

**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 ~~all any co-applicants, over the age of 18 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. ~~Any person 18 years of age or older intending to live with the applicant or to benefit the applicant's acquisition of Affordable Housing must be considered a~~ A co-applicant ~~and must submit all information is~~ required of the applicant to complete a Co-Applicant Application.
5. ~~Homesite Housing Lot Cost Base 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

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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 ~~BOS, upon recommendation~~ CHC will review proposed building plans with each recipient of the CHC, 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 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. 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 ~~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~~ 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. 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.~~
- ~~9.8.~~ 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%) ~~of a first mortgage, if conventional, or ten percent (10%) of the first mortgage, if such first mortgage will require mortgage insured down payment.~~
- F. ~~Must report all assets and debts. Each applicant and co-applicant must provide net worth statements.~~ A net worth per application indicating assets greater than ~~fifty thousand dollars (\$50,000)~~ an amount equal to \$75,000 ~~after a down payment not in excess of~~ plus the Homesite Housing Lot ~~Cost Base shall~~ acquisition cost will disqualify the applicant, except ~~that if the applicant and/or co-applicant is 55 years or older, there shall be an increased asset net worth allowance for applicants 55 years and older up to one hundred seventy-five thousand (\$175,000) per application.~~ of an amount equal to \$175,000 plus the Homesite Housing Lot acquisition cost.

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G. To the extent allowed by law, preference shall be given as follows:

~~G. Chilmark preferences~~ Preferences. Up to three (3) additional Chilmark preferences shall be

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~~H.i. 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. For the purposes of calculating these preferences, the following will apply:~~

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~~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 ~~This~~ 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.

a-B. Calculation of Time: The calculation of time shall be counted as accumulated, need not necessarily contiguous, but in no case concurrent: a single calendar be continuous, but in order to meet the 5 year shall only be counted once for each preference. This requirement in any category, a total of no less than 60 months must be demonstrated. It is important that all time shall be claimed is documented in writing with supporting evidence.

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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.

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b-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 twelve (12) months, not including notwithstanding vacation and sick days. Applicants who work part-time, seasonally or sporadically are eligible, provided they have can demonstrate an accumulation of sixty (60) months of working in Town, irrespective of the number of hours accumulated in any month.

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e-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 Town Ambulance, Town Boards and Committees, et ethe Community Center Board or the Chilmark School. It does not include volunteering for any private or non-profit organization.

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i.ii. Martha's Vineyard preference Preferences. Or, if not entitled to a Chilmark preference pursuant to Article IV, Section IV.8, Sub Section G, Sub Sub Section i hereof above, up to two (2) 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 seven (7) five (5) years and, a second preference if said applicant had 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 seven (7) five (5) years.

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A. This 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.

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~~a-B.~~ Calculation of Time: The calculation of time shall be counted as accumulated, not necessarily contiguous need not be continuous, but in no case concurrent: a single calendar order to meet the 5 year shall only be counted once for each preference. This time 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.

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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.

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~~b-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 volunteer work year shall be counted as twelve (12) months, notwithstanding vacation and sick days. Applicants who volunteer work part-time, seasonally or sporadically are eligible, provided they have can demonstrate an accumulation of eighty-four (84) 60 months volunteering of working on Martha's Vineyard the Island, irrespective of the number of hours accumulated in any month.

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~~e-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.

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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.

~~I.~~ The first drawing shall be among pool will be drawn first and will consist of those Eligible Purchasers with at least one Chilmark preference as set forth in Article IV, Section 8 Sub Section G, Sub Sub Section i hereof. Each participant shall have their his/her name entered once into the pool one time for each Chilmark preference to which they are his/her application is entitled.

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~~There shall will~~ Then there shall There will be a second pool and a second drawing in which those entitled to at least one Martha's Vineyard preference pursuant to Article IV, Section 8 Sub Section G, Sub Sub Section ii shall also be eligible to participate (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.

Then there shall There will be a third pool and a third drawing in which of the remaining Eligible Purchasers.

The names of all Eligible Purchasers are eligible to participate 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.

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V. LONG TERM DEED ~~ANDOR~~ GROUND LEASE RESTRICTIONS AND RESALE PROCEDURE

4. Eligible ~~purchasers~~Purchasers must sign a deed covenant or ground lease ~~to be recorded~~ 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.

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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~~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**]