



**BEST PRACTICES AND EXAMPLES
COMPREHENSIVE PERMITS (H 6081 A / S 1037 A)
§RIGL 45-53**

Topic	Source/Year	Link	Resource Summary	Best Practice Summary/Geo/Examples
Parking 45-53-4(b)(2)	Urban Land Institute	<i>Parking Policy Innovations in the United States</i> https://knowledge.uli.org/en/reports/research-reports/innovations-in-parking-policy?q&sortBy=relevance&sortOrder=asc&page=1	Collection of national parking policy innovations, including fact sheet and searchable database.	<ul style="list-style-type: none"> • Reduction/Elimination of Parking Minimums: Reduces or eliminates requirements for developers to build a set ratio of parking spaces based on project uses, size, and other characteristics • Parking Maximums/Caps: Restricts the total number of parking spaces that can be constructed as part of a development project • Shared Parking: Parking spaces are shared by more than one use, which allows parking facilities to be used more efficiently • Unbundled Parking: Separates parking costs from unrelated charges, such as the cost of housing or an office lease • Transportation Demand Management (TDM): Maximizes travel options as part of the development process, often through requirements or incentives • In-Lieu Fee: Gives proposed development projects the option to pay a designated fee instead of providing some or all on-site parking that would otherwise be required by zoning; fees are generally invested in public parking or other transportation infrastructure • Demand/Performance-Based Pricing: Adjusts public parking meter rates at defined intervals to achieve targets for on-street parking space utilization • Parking Benefit District: Parking meter revenues from defined zones are returned to those zones and invested in the area, often to support local transportation improvements
Parking 45-53-4(b)(2)	Organizational website	<i>Reduced parking requirements for qualifying developments</i> https://localhousingolutions.org/housing-policy-library/reduced-parking-requirements-for-qualifying-developments/	Explores the purpose of parking requirements and the consequences of a one-size-fits-all approach to parking regulations.	Consequences of one-size-fits-all parking requirements: <ul style="list-style-type: none"> • May result in an excess supply of parking spaces, including for residents of affordable housing, who tend to have fewer vehicles per household, and in higher-density neighborhoods where many transportation needs can be met by public transit. • Parking requirements can make housing more expensive to produce, as fulfilling this requirement can be costly, particularly when land prices are very high or where expensive underground parking or parking structures are needed to accommodate the required number of spaces. By reducing parking requirements for qualifying affordable developments, cities, towns, and counties can help to ensure the amount of parking provided aligns with actual needs, freeing up resources that

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				<p>can be used to lower home prices and rents, as well as space for additional units and/or amenities.</p> <p>Access to reduced parking requirements may also be offered as a cost offset for a local inclusionary zoning program. The requirements for these programs can then be used to determine income levels and other eligibility factors.</p>
<p>Notice</p> <p>45-53-4(d)(2)(iii)(B)</p>	<p>Russell Sage Fdn Journal of the Social Sciences, Feb 2023</p>	<p><i>Getting Suburbs to Do Their Fair Share: Housing Exclusion and Local Response to State Interventions</i> https://www.rsfdjournal.org/content/9/1/126</p>	<p>In the case of Massachusetts' 40B and its mechanism as largely a developer's tool, there is a complete absence of the affordable housing population. This population may be among the beneficiaries of the law, but they enter the 40B public hearings as a fictional, potential future population and thus are not present as a constituency in the process.</p> <p>Studies the suburban context as sites of persistent resistance, this work interrogates a local decision-making process to reveal how structures and gaps in the law help to maintain, rather than challenge, the exclusionary status quo.</p>	<p>Another significant factor shaping the process—a factor whose inclusion could alter the process and outcome of 40B public hearings, better accomplishing the fair share aims of the law—is the role for residents of the affordable units.</p> <p>Literature on law as a tool for social change emphasizes the necessity of effective mobilization of rights (McCann 2006; Rosenberg 1991), but the law's structural design and process provides no avenue for this population. Their physical absence is mirrored in their absence from the public debate over the development; mobilization for their right to suburban space is nearly nonexistent. The debate instead moves from affordable housing as a public good with an inclusive suburban population to a mediated technocratic exchange between zoning board members, developers, citizens, and building and land use professionals. The high degree of collective sense-making about the law plus the degree of claims-shifting suggests the potential impact of increasing representation in the public hearings.</p> <p>Building into the process a stronger voice for the law's goals and beneficiaries would force the often-unanswered question of how we became vulnerable to be answered, rather than being merely rhetorical or used in service of a victim narrative.</p>
<p>Infeasibility of conditions of approval</p> <p>45-53-4(d)(4)</p>	<p>Organizational website</p>	<p><i>Gauging Development Feasibility - Local Housing Solutions</i> https://localhousingolutions.org/analyze/gauging-development-feasibility/</p>	<p>Introduction to financial modeling using a real estate pro forma</p>	<p>To determine whether a policy is likely to affect the feasibility of developing affordable housing, mixed income housing, or housing overall, it is important to understand how the policies affect the "bottom lines" of both for-profit and not-for-profit developers.</p>

