



Local Initiative Program Policy Regarding Restrictions on Children in Age-Restricted 55+ Housing

It is DHCD's longstanding policy, consistent with its obligation to affirmatively further fair housing under the federal Fair Housing Act, to maximize opportunities for families with children in housing that receives DHCD subsidy or program approval. Families with children not only are protected under federal and state civil rights laws, but also face particular barriers in accessing affordable housing across the Commonwealth. It is also longstanding DHCD policy that housing subject to DHCD subsidy or program approval is also subject to DHCD approval of marketing and resident selection procedures.

Accordingly, it has long been DHCD's policy and practice not to approve affordable units under the Local Initiative Program ("LIP"), including Local Action Units ("LAUs"), in age-restricted housing for persons 55 years of age or older ("55+ housing"), if selection or occupancy policies, special permits or other zoning approvals, or underlying zoning would exclude persons 18 years of age or younger from occupying those affordable units.¹ DHCD is restating the policy at this time given the inquiries on the subject.

In submitting an application to LIP for 55+ housing, the following must be submitted to DHCD for review as applicable to the housing:

- Occupancy rules or policies in addition to the LIP required Affirmative Fair Housing Marketing and Resident Selection Plan
- Affordable housing restriction(s) in addition the LIP required Regulatory Agreement and Declaration of Restrictive Covenants
- Condominium documents, including the Master Deed and Declaration of Trust
- Zoning bylaws
- Zoning permit
- Other relevant documents as may be requested by DHCD

¹ Age-restricted housing for persons 55 years of age or older ("55+ housing"), to the extent permitted under federal and state law including the federal Fair Housing Act (42 U.S.C. § 3601 *et seq.*), as amended, and Massachusetts General Laws Chapter 151B, is not required to exclude persons 18 years of age or younger. Nothing in this policy is intended to prohibit compliance with applicable federal and state legal requirements (e.g., the requirement that at least 80% of the occupied units in the housing are occupied by at least one person who is 55 years of age or older).