GOOD NEIGHBORS

Kingston Affordable Housing Plan

June 2011

Prepared for:
Kingston Board of Selectmen
Kingston Planning Board

By:
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Boston, Massachusetts
# Table of Contents

1. Introduction ............................................................................................................................................................. 1  
   Summary ................................................................................................................................................................ 1  

2. Housing Needs Assessment .................................................................................................................................. 3  
   Demographic Profile ............................................................................................................................................... 3  
   Housing Characteristics ...................................................................................................................................... 16  
   Chapter 40B ......................................................................................................................................................... 24  
   Housing Development Framework & Challenges ................................................................................................. 26  
   Existing Housing Resources .............................................................................................................................. 33  
   Housing Production and Housing Needs ....................................................................................................... 37  

3. Affordable Housing Goals ................................................................................................................................... 42  
   Production Standard .......................................................................................................................................... 42  
   Housing To Meet Local and Regional Needs .................................................................................................. 44  

4. Implementation Strategies ................................................................................................................................... 46  
   Affordable Housing Trust ................................................................................................................................. 46  
   Housing Production Plan Requirements ......................................................................................................... 48  
   Managing Comprehensive Permits .................................................................................................................. 51  

Appendix ................................................................................................................................................................... 54  
   A. Notes on Data Sources .................................................................................................................................. 54  
   B. Glossary ........................................................................................................................................................... 55  
   E. DHCD Affirmative Marketing Plan Requirements ................................................................................... 60  
   Zoning for Affordable Housing ........................................................................................................................ 71  

References .................................................................................................................................................................. 76  

Maps ........................................................................................................................................................................... 79
1. Introduction

SUMMARY

The purposes of this Affordable Housing Plan are to increase Kingston's inventory of low- and moderate-income housing, address local and regional housing needs, and reduce barriers to housing production. Toward these ends, the plan is intended to help Kingston create more affordable housing on a gradual but steady basis, consistent with the state's housing plan regulations at 760 CMR 56.03(4) and the goals and policies of the Kingston Master Plan (1998).

Despite market obstacles, Kingston has created more low- and moderate-income housing since the Town's previous housing plan was prepared in 2004. Though not yet listed in the Chapter 40B Subsidized Housing Inventory (SHI), Kingston's recent comprehensive permits and a land donation to Habitat for Humanity have culminated in approvals for forty-six new low- or moderate-income housing units. Moreover, Kingston tried to provide a mix of ownership and rental housing for all income levels in one of the region's most sensible locations: around the MBTA station that skirts the Kingston/Plymouth town line. In 2007, Town Meeting approved a Chapter 40R district to allow construction of 730 new housing units and 300,000 sq. ft. of commercial space in a development known as 1021 Kingston's Place. A combination of the region's depressed housing market and other factors beyond the Town's control eventually led the developer of 1021 Kingston's Place to withdraw his plans in February 2010.

Kingston's location in a high-growth area and its coastal setting, small-town charm, and convenient access to commuter rail service make it attractive to developers of market-rate and mixed-income housing. Kingston also has land and redevelopment opportunities, so it is poised to grow. Over time, Kingston has adopted some of the regulatory tools that Massachusetts communities rely upon to promote housing diversity and affordability, yet in nearly all cases, the affordable housing created in Kingston has relied upon Chapter 40B comprehensive permits - and they, in turn, have relied upon the strength of the regional housing market. However, the most pressing housing needs in Kingston and the surrounding towns will continue to defy market-based solutions. These needs include:

- Deeply subsidized rental units for low-income families: units rarely built under any form of regulatory relief except by public agencies and private non-profit housing development organizations.
- Subsidized and modestly priced studio apartments and single-room occupancy units for one-person households with low or moderate incomes.
- Deeply subsidized rental units for senior citizens in order to relieve some of the pressure on the Kingston Housing Authority's waiting list.
- Homeownership units for people in a somewhat lower income range than Chapter 40B or inclusionary zoning developments typically serve.

Fortunately, Kingston has adopted the Community Preservation Act (CPA), so it has access to a housing subsidy source that many Massachusetts cities and towns have not yet embraced. To invest its CPA funds wisely and leverage other funding sources, Kingston needs development capacity. The existing capacity gap should be addressed by establishing a municipal housing trust and strong working partnerships with South Shore Housing Development Corporation (SSHDC) and other non-profit housing development organizations in the Greater Boston area.
Geographic Units

The tables and charts in this plan present data for Kingston and one of more comparison geographies. In most cases, the tables relate Kingston to the "South Subregion," i.e., a geography tailored to the plan's specific purposes. Where appropriate, larger areas within Massachusetts have been included as well, notably the federally defined areas that constitute economic statistical regions and the boundaries of the region used to set household income limits for subsidized housing. Each region is defined below and shown on Map 1.1.

- **South Subregion.** The subregion consists of fourteen South Shore and Southeastern Massachusetts towns with overlapping commuting patterns, i.e., communities that house many people who commute to jobs in Kingston or where Kingston residents commute to work. These communities include, in addition to Kingston itself, the towns of Bridgewater, Carver, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Lakeville, Marshfield, Middleborough, Pembroke, Plymouth, and Plympton. Kingston, Halifax, and Plympton also comprise the Silver Lake Regional School District.

- **Boston-Cambridge-Quincy Metropolitan Area Division.** A subset of the larger Boston-Cambridge-Quincy MA-NH Metropolitan Area, the Metropolitan Division includes approximately 1.8 million people in Eastern Massachusetts in an area generally bounded by the Massachusetts Turnpike to the north and I-495 to the west. For purposes of this plan, the Metro Division is referred to as Boston Metro South. Since the federal government redefined all of the economic regions in the country in 2003, there is no comparable geography for Boston Metro South in pre-2003 data from the Census Bureau. As such, it has been omitted from tables with historic population and demographic data.

- **Boston-Cambridge-Quincy MA HUD Metro Fair Market Rent Area (HMFA).** This federally defined area includes 136 cities and towns in Eastern Massachusetts. The HMFA is used to establish the maximum allowable rents under the HUD Section 8 Existing Housing Program and the income limits for most housing assistance programs, including low- or moderate-income units in the Chapter 40B Subsidized Housing Inventory.
2. Housing Needs Assessment

DEMOGRAPHIC PROFILE

Kingston is a coastal suburb thirty-eight miles south of Boston, bounded by the towns of Plymouth, Carver, Plympton, Pembroke, and Duxbury. Incorporated in 1726 from land originally associated with Plymouth, Kingston has a land use pattern composed of very old and new forms: a linear historic village in the town center, seaside cottages densely clustered at Rocky Nook, postwar neighborhoods with small houses, modern subdivisions with cul-de-sac streets and spacious homes on large lots, and some multi-family housing as well (Map 2.1). It also has both old commercial areas and suburban shopping centers, including a major regional mall. Despite the prosperous industrial base that existed in Kingston 150 years ago, today the town has a small collection of manufacturing companies that together employ less than one hundred people. As Kingston evolved during the twentieth century, its rural-industrial origins gave way to suburban residential development. Approximately 76 percent of the land in Kingston is currently occupied by some type of residential use, mainly single-family homes.¹

Unlike many Massachusetts towns, Kingston has grown at a fairly consistent pace since World War II. Its peak growth era, 1960-1970, came late in the postwar cycle of high household formation rates and birth rates. Even then, however, Kingston’s decennial growth rate (39.4 percent) trailed that of its neighbors to the north. A slowdown in housing demand triggered by the end of the Baby Boom brought some relief to most communities during the 1970s, yet while Kingston’s growth rate also dropped, the town gained households and population at an above-average rate for the state as a whole, as did Carver and Plymouth. When housing demand accelerated again in response to the Echo Boom, towns on the lower South Shore, Cape Cod, and along I-495 absorbed most of the state’s new growth. By 2000, Kingston was among the top twenty communities in Massachusetts for decennial rate of population growth (30.2 percent) and housing growth (29.4 percent).²³

Since 2000, housing development has peaked and plummeted throughout the state. After a period of robust growth, the market softened as mortgage foreclosures increased nationwide. In the ensuing cycle of economic recession and unemployment, housing demand declined precipitously. These conditions, coupled with trends toward smaller households and fewer children per family, have contributed to lower-than-expected population growth in Kingston and other towns nearby. The Census Bureau reports that Kingston’s population increased 7.2 percent from 2000 to 2010: far short of the 22 percent increase predicted in the Kingston Master Plan.⁴ Its current population density, 682 people per square mile (sq. mi.), falls well below the state average (841/sq. mi.) and that of Plymouth County (754/sq. mi.). Table 2.1 reports comparison population data for Kingston, surrounding communities, and the Commonwealth.⁵

¹ Kingston Planning Department, Assessor’s Parcel Database (FY 2010), statistics by author.
³ U.S. Department of Commerce, Bureau of the Census, Census 2000, Summary File 1, Table H1, and 1990 Census of Population and Housing, Summary File 1, Table H001. Statistics by author.
⁵ Author’s Note. The ACS population estimate for Kingston, 12,360, is slightly less than the official Census 2010 population count, 12,629, but for consistency with other demographic data we have used the ACS estimate.
### Population Characteristics

#### Population Age

Kingston’s population includes a comparatively large percentage of seniors 65 years and over and an above-average share of preschool-age children. In fact, the Town has one of the South Shore’s largest percentages of children under 3 years, which seems to be an indicator of Kingston’s appeal to young families. The sizeable presence of people on both extremes of the age spectrum means that Kingston’s population dependency ratio runs high: 0.74, compared with the state average of 0.62. Nevertheless, the median population age in Kingston, 42.3, is generally consistent with that of neighboring towns and other suburban areas around Boston.

#### Table 2.2. Current Population by Age (2010)

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>367,087</td>
<td>5.6%</td>
<td>1,621,143</td>
<td>24.8%</td>
<td>902,724</td>
<td>13.8%</td>
<td>446,264</td>
<td>6.8%</td>
</tr>
<tr>
<td>Carver</td>
<td>590</td>
<td>5.1%</td>
<td>2,899</td>
<td>25.2%</td>
<td>1,729</td>
<td>15.0%</td>
<td>805</td>
<td>7.0%</td>
</tr>
<tr>
<td>Duxbury</td>
<td>709</td>
<td>4.7%</td>
<td>4,552</td>
<td>30.2%</td>
<td>2,454</td>
<td>16.3%</td>
<td>1,122</td>
<td>7.5%</td>
</tr>
<tr>
<td>Halifax</td>
<td>767</td>
<td>5.5%</td>
<td>4,165</td>
<td>30.0%</td>
<td>1,852</td>
<td>13.3%</td>
<td>778</td>
<td>5.6%</td>
</tr>
<tr>
<td>KINGSTON</td>
<td>695</td>
<td>5.5%</td>
<td>3,447</td>
<td>27.3%</td>
<td>1,913</td>
<td>15.1%</td>
<td>996</td>
<td>7.9%</td>
</tr>
<tr>
<td>Pembroke</td>
<td>1,033</td>
<td>5.8%</td>
<td>5,059</td>
<td>28.4%</td>
<td>2,001</td>
<td>11.2%</td>
<td>749</td>
<td>4.2%</td>
</tr>
<tr>
<td>Plymouth</td>
<td>3,187</td>
<td>5.6%</td>
<td>13,697</td>
<td>24.3%</td>
<td>7,953</td>
<td>14.1%</td>
<td>3,409</td>
<td>6.0%</td>
</tr>
<tr>
<td>Plympton</td>
<td>125</td>
<td>4.4%</td>
<td>705</td>
<td>25.0%</td>
<td>383</td>
<td>13.6%</td>
<td>121</td>
<td>4.3%</td>
</tr>
<tr>
<td>South Subregion</td>
<td>13,151</td>
<td>5.3%</td>
<td>65,706</td>
<td>26.6%</td>
<td>33,164</td>
<td>13.4%</td>
<td>14,115</td>
<td>5.7%</td>
</tr>
</tbody>
</table>

Sources: Census 2010 Demographic Profile.
The effects of new growth, housing turnover, and general demographic trends can be seen in the age make-up of Kingston residents. From 2000 to 2010, the elderly population increased from 13.5 percent to 15.1 percent of the total and in absolute terms, Kingston absorbed a net gain of more than three hundred people 65 years and over. In addition, the under-20 population dropped from 29.3 percent of the total in 2000 to 27.3 percent in 2010. The number of children under 5 has declined by approximately three hundred.6

Race, Ethnicity, and Language
Kingston’s population is overwhelmingly white, non-Hispanic. About 96 percent of the town is white and of Irish, Italian, English, German, or French descent. Asians comprise just over 2 percent of the total population, and Hispanic or Latino persons, less than 1 percent.7 There is a very small foreign-born population in Kingston, too, and most are naturalized citizens. Approximately 3.5 percent of the total population 5 years and over speaks a language other than English at home, but very few report limited English proficiency.8 The mix of languages spoken in Kingston households sheds light on the cultural changes occurring here despite the town’s nearly homogeneous racial and ethnic characteristics. According to recent data from the Census Bureau, native speakers of Portuguese, Greek, Italian, Gujarati, Russian, and Spanish currently live in Kingston. Though the total number of people involved is small - about 3.4 percent of the total population over 5 - Kingston has a more linguistically mixed population today than ten years ago.9 Still, neither Kingston nor any of its neighbors comes close to the degree of cultural diversity that characterizes the Greater Boston area, where non-native speakers of English and people with Limited English Proficiency (LEP) make up nearly 23 percent of the population over 5.10

Migration
Kingston continues to absorb population growth, but the overall picture of population change is remarkably stable. About 92 percent of the population over one year old lived in the same home in Kingston twelve months ago, and among those who moved in the past year, 11 percent moved from a different home in Kingston and 67 percent came from another town in Plymouth County. Kingston seems more likely to attract in-county migration than a majority of the neighboring towns. Households moving into Kingston from outside of Massachusetts account for only a fraction of recent move-ins.11

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6 Census 2010 Demographic Profile, and Census 2000, Summary File 1, Table P12.
7 ACS 2005-2009 Five-Year Data, Table S0601.
8 Ibid., and Table B05002.
9 ACS 2005-2009 Five-Year Data, Table B16001.
10 Ibid.
11 ACS 2005-2009 Five-Year Data, Table B07003.
Labor Force, Education, and Employment

Kingston's labor force includes about 6,560 residents 16 years and over. Most commute to construction, education and health care, professional, or retail jobs in Boston, a neighboring town, or a regional employment center on the southern end of Route 128, but 22 percent of the employed labor force works locally. Like other communities, Kingston has experienced significant unemployment in the past three years, though the unemployment rate had fallen to 7.4 percent by December 2010 - down from 9.7 percent at the end of 2009.

Kingston has an educated population, yet its residents are not quite as well educated as those of some nearby towns or the state. A college degree is the highest level of education completed by 24.1 percent of Kingston's adult (over-25) population, but 33.8 percent entered the workforce after high school. For the state as a whole, the comparison statistics are 21.7 and 27.2 percent. Over 16 percent of the state's adult population holds a graduate or professional degree, yet the same is true for 10.7 percent of the population in Kingston. Thus, the town's residents work in academic and professional disciplines such as science and technology, engineering, law, education, and health care, but many also work in the construction trades, transportation and utilities, and some industries that provide jobs for semi-skilled and unskilled workers.

Table 2.3 reports educational attainment statistics for Kingston and the region.

<table>
<thead>
<tr>
<th>Geography</th>
<th>Less than High School</th>
<th>High School or GED</th>
<th>Some College or Associate Degree</th>
<th>College Degree</th>
<th>Master's Degree</th>
<th>Professional School or Doctorate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>11.6%</td>
<td>27.2%</td>
<td>23.4%</td>
<td>21.7%</td>
<td>11.2%</td>
<td>4.9%</td>
</tr>
<tr>
<td>Carver</td>
<td>11.1%</td>
<td>38.4%</td>
<td>29.0%</td>
<td>15.9%</td>
<td>4.9%</td>
<td>0.7%</td>
</tr>
<tr>
<td>Duxbury</td>
<td>0.9%</td>
<td>11.1%</td>
<td>20.4%</td>
<td>41.2%</td>
<td>19.8%</td>
<td>6.6%</td>
</tr>
<tr>
<td>Halifax</td>
<td>5.9%</td>
<td>41.8%</td>
<td>29.9%</td>
<td>13.3%</td>
<td>7.2%</td>
<td>1.9%</td>
</tr>
<tr>
<td>KINGSTON</td>
<td>6.3%</td>
<td>33.8%</td>
<td>25.0%</td>
<td>24.1%</td>
<td>8.5%</td>
<td>2.2%</td>
</tr>
<tr>
<td>Pembroke</td>
<td>5.8%</td>
<td>33.1%</td>
<td>28.3%</td>
<td>24.9%</td>
<td>7.0%</td>
<td>0.8%</td>
</tr>
<tr>
<td>Plymouth</td>
<td>7.8%</td>
<td>29.8%</td>
<td>31.6%</td>
<td>20.1%</td>
<td>8.0%</td>
<td>2.8%</td>
</tr>
<tr>
<td>Plympton</td>
<td>12.6%</td>
<td>32.0%</td>
<td>28.0%</td>
<td>17.0%</td>
<td>7.2%</td>
<td>3.1%</td>
</tr>
<tr>
<td>South Subregion</td>
<td>6.8%</td>
<td>31.3%</td>
<td>28.6%</td>
<td>21.9%</td>
<td>8.8%</td>
<td>2.6%</td>
</tr>
</tbody>
</table>

Sources: ACS 2005-2009 Five-Year Data.

Education differences and the persistence of a wage gap between men and women contribute to disparities in the earnings of workers in Kingston and other towns. The median earnings of college-educated residents are more than twice that of residents with only a high school diploma. Kingston residents have fairly high earnings, but not exceptionally high. Many Kingston households are married-couple families with both husband and wife employed (67 percent).

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12 The Massachusetts Executive Office of Labor and Workforce Development (EOLWD) reports Kingston's labor force at 6,463 people. For consistency, however, ACS data have been used unless otherwise noted.


15 ACS 2005-2009 Five-Year Data, Table S2302.
According the state sources, Kingston’s 492 public and private establishments employ 5,100 people. The town’s economy is service-based, with retail, education, health care, and food services providing 92 percent of all jobs. The few goods-producing jobs (which tend to be the town’s highest-paying jobs) are in the construction trades and durable goods manufacturing. In these industries, average weekly wages in are similar to wages paid elsewhere in the Boston metro area.\(^\text{16}\) Still, the few options available for higher-wage employment contribute to Kingston’s small share of locally employed people. Considering all local employment (regardless of wage), the town’s jobs-to-labor force ratio is only 0.78, i.e., Kingston’s employment base offers only 0.78 jobs for every one resident in the labor force.

**Disability Populations**

There are no current, verifiable estimates of the number of people with disabilities in Kingston or the surrounding towns. In 2008, the Census Bureau modified the scope of its disability population survey and disability classifications, and the next ACS five-year data release (est. December 2011) is expected to provide current disability estimates. For small-town geographies, the most current disability data are as reported in Census 2000; for larger areas such as Plymouth County, estimates based on a one-year survey are available today.

Kingston’s Census 2000 disability population included 1,984 people, or 18.7 percent of the civilian, non-institutionalized population over 5 years. The percentage of residents with one or more disabilities was generally comparable to the state average (18.5 percent) and Plymouth County (18.3 percent), yet noticeably larger than that of the fourteen-town South Subregion as a whole (15.8 percent). Kingston has several group homes for adults with special needs, and this may contribute to the difference. The age cohorts with larger-than-average percentages of people with disabilities in Kingston included people 16 to 20 years and 65 years and over.\(^\text{17}\) Among working-age people, defined as those 16 to 64 years, 70

\(^{16}\) EOLWD, Employment and Wages (ES-202), Kingston, Massachusetts, 2009.

percent of the population with disabilities had some type of employment disability, but most were employed.18

For federal census purposes, the disability population is reported as a subset of civilian, non-institutionalized people 5 years and over. "Non-institutionalized" includes people in households and those in some type of non-household living arrangement, such as a group home. However, some people with disabilities live in institutional settings as well, from hospitals for the chronically ill to nursing homes and residential programs for people with severe disabilities. Deinstitutionalization has brought about a gradual transfer of people from institutional to non-institutional facilities, and in small towns like Kingston, institutionalized people with disabilities usually reside in nursing homes. Including the 153 nursing home residents in 2000, all presumed to have one or more disabilities, the Town’s total disability population included more than 2,000 people. Senior citizens (65 years and over) accounted for approximately 37 percent of the total.19 Due to the aging of Kingston’s population, the percentage of people with some type of disability has most likely increased.

Household Characteristics

Households and Families
Kingston’s households are changing. While the total number of households increased 2.7 percent in the past nine years, the number of family households decreased 6.3 percent. A decline in families as a percentage of all households occurred elsewhere, too, yet the drop in Kingston and Halifax is conspicuous. Even in towns that gained families, the rate of household growth exceeded that of families.

<table>
<thead>
<tr>
<th>Table 2.5. Households and Families (2000-2009)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geography</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Massachusetts</td>
</tr>
<tr>
<td>Carver</td>
</tr>
<tr>
<td>Duxbury</td>
</tr>
<tr>
<td>Halifax</td>
</tr>
<tr>
<td>KINGSTON</td>
</tr>
<tr>
<td>Pembroke</td>
</tr>
<tr>
<td>Plymouth</td>
</tr>
<tr>
<td>Plympton</td>
</tr>
<tr>
<td>South Subregion</td>
</tr>
</tbody>
</table>


18 Census 2000, Summary File 3, Table PCT32.
19 Census 2000, Summary File 3, Table PCT16.
Ironically, Kingston’s average family size has increased from 3.16 people per family a decade ago (a decline from an average of 3.22 in 1990) to 3.36 people per family today. Table 2.6 shows that compared with other South Shore towns, Kingston’s percentage of married-couple families approximates the midpoint, but the percentage of married-couple families with dependent children ranks second highest. Furthermore, Kingston has the second highest average number of children under 18 per family. So, while the town has witnessed a decrease in family households, its present families are larger.

<table>
<thead>
<tr>
<th>Geography</th>
<th>Total Families</th>
<th>% Married Couples</th>
<th>% Married Couples w/ children &lt;18</th>
<th>% Single Parents w/ children &lt;18</th>
<th>Average No. Children &lt;18 per Family</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>1,567,246</td>
<td>74.8%</td>
<td>41.7%</td>
<td>13.8%</td>
<td>0.85</td>
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<tr>
<td>Carver</td>
<td>3,029</td>
<td>87.5%</td>
<td>41.1%</td>
<td>6.3%</td>
<td>0.88</td>
</tr>
<tr>
<td>Duxbury</td>
<td>3,960</td>
<td>85.3%</td>
<td>42.3%</td>
<td>9.6%</td>
<td>1.04</td>
</tr>
<tr>
<td>Halifax</td>
<td>1,918</td>
<td>86.1%</td>
<td>33.4%</td>
<td>6.5%</td>
<td>0.81</td>
</tr>
<tr>
<td>KINGSTON</td>
<td>2,940</td>
<td>84.0%</td>
<td>42.9%</td>
<td>9.9%</td>
<td>1.03</td>
</tr>
<tr>
<td>Pembroke</td>
<td>4,827</td>
<td>85.7%</td>
<td>43.3%</td>
<td>5.2%</td>
<td>0.97</td>
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<td>Plymouth</td>
<td>14,370</td>
<td>83.4%</td>
<td>37.5%</td>
<td>6.7%</td>
<td>0.83</td>
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<tr>
<td>Plympton</td>
<td>730</td>
<td>79.9%</td>
<td>32.6%</td>
<td>6.0%</td>
<td>0.83</td>
</tr>
<tr>
<td>South Subregion</td>
<td>61,193</td>
<td>83.4%</td>
<td>39.4%</td>
<td>8.2%</td>
<td>0.90</td>
</tr>
</tbody>
</table>

Sources: ACS 2005-2009 Five-Year Data.

