

**Aug. 27, 2019**  
**West Tisbury Affordable Housing Committee**  
**Minutes**

**Present:** Larry Schubert, Mike Colaneri, Jeffrey Dubard, Susan Feller, Ted Jochsberger,  
Angela Prout, John Rau and Rise Terney

**Also Present:** Rhonda Conley

Mike made a motion seconded by Ted to accept the 8-13-19 minutes as written.

**VOTE 5 YES 0 NO 2 ABSTAIN 1 ABSENT**

**ANNOUNCEMENT AND CORRESPONDENCE**

**CPC Applications:** John stated that eligibility applications are due in Sept. Rhonda stated she has given Heidi (CPC Admin. Asst.) both the eligibility and full application.

**INVOICES-**none

**UPDATES**

**Scott's Grove:** Mike and Jeffrey attended the meet with MASS Housing at Scott's Grove. It was a success.

**NEW BUSINESS**

**Property Possibilities:** Mike spoke with Linda Bassett, Map 32 Lot 90, about her property on the market (see attached assessor card). It is listed for 2.8 million and assessed value is \$1,381,600. Mike did a walk through with Bassett. It has a 10 bedroom septic, 3 buildings and on 1 acre. Mike will do more research and ask the members to think about the possibility.

Mike brought up the Welles property again (see attached history memo and assessor card). He would like the committee to approach the owners again about buying the property. This is a historic property although it appears to be a tear down. Would this be a candidate for both historic and affordable housing CPA funds is the question. Susan believes that the property is a health and safety issue that may be a large issue.

Mike also would like to approach Pat Jenkinson about purchasing that property (see attached assessor card).

Jeffrey stated that the Nancy Dole property next to the gas station is also on the market (see attached assessor card).

All these properties are in town center and would be a good town owned investment Mike stated. Rhonda brought up the need to search for land as well. IHT has a land analyzer that may be able to help in this search.

Jeffrey remains looking into the Steel Point property.

**ONGOING BUSINESS**

**Letter of Agreement:** The committee reviewed the letter and made some changes. Rhonda will have the revised draft for the next meeting. There are some additional changes along with the appendixes (see attached).

**Home Rental:** The committee reviewed the Home Rental and made some changes. There are some additional changes dealing wording and placement. Rhonda will have ready for the next meeting (see attached).

**16 Old Courthouse Rd.:** Rhonda stated the Selectmen are scheduled to review Aug. 28th. There has not been any report from Town Counsel.

**Housing Group:** Ted stated the 2 at large members have not been appointed yet.

Adjourned at 8 P.M.

**The next AHC meeting will be Sept. 10th at 6:30 PM in Town Hall 2nd floor conference rm.**

**The next AHT meeting will be Sept. 24th at 6:30 P.M. in Town Hall 2nd floor conference rm.**

Respectful submitted by Rhonda Conley

#### **ATTACHMENTS**

**Assessor cards-Bassett, Welles, and Jenkinson. Dole and Steel pt. are separate files as they are pdfs.**

### **Letter of Agreement**

Revised 8-27-19

This Agreement made this \_\_\_\_ day of \_\_\_\_, 2019 between the Island Housing Trust (IHT), P.O. Box 779, West Tisbury, MA 02575, acting by and through its members and the West Tisbury Affordable Housing Committee (WTAHC), P.O. Box 278, West Tisbury, MA 02575, acting by and through the Town of West Tisbury Board of Selectmen (Town).

Whereas from time to time building lots/homes become available for lease or sale by the IHT to persons or families of low or moderate income levels and

Whereas the Town has established the Affordable Housing Committee to assist in the distribution of lots/homes to persons or families of low or moderate income levels, by developing criteria for eligibility, resales, repurchases, rentals or other restraints on alienation and duration of such restraints;

Whereas WTAHC has established eligibility criteria for the distribution of lots/homes within the Town to persons or families of low and moderate income levels.

Whereas IHT recognizes that the Town zoning bylaw states under Zoning Bylaw Article 4.4-7 D that the WTAHC Guidelines shall be enforceable by the Town of West Tisbury or its designee and shall limit, in part, the following:

1. The use of the property to one dwelling, which shall be the owner's primary residence;
2. The maximum allowable rental time per year;
3. The rental guidelines and exceptions, if any

Rental of these affordable homes must comply with West Tisbury Zoning Bylaw 4.4-7D.

Now, Therefore, IHT and WTAHC agree as follows:

1. IHT and WTAHC agree that any rental of owned affordable homes under IHT control through deed riders, ground leases or other forms of restrictions in the Town of West Tisbury shall before the start of any rental of such report to WTAHC.

2. The following information shall be provided to WTAHC:

- Rental Criteria
- Homeowner income qualification level
- Homeowner name
- Address of said home
- Size of home (including number of bedrooms)
- Name of Eligible Renter
- Address of Renter
- Renter income level
- Rental amount
- Terms of rental agreement (e.g. lease)
- Explanation why rental is being allowed

3. IHT and WTAHC agree any home being rented has been rented according to all rental eligibility criteria established by WTAHC.

