

## West Tisbury Aid for ADUs Program | Program Guidelines

The Aid for ADUs Program, a 10-year Forgivable Loan program to support the creation of new accessory dwelling units, will support a West Tisbury property owner ("Owner") with a **10-year forgivable loan** for the conversion of an existing space to an Accessory Dwelling Unit ("ADU") on the Owner's property.

**Commented [LS1]:** To determine whether this is a "Grant" or "Forgivable Loan". "Grant" is not repaid.

Through the Aid for ADUs Program, the West Tisbury Affordable Housing Trust may supply up to twenty-five thousand dollars (\$25,000) to the Owner for pre-development costs. In exchange, the Owner will rent the ADU year-round to an eligible household as described in accordance with West Tisbury Zoning Bylaw 4.4-4 A 1 and 4.4-4 A 3

**Commented [LS2]:** Q: is this ONLY for conversions? If not [or: for the creation of an Accessory Dwelling Unit ("ADU") on the Owner's property; conversion of existing spaces will be prioritized for grant awards] .

No short-term or seasonal rentals shall be permitted.

**Commented [AU3]:** I know lease means rent but perhaps rent would be the better word. We use the word rent later on. Lets be consistent.

**The purpose of this program is to support and assist West Tisbury property owners in creating new year-round housing opportunities to address the severe housing shortage in our community.**

ADUs may include in-law apartments, garage apartments, and basement apartments, and other pre-existing structures. The ADU can be located within, or be attached to the structure containing the principal residential use of the property, or it may be detached from that structure. It may also be a detached dwelling unit.

**Commented [LS4]:** Note: referencing the WT Accessory Apt bylaw follows precedent in the existing ADU special permits to date, and allows the new program to adapt as the definition of "eligible household" changes/evolves, and as the AHC Guidelines change/evolve. \*\* TBD: current zoning bylaw allows Caregivers and Family to inhaling ADUs. Will units created with that intention be eligible to apply for a grant?

**The definition** of an ADU for the purpose of this program is at a minimum; a separate dwelling unit subordinate to the principal residential use of the property which contains kitchen facilities (at minimum; a sink and stove, and/or oven in a room or portion of a room, devoted to the preparation of meals), bathroom (including toilet, sink, shower and/or a bathtub), living, and sleeping area(s).

**Commented [WV5]:** As worded, this would allow ADUs on commercial and other non-residential structures. PB/ZBA should be clear on whether this bylaw is intended to allow residential use in zones that currently prohibit residential uses.

**The intent** of an ADU is to fully house individual(s) separate from those living in the main residence with no dependence upon the main residence for essentials.

**Commented [WV6]:** Yellow highlights text that interchanges principal use of the property versus main residence. It is not clear whether non-residential uses/structures are eligible for ADUs. If not, then clarify "...principal RESIDENTIAL use of the property..."

The Town of West Tisbury shall contract with a Program Administrator to run the Aid for ADUs program. The Program Administrator shall be responsible for pre-development due diligence, including confirmation that ADUs are allowable on the Owner's property, obtaining any required approvals or permits from the local governing jurisdiction, and confirming compliance with all rules and regulations of such jurisdiction, including all building code requirements.

**Commented [AU7]:** Should we add that there will need to be separate designated parking and outside yard space for use by the ADU resident(s)

The services of the Program Administrator are included in the scope of the **10-year Forgivable Loan** award. No additional costs for the Program Administrator shall be borne by the grant recipient. The specific details of the role and responsibilities of the Program Administrator will be determined by the WTAHC once the Program has been approved.

Purpose of Program	This Program is intended to <b>support</b> an Owner to convert an <b>existing structure for an ADU</b> that shall be: <ol style="list-style-type: none"> <li>rented to an eligible year-round household, with an annual household income not to exceed the maximum allowable Area Median Income as determined annually by the West Tisbury Affordable Housing Committee and the Dukes County Regional Housing Authority as outlined in the "West Tisbury Accessory Dwelling Guidelines and Administrative Procedures" (2023 maximum is 140% of AMI). Renters may be chosen by the Owner and must be income-qualified annually by Dukes County Regional Housing Authority.</li> </ol>
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**Commented [WV8]:** Is new construction/addition excluded?

