



***Town of Concord***

**Analysis of Impediments to  
Fair Housing Choice**

***June 2013***

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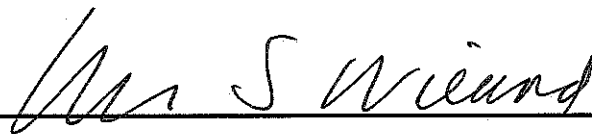
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**1) Certification from CEO that community will affirmatively further fair housing**

I, as the Chief Elected Official of the Town of Concord, endorse this report, the Analysis of Impediments to Fair Housing Choice, and certify that Concord will affirmatively further fair housing through continuing efforts of the Fair Housing initiatives.

The CEO is certifying that the Town:

1. Has completed the Analysis of Impediments to Fair Housing Choice;
2. Is taking appropriate actions to overcome the effects of any impediments identified through the analysis; and,
3. Is maintaining records reflecting the analysis and actions in this regard.



*June 10, 2013*

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Jeffrey S. Wieand, Chair

Date

Concord Board of Selectmen

## 1) Introduction

The Analysis of Impediments to Fair Housing Choice ('AI') is a comprehensive review of a jurisdiction's laws, regulations, and administrative policies, procedures, and practices affecting the location, availability, and accessibility of housing, as well as an assessment of conditions, both public and private, affecting fair housing choice or the provision of housing to persons of a particular race, color, religion, sex, disability, familial status, or national origin.



Goals and objectives are then designed to identify and mitigate the obstacles to fair housing choice and certified by the Town, which is committed to these goals and objectives. Records to support the certification shall be maintained including: the Analysis of Impediments to Fair Housing Choice; actions taken to eliminate any identified impediments; transcripts of relevant public hearings and citizen comments/inputs; and progress reports.

Fair housing and affordable housing are connected, but they are distinct. Fair housing asks, do all residents and potential residents of this jurisdiction have equal access to housing regardless of their race, color, religion, sex, national origin, disability, or familial status? If not, why not? Programs that support the development of affordable housing often have the secondary goal of promoting fair housing, which then results in a greater diversity of residents in the community.

The purpose of this report is to ensure that the Town of Concord becomes fully aware of the existence, nature, extent, and causes of any and all fair housing problems and the resources available to solve them.

### **A. Executive Summary of Impediments and Actions Identified**

The major influences which constrain all residents and potential residents from having equal access to housing in Concord are the lack of available developable land for new housing coupled with extremely high land prices and primarily single residence district zoning. The vast majority of Concord's housing units are expensive, single-family detached homes in suburban and rural neighborhoods and comparatively few other options are available for those in different circumstances or with different needs. Increasing the diversity of housing options, by removing economic barriers to housing, gives more access to households who wish to live in Concord whether they identify as a protected class or not.

There are balances to the Fair Housing goals as the data in the report reflects. Concord has a very low population of any racial minority but the information available suggests

that this population's median household is, as a whole, comparably to that of the white population. Housing goals related to age are also balanced: while there are few family rental housing units and studies have shown that minorities have more families than whites, Concord's growing population of older residents is finding it increasingly difficult to remain in their existing homes.

For this reason, increasing the stock of lower-priced, or affordable, housing and offering styles other than single-family detached dwelling units is the main objective in the Fair Housing plan. The major influences which constrain the development of affordable housing in Concord are the fair housing impediments, namely, the lack of available developable land for new housing coupled with extremely high land prices, restrictive zoning, and infrastructure constraints.

- i. Impediment 1: Acquiring land suitable for affordable housing is consistently the largest obstacle. The vast majority of Town owned lands in Concord are already in municipal use or are permanently protected open space, and available land acquired through private sale is expensive. Additionally, the State and Federal Government owns extensive land area in the Town (Massachusetts Dept. of Conservation and Recreation - Walden Pond Reservation; Massachusetts Dept. of Corrections - MCI-Concord and the Northeast Correctional Center; USA Dept. of the Interior - Great Meadows Wildlife Refuge and the Minute Man National Historical Park). Concord is also located at the intersection of three rivers (floodplain) and is further constrained by an abundance of wetlands and wildlife resource areas which place restrictions on future developments.

Action: The Concord Housing Development Corporation (CHDC) was established by special legislation in 2007 as a 501(C) (3) organization dedicated to creating, fostering, supporting and preserving affordable housing in Concord. The CHDC was created to provide the flexibility needed to respond to real estate opportunities in a timely manner. The CHDC has successfully restored and preserved the affordability of several units at the Emerson Annex development and constructed six affordable units at their first independent development, Lalli Woods. Additionally, the Concord Board of Selectmen actively supported a Local Initiative Project by 40B developers to successfully complete the Concord Mews development on land that was part of an Industrial Park; this project added 350 units (88 of which are considered affordable) to the Town's affordable housing inventory and allowed Concord to exceed 10% on the State Housing Inventory for the first time.

Over the next five years, Concord proposes to build on these existing accomplishments. The CHDC has recently secured a former State owned parcel,

through the efforts of the Walden Woods Project and Legislator Cory Atkins, and is in the process of soliciting pre-development assistance in determining current housing needs and the best use of the site. The CHDC anticipates moving forward with the development of the parcel in the next year and within the next five years will complete 20+ units which contribute to the diversity of housing options available in Concord. The Town itself continues to be open to the development of further affordable housing and has approved the construction of a “friendly” 8 unit 40B development in West Concord over the next year. The Town will also be working with a local developer over the next few months to develop and permit the construction of a mixed use development that includes 74 studio, one bedroom, and two bedroom units that will further expand the diversity of housing options. The units are proposed for the center of West Concord, providing housing that is central to local businesses and transportation options. Lastly, as part of the Town’s approval of this project, at least 10% of the housing units must also be made available at an affordable rate.

There is no available information on the demographic breakdown of those living in the affordable housing units developed under the 40B or other affordable housing programs in Concord. Of the six units developed to date by the Concord Housing Development Corporation, one was purchased by a minority household.

- ii. Impediment 2: Zoning, building and land use policies also limit the availability of land to develop affordable housing. Concord has four residential zoning districts and four categories of commercial districts (Business, Limited Business, Village and Medical-Professional) which allow by-right single-family housing; there is no district which allows by-right multi-family development. All multi-family developments, such as Planned Residential Developments, Residential Clusters, and Residential Compounds, must go through the Special Permit process, which can be complicated and time consuming and occasionally involves neighborhood opposition. Concord’s Zoning Bylaw allows a combined business/residence use that allows multiple-unit housing, but the requirement that at least 20% of the units be affordable has been an impediment to owners/developers of smaller scale properties. The lack of available developable land underscores the need to evaluate existing zoning and land use policies that promote a diversity of housing options; however, changes to the Zoning Bylaw requires a 2/3 vote of Town Meeting. Concord’s Town Meeting has also passed the Stretch Building Code, which has more stringent energy requirements than might otherwise be necessary to meet the existing building code. These requirements necessitate the use of energy efficient materials and equipment, which often increases the initial cost of construction in any location. See

link below for more information about zoning's contribution to Eastern Massachusetts segregated living patterns:

<http://bostonfairhousing.org/timeline/1970s-present-Local-Land-use-Regulations-1.html>

Action: The Town of Concord has built incentives into several sections of its Zoning Bylaw to encourage the development of affordable housing. Concord's Planned Residential Development (PRD) regulations allow for increased site density when at least 10% of the units are affordable and under the Special PRD program, non-profit developers can increase the density of the site so long as 75% of the units are affordable at the State or local level. Concord also allows increased density with affordable housing development in its Residential Cluster Bylaw, but this tool is rarely put into use. The Planning Board should open a dialogue with Affordable Housing Advocates and owners of commercial property to discuss revisions to the 20% requirement for affordable housing in small commercially-zoned properties.

- iii. Impediment 3: Concord's municipal water and sewer systems serve approximately one-third of the land area of the Town and are limited primarily to existing village centers and developed neighborhoods. Outlying properties rely on septic systems, and in some instances well water, which can significantly increase the development costs of a project. In addition, the municipal systems are quickly approaching capacity for the entire Town. The capacity issue requires additional funding to complete necessary studies before any new extensions or connections are permitted, which can also add to project costs. It is not unreasonable to expect that these challenges could significantly impact the cost of both new and existing housing units as demand and development costs increase.