Householders by Age
Young householders tend to be under-represented on the South Shore, and to some extent that can be seen in Kingston. The percentage of householders between 25 and 34 years in Kingston is above the midpoint of towns in its immediate area but well below that of the state, and Kingston tops the region for householders under 25. Empty-nesters and retirees make up smaller shares of all households in Kingston than in many of the communities around it.

<table>
<thead>
<tr>
<th>Geography</th>
<th>Total</th>
<th>Under 25</th>
<th>25 to 34</th>
<th>35 to 44</th>
<th>45 to 54</th>
<th>55 to 64</th>
<th>Over 65</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>2,457,167</td>
<td>3.2%</td>
<td>14.8%</td>
<td>20.9%</td>
<td>22.5%</td>
<td>17.3%</td>
<td>21.3%</td>
</tr>
<tr>
<td>Carver</td>
<td>4,240</td>
<td>0.4%</td>
<td>7.9%</td>
<td>24.3%</td>
<td>24.0%</td>
<td>19.3%</td>
<td>24.2%</td>
</tr>
<tr>
<td>Duxbury</td>
<td>5,051</td>
<td>0.2%</td>
<td>2.2%</td>
<td>21.9%</td>
<td>28.9%</td>
<td>22.0%</td>
<td>24.8%</td>
</tr>
<tr>
<td>Halifax</td>
<td>2,785</td>
<td>0.0%</td>
<td>8.4%</td>
<td>24.5%</td>
<td>22.0%</td>
<td>19.6%</td>
<td>25.4%</td>
</tr>
<tr>
<td>KINGSTON</td>
<td>4,363</td>
<td>3.9%</td>
<td>8.1%</td>
<td>23.8%</td>
<td>23.7%</td>
<td>19.2%</td>
<td>21.4%</td>
</tr>
<tr>
<td>Pembroke</td>
<td>6,356</td>
<td>0.3%</td>
<td>7.9%</td>
<td>27.9%</td>
<td>27.1%</td>
<td>20.5%</td>
<td>16.3%</td>
</tr>
<tr>
<td>Plymouth</td>
<td>20,652</td>
<td>1.2%</td>
<td>11.0%</td>
<td>22.0%</td>
<td>23.2%</td>
<td>21.1%</td>
<td>21.6%</td>
</tr>
<tr>
<td>Plympton</td>
<td>907</td>
<td>0.0%</td>
<td>3.3%</td>
<td>25.1%</td>
<td>29.2%</td>
<td>20.5%</td>
<td>21.8%</td>
</tr>
<tr>
<td>South Subregion</td>
<td>83,765</td>
<td>1.4%</td>
<td>8.7%</td>
<td>23.3%</td>
<td>26.0%</td>
<td>20.2%</td>
<td>20.4%</td>
</tr>
</tbody>
</table>

Sources: ACS 2005-2009 Five-Year Data.

---

20 Census 2000, Summary File 1, Table P33, and ACS 2005-2009, Table S1101.
**Household Incomes**

Kingston’s estimated median household income, $79,045, places the town in the middle of the region’s communities. Statewide, 13 percent of all households have annual incomes of $150,000 or more, but in Kingston, this figure is estimated at 19 percent. As suggested by the data in Table 2.8, family incomes typically run much higher than household incomes. In Kingston, the gap between households and families is particularly obvious because the town’s median family income is 1.26 times more than its median household income. Furthermore, in suburbs and small towns, families with children under 18 tend to have the highest incomes of all household types. Again, Kingston’s experience is telling; the ratio of median family income among families with dependent children to median household income is 1.31, higher than any town in the region. This kind of condition does not exist in most cities, however, for the incomes of urban families with children often fall below the median income of all families.

<table>
<thead>
<tr>
<th>Geography</th>
<th>All Households</th>
<th>Families</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Percent w/ Income &gt;$150K</td>
<td>Median Income</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>13.1%</td>
<td>$64,496</td>
</tr>
<tr>
<td>Carver</td>
<td>7.2%</td>
<td>$70,721</td>
</tr>
<tr>
<td>Duxbury</td>
<td>35.6%</td>
<td>$113,883</td>
</tr>
<tr>
<td>Halifax</td>
<td>11.3%</td>
<td>$74,679</td>
</tr>
<tr>
<td>KINGSTON</td>
<td>19.3%</td>
<td>$79,045</td>
</tr>
<tr>
<td>Pembroke</td>
<td>16.7%</td>
<td>$81,971</td>
</tr>
<tr>
<td>Plymouth</td>
<td>11.6%</td>
<td>$74,355</td>
</tr>
<tr>
<td>Plympton</td>
<td>15.2%</td>
<td>$85,523</td>
</tr>
</tbody>
</table>

Sources: ACS 2005-2009 Five-Year Data.

Another factor that stratifies household types by income is marriage. Married-couple families usually have higher incomes than families in general, without or without children under 18. Table 2.9 shows that married-couple families with children under 18 are Kingston’s wealthiest households, consistent with state and national norms for suburban communities. However, single parents without young children usually (though not always) have higher incomes than single parents with children. Traditionally, the poorest families in the United States have been single women with children under 18, and the estimates reported in Table 2.9 suggest that in most places this remains true. Still, growth in the number of fathers raising children on their own has changed the demographic profile.
of single-parent families. In Kingston, Carver, and Duxbury, for example, the median income of single-parent males with dependents is less than the median for single-parent females with dependents.

### Table 2.9. Median Family Income by Family Type

<table>
<thead>
<tr>
<th>Geography</th>
<th>Without Dependent Children</th>
<th>With Dependent Children</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Married Couple</td>
<td>Single Male</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>$87,652</td>
<td>$63,086</td>
</tr>
<tr>
<td>Carver</td>
<td>$80,600</td>
<td>$109,917</td>
</tr>
<tr>
<td>Duxbury</td>
<td>$139,881</td>
<td>$96,023</td>
</tr>
<tr>
<td>Halifax</td>
<td>$85,875</td>
<td>$107,833</td>
</tr>
<tr>
<td>KINGSTON</td>
<td>$101,875</td>
<td>$156,176</td>
</tr>
<tr>
<td>Pembroke</td>
<td>$93,350</td>
<td>$65,268</td>
</tr>
<tr>
<td>Plymouth</td>
<td>$89,943</td>
<td>$72,524</td>
</tr>
<tr>
<td>Plympton</td>
<td>$96,979</td>
<td>$57,109</td>
</tr>
</tbody>
</table>

Sources: ACS 2005-2009 Five-Year Data.

### Non-Family Households

Non-family households typically have much lower incomes than families, in part because so many non-family households are single people living alone. In Kingston, 78 percent of the non-family households are one-person households, and 34 percent consist of men and women (mainly women) 65 years and over. There are significant differences between the economic position of Kingston’s families and non-family households and between all non-family types and senior households, but this is true region-wide.

For the state as a whole, the median non-family household income is 58 percent of median household income (all households); in Kingston, it is 53 percent. However, the non-family income difference is more pronounced in neighboring towns such as Duxbury (34 percent) and Hanson (40 percent). To some extent, these differences run parallel to the substantially lower incomes of elderly households, especially those living alone. Still, working-age people make up 45 percent of Kingston’s one-person households, so age and fixed incomes do not explain the income gap between non-family households and all households. Gender is also a contributing factor. In fact, 56 percent of Kingston’s non-family households are single women (regardless of age) and female-headed households of two or more unrelated people. Table 2.10 compares Kingston with the region and the state for non-family household incomes.
Table 2.10. Median Non-Family Income by Sex and Age of Householder

<table>
<thead>
<tr>
<th>Geography</th>
<th>Non-Family Median</th>
<th>Male Householder</th>
<th>Female Householder</th>
<th>Male Householder</th>
<th>Female Householder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>$37,720</td>
<td>$44,471</td>
<td>$32,227</td>
<td>$58,288</td>
<td>$18,219</td>
</tr>
<tr>
<td>Carver</td>
<td>$35,396</td>
<td>$48,623</td>
<td>$30,625</td>
<td>-</td>
<td>$18,007</td>
</tr>
<tr>
<td>Duxbury</td>
<td>$38,227</td>
<td>$54,900</td>
<td>$32,802</td>
<td>$62,639</td>
<td>$27,963</td>
</tr>
<tr>
<td>Halifax</td>
<td>$50,285</td>
<td>$61,932</td>
<td>$27,778</td>
<td>$7,396</td>
<td>$16,521</td>
</tr>
<tr>
<td>KINGSTON</td>
<td>$41,635</td>
<td>$47,404</td>
<td>$39,833</td>
<td>$54,444</td>
<td>$27,461</td>
</tr>
<tr>
<td>Pembroke</td>
<td>$47,317</td>
<td>$52,554</td>
<td>$45,867</td>
<td>-</td>
<td>$19,607</td>
</tr>
<tr>
<td>Plymouth</td>
<td>$43,181</td>
<td>$53,448</td>
<td>$33,155</td>
<td>$56,771</td>
<td>$20,232</td>
</tr>
<tr>
<td>Plympton</td>
<td>$36,875</td>
<td>$90,250</td>
<td>$21,667</td>
<td>-</td>
<td>$9,583</td>
</tr>
</tbody>
</table>

Sources: ACS 2005-2009 Five-Year Data.

Sources of Income
The Census Bureau reports information about several types or sources of household income. Table 2.11 summarizes most of these income sources for Kingston and other communities. Since many households rely on more than one means of support, the percentages in Table 2.11 do not sum to 100 percent. For example, 82.4 percent of the households in Kingston receive income from wage and salary employment or self-employment, and approximately one-third have interest, dividend, or net rental income. Nevertheless, some patterns can be seen in ACS statistics. Households in Kingston are more likely to have wage or salary income than their counterparts in other towns. This generally makes sense given Kingston’s household age cohorts (see Table 2.5). Kingston also has a large share of households with self-employment income. Most noteworthy, however, are the percentages of households with Supplemental Security Income (SSI) or public assistance income, e.g., from the Department of Transitional Assistance (DTA). In both cases, Kingston closely tracks the statewide average.

Table 2.11. Sources of Household Income

<table>
<thead>
<tr>
<th>Geography</th>
<th>Total Households</th>
<th>Wage or Salary</th>
<th>Self-Employment</th>
<th>Social Security</th>
<th>SSI</th>
<th>Public Assistance</th>
<th>Interest, Dividends</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>2,465,654</td>
<td>77.3%</td>
<td>12.3%</td>
<td>27.1%</td>
<td>4.4%</td>
<td>2.5%</td>
<td>30.3%</td>
</tr>
<tr>
<td>Carver</td>
<td>4,240</td>
<td>75.2%</td>
<td>13.7%</td>
<td>32.2%</td>
<td>4.4%</td>
<td>1.1%</td>
<td>25.1%</td>
</tr>
<tr>
<td>Duxbury</td>
<td>5,051</td>
<td>76.8%</td>
<td>14.4%</td>
<td>30.5%</td>
<td>1.5%</td>
<td>0.5%</td>
<td>46.2%</td>
</tr>
<tr>
<td>Halifax</td>
<td>2,785</td>
<td>78.0%</td>
<td>12.7%</td>
<td>27.4%</td>
<td>2.0%</td>
<td>1.9%</td>
<td>21.0%</td>
</tr>
<tr>
<td>KINGSTON</td>
<td>4,363</td>
<td>82.4%</td>
<td>14.0%</td>
<td>28.0%</td>
<td>4.1%</td>
<td>2.0%</td>
<td>33.5%</td>
</tr>
<tr>
<td>Pembroke</td>
<td>6,356</td>
<td>86.3%</td>
<td>11.5%</td>
<td>23.5%</td>
<td>3.1%</td>
<td>0.7%</td>
<td>25.5%</td>
</tr>
<tr>
<td>Plymouth</td>
<td>20,652</td>
<td>77.7%</td>
<td>13.4%</td>
<td>27.7%</td>
<td>3.0%</td>
<td>1.6%</td>
<td>25.2%</td>
</tr>
<tr>
<td>Plympton</td>
<td>907</td>
<td>80.9%</td>
<td>17.4%</td>
<td>31.1%</td>
<td>4.1%</td>
<td>0.7%</td>
<td>31.0%</td>
</tr>
<tr>
<td>South Subregion</td>
<td>83,765</td>
<td>80.4%</td>
<td>13.8%</td>
<td>26.8%</td>
<td>2.5%</td>
<td>1.3%</td>
<td>28.8%</td>
</tr>
</tbody>
</table>

Income and Poverty

Each year, HUD publishes new low- and moderate-income limits, adjusted for household size. The income limits determine eligibility for most housing assistance programs. Very-low, low, and moderate income are based on percentages of area median income (AMI) in a given metropolitan or non-metro area. These terms serve as a measure of household wealth on a regional scale, accounting for differences in wages, the cost of living, and the cost of housing in different parts of a state and different sections of the nation. The current HUD income limits for Kingston’s area are shown in Table 2.12.

<table>
<thead>
<tr>
<th>Table 2.12. HUD Income Limits, 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Size</td>
</tr>
<tr>
<td>One person</td>
</tr>
<tr>
<td>Two people</td>
</tr>
<tr>
<td>Three people</td>
</tr>
<tr>
<td>Four people</td>
</tr>
<tr>
<td>Five people</td>
</tr>
<tr>
<td>Six people</td>
</tr>
<tr>
<td>Seven people</td>
</tr>
<tr>
<td>Eight people</td>
</tr>
</tbody>
</table>

Source: HUD, Office of Policy Development and Research (HUD/PDR).

Though often associated with very low incomes, poverty is not measured the same way. The Census Bureau sets national, not regional, poverty thresholds. In addition, the thresholds differ by household size and household composition. For example, when HUD establishes an income limit for a household of three, the same income limit applies to all three-person households: a married couple with a child, a single parent with two children, or three unrelated individuals in a household. When the Census Bureau publishes poverty thresholds, however, the threshold for a three-person household with no children differs from that for a household with dependents, as shown in Table 2.13.

<table>
<thead>
<tr>
<th>Table 2.13. Federal Poverty Thresholds, 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Related children under 18 years</td>
</tr>
<tr>
<td>Family Size</td>
</tr>
<tr>
<td>One person</td>
</tr>
<tr>
<td>Under 65 years</td>
</tr>
<tr>
<td>65 years and over</td>
</tr>
<tr>
<td>Two people</td>
</tr>
<tr>
<td>Householder &lt;65 years</td>
</tr>
<tr>
<td>Householder 65+ years</td>
</tr>
<tr>
<td>Three people</td>
</tr>
<tr>
<td>Four people</td>
</tr>
<tr>
<td>Five people</td>
</tr>
<tr>
<td>Six people</td>
</tr>
<tr>
<td>Seven people</td>
</tr>
<tr>
<td>Eight people</td>
</tr>
<tr>
<td>Nine people or more</td>
</tr>
</tbody>
</table>

The poverty formula makes assumptions about the cost of basic food as a percentage of income, and the purposes served by federal poverty thresholds are different from the purposes served by income limits for subsidized housing. Suffice it to say that households at or below the federal poverty threshold are very poor, and their needs extend far beyond housing.

Nationally and in Massachusetts, children under 18 comprise a large percentage of the population in poverty, and single-parent families with dependents are far more likely to be in poverty than married couples, with or without dependents. Compared with neighboring towns, Kingston has a higher-than-average poverty rate overall, 5.4 percent, and the third highest family poverty rate, 3.3 percent. Region-wide, some 1,300 families live in poverty, and nearly one-fourth are single-parent families with children under 18. People with disabilities also have a much higher incidence of poverty than those without disabilities. In Kingston, 32 percent of the disability population had incomes at or below the poverty line in 2000, generally consistent with the state average but slightly higher than the regional average.

Homeowners and Renters

Like most South Shore towns, Kingston has a high homeownership rate, for 82.6 percent of its households are homeowners. Though much higher than the statewide homeownership rate, it is somewhat low compared with the surrounding towns and the South Subregion in general. Table 2.14 reports the number and percentage of homeowners and renters in Kingston, its neighbors, and the South Shore subregion. As discussed below, homeownership rates in each community vary considerably by household type.

<table>
<thead>
<tr>
<th>Geography</th>
<th>Total Households</th>
<th>Homeowner Households</th>
<th>% Owners</th>
<th>Renter Households</th>
<th>% Renters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>2,457,167</td>
<td>1,594,928</td>
<td>64.9%</td>
<td>862,239</td>
<td>35.1%</td>
</tr>
<tr>
<td>Carver</td>
<td>4,240</td>
<td>3,979</td>
<td>93.8%</td>
<td>261</td>
<td>6.2%</td>
</tr>
<tr>
<td>Duxbury</td>
<td>5,051</td>
<td>4,612</td>
<td>91.3%</td>
<td>439</td>
<td>8.7%</td>
</tr>
<tr>
<td>Halifax</td>
<td>2,785</td>
<td>2,539</td>
<td>91.2%</td>
<td>246</td>
<td>8.8%</td>
</tr>
<tr>
<td>KINGSTON</td>
<td>4,363</td>
<td>3,604</td>
<td>82.6%</td>
<td>759</td>
<td>17.4%</td>
</tr>
<tr>
<td>Pembroke</td>
<td>6,356</td>
<td>5,811</td>
<td>91.4%</td>
<td>545</td>
<td>8.6%</td>
</tr>
<tr>
<td>Plymouth</td>
<td>20,652</td>
<td>16,917</td>
<td>81.9%</td>
<td>3,735</td>
<td>18.1%</td>
</tr>
<tr>
<td>Plympton</td>
<td>907</td>
<td>853</td>
<td>94.0%</td>
<td>54</td>
<td>6.0%</td>
</tr>
<tr>
<td>South Subregion</td>
<td>83,765</td>
<td>71,177</td>
<td>85.0%</td>
<td>12,588</td>
<td>15.0%</td>
</tr>
</tbody>
</table>

Sources: ACS 2005-2009 Five-Year Data.

---

21 ACS 2005-2009, Table B17017.
22 Census 2000, Table PCT34.
The homeownership rate for married couples in Massachusetts is 84 percent, but in Kingston and all of surrounding towns, the married-couple homeownership rate exceeds 90 percent. In fact, Kingston has the highest married-couple homeownership rate in the area. By contrast, it has the lowest homeownership rate for single-parent families and non-family households, though in both cases Kingston exceeds the rate for the state as a whole.

### Table 2.15. Household Type by Homeownership Rate

<table>
<thead>
<tr>
<th>Geography</th>
<th>Married Couple</th>
<th></th>
<th>Other Family</th>
<th></th>
<th>Nonfamily</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Rate</td>
<td>Total</td>
<td>Rate</td>
<td>Total</td>
<td>Rate</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>1,182,848</td>
<td>84.0%</td>
<td>391,682</td>
<td>50.1%</td>
<td>891,124</td>
<td>64.3%</td>
</tr>
<tr>
<td>Carver</td>
<td>2,650</td>
<td>93.7%</td>
<td>379</td>
<td>100.0%</td>
<td>1,211</td>
<td>92.2%</td>
</tr>
<tr>
<td>Duxbury</td>
<td>3,378</td>
<td>97.5%</td>
<td>582</td>
<td>86.6%</td>
<td>1,091</td>
<td>74.5%</td>
</tr>
<tr>
<td>Halifax</td>
<td>1,651</td>
<td>97.4%</td>
<td>267</td>
<td>90.3%</td>
<td>867</td>
<td>79.6%</td>
</tr>
<tr>
<td>KINGSTON</td>
<td>2,470</td>
<td>98.1%</td>
<td>470</td>
<td>62.1%</td>
<td>1,423</td>
<td>62.5%</td>
</tr>
<tr>
<td>Pembroke</td>
<td>4,135</td>
<td>96.9%</td>
<td>692</td>
<td>97.0%</td>
<td>1,529</td>
<td>74.1%</td>
</tr>
<tr>
<td>Plymouth</td>
<td>11,985</td>
<td>93.4%</td>
<td>2,385</td>
<td>65.2%</td>
<td>6,282</td>
<td>66.3%</td>
</tr>
<tr>
<td>Plympton</td>
<td>583</td>
<td>96.7%</td>
<td>147</td>
<td>100.0%</td>
<td>177</td>
<td>80.2%</td>
</tr>
<tr>
<td>South Subregion</td>
<td>51,064</td>
<td>94.7%</td>
<td>10,129</td>
<td>75.9%</td>
<td>22,572</td>
<td>67.0%</td>
</tr>
</tbody>
</table>

Sources: ACS 2005-2009 Five-Year Data.

Non-family households usually comprise a majority of all renters. In small towns like Kingston, non-family renters tend to be seniors, but "non-family" also includes single people living alone and households of two or more unrelated people. Table 2.16 shows that while most Kingston renters are non-family households, the Town also has many unmarried family renters. By contrast, it has a very small percentage of rental units occupied by married couples. The statistics imply an imbalance in the types and price bands of available rental units, for the small percentage of married-couple renters suggests that Kingston has few options for young families that do not qualify for subsidized rental housing.

### Table 2.16. Distribution of Households in Rental Housing by Household Type

<table>
<thead>
<tr>
<th>Geography</th>
<th>Married Family</th>
<th>Other Family</th>
<th>Nonfamily</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>189,681 22.0%</td>
<td>195,420 22.6%</td>
<td>478,773 55.4%</td>
</tr>
<tr>
<td>Carver</td>
<td>167 64.0%</td>
<td>0 0.0%</td>
<td>94 36.0%</td>
</tr>
<tr>
<td>Duxbury</td>
<td>83 18.9%</td>
<td>78 17.8%</td>
<td>278 63.3%</td>
</tr>
<tr>
<td>Halifax</td>
<td>43 17.5%</td>
<td>26 10.6%</td>
<td>177 72.0%</td>
</tr>
<tr>
<td>KINGSTON</td>
<td>47 6.2%</td>
<td>178 23.5%</td>
<td>534 70.4%</td>
</tr>
<tr>
<td>Pembroke</td>
<td>128 23.5%</td>
<td>21 3.9%</td>
<td>396 72.7%</td>
</tr>
<tr>
<td>Plymouth</td>
<td>786 21.0%</td>
<td>831 22.2%</td>
<td>2,118 56.7%</td>
</tr>
<tr>
<td>Plympton</td>
<td>19 35.2%</td>
<td>0 0.0%</td>
<td>35 64.8%</td>
</tr>
<tr>
<td>South Subregion</td>
<td>2,698 21.4%</td>
<td>2,443 19.4%</td>
<td>7,447 59.2%</td>
</tr>
</tbody>
</table>

Sources: ACS 2005-2009 Five-Year Data.
HOUSING CHARACTERISTICS

Physical Characteristics of Housing Units

Kingston's high homeownership rate is a mirror-image of its housing stock. Like most suburbs, Kingston has evolved as a community of detached single-family homes. Two-family and multi-family units do make up a large share of the housing inventory in Kingston, providing both choices and some degree of affordability. Still, townhouse-style units (single-family attached) comprise a small percentage of the total housing inventory, yet they often appeal to young families for whom single-family homeownership remains out of reach, and other types of households that do not want the maintenance responsibilities of detached single-family homes. On balance, however, Kingston has a wider range of housing than most of the surrounding towns, including a manufactured housing community for seniors.

