



TOWN OF EASTON
Planning & Community Development
136 Elm Street
North Easton, Massachusetts 02356
Tel: (508) 230-0630 Fax: (508) 230-0639

AFFORDABLE HOUSING GUIDELINES

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AFFORDABLE HOUSING GUIDELINE:

CASH PAYMENT IN LIEU OF AFFORDABLE FOR-SALE UNITS

Established December 20, 2010 by the Easton Planning and Zoning Board in accordance with the Town of Easton Zoning Bylaw, Section 7-16.

With the prior approval of the Planning and Zoning Board, developers may make a cash payment, referred to herein as a “Trust Payment”, to the Easton Affordable Housing Trust in satisfaction of the requirements of Town of Easton Zoning Bylaw, Section 7-16.

Trust Payment Schedule

At the time of initial sale of each dwelling unit, the Trust Payment required from a developer shall be determined by the Planning and Zoning Board in accordance with the following formula:

Sales Price of Unit x Contribution Factor

The Contribution Factor is based upon the number of units in the subdivision:

Number of Units in Subdivision	Contribution Factor
1 or 2	1%
3 to 6	2%
7 to 11	5%
12 or more	8%

Example: The Trust Payment due upon the initial sale of a \$600,000 unit in an 8 unit project would be \$600,000 * .05 = \$30,000.

The sales price of the unit shall include all parking spaces sold or committed to be sold to the buyer of the unit at the time of closing, as well as the cost to the buyer of any build-out, enhancement and/or finish package. The developer shall provide a check made out to the “Town of Easton Affordable Housing Trust”, along with a copy of the proposed unit deed and proposed HUD Settlement Sheet upon the closing of each unit, as a precondition to the issuance of a final certificate of occupancy for the unit.



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AFFORDABLE HOUSING GUIDELINE:

RENTAL PROPERTIES

Established July 18 2011, by the Easton Planning and Zoning Board in accordance with the Town of Easton Zoning Bylaw, Section 7-16.

I. TRUST PAYMENT IN LIEU OF PROVISION OF AFFORDABLE RENTAL UNITS

With the prior approval of the Planning and Zoning Board, a developer may make a cash payment, referred to herein as an “Initial Trust Payment”, to the Easton Affordable Housing Trust in satisfaction of the requirements of Town of Easton Zoning Bylaw, Section 7-16. Prior to requesting a certificate of occupancy, the developer shall provide the Town with the following:

- A list of all units in the development, indicating for each unit: square footage; number of bedrooms and baths; number of assigned and available guest parking spaces; contract rent, including indication of which utilities and services are included;
- The projected operating budget, detailing projected expenses and the basis for these estimates;
- Copy or copies of any appraisals(s) completed for the property
- Any other relevant documentation or information requested by the Town’s Chief Assessor.

Based upon this information, the Chief Assessor will estimate a Market Value for the property. As a precondition to the Town’s issuance of a certificate of occupancy for the development, the developer shall make an Initial Trust Payment as determined by the Planning and Zoning Board in accordance with the following formula:

Market Value for the property x Contribution Factor

The Contribution Factor is based upon the number of units in the development:

Number of Units in Development	Contribution Factor
1 or 2	1%
3 to 6	2%
7 to 11	5%
12 or more	8%

Example: The Initial Trust Payment on a 6-unit development with a Market Value of \$1,000,000 would be $\$1,000,000 * .02 = \$20,000$.

II. PROVISION OF AFFORDABLE RENTAL UNITS

For affordable rental units provided in compliance with the requirements of Town of Easton Zoning Bylaw, Section 7-16, the following conditions shall apply:

A. TENANT SELECTION

Household size at initial occupancy of an Affordable Unit shall be appropriate to the number of bedrooms in the Unit, consistent with the occupancy assumptions in the Commonwealth of Massachusetts Local Initiative Program (LIP) Guidelines or a successor program as designated by the Town. Tenants shall be selected by the Owner or Town-approved designee through a Tenant Selection Plan conducted with affirmative fair marketing consistent with the LIP guidelines or a successor program as designated by the Town. Priority for Affordable Units shall be given, to the extent permitted under law to Low or Moderate Income Households, in the following order:

- Current residents of the Town who are at risk of Displacement (“Displacement” shall signify a household at risk of eviction due to paying in excess of 50 percent of income on gross rent);
- Current residents of the Town;
- Persons employed in the Town;
- All others.