Action: Concord is looking at multiple solutions for this impediment. The Town has completed an assessment of the expansion potential for its existing waste water treatment facility and is working with State and Federal agencies to assess whether the plant's capacity can be increased. Concord is preparing a report to the Dept. of Environmental Protection (DEP) regarding groundwater discharge as a "relief valve" to address short- and mid-term sewer capacity needs and plans to revise the "capacity allowance model" previously approved. Currently, the Town allows new sewer connections to be considered for approval based on the existing criteria outlined in the sewer regulations. The Town is also considering additional sites on which to build a second water treatment plant to address concerns about capacity in the future.

## **B. Legal Framework and Protected Classes**

The scope of the AI is broad. It covers the full array of public and private policies, practices, and procedures affecting housing choice, serving as the substantive, logical basis for Fair Housing Planning. The AI provides detailed information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates and assists in building public support for fair housing efforts both within Concord's boundaries and beyond. In a proscribed format, it covers the full range of activities essential to promoting housing diversity and equal access to housing.

Impediments to fair housing choice are defined by HUD and include:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.

## **C. Obligation to Further Fair Housing as a Recipient of Federal Funds**

This AI report is a requirement of the Federal Department of Housing and Urban Development (HUD). Recipients of all HUD housing grants are required to certify that grants are administered in conformity with fair housing law.

All HOME grantees must certify to HUD's satisfaction that (1) the awarded grant will be carried out and administered according to the Fair Housing Act, and (2) the grantee will work diligently to affirmatively further fair housing.

HUD funded recipients are required to: (1) examine and attempt to alleviate housing discrimination within their jurisdiction; (2) promote fair housing choice for all persons; (3) provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, sex, disability, familial status, or national origin; (4) promote housing that is accessible to and usable by persons with disabilities; (5) and comply with the non-discrimination requirements of the Fair Housing Act.

As a new member of the WestMetro HOME Consortium, Concord must certify to HUD that an Analysis of Impediments to Fair Housing Choice has been conducted, and will continue to be assessed every five years, and that fair housing action steps are being implemented to identify and mitigate any obstacles to fair housing choice.

#### **D. Who Conducted the Analysis of Impediments?**

This report has been prepared by the Town of Concord's Planning Division as part of its affordable housing responsibilities. There was no specific funding needed or supplied for its production.

#### **E. Public Participation**

The draft AI was offered for comment and review to the Concord Housing Development Corporation, the Concord Housing Authority, the Concord Housing Foundation, the Concord Planning Board, and the Concord Board of Selectmen. No specific funding was needed or supplied.

#### **F. Methodology Used**

This report was prepared through data gathered from the sources listed below, formulation of conclusions based on the data gathered, review by the participants noted above, and a final presentation to the Board of Selectmen on June 10, 2013 for approval.

There were many sources used in preparing this report, including:

1. 2010 Concord Housing Production Plan
2. 2012 Concord Community Preservation Plan
3. 2005 Comprehensive Long Range Plan
4. Concord Planning and Land Management Staff (Planning and Building Divisions)
5. Real Estate websites including Zillow and Trulia ([www.zillow.com](http://www.zillow.com), [www.trulia.com](http://www.trulia.com))
6. Concord Zoning Bylaw (Amended through April 2012)
7. United States Census 2010 website ([www.census.gov/2010census/popmap](http://www.census.gov/2010census/popmap)) and American Fact Finder website ([www.factfinder2.census.gov](http://www.factfinder2.census.gov))
8. Fair Housing Center of Greater Boston ([www.bostonfairhousing.org/timeline/1970s-present-Local-Land-use-Regulations-1.html](http://www.bostonfairhousing.org/timeline/1970s-present-Local-Land-use-Regulations-1.html))
9. Kirwan Institute Communities of Opportunity Report ([www.kirwaninstitute.osu.edu/docs/publications/finalreport\\_maoppcomm\\_kirwan\\_jan2009.pdf](http://www.kirwaninstitute.osu.edu/docs/publications/finalreport_maoppcomm_kirwan_jan2009.pdf))

10. U.S. Department of Housing and Urban Development Fair Housing Information ([www.portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_op/p/promotingfh](http://www.portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_op/p/promotingfh))
11. Massachusetts Community and Banking Council report on “Changing Patterns” with Supplemental Data issued in 2011.
12. Chief Barry Neal, Concord Police Department
13. Communities for Restorative Justice ([www.c4rj.com](http://www.c4rj.com))

This report does not supersede Concord’s certified Housing Production Plan (HPP), nor is it intended to contradict any information in the HPP.

## **2) Past Fair Housing Plans**

As this document is Concord’s first Analysis of Impediments to Fair Housing Choice, there are no past fair housing plans to draw from at this time.

## **3) Fair Housing Demographics and Data**

### **A. Current housing market conditions**

Concord’s housing market slowed during the recent recession but did not feel the severe negative impacts suffered by many surrounding communities. Concord’s housing market appears to have recovered with key indicators (sales price, sales volume, time on market, and inventory) all showing marked improvement over the last year.

Sales prices for single family homes in Concord are again on the rise with the year to date numbers for February 2013 showing a 6% increase over February 2012. The median home value of a single family home in Concord is \$683,500, while the median sale price is \$800,061 and the average sale price is above \$1 million. Average time on the market for a single family home in 2012 and 2013 (to date) is about 111 days, which is slightly higher than the average for Middlesex County of 105 days but lower than the statewide average of 124 days. Concord’s sales volume increased sharply in 2012 after relatively stagnant sales in 2010 and 2011. It continues this growth in 2013 with a 13% increase from the previous quarter. As the number of sales continues to increase, however, correspondingly the inventory of homes on the market has begun to decline.

### **B. Race and Ethnicity**

Of those Concord residents who reported one race alone in the 2010 US Census, 90% identified themselves as White; 4% as Asian; 4% as Black or African American; almost 1% as Some Other Race; and .1% as American Indian and Alaska Native. No one identified

themselves as Native Hawaiian and Other Pacific Islander but almost 1.5% of Concord residents stated that they were of Two or More Races. These numbers place Concord well above both the State and National percentages for individuals identifying themselves as White and below those identifying themselves as any other race. In terms of Ethnicity, over 96% of Concord residents identified themselves as non-Hispanic Whites while just fewer than 4% identified themselves as Hispanic.

i. Population trends

The Federal 2010 Census records Concord's population at 17,668 with a growth of almost 4% over the last decade. This number, though, includes the inmates of two Massachusetts Dept. of Corrections facilities in Concord: MCI-Concord and the Northeast Correctional Center. A local census lists Concord's population at nearly 16,000 which may provide a more accurate picture of the overall Town. Concord's local statistics begin in 1925 and show that the Town's population grew steadily through the late 1980s, after which it stabilized. Concord's population has stayed consistently between 15,000 – 17,000 residents for the last thirty years. No similar racial or ethnicity trending data is available at this time.

ii. Household Income and poverty levels by race/ethnicity

The median income of households in Concord is roughly \$126,887. Less than 5% of households in Concord have incomes below \$15,000 a year and almost 40% have incomes of \$150,000 or higher. Looked at by racial identifier, 6% of White households in Concord make less than \$15,000 while 29% make \$150,000 or higher; no Black households make less than \$15,000 and 31% make \$150,000 or higher; and 9% of Asian households earn less than \$15,000 while 34% make \$150,000 or higher. No other race or ethnicity in Concord falls within either range.

iii. Cost burden or housing problems by race/ethnicity

As a whole, Concord has 4,974 owner occupied housing units. 75% of these units are valued at over \$500,000 and of the 3,225 units which have mortgages, 87% have a monthly housing cost of over \$2,000. The median monthly housing cost is \$3,473. Of those owner-occupied units which do not have mortgages, approximately 96% have monthly housing costs of over \$400 with the median monthly housing cost recorded as over \$1,000. As a percentage of household income, 40% of mortgage holding and 23% of non-mortgage holding property owners spend over 30% of their monthly income on housing expenses in Concord.