Table 2.17. Structural Characteristics of Housing: Number of Units in Residential Buildings

<table>
<thead>
<tr>
<th>Geography</th>
<th>Total Units</th>
<th>Single Detached</th>
<th>Single Attached</th>
<th>Two-Family</th>
<th>Multifamily</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>2,724,787</td>
<td>52.8%</td>
<td>4.7%</td>
<td>10.9%</td>
<td>30.8%</td>
<td>0.9%</td>
</tr>
<tr>
<td>Carver</td>
<td>4,418</td>
<td>73.5%</td>
<td>2.1%</td>
<td>0.5%</td>
<td>1.5%</td>
<td>22.5%</td>
</tr>
<tr>
<td>Duxbury</td>
<td>5,334</td>
<td>86.8%</td>
<td>4.3%</td>
<td>1.6%</td>
<td>7.3%</td>
<td>0.1%</td>
</tr>
<tr>
<td>Halifax</td>
<td>2,982</td>
<td>74.7%</td>
<td>4.4%</td>
<td>0.0%</td>
<td>6.7%</td>
<td>14.2%</td>
</tr>
<tr>
<td>KINGSTON</td>
<td>4,707</td>
<td>78.6%</td>
<td>1.9%</td>
<td>6.1%</td>
<td>8.9%</td>
<td>4.5%</td>
</tr>
<tr>
<td>Pembroke</td>
<td>6,616</td>
<td>84.1%</td>
<td>7.3%</td>
<td>1.6%</td>
<td>7.1%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Plymouth</td>
<td>24,325</td>
<td>75.1%</td>
<td>5.6%</td>
<td>4.6%</td>
<td>12.0%</td>
<td>2.7%</td>
</tr>
<tr>
<td>Plympton</td>
<td>944</td>
<td>88.2%</td>
<td>5.7%</td>
<td>2.4%</td>
<td>3.0%</td>
<td>0.6%</td>
</tr>
<tr>
<td>South Subregion</td>
<td>91,739</td>
<td>78.5%</td>
<td>4.3%</td>
<td>3.7%</td>
<td>10.4%</td>
<td>3.2%</td>
</tr>
</tbody>
</table>

Source: ACS 2005-2009 Five-Year Data. Note: “other” is primarily mobile homes.

Two-family homes play a role in meeting rental housing demand in Kingston. First, they comprise a plurality of the Town’s rental units (28.3 percent), and second, since two-family units are usually larger than multi-family units, they tend to offer more floor area and more rooms. The other common type of rental unit in Kingston, the single-family home (23.1 percent), also accounts for a significant share - sometimes more than half - of all renter-occupied units in neighboring towns. The degree of dependence on single-family homes for rental options affects the rental supply throughout Kingston’s area. Single-family homes are not developed for rental purposes, so their occupancy fluctuates (sometimes significantly) in response to market forces. In fact, Kingston experienced a slight decrease in renter occupied units from 2000 to 2009, mainly due to a decline in renter-occupied single-family dwellings.

The presence of so many single-family homes in Kingston helps to explain its fairly large housing units. Table 2.16 reports the median number of rooms in all units and occupied units by tenure, and average
household sizes by tenure. Renters everywhere are at a somewhat higher risk of being unsuitably housed because there are more people per household living in fairly small units. In Kingston, though, the small rental unit size in Table 2.18 is influenced by the inclusion of assisted living units at 14 Chipman Way in the Town’s renter-occupied housing inventory.

### Table 2.18. Unit Sizes and Household Sizes by Tenure

<table>
<thead>
<tr>
<th>Geography</th>
<th>Median Year Built</th>
<th>All Units</th>
<th>Owner Occupied</th>
<th>Renter Occupied</th>
<th>Owner-Occupied</th>
<th>Renter-Occupied</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>1957</td>
<td>5.6</td>
<td>6.4</td>
<td>4.0</td>
<td>2.73</td>
<td>2.19</td>
</tr>
<tr>
<td>Carver</td>
<td>1980</td>
<td>5.9</td>
<td>5.9</td>
<td>5.1</td>
<td>2.75</td>
<td>2.75</td>
</tr>
<tr>
<td>Duxbury</td>
<td>1972</td>
<td>7.7</td>
<td>7.9</td>
<td>4.2</td>
<td>2.89</td>
<td>1.74</td>
</tr>
<tr>
<td>Halifax</td>
<td>1974</td>
<td>6.1</td>
<td>6.3</td>
<td>4.2</td>
<td>2.86</td>
<td>1.95</td>
</tr>
<tr>
<td>KINGSTON</td>
<td>1973</td>
<td>6.4</td>
<td>6.9</td>
<td>3.7</td>
<td>2.88</td>
<td>2.05</td>
</tr>
<tr>
<td>Pembroke</td>
<td>1977</td>
<td>6.6</td>
<td>6.7</td>
<td>3.5</td>
<td>3.01</td>
<td>1.61</td>
</tr>
<tr>
<td>Plymouth</td>
<td>1974</td>
<td>6.1</td>
<td>6.4</td>
<td>4.2</td>
<td>2.71</td>
<td>2.09</td>
</tr>
<tr>
<td>Plympton</td>
<td>1979</td>
<td>6.9</td>
<td>6.9</td>
<td>3.2</td>
<td>3.09</td>
<td>2.20</td>
</tr>
</tbody>
</table>

*Source: ACS 2005-2009 Five-Year Data.*

### Age of Housing Stock

Kingston has a sizeable collection of well-preserved historic homes, but overall, its housing is relatively new. Considering all housing units (both occupied and vacant), the median year of construction is 1973, with owner-occupied units being somewhat newer than renter-occupied units. The tendency for rental housing to be older than homeownership housing is hardly unique to Kingston, for as Table 2.19 illustrates, a much wider age gap exists throughout the state and in Plymouth. The presence of recently constructed rental housing, such as in Carver, Plympton, or Pembroke, usually means that a community has issued comprehensive permits. The towns in Kingston’s area do not have high-density multi-family zoning except for small Chapter 40R districts in Kingston and Plymouth, but no housing has been built in these locations.

### Table 2.19. Housing Age by Median Year of Construction and New Units Built Since 2000

<table>
<thead>
<tr>
<th>Geography</th>
<th>Median Year Built</th>
<th>All Units</th>
<th>Owner-Occupied Units</th>
<th>Renter-Occupied Units</th>
<th>Absolute Change</th>
<th>Percent Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>1957</td>
<td>1960</td>
<td>1948</td>
<td>186,265</td>
<td>7.1%</td>
<td></td>
</tr>
<tr>
<td>Carver</td>
<td>1980</td>
<td>1980</td>
<td>1980</td>
<td>473</td>
<td>11.5%</td>
<td></td>
</tr>
<tr>
<td>Duxbury</td>
<td>1972</td>
<td>1971</td>
<td>1977</td>
<td>530</td>
<td>9.9%</td>
<td></td>
</tr>
<tr>
<td>Halifax</td>
<td>1974</td>
<td>1975</td>
<td>1969</td>
<td>173</td>
<td>6.1%</td>
<td></td>
</tr>
<tr>
<td>KINGSTON</td>
<td>1973</td>
<td>1975</td>
<td>1971</td>
<td>485</td>
<td>10.7%</td>
<td></td>
</tr>
<tr>
<td>Pembroke</td>
<td>1977</td>
<td>1976</td>
<td>1986</td>
<td>655</td>
<td>11.1%</td>
<td></td>
</tr>
<tr>
<td>Plymouth</td>
<td>1974</td>
<td>1979</td>
<td>1957</td>
<td>3,550</td>
<td>16.7%</td>
<td></td>
</tr>
<tr>
<td>Plympton</td>
<td>1979</td>
<td>1978</td>
<td>2000</td>
<td>171</td>
<td>19.6%</td>
<td></td>
</tr>
<tr>
<td>South Subregion</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>11,293</td>
<td>13.2%</td>
<td></td>
</tr>
</tbody>
</table>

*Source: ACS 2005-2009 Five-Year Data; Census 2000, Summary File 1, and Census 2010, Redistricting Data (PL 94-171).*
Kingston attracts middle-income homebuyers seeking a small, family-oriented town with good schools, amenities, convenient access to regional employment centers and the regional transportation system, and buy-up possibilities. Since it has a wider range of housing prices than coastal communities to the north, Kingston opens the door to homeownership for more people. Nevertheless, its homes are not low-end within the regional market.

During the past decade, the median value of owner-occupied housing units in Kingston (excluding mobile homes) more than doubled, and traditionally affordable towns such as Halifax and Plymouth experienced an even faster rate of home value growth. In these communities, the change was especially noticeable at the lower end of the home value continuum, i.e., the value of the most affordably priced homes appreciated more rapidly than the value of higher-priced units. At the height of the market, generally between 2004 and 2005, home values had already increased much faster than household incomes in Kingston's subregion and throughout the Greater Boston area.

Housing Sale Prices
Kingston’s single-family sale prices rose steadily from 2000 to 2005, but since then, housing sale prices everywhere have dropped dramatically in response to the national foreclosure crisis. Duxbury has not experienced the same degree of sale price decline as other communities around Kingston, yet even in Duxbury, the median single-family sale price decreased 9.8 percent between 2005 and 2010. The median sale price in Kingston fell 17.9 percent in the same period. Still, neither Kingston’s experience nor that of Duxbury compares with the situation in some other towns nearby, notably Carver and Plympton, where the median single-family sale price decreased nearly 27 percent. Last year (2010), sale prices in Duxbury and Kingston inched upward again, yet for Kingston, the increase merely brought sale prices in line with 2003-era conditions.

Unlike the pattern of fairly steady growth and decline in single-family sale prices from 2000 to 2010, the condominium market in Kingston’s area has been volatile at best. During the first half of the last decade, the median condominium sale price in Kingston skyrocketed with a 256 percent increase. Plymouth also witnessed strong condominium sale price growth, at 178 percent, largely due to development at the Pine Hills. Since 2005, condominium sale prices have dropped more than 20 percent in all communities except...
Plympton, where the decline has been a modest 9.1 percent. The greatest sale price decline has occurred in Kingston, at 48.5 percent, and condominium sales volume has dropped significantly.

**Housing Affordability**

An important goal of any housing plan is to identify low- and moderate-income housing cost barriers and determine the possibilities for reducing them. Housing cost barriers can prevent a family from purchasing their first home, yet the impact of housing cost barriers extends beyond young homebuyers. Sometimes people with limited means live in homes they cannot afford. The absence of less expensive choices causes them to spend a large share of their income just to stay in the house they already occupy. To a housing policy analyst, a home is unaffordable to moderate-income homebuyers and existing moderate-income homeowners if they have to spend more than 30 percent of their gross monthly income on housing costs (mortgage payment, property taxes, and house insurance). By definition, they are **housing-cost burdened**. According to federal data, 1,400 homeowners in Kingston spend more than 30 percent of their gross monthly income on housing costs and approximately 800 of them (20 percent) have low or moderate incomes.

Despite falling home prices in the past few years, the cost of housing in Kingston remains a barrier for low- and moderate-income people. While the town offers some relatively affordable condominiums and older single-family homes, they make up a small part of Kingston’s housing inventory. Further, the number of modestly priced houses is declining due to alterations, expansions, and mansionization, which lead to higher home values and resale prices. In addition, the absence of deed restrictions means that low- or moderate-income people may not have access to units they could afford. This contributes to the problem of cost burdened households. In Kingston, there are fewer “affordable” units, by almost half, than there are households with incomes below 80 percent of the area median income.

**Affordability Gap.** The difference between a community’s median housing sale price and the price affordable to a moderate-or middle-income income homebuyer is known as an affordability gap. According to the *Greater Boston Housing Report Card*, single-family home prices in and around Kingston significantly exceed the maximum purchase price affordable to households at the median income for a family of four in the *Boston HUD Metro Fair Market Rent Area* (HFMA). For moderate-income homebuyers, the gap is much larger. The following charts illustrate the ratio of each town’s median condominium sale price and median single-family sale price to the purchase price affordable to households at the local median income and moderate-income households in the HFMA. A ratio of \( \leq 1.0 \) indicates relative affordability, but a ratio of >1.00 means the local median sale price is not affordable. As the ratio increases, the likelihood that first-time homebuyers could find an affordable place to live declines, i.e., communities with a high ratio of sale prices to affordable prices are primarily "buy-up market" suburbs. From a fair housing perspective, the issue is whether economically marginalized homebuyers can find safe, decent, affordable housing by choice or chance.

---

Foreclosures

The foreclosure crisis in Massachusetts has migrated from inner cities to suburbs and small towns. While defaults on subprime mortgages precipitated the rise in foreclosures and the state’s cities felt the greatest impacts, the Massachusetts Housing Partnership (MHP) reports that foreclosures have increased in non-urban areas primarily because of prolonged unemployment and a stagnant economy.\(^{24}\) MHP’s analysis has merit, but a look at foreclosure activity in Kingston shows that more than half of homeowners threatened by foreclosure in the past few years had first or second mortgages with subprime lenders.\(^{25}\) This is largely consistent Kingston’s experience. Table 2.20 traces the foreclosure activity in Kingston for the last four years.

<table>
<thead>
<tr>
<th>Year</th>
<th>1-Fam</th>
<th>Condo</th>
<th>All</th>
<th>1-Fam</th>
<th>Condo</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>77</td>
<td>2</td>
<td>82</td>
<td>0.6814</td>
<td>0.3333</td>
<td>0.5190</td>
</tr>
<tr>
<td>2009</td>
<td>62</td>
<td>1</td>
<td>76</td>
<td>0.5586</td>
<td>0.2500</td>
<td>0.4780</td>
</tr>
<tr>
<td>2008</td>
<td>43</td>
<td>2</td>
<td>53</td>
<td>0.4175</td>
<td>0.2857</td>
<td>0.3655</td>
</tr>
<tr>
<td>2007</td>
<td>62</td>
<td>1</td>
<td>73</td>
<td>0.5487</td>
<td>0.1000</td>
<td>0.4506</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Foreclosure Auctions</th>
<th>Foreclosure Deeds</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>68</td>
<td>2</td>
</tr>
<tr>
<td>2009</td>
<td>35</td>
<td>1</td>
</tr>
<tr>
<td>2008</td>
<td>14</td>
<td>1</td>
</tr>
<tr>
<td>2007</td>
<td>68</td>
<td>2</td>
</tr>
</tbody>
</table>


Subprime Loans. Subprime lending began in the mid-1980s when new federal laws paved the way for variable mortgage interest rates and made mortgage debt more attractive than ever for tax purposes. Though seen as the villain in the national foreclosure crisis, the subprime industry was once credited for making homeownership possible for people who could not get a conventional mortgage. Subprime loans

\(^{24}\) Tim Davis, “Percentage of distressed homes shifts to ‘burbs,” *Foreclosure Monitor* (November 9, 2010).

\(^{25}\) The Warren Group, Real Estate Records Search (user-defined query).
often involved higher repayment costs and other mechanisms to reduce lender risks, e.g., the prepayment penalties that predatory lending laws sought to abolish. When home values appreciated rapidly after 2000, subprime lenders financed a large share of cash-out loans, enabling borrowers to tap their equity for consumer spending, debt consolidation, and other needs. By 2006, subprime and “near-prime” loans accounted for about 40 percent of all newly originated securitized mortgages in the United States. In a study of subprime mortgages in Massachusetts from 1989 to 2007, the Federal Reserve Bank of Boston found that some 20 percent of subprime loans ended in default. A later study revealed that subprime mortgages accounted for half of all residential foreclosures in Massachusetts.

More recently, Banker & Tradesman reported that "distressed properties" - the term for homes at some stage of the foreclosure process - make up nearly 28 percent of all housing sales in the country. In Massachusetts, housing sales have continued to fall, as evidenced by a 28 percent drop in the year-to-date median single-family sales and a 37 percent drop in condominium sales as of April 2011. Meaningful price recovery is not expected until 2014.

Rental Housing Costs

The most recent, systematically conducted survey of rental housing costs in Kingston’s area is the ACS, which shows that monthly rents in Kingston are comparatively expensive. The median contract rent - that is, excluding utilities - averaged $1,037 over the five-year survey period (2005-2009), expressed in 2009 dollars. The median gross rent, which includes basic utilities, was $1,209. A commonly used indicator of rental affordability in a given market area is the ratio of median gross rent to household income. In Kingston and all but one of the surrounding communities (Halifax), median gross rent as a percentage of household income has risen significantly in the past twenty years. Not surprisingly, the housing tenure statistics for Kingston’s area have also changed. Statewide, in Kingston, and most of Kingston’s neighbors, the renter housing inventory has not grown in proportion to the demand for rental units.

---


Coincidentally, the median gross rent in Kingston matches the two-bedroom Fair Market Rent (FMR) that HUD uses as a cost ceiling for units rented by people with a Section 8 voucher in the Greater Boston area. If a tenant with Section 8 assistance can find a landlord willing to participate in the voucher program, it seems possible to find decent rental housing in Kingston. Still, many low-income renters do not have Section 8 vouchers, and most renters in Kingston do not have high enough earnings to afford a unit for which the monthly cost of rent and utilities equals the median gross rent. To afford an apartment at the median gross rent in Kingston, a tenant household would have to earn at least $48,360 per year. However, 78 percent of the renter households in Kingston and 62 percent throughout the South Subregion have annual incomes at or below under $49,000.31

Access to Affordable Housing

Most towns have some modest, older single-family homes that are fairly affordable and apartments with low monthly rents. However, housing that is affordable due to its age, condition, limited amenities, or location is not necessarily occupied by low- or moderate-income people. The U.S. Department of Housing and Urban Development reports data for an affordable housing barrier known as affordability mismatch, or housing units that are affordable but unavailable to lower-income households because higher-income households already live in the units. Affordability mismatch measures:

- The number of housing units in a community with rents or home values affordable to people with very low incomes (at or below 30 percent AMI), low incomes (between 31 and 50 percent AMI), and moderate incomes (between 51 and 80 percent AMI);
- The number of households in each income tier;
- How many of those households live in units they can afford, and
- How many of the affordable units have a high probability of housing problems in addition to housing costs, e.g., substandard or otherwise inadequate housing.


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31 ACS Five-Year Estimates, B25118.
According to a recent report from HUD:

Higher income renters occupy about 42 percent of the units that are affordable to extremely low-income renters, who earn less than 30 percent of Area Median Income (AMI). Further, higher income renters occupy 36 percent of the units that are affordable to renters who have incomes at 30 to 50 percent of AMI. As a result of this competition and because a substantial proportion of available units are not in standard or adequate physical condition, only 32 units of adequate, affordable rental housing are available for every 100 extremely low-income renters.\(^3\)

Although Kingston has housing that is affordable to very-low, low-, and moderate-income households, most of the "affordable" units are lower-end market-rate units without any type of income eligibility restrictions. In fact, about half of the renter-occupied units and nearly 70 percent of the owner-occupied units that are technically "affordable" do not provide housing for low- or moderate-income people. As a result, Kingston's lower-income households have a very high incidence of housing cost burden. This is because an affordability mismatch prevents them from accessing existing units they could otherwise afford to purchase or rent.

<table>
<thead>
<tr>
<th>Table 2.22. Affordability Mismatch in Kingston</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Renter-Occupied</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Units Affordable for Very Low Income</td>
</tr>
<tr>
<td>0-1BR</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td>Occupied by VLI Households</td>
</tr>
<tr>
<td>130</td>
</tr>
<tr>
<td>Built Pre-1970</td>
</tr>
<tr>
<td>25</td>
</tr>
<tr>
<td>Housing Problems Reported</td>
</tr>
<tr>
<td>25</td>
</tr>
<tr>
<td>Units Affordable for Low Income</td>
</tr>
<tr>
<td>50</td>
</tr>
<tr>
<td>Occupied by LI Households</td>
</tr>
<tr>
<td>40</td>
</tr>
<tr>
<td>Built Pre-1970</td>
</tr>
<tr>
<td>40</td>
</tr>
<tr>
<td>Housing Problems Reported</td>
</tr>
<tr>
<td>10</td>
</tr>
<tr>
<td>Units Affordable for Moderate Income</td>
</tr>
<tr>
<td>104</td>
</tr>
<tr>
<td>Occupied by MI Households</td>
</tr>
<tr>
<td>26</td>
</tr>
<tr>
<td>Built Pre-1970</td>
</tr>
<tr>
<td>48</td>
</tr>
<tr>
<td>Housing Problems Reported</td>
</tr>
<tr>
<td>19</td>
</tr>
<tr>
<td>Total VLI/LI/MI Affordable</td>
</tr>
<tr>
<td>284</td>
</tr>
<tr>
<td>Total Not VLI/LI/MI Occupied</td>
</tr>
<tr>
<td>123</td>
</tr>
<tr>
<td>% Not VLI/LI/MI Occupied</td>
</tr>
<tr>
<td>43.3%</td>
</tr>
</tbody>
</table>

Source: HUD, Comprehensive Housing Affordability Strategy (2000).
Note: HUD has not updated the CHAS with new housing cost and condition data that are available for towns as small as Kingston. As of May 2011, the most current information is still based on sample data from Census 2000.

The problem of affordability mismatch is more complicated than may be apparent in a simple comparison of affordable units with low- or moderate-income households. When a very-low-income tenant rents an apartment priced for moderate-income occupancy, the tenant will be housing cost

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burdened due to an affordability mismatch that occurs *within* the affordable housing inventory. This condition exists in Kingston and all of the surrounding towns.33

**Housing Production**

Kingston experienced rapid growth during the 1990s, but the pace of new-home construction declined in the past decade, even before the foreclosure crisis and weakening of the national housing market. From 2000 to 2010, the Town issued building permits for 476 new dwelling units, as shown in Table 2.23. This is generally consistent with the change in total housing units (+485 units) between Census 2000 and Census 2010, as reported by the Census Bureau.

<table>
<thead>
<tr>
<th>Year</th>
<th>Buildings</th>
<th>Units</th>
<th>Year</th>
<th>Buildings</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>56</td>
<td>56</td>
<td>2006</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>2001</td>
<td>43</td>
<td>43</td>
<td>2007</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>2002</td>
<td>47</td>
<td>47</td>
<td>2008</td>
<td>24</td>
<td>28</td>
</tr>
<tr>
<td>2003</td>
<td>76</td>
<td>76</td>
<td>2009</td>
<td>29</td>
<td>29</td>
</tr>
<tr>
<td>2004</td>
<td>78</td>
<td>79</td>
<td>2010</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>2005</td>
<td>60</td>
<td>60</td>
<td></td>
<td>471</td>
<td>476</td>
</tr>
</tbody>
</table>


### CHAPTER 40B

Under a Massachusetts law that went into effect in 1969, all communities are supposed to have housing that remains affordable to low-income households even when home values appreciate under robust market conditions. The units retain their affordability because an *affordable housing deed restriction* limits resale prices and rents for many years, if not in perpetuity. Another type of affordable housing - generally older, moderately priced dwellings without deed restrictions, and which lack the features and amenities of new, high-end homes - can help to meet housing needs, too, but only as long as the market will allow. Both types of affordable housing are important. The crucial difference is that the market determines the price of unrestricted affordable units while a recorded legal instrument determines the price of deed restricted units. There are other differences, too. For example, any household - regardless of income - may purchase or rent an unrestricted affordable unit, but only a low- or moderate-income household is eligible to purchase or rent a deed restricted unit.

When less than 10 percent of a town’s housing consists of deed restricted affordable units, G.L. c. 40B, §§ 20-23 (“Chapter 40B”) authorizes the Board of Appeals to grant a comprehensive permit to qualified affordable housing developers. The 10 percent statutory minimum is based on the total number of year-round housing units reported in the most recent decennial census; for Kingston, this means 488 low- or moderate-income housing units.

