

Town of Wayland Housing Organizational Structure

Purpose of Project

This report provides a summary of the respective roles and responsibilities of existing housing-related entities in Wayland, also noting where there is some lack of clarity, confusion or duplication of functions. It is important that the Board of Selectmen not only relies on a clear and viable framework for implementing its local housing agenda, but also integrates the administrative capacity for coordinating the actual work. Planning for and establishment of an organizational structure to promote affordable housing are the responsibilities of the Board of Selectmen and Town Meeting acting under any requirements of the Town Code and state law. This report further makes recommendations to enhance the Town's organizational capacity to promote affordable housing, building on the accomplishments to date such as the production of 200 affordable units, including the well-recognized Oxbow development; adoption of CPA and inclusionary zoning; and establishment of the Affordable Housing Trust for example.

Existing Organizational Structure

It is clear that the Town of Wayland has a cadre of extremely dedicated and knowledgeable volunteers to advocate and pursue affordable housing opportunities. Quite a few of these local leaders serve on multiple housing boards, others bring meaningful professional expertise to their roles in the community, and still others are drawn to housing because of their belief in social justice and interest in serving the community. The Town is also fortunate to have committed and experienced staff to support housing work as well as funding to bring on additional capacity.

It appears that there is a general community inclination towards collegial decision-making with respect to housing among multiple entities. This orientation is suggested by the participation of any number of housing advocates among several boards beyond the focus on just one, and the formation of what has been called the Joint Affordable Housing Committee which has been creating a context which promotes coordination and communication regarding housing activities among boards. The Joint Affordable Housing Committee, however, is not a formal committee but scheduled joint meetings of several local entities with some role in affordable housing.

However, the existence of multiple housing entities, each with input into housing issues, can also complicate and confuse actual decision-making, raising the question of who's really in charge of what? There has been a desire to "stay on the same page" instead of working in cross purposes, although because so many are asked to weigh-in on housing activities, it is not surprising that consensus is not always possible. While this approach is preferable to the dynamic in other communities where municipal boards become silos for decision-making with little cross communication, the push towards broad community support can also blur distinctions among entities and challenge the political process. This is particularly tricky when there is no general alignment on basic local housing goals and priorities with so many organizations responsible for furthering the Town's unclear housing agenda.

For a relatively small community, the Town can count more than a dozen entities that have some role in local housing issues as described below.

- ***Board of Selectmen/Town Administrator***

Primary Role: Manager of local government

As detailed in the Board of Selectmen’s Mission Statement, the “Wayland Board of Selectmen has broad authority over matters not delegated by statutes or bylaw to another town government entity. The Board of Selectmen, through the Town Administrator, is responsible for operations of several departments and activities, including building, facilities management, police, fire, finance, treasurer, legal matters, disposition of real property, human resources, and collective bargaining matters,” and is advised by other appointed committees. While Town Meeting holds the ultimate authority for local budgets and regulatory changes, it is the Board of Selectmen that is responsible for day to day decisions regarding authorized responsibilities and what is ultimately included in the Warrant Articles for Town Meeting. This authority includes sign-off on resources and regulations with respect to housing.

The Board of Selectmen can be considered to “call the shots” with guidance from Town departments, boards and committees. Also, other governmental entities, such as the state, typically direct their correspondence to the Board of Selectmen/Town Administrator who in turn needs to have a clear idea as to where to delegate responsibility for further action.

With respect to affordable housing, the Board of Selectmen have the following primary functions:

- Ultimately to insure that all laws, regulations, guidelines, etc. are followed by the Town in regard to any locally-permitted housing development or governmentally-funded activity;
- To insure that all affordable housing units are preserved as affordable, continuing to meet all government requirements;
- To hire and supervise all staff and consultants involved in coordinating the implementation of the local housing agenda including planning, monitoring and other staffing responsibilities;
- To provide municipal input with respect to state inquiries regarding the appropriateness of Chapter 40B applications as input into state project eligibility determinations, considering recommendations from the Housing Partnership;
- In addition to the Planning Board, to approve the Housing Production Plan; and
- To authorize the inclusion of items in the Warrant Articles for Town Meeting approval including zoning changes, the conveyance of Town-owned property, or the allocation of subsidies related to affordable housing.

It is also important for the Board of Selectmen to have a clear understanding as to the authority and mission of each housing-related entity and then to consider recommendations from these entities with respect to their particular roles as identified below.

