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10.3 Affordable Housing (will rename to "Inclusionary Housing") 10:33Am lf

10.3.1 Purposes

The purposes of this section are to create housing that is affordable to low- or moderate-income households; ensure a diverse and balanced community, with housing available for households of all income levels as a matter of basic fairness; and provide reasonable cost offsets to developers who provide new affordable units.

10.3.2 Applicability and Density Bonuses

10.3.2.1 This Section 10.3 applies in all districts to any development **whether required by Special Permit or allowed by right**, ~~requiring a special permit~~ for five (5) or more townhouse or multi-family dwelling units. Developments shall not be segmented to avoid compliance with this Section 10.3. "Segmentation" shall mean divisions of land that would cumulatively result in an increase by five (5) or more dwelling units above the number existing on a parcel of land or contiguous parcels in common ownership twenty-four (24) months prior to the date of application. Where such segmentation occurs, it shall be subject to this Section 10.3.

10.3.2.2 This Section 10.3 shall not apply to the rehabilitation or reconstruction of any building or structure that has been substantially destroyed or damaged by fire or other casualty, provided that any such rehabilitation or reconstruction that results in the addition of five (5) or more dwelling units above the number that previously existed on the lot shall be subject to this section.

10.3.2.3 ~~For any other development, The Planning Board may approve up to two additional two (2) market-rate units for each affordable unit provided by the applicant. For example, in a development that would normally be allowed to have ten (10) units under the district's dimensional and density requirements, two (2) shall be affordable units, and in exchange for providing two (2) affordable units, the applicant shall be eligible to request four (4) additional market-rate units, for a combined total of fourteen (14) units in the development. In granting a special permit under this Section 10.3, The Planning Board shall have authority to modify the dimensional and density requirements that apply to the development in order to accommodate the additional units.~~ (moved here from 10.3.3.H.2)

10.3.3 Basic requirements

10.3.3.1 Minimum affordable housing requirement. In any development subject to this Section 10.3, at least one of every five (5) units shall be affordable housing.

10.3.3.2 Affordability standards. Each affordable unit created under this Section 10.3 shall be sold or rented to and occupied by a household with income at or below eight (80) percent of area median income, as determined by the U.S. Department of Housing and Urban Development (HUD).

- 10.3.3.3 Methods of providing affordable housing. Any development subject to this Section 10.3 shall provide affordable housing through one or more of the following methods, or any combination thereof:
- 10.3.3.3.1 On-site units: affordable housing constructed on the same site as the proposed development. This is the preferred method of complying with the inclusionary housing requirement.
- 10.3.3.3.2 Off-site units: affordable housing provided on a different site in the Town of Ayer.
- 10.3.3.3.3 Payment of a fee in lieu of units: in lieu of providing on-site or off-site units, the applicant may make a cash contribution to the Ayer Housing Authority or another public, quasi-public, or non-profit housing development organization approved by the Planning Board. The fee per affordable housing unit shall be 2.5 times the HUD income limit for a qualified household of four persons.
- 10.3.3.4 Location and comparability of affordable units.
- 10.3.3.4.1 On-site units shall be dispersed throughout the buildings and the floors of each building such that no single building or floor therein has a disproportionate percentage of affordable units.
- 10.3.3.4.2 Affordable units, whether on-site or off-site, shall be comparable to market-rate units in exterior building materials and finishes, overall construction quality, energy efficiency, and amenities.
- 10.3.3.5 Development Schedule. On-site and off-site affordable units shall be constructed in proportion to the number of market-rate units in the development. For every five (5) units for which a building permit has been issued, the applicant shall apply for and obtain a building permit for at least one (1) affordable unit, and the affordable unit shall meet the requirements for a certificate of occupancy before any additional building permits shall be issued for market-rate units. For example, if the applicant obtains building permits for four (4) units, the building permit for the fifth unit must be for an affordable unit, and so forth. When the applicant has been approved for a payment in lieu of units, the full payment may be made prior to the issuance of any building permits or paid in equal installments prior to the issuance of each building permit. The Planning Board may approve an alternative production schedule if it determines that such alternative serves the purposes of this Section 10.3.
- 10.3.3.6 Affirmative Marketing. The selection of eligible homebuyers or renters for the affordable units shall be in accordance with an affirmative marketing plan approved by the Planning Board prior to the issuance of any building permits for the development. The affirmative marketing plan shall comply with DHCD regulations and guidelines that are in effect within six (6) months of the date that the affordable units will be ready for occupancy.
- 10.3.3.7 DHCD Requirements. The applicant shall be responsible for preparing and complying with any documentation that may be required by DHCD to approve the affordable units for listing on the Chapter 40B Subsidized Housing Inventory.

~~10.3.3.8 Density Bonus.~~

10.3.3.8.1 For an OSRD, the density bonus for affordable units shall be as set forth in Section 10.1.

10.3.3.8.2 For any other development, the Planning Board may approve up to two additional two (2) market-rate units for each affordable unit provided by the applicant. For example, in a development that would normally be allowed to have ten (10) units under the district's dimensional and density requirements, two (2) shall be affordable units, and in exchange for providing two (2) affordable units, the applicant shall be eligible to request four (4) additional market-rate units, for a combined total of fourteen (14) units in the development. In granting a special permit under this Section 10.3, the Planning Board shall have authority to modify the dimensional and density requirements that apply to the development in order to accommodate the additional units. (Move to 10.3.2 C on page 1)

10.3.3.9 Procedures.

10.3.3.9.1 No building permit shall be issued for a development that is subject to this Section 10.3 unless the Planning Board has granted site plan or OSRD approval. an affordable housing special permit.

10.3.3.9.2 The special permit application shall include the information necessary to demonstrate compliance with all requirements of this Section 10.3:

10.3.3.9.2.1 Computation of the minimum required number of affordable units;

10.3.3.9.2.2 Computation of the density bonus;

10.3.3.9.2.3 A plan showing the proposed location of the affordable units in the development;

10.3.3.9.2.4 A table showing the proposed unit sizes and configurations of all units in the development, demonstrating substantial comparability between the proposed market-rate and affordable units;

10.3.3.9.2.5 The proposed affirmative marketing plan; and

10.3.3.9.2.6 The proposed affordable housing restriction and, for homeownership units, the proposed affordable housing deed rider, which may be DHCD's model deed rider.

10.3.3.10 The special permit application, review, and decision procedures shall be in accordance with Section 3.4.

10.3.3.11 Preservation of Affordability

10.3.3.11.1 Affordable housing units shall be subject to an affordable housing restriction, which shall be in force in perpetuity or for the maximum period allowed by law, and shall be enforceable under the provisions of G.L. c. 184, §§ 31-32.

10.3.3.11.2 No building permit for the development shall be issued unless an affordable housing restriction has been approved by the Planning Board and DHCD.

10.3.3.11.3 For an affordable homeownership unit, no certificate of occupancy shall be issued until the applicant submits documentation acceptable to the Building Inspector that an affordable housing deed rider has been signed by the homebuyer and recorded at the Registry of Deeds.

10.3.4 Affordable Housing Regulations

The Planning Board may adopt rules and regulations in order to administer this Section 10.3. Such rules and regulations shall be on file in the Ayer Planning Department and the office of the Town Clerk.