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33 HUD, CHAS 2009, MA_Table 15C_06.
affordable units out of a total of 4,881 year-round units (Census 2010). A comprehensive permit is a **unified permit**, i.e., a single permit that subsumes the approvals required under zoning and other local regulations. By designating one town board to administer a streamlined permitting process, the state legislature hoped to reduce low-income and minority concentration areas in the cities and provide more housing choices in suburbs and small towns. Under Chapter 40B, the Zoning Board of Appeals may approve, conditionally approve, or deny a comprehensive permit, but in communities that do not meet the 10 percent minimum, developers may appeal to the state Housing Appeals Committee (HAC). Although comprehensive permits may still be granted after a town achieves the 10 percent minimum, the HAC no longer has authority to overturn a local board’s decision. Despite many years of controversy about Chapter 40B, Massachusetts voters defeated a ballot question to repeal the law in 2010.

The Massachusetts Department of Housing and Community Development (DHCD) maintains a list of the deed-restricted (Chapter 40B-eligible) affordable units in each city and town. Known as the Subsidized Housing Inventory (SHI), the list determines whether a community meets the 10 percent minimum. It also is used to track **expiring use restrictions**, i.e., when non-perpetual affordable housing deed restrictions will lapse. Table 2.24 lists the Chapter 40B-eligible housing units in Kingston, including some comprehensive permit units that have not yet been added to the SHI.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Type</th>
<th>SHI Units</th>
<th>Affordability Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meadowcrest</td>
<td>Hillcrest Rd.</td>
<td>Rental</td>
<td>48</td>
<td>Perpetual</td>
</tr>
<tr>
<td>N/A</td>
<td>165R Pembroke St.</td>
<td>Rental</td>
<td>8</td>
<td>Perpetual</td>
</tr>
<tr>
<td>AEI Group Homes</td>
<td>159 Indian Pond Rd.</td>
<td>Rental</td>
<td>4</td>
<td>2025</td>
</tr>
<tr>
<td>Kingston Group Home</td>
<td>23 Evergreen St.</td>
<td>Rental</td>
<td>8</td>
<td>2034</td>
</tr>
<tr>
<td>Kingston Pines</td>
<td>Anderson Ave.</td>
<td>Rental</td>
<td>20</td>
<td>2036</td>
</tr>
<tr>
<td>Silver Lake Homes</td>
<td>Chipman Way</td>
<td>Rental</td>
<td>50</td>
<td>2027</td>
</tr>
<tr>
<td>DMR/DMH Group Homes</td>
<td>Confidential</td>
<td>Rental</td>
<td>32</td>
<td>Perpetual</td>
</tr>
<tr>
<td>Ryan's Way</td>
<td>Wapping Rd/Ryan's Way</td>
<td>Ownership</td>
<td>8</td>
<td>Perpetual</td>
</tr>
<tr>
<td>Barrows Brook</td>
<td>Sunrise Dr./Grove St.</td>
<td>Ownership</td>
<td>14</td>
<td>Perpetual</td>
</tr>
<tr>
<td>High Pines</td>
<td>Country Club Way</td>
<td>Ownership</td>
<td>23</td>
<td>Perpetual</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td></td>
<td></td>
<td><strong>215</strong></td>
<td></td>
</tr>
</tbody>
</table>


Notes:
1. As of January 2011, the official SHI count for Kingston was 170 units.
2. Ryan’s Way, Barrows Brook, and High Pines have not been added to the SHI. The number of affordable units shown above are as reported by the Town. Although Ryan’s Way is complete and fully occupied, building permits have not been issued for all of the units at Barrows Brook and High Pines.
3. Kingston also has a Habitat for Humanity home on Grove St. Whether the unit will be deemed Chapter 40B-eligible is unknown at this time, so it has been omitted from this table.

Considering both built and permitted but not yet constructed units, the inventory of low- and moderate-income housing in the South Subregion (approximately 4,110 units), is less than 5 percent of all Census 2010 year-round housing units in the fourteen towns combined. If developments approved within the

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34 These numbers are unofficial until DHCD updates the Subsidized Housing Inventory to reflect Census 2010 housing data.
past year do not go forward, the regional percentage will drop by the end of 2011. The persistence of weak market conditions and constrained access to project financing have delayed progress on comprehensive permit developments in Kingston and the surrounding towns, notably Duxbury, where a 214-unit apartment development approved in 2010 has not broken ground. Furthermore, participation in moderate-income housing lotteries has dropped considerably, in part due to falling market prices and also because it is more difficult to obtain mortgage approval today than four or five years ago. A recent lottery in Kingston attracted only as many pre-qualified buyers as the number of affordable units offered in a new comprehensive permit development.35

HOUSING DEVELOPMENT FRAMEWORK & CHALLENGES

Physical Constraints

The natural assets found in Kingston influence the suitability of land for development and ease with which some areas can be used for residential and other purposes. Kingston’s coastal setting and location within two major watersheds is evident in the make-up of its wetland and water resources, the shape of its land, and its soil characteristics. These natural resources are shown on Map 2.2.

Most of Kingston (16.9 sq. mi.) lies within the South Coastal Watersheds, a collection of coastal river watersheds south of Boston. The northern part of town consists of low-lying areas and extensive wetland resources areas associated with the Jones River, a seven-mile watercourse that originates at Silver Lake, a designated Great Pond, and drains to the sea at Kingston Bay. The 30 sq. mi. Jones River watershed is one of the fourteen watersheds that define the boundaries of the South Coastal Watersheds system. To the south (roughly south of Route 80), the land is hilly, irregular, and laced with streams and ponds, including three Great Ponds (Smelt, Muddy, and Indian Ponds). The southernmost tip of Kingston (2.0 sq. mi.), bounded by Route 44, is in the Taunton River Watershed.36 Kingston’s two “watershed addresses” matter because each watershed has unique qualities and serves different regional needs. For Kingston, the City of Brockton’s withdrawals from Silver Lake has been a long-standing, contentious issue due to negative impacts on wildlife and wetland resources.

Sixty-three percent of Kingston’s total area lies within the Plymouth-Carver Aquifer, an EPA-designated sole source aquifer that includes 200 sq. mi. and all or large portions of seven towns.37 Owing to its importance to the region’s water supply, the Plymouth-Carver Aquifer has been the subject of considerable planning and regulatory oversight at all levels of government. The east side of Kingston, mostly between Route 3A and the shore, is located within a designated Coastal Zone. This part of town contains some of the most densely settled neighborhoods and commercial centers, attesting to Kingston’s historic development pattern.

With the exception of Kingston’s inland and coastal wetland communities and its intricate network of rivers and streams, much of the town’s land is composed of well-drained Hinckley, Carver, and Merrimac soils that can accommodate development.38 Since areas with well-drained soils also support aquifer

35 Thomas Bott, Kingston Town Planner, citing Brian Engler, Stockard, Engler, and Brigham (SEB), April 26, 2011.
recharge, it can be challenging to protect drinking water resources and also meet housing and other community development needs. Like most towns, Kingston relies on its zoning to balance these demands. Title V and state and local wetland regulations also affect development, but they are not (and should not be) a substitute for zoning.

Infrastructure

Roads
Kingston is crossed by 106.7 miles of roadways (measured in centerline miles).\(^3\) The collector roads that move local and regional traffic through Kingston include Route 53, Route 3A, and Route 27, which run in a north-south direction; Route 106, an east-west route between Kingston and Plainville; and Route 80, which extends southwesterly from Route 3A and eventually turns south to Plymouth (Map 2.3). Route 3A/Summer Street crosses the town center, functioning both as an urban collector and Kingston’s main street. It is a particularly busy road due to the volume of through traffic it carries throughout the day, especially during peak-hour travel.

Two major arterials run through Kingston, but residents have direct access to only one. On the east side of town, Kingston is crossed by Route 3, the highway that carries traffic between Boston and Cape Cod. The Town has access to Route 3 at three interchanges: Route 3A at the Kingston/Duxbury line, Route 3A south of the town center, and the Independence Mall at the southern end of town. In addition, the relocated U.S. Route 44 runs between Plymouth and Carver across the southern end of Kingston, following a curve that approximates the South Coastal and Taunton River watershed boundary. Route 44 passes over Route 80, but there is no interchange in Kingston.

Kingston’s internal road network consists of local roads, neighborhood-level streets, and some 25 miles of unaccepted roads which, in most cases, serve rural or outlying parts of the community.

Public Transportation
Kingston hosts a large MBTA commuter rail station near the Independence Mall. The station has parking capacity for 1,039 vehicles and supports an average daily ridership of about 870.\(^4\) In addition, Kingston is served by the Plymouth and Brockton Street Railway Co., a regional bus carrier providing commuter service to South Station and Logan Airport in Boston. There is also a fixed-route, accessible shuttle bus that runs daily between Marshfield and Kingston. Operated by the Greater Attleboro-Taunton Regional Transit Authority (GATRA), the shuttle makes scheduled stops at commercial areas in Marshfield, Duxbury, and Kingston and accommodates flag stops along the way. However, service to and from the MBTA station is limited to peak commuting hours.

Water and Service
Kingston operates a public drinking water system that serves nearly all of the town. The Kingston Water Department supplies water to approximately 4,300 customers, the vast majority of which are residential users.\(^5\) All of the town’s water is drawn from gravel packed wells within the Plymouth-Carver Aquifer except for a relatively new water supply by Trackle Pond in the southern end of town. Under current conditions, adequacy of water supply is not a constraint against development.

\(^3\) Massachusetts Department of Transportation, 2010 Massachusetts Road Inventory Year-End Report (February 2011), 24, 34.
\(^4\) Central Transportation Planning Staff, MBTA Systemwide Passenger Survey, South Side 2008-2009 Station-by-Station Tables, Kingston MBTA Station.
A "Phase 1" and "Phase 2" sanitary sewer system serves about 1,500 customers in the east side of Kingston, mainly within the town center and the densely settled neighborhoods along the coast of Kingston Bay. The existing treatment plant was designed to process 375,000 gallons per day (gpd) of wastewater and it has reached 80 percent of its design capacity. Kingston has plans to expand the sewer system to serve areas north and west of the town center along Route 3A and Route 106, as well as several neighborhoods adjacent to existing served areas, i.e., an infill service area. However, there is currently no funding to implement the "Phase 3" plan. Within the "Phase 1" service area, opportunities to connect to the system are limited to existing properties. Thus, new development in Kingston largely depends on private on-site wastewater disposal systems. There are a few privately owned package treatment plants operating under DEP-issued Groundwater Discharge Permits.

Zoning

Kingston is divided into ten basic use districts, most of which also fall within one or more overlay districts (Map 2.4). The use districts include:

- **Residential 20 (R20).** As its name implies, this district provides for single-family homes on 20,000 sq. ft. lots. It also provides for two-family homes on 30,000 sq. ft. lots, accessory apartments, and multiple-unit dwellings (see below) by special permit. The Residential 20 district covers most of Kingston’s east side and includes approximately 1,670 acres.

- **Residential 40 (R40).** This district is Kingston's largest (4,960 acres), extending across the north and west sides of town and including a small pocket along the north side of Kingston’s waterfront. It is a suburban district for single-family home development on lots with a minimum of 40,000 sq. ft. and 200 feet of frontage. In addition, the town allows accessory apartments by special permit in the R40 district. Congregate housing is permitted as of right.

- **Residential 80 (R80).** The Residential 80 district is nearly coterminous with the DEP Zone II for Kingston’s drinking water supplies. Accordingly, development in this district is limited to single-family homes on 80,000 sq. ft. lots with 200 feet of frontage, with some exceptions, e.g., congregate housing as of right and accessory apartments by special permit. The R80 district covers the southwestern end of town and extends northward to Route 106, encompassing some 3,570 acres.

- **Residential-Mobile Home Park (Residential M).** Kingston has zoned two areas for mobile home park development. The larger area is on the north side of town by the Duxbury town line, and the second area is off South Street, roughly west of Kingston’s geographic center. Together, the two Residential-M districts contain 147 acres. Mobile home parks require at least fifty acres and the maximum permitted density is one mobile home unit per 8,000 sq. ft.

- **Town Center District (TC).** Kingston’s Town Center District is a thirty-four-acre zone for the village at Summer Street/Route 3A and Evergreen Street. The district provides for a limited mix of small-scale commercial uses on lots with at least 10,000 sq. ft. and 80 feet of frontage, as well as single-family and two-family dwellings. Multi-family buildings with up to six units are also allowed by special permit, subject to more limiting setback requirements than other uses in the TC district.

- **3A Design District (3ADD).** The 3A Design District is a residential and limited commercial district that runs along portions of Route 3A and Smith’s Lane, east of Route 3, and it includes a total of 61 acres. In this district, the town allows single-family and two-family dwellings by right, and compatible business uses such as offices, small retail, and art studios by special permit. All projects are subject to a design review process. The minimum lot area is 30,000 sq. ft. and minimum frontage, 150 feet.
Commercial District (C). The Commercial District provides for retail, service businesses, and business or professional offices, though retail in any building exceeding 4,000 sq. ft. requires a special permit. It includes the Independence Mall property, several locations on Route 3A, Route 53, and Route 27, and small pockets on Route 106 and Route 80. Together, these areas contain 458 acres. Residential uses are prohibited.

Commercial-Industrial Park District. This district provides for a mix of commercial and light industrial businesses, shopping centers, and food service establishments on 336 acres in the vicinity of the MBTA station and the Independence Mall, west of Route 3. Residential uses are prohibited.

Industrial District (I). Kingston has zoned 121 acres for manufacturing, research, offices, distribution facilities, and related uses. The I district includes land off Route 53 on the north side of town, adjacent to a large shopping center; two nodes off Route 3A, east of Route 3; and a collection of smaller areas outside the town center, to the west along Route 106, and near the Independence Mall. Residential uses are prohibited.

Conservancy District (CON). The Conservancy District applies to 458 acres along the Jones River and a large, contiguous wetland area (Blackwater Swamp) northwest of the center of town. Land uses in the C district are limited to open space, passive recreation, and agriculture, though limited special permit provisions exist for detached single-family dwellings and some public facilities.

Overlay Districts
Kingston also has five overlay districts. Two impose additional restrictions or requirements on land use in the underlying districts, and three provide for additional development opportunities not otherwise allowed in the underlying districts. The more restrictive overlays include the Floodplain Overlay District and the Water Resource Overlay District. The “incentive” districts include the Green Communities Wind Turbine Overlay District and the Solar PV Overlay District (with coterminous boundaries), and the 106-acre 1021 Kingston’s Place Smart Growth Overlay District.

Residential Development Alternatives
In the R40 and R80 districts, Kingston offers three special permit alternatives to conventional single-family home development: Residential Development Encouraging Open Space (RDEOS), Planned Residential Development (PRD), and Planned Residential Development for Seniors (PRDS). RDEOS projects require a minimum tract of ten acres, but if submitted under a related provision known as Development of Significant Public Benefit (DSPB), the RDEOS requires a minimum of twenty acres. PRD and PRDS projects always require at least twenty acres. Proposed sites, whether ten or twenty acres, must also have at least 500 feet of frontage on a public way. In some ways, the regulations for these development options are reminiscent of the cluster zoning bylaws that preceded today’s Open Space Residential Development (OSRD) concept. All of the options require a minimum open space set-aside (in Kingston: 25 percent of the development site as common open space, and 5,000 sq. ft. of “usable” open space per dwelling unit - which may overlap), and some qualitative standards apply to the design of open space in a project. In addition, the Planning Board has authority to waive lot dimensional requirements for each unit in order to encourage housing clusters. RDEOS projects are limited to detached single-family homes, but a PRD may include duplexes and townhouses.

RDEOS and PRD projects qualify for a density bonus in the R40 district only if they meet one or more of the qualifying criteria for a DSPB, e.g., by providing neighborhood improvements or public recreation facilities, preserving of historic buildings or landscapes, or including affordable housing. (No density bonus is permitted in the R80 district for water supply protection reasons). The maximum density bonus, 50 percent, is attainable only when an applicant provides affordable housing within the development. However, a 50 percent density increase is probably not enough to make the inclusion of affordable units
feasible on tracts of land zoned for single-family homes on 40,000 sq. ft. lots. The effect of the bonus is that an applicant could build 1.5 housing units per acre instead of one unit per acre. By contrast, the density regulations for an age-restricted PRDS provide for “up to 4 percent of the total number of units in the Town,” as determined by the Board of Assessors. Using Kingston's Census 2010 housing count as a guide (5,010 units), an applicant could propose as many as 200 PRDS units on twenty acres, or approximately ten units per acre - without providing any affordable housing units.

Applicants for RDEOS/PRD/PRSD special permits must submit a considerable amount of information in order to obtain approval from the Planning Board. The bylaw does provide for waivers, but the criteria for special permit approval indicate that some aspects of the special permit submission are not flexible. Notably, the submission requirements include a definitive plan, yet developers seeking RDEOS approval would absorb a large risk by taking an alternative design to the level of a definitive plan without any guarantee that the Planning Board will agree with their concept for a site. For this reason, contemporary OSRD bylaws provide for a concept plan submission followed by a definitive plan if the Planning Board grants the special permit. A concept plan is a relatively simple, low-cost way of presenting an idea, and it encourages negotiation.

**Multiple Unit Dwellings**

Where multi-unit dwellings are allowed under the Zoning Bylaw (R20), they have to comply with special land area and density regulations in addition to other applicable district regulations. Kingston limits multi-unit dwellings to tracts of at least five acres, and the maximum density is three units per 40,000 sq. ft. plus 10,000 sq. ft. per unit for each unit above three. For example, a six-unit multi-family building would need a lot with at least 60,000 sq. ft. of land. Individual buildings may not exceed 150 feet in length, and no building may be closer than fifty feet to the front, side, or rear lot lines, or 100 feet from a public way. While these requirements do not apply in the TC district, the small multi-unit dwellings allowed by special permit in the town center are also subject to standards that may impede the provision of housing. They also anticipate a physical form that is quite different from (if not incompatible with) the rest of the town center. Notably, the lot coverage and front setback regulations for multi-unit dwellings are more limiting than for other types of development, and they would interrupt the existing building line that makes the town center look and feel "organic."

**Issues**

Although Kingston’s zoning embraces some innovative development concepts, the existing Zoning Bylaw is unlikely to produce affordable housing. Whether Kingston’s present zoning tools can be effective for creating more housing diversity is questionable, too. The issues include:

- **Multi-family Development Constraints.** The only use district that allows multi-family housing development, R20, is substantially built out. A five-acre tract of developable land would be difficult to come by in the R20 district, for it is a densely developed (by suburban standards) zone with small lots and small-scale dwellings. A fine-tuned approach to multi-family housing, with buildings at an appropriate scale, might work in the R20 district. Arguably, wastewater disposal is a significant limiting factor as well, but for lots that may be able to accommodate more intensive use or for the redevelopment of existing buildings, the Zoning Bylaw imposes an intervening barrier.

- **Infill Development Constraints.** Kingston does not have zoning regulations to facilitate infill development, which could encourage some additional housing within and around the town center and possibly on some parcels in the 3A Design District. From a growth management perspective, it makes more sense to situate housing close to goods and services than in remote areas that happen to qualify for a DSPB permit. By adopting the Chapter 40R district, Kingston understood the value of promoting higher-density development near public transportation, but established neighborhoods
within and adjacent to commercial centers would also make sense for accommodating additional housing.

**Overly Prescriptive Requirements.** The RDEOS and related provisions are unusually complicated and prescriptive. In one eleven-page section of the Zoning Bylaw, the Town has tried to regulate cluster developments of single-family homes, cluster developments with mixed residential uses - both without any density bonus unless the applicant provides a "significant public benefit" - and over-55 developments, each with unique rules. Among the criteria for denying a special permit, the Planning Board may consider "the goals, objectives, and recommendations of the Kingston Master Plan," yet the Zoning Bylaw is silent on which goals and objectives the Town considers a priority and how conflicts within the Master Plan would be resolved. If the Town wants zoning that will be effective at achieving the variety of goals and objectives of the Master Plan (including the provision of affordable housing), the existing RDEOS/PRD/PRSD bylaw needs to be reconceived.

**Accessory Dwellings.** Some of the requirements for accessory apartments create potential disincentives. Among them:

- In the R20, R40, and R80 districts, the accessory unit must be situated within a detached single-family dwelling. Only in the Town Center district does the Zoning Bylaw contemplate the possibility of placing an accessory apartment in a structure accessory to a residence, yet homeowners who need an accessory apartment often say that having two units under one roof is a barrier to privacy - for themselves, the family member they seek to accommodate, or the tenant they hope to attract.

- The Town Center district provision for accessory apartments applies only to buildings that existed in January 1940.

- In the residential districts, applicants must have occupied their home for at least three years (or one year in R20) before an accessory apartment permit takes effect. Presumably this requirement seeks to discourage or prevent new single-family homes from being designed and constructed with the intent of adding a second dwelling. However, if accessory units as a class of use are acceptable to the Town - as evidenced by their inclusion in the Zoning Bylaw - the minimum residency restriction does not seem to serve a valid planning objective.

- The Zoning Bylaw places an automatic two-year expiration period on accessory apartment special permits. Although the Bylaw says the Planning Board will grant an automatic renewal if the property owner demonstrates compliance with the conditions of the original special permit, it also gives the Planning Board discretion to require a new special permit application.

- *Many Eggs Placed in One Basket.* Kingston’s adoption of a Chapter 40R district was not without controversy. Town officials, their consultant, and the developer worked tirelessly to enlist support for the proposed project from other town boards and community leaders. The developer planned to construct 730 housing units and 300,000 sq. ft. of commercial space on 70 acres of a 106-acre site next to the MBTA station - a site that had been considered previously for multi-family residential development. Among the hoped-for outcomes of 1021 Kingston’s Place was that it would eliminate the threat of large, unwanted comprehensive permit developments, at least through 2020. Although the zoning remains in place, the project has been abandoned. It is not clear that the developer's project was actually feasible. In the absence of 1021 Kingston’s Place, Kingston has no readily available zoning tools with which to encourage affordable housing.
available zoning tools with which to encourage affordable housing. Today, the only practical option for developing affordable units in Kingston is the Chapter 40B comprehensive permit.

Regulating the Cost of Development. The regulations governing conventional single-family home development unwittingly promote high development costs and a pattern of low-density sprawl. Seventy percent of Kingston’s land (R40 and R80 combined) is zoned for single-family homes on large lots with at least 200 feet of frontage. Managing overall density is important for environmental and fiscal reasons, but a 200 ft. lot frontage regulation for suburban housing development invites more impervious cover, more stormwater, more roadway surfaces that have to be maintained, and a separation of dwellings that discourages social interaction. Together, the wide lot frontage requirement, Kingston’s lot configuration rule, and minimum front setback requirements also encourage large lawns and landscaped areas that place considerable demand on water supplies. The RDEOS and related provisions could offer an effective way to reduce some of these impacts, but only if they offer realistic choices from a developer’s point of view.

Expiring Use Restrictions

Kingston’s Subsidized Housing Inventory currently includes many units with expiring use restrictions. While some of these units are unlikely to convert to market-rate housing, there is no guarantee that the developments will preserve the same number of affordable units they have today once the restriction expires. The projects include:

- **AEI Group Homes**, 159 Pond Road. 4 rental units; restriction expires in 2025. (Attleboro Enterprises, Inc., MassHousing)
- **Silver Lake Homes** (Evanswood), 14 Chipman Way. 50 units; restriction expires in 2027. (Wingate Management Co., Section 8 Project-Based Subsidy)
- **Kingston Group Home**, 23 Evergreen Street. 8 rental units; restriction expires in 2034. (South Shore Housing Development Corporation; HUD 202/811)
- **Kingston Pines**, 21-40 Anderson Avenue. 20 rental units; restriction expires in 2036. (South Shore Housing Development Corporation; Low Income Housing Tax Credits)

Together, these units comprise 38 percent of Kingston’s 215 Chapter 40B-eligible units, i.e., units listed or eligible to be listed in the Subsidized Housing Inventory. A decision of the Supreme Judicial Court in 2002 will most likely preserve the affordability in Kingston’s expiring use projects, but not necessarily the percentage of affordable units existing today. For example, a development without any market-rate units could conceivably convert to a mixed-income development as long as it retained enough affordable units to satisfy the state’s minimum eligibility requirements for a comprehensive permit, i.e., by keeping 25 percent of the units affordable.