Among White households, the median monthly housing costs for homeowners with a mortgage are \$2,250; for those without a mortgage it is \$649. The median monthly costs as a percentage of income for White households are 18.5%. For Asian homeowners, the median monthly housing costs for homeowners with a mortgage are \$2,078 and for those without a mortgage is \$817. The median monthly costs as a percentage of income for Asian households are 17.5%. Black homeowner information only includes those with mortgages who have median monthly housing costs of \$1,615. The median monthly housing costs as a percentage of income for Black households are 13.2%. Hispanic homeowner information is also only available for those with mortgages and their median monthly housing costs are \$1,975, or 31% as a percentage of their income.

There are also approximately 1,157 occupied rental units in Concord. The median monthly rent is \$1,572 and over 43% of renters in Concord pay more than 30% of their monthly household income towards housing. In White households, the median rent is \$1,093 and 23.4% of monthly household income goes towards housing expenses. The median rent for Asian households is \$1,538, or 24.4% of monthly household income. Black households pay a median monthly rent of \$775 or 22.5% of monthly household income and Hispanic households pay a median monthly rent of \$1,702. Hispanic households pay the highest percentage of monthly household income towards housing expenses at over 50%.

- iv. Map(s) showing areas of minority concentration, location of assisted housing, concentrations of low-income residents

See Appendix A for a map of Concord which shows the distribution of existing and proposed affordable housing units.

### **C. People with Disabilities**

In 2000, Concord's non-institutionalized population reported that 10.9% of those over the age of 5, or 1,599 individuals, lived with a disability. That percentage increased sharply for the 65 and over population, which reported just over 20%, or 501 individuals, living with disabilities. As Concord's population has increased slightly in the intervening years, it is reasonable to assume that these percentages may have increased as well. Newer disability data (2007-2011) is not yet available from the American Community Survey for Concord.

In 2010, accessible apartments made up approximately 2% of Concord's housing stock. Since that time, several developments have been completed which include both

accessible units and units which can be converted into accessible units in the future. The Concord Housing Authority now has four accessible units available within their senior housing stock, and four units available in their family units. All eight of these units are currently occupied.

#### **D. National Origin, Linguistic Isolation**

As of 2011, 89% of Concord residents were born in the United States and another 2.6% are native residents born in Puerto Rico, the U.S. Islands, or to American parents living abroad. Of the 1,464, or 8.4%, of Concord's residents who are foreign born, 841 (57%) are naturalized US citizens and 623 (43%) are citizens of foreign countries. Concord's foreign born population is primarily European (43%) and Asian (33%), followed by Latin American (18%), Northern American (5%), and Oceania (1%).

The primary language spoken by 88% of Concord's population is English. The remaining 12% of residents speak primarily Indo-European languages (6%) or Spanish (4%), but Concord also has residents who list Asian and Pacific Islander (1.6%) and other languages (.4%) as their primary language. Only 2.1%, or 408, of these foreign language speakers were considered to speak English "less than very well" and could potentially be considered to be linguistically isolated.

#### **E. Age, Education, Employment**

The median age of Concord's population is around 46.9 years. Approximately 24% of the population is under the age of 20 and another 20% is age 65 or older. Concord has a very well educated population with a high school graduation rate of 95% for those over the age of 25. In addition, over 65% of those over the age of 25 went on to earn a bachelors or higher level graduate degree. Of the remaining 5% of residents who did not graduate high school, over 3% attended high school for some number of years.

Total school enrollment in Concord is 4,381 with the vast majority of these students attending the elementary schools (40% in grades 1-8) and high school (26%). Nursery or pre-school enrollment accounts for another 12%, kindergarten for 5%, and college or graduate school for 18%.

Of those aged 16 and over in Concord, 53% are employed and 45% are not currently in the labor force. Of the 53%, or 7,401 residents, who are employed, approximately 75% are private wage and salary workers; 11% are federal, state, or local government workers; and 13% are self-employed in their own (not incorporated) business.

## **F. Age and condition of housing and lead-based paint hazards**

Concord has a total of 6,636 housing units at this time. In keeping with its history as one of the oldest communities in Massachusetts, over 28% of these units were constructed prior to 1940. Most of Concord's housing was constructed in the post WWII period with 22% of the existing housing stock built between 1950 and 1960 and a further 26% between 1960 and 1980. Barely 10% of Concord's current housing stock has been constructed since 2000. In comparison, approximately 75% of Concord's housing stock was constructed prior to 1978. Age is not necessarily a determinant of housing condition, however, and Concord's housing stock is generally considered to be in good or better condition.

Despite the age of the majority of its buildings and the likelihood that lead paint has been used in them over time, Concord has had no known incidences of lead poisoning among its residents. The Massachusetts Department of Public Health's Childhood Lead Poisoning Prevention Program does not consider Concord to be a high-risk community.

## **G. Families with Children**

In 2010, Concord had 6,253 households which is an increase of nearly 5% over the number of households recorded in 2000. However, the average household size actually decreased in this same time period from 2.62 people in 2000 to 2.56 people in 2010. Families made up nearly 70% of Concord's households in 2010 and their average size was 3.14 people. This figure includes both married-couple families (63%) and other families (7%). Of other families, 5% were female householder families with no husband present and their own children under 18 years of age. In 2010, Concord also had a higher percentage of households with one or more people aged 65 years and over (38%) than those with one or more people under the age of 18 (33%).

As of 2010, 74% of Concord's 6,636 housing units had three or more bedrooms. Another 17% of the housing units had at least two bedrooms and only 9% are recorded as having one or fewer bedrooms. Housing tenure information states that 6,197 of these units were occupied in 2010. At that time, 80% were noted to be owner-occupied units and the remaining 20% to be rental units. This information suggests that there is certainly no shortage of available, adequately sized housing units for families in Concord, although the data provides no information on the related housing costs of these units or their levels of affordability.

## **H. Recipients of Public Assistance**

4% of Concord's residents and 1.7% of its families live in poverty. A total of 4% of Concord residents receive some form of public assistance including supplemental Social Security, cash public assistance payments, or Food Stamps/SNAP benefits. More specifically, 2% of those 65 or older; 5.5% of those under the age of 18; and nearly 8% of single parent (female) households are listed as living in poverty as of 2011.

## **4) Public Sector**

### **A. Zoning, land use and permitting**

Massachusetts General Laws Chapter 40A is the enabling legislation which provides the underlying structure for Concord's local zoning regulations. With the adoption of zoning in Concord in 1928, the Town's regulations have sought to preserve and reinforce Concord's agrarian character by focusing primarily on low density residential development in all but the most centrally located transportation and commercial hubs. Concord's first zoning bylaw followed the existing pattern of development and included four districts - industrial, business, general residence, and single residence. Over 75% of the Town's land area was zoned as single residence. General residence areas, which presumably allowed more diversity in housing density and design, were confined to those areas immediately adjacent to Concord's business and industrial zones where public services, transportation and infrastructure were more readily available.

In the 85 years since the first Zoning Bylaw was adopted, the Town has amended its zoning numerous times but has maintained its early goals of containing denser development near its main arteries and commercial centers. Concord now has 26 zoning districts under five major classes: residential, commercial, medical-professional, industrial and bypass; and four overlay districts: Floodplain Conservancy, Groundwater Conservancy, Public Service Corporation and Personal Wireless Communications Facility. Although more intricate in its construction, today's Zoning Bylaw is still characterized by the same focus on following the patterns of historic land uses.

Of Concord's four residential zoning districts, Residence AA has the largest minimum lot area (80,000 s.f.) and includes the largest overall land area, which encompasses large single-family properties as well as agricultural lands and other protected open spaces in the northern-most and southern-most areas of Concord. Concord's next largest residential district, Residence A (lot area of 40,000 s.f.), creates a buffer zone between the low density Residence AA District and the Residence B (lot area 20,000 s.f.) District. While the minimum lot size requirement in Residence A is only half of what is required in Residence AA, it still provides for a very open and low density landscape. The

Residence B District is located along the major east-west thoroughfare in Concord - Route 62/Main St.; and the Residence C District (lot area of 10,000 s.f.) is located around the two commercial areas and transportation hubs of Concord Center/Thoreau St. Depot area and West Concord Center.

