

ARTICLE __ Amendment of the Town of Easton Zoning By-Law – Inclusionary Zoning in Special Permit Subdivisions

To see if the Town will vote to Sections 7-5, and 7-14, and 7-15 of the Town of Easton Zoning By-Law, and to create a new section 7-16 to require an Inclusionary Zoning component to Residential Compounds, Open Space Residential Developments, and Adult Retirement Developments, as follows:

(1) By amending §7-5, (B) by adding the following sentence:

Compliance with §7-16 Affordable Housing Requirements is also necessary. The Special Permit hearings and decisions under this §7-5 Residential Compounds and under this §7-16 may be combined.

(2) By amending §7-14, (B) by adding the following sentence:

Compliance with §7-16 Affordable Housing Requirements is also necessary. The Special Permit hearings and decisions under this §7-14 Open Space Residential Developments and under this §7-16 may be combined.

(3) By amending §7-15, (B) by adding the following sentence:

Compliance with §7-16 Affordable Housing Requirements is also necessary. The Special Permit hearings and decisions under this §7-15 Adult Retirement Developments and under this §7-16 may be combined.

(4) By amending Section VII, Special Provisions, by adding a new section, §7-16, as follows:

§7-16 AFFORDABLE HOUSING REQUIREMENTS

1. PURPOSE

The purpose of this section is to promote the public welfare by:

- a. increasing the supply of housing that is available and affordable to low or moderate income households, with an emphasis on family housing;
- b. encouraging residential growth in already developed areas; and
- b. preventing the displacement of Easton residents.

Units created through these provisions are intended to be meet the requirements of Ch. 40B §§20-24 and of any comparable affordable housing programs, and to be recognized as Local Initiative Units as defined by the Department of Housing and Community Development (DHCD).

2. DEFINITIONS

The following definitions shall apply in this §7-16. Where a term is undefined herein, the definition set forth in the Affordable Housing Guidelines adopted pursuant to this §7-16, if any, shall control. All other undefined terms in this section shall either be governed by Section II, Definitions of this Zoning Bylaw or shall be interpreted in accord with such normal dictionary meaning or customary usage as is appropriate to the context.

AFFORDABLE HOUSING GUIDELINES are written policies and criteria, recommended by the Fair & Affordable Housing Partnership and adopted by the Planning Board, which supplement and serve to aid in the interpretation of this section. They may be revised from time to time without an amendment to the Zoning Bylaw.

AFFORDABLE HOUSING PLAN means a document that constitutes the applicant's showing of compliance with the requirements of this section.

AFFORDABLE UNIT means a dwelling unit which meets the following conditions:

1. In a project in which affordable dwelling units will be rented, a unit shall be considered an affordable unit if: (a) it is rented to an eligible low or moderate income household; and (b) it qualifies for inclusion on the Subsidized Housing Inventory.
2. In a project in which affordable dwelling units will be sold, a unit shall be considered an affordable unit if: (a) it is sold to an eligible low or moderate income household; and (b) it qualifies for inclusion on the Subsidized Housing Inventory.

COMPREHENSIVE PERMIT GUIDELINES refers to guidelines promulgated by DHCD pursuant to MGL c. 40B, §§20-23.

INCOME, LOW OR MODERATE means a combined household income which is less than or equal to 80% of the Area Median Income, as defined by HUD.

PROJECT means a residential development, or development with a residential component, subject to the requirements of this §7-16 Affordable Housing Requirement, as described in paragraph 3, below.

3. APPLICABILITY

In all zoning districts, the provisions of this §7-16 shall apply to:

- 1) any subdivision developed in conjunction with a Special Permit for Residential Compound, Open Space Residential Development, or Adult Retirement Development;

The development of any project set forth in this **§7-16, paragraph 3**, shall require the grant of a special permit from the Planning & Zoning Board.

