

**IMPLEMENTATION GUIDELINES  
FOR HOMESITE  
ZONING BYLAW 6.9**

**TOWN OF CHILMARK**

Effective Date: March 2003

Amended: January 2004

Amended: October 2005

Amended: March 13, 2007

Amended: August 13, 2007

Final Draft: November 5, 2007, *BOS approval 12/18/2007*

**I. PURPOSE OF THE HOMESITE HOUSING PROGRAM**

The goal of this program is to benefit the Town by providing Affordable Housing for people who have lived, worked, or volunteered in Chilmark for a substantial time but because of high land prices are unable to establish their homes in the Town. It is also the goal of the program to create Affordable Housing for persons as to whose presence in Town there is clear need.

The program is intended to serve a clear need, to lessen situations of hardship, and to assist in retaining a stable and diversified year-round community in Chilmark. The Program will sustain Affordable Housing as affordable in perpetuity through long-term Deed Restrictions and such other legal instruments as may be appropriate including, but not limited to, long term ground leases and rental agreements.

**II. DEFINITIONS**

1. Affordable Housing: Housing for persons who meet the basic criteria for Eligible Purchasers as set forth in Article IV hereof, including:
  - A. Homesite Housing Dwelling: A single family dwelling located on a Homesite Housing Lot.
  - B. Homesite Housing Lot: A parcel of land which may be less than three (3) acres in size but not less than one (1) acre and has the approval of the Planning Board as a Homesite Housing Lot; satisfies all other Town Zoning and Conservation requirements in effect at the time of application; is fully compliant with the Town Board of Health rules and regulations in effect at the time of application; and is available for purchase only to Eligible Purchasers, or, in the case where the land is held by the Town or State, or by a non-profit entity [501c(3)] dedicated to developing affordable housing, leased only to Eligible Purchasers. A Homesite Housing Lot may be either a Town Lot or a Private Lot.
  - C. Private Lot: A lot not owned, managed or controlled by the town to be designated as a Homesite Housing Lot by the Planning Board.

D. Project: A set of homes for sale or rent designated for Eligible Purchasers.

E. Town Lot: A lot owned, managed or controlled by the Town to be designated as a Homesite Housing Lot by the Planning Board.

2. CHC: Chilmark Housing Committee

3. DCRHA: Dukes County Regional Housing Authority

4. Eligible Purchaser: Any applicant, including all co-applicants, over the age of 18 who meets the Homesite Housing Implementation Guidelines in effect at the time of purchase. Any person 18 years of age or older intending to live with the applicant or to benefit from the applicant's acquisition of Affordable Housing must be considered a co-applicant and must submit all information required of the applicant.

5. Homesite Housing Lot Cost Base: Not to exceed \$40,000 for a Town approved lot.

6. Island: The Island of Martha's Vineyard

7. Long-term Deed and Ground Lease Restrictions: Legal covenants which assure future affordability, by restricting transfer to Eligible Purchasers and by capping the resale price and maximum permitted mortgages of the property (including improvements), so that the property remains affordable to other Eligible Purchasers. Said restrictions shall run for the maximum term permitted by law and shall be enforceable by the Town.

8. Town: The Town of Chilmark

### III. RESPONSIBILITIES OF CHC

1. CHC and/or its Designee shall determine the qualifications of all applications for designation as an Eligible Purchaser of Affordable Housing.

2. While these Implementation Guidelines set the standards by which the CHC delineates the Program requirements and restrictions, the CHC may revise any or all of the provisions contained herein after holding a public hearing and receiving approval from the Board of Selectmen (BOS).

3. The CHC and/or its Designee shall review and retain with confidentiality, to the extent permitted by law, all completed applications for housing available under the Program.

4. The CHC shall review and recommend to the Board of Selectmen for their approval of Deed Restrictions as per Zoning Bylaw HOMESITE HOUSING 6.9, which approval must be obtained prior to the Homesite Housing Lot being considered for a Special Permit by the Chilmark Zoning Board of Appeals.

5. Any determinations or findings made by the CHC with which an Eligible Purchaser disagrees may be appealed to the Board of Selectmen (BOS) and said BOS may overrule such determinations or findings of CHC that have been appealed. Any appeal pursuant to this Section must be filed with the BOS within 15 business days from the determination or finding of the CHC.
6. In order to assure future affordability, the BOS, upon recommendation of the CHC, may restrict the size of any structure and the financial investment therein. Any refinancing must receive prior written approval of the BOS upon recommendation of the CHC.

#### **IV. CRITERIA AND APPLICATION PROCEDURES FOR ELIGIBLE PURCHASERS**

1. Applications shall be submitted for specific offerings of Affordable Housing.
2. Applications must be submitted prior to any posted/published deadline.
3. Applications shall contain information that is current as of the date of the application.
4. If any information contained on an application is found to be fraudulent, the applicant shall be disqualified for all Chilmark Homesite Housing Lots and Projects then and in the future.
5. The applicant and all adult household members over the age of eighteen (18) must complete and receive a satisfactory Criminal Offender Record Information (CORI) request.
6. Recipients of Town Lots shall be selected from a lottery of Eligible Purchasers, to be conducted for these particular lots, by the Selectmen at a public meeting except that where the Lot has become a Town Lot as a part of an agreement or agreements by and between the Town and one or more property owners, then in that event, the Selectmen may allow the Eligible Purchaser to be designated by the original property owner within a time frame to be negotiated by the Board of Selectmen.
7. For Private Lots, the property owner may either designate a recipient, who must thereafter apply to be determined to be an Eligible Purchaser or refer the lot to the Board of Selectmen for award by lottery. If the owner of a Private Lot fails to designate a recipient within sixty (60) days of receiving approval of the Homesite Lot, then the Eligible Purchaser for such Lot shall be selected from a lottery of Eligible Purchasers conducted by the Board of Selectmen at a public meeting from a list of Eligible Purchasers created for this particular Lot.
8. In the event that the criteria for Eligible Purchaser are modified, all applicants (including those already qualified as Eligible Purchasers) must be re-qualified prior to any future Homesite Housing Lots lottery or Private Lot award.
9. These basic criteria shall be used for all Affordable Housing as it becomes available. Additional criteria may vary for specific projects. Applicants:

