

West Tisbury Affordable Housing Committee
Feb. 28, 2023 Minutes
Approved 04/17/2023

Present: Cynthia Mitchell, Skipper Manter, James Klingensmith, Jeffrey DuBard, Ivory Littlefield, Amy Upton, Simon Bolin, and Kanta Lipsky

Absent with Regrets: Mike Colaneri, Larry Schubert, Rise Terney and Rhonda Conley

Also Present: Jen Rand, Laura Silber and members of the public

Agenda

Mitchell stated that the original agenda only had one item on it for discussion and that is the item that will be discussed. The other items (401 State Rd. and ADUs) progresses may be reported but no discussion otherwise then status.

Trust and Committee

Mitchell wanted to make sure all members know what is Affordable Housing Trust business and what is the Affordable Housing Committee's responsibilities. On this she stated that the trust may sponsor a program but it is the committee's responsibility to execute programs. It is the committee who works out language, details, wording, operation, etc. to finalize the program. Mitchell suggested that the warrant article being proposed should go back to the AHC for finalization and clarification of the ADU proposed pilot program and be presented to the Select Board on Mar. 8th at their meeting Mar. 8th.

15 Rock Pond Rd: Mitchell reported that Jen Rand and herself met with the new Monitoring Agent Gael Keller of Housing Assistance Corporation (HAC) and DCRHA Ex. Director David Vignault (current monitoring agent) about the sale of 15 Rock Pond Rd. Keller told them that the town is not a party to the sale. Keller and Christy Phillippes (homeowner) have met and agreed on asking price for home and property. HAC will do resale. Town has no role in the sale. Rhonda Conley, Admin. Asst. to AHC had some concerns about paperwork. She asked about the Town Lien (mortgage) that is put on town affordable homes. HAC told Mitchell that they will supply the town needed paperwork. She also said the solar panels will go with the house as part of the home. The Town will be notified of sale and results.

ADU Warrant Article Draft: Several members of the public had questions about the warrant article being discussed by the trust and committee. Mitchell asked them to send questions to Jen Rand (Town Administrator). Klingensmith said the ADU proposal will be discussed at the next AHC meeting Mar. 7th. He also noted that the last reference to the ADU should not be the AHT putting out an RFP for an Admin. Asst for the ADU project. It should have the AHC reviewing and discussing this article on housing initiative. Mitchell said the proposal is screaming for details. As a warrant article town counsel agreed that the article is bare of detail. Mitchell stated it needs some kind of document that the voters can look at for clarification and details of the ADU proposal. Mitchell reported it does not meet the threshold of clarification for Town Counsel. Klingensmith thought it had to be viewed by AHT therefore he bounced it back. There seems to have been great confusion on the part of committee members such as trust has the money so that is who must make the decision. Mitchell explained that the committee is the program creator, clarifier and promoter. Mitchell said the clarifications etc. were not happening at the meeting tonight. A meeting of the AHC should be scheduled to deal with issues of the article. Klingensmith stated it will be on the Mar. 7th agenda. Manter stated that the warrant articles must be handed in by Mar. 15th 3 weeks before town meeting. The meeting ended with a request for Rand's comments. Manter stated it is a long process and he will try and attend the meeting. Littlefield said that a few days' time to go through the comments and address the issues it could revive the information and get out there to all the voters.

Adjourned

Approved (no meeting yet)

Next meeting will be Mar. 28, 2023 at 6:15 P.M.

Respectfully submitted by Rhonda Conley

Attachment

The Aid For ADUs Program, a grant program to support the creation of new units, will support an existing property owner (“Owner”) with a grant for the conversion of an existing space to an Accessory Dwelling Unit (“ADU”) on the Owner’s property. 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. In exchange, the Owner will lease the ADU to an Eligible Household at a monthly rental rate no higher than 140% of area median income of rental rates (is this wording correct?). The intent of the program is to create new housing units for the year-round Renter at attainable rental rates.

ADUs include in-law apartments, garage apartments, and basement apartments. The definition of an ADU for the purpose of this program is at a minimum, a separate dwelling unit subordinate to the principal use of the property which contains kitchen facilities (at minimum; a sink and stove, or oven in a room or portion of a room, devoted to the preparation of meals), bathroom (including toilet, sink, and shower or bathtub), living, and sleeping area(s). 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. The ADU may be located within or attached to the structure containing the principal use of the property, or it may be detached from that structure. The Program Administrator will be responsible for confirming that ADUs are permitted on the Owner’s property, for obtaining any required approvals or permits from the local governing jurisdiction and for compliance with all rules and regulations of such jurisdiction, including all building code requirements (Why would the trust, through its admin. take on all the permitting and oversee building code?). This is part of the incentive and the grant. Predevelopment due diligence. The program administrator will be paid out of the grant.