4. WTAHC has the right to review and revoke rentals that do not meet rental guidelines as well as set a time limit on the rental.

5. Dukes County Regional Housing Authority (DCRHA) has supplied and reviewed an eligibility application. DCRHA has determined the renter's eligibility income level.

6. Rental income levels are based on DCHD income tables provided by DCHD yearly.

7. The family size and income level of the renter must meet the appropriate size and income level for the home. The income level shall be the established level at beginning of homeownership when lot/home was first distributed to homeowner through IHT covenant, ground lease or other form of conveyance.

8. IHT and WTAHC agree that all rentals including those previously rented before this agreement shall be reviewed once a year. The status of such shall be reported to WTAHC by June 30th of each year. Those presently being rented at the signing of this agreement shall be reported immediately and shall be placed in compliance with the WTAHC rental guidelines.

9. Rentals of the owned affordable homes may not exceed one (1) year.

10. IHT shall comply with all the requirements set forth in Article 4.4-7D of the Town's zoning bylaws including the Home Rental Guidelines for Affordable Housing Owners and expressly recognizes that the Town through WTAHC shall have the power to enforce the terms of this letter of agreement.

WTAHC must have final say as to time of rental lease and permission to sublet. Any excess rental above that permitted by WTAHC must be returned to the Town. Rental amounts shall be determined by rental tables provided by DCRHA based on the United States Department of Housing and Community Development (DHCD) income tables.

IN WITNESS WHEREOF, the parties have executed this Letter of Agreement as of the day and year first above written.

Island Housing Trust

West Tisbury Affordable Housing Committee

\_\_\_\_\_  
By its Executive Director  
As duly authorized by the members

\_\_\_\_\_  
West Tisbury Affordable Housing Committee  
Chair or duly authorized signatory

**This should also have a notary seal I believe.**

**APPENDIX B**  
**West Tisbury Affordable Housing Committee**  
**P.O. Box 274**  
**West Tisbury, MA 02575**  
**508-696-0100 ext. 121**  
**affordhouse@westtisbury-ma.gov**

**This form is to be used by all affordable homeowners who wish to rent their home.**

PLEASE PRINT all application answers. Incomplete applications cannot be processed. Complete all information requested on the Request Form. Make sure that you sign the form.

Completed applications can be mailed to West Tisbury Affordable Housing Committee at the address above or hand-delivered to the WTAHC office at Town Hall at 1059 State Rd., West Tisbury, MA 02575. Town Hall is open 8:30 A.M. to 4:30 P.M. You may also email to address above.

- Name of Applicant \_\_\_\_\_
- Street Address \_\_\_\_\_ Mailing Address \_\_\_\_\_
- Phone \_\_\_\_\_ Town \_\_\_\_\_
- Map (number) \_\_\_\_ Lot (number) \_\_\_\_
- Reason for Exception Request \_\_\_\_\_
- Homeowner Income Qualification level \_\_\_\_\_

Size of home (number of bedrooms) \_\_\_\_\_

Name of Eligible Renter \_\_\_\_\_ Income level \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Terms of proposed Rental Agreement \_\_\_\_\_

Documents Included (check documents included)      Other Documents may be required

Deed \_\_\_\_\_      Proposed Lease \_\_\_\_\_

Deed Rider \_\_\_\_\_      proposed Rent \_\_\_\_\_

Homeowner Insurance \_\_\_\_\_      Home Inspection \_\_\_\_\_

\_\_\_\_\_  
Signed by homeowner

\_\_\_\_\_  
Date

**This form (Appendix B) could possibly be used by entities dealing with affordable homeowners wanting to rent their homes such as IHT, DCRHA. Possibly a requirement to file with AHC**

### **Home Rental Guideline for Affordable Housing Owners**

The West Tisbury Affordable Housing Committee wishes to inform affordable homeowners of the Zoning Bylaw Article 4 requirements on renting their affordable home. The bylaw under 4.4-7 D states that their dwelling shall be the owner's/lessee's primary residence. The bylaw does allow for a maximum allowable rental time per year which is covered within the deed rider, covenant, lease or other form of conveyance ("deed rider") signed upon purchase or lease of the property. If the affordable homeowner wishes to rent the home there is also an exception within the bylaw that allows the WTAHC to approve affordable rentals to parties qualified by the WTAHC. These rental requests must come to the WTAHC for an exception approval. Please read the zoning bylaw information dealing with affordable housing units and your deed rider. Attached as Appendix A is Article 4 of the Zoning Bylaws. The homeowner will also need to consult any existing Association, Condominium and/or Ground Lease regulations running with the property.

Any rents, profits or proceeds from any rental of home realized from a transaction that has not received the prior written consent of the WTAHC shall be paid to West Tisbury Affordable Housing Trust Fund (WTAHTF) to the fullest extent permitted by law.

