

# **Town of Yarmouth**

## **Affordable Housing Standards**

February 18, 2010, Revised May 14, 2013 and June 3, 2014

The Yarmouth Community Housing Committee has developed the following standards for affordable housing developments seeking approval by the Town. The intent of this document is to:

1. provide predictability for affordable housing developments that are reviewed by the Community Housing Committee; and
2. ensure that the affordable units created qualify for inclusion in the Town's Ch. 40B Subsidized Housing Inventory and contribute toward the Town's goal of 10% affordable housing in Yarmouth.

For projects seeking a Ch 40B Comprehensive Permit or approval as Local Initiative Program (LIP) Local Action Units (LAU) project proponents should also refer to Massachusetts Comprehensive Permit Law (M.G.L. c. 40B, §§ 20-23), Chapter 40B Regulations ("760 CMR 56.00: Comprehensive Permit: Low or Moderate Income Housing") and the Massachusetts Department of Housing and Community Development (DHCD) "Comprehensive Permit Guidelines" dated May 2013

### **TERM OF AFFORDABILITY**

All affordable units are required to serve households or individuals earning no more than 80% of the Area Median Income as determined annually by the U.S. Department of Housing and Urban Development (HUD) with housing costs totaling no more than 30% of said income. All affordable units are required to be restricted as affordable housing, by a deed rider or a regulatory agreement, in perpetuity or to the longest extent allowable by law. A project proponent may petition the Town to convert an affordable rental project to an affordable homeownership project 15 years after the recording of the original affordable rental housing restriction.

### **PERCENTAGE OF AFFORDABILITY**

Except for age-restricted developments, group homes or assisted living facilities serving disabled individuals or households, developments with twenty-five (25) or more units shall be mixed income. Project proponents of by-right projects should refer to the Town of Yarmouth Zoning Bylaw Sections 407 Accessory Apartments, 404 Motels and 412 Affordable Housing for the minimum percentage of affordable units required for a project. Project proponents seeking a Ch40B Comprehensive Permit should refer to Massachusetts Comprehensive Permit Law (M.G.L. c. 40B, §§ 20-23), Chapter 40B Regulations ("760 CMR 56.00: Comprehensive Permit: Low or Moderate Income Housing") and the DHCD "Comprehensive Permit Guidelines" dated May 2013

### **LOCAL PREFERENCE FOR AFFORDABLE UNITS**

The Town of Yarmouth supports the use of a local selection preference in lottery plans for up to 70% of the affordable units in the development. (DHCD does not allow more than 70% local preference.) In Yarmouth, local preference applies to households which consist of at least one current Yarmouth resident, one current Yarmouth municipal employee, one current employee of a Yarmouth business, and/or one child attending a Yarmouth school.

## **RENTS and LEASES**

Affordable rents shall include all utilities except telephone, internet, and cable, and shall be

1. no more than the current Federal Fair Market rents;
2. no more than the rent allowed by the DHCD LIP Program (typically 30% of the target Area Median Income); and
3. and shall be at least 10% lower than the market rate rents of comparable units within the development.

Upon approval by the Town and DHCD, owners may subtract out a utility allowance from the rent.

Owners of affordable rental units shall enter into a lease with each affordable tenant for a minimum term of one year. The lease must meet the DHCD “Comprehensive Permit Guidelines” dated May 2013 and be approved by the Town and DHCD

## **RELOCATION OF CURRENT OCCUPANTS**

All efforts shall be made to avoid the displacement or relocation of current occupants and tenants. It is required that priority placement in any new or rehabilitated affordable unit shall be given to existing occupants and tenants who meet program requirements, and have conformed to lease requirements, property management rules and agreements.

## **AFFIRMATIVE FAIR HOUSING MARKETING**

The project proponent shall prepare and comply with an Affirmative Fair Housing Marketing Plan (AFHMP) which meets the standards set forth by DHCD. DHCD and the Town of Yarmouth must approve the AFHMP before the marketing process commences. Project proponents shall use plan administrators acceptable to the Town and DHCD.

Some affordable rental developments may be eligible to use the affirmatively marketed Regional Ready Renters List (RRR List) to select tenants. The RRR List is subsidized by the Yarmouth Affordable Housing Trust in an effort to lower marketing costs for smaller affordable housing developments. In 2014 the rates charged to landlords are \$500 per tenant placed in an affordable rental unit, and \$250 per tenant placed in an affordable accessory apartment (which are in owner-occupied homes).