Concord's status as a highly desirable community to live in makes any large properties in the Residence AA and A Districts expensive to acquire, and the majority of the houses constructed in these districts are substantial single-family homes which provide the best economic return with the least regulatory review. These homes are generally far beyond what is affordable to low or moderate income households or those entering the housing market for the first time. As a result, the majority of Concord's affordable housing and first time homebuyer opportunities are centered in its denser zoning districts. As noted above, Residence B District is characterized by Concord's most traveled roadway and requires a minimum lot size of 20,000 s.f. While still half an acre, these lots allow for smaller structures at a closer proximity to work and transportation centers. Residence C Zones are located in Concord's oldest and most closely developed neighborhoods directly adjacent to its historic village centers in Concord Center and West Concord and surrounding its significant former transportation hubs (Thoreau Street and West Concord Junction) and employers (Concord Reformatory, Bradford Mill, Warner Mill, and Damon Mill).

Following WWII, the production of small and moderate sized homes in Concord increased rapidly as families left more urban environments for the schools, space and perceived family-friendly benefits of the suburbs. The construction of Route 128 and further development of Route 2 made Concord easily accessible by car and its two stops on the MBTA commuter line provided access directly to downtown Cambridge and Boston. These amenities, along with the community's efforts to preserve its pastoral landscapes and small town character, which began in earnest in the 1960's, had the perhaps unintended effect of elevating property values to a point where it is now difficult for moderate and low income households to enter the community. During the mansionization trend of the last decade, many of the small post-WWII residences which served as "starter houses" in the past have been demolished and replaced by significantly larger homes which take advantage of the increasing property values. The median value of a Concord home in 2012 was \$677,900 and at the time of this report, only seven houses were available for sale for less than \$500,000.

The Town has recognized a need to strike a balance between preserving its rural character and retaining diversity in the community and housing stock, and has worked over the last few decades to correct existing imbalances. Although no residential zone

in Concord allows multi-family housing by-right, it can be developed by Special Permit in each of the four residential zones. Concord's Zoning Bylaw allows Planned Residential Development (PRD) projects to increase the number of units in a development beyond the allowable basic density if 10% of the units are available at some level of affordability. Most affordable units in Concord, though, are actually created through the Special PRD process which allows the Town or another local non-profit housing entity to develop properties with additional density so long as 75% of the units are made affordable. This process has been used to establish 96 affordable housing units for rent and ownership since 1987. Examples of these units include eleven units in the renovated Emerson Annex, a former municipal building (ten affordable); a twelve unit development at Elm Brook Lane (all units below market rate for a range of incomes from 80% of median up to 140% of median) in 2002; a five unit completely affordable housing development completed in 2009 and, most recently, Lalli Woods, an eight unit housing development constructed in 2010 in which six of the units are affordable.

Concord's Zoning Bylaw also allows Residential Cluster Development by Special Permit in all of the residential districts and most of the business districts; the provisions of the Residential Cluster Development allow for more compact development of single-family dwellings on larger tracts of land. It also allows for greater density and a reduction in open space requirements in return for donating a lot(s) to the Town for affordable housing. However, this form of development is not often used and no lots have been donated to the Town.

Outside of the residential districts, most of the business districts as well as the medical-professional district allow single-family dwellings by-right but again, multi-family dwellings are allowed only by Special Permit. Both the Business and Industrial Districts have been identified as potential locations for mixed uses that include a residential component because of their proximity to public transportation and community amenities. The Town revised its zoning regulation in 2006 to require that 20% of the housing units created through these combined business/residential uses be affordable. In addition, 20% of the housing units created by Special Permit in combined industrial/business/residential use projects must be affordable (or 10% of the units if 10% of the industrial space is leased at an affordable rate as well). There is a proposal currently being reviewed by Town boards that could add 8 units of affordable housing as part of a 74 unit combined industrial/business/residential redevelopment project in West Concord.

The State's Chapter 40B program has been used in several developments in Concord to create primarily rental mixed income housing. The most recently completed project

under this program is a 350 unit rental project known as the Concord Mews where 88 units have been made available to households at or below 80% AMI. The development has allowed Concord to reach its Chapter 40B minimum affordable housing requirement this year with 10.32% of its existing housing units now listed in the Subsidized Housing Inventory (SHI). The Town has realized, however, that there continues to be a strong need for diverse and affordable housing options despite having reached this goal. The Town continues to encourage the development of new housing opportunities, and is presently working with a local developer to gain approval of a “friendly” 40B project through the Local Initiative Program that will create at least two new affordable homeownership units.

In terms of site selection, Concord’s zoning classifications and traditions encourage construction of additional housing units near its village centers where transportation, infrastructure, commercial and municipal resources are readily available. The Town has worked with the Concord Housing Authority to fully renovate a former congregate style senior housing facility at the Peter Bulkeley Terrace into 24 studio and one bedroom units and to develop housing for households that have family members with disabilities on formerly Town-owned land. Lastly, at the 2008 Town Meeting, Concord voted to consult with housing advocacy groups at the start of all land acquisition discussions when Town funds will be used. This practice has made affordable housing a part of the discussion in every Town land acquisition project.

In addition, the Town of Concord’s Subdivision Rules and Regulations contain a provision for the reservation of land for housing purposes for all new residential subdivisions that are developed on a tract that is at least five times the required lot area in the underlying zoning district. This requirement is met either by the designation of a lot(s) in that development, or in lieu of that option, in the form of a contribution of land in another location, housing and/or money to the Town or its designee.

Because Concord’s existing sewer system services only one-third of the Town’s land area, many new housing projects require on-site septic systems which must be reviewed and approved by the Health Division as part of the permitting process. This limitation on sewer access and the requirements for locating suitable septic systems for multi-unit developments can impact the proposed location, size and design of developments in Concord.

Concord does not have its own building code but utilizes the 8th Edition of the Massachusetts State Building code for one and two family dwellings, multi-family dwellings, and Commercial Buildings. Concord relies on the State Building Code to address all applicable general health and safety requirements. Concord previously had

separate legislation in regards to the requirement that sprinkler systems be installed in any construction larger than a two family home, but now relies on the State Fire Code in regards to these provisions.

The Town of Concord also adopted the Appendix to the International Energy Code, known as the “Stretch Code”, at the 2010 Town Meeting. This Code places more stringent requirements for energy efficiency on all construction projects and has the potential to increase the cost of development, but hopefully benefits future property owners in terms of energy savings and lower utility bills. These energy requirements are intended to be automatically updated every three years and are projected to increase construction costs by up to 20% in its next iteration. Further, project reviews under this Code require the project developer to hire an outside contractor to oversee the Code requirements, also adding to the cost of construction.

The Massachusetts Architectural Access Board regulations are part of the State Building Code and are enforced in all new construction, alterations/remodeling and change of use projects in public buildings and in some multi-family dwellings. The Concord Building Inspections staff works directly with contractors and property owners to review when these regulations apply, how the construction may need to be altered to meet any accessibility requirements, and if necessary, the process for requesting a variance from the Architectural Access Board. It should be noted that these accessibility requirements do not normally apply to single family homes.

Although its Bylaw generally supports only the by-right construction of single family homes, Concord’s record of Special Permit approvals shows support within the community for a variety of housing options, the majority of which are multi-unit developments with a mix of units sizes (generally one to three bedroom), a percentage of which are made available at affordable levels. Concord recognizes the need for affordable housing both at State recognized levels (80% AMI) and at higher levels which reflect the gaps in housing availability within the community due to the high cost of land and the desirability of its existing housing. Local initiatives have allowed the Town to create additional housing units for households earning up to 140% AMI to meet this recognized need. In each case, the level of affordability and the size of the units are determined by collaboration between the developer, the Planning Division and the local affordable housing community.

Concord has long recognized the need to provide affordable housing options for both existing and new residents and has incorporated these goals in numerous plans and Town documents. The Town’s 2005 Comprehensive Long Range Plan includes a section on Housing which notes the economic constraints, challenges and opportunities for

affordable housing in Concord. The result of this research was the creation of a list of goals and objectives for housing in Concord, the first goal of which is to “Increase the variety of housing types to meet the needs of Concord’s diverse population.” (Goal H-1, Page 61) Other goals and objectives support diversity in housing types and populations by proposing to “Expand opportunities and eliminate obstacles to enable elderly residents and persons with disabilities to live in Concord” (Objective H-2.1, Page 63), to “Provide fair housing opportunities in all marketing efforts” (Action H-2.2.4, Page 64), and to “Incorporate affordable housing throughout the Town to encourage mixed-income developments and avoid concentrations in any one area” (Objective H-3.3, Page 65).

