

# AFFORDABLE HOUSING COMMITTEE GUIDEBOOK

P.O. Box 278  
West Tisbury, MA 02575  
[affordhouse@westtisbury-ma.gov](mailto:affordhouse@westtisbury-ma.gov)

**West Tisbury Affordable Housing Committee  
Guide Book  
2006  
Table of Contents**

|   |     |
|---|-----|
| Statement of Purpose                          | 1   |
| West Tisbury Housing Options                  | 2-4 |
| Affordable Housing Eligibility Standards      | 5   |
| Affordable Housing Covenant Summary           | 6   |
| Application Appeals Process                   | 7   |
| Affordable Housing Homesite Lots Requirements | 8   |
| Guidelines for Accessory Apartments           | 9   |
| Affordable Housing Point System               | 10  |
| HUD Median Income Table                       | 11  |
| These following are available in town hall    |     |
| Planning Board Requirements                   |     |
| Zoning Board of Appeals Requirements          |     |
| Building Permit Checklist                     |     |

## Statement of Purpose

The primary responsibilities of the Affordable Housing Committee are to administer the affordable housing provisions of the West Tisbury Zoning Bylaw and any amendments that have been or may be voted on, and to do whatever else is necessary to develop and increase the number of long-term and/or year-round affordable housing opportunities in West Tisbury.

Our task regarding the bylaw includes administering its provisions, interpreting them, enforcing them, and assisting town boards/committees and townspeople to understand and make use of them. Further we will recommend improvements to the bylaw as such improvements suggest themselves, as well as recommend new sections as needed.

In order to increase further long-term housing opportunities in the town, we will:

- **Identify the different kinds of housing that are needed at the affordable level**
- **Identify existing properties that can be used for affordable housing**
- **Encourage town contributions of land and funds**
- **Encourage and support other projects which create long-term year-round affordable housing**

We will share what we learn with other towns, as well as learn from their example. We will continue to participate in public sessions led by the Island Housing Forum or similar organizations. We will support the establishment of dedicated funding sources for affordable housing.

Finally, we will undertake any additional responsibilities the Board of Selectmen assigns to us.

Revised July 2006

## **West Tisbury Affordable Housing Options**

On May 24, 2000, at a West Tisbury town meeting the town adopted a comprehensive, new zoning bylaw. One goal of the bylaw is “providing a supply of year-round housing that is affordable to residents of West Tisbury.”

The purpose of this guidebook is to describe and publicize affordable housing options that are possible in West Tisbury today. Given the manifest need for affordable housing, it is hoped that further awareness of what is doable in affordable housing will lead to creative applications by individuals and by housing entrepreneurs.

Bylaw Article 14.1:

Affordable Housing: Housing units priced at a level determined by the West Tisbury Affordable Housing Committee to be appropriate for rental or purchase exclusively by persons who will be making such housing their primary residence and whose annual household income is less than 140% of the Dukes County median income, based on income eligibility standards established by the DCRHA. To qualify as affordable housing the units must be subject to permanent deed restrictions that the West Tisbury Affordable Housing Committee deems adequate to ensure that tenants and future owners will continue to meet income eligibility and residency requirements.

As the cost of land and housing increases on Martha’s Vineyard, many local residents are being priced out of the market for homes. The Town of West Tisbury desires to maintain and encourage housing that is affordable to the entire range of its residents that remains affordable in perpetuity for future generations of West Tisbury residents. Therefore the Town establishes bylaw sections to allow the creation of apartments, multi-family dwellings, accessory apartments and individual residences.