## **OCCUPANCY and HOUSEHOLD SIZE**

Household size should be appropriate for the number of bedrooms in the affordable unit. There should be at least one occupant per bedroom. A husband or wife, or those in a similar living arrangement, are required to share a bedroom unless there is reliable medial documentation supporting the need for separate bedrooms. Otherwise, the household size cannot exceed the State Sanitary Code requirements for occupancy of a unit (see 105 CMR 400). Special consideration regarding occupancy may be given by the Town in the case of affordable accessory apartments which are in owner-occupied homes; however, it should be noted that these units may not be eligible for the Subsidized Housing Inventory.

## **MONITORING of AFFORDABLE RENTAL UNITS**

The owner shall monitor and report to the Town on the affordable rental units annually by December in compliance with DHCD Regulations and Guidelines for LIP/LAU Affordable Rental Units.

## **SUBSIDIES and FUNDING**

Project proponent should contact the Dept. of Community Development at (508) 398-2231 x 1275 and the Barnstable County HOME Consortium at (508) 362-3828 to see what, if any, financial assistance is available for the proposed project.

## **DESIGN AND CONSTRUCTION CRITERIA**

All developments, whether new construction or rehabilitation of an existing structure, must comply with all local, state and federal requirements including zoning, building code, sanitary code, historic preservation, sewage/septic systems, and environmental protection, where applicable.

New affordable units must be designed and constructed same in appearance and quality with the other units in the development. Where Affordable Units are developed off-site and/or in existing buildings, the level of design and construction undertaken shall result in units which are new or "good as new." The level of rehabilitation and quality of equipment and materials will (i) assure durability and minimize future maintenance costs, (ii) include energy efficient and water conserving building elements typical of new construction (with regard to the building envelope, HVAC and plumbing systems), (iii) be compatible with contemporary standards with regard to amenities (such as kitchen cabinets; size of appliances; electric, telephone and cable service, etc.), and (iv) be free of such potentially hazardous conditions as asbestos, lead water pipes and lead paint. The Community Housing Committee will review and approve plans and specifications of Affordable Units for conformity with these standards. All affordable units must be integrated and dispersed throughout the development. The affordable and the market-rate units must not be distinguishable from each other. Each unit must contain complete living facilities, including at a minimum: a bathroom, a living area, bedroom (excepting zero bedroom units), a dedicated kitchen, space and plumbing hook ups for a washer and dryer unless common facilities are available. The kitchen must at a minimum contain a stove with oven, microwave, sink, kitchen cabinets, counter and a refrigerator.

It is encouraged that developments with affordable units have a variety of bedroom sizes. The Town of Yarmouth Housing Production Plan, dated June 2008, states in reference to housing mix and number of bedrooms:

*It is not expected, nor recommended, that any one project fulfill any given category (of housing type). For example, the Town would not expect one project to supply all of the two bedroom homeownership units.*

Projects seeking a Ch 40B Comprehensive Permit should refer to the design and construction standards found in the *Comprehensive Permit Guidelines* issued by DHCD.

For projects not seeking a Ch 40B Comprehensive Permit, the affordable units must meet the following design and construction standards shown on the next page.

Minimum Size Requirements for Affordable Units in Square Footage

	Sec 412 Zoning Bylaw or by Special Permit	Sec 412 Zoning Bylaw or by Special Permit	Sec. 404 Zoning Bylaw		Sec 407 Zoning Bylaw
	New Construction	Rehabilitation or remodeling of existing building	Units created through motel conversion provision	Units created through raze and replace provision	Affordable Accessory Apartments
Zero Bedroom	550	500	400	600	500
One Bedroom	700	600	600	600	600
Two Bedroom	900	750	700	700	700
Three Bedroom	1200	1000	900	900	
Four Bedroom	1400	1150			

Bathroom Requirements for Affordable Units	
	Required Number of Bathrooms
Zero Bedroom	One bathroom
One Bedroom	One bathroom
Two Bedroom	One bathroom
Three Bedroom	One and a half Bathrooms
Four Bedroom	Two bathrooms *

\* It is encouraged to have two or more bathrooms for units of three more bedrooms.

Requirements of Kitchen for Affordable Units		
	Required Counter Space in Linear Feet **	Minimum Width/Circulation in Feet
Zero Bedroom	4	4
One Bedroom	6	4
Two Bedroom	8	4
Three or more Bedroom	10	4

\*\* The minimum total linear feet of counter does not include the space occupied by the sink, stove, or refrigerator

## **SPECIAL PERMITS AND MODEL LANGUAGE FOR AFFORDABLE HOUSING UNITS**

From time to time a Special Permit Granting Authority (SPGA) may grant a Special Permit with a condition that the project provide affordable units. The CHC recommends the following model language for use in special permits in order to ensure these units will qualify for the Town's Chapter 40B Subsidized Housing Inventory:

The project shall consist of (#) affordable units. The affordable units shall qualify as low or moderate income units for the purposes of M.G.L. Ch 40B, sec. 20-23 and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards there under promulgated thereunder by the DHCD for the inclusion in the DHCD Ch 40B Subsidized Housing Inventory as Local Action Units. The affordable units shall comply with the Town of Yarmouth Affordable Housing Standards.

