

From: [Laura SHufelt](#)
To: [CCC 2018 Tech Bulletins](#)
Subject: Comment on housing technical bulletin
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January 10, 2019

Cape Cod Commission
Technical Bulletins to the Draft Cape Cod RPP
P.O. Box 226
Barnstable, MA 02630-0226

RE: Draft Housing Technical Bulletin dated 11-28-18

I have several concerns with the technical Bulletin on Housing. First, one of the goals, both in the technical bulletin and the draft RPP is to increase housing affordability, however in the methods section, Objective HOU4 proposes to exempt rental housing developments with units below 1,200 sq. ft. from providing affordable units. This has no rationale or justification in the bulletin. Obviously you are not increasing affordability if you exempt the development from providing affordable housing. If the reasoning behind this is that this would incentivize rental housing, the reasoning is faulty. Rental housing is not being built on Cape Cod, except for 40B developments or senior housing because there is a lack of zoning that allows for multi-family development. Communities often allow senior housing because of the lack of the dreaded children, but seldom allow non age-restricted multi-family development. Changing zoning is the incentive needed to increase rental housing. There is also no evidence that the inclusionary 10% affordable units has prevented rental housing development.

Second, the exemption would most likely be applied to senior housing and assisted living developments since these are the most common residential developments over 30 units. Senior housing, including assisted living is identified in the bulletin as one of the Cape's greatest needs. Why would you exempt these projects from providing affordable housing after identifying them as the greatest need?

In addition to the exemption, the bulletin proposes changes to the inclusionary requirement that also are not supported by the data. The current and previous inclusionary policies required rental housing inclusionary units to be targeted to households at or below 65% AMI – the Cape's service workforce. The proposed policy would only require the first inclusionary unit to be affordable to households at 80% AMI and the rest up to 120% AMI. (For municipalities this means that only one unit would be included in their Subsidized Housing Inventory and none would be affordable to those with the greatest need.) In real numbers this increases the income limits for a 4-person household from \$51,720 at 65% to \$68,950 for 80% and \$94,820 for 120% - with corresponding rent limits for a 2-bedroom unit of \$1,331 at 65%, \$1,552 at 80%, and \$2,370 at 120%. In most areas of the Cape the availability of rental units is as critical as the cost, but even with the dearth of units available, a 2-bedroom unit can be found below the 120% limit. To prevent restricting units at above market prices, I would suggest either returning to the previous policy or, at the least, include in the policy that any restricted rent limit must be priced at least 10% below market rents.

It was also suggested that the policy is discretionary. It is my experience that the surest path to discouraging development is to be subjective about the regulations that apply. Predictability produces the most results. I would encourage the Commission to be clear about what policy applies when and not leave it up to reviewers to decide after a developer has applied.

In closing, I would suggest leaving the inclusionary policy as is, with the amount, income and price limits unchanged, and remove any reference to an exemption. If the goal is to increase housing affordability as is stated in both the RPP and the Bulletin, this policy would accomplish the exact opposite.

Sincerely,

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