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<p>Infeasibility of conditions of approval</p> <p>45-53-4(d)(4)</p>	<p>Academic Center website</p>	<p><i>Housing Development Dashboard: Development Calculator - Terner Center</i></p> <p>https://ternercenter.berkeley.edu/development-calculator-dashboard/</p>	<p>The Housing Development Dashboard shows how local policies and development factors impact the odds that a housing development gets built. The Development Calculator focuses on the most important factors supported by the literature and local development experts. The methodology and default assumptions were initially vetted through conversations with area development experts, data collection, and analysis from January to May of 2016. Key model assumptions were updated in September of 2017 to reflect changing market conditions. The calculator works best for properties of 50 units or more, projects in which the developer has not yet entered into an option agreement, and where the land seller is motivated to sell. In reality, many of these factors move together, so users should be careful to interpret results significantly different from existing market conditions. The tool is currently in beta testing.</p>	<p>Market Factors to Consider</p> <ol style="list-style-type: none"> 1. Target Return 2. Landowner Willingness to Sell 3. Local Rents and Costs <p>Local Government Factors to Consider</p> <ol style="list-style-type: none"> 4. Fees or Affordable Housing Requirements 5. Local Planning Decisions 6. Additional Planning Approvals <p>Other Factors to Consider</p> <ol style="list-style-type: none"> 7. Increases in rents or sales prices 8. Construction cost increases 9. Financing rates 10. If mixed use, ground floor retail rates 11. Avg. unit size 12. Lot size 13. Climate or other hazard factors
<p>Fees</p> <p>45-53-4(d)(5)</p>	<p>NHC (April 2015, based on latest example)</p>	<p><i>Common revisions to Impact Fees</i></p> <p>https://nhc.org/policy-guide/impact-fees-the-basics/common-revisions-to-impact-fees/</p>	<p>Detailed overview of a variety of impact fees and common revisions:</p> <ul style="list-style-type: none"> • Proportionate Fees • Fee Reductions and Waivers • Payment on Deferred Basis • Adjustments Based on Available Infrastructure • Infill Development and Redevelopment • Linkage fees on Nonresidential Development 	<p>Approaches:</p> <ul style="list-style-type: none"> • Move from a flat, per-unit impact fee to one that is proportionate to the size of a home or based on other housing characteristics that relate to estimated service usage. <ul style="list-style-type: none"> ○ In addition to being more equitable than a flat-rate system, this approach has the benefit of more precisely satisfying the proportionality requirements that require that exactions of this nature be tied to the expenses on which they are based. • Reducing the fees charged for smaller homes and/or homes located in areas with pre-existing infrastructure facilitates the development of more less-costly homes without compromising