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	<p>The corresponding rental rate shall be determined annually by Dukes County Regional Housing Authority and shall not exceed 30% of the eligible household's gross income. <b>OR</b></p> <p>2) provided as a residence for a family member or necessary caregiver as defined in the West Tisbury Zoning Bylaws <b>4.4 Housing</b></p> <p>ADUs created may be within or attached to existing structures containing the principal residential use of the property or detached from that structure. Any ADU funded by this program must be on a permanent foundation and shall be taxed as real property within the jurisdictional boundaries of West Tisbury.</p>
Program Administrator	The Program Administrator is an entity which will be contracted by the Town of West Tisbury to manage and oversee the Aid for ADUs Program. This includes completion of all due diligence, feasibility, and confirming property eligibility based on zoning and local regulations, at time of application
Eligible Households	An Eligible Household is a year-round household as defined by Section 4.4-4 A1 and A3 of the Zoning Bylaws and the most recent West Tisbury Accessory Dwelling Guidelines and Administrative Procedures and subject to policies contained therein.
Eligible Property	An Eligible Property is a property in West Tisbury with an existing primary residential structure. Proof of approval from Homeowners Association(s), and municipality, as applicable will be required for WTAHC consideration.
Owner	The owner is the owner of an Eligible Property within West Tisbury. If an Eligible Property is owned by an entity other than an individual, such as an LLC or a trust, written permission to apply to the program from an authorized agent of the ownership entity and at least one actual person in the ownership entity is required
Renter	Renter is required to be an Eligible Household (see above section "Eligible Household") and use the ADU as their primary residence, as defined in the West Tisbury Accessory Dwelling Guidelines.

### Commented [AU9]: 4.4-3 Dwelling Unit Densities Allowed by Special Permit

**A. Affordable Accessory Apartments**  
 In order to help provide affordable year-round rental housing within the context of West Tisbury's pre-dominantly single-family home character, and to provide an opportunity for supplemental income to senior citizens and other homeowners in West Tisbury, who might otherwise find it difficult to remain in their homes due to increasing energy and maintenance costs and/or concerns about security and health, one apartment may be allowed by Special Permit from the ZBA as an accessory use to a single-family dwelling, on any sized lot, subject to the following conditions:

1. **Accessory Apartments shall be occupied only by Family Members or Caregivers, as defined in Section 14.2, if the Owner chooses not to rent to a qualified applicant for affordable year-round housing, as defined by the West Tisbury Affordable Housing Committee.**

Commented [BV10]: The first paragraph cites 'conversion' and the second paragraph specifies 'in' existing structures. This says new (but attached) construction.

Commented [BV11]: These green insertions change the eligibility requirements of the existing structure.

Commented [WV12]: See blue highlight on previous page.

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10 Year Forgivable Loan	A 10 Year Forgivable Loan may be issued to the Owner for up to twenty-five thousand dollars (\$25,000) for the development of an ADU on the Owner's property. Determination of Forgivable Loan amount is assessed by the Program Administrator based on review of the pre-development cost estimates of the ADU, including any architectural, engineering, administration fee and/or other consulting fees. Approval or denial of applications will be by the WTAHC.
Forgivable Loan Program Compliance	Compliance with all provisions of the Aid for ADUs Program and all the applicable bylaws is required. Failure to comply with the requirements of the Zoning Bylaws Section 4.4-4 shall constitute a violation, subjecting the violator to all applicable fines and penalties as provided in Zoning Subsection 10.23 (A) Renter 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 the Section.
Forgivable Loan Repayment Terms	If a sale or refinance of the Property occurs within 10 years of the Grant award, Owner must notify the WTAHC at least thirty (30) days prior to the sale of the Property. ( see attachment)
Rental Requirements	Owner shall rent the ADU to an Eligible Household that meets the following; Eligible Household must meet the definition in the West Tisbury Accessory Dwelling Guidelines and Zoning Bylaws Section 4.4-4 A1 and A 3  Rental rate shall not exceed the maximum allowable rent amount for the renter household AMI, as determined by MA Executive Office of Housing and Livable Communities (EOHLC) and DCRHA. The maximum AMI is set annually by the West Tisbury Affordable Housing Committee and DCRHA (140% in 2023) Other terms outlined in the West Tisbury Accessory Dwelling Guidelines and Zoning Bylaws Section 4.4-4.

