James Burr Road	Ownership	4	perp	YES	HUD
10007	Tubman Road/Hush Way	Tubman Road, Hush Way	Ownership	14	Perp	NO	EOHLC
10217	Brewster Landing	Sachemus Path	Ownership	7	Perp	YES	EOHLC
10247	Brewster Woods	141 Brewster Road	Rental	30	Perp	YES	EOHLC
10447	White Rock	157 & 0 South Orleans Rd (Route 39)	Ownership	3	Perp	YES	MassHousing
10691	Serenity Apartments at Brewster	873 Harwich Road	Rental	27	Perp	NO	EOHLC
10692	Red Top Road	Red Top Road	Ownership	2	Perp	YES	EOHLC

7/28/2023

Brewster
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This data is derived from information provided to the Executive Office of Housing and Livable Communities (EOHLC) by individual communities and is subject to change as new information is obtained and use restrictions expire.

EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES CH40B SUBSIDIZED HOUSING INVENTORY

Brewster

DHCD ID #	Project Name	Address	Type	Total SHI Units	Affordability Expires	Built w/ Comp. Permit?	Subsidizing Agency
10855	0 Milestone Rd	0 Milestone Rd	Rental	45	Perp	NO	EOHLC
Brewster Totals				372	Census 2020 Year Round Housing Units		5,170
					Percent Subsidized		7.20%