- ***Housing Partnership***

Primary Role: Housing policy maker and preliminary negotiating entity on affordable housing proposals

The Wayland Housing Partnership was established in 1984 primarily to review Chapter 40B proposals. As outlined in its Mission Statement, the Housing Partnership has been delegated two (2) major responsibilities that include:

- Acting as the Town's initial contact with developers of proposed affordable residential housing projects that are site-specific and for which the developer has indicated an intention to request an increase in the allowed density or other variances in return for said provision of affordable housing.
- Initiate action intended to create affordable residential housing projects consistent with Town policy.

In fulfillment of these basic responsibilities, the Partnership is to provide specific preliminary recommendations and conclusions to a number of specified boards (Board of Selectmen, Town Administrator, Housing Authority, Zoning Board of Appeals, Planning Board, Conservation Commission, and other applicable Town boards, commissions and committees) and receive comments. Following this review process, the Partnership is directed to issue specific recommendations to the Board of Selectmen for action.

The Board of Selectmen expanded the Partnership's role in 2004, charging them with leading and supporting efforts to address housing needs and recommending procedures for the implementation of local housing policy. These broadened responsibilities include:

- Develop affordable housing action plans based on housing needs studies;
- Establish criteria to evaluate affordable housing proposals;
- Make recommendations on the pros and cons of particular housing proposals;
- Identify local, state and federal housing resources to further development;
- Locate available land suitable for development;
- Review land use regulations and zoning bylaws;
- Work with developers of affordable housing (does not specify how); and
- Increase public awareness through forums and other public events.

These additional duties suggest that the Housing Partnership should be leading the local charge on housing planning and community education in addition to weighing in on any housing development proposals and new regulations.

- ***Affordable Housing Trust***

Primary Role: Fiscal manager of Housing Trust Fund

The state enacted the Municipal Affordable Housing Trust Fund Act on June 7, 2005, which simplified the process of establishing funds that are dedicated to subsidizing affordable housing. The law provides guidelines on what trusts can do and allows communities to collect funds for housing, segregate them out of the general budget into an affordable housing trust fund, and use these funds without going back to Town Meeting for approval. It also enables trusts to own and manage real estate, not just receive and disburse funds.

Unlike the approved bylaws or Declaration of Trust of most Housing Trusts, the Wayland Housing Trust is restricted to purchasing or developing no more than two (2) dwelling units without the approval of the Board of Selectmen and Planning Board. The Trust nevertheless has almost \$1 million in its Housing Trust Fund and is in the process of trying to establish priorities

for its investment. Some of this discussion is part of Joint Affordable Housing Committee deliberations and should ultimately be reflected in the HPP.

While the Housing Trust envisions being more than a bank, it will be important to clarify any responsibilities beyond the investment of Housing Trust Funds with those of the Housing Partnership to avoid confusion and duplication of efforts.

- **Wayland Housing Authority (WHA)**

Primary Role: Property owner and manager of subsidized housing, including rental subsidies

The Wayland Housing Authority (WHA) is a quasi-public agency that was established by the state and Town of Wayland to produce housing that is affordable to low- and moderate-income residents, authorized as a public authority under Massachusetts General Laws Chapter 121B. Since 1970 WHA has been the most active producer and manager of affordable housing in the community with an important inventory of 137 public housing units (112 units for seniors and younger persons with disabilities and an additional 25 scattered-site units for families), representing more than two-thirds of the Town's current Subsidized Housing Inventory (SHI). WHA also administers 78 Section 8 Housing Choice Vouchers,¹ manages the Family Self Sufficiency Program (helps tenants receiving federal rental assistance to move to economic independence), and coordinates other activities such as affordable housing monitoring.

In 1994, WHA created a non-profit subsidiary organization, Wayland Housing Associates, Inc. (WHAII), to develop small-scale housing opportunities. Projects included two (2) affordable units on Millbrook Road and another on Plain Road that WHA continues to manage as rentals.

Besides its oversight of public housing and rental assistance, it will be important to differentiate WHA responsibility for any affordable housing-related activity vis a vis the Housing Partnership and Housing Trust.

