

40B Q&A

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| What is Chapter 40B? | <p>G.L. c. 40B, §§ 20-23 – known as Chapter 40B or the Comprehensive Permit Law – is a state law that was enacted in 1969 to facilitate construction of low- or moderate-income housing. It establishes a consolidated local review and approval process (known as a “comprehensive permit”) that empowers the Zoning Board of Appeals (ZBA) in each city and town to review housing projects that meet certain affordable housing requirements and densities.</p> <p>Under this statute, the local Zoning Boards of Appeals can approve affordable housing developments where 20-25% of the units have long-term affordability restrictions. The remaining housing units in these developments are market rate.</p> <p>Additionally, the statute mandates that 10% of the Town’s entire housing stock must be “affordable” as designated by the Department of Housing and Urban Development. The Subsidized Housing Inventory, managed by the Executive Office of Housing and Livable Community (EOHLC), is used to measure a community’s affordable housing stock.</p> |
| What is affordable housing? How does it relate to Chapter 40B? | Affordable housing refers to units that are on the Subsidized Housing Inventory (SHI) list and are certified by the Executive Office of Housing and Livable Communities. Affordable housing are units that fall into certain income ranges set by the Department of Housing and Urban Development (HUD). While housing developed under Chapter 40B is eligible for inclusion on the inventory, many other |

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| | <p>types of housing also qualify to count toward a community's affordable housing stock as well.</p> <p>Community members should note that affordable housing does not equate to Section 8 housing as Section 8 refers to the federal program.</p> | | | | | | | | | | | | | | | | | | | | |
| <p>When is the Subsidized Housing Inventory updated?</p> | <p>The SHI list and the Town's housing stock are updated at every census, which may cause the Town's affordable housing stock to decrease/increase as more housing units are added.</p> <p>What is the State's maximum allowable rent at a 40B development?</p> <table> <tr> <td>Studio</td> <td>1BR</td> <td>2BR</td> <td>3BR</td> </tr> <tr> <td>80% AMI</td> <td>80% AMI</td> <td>80% AMI</td> <td>80% AMI</td> </tr> <tr> <td>\$1,433</td> <td>\$1,536</td> <td>\$1,843</td> <td>\$2,130</td> </tr> <tr> <td>60% AMI</td> <td>60% AMI</td> <td>60% AMI</td> <td>60% AMI</td> </tr> <tr> <td>\$1,075</td> <td>\$1,152</td> <td>\$1,383</td> <td>\$1,597</td> </tr> </table> <p>More information can be found from the Massachusetts Housing Partnership's Rent Limits 2023 (PDF)</p> | Studio | 1BR | 2BR | 3BR | 80% AMI | 80% AMI | 80% AMI | 80% AMI | \$1,433 | \$1,536 | \$1,843 | \$2,130 | 60% AMI | 60% AMI | 60% AMI | 60% AMI | \$1,075 | \$1,152 | \$1,383 | \$1,597 |
| Studio | 1BR | 2BR | 3BR | | | | | | | | | | | | | | | | | | |
| 80% AMI | 80% AMI | 80% AMI | 80% AMI | | | | | | | | | | | | | | | | | | |
| \$1,433 | \$1,536 | \$1,843 | \$2,130 | | | | | | | | | | | | | | | | | | |
| 60% AMI | 60% AMI | 60% AMI | 60% AMI | | | | | | | | | | | | | | | | | | |
| \$1,075 | \$1,152 | \$1,383 | \$1,597 | | | | | | | | | | | | | | | | | | |
| <p>How much affordable housing does Dover have?</p> | <p>2.83% with 57 subsidized units</p> | | | | | | | | | | | | | | | | | | | | |
| <p>What process do Chapter 40B developments need to follow?</p> | <p>A 40B applicant must first receive a letter of project eligibility from one of four subsidizing agencies: MassHousing, MassDevelopment, the Department of Housing and Community Development, or the U.S. Department of Housing and Urban Development. If a project eligibility letter is received, the applicant can apply to the Zoning Board of Appeals for comprehensive permit review. The Zoning Board of Appeals will then review and vote on the proposed project to decide if it is approved or not.</p> | | | | | | | | | | | | | | | | | | | | |

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| What happens when a Town isn't compliant with the State's requirement of 10% SHI? | If a community is below 10% SHI, a developer can apply for a Chapter 40B permit called a comprehensive permit for a housing development at any site in Town. A comprehensive permit is allowed to override local zoning bylaws. |
| What happens when the Town reaches the State's Requirement of 10% SHI? | Once the Town of Dover has reached the 10% threshold in Subsidized Housing Inventory, the local Zoning Board of Appeals will have more discretion to approve or deny a comprehensive permit application, or Chapter 40B project. The Town can also choose to pursue more affordable housing to go beyond 10%. |
| Are there any Current Chapter 40B Projects Proposed in Dover? | Yes; the most recent, active 40B in Dover is Red Robin Pastures. |