## **CONFORMITY WITH THE REQUIREMENTS OF CHAPTER 40B**

These guidelines are not intended to supersede any requirements of MGL Ch 40B, Town of Yarmouth Zoning Bylaws or the regulations and guidelines for affordable housing promulgated by the Massachusetts Department of Housing and Community Development.

## **REVIEW PROCESS:**

In order to ensure that projects will meet eligibility requirements, project proponents are encouraged to meet with the Department of Community Development as early on in the process as possible. Please contact the Department of Community Development at 508-398-2231 Ext 1275 (TTD 508-398-2231).

It is also recommended that the proponent bring the project to formal Site Plan Review prior to meeting with the Community Housing Committee. Please contact the Building Department at 508-398-2231 Ext 1261 (TDD 508-398-2231) to schedule a review.

To request a meeting with the Community Housing Committee, complete the attached CHC Request for Information. Informal reviews by the Committee are available. The Community Housing Committee meets on the first Monday of the month in Room A of the Yarmouth Town Hall at 1146 Route 28, South Yarmouth, MA. This location is handicap accessible. To schedule a time on the Committee's agenda, or for more information, please contact the Department of Community Development at 508-398-2231 Ext 1275 (TTD 508-398-2231)

**Town of Yarmouth**  
**Community Housing Committee Information Request**  
**Local Action Units & Non-Comp Permit Units**

**Project Information:** \_\_\_\_\_ Date: \_\_\_\_\_

Project Sponsor: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

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Property Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Project Site: \_\_\_\_\_ Map: \_\_\_\_\_ Lot: \_\_\_\_\_

Project Address: \_\_\_\_\_

Lottery Adimistrator: \_\_\_\_\_

Monitoring Agent: \_\_\_\_\_

**Review Type:** \_\_\_\_\_ Formal

\_\_\_\_\_ Informal

**Project Type:** \_\_\_\_\_ Rental

\_\_\_\_\_ Homeownership

**Lottery Type:** \_\_\_\_\_ Local Preference

\_\_\_\_\_ Homeownership Condominium

**Project Summary:**

Lot Size (acreage) \_\_\_\_\_

# One Bedroom Units \_\_\_\_\_

# Affordable Dwelling Units \_\_\_\_\_

# Two Bedroom Units \_\_\_\_\_

#Market Rate Dwelling Units: \_\_\_\_\_

# Three Bedroom Units \_\_\_\_\_

# Dwelling Units Total \_\_\_\_\_

# Dwelling Units per Acre: \_\_\_\_\_ (Zoning Bylaw Sec 404.8.2 & 404.9.1 allows for 16 units per acre)

# Affordable Dwelling Units per Acre: \_\_\_\_\_

Does each unit in the property have the following?

Bathroom \_\_\_\_\_ Yes \_\_\_\_\_ No

Living area \_\_\_\_\_ Yes \_\_\_\_\_ No

Bedroom(s) \_\_\_\_\_ Yes \_\_\_\_\_ No

Kitchen \_\_\_\_\_ Yes \_\_\_\_\_ No

Space and plumbing hook ups for a washer and dryer unless or common laundry facilities \_\_\_\_\_ Yes \_\_\_\_\_ No

Are there any proposed limits on occupancy (ie. are you looking to limit a small studio to one-person)? \_\_\_\_\_ Yes \_\_\_\_\_ No

**Project Description:**

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**Unit Composition:**

Type of Unit (Circle One) <ul style="list-style-type: none"> <li>• Homeownership</li> <li>• Homeownership Condo</li> <li>• Rental</li> </ul>	Total # Dwelling Units of this type	# Bedrms	# Baths	Gross Sq Feet	Livable Sq Feet	Proposed Sale Price or Monthly Rent	Proposed Monthly Condominium Fee	What utilities are included in the rent?
Affordable Units:								
Market Rate Units								

Are affordable rate rents less than market rate rents? \_\_\_\_\_ If so, by what percentage? \_\_\_\_\_

The Community Housing Committee encourages all project proponents to bring their project to **informal Site Plan Review** prior to bringing the project before the Community Housing Committee. To schedule an informal Site Plan Review, contact the Building Department at 508-398-2231 Ext 1261 (TDD 508-398-2231).