- **Community Preservation Committee (CPC)**

Primary Role: Local funder

The Town adopted the Community Preservation Act (CPA) in 2002, which has been an important local resource for supporting affordable housing in addition to open space preservation, some recreational activities, and historic preservation. At least 10% of the annual CPA allocation, including the local surcharge and state matching funds, must be committed to community housing initiatives. About 29% of CPA funds, or about \$1.75 million, has been directed to housing thus far, including \$1.5 million for the Oxbow development and the remaining amount to a range of other housing activities. *The Community Preservation Committee's primary role is that of local funder and as such plays a pivotal role in making recommendations to the Board of Selectmen and ultimately Town Meeting on what housing initiatives get funded and at what amounts.*

- **Planning Board**

Primary Role: Regulatory oversight

The Planning Board is the permitting body for housing (and other) development. It provides approvals for subdivisions and plans that conform to zoning. It works to protect, and where

¹ Section 8 rental assistance is only eligible for inclusion in the Subsidized Housing Inventory (SHI) if it is project-based as part of a particular development and thus mobile vouchers cannot be counted.

possible, enhance local natural resources and preserve the quality of life for the citizens of Wayland.

The state directs planning boards to develop master plans that, among a variety of components, should include a housing element, which “identifies and analyzes existing and forecasted housing needs and objectives including programs for the preservation, improvement and development of housing. This element shall identify policies and strategies to provide a balance of local housing opportunities for all citizens.”²

The Planning Board takes the lead as Special Permit Granting Authority to issue special permits and conduct site plan review as regulated in Wayland’s Zoning Bylaw. This includes affordable housing projects that involve special zoning (not Chapter 40B), such as the River’s Edge development where a special overlay district was created, or those processed through the inclusionary zoning bylaw for example.

Besides being responsible for any zoning that involves affordable housing, the Planning Board, along with the Board of Selectmen, is responsible for approving the Housing Production Plan before it can be submitted to DHCD for state approval and for also approving Housing Trust projects that involve more than two units.

- **Zoning Board of Appeals**

Primary Role: Permitting agent

The ZBA provides permits for a substitution, an extension or alteration to an existing building, whether conforming or non-conforming. It also considers and grants special permits, including comprehensive permits under Chapter 40B.³

- **River’s Edge Advisory Committee**

Primary Role: Advisors to the Board of Selectmen on a Town-sponsored development

The River’s Edge Advisory Committee was created to provide guidance to the Town of Wayland on the development of the River’s Edge project, a Town-sponsored development. Members of the Committee include a representative from the Board of Selectmen, Finance Committee, Economic Development Committee (EDC), Department of Public Works, Planning Board, Design Review Board, the Housing Partnership, and two at-large members.

The EDC initially identified the site, which is owned by the Town, in an effort to support the Town’s economic development agenda that included the benefits of selling the land, increasing the tax base, and diversifying the housing stock by providing market rentals that are needed in the community as well as some affordable housing. The Committee also prepared special zoning that established the parameters of the development, with staff support from the Town Planner and the services of a consultant. Because 25% of the units will be affordable and included in the state’s Local Initiative Program (LIP) as Local Action Units (LAUs), all units will count as part of the Subsidized Housing Inventory, likely doubling the percentage of affordable housing from 4% to 7.9%. The Town issued an RFP in May and received several responses which

² Background Information for January 20, 2015 Wayland, MA Meeting on Housing, Compiled by Rachel G. Bratt, Chair, Wayland Housing Partnership (with input and assistance from: Mary Antes, Brian Boggia, Sarkis Sarkissian, Gretchen Schuler, Colleen Sheehan, Susan Weinstein).

³ Ibid.

the Advisory Committee is currently reviewing. *While there is a precedence for such an advisory committee in Wayland, as one was established for the former NIKE site, most communities use existing committees to oversee Town-sponsored development, most likely the Housing Trust in the case of Wayland's current organizational structure despite the project's initiation under the EDC.*

- ***Joint Affordable Housing Committee***

Primary Role: Convener on affordable housing issues

The Joint Affordable Housing Committee was convened in late 2015 to provide a forum for representatives of various housing entities – including the Housing Partnership, Planning Board, Housing Trust and Housing Authority – to discuss and come to some agreement regarding key housing issues. Members were divided into three (3) working groups, each with a designated staff person, including:

- Visions group (chaired by Kathleen Provost of WHA)
- Monitoring group (chaired by Brian Boggia of WHA)
- Zoning group (chaired by Sarki Sarkissian, Town Planner)

There have subsequently been several meetings with each group about ready to issue a paper providing the results of their discussion for review and comment by the whole group. It is anticipated that these papers will provide the context for actions to be taken during the next several years involving affordable housing.

The Joint Affordable Housing Committee is not a formal committee but should be considered a Housing Summit or Forum that provides opportunities for the various housing entities to have input into local housing policy. The members plan to hold two (2) of these meetings each year as a forum for discussion of housing issues as they arise, including implementation efforts of the Housing Production Plan.

