

**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; Board of Selectmen Approval: December 18, 2007

Revised: June 1, 2015; Board of Selectmen Approval: _____

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 the 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 a 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 Purchases 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 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 any co-applicant (which shall include the applicant's spouse or significant other intending to live with the applicant), who meets the Homesite Housing Implementation Guidelines in effect at the time of purchase. A co-applicant is required to complete a Co-Applicant Application.
5. Sale Price to Eligible Purchaser: Not to exceed \$40,000 for a Town approved lot unless otherwise approved by the CHC and the Board of Selectmen.
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 THE CHC & BOS (INCLUDING APPEAL PROCESS)

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 Implementations 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. Appeals are limited to matters of interpretation of policies and laws and to clerical errors and not to factual issues, and no materials in addition to those submitted prior to the application deadline will be reviewed during any such appeal. Any appeal pursuant to the 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 CHC will review proposed building plans with each recipient of a Town Lot and may restrict the size of any structure and the financial

investment therein. Any refinancing of the property must receive prior written approval 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. Any materials submitted after the deadline will not be considered (including during any appeal process) unless requested by the CHC as clarifying material.
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, any co-applicant and all 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 BOS at a public meeting.
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. These basic criteria shall be used for all Affordable Housing as it become 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 a twenty-five percent (25%) down payment.

- F. Each applicant and co-applicant must provide net worth statements. A net worth per application indicating assets greater than an amount equal to \$75,000 plus the Homesite Housing Lot acquisition cost will disqualify the applicant, except that if the applicant and/or co-applicant is 55 years or older, there will be an increased net worth allowance per application of an amount equal to \$175,000 plus the Homesite Housing Lot acquisition cost.
- 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 or volunteered in the Town's public service sector for an accumulation of five (5) years. For the purposes of calculating these preferences, the following will apply:
 - A. Number of Preferences: The applicant and any co-applicant will be entitled to a total of only one preference per category, but the preferences need not be earned by the same person. For example, if both the applicant and the co-applicant have worked in Town for the required 5 years, only one preference will be awarded, or if the applicant has worked in Town for the required 5 years and the co-applicant has volunteered in Town for the required 5 years, two preferences will be awarded. Time will not be aggregated for the applicant and any co-applicant. For example, if both the applicant and the co-applicant have worked in Town for 3 years each, the applicant does not have the required 5 years of work for a Chilmark preference.
 - B. Calculation of Time: The calculation of time need not be continuous, but in order to meet the 5 year requirement in any category, a total of no less than 60 months must be demonstrated. It is important that all time claimed is documented in writing with supporting evidence.
 - C. Summer Residency: For the purpose of calculating the required 5 years of Chilmark residency, time spent in Town during the summers by a seasonal resident will not be counted.
 - D. Work: Working in Town is defined as working on a full-time or part-time basis for a Town municipal agency or a business that files its income taxes in the Town. A work year shall be counted as 12 months notwithstanding vacation and sick days. Applicants who work part-time, seasonally or sporadically are eligible, provided they can demonstrate an accumulation of 60 months of working in Town, irrespective of the number of hours accumulated in any month.
 - E. Volunteer Work: 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, the Community Center Board or the Chilmark School. It does not include volunteering for any private or non-profit organization.
 - ii. Martha's Vineyard Preferences. Or, if not entitled to a Chilmark preference pursuant to IV.8.G.i above, up to three (3) additional Martha's Vineyard preference

may be awarded: one to an applicant who has continuously resided on Martha's Vineyard for the past five (5) years, a second preference if said applicant has worked on Martha's Vineyard for an accumulation of five (5) years, and a third preference if said applicant has volunteered in Martha's Vineyard's public service sector for an accumulation of five (5) years.

- A. Number of Preferences: The applicant and any co-applicant will be entitled to a total of only one preference per category, but the preferences need not be earned by the same person. For example, if both the applicant and the co-applicant have worked on Martha's Vineyard for the required 5 years, only one preference will be awarded, or if the applicant has worked on Martha's Vineyard for the required 5 years and the co-applicant has volunteered on Martha's Vineyard for the required 5 years, two preferences will be awarded. Time will not be aggregated for the applicant and any co-applicant. For example, if both the applicant and the co-applicant have worked on Martha's Vineyard for 3 years each, the applicant does not have the required 5 years of work for a Martha's Vineyard preference.
 - B. Calculation of Time: The calculation of time need not be continuous, but in order to meet the 5 year requirement in any category, a total of no less than 60 months must be demonstrated. It is important that all time claimed is documented in writing with supporting evidence.
 - C. Summer Residency: For the purpose of calculating the required 5 years of Martha's Vineyard residency, time spent on the Island during the summers by a seasonal resident will not be counted.
 - D. Work: Working on Martha's Vineyard is defined as working on a full-time or part-time basis for a Martha's Vineyard municipal agency or a business that files its income taxes from a town on Martha's Vineyard. A work year shall be counted as 12 months notwithstanding vacation and sick days. Applicants who work part-time, seasonally or sporadically are eligible, provided they can demonstrate an accumulation of 60 months of working on the Island, irrespective of the number of hours accumulated in any month.
 - E. Volunteer Work: Volunteer work in the public service sector is defined as any work that benefits the operation of Martha's Vineyard; it does not include volunteering for any private or non-profit organization.
- H. The lottery process will begin with a drawing to establish the order of the lots to be awarded. The applicants will be placed in three pools.

The first pool will be drawn first and will consist of those Eligible Purchasers with at least one Chilmark preference. Each participant shall have his/her name entered into the pool one time for each Chilmark preference to which his/her application is entitled.

There will then be a second pool and a second drawing in which those entitled to at least one Martha's Vineyard preference (but no Chilmark preferences) are eligible to participate. Again, each participant shall have his/her name entered into this second pool one time for each Martha's Vineyard preference to which his/her application is entitled.

There will be a third pool and a third drawing of the remaining Eligible Purchasers.

The names of all Eligible Purchasers from all three pools will be listed in order of their drawing. The available Homesite Housing Lots will be awarded in the order drawn to those Eligible Purchasers on the top of the list. The other Eligible Purchasers will be placed on a waiting list in the event that any of the awarded lots become available prior to a residence being built thereon.

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

Eligible Purchasers must sign a deed covenant or ground lease in the form attached hereto (as the same may from time to time be amended) which will be recorded in the public record. This deed covenant or ground lease will include a second mortgage to the Town in the amount of \$1 to allow the Town to receive notice of any default or refinancing of the Homesite Housing Lot.

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. Certification and Acknowledgement Form 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.

[**ATTACH DEED COVENANT/GROUND LEASE DOCUMENT**]