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42 Author’s Note: Kingston Pines may have been refinanced recently. According to the Community Economic Development Assistance Corporation (CEDAC), which monitors expiring use restrictions statewide, USDA Rural Housing Services (RHS) is currently the housing subsidy program for Kingston Pines. See CEDAC, “Massachusetts Projects with Subsidized Mortgages or HUD Project-Based Rental Assistance,” February 2011, at http://www.chapa.org/.

EXISTING HOUSING RESOURCES

Kingston and other South Shore towns have limited resources available to help individuals and families with housing affordability problems and other housing needs. Below is a partial overview of the resources available from units of local government, non-profit organizations, and the state.44

Affordable Housing Assistance

Homeownership Assistance
First-time homebuyer assistance programs often serve as an entry point for communities seeking to create affordable housing opportunities. The programs take various forms, from simple downpayment and closing cost assistance to purchase price buy-downs in exchange for an affordable housing deed restriction, i.e., shared equity homeownership. Communities sometimes pair funds from the Community Preservation Act (CPA) with other sources in order to establish a realistic loan or grant pool for buy-downs, which are an expensive but popular way to create long-term affordability. Although Plymouth and Duxbury administer buy-down assistance programs, Kingston does not have one.

Some of the banks in Kingston’s area participate in special mortgage loan programs for first-time homebuyers with qualifying incomes. Local banks such as Rockland Trust and the larger regional banks such as Citizens, Sovereign, and Bank of America participate in the Massachusetts Housing Partnership’s SoftSecond Loan Program, which is geared toward families in the moderate- to median-income range, e.g., $63,850 to $79,800 for a family of four. The SoftSecond approach involves dividing mortgage debt into two loans - a first and second mortgage - with the second structured as a partial deferred payment loan for 20 percent of the purchase price. Borrowers make full principal and interest (P&I) payments on their first mortgage, but for the second mortgage, they make interest-only payments for the first ten years and P&I payments thereafter. Some borrowers receive an interest subsidy for the second mortgage for nine years. The assumption behind SoftSecond is that over time, the monthly payment a homebuyer can afford will increase as the household’s income increases. Some communities target their downpayment assistance programs to help moderate-income homebuyers qualify for the SoftSecond Program.

First-time homebuyer counseling programs are available in Kingston’s area, including seminars conducted by South Shore Housing Development Corporation (SSHDC), the regional housing non-profit serving South Shore and Southeastern Massachusetts communities (Plymouth County and Bristol County). SSHDC is based in Kingston. The Quincy Community Action Council (QPAC) also provides homebuyer counseling. Both programs meet the homebuyer counseling requirements of affordable housing lenders such as MassHousing.

Rental Assistance
The Kingston Housing Authority (KHA), founded in 1970, owns two properties: an eight-bed group home managed and staffed by the Department of Mental Health (DMH), and Meadow Crest, a forty-eight unit, state-subsidized senior housing development (Chapter 707). Constructed in 1975, Meadow Crest provides one-bedroom apartments to low-income seniors who pay 30 percent of their monthly gross income for rent. According to KHA’s executive director, there is a four- or five-year waiting list for a unit at Meadow Crest. During her tenure, the KHA has placed only two seniors in two units because the turnover is so low. Tenants have to be at least 60 years old or have a disability (13 percent of the units can be occupied by tenants with disabilities). Under DHCD guidelines, the KHA can give priority to Kingston residents and other seniors who are veterans. The KHA has no family housing and does not administer

44 More information, including program contacts, may be found in Appendix X.
Section 8 Housing Choice Vouchers. Income-eligible renters seeking Section 8 assistance have to apply to another housing authority in the region. The Plymouth and Duxbury housing authorities participate in a centralized Section 8 list program.\textsuperscript{45}

SSHDC owns two properties in Kingston as well: Kingston Pines, a townhouse development with twenty units of affordable housing for families, and a group home for eight clients of DMH. SSHDC also administers approximately 2,700 leased housing vouchers (Section 8 and state rental subsidies).

**Housing for People with Disabilities**

Kingston has several group homes, or congregate-style dwellings that are restricted for occupancy by adults with severe cognitive or mental disabilities. In addition to the disability housing owned by SSHDC and the Kingston Housing Authority (see above), the Massachusetts Department of Mental Retardation (DMR) owns or leases residences with a combined total of twenty-four rooms, and DMH has residences for eight clients. Attleboro Enterprises, Inc. (AEI) also owns and operates a residence for four adults with disabilities. Together, these properties provide fifty-two units of disability housing.

Despite Kingston’s relatively large number of units for people with disabilities, the inventory serving the South Shore as a whole is small. Throughout Plymouth County, there are 412 units of DMR housing and only forty units of DMH housing. With Chapter 689 grants from DHCD, housing authorities in Kingston’s area have also built sixty-two units of housing for people with special needs.\textsuperscript{46}

**Housing Rehabilitation**

Several communities in the South Subregion have applied for and received Community Development Block Grants (CDBG) from DHCD in order to fund housing rehabilitation programs. These programs help low- or moderate-income homeowners make improvements (excluding ordinary maintenance) to bring their properties to code, remove lead paint, replace failed septic systems, and remove architectural barriers in dwellings occupied by people with disabilities. Some programs provide similar assistance to landlords with low- or moderate-income tenants, too. The Towns of Carver and Halifax jointly received funding this year to rehabilitate seventeen substandard housing units, and Middleborough and Lakeville received funding for twenty-two units. (Middleborough and Lakeville also use CDBG funds for emergency housing assistance.)\textsuperscript{47}

CDBG is a federal program administered by HUD. It provides formula grants to "entitlement" communities (usually cities and towns with populations of 50,000 or more) and states. In Massachusetts, DHCD administers the "non-entitlement" program for communities not eligible to receive entitlement grants directly from HUD. The state divides its CDBG funding into a few pools, each with different purposes. Most of the funding is awarded based on local need, as determined by a "community needs score" that ranges from a low of 15 to a high of 35. According to DHCD, Kingston’s "community needs score" is 29: higher than that of Carver, Halifax, Middleborough, or Lakeville.

Plymouth, a HUD entitlement community, also provides housing rehabilitation assistance.

**Foreclosure Prevention Assistance**

SSHDC is the primary source of foreclosure prevention assistance on the South Shore. Foreclosure prevention programs serve people at risk of losing their homes, usually at the earliest stage of the

\textsuperscript{45} Massachusetts Chapter, National Association of Housing and Redevelopment Officials (NAHRO), "Massachusetts Section 8 Housing Choice Voucher Centralized Waiting List," http://massnahro.org/S8_Home.php.

\textsuperscript{46} Margaux LeClair, DHCD, June 9-13, 2011.

\textsuperscript{47} DCHD, "33.6 Million for Community Development Block Grants," July 8, 2011.
foreclosure process when it still remains possible to negotiate alternatives with the mortgage lender. The services typically range from default resolution counseling to post-purchase workshops, homebuyer education, rental housing counseling, and education about predatory lending practices. The Plymouth Redevelopment Authority and Neighborhood Housing Services of the South Shore (Quincy) are also HUD-approved foreclosure counseling agencies. Both organizations work with people facing foreclosure and their lenders, and also refer clients to other resources operated on a statewide or national basis, e.g., MassHousing, the Homeownership Preservation Foundation, and the Making Home Affordable (MHA) Program, a federal initiative.

**Community Preservation Act**
Kingston adopted the CPA in 2006. To date, the Town has been unable to establish any ongoing community housing programs with CPA funding.

**Housing Consumer Information Center**
Each region in Massachusetts has a non-profit housing organization that serves as a Housing Consumer Information Center. The centers coordinate delivery of housing and homelessness resources as part of a larger housing stabilization initiative at the state level. In addition to developing affordable homeownership, rental, and transitional housing, the regional centers administer rental subsidies (such as Section 8), provide homebuyer counseling and foreclosure assistance and prevention counseling, and offer support services to people at risk of homelessness. SSHDC is the regional center for Kingston.

**Homelessness**
The regional networks of facilities and programs to address homelessness rely on federal and state resources and private donations. Virtually all federally funded services for homeless individuals and families operate under the aegis of a Continuum of Care (CoC), or “a continuum of care system... to address the critical problem of homelessness through a coordinated community-based process of identifying needs and building a system to address those needs.” In order to qualify for federal homelessness funding, a community or group of communities must organize a CoC and designate a lead agency. Kingston is located within the Brockton/Plymouth County CoC, the lead agency for which is the United Way of Greater Plymouth County in Brockton. The CoC also serves as the regional contact for the state’s Interagency Council on Housing and Homelessness (ICHH). Applications for homelessness assistance can be made at the Department of Transitional Assistance (DTA) in Plymouth, which doubles as the Emergency Assistance field office for DHCD.

Homeless facilities generally include emergency congregate shelters and scattered-site shelters, which are in turn divided into several categories based on populations served: family shelters, individual shelters, shelters for victims of domestic violence, programs for pregnant and parenting teenagers, specialized shelters with services for people with substance abuse problems, and shelters for adolescents. The facilities are networked with other housing services, such as transitional housing and permanent supportive housing. Emergency shelters address the basic human needs of food, shelter and safety, and in some cases they also provide medical care, counseling, substance abuse and mental health treatment, and case management. In addition, they make referrals to other social service agencies for more intensive or specialized assistance such as job training, life skills training, or classes for people with Limited English Proficiency.

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DHCD’s most recent Five-Year Consolidated Plan reports a dramatic rise in homelessness among families. State data show that from 2005 to 2009, the number of homeless families in Massachusetts more than doubled.⁴⁹ According to a “point-in-time” study conducted by the Brockton/Plymouth CoC in 2010, there were 357 households in shelters, sixty-one in transitional housing, and twenty-three unsheltered homeless households in Kingston’s region. Of the 357 sheltered households, 203 were family households with dependent children, representing a combined total of 598 people.⁵⁰

The Brockton/Plymouth CoC’s inventory of facilities includes a combined total of 652 beds for homeless families in fifteen programs, 171 beds for homeless individuals in four programs, eighteen beds in seasonal shelters, and 225 “overflow” vouchers.

**Family Shelters**
The following shelter facilities and programs serve families on the South Shore, including Kingston:

- **Pilgrim’s Hope**, operated by the Plymouth Area Coalition for the Homeless (PACFH), is a congregate shelter with capacity for up to ten families (forty beds). The shelter is located in Kingston.

- **Father Bill’s & Mainspring** in Brockton operates congregate shelters in Stoughton and Middleboro with combined capacity for thirty-seven families (102 beds), and also provides scattered-site placements for forty-five families (205 beds).

- **The Old Colony YMCA** operates two congregate shelters with combined capacity for thirty-one families (101 beds).

- **The Carolina Shelter** in Marshfield has capacity for twelve families (thirty-four beds).

- **Health Care of Southeastern Massachusetts (Health Imperatives)** provides emergency shelter to families fleeing domestic violence. The program has capacity for five families (twelve beds).

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⁵⁰ Brockton/Plymouth Continuum of Care, "HUD’s 2010 Continuum of Care Homeless Assistance Programs: Homeless Populations and Subpopulations." January 27, 2010. (2010 Application for HUD Homeless Assistance Programs.)
DHCD administers "overflow" vouchers for families through several motels in the region. The vouchers supports a combined total of 172 beds.

Shelters for Individuals
The 171 shelter beds for homeless individuals include:

- Father Bill’s & Main Spring in Brockton and Quincy; sixty-five beds.
- Father Bill’s & Mainspring, Work Express; fifteen beds.
- Father Bill’s & Mainspring, The Y Initiative; four beds.
- Fifty-three overflow vouchers administered through Father Bill’s & Mainspring.
- Eighteen seasonal beds administered by the Plymouth Task Force for the Homeless.

Transitional Housing for Families and Individuals
- Two organizations - SSHDC and Lutheran Social Services of New England - provide a combined total of twenty-five transitional housing units for families (sixty beds).
- The Veterans Administration (VA) of Massachusetts operates the Reach program, with forty transitional housing beds.

Homelessness Prevention and Rapid Re-Housing (HPRP)
Father Bill’s & Mainspring in Brockton administers nineteen family units and two individual units of scattered-site rehousing support. This program is funded by the American Recovery and Reinvestment Act (ARRA) of 2009.

Permanent Supportive Housing for Families and Individuals
- Kingston’s region has thirteen units of supportive family housing (combined total of thirty-five beds), administered by SSHDC (ten units) and the Brockton Housing Authority (three units).
- There are forty-five supportive housing beds for individuals in Kingston’s region, including seven administered by the Brockton Housing Authority, thirty-five administered by Father Bill’s & Mainspring, and three by the Plymouth Task Force for the Homeless (Next Step House).

HOUSING PRODUCTION AND HOUSING NEEDS

Kingston recently witnessed an affordable housing application process that attracted very few people. As a result, a traditional housing lottery became unnecessary. Weaknesses in the housing market have contributed to the decline in lottery applications throughout Greater Boston, but market-based reasoning captures only part of a larger and more complicated problem. Whether communities prepare an affordable housing plan because they care about social justice or because they want to gain control over Chapter 40B, they have to focus their efforts on three questions:

- What are the critical housing needs in the town and the region in which it is located?
- What will it take to meet those needs?
- What are the roles and responsibilities of local government?
Critical Housing Needs

The most critical housing needs in Kingston and elsewhere on the lower South Shore cannot be addressed without financial support for housing development. They also cannot be addressed without public and non-profit developers: organizations whose missions differ significantly from those of profit-motivated (albeit limited dividend) developers. Conventional comprehensive permits, Chapter 40R, and inclusionary zoning - all of which depend on the market - rarely meet the needs of very-low-income individuals and families or people with severe, life-long disabilities. For these populations, the homeownership units in mixed-income housing developments are neither suitable nor affordable, and the unsubsidized affordable apartments are too expensive.

Chapter 40B provides the most widely used and successful mechanism for permitting affordable housing. Without it, some 30,000 affordable units in Massachusetts would not exist. However, Chapter 40B cannot guarantee that people who need housing will actually be able to afford or qualify for the units constructed under a comprehensive permit. (The same can be said about units constructed in a Chapter 40R district and under inclusionary zoning ordinances.) Affordability is a function of housing costs and income. Absent some form of financial subsidy that either lowers the monthly contract rent or fills the gap between monthly rent and what a tenant can pay, affordable apartments are more likely to serve moderate-income than low-income renters. Furthermore, tenants with poor credit usually cannot satisfy the minimum qualifications to lease an affordable apartment in a privately owned and managed mixed-income development.

In April 2011, Citizens Housing and Planning Association (CHAPA) and South Shore Housing Development Corporation (SSHDC) co-sponsored a meeting in Plymouth to engage South Shore residents in a conversation about regional housing needs and strategies to address them. The participants identified several underserved groups in Kingston’s area:51

- Homeless individuals and families.
- Veterans.
- Adults with special needs, including psychiatric conditions. A representative from the Massachusetts Department of Mental Health (DMH) reported that 300 to 400 clients need community housing.

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51 Carl Nagy-Koechlin, Executive Director, SSHDC, May 12, 2011.
- Low-income people with a criminal records history or a history of poor credit.
- People re-entering civilian life following a period of incarceration.
- Victims of domestic violence.

For more than thirty years, HUD has been preparing reports for Congress about the nation's "worst case housing needs" - that is, low-income renter households with severe housing cost burdens (paying more than 50 percent of their gross income for rent and utilities) and low-income households living in severely inadequate housing. According to HUD, the household types most affected by worst case housing needs are families with dependent children, non-family renters, the elderly, and other types of families.52

Kingston largely follows the same pattern. In 2000, the most recent year for which detailed housing cost burden statistics are available, 100 percent of the very-low-income family renters and 60 percent of the very-low-income non-family renters in Kingston had severe housing cost burdens, while 28 percent of the Town’s very-low-income elderly renters were severely housing cost burdened. Not surprisingly, the degree of housing cost burden declined as incomes increased.

For towns as small as Kingston, it is difficult to measure severe rental housing cost burdens with more recent ACS data because the cross-tabulations of household type, income, tenure, and monthly housing costs are not available. The ACS provides a detailed breakdown of housing costs as a percentage of income for all renters without regard to household income, but it provides only summary-level housing cost information by household income range. To estimate severe housing cost burdens requires drawing inferences from these two data sets. Some findings can be gleaned from them, however:

- Of Kingston’s 759 renter households as reported in the ACS, 405 (58 percent) spent 30 to 49 percent of the monthly income on housing, and 183 (26.4) spent 50 percent or more of their monthly income on housing, on average, from 2005 to 2009.

- Among renter households in the lowest income tiers reported elsewhere in the ACS, 353 paid 35 percent or more of their monthly income on rent and utilities. Together, they accounted for 64 percent of all renters with incomes below $50,000 per year. While some clearly spent less than 50 percent of their monthly income on housing costs, none of the renter households with annual incomes over $50,000 fell into the class of renters paying 35 percent or more of their monthly income for rent and utilities. Thus, all 183 of the renters paying 50 percent or more of their income on housing costs were very-low or low-income tenants. For Kingston, this represents a 41 percent increase in tenants with worst case housing needs in ten years.

From interviews conducted for this plan, it is clear that Kingston does not have enough housing to meet the demand for units affordable to very-low-income people. A spokesperson for PACFH reported that for most families transitioning from the shelter to permanent housing, affordable apartments are found in Taunton, Fall River, New Bedford, or Brockton. The agency that provides search and placement services to families leaving the shelter, Quincy Community Action Program (QCAP), says that it has never placed a family in Kingston. Since the waiting lists for public housing run anywhere from two to five years (sometimes longer) and there is no guarantee that Section 8 rental assistance will be available, people with very low incomes must look to communities with a supply of apartments with low market rents.53

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53 Helen McLean, Director, and Jean Delancy, Case Manager, Plymouth Area Coalition for the Homeless, interview by Kathleen Kelleher, Community Opportunities Group, Inc., November 2, 2009.
At St. Joseph Parish on Main Street, Fr. Charles Higgins reported that in 2008, the parish raised approximately $50,000 for the St. Vincent DePaul Society and all of the funding went to help Kingston families. He said the church has seen a 50 percent increase in the number of families seeking assistance (forty families in 2009), and many parishioners have reported hardships: problems making mortgage payments, adult children moving in with their parents because they cannot afford the region's high rents, and seniors moving into one of the Town's mobile home parks because they cannot afford their property taxes. Anecdotally, Fr. Higgins said the couples married at St. Joseph's are not living in or moving to Kingston. There is not enough affordably priced housing for young householders.  

Critical Subsidy Needs

Many years ago, Chapter 40B comprehensive permit developments were routinely subsidized, not only through an internal "subsidy" generated by a density bonus, but also with financial assistance from federal and state agencies: subsidized or federally insured mortgages, outright grants, and operating subsidies such as Section 8 project-based assistance. Before ca. 1985, virtually all comprehensive permits involved rental housing construction and qualified developers had access to a range of subsidy mechanisms. The introduction of affordable homeownership programs in the mid-1980s, coupled with an increasing preference for mixed-income developments over "all affordable" developments, signaled important housing policy changes that permeated all levels of government. Through a series of overlapping events - some related and others wholly independent - the federal government changed its commitment to housing development and eventually state subsidies changed as well. By the early 1990s, the subsidies that once made it feasible to build and operate deeply affordable rental housing had become sparse and very difficult to obtain. Public housing authorities and their prospective tenants were particularly affected (and they continue to be affected) by the evolution of federal housing policy.

For-profit developers searched for new ways to build affordable housing as the former system of government subsidies gradually weakened. Chapter 40B is a permitting process; it does not guarantee financial assistance. Since developers must obtain a preliminary qualification decision ("Project Eligibility") from a housing subsidy program before they can apply to the Board of Appeals for a comprehensive permit, the decline in subsidies created a challenging environment for housing production. Over time, however, the concept of subsidy changed. In 1999, the state Housing Appeals Committee ruled that a non-governmental "subsidy" could be used to satisfy the pre-qualification requirements for a comprehensive permit. Applications to build mixed-income housing increased dramatically, angering many local officials. Though Chapter 40B was "blamed," the statute was not the issue. Rather, the growth in comprehensive permit activity mirrored what was happening in the housing market because a majority of the units would be priced for market-rate homebuyers or renters. When the housing market began to slide in 2007, comprehensive permit activity receded as well. Today, Chapter 40B serves the dual purpose of producing affordable housing and market-rate housing that cannot be built mainly because of local regulatory barriers. Without an infusion of income from a project's market-rate component or another way to offset the cost of developing and constructing affordable units, they will not be built.

The housing programs that support affordable units for very-low and low-income people are under-funded and extremely competitive. For example, the HUD 202 program for very-low-income frail elders


55 Stuborn Ltd. Partnership v. Barnstable Board of Appeals, Housing Appeals Committee No. 98-01 (March 5, 1999). The basic premise of Stuborn was subsequently ratified by the Supreme Judicial Court in Middleborough Board of Appeals v. Housing Appeals Committee, 449 Mass. 514 (2007).
has helped non-profit housing developers build and manage some 400,000 units since its inception under the Housing Act of 1959. However, the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century (the Seniors Commission) estimated that by 2020, there would be 2.5 million elderly people in the United States needing some type of supportive housing.\textsuperscript{56} HUD is restructuring the 202 Program in order to stretch its resources, and the "new" 202 Program will be open to local governments and housing authorities in addition to non-profits. This may be good news for organizations that have the experience and know-how to package several funding sources in order to build affordable housing, yet it also creates a more challenging and competitive environment as more players become eligible to apply for funding. Unless small towns like Kingston position themselves to compete - ideally through partnerships with non-profits and by investing CPA funds in projects - it could be difficult to access resources for deeply subsidized senior housing.

Local Government’s Roles and Responsibilities

The solution to a seeming disinterest in affordable housing lotteries is to build units that actually meet local and regional needs. While local governments are not designed to operate as a developer, they have resources to bring to the table: leadership, regulatory powers, funding, and sometimes public land or buildings they no longer need. By creating working partnerships with entities that do know how to develop housing, Kingston will have a much better chance of producing units that are affordable to people who need them.

Unfortunately, Kingston does not have an affordable housing trust to manage the use of Community Preservation Act (CPA) funds for housing production. A housing trust can perform functions that would be very difficult, if not legally impossible, for most town boards and committees. In addition, the existing RDEOS/PRD bylaw does not provide developers with the option to pay fees to a local trust fund in lieu of building affordable units. Some may argue that fees in lieu of units merely let developers "off the hook" for affordable housing production, but if the affordable units are not being built to begin with, perhaps the zoning that seeks them will not work. Fees paid in lieu of building affordable units can be a tremendous asset to a housing trust fund. In turn, a housing trust that invests wisely in projects sponsored by public agencies and non-profit developers can be a tremendous asset to people with critical housing needs.

Kingston has the power to make its zoning more conducive to the production of affordable housing. The Town has already taken steps toward that end by adopting a Chapter 40R overlay district, but other opportunities exist. Furthermore, the Town could do more to assist its existing lower-income homeowners by providing housing rehabilitation assistance, perhaps by teaming up with an existing program in the region.