- ***Assessors***

Primary Role: Assessment of property taxes

While the Town Assessor's Office is not typically directly involved in affordable housing issues, it is nevertheless tangentially involved by *assessing affordable housing units properly and following specific Affordable Housing Restrictions*. This is particularly important when affordable units initially come on to the tax rolls and upon any turnover of ownership. Several problems have arisen recently, and it is important for the Assessor's Office to have a clear understanding of where to go for technical support.

- ***Wayland Real Asset Planning (WRAP) Committee***

Primary Role: Research and analysis of municipal properties and long-range Town needs

The WRAP Committee has been "developing an accurate GIS inventory of all Town-owned parcels identifying custodial entity, size, deed and/or land restrictions, current uses, and other critical information."⁴ They have focused on the largest/most significant parcels and have held a couple of community forums to obtain local input. The Committee is particularly focused on municipal facility needs and expects to provide important input into long-range planning for the use of Town-owned property, working across stakeholder departments. *It should be noted that the missions of both the Housing Partnership and Housing Trust include identifying development*

⁴ WRAP Committee presentation at the Community Forums, May 11 and 16, 2016.

opportunities, and housing uses of municipal property should be prominent on the WRAP Committee's radar.

- ***Fair Housing Committee***

Wayland established a Fair Housing Committee to promote equal and fair housing in Wayland regardless of race, color, age, sex, religion, national origin, sexual orientation, veteran status, disability, welfare status, or children. The Committee was also charged with oversight of any discrimination complaints. The HPP has the Housing Partnership assuming these responsibilities.

- ***Wayland Council on Aging***

The Wayland Council on Aging provides a wide range of services to support the needs of the community's seniors, helping them remain active and independent. While not a housing entity, the Council on Aging provides important information and referrals to older adults in Wayland related to housing.

Major Recommendations

The following recommendations, based largely on written materials, interviews and the experience of other communities, are offered to build the Town's capacity to move its housing agenda forward:

Clarify housing responsibilities for BOS/Town Administrator delegation

As noted above, the Board of Selectmen, as staffed by the Town Administrator, ultimately bears the burden for insuring that all laws, regulations, guidelines, etc. are followed by the municipality in regard to any locally-permitted housing development or governmentally-funded housing activity. As such, it is essential that there be clear direction on housing issues that flow in and out of Board of Selectmen/Town Administrator's oversight. For example, it is important for the Board of Selectmen/Town Administrator to receive annual reports from Monitoring Agents on the continued affordability of SHI units. Similarly, when a subsidizing agency (DHCD, MassHousing, etc.) reaches out to the municipality, it is usually directed to the Board of Selectmen/Town Administrator. Obtaining comments related to a Chapter 40B application for project eligibility or the biennial review of the Subsidized Housing Inventory (SHI) are just two examples.

It will be important for the Town Administrator to know where to officially delegate the oversight and coordination of these and other housing issues as they arise. Certainly the recommendation of bringing on additional professional support for housing functions would help considerably in this regard.

Better define respective responsibilities of housing entities

The purposes of the Wayland Housing Trust and Housing Authority both specify "providing housing for low- and moderate-income households" with the Housing Partnership just a bit more general as "working with the community to lead and support efforts to meet the affordable housing needs of the Town." What are each specifically charged with to accomplish these missions?

First and perhaps easiest to address is the *Wayland Housing Authority*. As noted above, the WHA is effectively affiliated with the state and is not technically a part of local government. Given its long-standing position in housing for almost a half century, it has generally been considered the "go to" entity

when housing issues arise. This is likely due to the fact that it has professional staff available to address questions as they arise.

The Authority stepped outside of the typical public housing realm by creating a non-profit organization, the Wayland Housing Associates, Inc. (WHA) to develop some small-scale housing opportunities. Moreover, as mentioned above, the WHA also manages rental vouchers and special programs, including the monitoring of affordability restrictions for a number of projects. This report recommends formalizing these monitoring functions for all developments (see below).

The next issue is to clarify the responsibilities of the Housing Partnership and Housing Trust, attempting to limit duplication in their respective charges. A review of their missions, as summarized above, and the responsibilities outlined in the HPP suggest some confusion about who's in charge of what.

