

LOCAL
IMPLEMENTATION

Implemented on Cape Cod

OVERVIEW

Chapter M.G.L. Chapter 40B, also known as the Comprehensive Permit Law, is a Massachusetts state law designed to promote affordable housing development in communities that have not met certain affordable housing thresholds. For developers to permit a project through Chapter 40B, a municipality must have less than 10% of its year-round housing stock classified as affordable. For eligible affordable housing projects, developers may bypass local zoning regulations such as minimum lot size requirements and density limits. As a benefit to town's affordable housing stock, at least 25% of the units in a Chapter 40B project must be deed-restricted and affordable to households with incomes at or below 80% of the area median income (AMI). In rental projects, the affordability requirement can also be met with at least 20% of the units affordable to households earning at or below 50% of AMI.

CHALLENGES ADDRESSED

-  Not Allowed to Build Multi-family Housing
-  Too Expensive to Build New Housing
-  Too Expensive to Secure or Maintain Housing
-  Hard to Find Year-round Housing

POTENTIAL BENEFITS & CONSIDERATIONS

- Adds to a town's affordable housing stock
- Supports the Commonwealth's overall goals for affordable housing production and ensures that municipalities contribute to meeting statewide targets
- Towns may establish a local preference for residents in 40B developments (currently, up to 70% of the units can be local preference units)
- Allows developers to bypass local zoning regulations, which can result in projects that do not respond to the local context and can make projects contentious
- Projects must still comply with certain state regulations, such as environmental regulations.
- Depending on the development, 40B projects may not help address the needs of residents earning more than 80% AMI

RESOURCES

State of Massachusetts 40B - This webpage gives an extensive overview of 40B and provides access to necessary documents and the status of 40B applications and projects across the state.

Guidelines for Comprehensive Permit Projects and the Subsidized Housing Inventory (SHI) -

This document offers an overview of the SHI and Housing Production Plans across the state, as well as extensive details and guidelines for comprehensive permits.

Fact Sheet on Chapter 40B - This document provided by Citizens' Housing and Planning Association (CHAPA) gives background on Chapter 40B as well as the process of implementing it.

CASE STUDY: JEROME SMITH ROAD PROJECT

This project in Provincetown is a joint effort between the Town and the developer The Community Builders (TCB). Jerome Smith Road is a proposed 65-unit new construction multi-family development that will consist of four 3-story buildings on a 1.8-acre site with rental apartment units affordable to households earning 30% AMI, 60% AMI, and 80% to 120% AMI, as well as a few market rate units. The development will provide needed affordable rental housing in a location where year-round rental housing at all price ranges is under intense pressure from short-term rentals, remote workers, and seasonal owners. Learn more [here](#).



Under development as of 2024

<https://www.provincetown-ma.gov/1266/Housing-Development-at-VFW-26-Shank-Pain>