

**Article A:** To see if the Town will vote to amend the Wellfleet Zoning By-laws, SECTION VI, GENERAL REGULATIONS, by adding Section 6.21, AFFORDABLE ACCESSORY DWELLING UNITS, as follows, or do or act anything thereon:

Purpose: For the purpose of promoting the development of affordable rental housing in Wellfleet for year-round residents, a maximum of three affordable accessory dwelling units per lot may be allowed subject to the requirements, standards and conditions listed below:

6.21.1 Up to three affordable accessory dwelling units per lot may be allowed in any district by Special Permit from the Zoning Board of Appeals.

6.21.2 Affordable accessory dwelling units created under this by-law shall be occupied exclusively by income-eligible households, as defined by the guidelines in numbers 6.21.4 and 6.21.5 below. The affordability requirements of this by-law shall be imposed through the recording of an affordable housing deed restriction in a form satisfactory to the Zoning Board of Appeals. No accessory apartment shall be constructed or occupied until proof of recording is provided to the Inspector of Buildings.

6.21.3 Requirements and Standards

- A. Affordable accessory dwelling units may be located within or attached to a principal dwelling, principal structure, a garage or constructed as a detached unit.
- B. Affordable accessory dwelling units shall not be larger than one thousand two hundred (1,200) square feet of Livable Floor Area as that term is defined in Section II of this Zoning By-law.
- C. Affordable accessory dwelling units within or attached to a principal dwelling, principal structure or garage that is pre-existing nonconforming shall not increase an existing nonconformity.
- D. Newly constructed detached accessory units shall comply with all applicable provisions of the Zoning By-law unless they are specifically waived by this by-law. Newly constructed detached accessory units shall comply with all setback requirements listed in Sections 5.4.2 and 6.2 of this Zoning By-law.
- E. Owners of residential property may occupy as a primary residence either the principal or accessory dwelling. For the purposes of this section, the “owner” shall mean one who holds legal or beneficial title.
- F. Septic systems are required to meet current Title 5 standards and shall be reviewed and approved by the Health Agent.
- G. The Inspector of Buildings and Health Agent shall inspect the premises for compliance with public safety and public health codes.

- H. No affordable accessory dwelling unit shall be separated by ownership from the principal dwelling unit or principal structure. Any lot containing an affordable accessory dwelling unit shall be subject to a recorded restriction that shall restrict the lot owner's ability to convey interest in the affordable accessory dwelling unit, except leasehold estates, for the term of the restriction.

6.21.4 All occupants of the affordable accessory dwelling unit shall upon initial application and annually thereafter on the first of September, submit to the Town or its agent necessary documentation to confirm their eligibility for the dwelling unit. Specifically, all dwelling units must be rented to those meeting the guidelines for a low or moderate income family. For the purpose of this section, low income families shall have an income less than eighty (80) percent of the Town of Wellfleet median family income, and moderate income families shall have an income between eighty (80) and one hundred twenty (120) percent of the Town of Wellfleet median family income, as determined by the United States Department of Housing and Urban Development (HUD) Published Income Guidelines, and as may from time to time be amended.

6.21.5 Maximum rents shall be established in accordance with HUD published Fair Market Rental Guidelines. Property owners are required to submit to the Town or its agent information on the rents to be charged. Each year thereafter on the first of September, they shall submit information on annual rents charged to the Town or its agent. Forms for this purpose shall be provided. Rents may be adjusted annually in accordance with amendments to the Fair Market Rental Guidelines.

#### 6.21.6 Procedure

- A. The property owner shall complete and submit an application for a Special Permit to the Zoning Board of Appeals in accordance with the Wellfleet Zoning Board of Appeals Rules and Procedures.
- B. The Zoning Board of Appeals shall hold a public hearing in accordance with the procedures and requirements set forth in Section 9 of Massachusetts General Law, Chapter 40A and the Wellfleet Zoning By-law, Section 8.4.2 .
- C. Appeal under this section shall be taken in accordance with Section 17 of Massachusetts General Law, Chapter 40A.
- D. The property owner shall complete and submit to the Inspector of Buildings an application for a Building Permit to allow a change in use.
- E. The property owner shall obtain a Certificate of Occupancy from the Inspector of Buildings prior to the affordable accessory dwelling unit being occupied.

6.21.7 Penalty – Failure to comply with any provision of this section may result in fines established in Section 8.3 of the Wellfleet Zoning By-laws.