While the *Housing Trust* is interested in expanding its role beyond that of fiscal agent for the Affordable Housing Trust Fund, the list of powers, as approved by Town Meeting in 2014, limits its role to those included in MGL Chapter 44, Section 55C, largely involving accepting funds from various sources such as private donations, developer payments, and Community Preservation Funds, to be utilized for affordable housing. As noted above, Town Meeting approval actually eclipsed some of the powers included in MGL Chapter 44, Section 55C by limiting purchase and/or development to no more than two (2) units at a time unless the Trust receives Board of Selectmen and Planning Board approval. This may not be much of a constraint if the Housing Trust acknowledges that the most effective and efficient way for localities to promote affordable housing, besides local zoning, is to work in partnership with developers who can take advantage of economies of scale and leverage other public and private funding to maximize project affordability. The local Housing Trust effectively becomes a "gap filler" in this scenario, providing the final resource that makes the development feasible. For example, this was accomplished with CPA funding in the case of the successful Oxbow project.

The buy-down approach of acquiring one or two properties is particularly challenging in communities with high property values that widen the affordability gap beyond even \$300,000 per unit when you add in needed improvements and other soft costs. The community should question whether this amount of per unit subsidy and associated administrative burden reflects sound housing policy.

As an alternative, the Housing Trust could also invest in a Housing Rehabilitation Program or Emergency/Small Grants Program that could address some likely unmet local housing needs on a much more reasonable amount per unit for qualifying households. Another option might be a Rental Assistance Program that mimics the Section 8 Program. There are many good community models available on which to base such programs, and still the current funding available in the Housing Trust is significantly more than what would be needed for each of these initiatives.

The HPP has the Housing Trust taking the lead on a number of strategies that are included in the charge of the Housing Partnership's and typically under the purview of Housing Partnerships. These include actions to promote community outreach and education (website and Resource Manual) as well as identifying land that might be suitable for development which overlaps a major element of the Housing Trust's mission as mentioned above.

To add some further confusion, the HPP also indicates that the Planning Board should take the lead in preparing local 40B guidelines and a standard practice for LIP "friendly 40B" projects. In these cases the lead entity should be the Housing Partnership which has been formally charged with *the initial review of*

development proposals that involve affordable housing, including Chapter 40B projects. It would also be useful for the Housing Partnership to touch base with the Zoning Board of Appeals, the actual permitting entity for 40B's, when developing these guidelines and protocols.

Specific Recommendations

WHA

Except for those functions for which WHA is specifically responsible, the Town should rely solely on housing recommendations that emanate from its municipal housing entities, the Housing Partnership and Housing Trust, both of which have important WHA representation.

Housing Partnership and Housing Trust

This report provides several options for reducing confusion between Housing Partnership and Housing Trust responsibilities including:

- **Option 1: Status Quo**

The Town could maintain the long-standing responsibilities of the Housing Partnership, holding the Partnership accountable for fulfilling them. In order to this, the Partnership must continue to attract members who will be able to make important contributions and bring on professional support to build its capacity (see separate recommendation below).

The Housing Trust would then focus its efforts on strategically investing its Housing Trust Fund to fulfill local goals and priorities, which should also be addressed in funding guidelines and an action plan to be adopted by the Trust. As with the Housing Partnership, this report highly recommends adding the support of a shared housing professional (see recommendation below) to enable the Trust to effectively fulfill its functions.

- **Option 2: Adopt Bedford model over time**

Wayland is well acquainted with the overlap of board members among its housing entities, and it might be useful over time to move towards an organizational model that was adopted in Bedford. This involves having a substantial overlap of members on both the Housing Partnership and Housing Trust with both entities meeting on the same evening. Both have separate agendas, and when the first meeting is adjourned the other is opened. This process has worked effectively in Bedford for more than 16 years. In Bedford's case, professional support to staff both entities is provided by the Regional Housing Services Office (RHSO) with a representative attending both meetings but not having to venture out to two separate meetings each month. Before bringing on RHSO, both Boards were staffed by a part-time housing consultant.

In Bedford, the division of responsibilities between the Housing Partnership and Housing Trust is fairly standard with the Housing Trust managing the Housing Trust Fund, in effect serving as a "housing bank"; and the Housing Partnership in charge of local advocacy, outreach and education, policy development, housing planning, and the review of development proposals. Because there is some overlap of development skills needed on both the Housing Partnership and Housing Trust (the Partnership in its review of development proposals and the Trust's work

with developers on housing development opportunities), this model with overlapping members has worked quite well on that score.

- **Option 3: Adopt Weston model over time**

Many communities have decided to maintain a single housing board or committee to oversee housing-related projects and issues, including the implementation of a Housing Production Plan. Some have found that it has been challenging to attract the necessary interest and expertise to two separate housing entities and have preferred to concentrate on developing the appropriate capacity on a single board, typically a Housing Trust that brings with it the advantage of a number of additional statutory powers (I often refer to them as Housing Partnerships on steroids). This Trust then serves as the single municipal entity responsible for housing. Other anticipated advantages of a single entity include greater accountability and improved coordination of housing activities.

