

## **Warrant article draft language:**

*To see if the Town will vote to: “Amend Section 8.2.3A of the Zoning Bylaw to increase the percentage of affordable housing units required in any development subject to Section 8.2 of the Zoning Bylaw from 15% to 25%” or take any action related thereto.*

## **Endorsing organizations**

Many organizations that focus on housing justice, disability rights, and racial equity endorse this warrant, including:

- City Life/Vida Urbana--which is the foremost tenants rights and housing justice organization in the Boston metro area and was prominently featured in the Arlington Human Rights Commission’s inaugural panel on its housing justice series this past December 2020. They offered a statement: “City Life has long advocated for changes in how programs like ‘inclusionary development’ work... We seek an increase in the percentage of affordable units to a *much higher* percentage.”
- The Boston Tenants Coalition
- The Disability Policy Consortium
- Boston Center for Independent Living
- MassADAPT
- Action for Equity
- Progressive MA, Arlington Chapter
- Mystic Valley NAACP
- Envision Arlington Diversity Taskforce Group (DTG)

## **What would this warrant article do?**

The current zoning bylaw requires 15% of housing in any development of 6 or more units to be affordable to low-income households earning no more than 80% AMI for homeownership units and 70% of AMI for rental units (\$62,720 for a single family household; \$71,680 for a two-family household; \$80,640 for a three-family household; and \$89,530 for a four-family household). This warrant article would amend the zoning bylaw to increase the proportion of affordable housing units from 15% to 25% (1 out of 4).

## **Why should we increase the proportion of affordable units in new developments?**

Massachusetts has set a goal for communities to have 10% of their year-round housing be affordable housing. Arlington is woefully behind this goal, with just 5.7% affordable housing. From 2001 to 2018, Arlington has only increased its subsidized housing inventory percentage by 0.1%.

At the same time, Arlington has a significant low-income population. “The town has 1,121 deedrestricted affordable units, but there are about 5,185 potentially eligible households. Many of these households are elderly.” (From the [Arlington Housing Plan](#), pg 56)

Arlington has a lower percentage of affordable housing compared to almost all of its neighboring communities (Belmont 6.5%; Cambridge 14.8%, Medford 7.2%, Somerville 9.7%, Lexington 11.2%, Winchester 3.7%). Arlington is also below most other towns and cities in Middlesex county of similar populations (Billerica 11.5%, Salem 12.6%, Methuen 9.3%).

Currently, we would need more than 900 new units in Arlington to reach the goal of 10% affordability. Without enough affordable housing to balance out new market rate housing, the area median income goes up and rents rise for everyone. This is really important because more than a third of all households in Arlington are cost burdened, defined as paying more than 30% of annual household income on housing, and the median gross rent in Arlington is more than fair market rent for most units ([Source, p. 31](#)).

### **Why 25% and not a different ratio?**

BIPOC and working class housing activists in Boston proper are arguing for 33%, or  $\frac{1}{3}$  of new housing units in private developments to be deemed affordable (Boston’s current IDP is 13%), and we stand in solidarity with their work. Though we agree with the 1/3 goal and would like to see Arlington adopt something as ambitious as this, we wanted to ensure passage and a tangible increase in affordable housing. We think a 25% earmark for affordable housing is more feasible considering the political atmosphere of the town that is generally resistant to affordable housing, while still achieving significant progress in our affordable housing goals.

Other municipalities near us have comparable zoning rules. Cambridge is 20% (by residential floor area)--and this increase did not adversely impact the level of development. Somerville is 20% for all developments of 18 or more units, 17.5% for 8-17 units, and 15% for 6-7 units. Most other municipalities in the state have 10-20% ([Source](#)). A rate of 25% would make Arlington a leader for inclusionary zoning.

### **Why not change income eligibility, make different tiers for # of units, etc?**

We wanted to avoid making convoluted rules and guidelines, and keep it simple. We would not be opposed to adding a tier for even lower AMI (60-30% or less, eg) if the Planning Board suggested.

### **Why do we need more affordable housing NOW?**

The Covid-19 pandemic and accompanying economic crash has compounded Boston’s housing crisis. The Bureau of Labor and Statistics estimates that [Massachusetts lost 337,900 jobs](#) from November 2019 to November 2020.

More MA residents are having trouble paying their rent or mortgage payments because of Covid and the economic crisis. A survey conducted by the Census Bureau in August 2020 found that more than 315,000 Massachusetts residents were not confident that they will be able to afford their rent payments, with Black and Latinx tenants most concerned about their ability to pay. Many Massachusetts residents were making only partial payments in the summer, indicating that residents are falling behind on their rent or mortgage obligations; nonwhite residents were more likely to have had trouble paying the full amount.