**This article will allow up to three affordable accessory dwelling units per lot in any district by Special Permit from the Zoning Board of Appeals. Units created under the by-law must be deed restricted as affordable in accordance with rent guidelines established by the US Department of Housing and Urban Development (HUD). Units must be occupied exclusively by income eligible households, with low and moderate income limits also being established under HUD guidelines. Verification of tenant income and fair market rent is required annually. Owners of residential property may occupy as their primary residence either the principal or accessory dwelling.**

**Additional requirements and standards include: affordable accessory dwelling units may be located within or attached to a principal dwelling, principal structure, a garage or constructed as a detached unit; may not exceed 800 square feet of Livable Floor Area; may not increase an existing nonconformity; must comply with all applicable sections of the Zoning By-laws; must meet current Title 5 standards and be approved by the Health Agent; must be inspected by the Inspector of Buildings and the Health Agent for compliance with public safety and health codes; may not be separated by ownership from the principal dwelling unit or principal structure.**

**Article B:** To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, SECTION II, DEFINITIONS, by adding a definition of “Dwelling, Affordable Accessory” as follows or do or act anything thereon:

Dwelling, Affordable Accessory – A dwelling unit within or attached to a principal dwelling, principal structure, garage or as a detached unit, not to exceed eight hundred (800) square feet of Livable Floor Area. Accessory units shall be deed restricted to remain affordable and be occupied by income-eligible households in accordance with HUD Income and Fair Market Rental Guidelines.

**Article C:** To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, SECTION 5.3.1, USE REGULATIONS, Residential, by adding Dwelling, Affordable Accessory as a permitted use in Districts, CD, R1, R2, NSP, C and C2, as follows or do or act anything thereon:

5.3.1 Residential

	CD	R1	R2	NSP	C	C2
Dwelling, Affordable Accessory	A	A	A	A	A	A

**This article will add “Dwelling, Affordable Accessory” to the table of Uses as allowed in all districts with a Special Permit from the Zoning Board of Appeals.**

**Article D:** To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, by inserting SECTION 5.4.6, Intensity of Use Application to Affordable Accessory Dwelling Units, as follows or do or act anything thereon:

5.4.6 Intensity of Use Application to Affordable Accessory Dwelling Units

An Affordable Accessory Dwelling Unit shall consist of a minimum of 150 square feet of Livable Floor Area for a single occupant, or 250 square feet of Livable Floor Area for two occupants, subject to any requirements of the State Building Code or State law.

**Article E:** To see if the Town of Wellfleet will vote as follows:

WHEREAS, housing costs in Wellfleet continue to escalate due to the pressure created by the tourist/second home market, which threatens the ability of local residents to remain in Wellfleet and the ability of local businesses to access the labor force they need; and

WHEREAS, the Town of Wellfleet considers it a top public policy priority to preserve affordable rental housing; and

WHEREAS, the Town desires to increase the number of rental housing units in Wellfleet that are affordable;

THEREFORE, the Town's representative in the General Court is instructed to file a home rule petition for a special act entitled, "An Act Relative to Property Tax Exemptions for Rental Properties in the Town of Wellfleet Deed Restricted as Affordable Housing" to read as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, upon the approval of the Town of Wellfleet's Affordable Accessory Dwelling zoning by-law by the Attorney General, affordable accessory dwelling units created under said by-law that are subject to an affordable housing deed restriction shall be exempt from taxation under chapter 59 of the General Laws.

SECTION 2. Such exemption shall be equal to the tax otherwise owed on the property based on the assessed value of the entire property, including any accessory dwelling units, multiplied by the square feet of the living space of all accessory dwelling units on the property that are restricted to occupancy by low or moderate income households, divided by the total square feet of all structures on the property. For purposes of determining the assessed value of the entire property, if by income approach to value, such assessment shall assume that all housing units are rented at fair market value.

SECTION 3. The date of determination as to the qualifying factors required by this act shall be September first of each year.

SECTION 4. This act shall be submitted to the voters of said town at the next annual or special town election in the form of the following question which shall be placed upon the official ballot to be used at said election: Shall an act passed by the General Court in the year 2002 entitled “An Act Relative to Property Tax Exemptions for Rental Properties in the Town of Wellfleet Deed Restricted as Affordable Housing”, be accepted? If a majority of the voters cast in answer to said question is in the affirmative, then Sections 1, 2 and 3 of this act shall thereupon take effect, but not otherwise.

SECTION 5. Section 4 of this act shall take effect upon its passage. The General Court may only make clerical or editorial changes of form to the bill, unless the Board of Selectmen approved amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that are within the scope of the general public objectives of this petition.

**This article will instruct the Town’s representative in the General Court to file a home rule petition for a special act entitled “An Act Relative to Property Tax Exemptions for Rental Properties in the Town of Wellfleet Deed Restricted as Affordable Housing”. The act would allow a property tax exemption on the portion of a property that is deed restricted and rented affordably, in accordance with Department of Housing and Urban Development (HUD) guidelines. Property owners must file documentation annually in order to qualify for the exemption.**