No employee agent, stockholder, officer, director or servant or family member of the Owner or its Management Company, or its employees, agents or servants thereof, related either by blood, marriage or operation of law may qualify for an Affordable Unit or receive any benefit related in any way to the administration or compliance with the Special Permit, and the Affordable Housing Conditions contained therein.

The Owner shall maintain a waiting list of Low or Moderate Income Households who have filed an application or a letter and who meet the qualifications defined in Town of Easton Zoning Bylaw, Section 7-16. Such application shall include at least the following, in order to classify the applicant: the ages and relationships of household members, gross household income, and information related to priority status. It is understood that it is the responsibility of the applicant to update information, which will affect either income or priority status, and that it is not the responsibility of the Owner to verify actual status until a unit becomes available.

B. INITIAL RENTS

Initial rents shall be equal to or less than the maximum rents prescribed by the LIP Guidelines for moderate income households, or a successor program as designated by the Town. Any amount charged for assigned parking spaces mandated in the Town of Easton Zoning Bylaw must be included in the initial rents.

C. RECERTIFICATION

The Owner shall complete a Recertification of the tenants of its Affordable Units on an annual basis at least 30 days prior the anniversary date of each lease.

Recertification means either:

- the updating of documentation of household income in accordance with the standards and procedures set by the Commonwealth of Massachusetts Local Initiative Program (LIP) guidelines, or a successor program as designated by the Town, or;
- for tenants receiving a government rental subsidy, documentation of Recertification from the authority issuing the subsidy.

All Recertification documentation shall be maintained by the Owner for at least seven years and be available to the Town if requested.

D. RENT INCREASES/RE-DESIGNATION OF AFFORDABLE UNITS

With at least 30 days notice to tenants, rents may be updated once per year. The new rent shall be determined by the same method as the initial rent, reflecting the income limits in effect at the time of the update. Should a tenant's income, upon Recertification, exceed the income limit for moderate income households as established by the LIP Guidelines or a successor program as designated by the Town, the unit may be offered to the current tenant at a market rate, or be leased to a new tenant as an Affordable Unit. In the case that the lease on an Affordable Unit is renewed to a tenant at a market rate, the owner shall:

- notify the Town in writing;
- lease the next existing market-rate unit vacated in the property as an Affordable Unit;
- make monthly payments to the Affordable Housing Trust equivalent to the portion of property-based affordable housing subsidy embodied in the unit now being rented at market rate, until such time as a market-rate unit in the property has been leased as an Affordable Unit;
- notify the Town in writing when a market-rate unit in the property has been newly leased as an Affordable Unit.

III. ENFORCEMENT

Without limitation on any other rights of the Town, in the event there is a violation of any conditions contained within the Special Permit and Affordable Housing Plan, the Town may take any one or a combination of the following steps to ensure compliance and these enforcement provisions shall be expressly authorized by and contained within the Special Permit:

- Injunctive relief to enforce the terms of the Special Permit;

- Payment of money damages to the Town in an amount equal to the difference in the required rent and the rent being charged for the period of non-compliance; and
- A cash payment, as provided for in the Town of Easton Affordable Housing Guidelines, pro-rated to the number of required Affordable Units shall be made to the Affordable Housing Trust if the owner is unable to provide Affordable Units for occupancy as described herein.

The owner may request a certificate from the Town stating that the owner is in compliance with the terms and Conditions of the Special Permit and/or Affordable Housing Plan, or stating the noncompliance and the actions necessary to come into compliance. The Town will execute and deliver such certificate within ten (10) business days of receipt of a written request for such Certificate. Certificates of Compliance shall not be required for the leasing of any Designated Affordable Unit.