Because of this, people are getting thrown out of their homes; since Governor Baker's eviction ban was lifted in October 2020, more than 2600 eviction cases have been filed. Now when so many are struggling, this is the time to go further for affordable housing.

### **How will this warrant article work with other affordable housing plans in Arlington?**

Arlington adopted a Housing Production Plan (HPP) in 2016 in a step towards increasing affordable housing in the town. The HPP specifically references amending zoning to "allow and provide incentives for development of a broader range of housing types, target development of particular housing types to agreed-upon locations, and encourage development of housing that is affordable to a range of household incomes (p. 59).

The HPP specifically suggests amending Arlington's inclusionary zoning bylaw to increase the percent of affordable housing required (p. 62). The HPP suggestion differs from this proposed warrant article in that the HPP recommends increasing the affordable housing minimum AND adding another tier of affordability for households earning 80-120% of AMI.

### **Will this warrant article reduce incentives for developers to build more housing?**

Often, the argument against raising earmarks for affordable housing in private developments is that it is too expensive to build and difficult for developers to recoup those expenses as well as they can with the building of market rate housing. Thereby, the assertion goes, raising affordable housing earmarks in market rate/private developments creates a disincentive to building more housing altogether.

This dilemma is by design. It is the product of an intentional devaluation of not just affordable housing, but of the lower income people who need it to live (and those demographics who disproportionately comprise the lower income distribution--that is, single women and femmes, Black and brown people, LGBTQIA+ folks, and people with disabilities). In other words, these policies are borne out of biases that need to be challenged. Policies can change when policymakers shift their values and priorities. If and when we make a conscious effort to value low income families and individuals and prioritize their housing security, policies can be authored and implemented that will support the creation of *genuine* affordable housing with adequate subsidies and financial incentives.

To that end, at the end of 2020, the U.S. Congress passed a stimulus bill that included a change to the Low Income Housing Tax (LIHT) Program that changed the floor rate to 4 percent, divorcing the program from borrowing rates set by the Treasury Department. This in turn raises the value of LIHT credits, as it offers a reduction on federal income taxes for 10 years based on the new floor rate. As noted by Jolie Milstein, president and CEO of the New York State Association for Affordable Housing: “In the coming months, we need *every level of government* to build upon this positive step and enact smart policies that stimulate the long-term production of affordable housing and keep struggling renters in their homes right now.”

**Doesn't creating more market rate housing in and of itself help lower income people and advance racial equity by increasing supply to meet demand and lowering overall housing costs?**

No. The supply-demand argument ignores the role that housing speculation has played in rapidly increasing rents. As noted by Rice University urban planning professor Bill Fulton in the July 2015 issue of the journal *California Planning & Development Report*, market-rate housing often “actually creates its own demand.” And while some have asserted that falling rents due to an increase in open units in metro areas as a fallout of the pandemic validate the supply-demand argument, this overlooks the reality that the bulk of these rental price drops (which have primarily occurred in urban cores, not in suburban towns like Arlington) have not brought the vast majority of rental prices into ranges that are actually accessible to most lower income people. *In short, this is a “trickle-down” affordable housing strategy that fails those in the lowest income distribution.*

Not even considering COVID or the fluctuations of supply-demand, most peer review studies find that rental prices are not significantly impacted by the creation of market rate housing; in fact, in the short term, some studies have shown building more market rate housing increases local rental prices that spur gentrification and displacement on the neighborhood level. By contrast, it is the creation of affordable housing that is often found to help stabilize rental rates in a given area. Specifically, a displacement study conducted by UC Berkeley concluded that subsidized housing **has over double the impact of market-rate units** in reducing displacement as compared to market-rate development. The study also noted that: “After evaluating the impact of market rate and subsidized housing built in the 1990s on displacement occurring in the 2000s...*market-rate development [had] an insignificant effect...*”

**Don't we need more housing that caters to middle-class demographics and more “workforce housing”--for people like police officers, teachers, and firefighters?**

The so-called “missing middle” argument makes many false assumptions about who lives in and needs affordable housing. Specifically, when we defer to the need for “workforce housing” as a rebuttal to calls for more lower income housing, we reinforce the dangerous myth that people who live in affordable housing do not work, or if they do, their jobs are not as valid or as valuable to our society or economy as middle-class jobs. As pointed out by BIPOC housing activists, the “all housing matters” response to calls for more affordable and low income housing

is the equivalent of the “All Lives Matter” response to the assertion that “Black Lives Matter” (especially as those more likely to need affordable housing are often BIPOC and our market rate rents are set well above the AMI for Black and Latinx households in the Boston metro area).