Concord passed the Community Preservation Act in 2004. The Community Preservation Plan directly addresses and supports the creation of affordable housing, including a section on Community Housing needs within Concord which draws from existing Planning documents and input from the local housing community to develop a framework for the review of all CPA funding applications in this category. To date, approximately 26% of the total CPA funds received by Concord have gone towards the support of Community Housing, including a \$1 million grant allocation to support the preservation of elderly and disabled adult housing facilities at the Peter Bulkeley Terrace.

Lastly, Concord completed a thorough update to its Housing Production Plan in 2010 which included a housing needs assessment, an online questionnaire, and a public workshop. The resulting document includes both an analysis of the challenges faced in developing affordable housing in Concord as well as a list of identified affordable housing goals and implementation strategies. The first two goals of the document – Goal 1 “To preserve existing small homes and retain existing low-income households throughout Town” and Goal 2 to “Increase diversity of housing options through compact development” speak directly towards increasing the diversity of the housing stock.

Nearly all of Concord’s existing planning documents speak directly to the need for more diverse housing options and opportunities but few, if any, specifically address the question of the diversity in the population served. The exception to this is that several of these documents note the need to provide housing development specifically available to Concord’s elderly and disabled residents. The Housing Production Plan’s Goal 4 to “Create homeownership opportunities throughout Town for new homebuyers and eligible households” also begins to address the need to reach beyond the existing community and develop opportunities for those who might not otherwise be able to

purchase housing in Concord. Further definitions for this goal and strategies for how it could be reached are still necessary.

## **B. Public Policies**

### **i. Housing and other policies.**

Housing and other policies affect the location and accessibility of affordable housing opportunities in Concord primarily through two state level policies: the Comprehensive Permit Law also known as Chapter 40B, and the Massachusetts Department of Housing and Community Development's Qualified Allocation Plan.

Chapter 40B is a statewide inclusionary zoning law that allows developers to propose housing projects that are denser than would otherwise be allowed under the local zoning bylaw if they provide at least 20% of the units at a rent or sales price affordable to families at or below 50% of median income, or 25% of the units at a rent or sales price affordable to families at or below 80% of median income. In Concord, it is possible that the density bonus alone is enough to build a mixed-income development without the need for additional subsidy funds. In municipalities that have not yet met the State's goal of 10% affordable housing as defined by Chapter 40B, any developer of a 40B project who has been denied a Comprehensive Permit or had one approved with onerous conditions may appeal the decision to the State Housing Appeals Committee. If a municipality has met this 10% State goal, then its Zoning Board of Appeals decisions can be considered final. Local control is a hallmark of New England municipal governance; therefore, meeting the 10% goal is an incentive to granting permits for projects that include affordable units. The Town of Concord has issued Comprehensive Permits under Chapter 40B and inclusionary permits under local zoning that have resulted in the Town exceeding the 10% SHI goal.

The Qualified Allocation Plan (QAP) is the document that governs the allocation of the largest housing subsidy program, the federal Low Income Housing Tax Credit Program. In Massachusetts, the QAP also affects the allocation of HOME and State subsidies that are used to develop hundreds of affordable housing units per year. The QAP explicitly encourages development in Concord by listing one of its four funding priorities as "Family housing production in neighborhoods and communities that provide access to opportunities, including, but not limited to, jobs, transportation, education, and public amenities." The Town of Concord is considered to be such a community as it is centrally located with access to public transportation, an excellent school system, local and State owned natural and

recreational areas, and numerous community programs. The QAP lays out a point-based competitive system. The Town of Concord is favored in two important categories. First, marketing represents up to 20 of the 100 points available under the Fundamental Project Characteristic scoring. Since the differential between restricted rents and the prevailing market rate is the main driver of this scoring, Concord is expected to score well. Second, location in an Area of Opportunity represents up to 14 of the 82 available points under the Special Project Characteristics scoring. As the strength of the local school system and the proximity to jobs, higher education and health care are the factors to be considered, Concord is also anticipated to score well in this section. At present, Concord has no tax credit or other similar projects currently planned for or underway.

The tenant selection policy in effect for both the Comprehensive Permit Law and any State-subsidized developments is a key public policy that furthers fair housing in Massachusetts. Affordable units are first made available in a lottery system. Massachusetts allows up to 70% of affordable units to have local preference; hence there are two pools of applicants: local and non-local. However, Massachusetts has a broad definition of local that includes persons who work in a municipality and those who have a child attending public school in the community through the METCO program, a voluntary school integration program where minority children from Boston are bused to suburban school districts. Lastly, if the local pool is still less than the proscribed percentage after minority workers and METCO families are added in, a lottery is held among any non-local minorities. The lottery chosen households are then added to the local pool until it matches the percentage of the minority population in the metropolitan area. In Concord's most recent lottery for the affordable housing development at Lalli Woods, fourteen applications were received for the six available affordable units. Eleven of the fourteen applications received were approved as qualified for affordable housing. Of those fourteen, only one was identified as local and the majority of applicants were residents of other communities in the greater Boston metro area. Three of the eleven qualified applications were from minority applicants.

The location of affordable housing is also directly affected by the location of government-owned land and the willingness of private land owners to sell their land at a price which allows for non-profit or municipal purchase. There is relatively little developable privately-owned land in close proximity to transportation and other services in Concord, and any land purchase in Concord is expensive. Therefore, many affordable development opportunities are a function

of the availability of surplus government land that might be repurposed to housing. One example of this is found in Concord, where the State recently transferred an 11 acre site adjacent to a State prison to a locally-controlled non-profit for the purpose of developing affordable housing. More examples of this can also be found in neighboring communities: in Lexington, additional units were added to an existing public housing development and in Bedford, a surplus Veterans Administration hospital building is being converted into permanent housing for formerly homeless veterans. Additional opportunities may be available in Concord on existing public housing land, or at Hanscom Air Force Base.

ii. Property tax policies

In Concord, there is one tax rate for all property – both residential and commercial. This approach is race and income neutral. It is worth noting that the formula used to calculate an affordable sales price under the Comprehensive Permit Law takes real estate taxes into consideration such that the total housing cost to the buyer for a given house size will be the same throughout the metropolitan area. If a town has a high tax rate, the price will be adjusted down and vice-versa.

**C. Municipal Programs and Other Services**

i. Affordable Housing Programs

The Town of Concord has a number of programs in place to further affordable housing goals and assist low income residents within the community. As noted previously, the Concord Housing Development Corporation (CHDC) was established in 2007 as a separate entity charged with creating, supporting and preserving affordable housing in Concord. As a separate, non-governmental organization, the CHDC can independently seek out properties for development as affordable housing. Additionally, the CHDC recently implemented a Small Grants Program for home and safety repairs of up to \$3,000 for income eligible households with properties at or below the Town's median property assessment of \$677,900. The program uses only the Corporation's own funds and no State or Federal funding is involved. Marketing of the program includes notices on the Town's website and in local papers, and copies of applications and program materials have been circulated with the Community Services Coordinator and Council on Aging. Assistance is available to all in completing the applications. While one of the intents of this program is to provide for repairs that will allow older and disabled residents to remain in their homes, the program is open to all

income eligible Concord residents and funds can be requested to complete any health and safety improvements (including deleading) which allow individuals of all ages to live safely in Concord.

Other programs include Concord's Hugh Cargill Trust, which was established over 200 years ago to provide temporary, emergency financial assistance for Concord residents. A Committee working on behalf of Concord's Selectmen continues to oversee this account, most commonly awarding confidential assistance to help residents with utility bills, rents, medical bills and insurance expenses. Another group, the Concord-Carlisle Community Chest, provides assistance to residents and in 2007 funded a grant to hire a Community Services Coordinator who assists as a point of contact for many of Concord's assistance programs. Concord's Council on Aging, a Town supported agency, provides programs and assistance to Concord's senior citizen population, including assistance in learning about new aid programs and completing any necessary applications. Lastly, the Town has a Tax Abatement and assistance program for low income residents over the age of 70.