\textsuperscript{56} Seniors Commission, \textit{A Quiet Crisis in America} (2003), http://govinfo.library.unt.edu/seniorscommission/index.html.
3. Affordable Housing Goals

PRODUCTION STANDARD

By preparing an affordable housing plan and increasing its supply of low- or moderate-income units, Kingston may gain eligibility for a flexible approach to managing the comprehensive permit process. In order to qualify for the flexibility that a DHCD-approved Housing Production Plan offers, Kingston needs to meet an affordable housing production standard - a minimum numerical target - and obtain certification from DHCD that standard had been met. The minimum target is 0.5 percent of the Town’s year-round housing inventory as reported in the most recent decennial census, and the target has to be met within a single calendar year. If DHCD finds that Kingston has met the annual standard, the one-year certification will take effect as of the date that Kingston actually achieved the numerical target for that calendar year. If the Town's new affordable housing production is equal to or greater than the 1 percent of its year-round housing inventory, the certification will remain in effect for two years. With these basics in mind, Table 3.1 provides a target affordable housing production schedule for the five-year period in which this plan will remain in effect.

<table>
<thead>
<tr>
<th>Table 3.1. Annual Goals for Affordable Housing Production</th>
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<tbody>
<tr>
<td>Total Year-Round Homes</td>
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<tr>
<td>Existing Chapter 40B Inventory*</td>
</tr>
<tr>
<td>New Chapter 40B Units</td>
</tr>
<tr>
<td>Revised Chapter 40B Inventory</td>
</tr>
<tr>
<td>Revised Chapter 40B %</td>
</tr>
<tr>
<td>10% Requirement</td>
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<tr>
<td>Gap</td>
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<td>Required # for .50 of 1.0%</td>
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<td>Required # for 1.0%</td>
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The housing production schedule for 2011-2016 makes several assumptions:

- This year (2011), Kingston’s housing “base” will be adjusted to reflect Census 2010 figures. For purposes of this plan, the estimated number of year-round housing units will be 4,855 and the new minimum annual production target will be twenty-five affordable units.

- As a matter of policy, DHCD will continue to encourage apartments by adding all units in a rental development to the Subsidized Housing Inventory (SHI) as long as at least 25 percent of the units are affordable to moderate-income tenants or 20 percent, to low-income tenants.

57 See 760 CMR 56.03(2) for the procedures for counting units on the Subsidized Housing Inventory.

58 Note: According to Census 2010, Kingston has a total of 5,010 housing units. The number of units used to calculate a community’s Subsidized Housing Inventory is the census total minus seasonal or vacation housing units. Until the Census Bureau publishes a detailed housing profile, it will be impossible to identify the number of year-round units in Kingston. In 2000, the Town had 155 seasonal units. Assuming this number has not changed, the new Subsidized Housing Inventory “base” will be approximately 4,855 units.
Due to the number of unknowns - housing market conditions, how quickly the Town will be able to implement this plan, the availability and interest of qualified non-profit development partners, and competing demands for CPA funds - the production goals of this plan have been tailored to meet DHCD's minimum requirements for a certification of compliance. If Kingston has an opportunity to create more affordable units than the minimum required for certification, obviously it should do so because an accumulation of new units permitted in one calendar year may qualify the Town for a two-year certification. Furthermore, a community’s long-term ability to control Chapter 40B hinges on reaching the 10 percent statutory minimum. A DHCD-approved housing plan is a tool for managing the comprehensive permit process, but it will only be as effective as the Town’s efforts to implement it.

**Plan Approval v. Certification of Compliance**

Certification is available to communities that receive DHCD approval of their affordable housing plan and meet their annual production targets. However, the first step involves completing a housing plan that meets state requirements.

When DHCD receives this plan, it has thirty days to conduct a completeness review and notify the Town if the plan has any deficiencies. Once DHCD determines that the plan (as submitted or subsequently revised) meets the regulatory specifications for a Housing Production Plan (760 CMR 56.03(4)), it has ninety days to issue an approval letter. Low- or moderate-income housing production that occurs during the effective period of this plan will position Kingston to seek certification if the minimum numerical target is reached within a given calendar year. The units may be entirely within one development or in separate developments, and while all must be approved in the same calendar year, they do not have to be approved on the same date. As soon as the minimum target is reached, the Board of Selectmen should provide DHCD with supporting documentation and request a certification of compliance.

While the certification is in effect, the Board of Appeals would have the option to continue approving comprehensive permits, with or without conditions, or to deny them. If the Board wanted to deny a comprehensive permit or approve one with conditions, it would have to follow certain procedures specified in DHCD’s Chapter 40B regulations:

- Within fifteen days of opening the public hearing on a comprehensive permit application, the Board would have to notify the applicant in writing, with a copy to DHCD, that denying the permit or imposing conditions or requirements is consistent with local needs because the Town has been certified by DHCD. The Board has the burden of proving consistency with local needs.
- The Applicant may challenge the Board’s position by submitting a written objection to DHCD, with a copy to the Board, within fifteen days of receiving the Board’s notice.
- Thereafter, DHCD has thirty days to review the materials from the Board and the applicant and make a decision. This review process tolls the requirement for the Board to complete the public hearing within 180 days. If DHCD does not issue a timely decision, the Board’s position automatically prevails.

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59 Note: a housing plan could be complete but inconsistent with state regulations and policies, in which case DHCD would issue a denial letter.
Assuming DHCD agrees with the Board, a comprehensive permit approved with conditions or denied by the Board of Appeals would not be subject to reversal by the Housing Appeals Committee. Instead, the Board’s decision would be deemed consistent with local needs under 760 CMR 56.03(1)(b).

HOUSING TO MEET LOCAL AND REGIONAL NEEDS

As Kingston works to increase its supply of Chapter 40B-eligible housing, it will be important to keep both quantitative and qualitative goals in view. Some types of housing assistance strategies may not qualify under the rules for listing in the Subsidized Housing Inventory, but they would nevertheless address an affordable housing need. Based on the Comprehensive Housing Needs Assessment in Chapter 2, the following housing priorities should guide Kingston’s implementation of this plan:

- **Low-Income Rental Housing for Families.** Multi-family rental units for very-low-income and low-income families. The renters with the most severe housing cost burdens in Kingston and all of the surrounding towns are small families with very low incomes and larger families with low incomes. Kingston’s Subsidized Housing Inventory currently includes very few apartments for families, which helps to explain the large percentages of cost-burdened families reported in Chapter 2. Deeply subsidized multi-family garden-style units would help to address the needs of small family households, and townhouse-style units would provide suitable housing for larger families. It may also be possible to meet large-family housing needs by using CPA and other sources to purchase existing single-family dwellings for management by the Kingston Housing Authority.

- **Rental Housing for Single People.** Local and regional needs exist for studio units and single-room occupancy (SRO) units for single people with low incomes. Kingston has several dwellings that provide shared housing for adults with severe disabilities, and the Kingston Housing Authority also leases some of its elderly units to people with disabilities who can live independently. However, there does not appear to be any rental housing appropriate for single people without disabilities. Populations served by very small, affordable units range from young citizens entering the workforce to divorced or separated individuals with limited means, very-low-income women who formerly qualified as displaced homemakers and are now living alone, and very-low-income seniors. Low-income one-person households have the second highest incidence of housing cost burdens in Kingston. DHCD made a similar finding about single, low-income renter households throughout the state in the *Massachusetts 2010-2014 Consolidated Plan.*

- **Subsidized Rental Housing for the Elderly.** The Kingston Housing Authority reports that due to a very low turnover rate, there is a four-year waiting list for apartments at Meadowcrest. The presence of Meadowcrest and developments such as Silver Lake Homes (Evanswood) have helped to reduce housing cost burdens for elderly renters. As the Town’s population continues to age, however, growth in demand for affordably priced apartments will place further stress on Kingston’s small inventory of elderly housing. In fact, Kingston already needs more deeply subsidized apartments for seniors because the incidence of housing cost burdens among low-income elderly homeowners is exceptionally high.

- **Acquisition and Rehabilitation of Substandard Housing.** Kingston has older, typically small houses that have lost value over time as the homebuyer market demanded spacious, expensive single-family

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homes on large lots. In every suburb around Boston, the inventory of interwar-era housing has become the prime target of teardowns and mansionization, even in communities with demolition delay bylaws and ordinances (which often fail to protect mid-twentieth-century buildings). However, these are the same homes that traditionally provided young couples with an affordable path to homeownership. Acquiring and rehabilitating some of these dwellings and reselling them as shared equity homeownership units would give the Town a relatively green strategy for creating Chapter 40B-eligible units and expanding its Subsidized Housing Inventory.

- **Housing Rehabilitation for Existing Homeowners.** Kingston’s unaffordably housed seniors would also benefit from a housing rehabilitation program to address deterioration and extraordinary maintenance they cannot afford. While a straightforward housing rehabilitation program for homeowners will not create Chapter 40B-eligible units, it would meet a documentable housing need of existing residents.
4. Implementation Strategies

AFFORDABLE HOUSING TRUST

Kingston can maximize the effectiveness of this housing plan by establishing an Affordable Housing Trust. In 2004, the General Court enacted G.L. c. 44, § 53C, the Municipal Affordable Housing Trust Law, in order to increase the capacity of cities and towns to create affordable housing. Although Kingston has adopted the Community Preservation Act (CPA) and is legally obligated to make CPA funds available for affordable housing, the Town does not have an entity to carry out housing activities. Many of the ideas promoted in this plan could be conducted with or financially assisted by an Affordable Housing Trust.

An Affordable Housing Trust is essentially an accounting mechanism for segregating revenues from the General Fund and dedicating them for the purpose of creating affordable housing. A board of trustees appointed by the Board of Selectmen oversees the fund and has authority to invest monies in the trust for any of sixteen purposes listed in the statute. They include:

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B [Community Preservation Act];

(2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

(3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;

(5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;

(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

(7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(10) to carry property for accounting purposes other than acquisition date values;

(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;

(12) to make distributions or divisions of principal in kind;

(13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

(14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(16) to extend the time for payment of any obligation to the trust.

In effect, the trustees may function as a developer, investor, lender, property manager, or housing services provider. They can acquire, improve, and sell or lease real property as long as they use the trust for the purposes for which it is intended: the creation and preservation of affordable housing. An important advantage of an affordable housing trust is that the trustees can receive and expend monies without a specific authorization vote from Town Meeting, which means they will be able to act quickly as opportunities arise. The statute does not set a cap on the number of trustees, so the Town may decide how large the board should be (the law requires at least five members), the town boards and commissions that should be represented on it, and the particular skills and interests that would create a balanced board of trustees. The Board of Selectmen must have representation on the board of trustees, but other town boards are optional at the community’s discretion.

Establishing an Affordable Housing Trust is fairly straightforward; activating it is more challenging. The Board of Selectmen will need to place an article on a future Town Meeting warrant to adopt G.L. c. 44, § 53C and a basic bylaw establishing the trust and the board of trustees. A simple majority vote is required. Once the board of trustees has been appointed and executes a Declaration of Trust for recording with the Registry of Deeds, it will be able to operate as a legally recognized entity. Its first steps should include the following:

- Obtain technical assistance;
- Network with active Affordable Housing Trusts elsewhere on the South Shore, such as Scituate and Hingham;
- Consult with non-profit developers located or working in Kingston’s region, such as South Shore Housing Development Corporation and Neighborhood of Affordable Housing, to explore ways the trust fund can be used to support housing development for very-low and low-income people;
Consult with competent for-profit developers whose backgrounds include working with cities and towns on local affordable housing initiatives;

Consult with housing finance programs about possibilities for leveraging non-local dollars with CPA and other resources;

Establish funding priorities;

Develop a business plan for the trust fund;

Set one-year and five-year goals and an action plan; and

Begin with a relatively low-risk, simple project. Many housing trusts in Massachusetts are purchasing existing housing units and reselling them as deed-restricted affordable homes, which is a relatively uncomplicated venture.

The Town will need to determine how it wants to provide funding for the trust. Practices vary from town to town, but many CPA communities have decided to transfer their annual appropriations for community housing directly to the trust. This helps to ensure that housing appropriations actually produce some results. An Affordable Housing Trust may also be used to account for and report other revenues and expenditures, such as housing development grants received from state or federal sources.

HOUSING PRODUCTION PLAN REQUIREMENTS

See Map 4.1 for implementation strategies associated with specific areas in Kingston.

Zoning Amendments

Identification of zoning districts or geographic areas in which the municipality proposes to modify current regulations for the purposes of creating affordable housing developments to meet its housing production goal [760 CMR 56.03(4)(d)(1)].

Kingston can build upon its existing efforts to zone for housing diversity and affordability. The fate of the property slated for 1021 Kingston’s Place remains unclear, but there are other opportunities for diversifying the Town’s housing stock and encouraging or requiring affordable units:

- R40 District. Update and simplify the RDEOS/PRD bylaw by making the requirements and permitting procedures more "developer-friendly" tools for housing production while still meeting the goals of these land development concepts.

- If the Town wants to retain special permit control, provide for a concept plan special permit submission with a definitive site plan to follow if the Planning Board grants the special permit. (The definitive plan would be bound by the terms and conditions of the special permit.)

- Offer meaningful incentives for the inclusion of affordable units, especially small units to meet the needs of young couples and small families. There is no economic incentive for developers to build townhouses or duplexes without an attractive density bonus because the units will not sell in the same price range as detached single-family homes. Contrary to what many people believe, the shorter road lengths and lower construction costs associated with a planned residential development or cluster development are not enough to incentivize open space-residential design, with or without mixed residential uses.
Provide for the possibility of paying a fee in lieu of affordable units to the Affordable Housing Trust.

Consider replacing the existing special permit requirement with an Open Space-Residential Development "by-right" bylaw and limit the special permit process to applications involving a density bonus or waivers. At the same time, simplify the formula for calculating minimum required open space.

Amend the Zoning Bylaw by adding a flexible development tool for small parcels. The ten-acre and twenty-acre minimum tract sizes in the Zoning Bylaw effectively preclude creative site planning on a smaller scale.

R80 District. Since the Town does not want to provide density bonuses in the R80 district, consider a different (potentially more effective) way to encourage alternatives to conventional single-family subdivisions. A "cluster by right" or OSRD by-right bylaw would reduce the developer’s risk and increase the attractiveness of open space design.

Kingston has some beautiful scenic roads in the R80 district, but the Town’s zoning essentially encourages the fragmentation of roadside open space and gradual alteration of views from the road. A backlot development bylaw with even a modest density bonus could be an ideal way to make creatively designed single-family home development more attractive to developers than Approval Not Required (ANR) lots.

Congregate Housing. Amend the definition of "congregate housing” in Section 2 of the Zoning Bylaw by removing the over-55 age restriction and the limit of six people.

Controls over the maximum number of occupants should be tailored to the context of each district, e.g., capping the number at six might make sense in the town center because the lots are small and off-street parking can be difficult to accommodate, but in a neighborhood just outside the town center, an limit of ten occupants might be more appropriate.

Alternatively, preserve the maximum of six people as of right and give the Planning Board flexibility to allow an increase by special permit.

Allow Congregate Housing in the Town Center district, by special permit.

Multifamily Housing. Amend the Multiple Dwellings bylaw (Section 5.4) by removing the five-acre minimum tract size; increasing the maximum density to six units per acre, with the option to allow up to eight units per acre with approval from the Planning Board; and requiring inclusion of moderate-income housing units.

3A Design District. Amend the use regulations by allowing small-scale multi-family structures, similar to the provisions that currently exist in the Town Center district, by special permit.

Town Center District. Amend the use regulations by providing for:

Upper-story housing by right in buildings with first-floor retail and service businesses.

Multi-family conversions of existing buildings, but replace the fixed building age threshold of January 1940 with a rolling minimum age of twenty years, and require at least one affordable unit in conversions involving four to six units.
Accessory Apartments. Amend the Accessory Dwelling regulations in the residential districts and Town Center district by:

- Removing the automatic two-year expiration of accessory apartment special permits;
- Providing an option to locate accessory apartments within an accessory structure on the same lot as the owner-occupied single-family dwelling;
- Allowing accessory apartments (one per single-family dwelling) as of right in the Town Center district.

Comprehensive Permits

Identification of specific sites for which the municipality will encourage the filing of comprehensive permit projects [760 CMR 56.03(4)(d)(2)].

Locations that would be suitable for comprehensive permit developments are shown on Map 4.1.

Housing Preferences

Characteristics of proposed residential or mixed-use developments that would be preferred by the municipality [760 CMR 56.03(4)(d)(3)]:

- **Chapter 40R Overlay District.** Kingston's continuing priority is to encourage transit-oriented development. The Town wants to provide for higher-density housing with a mix of residential uses in the area already zoned as a Chapter 40R district.

- **Infill and Intensification of Existing Development.** The second priority is to protect conservation values (wildlife habitat, wetlands, and forests) in outlying rural areas, especially areas located within groundwater resource areas. Toward this end, Kingston prefers modest infill activity and modest expansions of existing uses in established parts of town and along the major collector roads.

- **Inclusionary Housing.** The Town wants to provide some affordable housing in a variety of settings, recognizing that an important goal for any housing plan is to increase housing choices. Except for unique circumstances, the R80 district is not an appropriate setting for increased density because the district is coterminous with Kingston's water supply protection areas. Within a PRD, a Multiple Dwellings development, or a multi-family conversion, however, the Town would expect to realize affordable housing benefits in exchange for granting reasonable density bonuses.

- **Senior Housing.** Kingston wants to increase its supply of affordable housing for seniors. Since the market for over-55 housing is all but saturated in the Greater Boston area, the Town needs to consider other ways to address the housing needs of its aging population. Comprehensive permits for deeply subsidized senior housing, such as a HUD 202 development, will probably be more effective than zoning.

Town-Owned Land

Municipally owned parcels for which the municipality commits to issue requests for proposals to develop affordable housing [760 CMR 56.03(4)(d)(4)]:

Kingston has provided a parcel of town-owned land to Habitat for Humanity to construct a single-family dwelling on Grove Street. However, virtually all of Kingston's municipal property is subject to
conservation or watershed protection restrictions, otherwise protected under Article 97 of the Massachusetts Constitution, or in active use for municipal or educational purposes. However, the Town will continue to inventory its land and buildings for surplus property opportunities to create affordable housing.

**Regional Collaboration**

*Participation in regional collaborations to address housing development [760 CMR 56.03(4)(d)(5)]:*

Kingston should explore options for participating in a HOME Consortium. This will require assessing the level of interest in neighboring towns and approaching one or more of the lead communities for existing HOME Consortia in the region. The most likely possibility would be the Taunton Consortium, which currently extends east to Middleborough and Lakeville. HOME funds can easily be paired with CPA to provide more affordability and deeper subsidies. However, the Town should focus first on establishing and activating an Affordable Housing Trust.

**MANAGING COMPREHENSIVE PERMITS**

Kingston needs to take two important steps to increase its effectiveness at managing the comprehensive permit process and maximizing the affordable housing benefits that a Chapter 40B comprehensive permit can provide. These steps include preparing written comprehensive permit guidelines and promoting the Local Initiative Program (LIP) as a preferred alternative to the conventional process for obtaining a Project Eligibility determination.

**Comprehensive Permit Guidelines**

Most developers yearn to know the answer to one question: "what do I have to do to get my permit?" Unfortunately, communities sometimes forget that if they want certain outcomes from the development process - *any* type of development, including but not limited to affordable housing - they need to be clear about what they hope to accomplish and their expectations have to be anchored in economic reality. One way to communicate effectively about Kingston's comprehensive permit priorities would involve developing guidelines, with text, photographs, and maps, that developers can consider in the early stages of planning their projects.

The Board of Appeals is responsible for adopting Chapter 40B administrative regulations and managing the comprehensive permit process in accordance with DHCD regulations and guidelines. However, local project review guidelines serve different purposes:

- To inform developers about the Town's affordable housing concerns and priorities, and
- To provide criteria for boards and staff to use when they review comprehensive permit applications and provide comments to the Board of Appeals.
- To implement this housing plan.

Ideally, comprehensive permit guidelines should be developed by a working group of board members and staff, in consultation with many other town boards. Guidelines usually cover matters such as priority housing needs, the scale and density of developments, design review, areas of town that may be suitable for moderate- to higher-density development, and areas that would not be
suitable because they have high natural resources value or significant physical constraints. Ultimately, the guidelines should be approved by the Board of Selectmen and Planning Board, and perhaps other boards as well, depending on how the Town decided to conduct the adoption process. The goal is a set of guidelines that help to unify the Town's approach to comprehensive permit reviews and provide clear direction to prospective developers.

Local Initiative Program

Kingston needs to ensure that all low- or moderate-income units created pursuant to this plan are eligible for the Subsidized Housing Inventory. Although affordable units in comprehensive permit developments will automatically qualify, units produced under an inclusionary housing bylaw (such as RDEOS), with CPA assistance, or with other subsidies that may be administered by the Affordable Housing Trust will need to be submitted to DHCD for approval. The mechanism for doing so is the Local Initiative Program (LIP) "Local Action Units" process. An eligible "local action" may include any of the following:

- Zoning approval, such as units created under an inclusionary housing bylaw or in a Chapter 40R overlay district;
- Financial assistance from funds raised, appropriated, or administered by the town, such as a "buydown" unit made affordable with CPA assistance from the Affordable Housing Trust; or
- Town-owned land or buildings conveyed at a substantial discount from fair market value, i.e., a "public benefit" disposition under M.G.L. c. 30B.

In order to be added to the Subsidized Housing Inventory, Local Action Units must comply with the following requirements:

- They must be produced as a direct result of an action or approval by the town;
- They must be sold or rented based in accordance with a DHCD-approved affirmative fair marketing plan and lottery;
- The sale price of affordable homes must be affordable to households with incomes at or below 80 percent of the area median income (AMI). However, DHCD encourages a pricing strategy that makes units affordable to households at or below 70 percent of AMI. The difference is known as a "window of affordability." Rents must be affordable to households at or below 80 percent of AMI; and
- An affordable housing restriction approved by DHCD must be recorded with the Plymouth County Registry of Deeds in order to guarantee long-term affordability.
- A Subsidized Housing Inventory "Request for New Units Form" or "LIP Local Action Units" application must be submitted to and approved by DHCD.

Managing the process for making Local Action Units eligible for the Subsidized Housing Inventory involves more effort than many people realize. Fortunately, Kingston has a competent Town Planner so the town has adequate internal capacity. The process typically includes the following steps:

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61 See Appendix for an example from another Boston area suburb.

62 See Appendix for DHCD Affirmative Marketing Plan requirements.
Meet with the developer and explain the requirements for Local Action Units to qualify for the Subsidized Housing Inventory.

Verify currently acceptable purchase prices and rents with DHCD staff.

Designate a qualified marketing agent to prepare the Affirmative Marketing Plan, conduct outreach, and coordinate the lottery process.

Execute and record a **Regulatory Agreement** so the town has the power to enforce long-term affordability requirements.

Submit a LIP/Local Action Units application and the Affirmative Marketing Plan to DHCD, and obtain DHCD's approval before the marketing process begins.

Establish and publicize the lottery application period and hold information sessions to explain the application requirements to prospective homebuyers or renters.

Review lottery applications for income eligibility and other requirements that may apply to the specific project, e.g., preferences for larger households to qualify for family-size units.

Notify lottery applicants of their status.

Conduct the lottery.

For homeownership developments:

- Refer lottery winners to local or regional lenders so they can obtain a mortgage loan commitment;
- Obtain the deed rider and a resale price certificate from DHCD;
- Work with lenders as needed through the closing process.

For apartments, provide technical assistance to lottery winners about the procedures for leasing and occupying their units.

Submit documentation to DHCD so the units will be added to the Subsidized Housing Inventory.

For apartments, institute annual procedures for recertifying the income eligibility renters living in the affordable units.

