

Accessory Apartment Guide  
To  
Homeowners

**Accessory Apartment  
Homeowner Fact Sheet**

The Town of West Tisbury wishes to give homeowners the opportunity to develop affordable rentals through a special permit issued by the West Tisbury Zoning Board of Appeals. Please read the zoning bylaw information dealing with creating affordable housing units included in this fact sheet.

The Town's zoning bylaw allows for year round homeowners to build an attached (within an existing house or added to an existing house) or detached (part of a non-habitable structure) apartment by special permit.

**Requirements**

1. Primary house and accessory apartment be in single ownership.
2. Owner must occupy either the primary home or accessory apartment
3. At no time are both the primary home and accessory apartment to be rented.
4. At **no period of the year are the primary home to be rented** and the accessory apartment to be used by the homeowners as a resident
5. Accessory apartment can only be rented on a year-round basis to income qualified tenants. Income qualification is based on 80% of median income of Dukes County, MA. (see attached guidelines)
6. Income qualifications of tenant and leases will be monitored by the Dukes County Regional Housing Authority.
7. Maximum rents for the accessory apartments will be established annually by the town's Affordable Housing Committee. (see attached guidelines)
8. Apartment may be occupied by year round family member or caregivers.

**Feasibility Considerations**

**Year-round West Tisbury homeowners should access the feasibility of building an accessory apartment on their property including**

1. Are there any deed restrictions on the property?
  - Easement restrictions
  - Subdivision bylaws
  - Road Association requirements
  - Deed restrictions from previous permitting or conditions of sale
2. Does the homeowner qualify to build an Accessory Apartment?
  - Year-round resident of West Tisbury
3. What is currently permitted capacity of the existing septic system?
  - Location of septic system
  - Will the septic need to be expanded or upgraded (Board of Health may need be Consulted)
  - Property's septic has 10,000 square feet per bedroom proposed (May require septic inspection)
4. What is current status of well?
  - Sufficient water for additional bathrooms and kitchen (may require inspection by Board of Health or Building Inspector)
5. Is site suitable for building additions?

Will addition fit into setbacks?

6. Permitting requirements

Intentions fit within the bylaw

Special permit will be required from ZBA

Building permit will be required

May require Board of Health review

### **Accessory Apartment Information**

The following forms were put together to help with your request to create an affordable accessory apartment. The West Tisbury Zoning Bylaw dealing with accessory apartments may be found on the town web page [westtisbury-ma.gov](http://westtisbury-ma.gov). When you reach this site click bylaws then click zoning. The accessory apartment is section 4.4. Further questions may be answered by the Affordable Housing Committee which information is also on the West Tisbury web site.

#### Accessory Apartment By-Law Section 4.4-2

#### 4.4-4 Occupancy Restrictions on Apartments

A. The dwelling units may be rented only to the following occupants:

1. Persons domiciled on Martha's Vineyard year-round and eligible to rent affordable housing as defined in this bylaw, as demonstrated by income, residency, and other documentation required by the Affordable Housing Committee.
2. In owner-occupied buildings and/or properties only (including mixed use buildings and properties), persons employed full-time on Martha's Vineyard during the summer season, as demonstrated by a letter from an employer, current pay stubs, or other proof of employment.
3. Persons who intend to qualify under Subsections 1 or 2 above and who sign an affidavit stating that intention and submit proof of compliance within 30 days of occupancy of the dwelling unit.
4. Family members and Caregivers.

B. To prove compliance with the above requirements, the owner of regulated apartments shall file the following with the Zoning Inspector:

1. Prior to the issuance of an occupancy permit for the apartment and within 30 days of any change in ownership of the premises, an affidavit attesting to the owner's understanding of the occupancy restrictions of this Section 4.4-4 and intention to comply with these requirements.
2. On or before Jan. 31 of each year, the names of lessees of apartments claiming to be year-round domiciliaries of Martha's Vineyard, together with copies of their year-round leases and their driver's licenses. Any such lease shall clearly state that year-round occupancy of the apartment is a condition of the lease.
3. On or before July 15 of each year, the names of lessees of apartments claiming to be seasonal employees, together with the proof required for such employment status. Such lessees shall be furnished a statement by the owner that clearly states that occupancy of the apartment is contingent upon their employment on Martha's Vineyard.
4. Failure to comply with the requirements of this Section 4.4-4 (B) shall constitute a violation of this bylaw, subjecting the violator to all applicable fines and penalties as provided in Subsection 10.23 (A). A lessee who fails to comply with the provisions of this Section shall be considered to be in violation of this bylaw. Failure to comply with the provisions of this section shall also be

grounds for revocation of the certificate of occupancy for the dwelling unit, unless the owner makes a good faith attempt to evict tenants who do not comply with the conditions of this Section.

5. Such income verification documentation as may be required by the Affordable Housing Committee.

There are further Sections on Affordable Housing within the Zoning Bylaws that may be of interest.