Concord is also a founding member of the Regional Housing Services Office Program (RHSO). In addition to assisting the Town in monitoring existing and developing new affordable housing projects, the RHSO assists the Town in ensuring that all housing discrimination laws are followed and that appropriate action is taken when necessary to rectify issues.

- ii. Sale of subsidized housing and displacement of low-income or minority residents (e.g. sale of expiring use projects)

The Town of Concord is committed to maintaining its existing affordable housing inventory and is directly involved with the resale of affordable housing units to ensure their continued affordability. Concord staff has worked in coordination with the Concord Housing Development Corporation to rescue units at the Emerson Annex development that have deeds which no longer preserve their affordability. Through its membership with the RHSO, Concord has a complete list of its affordable units and their terms of affordability to assist with this process.

- iii. Analysis of local housing authority's unit occupancy and waitlist demographics and other assisted housing provider's tenant selection plans and efficacy in administering housing vouchers and/or expanding affordable housing

The Concord Housing Authority (CHA) participates in the Massachusetts Section 8 Housing Choice Voucher Program's Centralized Waiting List and Application process which was established on January 6, 2003 in accordance with provisions

contained in the United States Housing Act of 1937, as amended. The CHA assists 85 families with Housing Choice Vouchers through this program. The CHA reports that only 5% of its Elderly residents are minority residents but that 43% of the families in State housing and 30% of those in Federal housing are minority residents. The CHA further reports that minority tenants have most often reported two reasons for not wishing to live in Concord – the lack of an ethnic community here in comparison to the resources of more urban environments, and the lack of transportation options for those without access to cars.

Additionally, the tenant selection and marketing plans for all housing developments in Concord are reviewed by the Town’s Planning Division with assistance from the RHSO’s professional housing staff. Developers are required to hire professional outside assistance from qualified affordable housing programs or consultants to write and implement the marketing plans. DHCD reviews and approves the plans for all 40B projects before marketing begins. The lottery process noted above for Lalli Woods was completed by Beth Rust of the Regional Housing Services Office. Current work to complete an approved marketing plan for the development at 506 Old Bedford Road is underway with the Chelmsford Housing Authority.

iv. Language or Cultural Barriers.

The Concord Public School System and Concord-Carlisle Regional High School have an ESL program to work with students whose first language is not English. Concord’s Free Public Library also hosts English Conversation Classes for ESL students once a week and makes Available Assistive Technology equipment available on request. Concord’s Libraries are part of the Minuteman Library Network which has books available in Chinese, Spanish, French, Portuguese and Russian. Concord’s Town House and Town offices also provide translation services on request.

v. Architectural Accessibility.

The Town of Concord’s Building Division reviews all applications for new construction and/or substantial alterations to existing structures to ensure that all applicable State and Federal Accessibility requirements are met. Concord Community Preservation Funds (in conjunction with State and private funds) were recently used to assist the Concord Housing Authority in redeveloping the Peter Bulkeley Terrace, a former school located within easy walking distance to shopping, public transportation and cultural amenities which recently reopened as

24 units of senior and disabled adult housing. The building and new units are now fully accessible as part of this work and Concord expects to use HOME funding to restore and make accessibility improvements to another Concord Housing Authority project on Thoreau Street. Further, Concord's Public Works Department has an ongoing program to replace existing curb cuts which do not meet ADA requirements and install new accessible curb ramps as needed. This program will replace and/or construct new accessible curb ramps at 8-10 locations in Concord this summer.

## **5) Private Sector**

According to the real estate site Trulia, the median sale price in Middlesex County is \$399,900. Property values in Middlesex County were higher than that of Massachusetts as a whole, and Concord's median sales price is higher than the Middlesex County median at \$645,500. As the Town's median income is commensurate with the sale prices of its real estate, Concord has a competitive banking/lending sector. The high prices for market homes, though, can have a positive impact on lenders of affordable homes. When the differential between the restricted sale price and the market price is high, lenders are assured that they will be made whole in the case of foreclosure and that the unit can be resold to another affordable buyer relatively quickly.

There is no information that points to discrimination of lending practices to minority households in Concord. The tables below are excerpted from the 'Changing Patterns' report from 2011, published by the Massachusetts Community and Banking Council. Concord has a lower minority denial rate than Middlesex County as a whole. In fact none of the few loan applications made to Asian, Black or Latino households were denied.

**SUPPLEMENTAL TABLE 3**  
**Total & Gov't-Backed Loans (GBLs) to Black, Latino, & White Borrowers in All Cities & Towns**  
**in Massachusetts,\* First-Lien REFINANCE Loans for Owner-Occupied Homes, 2011**

	Black Borrowers			Latino Borrowers			White Borrowers			GBL Share Disparity Ratios	
	All Loans #	Gov't-Backed Loans	% GBLs	All Loans #	Gov't-Backed Loans	% GBLs	All Loans	Gov't-Backed Loans	% GBLs	Black/White	Latino/White
Chs/Gos/Hnt/Westh/Wmsb*			na	1		0.0%	143	10	7.0%	na	0.00
Cum/Midfld/Plnfd/Worth*			na			na	46	3	6.5%	na	na
<b>Middlesex County</b>	291	37	12.7%	544	53	9.7%	28,913	1,060	3.7%	3.47	2.66
<b>Concord</b>	1	0	0.0%	2	1	50%	156	7	4.5%	0.0	11.14

**SUPPLEMENTAL TABLE 4**  
**Denial Rates and Ratios, By Race/Ethnicity, in All Cities & Towns in Massachusetts**  
**First-Lien HOME-PURCHASE Loans for Owner-Occupied Homes, 2011**

	Applications				Denial Rate				Denial Rate Ratio		
	Asians	Blacks	Latinos	Whites	Asians	Blacks	Latinos	Whites	Asian/White	Black/White	Latino/White
<b>Middlesex County</b>	1,879	280	492	10,511	0	19.6%	14.4%	8.0%	1	2.47	1.81
<b>Concord</b>	8	2	1	174	0.0%	0.0%	0.0%	5.7%	0	0	0

## 6) Public/Private Sector

### A. Housing and Areas of Opportunity

In 2009, the Kirwan Institute for the Study of Race & Ethnicity completed a study of the Communities of Opportunity in Massachusetts. The study's premise is that the neighborhood and environment in which an individual lives has as much or more impact on their future opportunities, and ultimately their success, as the inhabitants of their individual homes. High quality educational systems, healthy and safe neighborhood environments, sustainable employment, political empowerment, easy access to transportation routes, and outlets for wealth-building are all considered to be essential opportunities necessary for individuals to succeed. The study found that when affordable housing developments are included within, or allowed easy access to, these areas of opportunity, the corresponding likelihood that an individual living in that housing will reach their full development potential increases dramatically. The study also concluded that the largest minority population in Massachusetts lives in Boston, an area of low opportunity, while the western suburbs of Middlesex County are consistent areas of Very High Opportunity. Concord is considered to be a community of Very High Opportunity for its highly regarded school system; easy transportation access to major commuter routes and two MBTA stations; strong housing market; safe and healthy family focused neighborhoods; and recreational opportunities. The following map illustrates the Communities of Opportunity in the Greater Boston Area.