A condition of the Grant is that the Owner shall rent the ADU to an Eligible Household. No short-term rentals are allowed.

Purpose of Program	This Program is intended to allow an Owner to convert living space for an ADU that shall be rented to an Eligible Household at no more than 140% of area median income rental rates.
Eligible Households	An Eligible Household is defined by the most recent West Tisbury Accessory Dwelling Guidelines and Administrative Procedures and subject to policies contained therein. ADUs shall be rented to those that make West Tisbury their permanent residence. No short-term rentals are allowed.
Eligible Property	This program will support the build-out of ADUs within or attached to existing structures containing the principal use of the property, or detached from that structure, that are on a permanent foundation taxed as real property within the jurisdictional boundaries of West Tisbury. The Program Administrator oversees

	<p>completion of all due diligence and for confirming property eligibility based on zoning and local regulations, at time of application. Proof of approval from Homeowners Association(s), Design Review Board (what is this?) Many communities of homeowners have architectural standards/committees, but I imagine it can fall within the HOA, and municipality or Dukes County, as applicable will be required for WTAHC approval.</p>
Owner	<p>Owner is the owner of an Eligible Property within West Tisbury. If an Eligible Property is not owned by an individual(s), permission and proof of ownership is required.)I don't understand this? Someone renting the property can do this with the homeowners permission?) This is an eligibility requirement for the grant. Properties are frequently owned by LLCs.</p>
Renter	<p>Renter is required to be an Eligible Household and use the ADU as its primary residence, as defined in the West Tisbury Accessory Dwelling Guidelines.</p>
Grant	<p>A Grant may be issued to the Owner for up to twenty-five thousand dollars (\$25,000) for the construction of an ADU on the Owner's property. Determination of Grant amount is made by the Program Administrator based on review of the Pre-Development cost estimates of the ADU, including any architectural, engineering and other consulting fees. (what if project is never built?) The permanent deed restriction remains.</p>
Grant Program	<p>The Grant does not require repayment unless program requirements are violated.</p>
Grant Repayment	<p>If a sale or refinance of the Property occurs within the Term of the Loan (what loan? I thought we are giving them money not loaning them money)Thanks. Typo. , Owner must notify the WTAHC at least thirty (30) days prior to a sale of the Property.</p>

<p>Rental Requirement</p>	<p>Owner shall rent the ADU to an Eligible Household that meets the following -</p> <ul style="list-style-type: none"> ● Eligible Household must meet the definition in the West Tisbury Accessory Dwelling Guidelines ● Rental rate shall not exceed 140% area median income (AMI) based on number of bedrooms. ● Utilities may be separately metered, however the total amount paid by the Renter for rent and utilities cannot exceed 140% AMI as defined by the DCRHA. (how will this be tracked? Who keep track of the amount of electrical use and cost? What if the renter leaves all the lights on day and night and keeps the heat at 80*)(There are 2 different rental limits depending on whether utilities are included or metered separately. These numbers are calculated annually and available thru DCRHA. ● Other terms outlined in the West Tisbury Accessory Dwelling Guidelines. (Where are these guidelines found?) The document is available on the WTAHC page
<p>Eligible Household Approval/ Certification</p>	<p>Owner or Program Administrator must collect application materials from a potential Renter and shall provide documentation to WTAHC who will review and provide a letter to the Owner approving or denying the Eligible Household. The Owner shall provide the WTAHC with a copy of the signed lease and shall notify the WTAHC immediately upon any termination of the lease for nonpayment or breach of lease terms. (who will monitor for compliance?) The existing ADU program requires annual reporting to the WTAHC.</p> <p>Owner shall certify the eligibility of Renter as an Eligible Household at any new lease signing or renewal. Certification includes Renter's proof of employment in Dukes County. (why do they have to work in dukes county? What if they commute to Falmouth for work every day?) I believe that the incentive should only be available for people who not only live, but also contribute to the local economy and community through their employment</p>
<p>Recertification</p>	<p>Recertification is required annually. If the Owner fails to provide certification or recertification documents for the current year based on the compliance above, the Grant shall become immediately due and payable.</p>

Rental Rate	The ADU shall be rented for no more than the rental rates determined by 140% of Dukes County area median income (“AMI”) published by the Dukes County Regional Housing Authority (“DCRHA”) If the Owner is unable to rent the ADU for rental rates determined by 140% of Dukes County AMI, for more than 60 days, the rent should be reduced to a reasonable market rate as determined by prevailing market conditions and as approved by the Program Administrator. (the word “reasonable” has no definition.) Are you suggesting we need to include HUDs definition of reasonable rent? I guess I can footnote the source. The point is that the market defines this.
Occupancy	Owner commits to providing housing to an eligible tenant of their selection upon completion.