The following are affordable housing applications facilitated by the new zoning bylaw:

### **Individual Residences-Homesite Lots (Bylaw Section 4.4-7)**

#### **May be created in the following ways:**

- 1) A residence may be constructed on lots that do not satisfy minimum lot size requirements of the zoning bylaw and is not protected as a non-conforming lot. The lot shall contain at least 10,000 sq. ft. of buildable land per bedroom (Section 4.4-7A 3 & C 1).
- 2) A property owner may create a homesite lot by subdividing off 1 acre of land, provided the property owner’s remaining acreage meets town zoning requirements (Section 4.4-7A 2 & C 1). For example a property owner with 4 acres could subdivide off 1 acre with the owner’s remaining 3 acres meeting the zoning requirements.
- 3) The town may also create lots from town owned or donated land (Section 4.4-7A 1)

All individual residences created in these ways must

- a. Be approved by the Planning Board

b. Have a price established by the Affordable Housing Committee

2

c. Be restricted to an affordable housing recipient

d. Have a permit granted by the Zoning Board of Appeals

e. Meet Board of Health requirements

f. Have adequate access

g. Have a permanent affordable housing deed restriction

**Apartment Dwellings** are allowed by the bylaw. (Section 4.4) For example, second story apartments may be permitted in the Mixed Used Business District. (Section 4.4-2) In another example, accessory apartments may be integrated into family residences.

Second-story apartments in Business Districts (Section 4.4-2):

Permitted by right and not counted toward the maximum floor area for the structure.

For every one or two-bedroom apartment created, the maximum permitted floor area for the ground floor non-residential use increases by 1,000 sq. ft.

Maximum floor area of apartments is limited to 600 sq. ft. for a one-bedroom and 800 sq. ft. for a two-bedroom.

Affordable Accessory Apartments (Section 4.4-3A):

Attached apartment maximum floor area of 800 sq. ft. and minimum 300 sq. ft. and detached apartments maximum floor area of 500 sq. ft. and minimum 300 sq. ft.

The property owner must occupy either the principal or accessory unit.

Apartments allowed under Sections 4.4-2 and 4.4-3 are restricted to rental persons domiciled in West Tisbury year round and eligible for affordable housing (Section 4.4-A1). Apartments also require a Special Permit. Provisions are made for seasonal employees in Section 4.4-4 A 2.

**Multi-family Housing** is allowed by the bylaw (Section 4.4-3B). Combinations of residence or apartments may exceed the densities that the bylaw permits by right (Section 4.4-1A). Such ventures require a Special Permit from the Planning Board. The bylaw prescribes that 75% of such units shall be restricted to affordable housing and that the number of units in any building may not exceed four. The underlying property must contain at least 10,000 sq. ft. of buildable land per bedroom.

**Open Space single-family, two-family or multi-family residences** may be permitted in Open Space Development. (Bylaw Article V). This portion of the bylaw works to preserve open space through compact housing development along with preservation of contiguous open space. The bylaw encourages affordable housing and gives incentives to developers who restrict 20% of total residences to these uses. (Open Space Development is also subject to Section 4.4-6 requirements for a minimum of 20% affordable housing.) Subordinate dwellings and accessory apartments are also permitted in Open Space Developments. The minimum lot size in Open Space Developments is limited by water supply and sewage disposal factors. The bylaw specifies standards for setbacks, layouts and maintenance and for the care and ownership of open space.

**Room Rental** is another option under the bylaw (Article 8.5-7) where renting of four or more rooms conditioned upon approval of water, sewage, and other matters under its jurisdiction is permitted by an owner residing on the rental premises.

**Employee Dormitories** are permitted (Article 4.4-5) of single and two-family dwellings and mixed-use building. These can be used for up to 8 seasonal residents who meet occupancy requirements (Section 4.4-4A 2). These dwellings must be owner occupied or managed by a resident manager.

**Demolition Delay** of residential buildings is another permitted housing option (Article 10.1-2). The Zoning Inspector determines if a building can be moved and reused and notifies applicant within 14 days. Then the applicant places a public notice in a local paper and request responses for moving the building.

The bylaw defines affordable housing and prescribes basic standards for eligibility for the same (Article XIV). For affordable housing an applicant's household income must be less than 140% of the Dukes County median household income. An Affordable Housing Committee is formed to administer the affordable provisions of the bylaw.

For more detailed information, the Zoning Bylaw is available at the West Tisbury Town Hall and at the West Tisbury Library. The Affordable Housing Committee welcomes questions and offers to be helpful wherever it can.