- A. Must have a valid form of identification proving U.S. citizenship or legal residency in the United States.
- B. Must be 18 years of age or older.
- C. Must be gainfully employed or show proof of sustaining government subsidy.
- D. Must have a total household adjusted gross income of not more than 150% of median income established by HUD for Dukes County, as certified by the Dukes County Regional Housing Authority.
- E. Must demonstrate financing sufficient to purchase the Homesite Housing Lot and build a primary dwelling thereon. Such demonstration shall include pre qualification for a first mortgage from a duly established lending institution, and may also include third party sources and gifts provided, however, that said third party source or gift not exceed twenty-five percent (25%) of a first mortgage, if conventional, or ten percent (10%) of the first mortgage, if such first mortgage will require mortgage insurance.
- F. Must report all assets and debts. A net worth per application indicating assets greater than fifty thousand dollars (\$50,000) after a down payment not in excess of the Homesite Housing Lot Cost Base shall disqualify the applicant except there shall be an increased asset allowance for applicants 55 years and older up to one hundred seventy-five thousand dollars (\$175,000) per application.
- G. To the extent allowed by law, preference shall be given as follows:
  - i. Chilmark preferences. Up to three (3) additional Chilmark preferences shall be awarded to one who has lived, worked (employed by a bona fide business in Town or Municipal agency) or volunteered in the Town's public service sector for an accumulation of five (5) years.

Example 1. If both applicant and co-applicant have lived in Chilmark for three (3) years, the applicant does not have the required five (5) years of Chilmark residency and is not entitled to a Chilmark preference.

Example 2. An applicant who has lived in Chilmark for twenty years is entitled to only one Chilmark preference. If the same applicant had worked and/or volunteered in Chilmark for five years, then the applicant would have been entitled to one or more additional Chilmark preferences.

- a. This time shall be counted as accumulated, not necessarily contiguous, but in no case concurrent: a single calendar year shall only be counted once for each preference. This time must be documented in writing with supporting evidence.
- b. A work year shall be counted as twelve (12) months, not including vacation and sick days. Applicants who work part-time, seasonally or sporadically are eligible, provided they have an accumulation of sixty (60) months working in Town irrespective of the number of hours accumulated in any month.

- c. Volunteer work in the public service sector is defined as any work that benefits the operation of the Town. Examples are the Fire Department, Tri-Town Ambulance, Town Boards and Committees, etc.
  
- ii. Martha's Vineyard preference. Or, if not entitled to a Chilmark preference pursuant to Article IV, Section 8, Sub Section G, Sub Sub Section i hereof, up to two (2) additional Martha's Vineyard preference may be awarded: one to an applicant who has continuously resided on Martha's Vineyard for the past seven (7) years and a second preference if said applicant had volunteered in Martha's Vineyard's public service sector for an accumulation of seven (7) years.
  - a. This time shall be counted as accumulated, not necessarily contiguous, but in no case concurrent: a single calendar year shall only be counted once for each preference. This time must be documented in writing with supporting evidence.
  - b. A volunteer year shall be counted as twelve (12) months. Applicants who volunteer part-time, seasonally or sporadically are eligible, provided they have an accumulation of eighty-four (84) months volunteering on Martha's Vineyard irrespective of the number of hours accumulated in any month.
  - c. Volunteer work in the public service sector is defined as any work that benefits the operation of Martha's Vineyard.

H. The first drawing shall be among those Eligible Purchasers with a Chilmark preference as set forth in Article IV, Section 8, Sub Section G, Sub Sub Section i hereof. Each participant shall have their name entered once for each preference to which they are entitled.

There shall then be a second drawing in which those entitled to a Martha's Vineyard preference pursuant to Article IV, Section 8, Sub Section G, Sub Sub Section ii shall also be eligible to participate.

Then there shall be a third drawing in which all Eligible Purchasers are eligible to participate.

**V. LONG TERM DEED AND GROUND LEASE RESTRICTIONS AND RESALE PROCEDURE**

- 1. Eligible Purchasers must sign a deed covenant or ground lease to be recorded in the form attached, as the same may from time to time be amended.

## **VI. APPLICATION PROCEDURE**

The Housing Committee will make application packets available at the Town Hall. These packets shall contain the following information:

1. Information sheet for each Homesite Housing opportunity.
2. Check list for applicants for each Homesite Housing opportunity.
3. Application for each Homesite Housing opportunity.
4. Implementation Guidelines for Homesite Housing.
5. Town of Chilmark Affordable Housing Program Deed and Ground Lease Restrictions.
6. Counsel letter stating the applicant has received and understands materials presented.

## **VII. EFFECTIVE DATE**

These Homesite Housing Implementation Guidelines shall be effective two weeks following their approval by the Board of Selectmen upon recommendation of the Chilmark Housing Committee and subsequent to a public hearing.