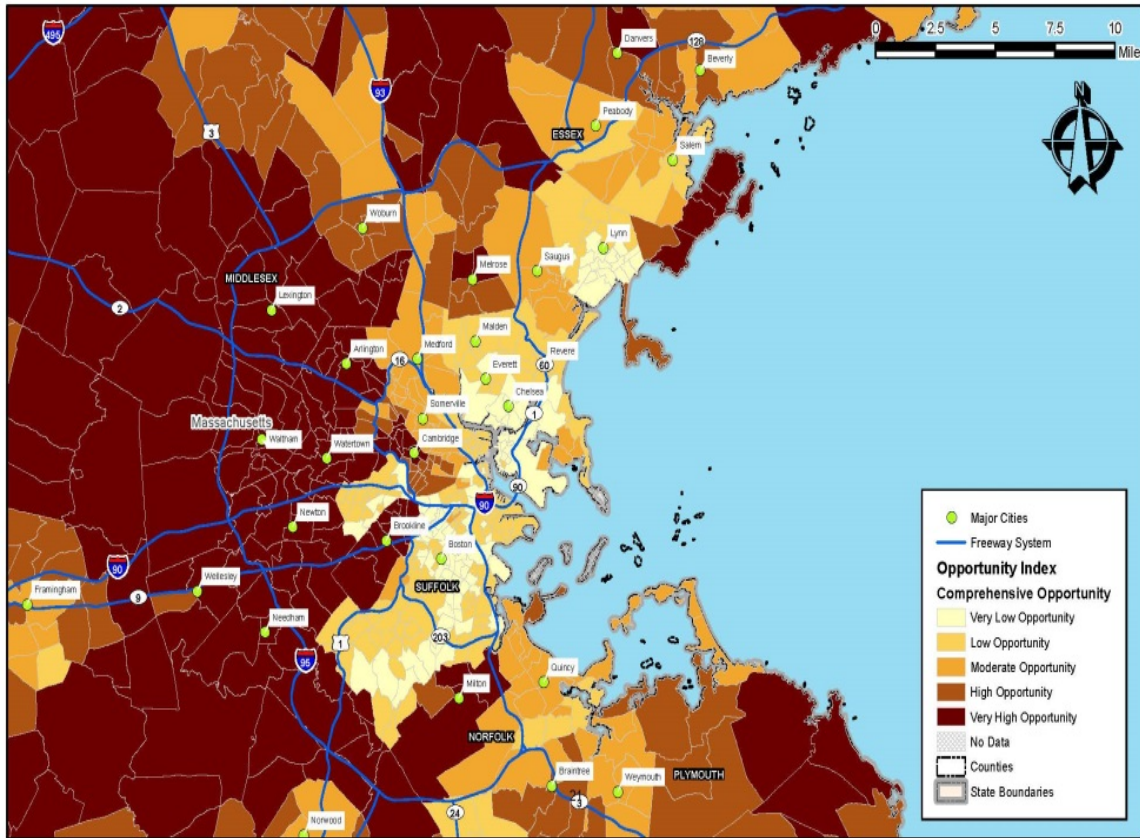
# Map 1A: Comprehensive Opportunity Map

## GREATER BOSTON



This map displays the spatial pattern of distribution of opportunity based on Education, Economic & Mobility, and Housing & Neighborhood indicators

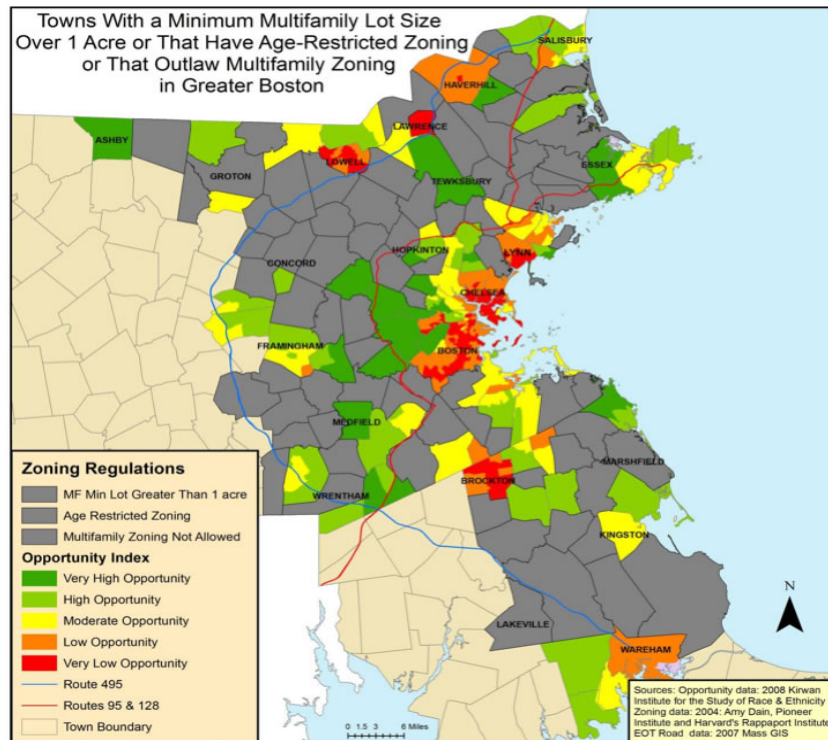
Source: US Census 2000; County Business Pattern; ESRI; EPA; Massachusetts Department of Education; MA State Police Date: July 17, 2008



Concord is also consistent with a second Middlesex County trend of having low populations of minority households within its member communities. This trend can be traced back to the 20<sup>th</sup> century development trends and housing policies of Eastern Massachusetts. The **Fair Housing Center of Greater Boston (FHCGB)** has prepared some material on housing policies in Eastern Massachusetts since 1900. They acknowledge that at the turn of the century, racial discrimination was once an explicit part of housing laws, regulations, and practices, creating unequal access to opportunity. While the laws have changed, the impact of decades of institutionalized discrimination continues to have an effect today.

Their materials discuss the disparate impact of local land use regulations. Specifically, they point to the development of the suburbs via the construction of Route 128 that magnified the effects of segregation by increasing the physical separation between

whites and people of color. Municipalities responded to the subsequent in-migration of jobs and people to the suburbs by enacting rigid zoning ordinances.



Zoning regulations were created to control density, protect open space, and subsequently artificially inflated housing prices. Strict zoning restrictions are still in use today and have a disparate impact on African Americans and Latinos and in particular family households, because they limit affordability and the number of rental multifamily housing opportunities.

The FHCGB cites specific zoning policies that impact segregation to include restrictions of multi-family zoning, the impact of special permits, age-restricted housing, minimum lot sizes and local preferences.

## B. Housing Affordability / Economic factors

Concord's principal barriers to affordable housing opportunity are the high price of its existing real estate, the lack of zoning provisions for by-right multi-family housing options, and the value the community has placed on agricultural land and farms. Concord is a popular, primarily residential community with a median home price of \$677,900. With 30% of its existing land area permanently protected open space (by federal, state, municipal and private entities) and 35% of the land developed, the remaining land that is available is generally sold at a premium or is valued for its agricultural potential. Agriculture remains a valued land use in the community and

there is active support for Concord’s existing farms. These housing and economic factors are discussed in further detail, along with potential strategies and actions for resolving them, in both the Comprehensive Long Range Plan and the Concord Housing Production Plan.

**C. Fair Housing Enforcement**

- i. Are there mechanisms that assure civil rights compliance in municipal functions and among the community’s grantees?

Concord’s Administrative Policies and Procedures (APP) provide clear and specific guidance to Town officials, employees, and residents on a wide variety of issues. Four of these Policies address civil rights compliance – APP#5 “Municipal Grievance Procedures Relating to the Americans with Disabilities Act,” APP#41 “Employment and Services for Disabled Persons,” APP#42 “HIPAA Privacy Policy,” and APP#58 “Equal Opportunity Employment Statement of Policy.” APP#5 also names Concord’s Deputy Town Manager Doug Meagher as the ADA Coordinator for the Town.

- ii. Identify enforcement agencies and fair housing complaints filed with these agencies and their outcomes

One complaint was filed with the Massachusetts Commission Against Discrimination (MCAD) during the last year. The Concord resident is living in an affordable unit and believes that she is being discriminated against by her condominium board. The Town of Concord has yet to receive any further notice on this issue before the MCAD. However, the resident had also reached out to the Town’s Community Services Coordinator Aileen Buford, who acted on behalf of the resident to bring the issue to the attention of the Town Manager and Planning Director. Planning Director Marcia Rasmussen has since been in contact with both parties, requesting documentation from the condominium association and has suggested the use of mediation to resolve the issue. The Town continues to work with both parties to resolve the outstanding issues which led to the complaint.

- iii. Evaluation of Current Fair Housing Status.

The Town of Concord has not received any fair housing complaints and is not aware of any such complaints having been submitted to an outside agency.