IV. CONFORMITY WITH STATE AFFORDABLE HOUSING REQUIREMENTS

To the extent that these guidelines are in conflict with regulations, promulgated by the Commonwealth of Massachusetts for affordable housing units to be included on the Subsidized Housing Inventory, the Town will have the discretion to apply the Commonwealth's regulations with regard to all Affordable Units.



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AFFORDABLE HOUSING GUIDELINE:

FOR-SALE PROPERTIES

Established July 18 2011 by the Easton Planning and Zoning Board in accordance with the Town of Easton Zoning Bylaw, Section 7-16.

I. DETERMINATION OF AFFORDABLE SALE PRICE

The sale price of any Affordable Unit developed in accordance with the Town of Easton Zoning Bylaw, Section 7-16 shall in no case exceed the relevant maximum sale price for moderate income units as established by the Commonwealth of Massachusetts LIP Guidelines or successor program as designated by the Town. The sale price of any parking spaces required by the Town of Easton Zoning Bylaw must be included in the sale price of the unit.

II. BUYERS OF AFFORDABLE UNITS

A buyer must be a member of a Low or Moderate Income Household who will occupy the unit as its principal residence. Household size at initial occupancy of an Affordable Unit shall be appropriate to the number of bedrooms in the Unit, consistent with the occupancy assumptions in the LIP Guidelines or a successor program as designated by the Town.

III. MARKETING / SALE OF AFFORDABLE UNITS

A. Order of Priority for Eligible Households

Priority for Affordable Units shall be given, to the extent permitted under law, to Low or Moderate Income Households which meet the following criteria:

- Current residents of the Town who are at risk of Displacement (“Displacement” shall signify a household at risk of eviction due to paying in excess of 50 percent of income on gross rent);
- Current residents of the Town;
- Persons employed in the Town.

The applicant for an Affordable Unit under a priority category will be responsible for documenting inclusion in such category.

B. Marketing / Selection Process

Buyers shall be selected by the Developer or Town-approved designee through conducting affirmative fair marketing and the use of a lottery process, consistent with the LIP Guidelines or a successor program as designated by the Town. The Developer will notify the Town in writing of the expected occupancy date of the Affordable Units. The Town will monitor the process and review buyer qualifications, but may work collaboratively with Developers on marketing, selection, qualification and orientation.

C. Set-up of a New Condominium Association

In cases in which the Developer is developing a new condominium trust, the Developer will be required to submit the proposed condominium operating budget and draft condominium documents to the Town for approval. Review will address issues relating to long term affordability. Furthermore, to the extent that the association is made up exclusively or primarily of Affordable Units, the Developer will be responsible for hiring a trainer and setting up a training program, approved by the Town, which will assist the new condominium association board members to learn and carry out their responsibilities, or alternatively, for hiring a property manager for the first year.

D. Requirement for Permanent Affordability

The buyer of each Affordable Unit will be required to sign and record a Local Initiative Program Affordable Housing Deed Rider or successor document as designated by the Town and a Mortgage to secure the same. In order to guarantee permanent affordability, the recorded covenant will: limit increases in sales price upon subsequent sales to the percentage increase in Area Median Income as calculated by HUD; limit the Incomes of subsequent buyers to the same income limits initially applied; provide a right of first refusal and other purchase rights to the Town or its designee (e.g. another Eligible Household, or a nonprofit corporation); survive any foreclosure taking.

IV. OFF-SITE AND REHABILITATED UNITS

Where Affordable Units are developed off-site and/or in existing buildings, the level of 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 Town will review and approve plans and specifications of Affordable Units for conformity with these standards.

V. CONDOMINIUM DEVELOPMENTS

When affordable units are in a condominium form of ownership, acceptable condominium documents must be approved as to form by Town Counsel prior to the issuance of any certificate of occupancy.

VI. CONFORMITY WITH STATE AFFORDABLE HOUSING REQUIREMENTS

To the extent that these guidelines are in conflict with regulations, promulgated by the Commonwealth of Massachusetts for affordable housing units to be included on the Subsidized Housing Inventory, the Town will have the discretion to apply the Commonwealth's regulations with regard to all Affordable Units.