### **2016 Guidelines for West Tisbury Accessory Apartment Rentals**

The Town of West Tisbury provides opportunity for the development of Accessory Apartments through special permits issued by its Zoning Board of Appeals. The Town’s Affordable Housing Committee then works with the Dukes County Regional Housing Authority to provide annual monitoring of the specially permitted apartments used as year-round affordable rentals.

*Additional information on the Zoning Bylaws is available at the Town Hall.*

- Rental of apartments granted under Section 4.4-4 of the Zoning Bylaws are restricted to households earning no more than 80% of Dukes County median income (please see below for 2016 income limits and rent maximums).
- The Affordable Housing Committee requires proof of current income as well as recent tax returns for income certification by the Housing Authority.
- The Affordable Housing Committee has the Housing Authority maintain copies of the landlord’s lease, the tenant’s income certification and a signed program affidavit on file for review upon request by the Town.

**2016 Household Income Limits\*** (80% of Dukes County Area Median Income)

One Person	\$46,000
Two Persons	\$52,600
Three Persons	\$59,150
Four Persons	\$65,700

**2016 Maximum Rent Limits\***

	<u>Studio</u>	<u>1 Bedroom</u>	<u>2 Bedrooms</u>
With Utilities:	\$1,150	\$1,232	\$1,478
Split Utilities**	\$1,089	\$1,140	\$1,355
Without Utilities***	\$1,028	\$1,048	\$1,233

\* Income and rent levels provided annually by the U.S. Department of Housing & Urban Development (HUD).

\*\* 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 these guidelines.

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DUKES COUNTY REGIONAL HOUSING AUTHORITY  
PO BOX 4538, VINEYARD HAVEN MA 02568 PH. 508-693-4419 FAX 508-693-5710  
DCRHA@VINEYARD.NET

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Dear West Tisbury Accessory Apartment Owner,

The Town of West Tisbury utilizes the Regional Housing Authority to satisfy annual compliance with the Town's zoning by-law section 4.4-3 pertaining to Accessory Apartments by requesting basic documentation on current usage from each special permit holder.

**Please fill in the current status of your Accessory Apartment.**

<b>Owner Name:</b> _____
<b>Physical Address:</b> _____, West Tisbury MA 02575
<input type="checkbox"/> Apartment rented year-round <i>with</i> current annual lease and tenant income information on file with the Housing Authority. <b>Renter's Name(s)</b> _____
<input type="checkbox"/> Apartment is currently occupied by a family member(s). <b>Name</b> _____ <b>Relation</b> _____
<input type="checkbox"/> Apartment rented year-round <i>without</i> current annual lease or tenant income information on file with the Housing Authority. (Contact DCRHA with information to place on file) <b>Renter's Name(s)</b> _____
<input type="checkbox"/> Occupancy Permit issued but apartment unoccupied.
<input type="checkbox"/> Occupancy Permit not issued. <b>Status</b> _____
<input type="checkbox"/> <b>Other:</b> _____

**Please mail the signed survey and a signed copy of the Town's Accessory Apartment Affidavit (blue form) in the self-addressed envelope enclosed in this packet for your convenience.**

The Housing Authority appreciates your participation in the community housing effort on Martha's Vineyard as an owner of a West Tisbury's Accessory Apartment. Please let us know if we may be of any assistance to you on these or other community housing matters.

Sincerely,  
David Vigneault, Executive Director of DCRHA

**Please note that the Town of West Tisbury reserves the right to verify the stated use of the apartment. This may entail a visit to the property by a representative of the Town.**

**West Tisbury Accessory Apartment Affidavit**

**A Special Permit for the Accessory Apartment located at \_\_\_\_\_, West Tisbury**

Map \_\_\_ Lot \_\_, was granted by the Zoning Board of Appeals on \_\_/\_\_/\_\_.

The West Tisbury Zoning By-Law requires the following Affidavit attesting to the owner's understanding of the occupancy restrictions of Section 4.4-4 and intention to comply with the requirements.

I/We understand, and agree to comply with, Section 4.4-4 of the West Tisbury Zoning By-Law and recognize the Town of West Tisbury's right to verify the utilization of apartment attested to below.

\_\_\_\_\_ (Owners) Date\_\_\_\_\_

\_\_\_\_\_ (Owners) Date\_\_\_\_\_

At this time, I/We attest that the above Accessory Apartment is (mark one):

\_\_\_\_\_ rented to an income certified tenant.

\_\_\_\_\_ utilized by family members only.

\_\_\_\_\_ unoccupied.

\_\_\_\_\_ (Owners) Date\_\_\_\_\_

\_\_\_\_\_ (Owners) Date\_\_\_\_\_

**SIGNED UNDER THE PENALTY OF PERJURY**

(A copy of any lease in use must be filed with this affidavit and yearly thereafter