

TOWN OF BARNSTABLE

**ACCESSORY AFFORDABLE APARTMENT
PROGRAM (AAP)**



Planning and Development Department
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ACCESSORY AFFORDABLE APARTMENT PROGRAM

The Accessory Affordable Apartment Program increases the amount of affordable housing in the Town of Barnstable and upgrades properties to ensure rental units meet current code requirements. The Accessory Affordable Apartment Program provides an opportunity for property owners to receive additional income by creating a rental unit.

Who Can Participate?

The Town of Barnstable has established the following standards for program eligibility:

Single Family Properties:

The single-family dwelling must be owner-occupied on a year-round basis and either:

1. Create a new apartment unit within a *new or existing attached* structure (i.e. basement or garage with breezeway); or
2. Create a new apartment unit within an *existing detached* structure (i.e. detached garage)
3. Contain a pre-existing, permitted family apartment; or
4. Contain a pre-existing un-permitted apartment unit that was determined by the Building Commissioner to have been in existence as of January 1, 2000.

Multi-Family Properties:

The property must be legally permitted as a multi-family dwelling, but contain one or more units above the number permitted.

All property owners must comply with the following:

1. Rental apartment unit(s) must comply with state building and health codes.
2. The property owner must:
 - a. Rent the apartment unit to tenants/households whose income is 80% or less of the area median income for the Barnstable Metropolitan Statistical Area (MSA) (see income limits below);
 - b. Reside on the property and the property must be their principal year round residence (except multi's).
 - c. Agree to charge a rent (**including utilities**) that is affordable to that tenant/household (see maximum rents below); and
 - d. Rent the units with a minimum lease term of one year.

<u>2023 Income Limits:</u>	1 Person	2 Persons	3 Persons	4 Persons
	\$64,450	\$73,650	\$82,850	\$92,050

<u>2023 Maximum Rents:</u>	Studio	One Bedroom	Two Bedrooms
(Including utilities)	\$1,611	\$1,841	\$2,071

3. Staff at the Planning and Development Department will provide you an original deed restriction to record with the Barnstable County Registry of Deeds, stating that so long as the designated affordable apartment unit exists as a legally permitted dwelling, it will remain subject to the restrictions on qualifying tenants and rent levels outlined above.

The deed restriction is transferable or revocable upon the sale of the property but action to do so must be taken. If the property owner voluntarily chooses to cancel their participation in the program, the property must be brought into compliance with the underlying zoning and the Comprehensive Permit must be rescinded.

How Does the Program Work?

The property owner attends an **initial meeting** with Planning and Development Department, Building, Public Health and Fire Department staff to review the program and its requirements.

Once it is determined that a property is eligible and the property owner wishes to participate, a **Site Visit** is conducted by the Building Commissioner and other appropriate staff. The property owner is not charged for the initial inspection, which is meant to educate him/her as to what is needed on site to bring the unit up to code. Many previously existing apartments were constructed without building permits so it is important for the applicant to know what improvements may be required to meet Building and Health codes.

To ensure the apartment will provide safe and appropriate affordable housing, the property owner must apply for a **Site Approval Letter**. The property owner must provide information and documentation to show that the site is appropriate for an accessory apartment. This information is reviewed by Town officials and the Town Manager for approval.

Once the Site Approval letter is issued, a **Comprehensive Permit Application** is submitted to the Zoning Board of Appeals (ZBA) by the Applicant. Notice of the application is advertised in the local paper and provided to abutters.

The ZBA hearing officer holds a public hearing on the application and considers recommendations of the public, local officials, agencies, and other boards and commissions before rendering a **Comprehensive Permit Decision**.

Once the hearing officer's decision is made, there is a 14 day review by the full Zoning Board. Next, the written decision is stamped by the Town Clerk and the 20 day appeal period begins. Once the 20 day appeal period has passed and no appeals are filed you are ready for the next step. (A minimum of 34 days).

A **Deed Restriction**, stating that the affordable unit remains subject to the restrictions on qualified tenants and rent levels in perpetuity, must be signed by the property owner (signed at the Hearing). A Consent and Subordination of Mortgage to Regulatory Agreement must also be signed by the Mortgagee (Bank).

The certified **Comprehensive Permit Decision** and the **Deed Restriction** must then be recorded at the Barnstable County Registry of Deeds. A copy will be provided to the Building Department and a copy will be sent to the Applicant.

Once the Comprehensive Permit and Deed Restriction are recorded at the Registry of Deeds you are eligible to apply for a **Building Permit** from the Building Department at 200 Main Street, Hyannis. The Building Department will need a copy of your recorded Comprehensive Permit Decision and the Deed Restriction as part of their application process. There are other submittal requirements for the Building Department so please check with them for details.

1. ***Initial meeting with PDD***
2. ***Site Visit by Building Commissioner***
3. ***Site Approval Letter***
4. ***Comprehensive Permit Application***
5. ***Zoning Board Hearing***
6. ***Comprehensive Permit Decision***
7. ***Permit and Restriction Recording***
8. ***Building Permit***
9. ***Final Inspection***
10. ***Certificate of Occupancy***
11. ***Tenant Selection***
12. ***Annual Monitoring***

Once construction is complete a **Final Inspection** of the unit is then conducted by the Building Commissioner or his designee to ensure the unit is ready for occupancy. The building department then issues a **Certificate of Occupancy**.

The Applicant must also register the unit(s) with the **Public Health Division** at 200 Main Street, Hyannis. The annual registration fee is \$90.00. Each rental unit will be inspected by a health inspector annually.

Tenant Selection. Property owners select their own tenant following fair and affirmative marketing process. **Your tenant cannot be related to you by blood or marriage.** You will want to inform potential tenants about the terms of the Accessory Affordable Apartment Program to be sure they will verify their income each year. Also, with any rental, federal, state and local laws apply to prohibit discrimination on the basis of race, color, national origin, ancestry, gender, sexual orientation, age, marital status, religion, military/veteran status, blindness, hearing impairment, receipt of public assistance or rental subsidy, and children, with minor exceptions.

Once the tenant is selected, the property owner must submit tenant income verification documentation and copy of lease to the Planning and Development Department. Thereafter, the relationship is a typical landlord/tenant arrangement, in which all state and federal laws apply, including those relative to any eviction process. Planning and Development staff will monitor the unit annually.

Each year the property owner must verify compliance with conditions of the comprehensive permit including tenant income eligibility and rent limits.

Funding:

AAAP-CPA Loan Program: The Town of Barnstable and the Community Preservation Committee have made funds available to make zero payment, zero interest loans of up to \$20,000.00 available to homeowners interested in creating an accessory apartment within their owner occupied home.

Upon issuance of a Comprehensive Permit, property owners can apply for funding.

- ◆ Funds are a deferred payment 0% interest loan payable in full upon sale, transfer, refinance or loss of affordable unit. If the property is sold or transferred, the loan must be repaid in its entirety.
- ◆ Work necessary to create the accessory apartment unit and/or to ensure that the apartment meets health, building and safety codes are eligible including: Title V septic upgrade/repair, heating system installation/replacement, electrical/plumbing upgrades, insulation, window repair or replacement and egress improvements.
- ◆ Funds are disbursed directly to the contractor upon predetermined progress payment benchmarks, completion and inspection of the invoiced work. The homeowner shall submit the contractor's invoices to the Town for payment.