The turnover of key Housing Partnership/Trust members in the future may present a compelling rationale to explore such a consolidation of entities in Wayland. The most important consideration is that the members have the requisite expertise and interest to make important contributions to an enhanced Housing Trust, even integrating key Housing Partnership members into the Trust. Important Housing Partnership activities such as advocacy, education, review of development proposals, etc. would be added to the charge of the Housing Trust.

As noted above, as the Housing Trust gains more experience in dealing with housing development projects, this expertise may duplicate that which is needed for the review of development proposals by the Housing Partnership. A single board would reduce this duplication of skill sets across boards.

Weston in fact decided to adopt a recommendation in its Housing Production Plan to fold the Housing Partnership and its responsibilities into an expanded Housing Trust that then becomes responsible for the oversight of affordable housing activities in town, particularly the implementation of the HPP. With approval from the Board of Selectmen, the Housing Partnership disbanded this past summer after several decades of excellent service to the Weston community.

The table below summarizes the organizational configurations for a number of communities in the area, ranging from no municipal housing entities in Dedham and Needham at this time to several entities in Lincoln. Most of the communities have a single entity, typically a Housing Trust or Housing Development Corporation.

Housing Entities in Nearby Communities

Community	Housing Entity
Acton	Acton Housing Development Corporation ⁵
Bedford	Housing Partnership and Housing Trust with many

⁵ The Acton Community Housing Corporation was created in 1996 by a home rule petition to serve as the Town’s initial contact with developers of affordable housing projects, providing early input on proposals and monitoring the affordability of units once produced. Other Housing Development Corporations were created as subsidiaries of public housing agencies (such as the Wayland Housing Development Corporation) or as a separate 501(c)(3) tax-exempt non-profit organization prior to the passage of the Municipal Affordable Housing Trust statute.

	overlapping members (the entities meet consecutively on the same date)
Belmont	Housing Trust
Carlisle	Housing Trust
Concord	Concord Housing Development Corporation
Dedham	Nothing besides the Housing Authority
Dover	Housing Partnership
Lexington	Housing Partnership and LexHAB (development entity)
Lincoln	Affordable Housing Coalition made up of Housing Commission, Housing Trust and Lincoln Foundation
Needham	Nothing besides the Housing Authority but considering a Housing Trust
Stow	Housing Trust with an Inactive Housing Partnership
Sudbury	Housing Trust
Wellesley	Housing Development Corporation
Weston	Housing Partnership recently disbanded and folded into the Housing Trust; also has an Elderly Housing Committee that owns and manages senior housing
Winchester	Housing Partnership

Secure sufficient professional support

If the Board of Selectmen expects to fulfill its duties in effectively complying with all laws, regulations, guidelines, etc. in regard to any locally-permitted housing development or governmentally-funded housing activities, it needs to bring on additional professional capacity and expertise. Moreover, assuming a more proactive role in promoting affordable housing and effectively implementing actions included in its Housing Production Plan or through deliberations of the Joint Affordable Housing Committee, will require increased professional support.

Both the Housing Partnership and Housing Trust would benefit considerably from the availability of a housing professional to staff their work. There has already been some precedence for hiring the Regional Housing Services Office (RHSO) on specific tasks including help in dealing with foreclosures on affordable homeownership units and recent problems related to deeds on Habitat units.

The Town Planner already has a full-time position staffing the Planning Board and has limited capacity to assume significant additional responsibilities although he has attempted to do so when called upon. Moreover, WHA staff persons have been immensely helpful in supporting Town housing activities but are unlikely to be able to do more without more formalized arrangements and compensation.

Those communities that have made notable progress in implementing their housing agendas have largely done so with ongoing professional support, however municipalities have handled this need differently as described below. Most of these communities are accessing CPA funding to support these positions, but Housing Trust Funds could also be used.

Community Models for Securing Professional Expertise
<ul style="list-style-type: none"> The communities of Acton, Bedford, Burlington, Concord, Lexington, Sudbury, and Weston are collaborating through the operations of the Regional Housing Services Office (with Concord as the Host Community) to provide assistance in planning, permitting, monitoring, maintaining, and increasing their inventory of affordable housing.

