

Technical Assistance for Chapter 40B



MHP's Chapter 40B Technical Assistance Program assists Zoning Boards of Appeals and other relevant municipal boards in the review of Chapter 40B Comprehensive Permit proposals.

Since the inception of this program in 1999, the program has assisted 210 communities in their review of at least 418 proposed developments.

Most communities receiving 40B technical assistance from MHP have successfully negotiated comprehensive permits on terms mutually agreeable to the municipality and the developer.

Program Overview

The Massachusetts Housing Partnership (MHP) provides technical assistance to local Zoning Boards of Appeal (ZBA) in the review of permit applications for Comprehensive Permits pursuant to Chapter 40B of the Massachusetts General Laws ("Chapter 40B") and the regulations promulgated there under at 760 C.M.R. 56.00 (the "Regulations").

The purpose of the MHP Chapter 40B Technical Assistance Program is to assist the Zoning Board of Appeals (ZBA), and other relevant municipal boards, in the review of specific Chapter 40B development proposals. MHP provides awards of up to \$15,000 to municipalities to pay for third-party consultants to work with the ZBA to increase local capacity and to assist in the review and permitting process for Chapter 40B Comprehensive Permit projects.

Application Process

- The applicant contacts the MHP Chapter 40B technical assistance staff at any time to discuss a Chapter 40B development that has been filed or is likely to be filed with the ZBA.
- Applications are accepted by MHP after an initial phone intake.
- An application for technical assistance will only be accepted and reviewed by MHP after the comprehensive permit application has been filed with the ZBA.
- Applicants can request a pre-hearing training on 40B for the Zoning Board and other town staff, boards and committees.
- MHP strongly recommends interested communities contact MHP early in the process to facilitate the engagement of a qualified consultant prior to the start of the first public hearing. MHP reserves the right to reject an application for assistance after the hearing has opened.
- MHP typically completes a review within 10 days of the receipt of a complete of the application and, if approved, sends an award letter to the applicant community.

Consultant Services

- Prior to receiving an award a community must select a consultant from MHP's list of pre-approved Program Consultants.
- Program Consultants are responsible for
 - providing technical assistance to the municipality in understanding the Chapter 40B permitting and review process;

Chapter 40B Technical Assistance Program Guidelines

- assisting in identifying areas needing additional study or technical information; and
- facilitating constructive discussions between the developer and the ZBA.
- The Program Consultant's role in providing comprehensive Chapter 40B technical assistance does not replace the role of the municipality's legal counsel or the ZBA Chair.
- The Program Consultant shall submit invoices directly to MHP for payment. MHP may request authorization for payment from the municipality prior to making a payment to the Program Consultant.

- An award under the Program does not fund or take the place of services that are typically the financial responsibility of the developer, such as peer review for engineering, traffic, architecture and other technical issues eligible for funding under M.G.L. c. 44 Sec. 53G.
- Legal costs for municipal counsel and mediation services are not within the scope of this Program.
- Communities that have achieved 10% on the Subsidized Housing Inventory or that have been certified by EOHLC to have an affordable housing inventory that is at or above 10% or exceeds 1.5% of the land zoned for residential, commercial or industrial use are not eligible for the 40B TA Program.

Uses of Technical Assistance Funds

- MHP Program staff will work with the applicant community to determine the amount of the technical assistance award. A maximum of \$15,000 is available for the first award to a given community with a typical award amount of up to \$10,000 for subsequent requests.
- For communities with multiple simultaneous 40B projects, MHP reserves the right to limit the total amount of funds awarded at any given time to a community.

Contact

To speak to MHP staff about your Chapter 40B project and to request an application for technical assistance, contact **Emma McGurren** at emcgurren@mhp.net or (857) 317-8517.

FY2024 and Overall 40B Technical Assistance Program Awards