4. REQUIRED AFFORDABLE UNITS

As a condition for granting any special permit hereunder, applicants shall contribute to the Town's stock of affordable units in accordance with the following requirements:

- a. In any subdivision developed in conjunction with a Special Permit for Residential Compound, Open Space Residential Development, or Adult Retirement Development, the applicant shall be required to set aside 20% of the units so created as affordable units; except as the provisions of §7-16 (6), below, shall apply.
- b. The required affordable units shall contain 20% of the bedrooms in the project as a whole.
- c. In determining the total number of affordable units or bedrooms required in subparagraphs a. and b. above, a fractional unit of 0.4 or more shall be regarded as a whole unit or bedroom.

5. STANDARDS

Projects containing affordable units shall meet the following standards:

- a. Projects shall not be segmented or phased to avoid compliance with these provisions.

- b. Affordable units shall be dispersed throughout the project and shall be indistinguishable from market rate units in external appearance. The affordable units shall have the same mechanical systems as market units, except that affordable units with up to two bedrooms may have only one bathroom, affordable units with three or more bedrooms shall have at least 1.5 bathrooms. Affordable units shall have the same finishes and appliances as the market rate units except where the Planning & Zoning Board specifically approves, in advance, a request for different finishes and/or appliances.
- c. The affordable units shall contain square footage which is no less than (1) the average size of market rate units containing the same number of bedrooms, or (2) the following, whichever is the smaller:
 - 0 bedrooms: 500 square feet
 - 1 bedroom: 700 square feet
 - 2 bedrooms: 900 square feet
 - 3 bedrooms: 1100 square feet
 - 4 bedrooms: 1300 square feet
- d. Sales prices, resale prices, initial rents, and rent increases for the affordable units shall be established in accordance with this section and the Comprehensive Permit Guidelines, as further clarified in the Affordable Housing Guidelines and shall be permanently restricted, to the extent legally permissible, to ensure long-term affordability.
- e. The Town may establish a system of priorities for selecting buyers or renters, in accordance with the Affordable Housing Guidelines.
- f. The Town may require that lessees of affordable rental units meet income recertification requirements upon renewal of lease terms, in accordance with the Affordable Housing Guidelines.
- g. Affordability restrictions shall be embodied in applicable deed covenants, restrictive covenant agreements, other contractual agreements, land trust arrangements, and/or other mechanisms designed to ensure compliance with this section.
- h. Covenants and other documents necessary to ensure compliance with this section shall be executed and, if applicable, recorded prior to and as a condition of the issuance of any

building permit or certificate of occupancy, as the Planning & Zoning Board shall deem appropriate.

6. ALTERNATIVE REQUIREMENTS FOR AFFORDABLE UNITS

Subject to a finding by the Planning & Zoning Board that the result will be advantageous to the Town in creating or preserving affordable units and not result in the undue concentration of affordable units, the requirements of this section may be satisfied through one or more of the following methods, listed in the order of preference:

- a. Off-Site Location—Affordable units may be located on an alternative site or sites in Easton suitable for housing use, preferably in the same neighborhood as the on-site development. While off-site affordable units may be located in an existing structure, the potential for displacement of existing tenants shall be considered by the Planning & Zoning Board. Affordable units provided through this alternative method shall comply in all other respects other with the requirements of this section. The applicant’s Affordable Housing Plan shall show that the applicant shall provide a greater affordable housing benefit to the Town than would have been provided on site.
- b. Cash Payment— The applicant may choose to make a cash payment to the Housing Trust, as clarified in the Affordable Housing Guidelines.

7. PROCEDURES

All projects shall comply with the following procedures as applicable:

1. Pre-Application Meeting—The applicant shall convene a pre-application meeting with the Planning & Zoning Board to discuss the project proposal and affordable housing requirements.
2. Submittal of Affordable Housing Plan—The applicant shall fill out and submit an Affordable Housing Plan form to the Department of Planning and Community Development prior to making an application for a building permit. This form requires the following information:
 - a) On-Site Unit Projects—Applicants electing to develop on-site affordable units shall provide a schedule of all project units by location, square footage, unit types, number and types of rooms, and location of affordable units.