- Marshfield issued a Request for Proposals for a Housing Coordinator position and hired a full-time person and then split this position between two consultants.
- Bourne hired a part-time consultant and has increased the number of hours over the years as programs and responsibilities increased.
- Grafton has an Assistant Planner on board to assume many of these housing-related functions.
- Chatham has relied heavily on its effective Housing Authority for program support related to affordable housing.
- Needham brought on a part-time Housing Specialist as part of Planning and Community Development Department.

With input from the Housing Partnership and Housing Trust, the Board of Selectmen should develop a Scope of Services for a part-time housing consultant/housing coordinator and issue a Request for Proposals (RFP) to solicit interest from qualifying professionals or organizations to undertake these services. It should also be noted that other consultants could be brought on as needed to handle specific activities including environmental engineers for predevelopment work, appraisers, surveyors, lawyers, etc.

The Housing Coordinator position should report directly to the Town Administrator. Because the housing entities are accountable to the Board of Selectmen, it correspondingly makes sense that a housing position would be hired and under the supervision of the Town Administrator.

Some activities that might be included in the Scope of Services include:

- Staffs the Housing Trust and Housing Partnership;
- Provides HOME Program related tasks;
- Answers housing inquiries;
- Maintains a list of those to notify when affordable housing opportunities arise;
- Conducts marketing/lottery work;
- Reviews and submits reports regarding development proposals;
- Reviews affordable housing development documents;
- Coordinates new or modifies zoning related to affordable housing, working with the Town Planner;
- Oversees HPP implementation;
- Assists in the preparation of Requests for Proposals (RFP) for housing projects;
- Provides orientation to new housing-related board members;
- Performs community outreach and education, including the preparation of materials;
- Researches funding sources available to supplement local resources;
- Drafts criteria to evaluate affordable housing proposals;
- Organizes public forums and special events, including housing summits;
- Explores development opportunities; and
- Drafts funding guidelines and the action plan for the Housing Trust.

Monitoring functions could be included in this RFP or designated separately as discussed in the above recommendation, including these activities:

- Monitors Subsidized Housing Inventory (SHI), including identification of compliance violations;
- Prepares/oversees database of affordable units/deed riders; and

- Insures the receipt of all cost examinations upon completion of Chapter 40B projects as well as annual financial reports on all 40B rental projects and annual monitoring reports; reviewing and passing them on to the subsidizing agency and Board of Selectmen (officially the Town Administrator who will share the reports with the Housing Partnership and any dedicated staff/consultant).

Formalize monitoring functions

The monitoring of the Subsidized Housing Inventory (SHI) is essential for preserving the existing supply of affordable units in town. While WHA has specific monitoring responsibilities for a number of developments in town, for which it conducts annual recertification of affordability, it has also been conducting the monitoring of other developments where the designated Monitoring Agent is not locally based (South Shore Housing, CHAPA and the Barnstable Housing Authority for example). They have been conducting this monitoring without an official designation and compensation.

This report recommends formalizing monitoring functions through the following process:

- ***Conduct outreach to existing Monitoring Agents***
The Board of Selectmen should send letters to the other identified Monitoring Agents (South Shore Housing, CHAPA, Barnstable Housing Authority, Habitat for Humanity, LDS Consulting Group) asking if they would consent to officially turning over their monitoring functions for Wayland developments to the WHA or another identified entity. They could agree to transfer just the annual recertification process and/or any potential refinancing and resale activity. These entities may want to hold onto the resale functions as they involve fees as a small percentage of the resale price. Nevertheless, the resale process is not high on many organizations' lists of favorite activities, and there may be some willingness to give up this function as well.
- ***Approve compensation for monitoring functions***
While Monitoring Agents receive a significant initial fee when they execute a Monitoring Services Agreement, additional fees are not typically forthcoming until resales arise. Consequently, annual monitoring activities typically go unfunded unless included as part of a job description for specified paid staff or a consultant. To additionally formalize these responsibilities, the Town should allocate funding through either CPA or Housing Trust Funds to compensate monitoring activities.
- ***Issue a Request for Proposals (RFP)***
The Board of Selectmen will need to prepare a Scope of Services detailing the work to be completed and issue a Request for Proposals (RFP) to satisfy Chapter 30B procurement requirements. This RFP could separately cover monitoring functions or be combined with the RFP for other professional housing services discussed in the above recommendation.
- ***Obtain official Town approval and designation as Monitoring Agent***
The selected Monitoring Agent from the RFP, should then seek official approval to assume these functions for the projects that officially designated a non-local Monitoring Agent. The Town of Needham went through this process a couple of years ago when the designated Monitoring Agents for a number of older Chapter 40B homeownership projects were either no longer operational or had little interest or capacity to fulfill these functions. The Town formally

sought approval from the Board of Selectmen to assume project monitoring with the Town Manager as point person. With this go-ahead the Zoning Board of Appeals was asked to approve amendments to the comprehensive permits, designating the Town, through the Town Manager or his/her designee, as Monitoring Agent. The Town also obtained approval from MassHousing where they were the designated Project Administrator which required that the person or firm assuming these responsibilities for the Town had appropriate experience/certification to conduct the monitoring. It will also be useful to execute a Monitoring Services Agreement with the designated Agent.