Besides these means of affordable housing there are other organizations on the island that offer assistance. An individual may contact or get information on them through the Dukes County Regional Housing Authority.

Upon request the following may be acquired

- 1) Planning Board Requirements
- 2) Zoning Board of Appeals Requirements
- 3) Building Permit requirements

Affordable Housing Committee

Revised July 2006

**Affordable Housing Committee**  
**West Tisbury, MA**  
**Affordable Housing Eligibility Standards**

All homesite lot applicants must complete an Affordable Housing Committee (AHC) application.

**Income Standards**

Sections 1.1, 4.4 and 14.2 of the Town's Zoning Bylaw specify the following income standards.

Where the Bylaw stipulates "Affordable Housing" (as defined in Section 14.2) annual household income must be less than 140% of the Dukes County Median Income for the appropriate family size.

For special situations, e.g. raffles of public land or housing, the Affordable Housing Committee may prescribe an appropriate income screen.

**Assets Standard**

Applicants must report all assets and debts. Assets in excess of \$50,000 will require special exemption by the entire Affordable Housing Committee.

**Residency**

For apartment dwellings allowed under Bylaw Sections 4.4-2 and 4.4-3 occupancy is limited to residents of Martha's Vineyard and, to the extent possible, preference will be given to residents of West Tisbury.

For Town awarded properties, preference may be given to applicants with a specific minimum number of years of West Tisbury residency.

**References**

The Affordable Housing Committee will require references and data on employment, income, assets and residency. This information will be collected in a manner consistent with the Affordable Housing Committee's application.

**Administration of Standards**

The information collected from applicants is personal and worthy of confidentiality. The Dukes County Regional Housing Authority (DCRHA) will process the applications. Any questions pertaining to special exemptions, etc. will be forwarded to the AHC for review. This will be a blind review, meaning only the applicants' financial and residency information will be reviewed without applicants' names or addresses revealed.

**Appeals**

The AHC will consider appeals of disqualified applicants. These appeals must follow the AHC appeals process.

Revised July 2006

# AFFORDABLE HOUSING-DEED RIDER/COVENANT SUMMARY

In order to perpetually preserve the affordability of homesite lots, they will be restricted at sale with a Deed Rider/Covenant. The Covenant is an attachment to the deed of the property that restricts the purchaser's ability to resell the home/homesite and the price at which the sale may be made. The Covenant establishes both a process for the sale and a price at which the property may be sold. This summary describes the significant aspects of the covenant.

The process of sale is structured to assure that the property is sold to another "Eligible Household" at a "Maximum Resale Price" that is affordable. An Eligible Household is a family or individual with an income specifically determined by the West Tisbury Affordable Housing Committee (AHC) for each lot. The Maximum Resale Price shall be set by the AHC. It is based on the Department of Housing and Community Development (DHCD) current figures for a home for an applicable family size determined at time of purchase with a **3% increase per annum**.

## PROPERTY OWNER/S DESIRING TO SELL THE PROPERTY MUST ADHERE TO THE FOLLOWING PROCESS:

1. Notify the AHC of your intent to sell the property. The notice must contain the intended Resale Price. The AHC will calculate the Maximum Resale Price of the property as determined by the process described above, and if lower than the intended resale price, the owner will need to comply with said price.
2. The owner may seek an eligible purchaser or ask for assistance from the AHC.
3. In the event the AHC finds more than one Eligible Purchaser the AHC will hold a lottery to select which of the prospective buyers will purchase the property.
4. The covenant of affordability stays with the property in perpetuity after the sale.
5. Further resale details within the covenant must be followed.

May contact AHC for a complete covenant.

Revised July 2006

# Application Appeals Process

There is an appeals process if you, the applicant, feel your disqualification is incorrect.