**Informal review by the Community Housing Committee** is available and encouraged. The Community Housing Committee meets on the first Monday of the month in Room A of the Yarmouth Town Hall at 1146 Route 28, South Yarmouth, MA. This location is handicap accessible. To schedule a time on the Committee’s agenda, or for more information, please contact the Department of Community Development at 508-398-2231 Ext 1275 (TTD 508-398-2231)

For a **formal review by the Community Housing Committee**, please provide the following documents:

<b>Required Documents and Plans For Formal Review by the Community Housing Committee</b>	
Rental Projects	Homeownership Projects
<ul style="list-style-type: none"> <li>• Regulatory Agreement *</li> <li>• Monitoring Agreement *</li> <li>• Affirmative Marketing and Fair Lottery Plan (note if plan includes local preference) ^</li> <li>• Comments from Formal Site Plan Review (if project is required to go before Site Plan Review)</li> <li>• Plot Plan of Proposed Project Clearly Showing Affordable Units</li> <li>• Floor Plans and Elevations (Existing and Proposed, multiple copies may be required)</li> <li>• Photos of existing conditions for rehabilitation projects</li> <li>• List of all mortgagees holding mortgages on the property</li> <li>• Documentation of authority to sign on behalf of the Project Sponsor</li> <li>• MEPA ENF Certification (form attached) ***</li> </ul>	<ul style="list-style-type: none"> <li>• Regulatory Agreement *</li> <li>• Monitoring Agreement *</li> <li>• Deed Rider (Use the Fannie Mae Universal Rider)**</li> <li>• Affirmative Marketing and Fair Lottery Plan (note if plan includes local preference) ^</li> <li>• Comments from Formal Site Plan Review (if project is required to go before Site Plan Review)</li> <li>• Plot Plan of Proposed Project Clearly Showing Affordable Units</li> <li>• Floor Plans and Elevations (Existing and Proposed, multiple copies may be required)</li> <li>• Photos of existing conditions for rehabilitation projects</li> <li>• If a condominium, provide the Schedule of Beneficial Interest and Master Deed</li> <li>• List of all mortgagees holding mortgages on the property</li> <li>• Documentation of authority to sign on behalf of the Project Sponsor</li> <li>• MEPA ENF Certification (form attached) ***</li> </ul>
<p>The Community Housing Committee may request additional information in order to complete the review of the project or to complete DHCD’s review of the project for inclusion on the Ch 40B Subsidized Housing Inventory.</p>	

\* Changes to any DHCD model documents must be clearly redlined. All modifications must be reviewed and approved by DHCD and the Town, and may take additional time to process.

\*\*No modification of the Fannie Mae Universal Deed Rider is allowed.

\*\* Additional guidance regarding MEPA thresholds are available on line at <http://www.mass.gov/envir/mepa/> and <http://www.mass.gov/envir/mepa/thirdlevelpages/thresholds.htm>

^ If units are currently occupied, submit relocation or rehousing plan.





Commonwealth of Massachusetts  
**DEPARTMENT OF HOUSING &  
 COMMUNITY DEVELOPMENT**

Deval L. Patrick, Governor ♦ Timothy P. Murray, Lt. Governor ♦ Tina Brooks, Undersecretary

**FOR DHCD USE ONLY:**

Pursuant to 301 CMR 11.03(2), DHCD hereby determines that no ENF Must Be Filed.	
_____ date	_____ signature for DHCD Division of Housing Development

**MEPA ENF Certification**

Project Name: \_\_\_\_\_

City/Town: \_\_\_\_\_

Project Sponsor: \_\_\_\_\_

I hereby certify, pursuant to the Massachusetts Environmental Policy Act (MEPA, G.L., c. 30, ss. 61-62H) and regulations (301 CMR 11.00) as follows:

- The development will alter 25 or more acres of land. \_\_\_ Yes \_\_\_ No
- The development will create 5 or more acres of impervious area. \_\_\_ Yes \_\_\_ No
- The development meets or exceeds one of the SS 11.03 review thresholds. \_\_\_ Yes \_\_\_ No
- The development is in an Area of Critical Environmental Concern (see G.L., c. 21A, s. 2 (7); St. 1974, c. 806, s. 40 (e) ) \_\_\_ Yes \_\_\_ No
- The Fail Safe provision in s. 11.04 has been invoked with regard to this development. \_\_\_ Yes \_\_\_ No
- The Secretary of Environmental Affairs has required filing of an Environmental Notification Form (ENF). \_\_\_ Yes \_\_\_ No
- An ENF or Environmental Impact Report is required for this development for other reasons. \_\_\_ Yes \_\_\_ No

For the Project Sponsor,

\_\_\_\_\_ (signature)  
 \_\_\_\_\_ (print name)  
 \_\_\_\_\_ (title)  
 \_\_\_\_\_ (date)