- iv. Assessment of public and private fair housing programs and activities conducted in the community

The citizens of Concord have consistently supported the development of affordable housing through both public and private endeavors. The Town has also been supportive of efforts promote awareness and education for Concord employees and residents on fair housing and housing discrimination issues. Town Meeting has supported amendments to the Zoning Bylaws which provide incentives for the development of affordable units and the use of Community Preservation Act funds towards that purpose. The Town has supported both the construction of low income housing which meets the requirements of the Subsidized Housing Inventory, allowing Concord to exceed the 10% SHI goal, as well as the construction of moderate income housing under local programs. As of May 2013, Concord is at 10.32% SHI, exceeding the 10% goal by 21 units. Concord also has an active community of private citizens working and advocating for affordable housing opportunities. The Concord Housing Foundation is a private, non-profit organization established to advocate for and raise funds to supplement the construction of affordable housing or provide for a greater subsidy of units in a development. This organization championed the inclusion of affordable housing interests in the discussion of any Town land acquisitions, a measure that was passed by Town Meeting in 2008.

- v. Others: Bias and prejudice - have there been any hate crimes reported by the police department against members of protected classes?

Concord is a member of Communities for Restorative Justice. This largely volunteer organization works directly with the Police Department to bring victims, offenders, and their families together in a safe environment which allows for accountability and encourages community support for those impacted. No hate crimes have been reported in Concord in recent memory.

## **7) Conclusion and Recommendations**

The Town of Concord is a community of Very High Opportunity which is desirable for its good schools, easily accessible location, and variety of community and recreational opportunities. An abundance of open space and protected waterways have further limited the amount of developable land in the community, and what developable land there is then sells at a premium. As a result, Concord is a community of primarily high income families with a correspondingly low population of low and moderate households or households covered under the fair housing act. Despite having made significant strides in recent years to increase the availability of affordable housing marketed to a diverse population, Concord continues to struggle with these issues.

This section further iterates the impediments noted in the executive summary at the beginning of this report, and identifies specific action items to address them. These action items will be completed through the overall housing program agenda, and completion targets and status will be reported through the Annual Consolidated Plan and CAPER reporting process.

**Impediment 1:** The high cost of the existing housing stock and the shortage of affordable, developable land in Concord

**Actions:** Work with existing affordable housing organizations and programs to encourage the development of all types of affordable housing in Concord and the preservation of existing affordable units.

- Work with the Concord Housing Development Corporation to complete the acquisition and development of available State lands in West Concord.
- As units become available for resale at the Emerson Annex building, use existing Housing and Community Preservation Act funding to restore the affordability of the units and establish new affordable housing restrictions.
- Using the Small Grants Program, work with low and moderate level homeowners to make necessary safety and other improvements to their existing housing.
- Utilize Community Preservation Act funds to create and develop new affordable housing opportunities.
- Utilize HOME funds to rehabilitate and improve the accessibility of existing affordable housing units.
- Support the work of the Concord Housing Authority and of the Concord Housing Development Corporation wherever possible.

**Impediment 2:** Zoning, building and land use policies limit the availability of land on which to develop affordable housing.

**Action:** Continue and further develop the incentive programs provided in Concord's Zoning Bylaw and encourage the development of programs which aid affordable housing development.

- Encourage the development of Planned Residential Developments (PRD), Special PRDs, and Residential Cluster Developments to provide additional affordable units dispersed widely throughout the community.

- Consider the development of new Smart Growth legislation and other models for developing housing within the community.
- Encourage mixed use developments which provide some affordable housing at close proximity to transportation and community services.
- Provide guidance and assistance to existing affordable housing homeowners and potential developers in identifying energy efficiency training and incentive programs to defray the cost of new construction and equipment, as well as reduce overall housing costs.
- Support efforts to increase educational opportunities, outreach and dialogue around housing discrimination, disparate impact and/or fair housing resources.

**Impediment 3:** Further development in Concord is limited by Concord’s existing water and sewer infrastructure and its current lack of additional capacity.

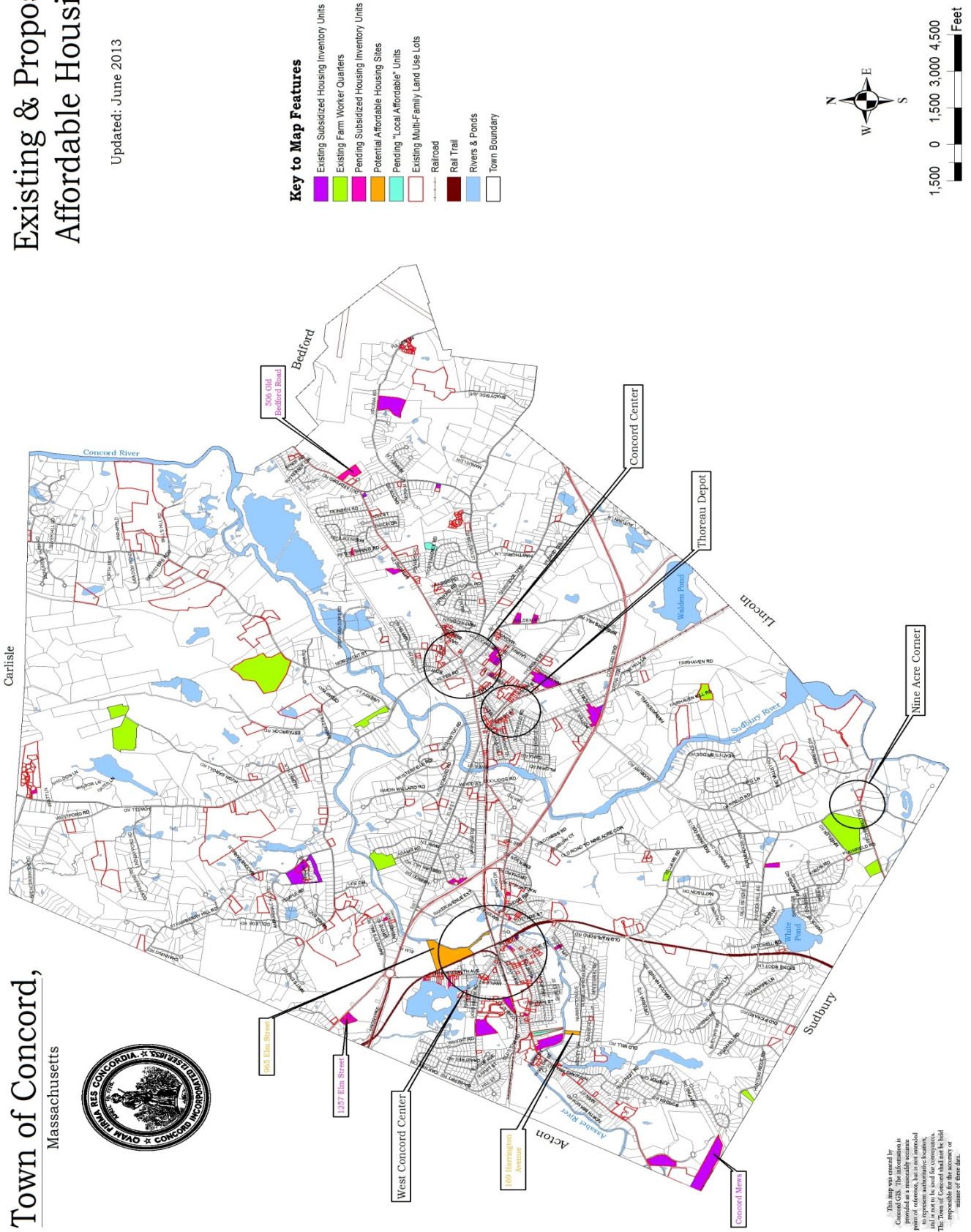
**Action 3:** Continue efforts to address the existing problem through a multi-pronged approach.

- Seek State and Federal approvals to increase the capacity of the existing waste water treatment plant using its current release systems.
- Seek MA DEP approval of groundwater discharge measures as a “relief valve” to address short- and mid-term sewer capacity needs; revise the “capacity allowance model” previously approved by the Public Works Commission.
- Continue efforts to identify and acquire additional land which would be appropriate for the construction of a second waste water treatment facility.

# Appendix A

## Existing & Proposed Affordable Housing

Updated: June 2013



**Town of Concord,**  
Massachusetts



This map was created by Concord GIS. The information is provided as a reasonably accurate representation of the current state of affairs and is not to be used for contracts. The Town of Concord shall not be held responsible for any errors or omissions of these data.