1. The Dukes County Regional Housing Authority will inform you as to the fact that you have been disqualified. They will explain why your application was not accepted.
2. If this does not satisfy you, as an applicant you have the right to appeal this decision.
3. Appeals to this decision must be made to the Affordable Housing Committee in writing within 2 business days of notification of your disqualification. At this time you should include any pertinent information for your case to substantiate your appeal. Please include a detailed explanation of all issues that AHC has questions about.
4. The committee will review your appeal and inform you, the applicant, in writing as to their decision to uphold the disqualification or accept your plea for the appeal.

## **Check list for Appeals**

### Circumstances for Incomplete Application

- 1) Why fewer than 3 years tax returns
- 2) Incomplete information in specific areas of application

### Assets over \$50,000

What are assets invested in?

- 1) Retirement or IRAs
- 2) CDs, etc.
- 3) Cash

### Previous or Presently owned property or home

- 1) What years owned
- 2) Profit from sale
- 3) Circumstances of ownership and sale
- 4) Other

### Other questions

Questions about this process should be directed to

Dukes County Regional Housing Authority

P.O. Box 4538

Vineyard Haven, MA 02568

Phone: 508-693-4419 Fax: 508-693-5710

e-mail: [DVIGNEAULT@VINEYARD.NET](mailto:DVIGNEAULT@VINEYARD.NET)

Mail Appeals to: West Tisbury Affordable Housing Committee

P.O. Box 278

West Tisbury, MA 02575

Phone: 508-696-0102 Fax 508-696-0103

[affordhouse@westtisbury-ma.gov](mailto:affordhouse@westtisbury-ma.gov)

### **Homesite Lot Rules**

The West Tisbury Affordable Housing Committee and Board of Selectmen wish potential homesite owners well on this venture of homesite ownership and hope completion is successfully.

These rules apply to all homesite lots awarded by the Affordable Housing Committee and the Town of West Tisbury. Failure to make the expected use of the property could negate your possession of the property.

#### **IF SELECTED**

1. You must obtain a special permit from the Zoning Board of Appeals. Within **10 days** of the date of the Affordable Housing Committee or Dukes County Regional Housing Authority contacting you stating you are the winner of the lot you must apply for a Special Permit. This process will take approximately 6-8 weeks. Therefore, it is imperative that you start this process immediately.
2. You must take title to the land within **30 days** of granting of the Special Permit. Our counsel, Reynolds, Rappaport and Kaplan, are prepared to speak (facilitate closing) with you, your lawyer or your bank. It is important to begin working toward the closing immediately. At the closing you will provide to the town a possible payment (cash or bank certified check) for the lot. Before a Certificate of Occupancy is issued you must sign an Affordable Housing Covenant that will put certain restrictions on your deed. These will serve to keep the property in the affordable housing realm indefinitely.
3. If these requirements are not met on schedule, the Affordable Housing Committee has the authority to rescind this agreement and award the lot to an alternate certified applicant or hold a new lottery for the lot.
4. Within **90 days** of the date of closing you must secure a building permit from the West Tisbury building inspector. This will require you to complete certain water and septic procedures. You should visit the Building Inspector soon and become familiar with what you must do. (It would be a good idea to keep all receipts pertaining to the building process as well as a record of all labor time not paid for. This may be important in determining the maximum resale price of the home.)
5. Within **24 months** of the date of being selected the winner you must get a certificate of occupancy for your new home. The Building Inspector also handles this. At this time the Affordable Housing Covenant will also have to be signed. This covenant will determine the maximum resale price of the home.
6. **To reiterate: If these requirements are not met on schedule the Affordable Housing Committee has the authority to rescind this agreement and award the lot to an alternate certified applicant or issue a new lottery for the lot.**

## 2008 Guidelines for the West Tisbury Accessory Apartment program

The Town of West Tisbury provides opportunity for the development of affordable rentals through special permits issued by the West Tisbury Zoning Board of Appeals. Property owners who participate in the program are certified by the **West Tisbury Affordable Housing Committee** and monitored by the **Dukes County Regional Housing Authority**. Additional information on the Zoning Bylaw resulting in this housing program is available at the Town Hall.