Prepare a "Ready Buyers" or "Ready Renters" list for resales or upon tenant turnover.
Appendix

A. NOTES ON DATA SOURCES

The data used to develop this plan come from the Town of Kingston, several state agencies, the Bureau of the Census, and the U.S. Department of Housing and Urban Development (HUD). The Bureau of the Census sources include:

- **The American Community Survey (ACS).** In the late 1990s, the Census Bureau launched a new "rolling" population survey that would eventually replace the demographic, social, and housing data reported in the past in the decennial census. The ACS draws data from a very small sample, but a new survey is collected each month and the results are aggregated to provide a similar dataset on a wide variety of topics. By 2005, the ACS was releasing the first trial data sets for a sample of the nation’s major cities. Today, the ACS publishes annual profiles for geographies with 65,000 people or more, such as counties, states, and large metro areas, and three-year "rolling average" statistics once a year for areas with populations between 20,000 and 65,000. In December 2010, ACS began to publish five-year “rolling average” statistics for smaller population areas, such as small towns like Kingston, census tracts, and census block groups. Like the three-year survey, the new five-year profiles will be released every year, which means that communities like Kingston will no longer have to wait ten years for fresh demographic data. In most cases, data labeled as “ACS” in this plan area taken from the most recent five-year tabulation, or 2005-2009 inclusive.

- **The Decennial Census.** The Census Bureau recently released Census 2010 total population and housing counts. Where appropriate, the new data have been incorporated in this plan. However, a comprehensive housing needs assessment requires information that goes well beyond the coverage of Census 2010. Accordingly, the local and regional demographic portraits presented in this plan draw primarily from the ACS and (by comparison) Census 2000. Although Census 2010 population counts do not match ACS 2005-2009 population estimates, in most cases the difference is fairly small.

- **Building Permits Database.** The Census Bureau’s Manufacturing and Construction Division (MCD) is a repository of new residential building permit statistics for states, counties, and cities and towns. MCD’s data come from states which in turn obtain reports from local building departments.

- **HUD Consolidated Planning/Comprehensive Housing Affordability Strategy (CHAS) Data.** Created through a combined effort of the Census Bureau and the U.S. Department of Housing and Urban Development (HUD), the CHAS is a special tabulation of ACS. Since the new five-year ACS profiles for small population areas were released only a few months ago, the CHAS tables for small towns like Kingston are still based on Census 2000. Eventually the CHAS will be updated, but the older affordability estimates had to be used in this plan.
B. GLOSSARY

**Affordable Housing.** As used in this plan, "affordable housing" is synonymous with low- or moderate-income housing, i.e., housing available to households earning no more than 80 percent of area median income at a cost that does not exceed 30 percent of their monthly gross income.

**Area Median Income (AMI).** The median family income, adjusted for household size, within a given metropolitan or non-metropolitan area, updated annually by HUD and used to determine eligibility for most housing assistance programs.


**Chapter 40B.** G.L. c. 40B, § 20-23 (1969 Mass. Acts 774), the state law administered locally by the Board of Appeals in order to create affordable housing. It provides eligible developers with a unified permitting process that subsumes all permits normally issued by multiple town boards. Chapter 40B establishes a basic presumption at least 10 percent of the housing in each city and town should be affordable to low- or moderate-income households. In communities below the 10 percent statutory minimum, affordable housing developers aggrieved by a decision of the Board of Appeals can appeal to the state Housing Appeals Committee, which in turn has authority to uphold or reverse the Board’s decision.

**Chapter 40R.** G.L. c. 40R (2004 Mass. Acts 149, s. 92), a state law that provides for overlay districts with variable densities for residential development and multi-family housing by right (subject to site plan review). At least 25 percent of the units in a Chapter 40R district have to be affordable to low- or moderate-income people. 1021 Kingston Place is an example of a Chapter 40R district.

**Chapter 44B.** G.L. c. 44B (2000 Mass. Acts 267), the **Community Preservation Act**, allows communities to establish a Community Preservation Fund for open space, historic preservation, and community housing by imposing a surcharge of up to 3 percent on local property tax bills. The state provides matching funds (or a partial match) from the Community Preservation Trust Fund, generated from Registry of Deeds fees.

**Community Development Block Grant (CDBG).** Under the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5300 et seq.), the U.S. Department of Housing and Urban Development (HUD) makes funds available each year for cities with populations of 50,000 or more ("entitlement communities") and each of the fifty states (the Small Cities or "non-entitlement" program). CDBG can be used to support a variety of housing and community development activities provided they meet one of three "national objectives" established by Congress. Housing activities are almost always designed to meet the national objective of providing benefits to low- or moderate-income people. Funds may be used for housing rehabilitation, redevelopment of existing properties for residential purposes (in some cases), making site improvements to publicly owned land in order to support the construction of new housing, interest rate and mortgage principal subsidies, and downpayment and closing cost assistance. As a "non-entitlement community," Kingston can access CDBG funds only by applying to DHCD. The state program is guided by a five-year **Consolidated Plan** and One-Year Action Plans required by HUD.

**Comprehensive Permit.** The unified permit authorized by Chapter 40B for affordable housing development.
Consolidated Plan. A five-year plan prepared by CDBG entitlement recipients and Participating Jurisdictions under the HOME Program. The purpose of the plan is to document and analyze housing market conditions, affordable housing needs, homelessness and disability housing needs, and non-housing community development needs in the city or state that receives federal housing and community development funds and design a strategy to address those needs using federal, state, local, and private resources. Grant recipients also have to prepare one-year action plans showing how each year’s funding will be used in a manner consistent with the five-year Consolidated Plan.

Department of Housing and Community Development (DHCD). The state's lead housing agency, originally known as the Department of Community Affairs (DCA). DHCD oversees state-funded public housing and administers rental assistance programs, the state allocation of CDBG and HOME funds, various state-funded affordable housing development programs, and the Community Services Block Grant (CSBG) Program. DHCD also oversees the administration of Chapter 40B.

Extremely Low Income. See Very Low Income.

Fair Housing Act, Federal. Established under Title VII of the 1968 Civil Rights Act, the federal Fair Housing Act prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability.

Fair Housing Law, Massachusetts. G.L. c. 151B (1946), the state Fair Housing Act prohibits housing discrimination on the basis of race, color religious creed, national origin, sex, sexual orientation, age, children, ancestry, marital status, veteran history, public assistance recipiency, or physical or mental disability.

Fair Market Rent (FMR). A mechanism used by HUD to control costs in the Section 8 rental assistance program. HUD sets FMRs annually for metropolitan and non-metropolitan housing market areas (a total of 2,736 FMR areas nationally). The FMR is the 40th percentile of gross rents for typical, non-substandard rental units occupied by recent movers in a local housing market. (See 24 CFR 888.)

Family. A household of two or more people related by blood, marriage, or adoption.

Gross Rent. Gross rent is the sum of the rent paid to the owner plus any utility costs incurred by the tenant. Utilities include electricity, gas, water and sewer, and trash removal services but not telephone service. If the owner pays for all utilities, then gross rent equals the rent paid to the owner.

Group Home. A type of congregate housing for people with disabilities; usually a single-family home.

Inclusionary Zoning. A zoning ordinance or bylaw that encourages or requires developers to build affordable housing in their developments or provide a comparable public benefit, such as providing affordable units in other locations ("off-site units") or paying fees in lieu of units to an affordable housing trust fund.

Infill Development. Construction on vacant lots or underutilized land in established neighborhoods and commercial centers.

HOME Investment Partnership Program (HOME). A HUD-administered formula grant program that supports the creation and preservation of housing for low- or moderate-income people.
Authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, HOME provides funding to states, larger cities, and groups of contiguous communities that form a consortium for the purpose of qualifying as a "Participating Jurisdiction," or "PJ," which is similar to a CDBG entitlement recipient. HOME funds can be used for home purchase or rehabilitation financing assistance to eligible homeowners and new homebuyers, construction or rehabilitation of housing for rent or ownership, or site acquisition or improvement, demolition of dilapidated housing to make way for HOME-assisted development, and relocation expenses. PJs may also use HOME funds for tenant-based rental assistance contracts of up to two years if doing so is consistent with their Consolidated Plan and justified under local market conditions. Up to 10 percent of the PJ’s annual allocation may be used for program planning and administration.

**Household.** One or more people forming a single housekeeping unit and occupying the same housing unit.

**Housing Appeals Committee (HAC).** A five-member body that adjudicates disputes under Chapter 40B. Three members are appointed by the Director of DHCD, one of whom must be a DHCD employee. The governor appoints the other two members, one of whom must be a city councilor and the other, a selectman.

**Housing Authority.** Authorized under G.L. 121B, a public agency that develops and operates rental housing for very-low and low-income households.

**Housing Cost, Monthly.** For homeowners, monthly housing cost is the sum of principal and interest payments, property taxes, and insurance, and where applicable, homeowners association or condominium fees. For renters, monthly housing cost includes rent and basic utilities (oil/gas, electricity).

**HUD.** See U.S. Department of Housing and Urban Development.

**Jobs-to-Housing Ratio.** An indicator of the adequacy of employment and housing in a given community or area.

**Local Initiative Program (LIP).** A program administered by DHCD that encourages communities to create Chapter 40B-eligible housing without a comprehensive permit, e.g., through inclusionary zoning, purchase price buydowns, a Chapter 40R overlay district, and so forth. LIP grew out of recommendations from the Special Commission Relative to the Implementation of Low or Moderate Income Housing Provisions in 1989. The Commission prepared a comprehensive assessment of Chapter 40B and recommended new, more flexible ways to create affordable housing without dependence on financial subsidies.

**Low Income.** As used in this plan, low income means a household income at or below 50 percent of AMI. It includes the household income subset known as very low income.

**MassHousing.** The quasi-public state agency that provides financing for affordable housing.

**Mixed-Income Development.** A residential development that includes market-rate and affordable housing.

**Mixed-Use Development.** A development with more than one use on a single lot. The uses may be contained within a single building ("vertical mixed use") or divided among two or more buildings ("horizontal mixed use").
**Moderate Income.** As used in this plan, moderate income means a household income between 51 and 80 percent of AMI.

**Open Space-Residential Development.** An approach to residential development that seeks to preserve as much land as possible for open space and resource protection by allowing housing to be concentrated on less sensitive areas of a site.

**Overlay District.** A zoning district that covers all or portions of basic use districts and imposes additional (more restrictive) requirements or offers additional (less restrictive) opportunities for the use of land.

**Regulatory Agreement.** An affordable housing restriction, recorded with the Registry of Deeds or the Land Court, outlining the developer’s responsibilities and rights

**Section 8.** A HUD-administered rental assistance program that subsidizes "mobile" certificates and vouchers to help very-low and low-income households pay for private housing. Tenants pay 30 percent (sometimes as high as 40 percent) of their income for rent and basic utilities, and the Section 8 subsidy pays the balance of the rent. Holders of Section 8 certificates have to choose rental units with a monthly gross rent that does not exceed the **Fair Market Rent (FMR)**, and the subsidy they receive makes up the difference between 30 percent of their monthly gross income and the actual gross rent for the unit. By contrast, the subsidy for a Section 8 voucher holder is the difference between the FMR and 30 percent of their monthly gross income. Thus, while Section 8 voucher holders may choose units with gross rents that exceed the FMR, they have to make up the difference between the FMR and the monthly gross rent. Section 8 also can be used as a subsidy for eligible rental developments, known as Section 8 Project-Based Vouchers (PBV), which are not “mobile” because they are attached to specific units.

**Shared Equity Homeownership.** Owner-occupied affordable housing units that remain affordable over time due to a deed restriction that controls resale prices, thereby retaining the benefits of the initial subsidy for future moderate-income homebuyers.

**Single Room Occupancy (SRO).** A building that includes single rooms for occupancy by individuals and usually includes common cooking and bathroom facilities shared by the occupants.

**Subsidized Housing Inventory (SHI).** A list of housing units that "count" toward a community’s 10 percent statutory minimum under Chapter 40B.

**Subsidy.** Financial or other assistance to make housing affordable to low- or moderate-income people.

**Transit-Adjacent Development (TAD).** Development that is in close proximity to transit, but with a design that has not been significantly influenced by it. It is distinguished from **TOD**, where transit is the central design feature.

**Transit-Oriented Development (TOD).** Residential and commercial developments designed to maximize access by transit and non-motorized transportation. A TOD typically has a rail or bus station at its center, surrounded by relatively high-density development, with progressively lower-density within one-quarter to one-half mile of the center.

**Typical, Non-substandard Rental Units.** A term that defines the types of rental units that HUD includes and excludes in establishing the **FMR** for each housing market area. The term excludes:
public housing units, rental units built in the last two years, rental units with housing quality problems, seasonal rentals, and rental units on ten or more acres.

U.S. Department of Housing and Urban Development (HUD). The lead federal agency for financing affordable housing development and administering the Fair Housing Act.

Very Low Income. As used in this plan, very low income is a household income at or below 30 percent of AMI. In some housing programs, a household with income at or below 30 percent of AMI is called extremely low income.
E. DHCD AFFIRMATIVE MARKETING PLAN REQUIREMENTS

Effective as of June 25, 2008

The Commonwealth of Massachusetts has a compelling interest in creating fair and open access to affordable housing and promoting compliance with state and federal civil rights obligations. Therefore, all housing with state subsidy or housing for inclusion on the Subsidized Housing Inventory (SHI) shall have an Affirmative Fair Housing Marketing Plan (AFHMP). The affordable Use Restriction documents of said housing must require that the AFHMP, subject to the approval of the subsidizing or funding agency, shall be implemented for the term of the Use Restriction. Affirmative Fair Housing requirements apply to the full spectrum of activities that culminate with occupancy, including but not limited to means and methods of outreach and marketing through to the qualification and selection of residents. All AFHMP plans must, at a minimum, meet the standards set forth by the Department of Housing and Community Development (DHCD). In the case of M.G.L. c.40B projects, the AFHMP must be approved by the Subsidizing Agency.

The developer (Developer) is responsible for resident selection, including but not limited to drafting the resident selection plan, marketing, administering the initial lottery process, and determining the qualification of potential buyers and/or tenants. The Developer is responsible for paying for all of the costs of affirmative fair marketing and administering the lottery and may use in-house staff, provided that such staff meets the qualifications described below. The Developer may contract for such services provided that any such contractor must be experienced and qualified under the following standards.

Note: As used in these AFHMP Guidelines, “Developer” refers to the Project Developer and/or the entity with which the Developer has contracted to carry out any or all of the tasks associated with an AFHMP.

(April 8, 2008 change: inserted a new third sentence in the first paragraph).

A. Developer Staff and Contractor Qualifications

The entity as well as the individual with primary responsibility for resident selection, whether in-house staff or a third-party contractor, must have substantial, successful prior experience in each component of the AFHMP for which the party will be responsible, e.g. drafting the plan, marketing and outreach activities, administering the lottery process and/or determining eligibility under applicable subsidy programs and/or qualifying buyers with mortgage lenders.

- Subsidizing Agencies reserve the right to reject the qualifications of any Developer or contractor. However, generally, Developers or contractors that meet the following criteria for each component, as applicable, will be considered to be qualified to carry out the component(s) for which they are responsible:

- The entity has successfully carried out similar AFHMP responsibilities for a minimum of three (3) projects in Massachusetts or the individual with primary responsibility for the resident selection process has successfully carried out similar AFHMP responsibilities for a minimum of five (5) projects in Massachusetts.

- The entity has the capacity to address matters relating to English language proficiency.

“Successfully” for the purposes of these Guidelines means that, with respect to both the entity and the relevant staff, (a) the prior experience has not required intervention by a Subsidizing Agency to
address fair housing complaints or concerns; and (b) that within the past five (5) years, there has not been a finding or final determination against the entity or staff for violation of any state or federal fair housing law.

Affirmative Fair Housing Marketing Plan
The Developer shall prepare the following materials which shall comprise an AFHMP:

- Informational materials for applicants including a general description of the overall project that provides key information such as the number of market/affordable units, amenities, number of parking/garage spaces per unit, distribution of bedrooms by market and affordable units, accessibility, etc.

- A description of the eligibility requirements.

- Lottery and resident selection procedures.

- A clear description of the preference system being used (if applicable).

- A description of the measures that will be used to ensure affirmative fair marketing will be achieved including a description of the affirmative fair marketing and outreach methods that will be used, sample advertisements to be used, and a list of publications where ads will be placed.

- Application materials including:
  - The application form.
  - A statement regarding the housing provider’s obligation not to discriminate in the selection of applicants, and such a statement must also be included in the application materials.
  - Information indicating that disabled persons are entitled to request a reasonable accommodation of rules, policies, practices, or services, or to request a reasonable modification of the housing, when such accommodations or modifications are necessary to afford the disabled person equal opportunity to use and enjoy the housing.\(^{63}\)
  - An authorization for consent to release information.
  - For homeownership transactions, a description of the use restriction and/or deed rider.

The Subsidizing Agency must approve the AFHMP before the marketing process commences. In the case of a Local Action Unit (LAU), DHCD and the municipality must approve the AFHMP.

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\(^{63}\) It is important to remember that legal obligations with respect to accessibility and modifications in housing extend beyond the Massachusetts Architectural Access Board requirements, including federal requirements imposed by the Fair Housing Act, the Americans with Disabilities Act, and the Rehabilitation Act. Under state law, in the case of publicly assisted housing, multiple dwelling housing consisting of ten or more units, or contiguously located housing consisting of ten or more units (see M.G.L. c. 151B, § 1 for definitions), reasonable modification of existing premises shall be at the expense of the owner or other person having the right of ownership if necessary for the disabled person to fully enjoy the premises. M.G.L. c. 151B, § 4(7A). See also 24 C.F.R. part 8 for Rehabilitation Act requirements of housing providers that receive federal financial assistance.
The AFHMP shall be applied to affordable units upon availability **for the term of affordability** and must consist of actions that provide information, maximum opportunity, and otherwise attract eligible persons protected under state and federal civil rights laws that are **less likely to apply**.

**Outreach and Marketing**
Marketing should attract residents outside the community by extending to the regional statistical area as well as the state.

- Advertisements should be placed in local and regional newspapers, and newspapers that serve minority groups and other groups protected under fair housing laws. Notices should also be sent to local fair housing commissions, area churches, local and regional housing agencies, local housing authorities, civic groups, lending institutions, social service agencies, and other nonprofit organizations.

- Affordable units in the Boston Metro Area (Boston-Cambridge-Quincy MSA) must be reported to the Boston Fair Housing Commission’s Metrolist (Metropolitan Housing Opportunity Clearing House). Such units shall be reported whenever they become available (including upon turnover).

- Affordable and/or accessible rental units must be listed with the Massachusetts Accessible Housing Registry whenever they become available (including upon turnover). See [http://www.chapa.org](http://www.chapa.org).

- Available affordable ownership units must also be listed with CHAPA’s lottery website (see [http://www.chapa.org](http://www.chapa.org)) and with the Massachusetts Affordable Housing Alliance (MAHA) website (see [http://www.mahahome.org](http://www.mahahome.org)).

- Marketing should also be included in non-English publications based on the prevalence of particular language groups in the regional area. To determine the prevalence of a particular language by geographical area, see for example: [http://www.doleta.gov/reports/CensusData/LWIA_by_State.cfm?state=MA](http://www.doleta.gov/reports/CensusData/LWIA_by_State.cfm?state=MA).

(April 8, 2008 changes: (1) Inserted new first bullet paragraph; (2) modified fourth paragraph to include listing with MAHA website; and (3) modified fifth bullet paragraph which, previously, stated: “…Marketing should also be targeted towards persons with limited English proficiency (LEP), not limited to solely to Spanish speaking persons.”)

All marketing should be comparable in terms of the description of the opportunity available, regardless of the marketing type (e.g., local newspaper vs. minority newspaper). The size of the advertisements, including the content of the advertisement, should be comparable across regional, local, and minority newspapers.

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64 The advertising component of the AFHMP applies to all units.

65 Note: The owner or other person having the right of ownership shall, in accordance with M.G.L. c. 151B, §4(7A), give at least fifteen days notice of the vacancy of a wheelchair accessible unit to the Massachusetts Rehabilitation Commission. Said statute also requires the owner or other person having the right of ownership to give timely notice that a wheelchair accessible unit is vacant or will become vacant to a person who has, within the past 12 months, notified the owner or person or person having the right of ownership that such person is in need of a wheelchair accessible unit.
Advertisements should run a minimum of two times over a sixty day period and be designed to attract attention. Marketing of ownership units should begin approximately six months before the expected date of project occupancy.

Pursuant to fair housing laws, advertising must not indicate any preference or limitation, or otherwise discriminate based on race, color, disability, religion, sex, familial status, sexual orientation, national origin, genetic information, ancestry, children, marital status, or public assistance recipiency. Exceptions may apply if the preference or limitation is pursuant to a lawful eligibility requirement. All advertising depicting persons should depict members of classes of persons protected under fair housing laws, including majority and minority groups.

The Fair Housing logo ( ) and slogan ("Equal Housing Opportunity") should be included in all marketing materials. The logo may be obtained at HUD’s website at: http://www.hud.gov/library/bookshelf11/hudgraphics/fheologo.cfm.

**Availability of Applications**
Advertising and outreach efforts shall identify locations where the application can be obtained. **Applications shall be available at public locations including one that has some night hours; usually, a public library will meet this need.** The advertisement shall include a telephone number an applicant can call to request an application via mail.

**Informational Meeting**
In addition, the lottery administrator must offer one or more informational meetings for potential applicants to educate them about the lottery process and the housing development. These meetings may include local officials, developers, and local bankers. The date, time, and location of these meetings shall be published in ads and flyers that publicize the availability of lottery applications. The workshops shall be held in a municipal building, school, library, public meeting room or other accessible space. Meetings shall be held in the evening or on weekend days in order to reach as many potential applicants as possible. However, attendance at a meeting shall not be mandatory for participation in a lottery.

The purpose of the meeting is to answer questions that are commonly asked by lottery applicants. Usually a municipal official will welcome the participants and describe the municipality’s role in the affordable housing development. The lottery administrator will then explain the information requested on the application and answer questions about the lottery drawing process. The Developer should be present to describe the development and to answer specific questions about the affordable units. It is helpful to have representatives of local banks present to answer questions about qualifications for the financing of affordable units. At the meeting, the lottery administrator should provide complete application materials to potential applicants.

**Homeownership – Establishing Sales Prices**
Sale prices shall be established at the time of the initial marketing of the affordable units. Thereafter, the prices of homes cannot be increased for lottery winners, even if interest rates and HUD income guidelines change.

For large, phased developments maximum sale prices of units sold in subsequent phases will be calculated prior to the start of marketing for each phase, or approximately 6 months prior to expected

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66 42 U.S.C. § 3604(c); M.G.L. c. 151B, § 4(7B).
occupancy of the units. In such cases, each phase will require its own affirmative fair marketing efforts and lottery.

C. Local Preference
If a community wishes to implement a local selection preference, it must:

- Demonstrate in the AFHMP the need for the local preference (e.g., the community may have a disproportionately low rental or ownership affordable housing stock relative to need in comparison to the regional area); and
- Demonstrate that the proposed local preference will not have a disparate impact on protected classes.

In no event may a local preference exceed more than 70% of the (affordable) units in a Project.

The Subsidizing Agency, and in the case of LAUs, DHCD as well as the municipality, must approve a local preference scheme as part of the AFHMP. Therefore, the nature and extent of local preferences should be approved by the Subsidizing Agency (or DHCD in the case of LAUs) prior to including such language in the comprehensive permit or other zoning mechanism.

Allowable Preference Categories
- Current residents: A household in which one or more members is living in the city or town at the time of application. Documentation of residency should be provided, such as rent receipts, utility bills, street listing or voter registration listing.
- Municipal Employees: Employees of the municipality, such as teachers, janitors, firefighters, police officers, librarians, or town hall employees.
- Employees of Local Businesses: Employees of businesses located in the municipality.
- Households with children attending the locality’s schools, such as METCO students.