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<p>Eligible Household Renter Approval/ Certification</p>	<p><u>Renter:</u>                  Owner may choose their own Renter. Owner shall refer the renter to DCRHA for income qualification. DCRHA shall provide documentation to Program Administrator and WTAHC who will review and provide a letter to the Owner approving or denying the Eligible Household.</p> <p>The Owner shall provide the WTAHC and DCRHA with a copy of the signed lease and shall notify the WTAHC and DCRHA immediately upon any termination of the lease for nonpayment or breach of lease terms.</p> <p>DCRHA shall certify the eligibility of Renter as an Eligible Household at any new lease signing or renewal.</p> <p><u>Family or Caregiver:</u> [stipulate terms for use by Family or Caregiver]</p>
<p>Annual Recertification</p>	<p>Recertification is required annually as required in Zoning Bylaws Section 4.4-4 C                  An Affidavit of Compliance shall be filled out by the Owner and provided to the WTAHC.</p>
<p>Rental Rate</p>	<p>The ADU shall be rented for the rental rates determined by The MA Executive Office of Housing and Livable Communities and published by the Dukes County Regional Housing Authority ("DCRHA"), the upper limit of which may be no more the maximum allowable Area Median Income as determined annually by the West Tisbury Affordable Housing Committee and the Dukes County Regional Housing Authority as outlined in the "West Tisbury Accessory Dwelling Guidelines and Administrative Procedures" (2023 maximum is 140% of AMI).</p>
<p>Occupancy</p>	<p>Owner commits to providing housing to an eligible tenant of their selection upon completion</p>
<p>Short Term Rental Prohibition</p>	<p>The ADU shall not be eligible for short-term rental. Short term rentals are defined as a non-owner providing compensation to lodge in another owner's property for periods less than thirty (30) days.</p>

Commented [BV13]: Elsewhere 'necessary caregiver' is used. Unless 'necessary' is already included in WT's bylaws, this should probably be struck.

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Program Application	<p>Completed Applications shall be submitted to the Town Clerk, to be time and date stamped in order received, and will be reviewed by the Program Administrator in the order received. A completed application requires proof of ownership of home, approval of any applicable homeowners' association, photo identification of Owner, and other documents deemed necessary by the WTAHC as outlined on the Application Checklist. Incomplete applications shall not be considered.</p> <p>The Program Administrator will assess the property and applicable documentation. Applications may be denied based on the physical condition of the proposed property and/or the feasibility of the project.</p> <p>After review and determination of feasibility by the Program Administrator, applications will be submitted to the WTAHC by the Program Administrator with an accompanying recommendation, and approved at the discretion of the WTAHC, subject to program guideline applicability and available funds.</p>
Application Processing	Review and approval within thirty (30) business days of receipt by the Program Administrator of a complete Application.
Release of Funds	Requisitions will be submitted to the WTAHC by the Program Administrator. WTAHC will review and approve release of funds to the program administrator based on certification of deed restriction.
Deed Restriction	Upon approval by WTAHC, a permanent deed restriction will be placed on the property and held by the WTAHC. Failure to comply with the terms of the restriction may be grounds for revocation of the Certificate of Occupancy for the accessory dwelling unit.
Program Administrator	An RFP will be released by the WTAHC to select a Program Administrator, the role and responsibilities of which will be further determined by the overseeing governing body.
More information	Voted on and approved at a meeting of the WTAHC on Wednesday March 8 <sup>th</sup> , 2023, unanimously 4/0/0

Commented [AU14]: Add that "the role and responsibilities of which will be further determined by the overseeing governing body"