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Katy Lacy is a Senior Project Manager at MHP, where she reviews requests for 40B Project Eligibility and coordinates the 40B Final Approval process for the agency. Before coming to MHP she worked at MassHousing as a 40B Specialist; she also served as the Community Planning Director for the Town of Hingham from 2000-2012.



40B: Project Eligibility Process

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Massachusetts
Housing Partnership
Moving affordable housing forward

Stages of a 40B Project

1. Determination of Project Eligibility
2. Comprehensive Permit
3. Final Approval
4. Construction and Occupancy
5. Post Occupancy Responsibilities

40B Project Eligibility

In order for a developer to submit an application to a Municipality for a 40B Comprehensive Permit, the project must receive a determination of Project Eligibility from an authorized Subsidizing Agency.

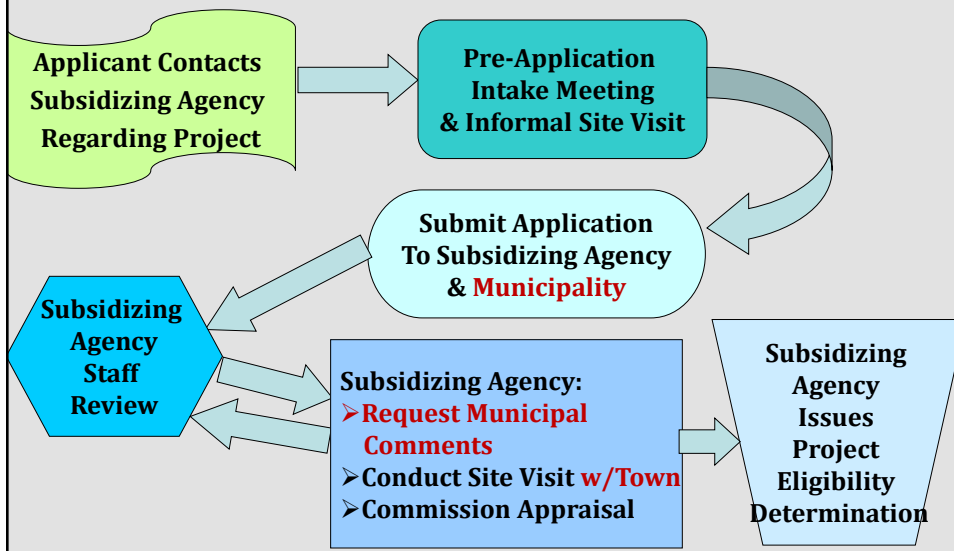


Who is the Subsidizing Agency?

- DHCD (Local Initiative Program, Tax Credits)
- MassHousing (New England Fund, or NEF)
- **MHP** (Massachusetts Housing Partnership)
- MassDevelopment



Project Eligibility Process



Municipal Input in the PEL Process

Site Visit (as soon as application is received)

Written Comments (within 30 days)



PEL Findings

760 CMR 56.00 – Comprehensive Permit Regulations

The Subsidizing Agency must determine:

- (a) that the project is generally eligible under the subsidy program. .
- (b) that the site of the proposed Project is generally appropriate for residential development, ***taking into consideration information provided by the municipality or other parties regarding municipal actions previously taken to meet affordable housing needs;***

What does this mean?



Previous Municipal Actions (760 CMR 56.04(4)(b))

Such actions could include:

- The creation of multi-family districts under G.L. c.40A
- Overlay districts adopted under G.L. c.40R
- And/or the adoption of an inclusionary zoning by-law.

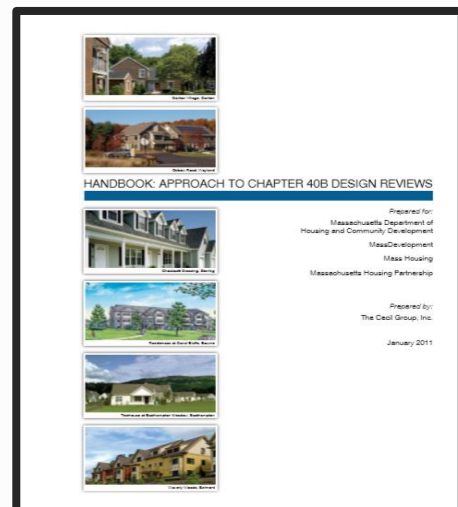
Provided that such measures relate to sites/districts that are appropriate for residential use **and** create opportunities of a scale that reasonably relate to the municipality's need for affordable housing as measured by the Statutory Minima...



PEL Findings, cont.

The Subsidizing Agency must determine:

(c) that the conceptual **project design** is generally appropriate for the site on which it is located. . .



PEL Findings, cont.

- (d) That the project is **financially feasible** within the housing market where it will be located (**demand**)
- (e) That the **pro-forma has been reviewed** and the project **appears feasible** and complies with **profit limitations**
- (f) That the Applicant is **eligible to apply**, per the statute and the programmatic requirements of the subsidizing agency
- (g) That the Applicant **controls the site** (P&S or Deed)

If the Subsidizing can make all seven of these findings, a Project Eligibility Letter is issued.



The Project Eligibility Letter

- **Required before developer can apply for a 40B Comprehensive Permit**
- **Issued by a Subsidizing Agency**
- **Requires municipal input**
- **IS NOT a project “approval” or permit**



Good for 2 years after issuance.

Resources For Municipality (ZBA)

- MHP administers a Technical Assistance program to Zoning Boards of Appeal (ZBA) to assist in processing a 40B permit application
- Grants are up to \$15,000
- Qualified third-party consultants provide the TA
- To request an application for technical assistance contact Katie Bosse at Kbosse@mhp.net or 617-330-9944 ext. 128