(June 25, 2008 change: removed formerly listed allowable preference category, “Family of Current Residents.”)

When determining the preference categories, the geographic boundaries of the local resident preference area should not be smaller than municipal boundaries.

Durational requirements related to local preferences, that is, how long an applicant has lived in or worked in the residency preference area, are not permitted in any case.

Preferences extended to local residents should also be made available not only to applicants who work in the preference area, but also to applicants who have been hired to work in the preference area, applicants who demonstrate that they expect to live in the preference area because of a bona fide offer of employment, and applicant households with children attending the locality’s schools, such as METCO students.

A preference for households that work in the community must not discriminate (including have a disproportionate effect of exclusion) against disabled and elderly households in violation of fair housing laws.

Advertising should not have a discouraging effect on eligible applicants. As such, local residency preferences must not be advertised as they may discourage non-local potential applicants.
Avoiding Potential Discriminatory Effects

The local selection preferences must not disproportionately delay or otherwise deny admission of non-local residents that are protected under state and federal civil rights laws. The AFHMP should demonstrate what efforts will be taken to prevent a disparate impact or discriminatory effect. For example, the community may move minority applicants into the local selection pool to ensure it reflects the racial/ethnic balance of the HUD defined Metropolitan Statistical Area as described below. However, such a protective measure may not be sufficient as it is race/ethnicity specific; the AFHMP must address other classes of persons protected under fair housing laws who may be negatively affected by the local preference.

To avoid discriminatory effects in violation of applicable fair housing laws, the following procedure should be followed unless an alternative method for avoiding disparate impact (such as lowering the original percentage for local preference as needed to reflect demographic statistics of the MSA) is approved by the Subsidizing Agency. If the project receives HUD financing, HUD standards must be followed.

A lottery for projects including a local preference should have two applicant pools: a local preference pool and an open pool. After the application deadline has passed, the Developer should determine the number of local resident minority households there are in the municipality and the percentage of minorities in the local preference pool. If the percentage of minority local resident households in the local preference pool is less than the percentage of minorities in the surrounding HUD-defined area, the Developer should make the following adjustments to the local preference pool:

- The Developer should hold a preliminary lottery comprised of all minority applicants who did not qualify for the local preference pool, and rank the applicants in order of drawing.
- Minority applicants should then be added to the local preference pool in order of their rankings until the percentage of minority applicants in the local preference pool is equal to the percentage of minorities in the surrounding HUD-defined area.
- Applicants should be entered into all pools for which they qualify. For example, a local resident should be included in both pools.
- Minorities should be identified in accordance with the classifications established by HUD and the U.S. Census Bureau, which are the racial classifications: Black or African American; Asian; Native American or Alaska Native; Native Hawaiian or Pacific Islander; or other (not White); and the ethnic classification Hispanic or Latino.

D. Household Size/Larger Households Preference

General

Household size should be appropriate for the number of bedrooms in the home. It is appropriate to set a minimum. A maximum household size for the units may be established provided that:

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(April 9, 2008 changes: (1) Inserted new fifth enumerated paragraph; (2) addition of “and applicant households with children attending the locality’s schools in eighth paragraph).

67 Note: This protective measure may not be dispositive with respect to discriminatory effects. For example, the non-local applicant pool may contain a disproportionately large percentage of minorities, and therefore adjusting the local preference pool to reflect demographics of the regional area may not sufficiently address the discriminatory effect that the local preference has on minority applicants. Therefore, characteristics of the non-local applicant pool should continually be evaluated.

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Maximum allowable household size may not be more restrictive than the State Sanitary Code or applicable local bylaws, and may not violate state and federal civil rights laws.

Maximum allowable household size may not be more restrictive than the Large Household Preference established below.

(April 8, 2008 change: deleted first sentence of paragraph which previously stated “…for example, it may be appropriate for two bedroom homes to set a minimum household size of two persons.”).

**Larger Household Preference**

Within an applicant pool first preference shall be given to households requiring the total number of bedrooms in the unit based on the following criteria:

- There is at least one occupant per bedroom.\(^{68}\)
- A husband and wife, or those in a similar living arrangement, shall be required to share a bedroom. Other household members may share but shall not be required to share a bedroom.
- A person described in the first sentence of (b) shall not be required to share a bedroom if a consequence of sharing would be a severe adverse impact on his or her mental or physical health and the lottery agent receives reliable medical documentation as to such impact of sharing.

Within an applicant pool second preference shall be given to households requiring the number of bedrooms in the unit minus one, based on the above criteria. Third preference shall be given to households requiring the number of bedrooms in the unit minus two, based on the above criteria.

\(^{68}\) A “household” shall mean two or more persons who will live regularly in the unit as their principal residence and who are related by blood, marriage, law or who have otherwise evidenced a stable inter-dependent relationship, or an individual.

Lottery drawings shall result in each applicant being given a ranking among other applicants with households receiving preference for units based on the above criteria. Household size shall not exceed State Sanitary Code requirements for occupancy of a unit (See 105 CMR 400).\(^{69}\)

**Lotteries**

*The Lottery Application*

Resident selection must generally be based on a lottery, although in some cases it may be based on another fair and equitable procedure approved by the Subsidizing Agency.\(^{70}\) A lottery procedure is preferred over a “first-come, first-serve procedure,” as the latter procedure may disadvantage non-local applicants.

The application period should be at least 60 days. To ensure the fairness of the application process, applicants should not be required to deliver application materials and instead should be permitted to mail them.

\(^{68}\) Disabled households must not be excluded from a preference for a larger unit based on household size if such larger unit is needed as a reasonable accommodation.

\(^{69}\) Note, however, that fair housing exceptions may apply: see HUD Fair Housing Enforcement—Occupancy Standard; Notice of Statement of Policy, Docket No. FR-4405-01 (1998).

\(^{70}\) In the case of project based Section 8 properties where resident selection is to be performed by the housing authority pursuant to a Section 8 waiting list, a lottery procedure is not required.
The lottery application must address a household’s:

- income
- assets
- size and composition
- minority status (optional disclosure by the household)
- eligibility as a first-time buyer (for ownership units)
- eligibility for local preference

The lottery administrator shall request verification (e.g., three prior year tax returns with the W2 form; 5 most recent pay stubs for all members of the household who are working, three most recent bank statements and other materials necessary to verify income or assets).

**Applicants cannot be required to use a specific lender for their pre-approval letter or their mortgage.**

Only applicants who meet qualification requirements should be included in the lottery.

**Lottery Procedure**

Once all required information has been received, qualified applicants should be assigned a registration number. **Only applicants who meet the eligibility requirements shall be entered into a lottery. The lottery shall be conducted after any appeals related to the project have been completed and all permits or approvals related to the project have received final action.**

Ballots with the registration number for applicant households are placed in all lottery pools for which they qualify. The ballots are randomly drawn and listed in the order drawn, by pool. If a project has units with different numbers of bedrooms, units are then awarded (largest units first) by proceeding down the list to the first household on the list that is of appropriate size for the largest unit available according to the appropriate-unit-size criteria established for the lottery. Once all larger units have been assigned to appropriately sized households in this manner, the lottery administrator returns to the top of the list and selects appropriately sized households for smaller units. This process continues until all available units have been assigned to appropriately sized applicant households.

If the project includes units accessible or adaptable for occupancy by disabled persons, first preference (regardless of applicant pool) for those units shall be given to such disabled persons, including single person households, in conformity with state and federal civil rights laws.

The lottery administrator should retain a list of households who are not awarded a unit, in the order that they were drawn. If any of the initial renters/buyers do not rent/purchase a unit, the unit shall be offered to the highest ranked household on that retained list. This list may generally be retained and used to fill units for up to one year. However, other factors such as the number of households remaining on the list, the likelihood of the continuing eligibility of such households, and the demographic diversity of such households may inform the retention time of the list, subject to the approval of the Subsidizing Agency.

After the initial lottery, waiting lists should be analyzed, maintained, and updated (through additional marketing) so that they remain consistent with the objectives of the housing program and
are adequately representative of the racial, ethnic, and other characteristics of potential applicants in the housing market region.

(April 8, 2008 change to the third paragraph: addition of “(regardless of applicant pool)”.

**Lottery Example**

This theoretical lottery has an OPEN pool that includes all applicants and a LOCAL PREFERENCE pool with only applicants from the local area.

- Total applicants in lottery: 100
- Total minority applicants: 20
- The community in which the lottery takes place falls within the HUD Boston Metropolitan Statistical Area which has a minority population of 20.7%.
- Determine the number of applicants who claim a LOCAL preference according to approved criteria.
- Determine the number of minority applicants in the LOCAL preference pool.
- Determine the percentage of minority applicants in the LOCAL preference pool.

<table>
<thead>
<tr>
<th>Total Applicants in Local Preference Pool</th>
<th>Total Minority Applicants in Local Preference Pool</th>
<th>% Minority Applicants in Local Preference Pool</th>
</tr>
</thead>
<tbody>
<tr>
<td>60</td>
<td>10</td>
<td>16.7%</td>
</tr>
</tbody>
</table>

Since the percentage of minority applicants in the LOCAL preference pool is below the percentage of minority residents in the HUD defined statistical area (16.7% as opposed to 20.7%), a preliminary lottery is required.

- The 10 minority applicants who do not have LOCAL preference are entered into a preliminary drawing and assigned a rank based on the order of their draw. Minority applicants are added to the LOCAL preference pool in order of their rank until the LOCAL preference pool has at least as great a percentage of minority applicants as the larger statistical area. In this example, 4 applicants will be added to the LOCAL preference pool to bring the percentage of minority applicants up to 21.8%.

<table>
<thead>
<tr>
<th>Total Applicants in Supplemented Local Preference Pool</th>
<th>Total Minority Applicants in Supplemented Local Preference Pool</th>
<th>% Minority Applicants in Supplemented Local Preference Pool</th>
</tr>
</thead>
<tbody>
<tr>
<td>64</td>
<td>14</td>
<td>21.8%</td>
</tr>
</tbody>
</table>

- Draw all ballots from the adjusted LOCAL pool and assign rankings to each household. Preference for appropriately sized households will still apply and all efforts should be made to match the size of the affordable units to the legitimate need for bedrooms of each household.
- Once all units for LOCAL residents have been allocated, the OPEN pool should proceed in a similar manner. All LOCAL residents should have ballots in both pools, and all minority applicants that were put in the LOCAL pool should remain in the OPEN pool as well.
F. **Homeownership**

1. **Household Eligibility**

A Subsidizing Agency housing program may establish eligibility requirements for homebuyers. In the absence of such provisions, the following requirements shall apply:

In addition to meeting the requirements for qualifying a Project or dwelling unit for the SHI (see Section II.A), the household shall not have owned a home within three years preceding the application, with the exception of:

- displaced homemakers, where the displaced homemaker (an adult who has not worked full-time, full-year in the labor force for a number of years but has, during such years, worked primarily without remuneration to care for the home and family), while a homemaker, owned a home with his or her partner or resided in a home owned by the partner;

- single parents, where the individual owned a home with his or her partner or resided in a home owned by the partner and is a single parent (is unmarried or legally separated from a spouse and either has 1 or more children of whom the individual has custody or joint custody, or is pregnant);

- households where at least one household member is 55 or over;

- households that owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; and

- households that owned a property that was not in compliance with State, local or model building codes and that cannot be brought into compliance for less than the cost of constructing a permanent structure.

**Individuals who have a financial interest in the development and their families shall not be eligible.**

2. **Final Qualification and Closing**

Once the lottery has been completed, applicants selected to purchase units must be given a reasonable pre-specified time period in which they must secure financing. The Developer should invite the lottery winners to a loan application workshop. The Developer should make prior arrangements with local financial institutions with respect to financing qualified purchasers. Often such institutions will give preliminary approvals of loans, which make the remainder of the process more efficient for all parties.

Before a Purchase and Sale Agreement is signed, the lottery agent should submit income and asset documentation of the applicant to the Subsidizing Agency (to DHCD and the municipality in the case of a LAU). Income verification should include tax returns and W-2s from the past three years, five most recent pay stubs, three months recent bank statements and 401 K reports, reliable documentation as to other sources of income and assets. The Subsidizing Agency (to DHCD and the municipality in the case of a LAU) will then verify that the household’s annual income does not exceed 80% of the area median income, or such lower income limit as may have been established for the particular project. The Subsidizing Agency (to DHCD and the municipality in the case of a LAU) also will verify that household assets do not exceed the maximum allowed. Closing of the sale will also be contingent on the Subsidizing Agency’s (to DHCD and the municipality in the case of a LAU) approval of the buyer’s financing.

**Non-household members should not be permitted as co-signers of the mortgage.**
3. **Resales**

AFHMP requirements apply to the housing for its duration. The AFHMP must include a plan, satisfactory to the Subsidizing Agency (to DHCD and the municipality in the case of a LAU), to address AFHMP requirements upon resale. The proposal must, at a minimum, require that units for re-sale to eligible purchasers be listed with CHAPA and MAHA’s homeownership lottery sites as described above and establish minimum public advertising requirements. The proposal cannot impose the AFHMP requirements upon a homeowner other than requiring compliance with requirements of a Use Restriction, reasonable public advertising, and listing with CHAPA and MAHA.

*(April 8, 2008 changes: modified second and third sentences to include listing with the MAHA website).*

A “ready-buyer” list of eligible buyers maintained by the municipality or other local entity is encouraged. This list may be created through local, regional, and statewide lists and resources. As stated above, the list should continually be analyzed, maintained, and updated (through additional marketing) so that it remains consistent with the objectives of the housing program and is adequately representative of the racial, ethnic, and other characteristics of potential applicants in the housing market region.
ZONING FOR AFFORDABLE HOUSING

Multifamily Dwellings

Recommendation: Delete the existing Section 5.4, Multiple Dwellings, and replace it with the following new provision.

Section 5.4. Multifamily Dwellings

5.4.1. Purposes and Intent.

5.4.1.1. The purposes of this Section 5.4 are to provide for the construction of multi-family dwellings in any district to which this section applies, subject to a special permit and site plan approval from the Planning Board.

5.4.1.2. This Section 5.4 also intends to encourage a variety of housing options in Kingston, including but not limited to affordable housing as defined in Section 2.0 of this Bylaw. Toward these ends, Section 5.4 provides for a continuum of density and intensity of use regulations, with greater densities allowed in exchange for the inclusion of affordable housing in multifamily developments.

5.4.2. Density and Dimensional Requirements.

5.4.2.1. Multifamily dwellings shall comply with the Table of Density and Dimensional Requirements for Multifamily Development. For developments that include affordable units, where a fraction results from the formulas provided below, the fraction shall be rounded up to the nearest whole number.

<table>
<thead>
<tr>
<th>Dimensional Control</th>
<th>Without Affordable Housing</th>
<th>With 10 Percent Affordable Units</th>
<th>With 25 Percent Affordable Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Density</td>
<td>2 units/20,000 sq. ft. 1 unit/10,000 sq. ft. for each unit over 2</td>
<td>2 units/20,000 sq. ft. 1 unit/7,500 sq. ft. for each unit over 2</td>
<td>2 units/15,000 sq. ft. 1 unit/5,000 sq. ft. for each unit over 2</td>
</tr>
<tr>
<td>Maximum Units Per Dwelling</td>
<td>5</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>Maximum Number of Units in Development</td>
<td>10</td>
<td>20</td>
<td>50</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>25%</td>
<td>25%</td>
<td>30%</td>
</tr>
<tr>
<td>Minimum Open Space % Lot Area</td>
<td>30%</td>
<td>30%</td>
<td>25%</td>
</tr>
</tbody>
</table>

5.4.2.2. The following additional requirements shall apply to multifamily dwellings:

a. The site proposed for multifamily development shall have at least 150 feet of lot frontage.

b. The maximum height of a multi-family dwelling shall be thirty-five (35) feet and three (3) stories.

c. Minimum front, side, and rear yard requirements shall be in accordance with the Intensity Schedule under Section 5.2.1, except that for townhouse-style buildings, the Planning Board may waive the minimum side yard requirement for a "zero-lot-line" plan. Where two or more multifamily dwellings are located on the same lot, the minimum...
yard requirements under Section 5.2.1 shall apply to those dwellings located closest to the front, side, or rear lot line, as applicable.

d. No multifamily dwelling shall be closer than its height to any other multifamily dwelling unless approved by the Planning Board, subject to the recommendations of the Fire Chief.

5.4.3. Procedures; Concept Plan Special Permit.

5.4.3.1. Application for a concept plan special permit shall be submitted to the Planning Board in accordance with the Planning Board’s rules and regulations, and on forms provided by the Planning Board.

5.4.3.2. The concept plan submission shall include a narrative description of the project containing the following information:

a. Site location, existing ownership, and existing use(s);

b. The total area of the parcel and the total area composed of wetlands or slopes exceeding twenty-five (25) percent;

c. The proposed number of multifamily dwellings, number of units per dwelling, the approximate size of the units (in sq. ft.), and total number of units;

d. Form of ownership of the units;

e. Proposed provisions for water, wastewater, and solid waste disposal;

f. A general description of how stormwater will be handled, including a soils statement and the general area of the site to be used for stormwater management facilities;

g. A general description of the applicant’s plans for site improvements;

h. A description of how the proposed development addresses the Minimum Design Standards under Section 5.4.5 and meets the special permit granting criteria under Section 7.7.2 of this Bylaw;

i. For developments that include affordable units, a copy of the proposed affordable housing restriction, which shall preserve the affordability of units in perpetuity or the maximum period allowed by law and conform to state requirements for the inclusion of affordable units on the Chapter 40B Subsidized Housing Inventory; and

j. Any other information the applicant deems necessary to assist the Planning Board in evaluating the proposed development and making a decision.

5.4.3.3. The concept plan submission shall further include:

a. A preliminary site development plan;

b. Elevation drawings and sample floor plans;

c. Photographs of at least four nearby buildings and four street views of nearby neighborhoods; and
d. A preliminary landscaping and lighting plan.

5.4.3.4. The public hearing, notification, and decision procedures shall be in accordance with Section 7.7 of this Bylaw.

5.4.3.5. The Planning Board may grant a concept plan special permit for multifamily dwellings only if it determines that the proposed development meets the special permit considerations in Section 7.7.2 and the following additional considerations:

a. The application conforms to the requirements of this Section 5.4 and all other applicable provisions of this Bylaw;

b. The application satisfactorily addresses the Minimum Design Standards in Section 5.4.5, and any requested waivers thereto are justified for architectural or site planning reasons and provide for a more desirable outcome than if the applicant complied with the Standards as written; and

c. The proposed affordable housing restriction (if applicable) has been approved by Town Counsel.

5.4.3.5. Approval of a special permit under this Section 5.4 shall not be considered approval for any construction. The special permit is a preliminary approval, intended to give guidance to the applicant for preparing a definitive plan, to establish the maximum number of units that may be constructed on the site, and to determine whether the applicant's submittal meets the requirements of this section. Any subsequent application for a multifamily dwelling definitive plan shall comply with all material aspects and conditions of the special permit granted hereunder.

5.4.4. Definitive Plan.

5.4.4.1. The definitive plan submission for multifamily dwellings shall be sixteen (16) copies of a site plan that conforms to the submission requirements under Section 7.3.3 of this Bylaw.

5.4.4.2. Upon receipt of a complete site plan submission, as determined by the Zoning Enforcement Officer, the Planning Board shall send one copy to each of the following reviewing parties: Board of Selectmen, Conservation Commission, Board of Health, Fire Department, Police Department, Water Department, Superintendent of Streets, Trees, and Parks, and the Sewer Department. Failure of a reviewing party to submit comments to the Planning Board within the timeframe specified for review shall be deemed no opposition to the site plan.

5.4.4.3. The Planning Board shall review the site plan in a public meeting no later than thirty (30) days after the filing of the site plan application with the Town Clerk.

5.4.4.4. In its discretion and at the applicant's expense, the Planning Board may retain professional consultants to assist with site plan review, all in accordance with the Planning Board's rules and regulations.

5.4.4.5. No later than forty-five days after the filing of the site plan application, the Planning Board shall take one of the following actions:

a. Approval of the plan as submitted;

b. Approval of the plan with conditions;
c. Disapproval of the plan only if (i) the application did not contain the information required for the Planning Board to reach a decision, or (ii) the application was materially inconsistent with the concept plan special permit issued under Section 5.4.3.

5.4.4.6. A development of multifamily dwellings need not involve a subdivision of land, but a development involving a subdivision shall be submitted to the Planning Board for approval under the Planning Board’s subdivision rules and regulations.

5.4.5. **Minimum Design Standards.**

5.4.5.1. Multi-family dwellings shall be oriented toward the street. In a development of two or more multifamily dwellings, however, the dwellings may be arranged to face a common yard or common interior open space as long as the dwelling(s) closest to the front lot line faces the street. Alternative building placements may be approved by the Planning Board, e.g., on odd-shaped or narrow lots, or for solar access, but in no event shall any building be situated such that its back faces the street.

5.4.5.2. Multifamily dwellings shall be designed for harmony with the surrounding neighborhood. Design elements such as massing and scale, articulation, window placements, materials, and color palette shall be appropriate for the context of the site and shall work to ensure the successful integration of multifamily dwellings in residential neighborhoods and mixed-use areas. Since multifamily dwellings are likely to be larger than the single-family dwellings around them, building designs shall incorporate measures to reduce their apparent scale, e.g., an irregular footprint, breaks in the roof with gables or changes in roof direction, roof overhangs, and/or window patterns.

5.4.5.3. In general, protruding garage structures are prohibited. Attached or detached garages shall be set back at least ten feet from the front line of the building unless the physical characteristics of the lot (e.g., shape, width, slope) make it infeasible for the applicant to comply. When protruding garages cannot be avoided, the cumulative length of all garage doors facing the street shall not exceed forty (40) percent of the total length of the street-facing elevation unless architecturally justified, as determined by the Planning Board.

5.4.5.4. Garages, carports, and accessory buildings shall be architecturally compatible with and be constructed of the same materials as the multifamily dwellings.

5.4.5.5. On a development site abutting an existing single-family dwelling, the side and rear yard shall be landscaped with trees and shrubs that provide an aesthetically pleasing buffer and effective year-round screening. Existing healthy vegetation shall be preserved whenever possible and supplemented, as necessary, with non-invasive plantings. Existing damaged, decayed, or diseased trees, and invasive or nuisance trees, shall be removed to protect remaining trees. Fences shall not be used as a substitute for plant materials.

5.4.5.6. All portions of the site not covered by buildings, paving material, or other planned and approved surfaces shall be considered “landscaped area” and shall be planted with living plant materials and/or mulches. Plantings should be arranged in groupings in appropriate locations on the site. Overall site landscaping requirements shall be determined according to the following formulas.

a. One (1) shade tree per forty (40) linear feet of lot frontage;

b. One (1) tree along the access drive per forty (40) linear feet of lot frontage; and
c. One (1) tree and ten (10) shrubs per six-hundred (600) square feet of landscaped area.

5.4.5.7. Multifamily dwellings shall be connected with open spaces, off-street parking areas, and the street by means of pedestrian walkways and landscaping.

5.4.5.8. Free-standing and wall-mounted exterior lighting fixtures shall incorporate cutoffs to conceal light sources from neighboring residential uses, and lighting posts shall not exceed fifteen (15) feet in height.

5.4.5.9. Off-street parking shall comply with Section 6.4.1, except that for studio units and one-bedroom units, there shall be a minimum of one parking space per unit. No off-street parking shall be located within twenty-five (25) feet of the side or rear lot line abutting an existing single-family dwelling or between the front building line and the street. Provisions for bicycle parking shall be as determined by the Planning Board.

Flexible Development Options
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