- b) Cash Contribution Projects Under Paragraph 5, Subparagraph d.— Applicants electing to make a cash contribution in lieu of providing affordable units shall provide a statement of the number of project units and the corresponding formula required by the Affordable Housing Guidelines.
 - c) Alternative Requirements—Applicants proposing to employ paragraph 7, Alternative Requirements for Affordable Units, above shall provide a proposal specifying the land, buildings, off-site affordable units, and/or cash contribution; and a schedule and proposed security for providing these.
3. Planning & Zoning Board Application—The applicant shall make a formal application for a special permit to the Town Clerk.
 4. Fair & Affordable Housing Partnership Review—Except for applications proposing cash contributions under paragraph 5, subparagraph d., the Fair & Affordable Housing Partnership shall, in the next regularly scheduled meeting after necessary public notice, review the Affordable Housing Plan and prepare a recommendation to the Planning & Zoning Board.
 5. Planning & Zoning Board Review—The Planning Board shall meet to hear the special permit application. The Planning & Zoning Board decision may require modifications, conditions, and safeguards, including documentation regarding affordability and funding commitments reasonably related hereto, and shall explain any deviation from Housing Advisory Board recommendations in writing in its decision.

9. CONDITIONS

1. The Planning & Zoning Board shall require that a Revised Affordable Housing Plan, which shall include any conditions in the grant of a special permit from the Planning & Zoning Board, shall be submitted to the Planning Director for final approval prior to the issuance of a building permit. For projects providing affordable units, the Affordable Housing Plan shall include a reference to specific floor plans of the affordable units that shall be attached to the plan. For projects providing cash or other contributions under paragraph 5, subparagraph d. or paragraph 7., the revised Affordable Housing Plan shall set forth a detailed description, if applicable, and schedule for contributions, including any documentation required to secure such, in accordance with the Affordable Housing Guidelines. The Revised Affordable

Housing Plan shall be legally binding as part of a special permit which shall refer to it in any decision.

2. Where set forth as a condition in the approved Revised Affordable Housing Plan, no building permit shall be issued until the applicant submits to the Director of the Department of Planning and Community Development a proper bond, or other financial instrument designed to secure performance of the requirements of this section.
- c. No building permit shall be issued until the applicant submits proof that the special permit decision has been recorded and that the Planning Director a final approval letter for the Revised Affordable Housing Plan.
- d. The Zoning Board of Appeals may impose conditions in which the Building Commissioner may limit, restrict, or withhold the issuance of a certificate of occupancy for any market rate unit(s) in a development until:
 - 1) all of the affordable units have obtained a certificate of occupancy; or
 - 2) any land, buildings and/or off-site units required to be donated to the Town or its designee have been conveyed.
- e. Prior to issuance of any certificate of occupancy for the a project including affordable units, the applicant shall submit to the Director of Planning and Community Development for approval a plan for marketing and selection of occupants; initial rents or sales prices for the units designated as affordable; and, prior to their being recorded, condominium, cooperative or other homeowner association documents, as appropriate. For projects including affordable units for rent, this plan shall be recorded as a part of the affordable housing restriction set forth in paragraph 6., subparagraphs i. and j. herein. All plans shall be consistent with the Affordable Housing Guidelines.
- f. Initial Sales/Rental will be through a lottery implemented by a qualified non-profit housing agency such as the Easton Housing Authority, the South Shore Housing Development Corporation, or the Citizens Housing and Planning Association, and a comparable agency will oversee re-sales or re-rentals to preserve affordability in perpetuity, in accordance with the Comprehensive Permit Guidelines.

9. AFFORDABLE HOUSING GUIDELINES

The Planning Board, in consultation with the Housing Advisory Board and after public notice and hearing, shall adopt Affordable Housing Guidelines.

10. CONTRIBUTIONS OF CASH

Cash contributions made to the Affordable Housing Trust in accordance with this §7-16 shall be used only for purposes of providing affordable housing for low or moderate income households as defined by this section.

Explanation:

This new section of the bylaw requires that subdivisions created in conjunction with a Special Permit for a Residential Compound, Open Space Residential Compound, or Adult Retirement Development.