Approximately, 40% or more of residents in most affordable housing are part of our workforce and those who cannot work due to disability or age, or other extenuating circumstances (such as being a caretaker) are just as worthy of housing as any other demographic and their need for housing is greater as there are no incentives on the private market to provide for them.

As explained by Tori Bourret of the National Low Income Housing Coalition, creating more affordable housing for low income renters removes more of them from competing in the private market, thereby freeing up many of those units for middle income renters, while also stabilizing rental prices in a given area in ways that directly benefit middle income renters and contribute to them being less rent burdened. Due to a serious lack of genuine affordable housing in Arlington and the larger metro area, lower income populations are often forced to rent on the private market and are therefore usually severely cost-burdened, paying 50% or more of their income to rent, forcing them to forego other necessities like food or heat in the winter.

Furthermore, many of the job positions cited by the Redevelopment Board as worthy of consideration for “workforce housing” are actually compensated at levels that would qualify those workers for affordable housing under the 70% AMI index by which we define affordable housing earmarks in private market rate developments in town. According to the 2018 salary report for the Town of Arlington, a quick count reveals there are nearly 100 teachers and instructors employed in the Arlington Public School system making at or under \$62,720 (which is 70% AMI for a single family household).

**Won't this bill incentivize developers to choose 40B projects instead, so that we wind up with more unpopular housing projects like the Mugar/Thorndike one currently being debated in Town?**

No. Some people have floated the theory that by raising affordable housing earmarks in private developments to a level on par with what is required with 40B housing projects, developers will primarily/solely opt for 40B instead as there are usually less zoning restrictions to contend with and it would in turn lead to more projects like that proposed on the Mugar wetlands. This argument fails to look at the kind of developers that often opt for private development projects, especially of smaller and “mission driven” scale, versus many 40B developers. It also ignores that if passed, this warrant would make private developments competitive with 40B projects on affordability as often 40B is touted as preferential for having higher affordability earmarks.

We believe valuing meaningful affordable housing earmarks in *all* housing projects is a net win for our community. If there are concerns that private developments at higher affordability earmarks would be overlooked in favor of 40B, then it is the collective responsibility of our community to offer more incentives and subsidies to fund affordable housing opportunities in

private developments in ways that make them more attractive than 40B. Additionally, according to state law, once 1.5% of our developed landmass is inhabited by affordable housing, the Town of Arlington can declare “safe harbor” from potentially ecologically destructive 40B projects that increase our climate-associated heating and flooding risks. Currently, we are at 1.37% and it is almost certain that with the current housing projects approved for development, we will reach the threshold 1.5% in the very near future. In fact, had Arlington prioritized affordable housing earlier on, we would have by now surpassed the 1.5% threshold and not have the controversial Mugar project to contend with. Even if the Thorndike property is rejected, the remaining projects due from the Housing Corps of Arlington and on the former Mirak dealership should bring us close to or potentially over the 1.5% threshold, after which we can have more freedom to focus on affordable housing projects that get us to the mandated 10% affordability (and hopefully beyond) that do not threaten environmentally-sensitive habitats and/or disproportionately risk lower income residents’ public health.

Finally, while it bears emphasis again that this warrant only impacts and is concerned with private development, it is important to acknowledge that while flawed and in dire need of reform, 40B can and has been used both in Arlington and elsewhere in the Boston metro area and the state to fund much-needed affordable housing units in the absence of viable alternatives. However, 40B’s flaws are yet another reason why we need to shore up alternatives in creating more affordable housing through other avenues, such as through meaningful increases in our private development IDP.

### **What do local housing advocates/advocacy groups say?**

Arlington Human Rights Commission, Connor Ring, an Arlington resident and volunteer for Citylife/Vida Urbana addressed this issue: “If you’re going to increase the density along Mass Ave or along Broadway you have to bake in provisions that say ‘yes you can build but you have to have to build X number of units as affordable.’”

Alex Ponte-Capellan, community organizer at City Life/Vida Urbana said, “We can’t just build our way out of this problem, we need to protect the people who are there now.”

The Coalition for a Truly Affordable Boston: “82% of new housing is market-rate, many with rents of more than \$3000-4000 a month...We need to stop allowing massive amounts of unaffordable development that leaves out Boston residents, furthers inequality and racism, and destabilizes our communities...And to do that, we must strengthen the IDP! That is why we are fighting for an IDP that requires developers to make **1/3 of new housing truly affordable.**”

Black Response Cambridge: “...upzoning without strategic government intervention rooted in a community process serves to reinforce the underlying failures of zoning, resulting in further segregation and race and class stratification...We have not yet felt the full harshness of the impending Covid recession, and affordable housing is at the forefront of our minds in discussions regarding zoning. We need to be talking about the role that housing plays in maintaining inequality...As they say, history doesn’t repeat, but it rhymes.”