- Apartments granted under Section 4.4-4 of the Zoning Bylaw are restricted to households earning no more than 80% of Dukes County median income (please see below).
- Rent and utilities should total no more than 30% of a household's income.
- The Affordable Housing Committee requires 3 years proof of income, tax returns, W-2's, 1099's, etc. to be certified by the Housing Authority.
- The Town requires the Housing Authority to maintain copies of the landlord's lease, the tenant's income certification and a signed program affidavit on file for review by the Affordable Housing Committee.

### 2008 Household Income Limits (80% of Dukes County Area Median Income)

|              |          |
|--------------|----------|
| One person   | \$44,050 |
| Two person   | \$50,300 |
| Three person | \$56,600 |
| Four person  | \$62,900 |

### 2008 Maximum Rent Limits\*

|                      | <u>Studio</u> | <u>1 Bedroom</u> | <u>2 Bedroom</u> |
|----------------------|---------------|------------------|------------------|
| With Utilities:      | \$1,100       | \$1,180          | \$1,415          |
| Split Utilities**    | \$1,025       | \$1,080          | \$1,290          |
| Without Utilities*** | \$950         | \$980            | \$1,160          |

\* Rents are based on Dukes County Area Median Income figures provided by the Office of Housing and Urban development (HUD). The above rates shall be in effect from **7/1/08 through 6/31/09** as rate updates are provided by HUD in the spring of each year.

\*\* **In order to charge the split utilities rental rate the heating or electric (not both) must be the utility shared with the primary resident. One example is tenant with a monitor heater fuel bill they pay while sharing an electric service with the landlord.**

\*\*\* In order to charge the rental rate without utilities, all utilities must be separately metered and billed in the name of the tenant.

The West Tisbury Affordable Housing Committee has reviewed and approved these guidelines.

# POINTS SYSTEM

The Affordable Housing Committee has developed a point system that may be part of the application process for lotteries of town owner lots. The points below will be considered along with the information on the application.

1. Residency in West Tisbury    5-8 years= 1 point  
    (accumulative)                    9-15 yrs.= 2 points  
  more than 15 yrs.=3 points
  
2. Public Service or Municipal Employment Applicants who have volunteered in the town's or island's public sector or been employed by the Town of West Tisbury for 5 years = 1 point.  
    Definition of municipal employment: someone who works 20 hours or more a week and receives a paycheck from the Town of West Tisbury.
  
3. Family size will be applicable to each individual project and points will be determined as each project develops.

Point Values – Every point is worth an extra ticket in the lottery with 5 points being the maximum that can be accumulated.

Revised July 2006

**Dukes County**

HUD/MHP Income Table dated 3/2008

***DRAFT for Review***

**2008 Median Income Limits for Dukes County \***

|           | 30%      | 50%      | 60%      | 70%      | 80%      | 90%      | 100%            | 110%      | 120%      |
|-----------|----------|----------|----------|----------|----------|----------|-----------------|-----------|-----------|
| 1 person  | \$16,500 | \$27,500 | \$33,000 | \$38,525 | \$44,050 | \$49,525 | \$55,000        | \$60,500  | \$66,000  |
| 2 persons | \$18,900 | \$31,450 | \$37,740 | \$44,020 | \$50,300 | \$56,600 | \$62,900        | \$69,200  | \$75,500  |
| 3 persons | \$21,250 | \$35,350 | \$42,420 | \$49,510 | \$56,600 | \$63,650 | \$70,700        | \$77,800  | \$84,900  |
| 4 persons | \$23,600 | \$39,300 | \$47,160 | \$55,030 | \$62,900 | \$70,750 | <b>\$78,600</b> | \$86,500  | \$94,400  |
| 5 persons | \$25,500 | \$42,450 | \$50,940 | \$59,445 | \$67,950 | \$76,425 | \$84,900        | \$93,400  | \$101,900 |
| 6 persons | \$27,400 | \$45,600 | \$54,720 | \$63,835 | \$72,950 | \$82,075 | \$91,200        | \$100,300 | \$109,400 |

\* The DCRHA uses MHP's doubling of HUD's 50% AMI to obtain the \$78,600 key figure vs. HUD's '08 Dukes County