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				<p>the overall amount of revenue available to meet new infrastructure needs.</p> <ul style="list-style-type: none"> • Some states also authorize communities to offer full or partial impact fee waivers to developers of homes that meet specified affordability standards. • To ensure there is no reduction in funding for new infrastructure, some of these jurisdictions require that the lost revenue be replaced with funds from another source. <ul style="list-style-type: none"> ○ Example: a community may vary water impact fees by lot size and miles from a water supply facility, because water usage tends to increase on larger lots and the cost of supplying water grows with distance. <i>By combining unit size with other variables, it may be possible to further reduce the fees levied on affordable homes.</i> • Kirkland, Wash., a suburb of Seattle, adopted a new transportation impact fee schedule that accounts for differences in rates of trip generation and the average trip length for different types of housing. <ul style="list-style-type: none"> ○ Because residents of multifamily and senior homes tend to use their cars less frequently than residents of single-family homes, placing a lesser demand on roadways, impact fees for these types of units are lower than for detached units. ○ KMC Title 27 IMPACT FEES (codepublishing.com)
<p>Academic study: Examination of four 40B approvals, lots of insight to local process and coming to terms with developments and local attitudes</p>	<p>Russell Sage Fdn Journal of the Social Sciences, Feb 2023</p>	<p><i>Housing Exclusion and Local Response to State Interventions</i> https://www.rsfjournal.org/content/9/1/126</p>	<p>This research is the first of its kind on this Fair Share law that opens up the “black box of process” and asks two questions:</p> <ul style="list-style-type: none"> • How do towns make sense of the state law? • How do participants in the 40B process interpret, debate, and negotiate the law’s goals and mandates? 	<p>Answering these questions offers two primary contributions to the scholarship on suburban exclusion and land-use policies:</p> <ul style="list-style-type: none"> • A better understanding of on-the-ground interpretation and implementation of Fair Share housing laws • An accounting of how suburban spaces work to accommodate legal challenges while maintaining status quo exclusionary approaches. <p>This encapsulates the paradox of the law:</p> <ul style="list-style-type: none"> • Local negotiation and approval contrasted with state-level indicators showing slow overall movement toward housing goals. <ul style="list-style-type: none"> ○ The public hearing filtered discourse toward the specifics of the project, but continued to animate frustration and disapproval of the law.

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				<ul style="list-style-type: none"> ○ The town largely accepted the stacked deck, maneuvered within it, and produced the negotiated housing build that is mostly palatable to the town.
Academic study	CHAPA, February 2012	<p><i>Overcoming Restrictive Zoning for Affordable Housing</i> (237 pages) https://www.chapa.org/sites/default/files/BrattOvercomingRestrictiveZoning112012_0.pdf <i>Overcoming Restrictive Zoning - Executive Summary</i> (42 pages) https://www.chapa.org/sites/default/files/Bratt-OvercomingRestrictiveZoningExecutiveSummary.pdf</p>	Academic comparative study by Tufts Professor Rachel Bratt commissioned by CHAPA to examine three states and one county that implemented some form of “anti-exclusionary zoning strategies” to compare to MA 40B.	<p>Major strategies:</p> <ul style="list-style-type: none"> • General city/town goal with state zoning override • Mandatory inclusionary zoning • Fair share mandate; and mandated housing element as part of planning requirement. <p>Geographies:</p> <ul style="list-style-type: none"> • State programs: <ul style="list-style-type: none"> ○ Rhode Island ○ New Jersey ○ California • County-wide program: <ul style="list-style-type: none"> ○ Montgomery County, Maryland. <p>Rhode Island has created a program similar to Massachusetts Chapter 40B, but with some important differences. Montgomery County, Maryland, New Jersey and California were also selected, in large part because they are widely viewed as the pre-eminent examples of inclusionary zoning, fair share mandates, and housing elements as part of a planning requirement, respectively.</p>