#### **Requirements**

1. Homeowner must request an exception to the rental rule of their "deed rider" to WTAHC. Request form (Appendix B)
2. The request must state the reason for the rental request (e.g. employment requires temporary relocation, etc.).
3. The request should also state all pertinent information on the property (address,      number of bedrooms, time frame of rental, etc.).

4. The request should include a copy of homeowner's "deed rider" which will state the base income level allowed for the property. Maximum rents for the home will be established yearly based on the United States Department of Housing and Community Development (DHCD) income table.

5. The home under this request may be rented up to 12 months.

6. At no time is the rental to be to more than one family or rented as a boarding house.

7. At no time is the home to be rented to a company or employer as a dormitory for employees.

5. The tenant must meet income qualifications set by the WTAHC. This is determined by an application (Appendix C)

6. If homeowner does not have an eligible tenant the WTAHC and/or Dukes County Regional Housing Authority (DCRHA) may help in finding one.

7. WTAHC may request further information from the homeowner to verify facts.

8. WTAHC upon receiving the request and answers to all required questions will inform the homeowner of review schedule. This review will occur at the next available WTAHC meeting time. See website for further information: [www.westtisbury-ma.gov](http://www.westtisbury-ma.gov) under Affordable Housing Committee.

9. After review the WTAHC will determine whether the request will be approved or denied with reasons for the decision. This decision will be a written decision with conditions, if approved. These conditions may include a maximum rent amount, a lease, home inspection, proof of homeowner insurance or other documents as requested by the WTAHC.

Revised 8-27-19

### Implementation Guidelines Affordable Homeowner Rental Guide

The West Tisbury Affordable Housing Committee (WTAHC) wants to make sure you are aware of the **obligations if you wish to rent** your home. These affordable homes are meant to be the homeowner's primary domicile. Therefore a compelling reason to rent these homes is required. The Affordable Housing Covenant\* (Deed Rider) is included in your deed documents and recorded at the Dukes County Registry of Deeds. Please make note of your present covenant's restrictions within dealing with resale, transfer and rental of the property. It states that you must receive approval from the WTAHC and /or Covenant Holder/Ground Leasing Agent before you may rent your home.

The Requirements before renting:

- The Homeowner shall notify the WTAHC, the Dukes County Regional Housing Authority (DCRHA) and/ or Homeowner's Covenant Holder/Ground Leasing Agent (see covenant for who) in writing **stating** the Homeowner's wish to rent. **This notice should state the full name of the property owner, physical and mailing addresses, phone number, homeowner's reason for this rental request, time line of rental, and any further information deemed necessary by WTAHC.**
- Upon receipt of the Notice, staff of the WTAHC, DCRHA and/or Homeowner's Covenant Holder/Ground Leasing Agent shall confer and determine the current Maximum Rental Price of the Property. This will be based upon the terms of the existing

Covenant using HUD income tables to determine eligible renters. **This will be presented to the WTAHC and/ or Homeowner's Covenant Holder/Ground Lease Agent for review and confirmation.** The Homeowner will be notified of the current Maximum Rental Price by phone, if possible, followed by written confirmation within **30 days** of receiving the Rental Notice.

- Upon location of a Renter the Homeowner shall inform the WTAHC, DCRHA and/or Covenant Holder for confirmation of such. The Renter candidate must complete an application with the DCRHA for rental qualification. This application shall request financial information including income and assets. If approved by the DCRHA as an Eligible Renter the WTAHC and/or Homeowner's Covenant Holder/Ground Lease Agent shall be informed. They will contact the present homeowner of approval or denial of renter. DCRHA keeps a waiting list of approved possible renters.
- All rentals upon approval by any agent other than WTAHC shall be reported to WTAHC with details of Homeowner information (address, etc.) and reason of rental approval.
- Reviews of rentals shall be held every year to determine necessity of rental continuance and compliance of rental occupancy according to West Tisbury Zoning Bylaw 4.4-4 Occupancy Restrictions on Apartments. These reviews may be by mail or formal request to appear before the WTAHC. Rentals are limited to three years. Any rentals beyond three (3) years shall need the written approval of the WTAHC.

Please feel free to contact the WTAHC by email or phone to ask any questions or discuss any issues you may want brought to the WTAHC's attention.

\*Where covenant is used in this document it will refer to the covenant or deed rider filed with the property deed.

West Tisbury Affordable Housing Committee  
PO Box 278  
West Tisbury Ma 02575  
508-696-0102  
affordhouse@westtisbury-ma.gov

Dukes County Regional Housing Authority (DCRHA)  
[www.vineyardhousing.org](http://www.vineyardhousing.org)  
PO Box 4538  
Vineyard Haven, MA 02568  
508-693-4419

Revised 1-23-18

To Committee

Not included in this is the tenant application which will be the DCRHA application possibly.