

**15 QUESTIONS AND ANSWERS ABOUT
BELMONT'S PROPOSED INCLUSIONARY ZONING BY-LAW**

APRIL 2002

- Q1. WHAT IS THE PURPOSE OF THE PROPOSED INCLUSIONARY BY-LAW?**
A1. The purpose of the inclusionary zoning by-law is to generate funds to support efforts to promote and preserve affordable housing in Belmont. Such a by-law allows these efforts to occur without resort to the Town's normal operating budget.
- Q2. WHAT IS MEANT BY THE PHRASE "AFFORDABLE HOUSING"?**
A2. "Affordable housing" includes housing that does not require a household to spend more than 30% of its income for shelter costs. It is focused on households at or below 80% of median income. Median income differs based on household size. For example, 100% of median income for the Boston area is \$63,000 for a 3-person household and \$70,000 for a 4-person household.
- Q3. CAN YOU ILLUSTRATE?**
A3. Yes. The inclusionary zoning by-law would extend "affordable housing" opportunities to a substantial number of Belmont's non-resident Town employees. While only two employees could afford homeownership in Belmont today without the by-law, 63 could afford homeownership in Belmont with the by-law. Rather than the 17 employees who could afford rental housing in town without the by-law, 113 could afford rental housing with the by-law.
- Q4. DO OTHER MASSACHUSETTS COMMUNITIES HAVE AN INCLUSIONARY ZONING BY-LAW?**
A4. Yes. There are roughly 120 communities in Massachusetts that have inclusionary zoning. Every community that is contiguous to Belmont has such a by-law.
- Q5. WHAT TYPES OF DEVELOPMENTS MIGHT BE COVERED BY THE INCLUSIONARY ZONING BY-LAW?**
A5. The by-law would apply to residential developments of more than seven units involving new construction or adaptive reuse. It also applies to any commercial development over 5,000 square feet in LB1 or LB2 districts where the developer chooses to make a contribution to Belmont's affordable housing fund in exchange for a modest increase in the density or intensity of use.
- Q6. GIVEN THE LACK OF LAND THAT CAN BE DEVELOPED IN BELMONT, WHY WOULD THE INCLUSIONARY BY-LAW BE HELPFUL?**
A6. What other communities have found is that such a by-law is one tool that is useful to have on the books when it is applicable. The by-law is not "the" solution to Belmont's affordable housing needs. It is merely one tool. It is, however, a tool that helps advance several agendas for the Town at the same time: the creation of affordable housing, the redevelopment of the Town squares, and the generation of additional tax dollars.
- Q7. WHY IS THE INCLUSIONARY ZONING BY-LAW LIMITED TO RESIDENTIAL DEVELOPMENTS OF MORE THAN SEVEN UNITS?**
A7. Belmont's cutoff point is intended to exempt the small housing development where a Belmont property owner wishes to expand the residential use of his or her property.
- Q8. HOW DOES THE RESIDENTIAL PART OF THE INCLUSIONARY ZONING BY-LAW OPERATE?**
A8. Under Belmont's proposed by-law, the first seven housing units are "free." After that, a developer must provide one affordable unit for every two market units up to 20 total units. Beginning with Unit 21, the developer must provide one affordable unit for every three market units.

- Q9. WHY WOULDN'T A DEVELOPER SIMPLY CHOOSE TO PURSUE A CHAPTER 40B DEVELOPMENT RATHER THAN COMPLY WITH THE INCLUSIONARY ZONING BY-LAW?**
- A9. Chapter 40B requires substantially more affordable units. For example, while the proposed Belmont by-law exempts the first seven units of any development, there are no such "free" units under Chapter 40B. Even more importantly, however, under Chapter 40B, a developer must agree to cap his or her profit from the housing produced using Chapter 40B. A 40B developer could, therefore, not take advantage of the strong housing market in Belmont to increase his or her profitability.
- Q10. HOW DOES THE COMMERCIAL ASPECT OF THE BY-LAW WORK?**
- A10. The commercial component of the by-law is what is known as "incentive zoning." The operation of the by-law is limited to Belmont's squares (Cushing, Waverley, Belmont Center) and to South Pleasant Street. In those places, if a commercial developer wants to increase the density or intensity of use to make his or her project more financially viable, he or she can do so after making a modest contribution to Belmont's affordable housing fund.
- Q11. WHAT HAPPENS IF THE DEVELOPER DOESN'T WANT TO MAKE AN AFFORDABLE HOUSING CONTRIBUTION?**
- A11. Nothing. If the developer chooses not to make a contribution to the affordable housing fund, he or she is able to pursue a commercial development under the rights that now exist under Belmont's zoning by-law. If the developer chooses not to participate in the incentive zoning program, in other words, he or she has rights that are exactly the same as they are today. Participation in incentive zoning is at the sole discretion of the developer.
- Q12. DOESN'T THE PROPOSED BY-LAW IMPOSE A FEE ON ALL NEW COMMERCIAL DEVELOPMENT IN BELMONT?**
- A12. No. State law prohibits imposing a mandatory fee on commercial developers. The proposed by-law does not impose any type of mandatory fee on any commercial developer of any nature anywhere in Belmont.
- Q13. WHAT TYPES OF INCENTIVES ARE OFFERED?**
- A13. A developer, for example, could include a second story of housing in Cushing Square so long as the first floor remains commercial. (Think of Winter's Hardware as an example.) A developer might be permitted to increase his or her Floor Area Ratio or Lot Coverage Ratio up to a designated maximum.
- Q14. WHAT IMPACT WILL THE PROPOSED INCLUSIONARY ZONING BY-LAW HAVE ON BELMONT'S FINANCES?**
- A14. The financial impacts will be positive. First, the by-law not only allows, but also promotes, the redevelopment that is generally recognized to be needed in the Town's squares and on South Pleasant Street. Second, the proposed by-law provides an "off balance sheet" source of funding for affordable housing in Belmont. Third, the zoning by-law has been explicitly listed in Executive Order 418 (issued by then-Governor Celluci) as one way for Belmont to gain a preference for discretionary state funding for other Town services, such as street and sidewalk repairs, parks, and schools. The by-law will thus generate new tax dollars, help bring state aid, and move some Town expenses out of the budget.
- Q15. WHAT IS MEANT BY THE "BELMONT RESIDENT PREFERENCE" IN THE PROPOSED BY-LAW?**
- A15. Under the proposed by-law, 70% of all affordable units developed as a result of the by-law will be preferentially available for Belmont residents. The phrase "Belmont resident" is defined to include any person who is: (a) an individual or family maintaining a primary residence within the Town of Belmont; or (b) an individual who is employed at least 30 hours per week within the Town of Belmont; or (c) a member of a family with children attending the Belmont public schools; or (d) a person who has actually attended the Belmont schools within the past ten years. The 70% preference is the maximum local preference allowed by state law.