- *Monitor the monitors*

The Board of Selectmen should receive annual reports from the Monitoring Agents indicating when the monitoring occurred, project(s) involved, as well as any compliance issues. These reports should be for both ownership and rental developments. It is also important to insure that the Board of Selectmen receives the initial cost examination reports for Chapter 40B developments following project completion as well as annual financial reports for rental developments. Kudos to efforts that are currently underway in Wayland to obtain missing cost examinations for a couple of 40B developments! Nevertheless, the Board of Selectmen needs to have a formal process in place to regularly obtain all reports.

- *Engage legal help in enforcement*

There having been some compliance problems with respect to the deed restrictions, including owners of affordable units renting them out at market rates. When these owners continue to be in noncompliance after receiving warning letters about the problem, the Board of Selectmen should take legal action to enforce the deed riders. While this might involve costs, in line with the broken window theory, such action might ward off compliance problems with other units. Both CPA and Housing Trust funds could cover these legal expenses.

Continue Joint Housing Meetings/Housing Summits

The convening of all major local housing entities through the Joint Affordable Housing Committee has been a major step forward in focusing on housing issues in Wayland. While the term "Committee" has been applied, these meetings should instead be considered as "housing summits" or "housing forums". The term "Committee" further complicates Wayland's already confusing organizational structure for housing and perhaps misrepresents the intent of the meetings.

My work with communities typically includes a strong recommendation for these "housing summits" as a means for improving local communication and coordination among municipal entities that are involved in housing issues. I am therefore truly impressed by Wayland's efforts and interest in maintaining these meetings at least twice a year. As meetings continue, participants should consider the following recommendations:

- Rotate chairmanship among the four (4) leading participating entities to demonstrate equal participation and ownership in the proceedings and to minimize perceptions as a "Committee" meeting and more as a convening.
- Specify which entities are responsible for which actions as reports are issued for discussion and recommendations are made regarding policies and strategies.

- Try to reflect the results of the reports and outcomes of deliberations in the HPP as time allows, certainly in any revised HPP down the road (see recommendation below).
- Consider opening up the meeting to local residents and other local and regional stakeholders to obtain community input once a year or as a special meeting. Some communities have held housing summits that have included panel discussions of important housing issues, bringing in representatives from other towns and/or organizations. Other communities have brought in a guest speaker that attracted interest and visibility in the housing issue. Still others have had sponsored pot luck meals and then presented an update on the implementation of their HPP. Such meetings can also be helpful in providing a forum to present proposals on new housing initiatives, engaging the public in a context where all major housing entities participate.

Consider Future Amendments to the Housing Production Plan (HPP)

The Town recently submitted its Housing Production Plan to the state following local approvals by the Board of Selectmen and Planning Board. While this Plan may likely meet state requirements, it remains insufficient in documenting and prioritizing local housing needs that directly impact housing strategies. Most of the good work and discussion that is evolving as part of the Joint Affordable Housing Committee should have been informed by the HPP and vice versa.

While some might potentially perceive Housing Production Plans as just another task to meet a state requirement, communities that go through a meaningful planning process benefit by having a document that serves as a roadmap to the community's housing agenda, generated as part of good data analysis, interviews with local stakeholders, and a transparent and inclusive public process. I believe that at some point in the next several years the Town would benefit from a much more formal, rigorous and comprehensive housing planning process. This planning process would be informed by the work of the Joint Affordable Housing Committee, additional housing summits, a meaningful public process, better documentation of local housing needs and priorities, and greater clarification of respective roles and responsibilities of the various local housing entities. To do this, the Town should invest CPA or Housing Trust Funds or even obtain state funding from the Planning Assistance Toward Housing (PATH) Program to obtain the services of a qualified consultant through an RFP process. This process would result in a much more meaningful document that resonates with Wayland's unique needs, preferences and resources.

Finally, I would like to formally express my appreciation to all those who took the time to speak with me about this issue. I trust you will see your comments reflected in this report, and hope you will work with the Town Administrator to take steps toward implementing these recommendations.