

Move to amend the Town of Natick Zoning Bylaw § V-J (Inclusionary Affordable Housing Requirements) and § III-A.6 (Affordable Housing) as follows:

MOTION A – Replace Section V-J in its entirety

Move to amend the Natick Zoning Bylaw to delete § V-J Inclusionary Affordable Housing Requirements in its entirety and replace with a new § V-J Inclusionary Housing, to read as follows

SECTION V-J INCLUSIONARY HOUSING

1. PURPOSE AND INTENT

The purpose of the Inclusionary Housing Bylaw is to serve as a mechanism for the creation and retention of housing that is affordable to eligible households. Section V-J, in concert with Natick’s long range planning documents and the Natick Housing Production Plan intends

- a. To ensure that all residential development or redevelopment project with two or more new dwelling units contributes to the creation of affordable housing; and
- b. To ensure that such affordable housing is made available to all eligible households on a non-discriminatory basis in accordance with the Federal Fair Housing Act of 1968 and MGL, c. 151, as amended, and any regulations promulgated under federal and state law.

2. APPLICABILITY

- a. The provisions of Section V-J shall apply to any proposed development or redevelopment project that includes residential dwelling units, located on one or more contiguous parcels.
 - i) Any Residential Project, including those that are Phased or Segmented Housing Developments, that results in five (5) or more new dwelling units; or
 - ii) A Residential Mixed-use Development that results in five (5) or more new residential units; or
 - iii) Any Residential Project, Assisted Living Residence, or life care facility development that creates five (5) or more new assisted living units and accompanying services.
- b. Each affordable housing unit shall comply with state Department of Housing and Community Development (DHCD) Local Initiative Program (LIP) and LIP Guidelines for units not created under a MGL c 40B comprehensive permit.

3. MANDATORY PROVISION OF AFFORDABLE UNITS

- a. An applicable Residential Project shall contribute to the local stock of affordable units in accordance with the following requirements:
 - i. All projects are required to provide a minimum fifteen (15) percent of the total newly created units as affordable; except in the Downtown Mixed Use (DM) District, which shall require twenty (20) percent of the units to be affordable.
 - ii. Methods to satisfy the affordability component required for a Residential Project, subject to approval by the Planning Board:
 - a) constructed or rehabilitated on the locus of the Residential Project;
 - b) provide a fee-in-lieu for the construction of dwelling unit(s);

c) some combination of the above.

iii. Fulfilment of Inclusionary Housing Component

Residential Projects, shall comply with Section V-J as follows:

- a) Residential units created under Section III.A.6.A, III.A.6.B, III.E, III.EE, and III.I shall provide affordable units as outlined above in ii.a).
- b) Projects created under Section III.F and III.J may opt to use the methods outlined above in ii.a), b), or c).
- c) Projects that result in twenty (20) or more units shall provide a minimum of fifty (50) percent of the affordable units in accordance with ii a), and the remainder of the units can be satisfied through ii.a), b), or c).

iv. Required affordable units shall be rounded up to the nearest whole number.

4. PROVISIONS APPLICABLE TO AFFORDABLE DWELLING UNITS ON-SITE

a. Affordable units On-site

On-site affordable units shall be distributed proportionately within the development so as not to be in less desirable locations than Unregulated Dwelling Units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the Unregulated Dwelling Units.

b. Minimum design and construction standards for on-site affordable units

Affordable units constructed or rehabilitated under this bylaw shall comply with the Design and Construction Standards for LIP specified by the DHCD in the LIP Guidelines. Affordable dwelling units shall be integrated with the rest of the development, shall be proportionately distributed in terms of unit size/type and shall be comparable in exterior design, appearance, construction, and quality of materials with other units. Interior features of affordable units shall contain, at a minimum, complete living facilities including a stove, kitchen cabinets, plumbing fixtures, a refrigerator, a microwave oven, and access to laundry facilities. The interior finishes and features of affordable units may differ from those of Unregulated Dwelling Units, provided that such finishes and features are durable, of good quality and consistent with current standards for new housing. The Planning Board reserves the right to consult with the Building Commissioner to verify the durability and quality of interior finishes proposed by the applicant and to require changes to better achieve comparability of units. All affordable dwelling units shall have an equivalent level of accessibility as that of the Unregulated Dwelling Units.

c. Timing of construction or provision of affordable units on-site

Affordable dwelling units shall be provided coincident to the development of Unregulated Dwelling Units, but in no event shall the development of affordable units be delayed beyond the schedule noted below. Fraction of units shall be rounded up to the next whole number.

Unregulated Dwelling Units (% Complete)	Affordable Housing Unit (% Required)
<30%	--
30% plus 1 unit	10%
Up to 50%	30%
Up to 75%	50%
75% plus 1 unit	70%
Up to 90%	100%

5. CALCULATION OF FEES-IN-LIEU FOR AFFORDABLE DWELLING UNITS
 - a. A fee in-lieu shall be calculated for the sales price of an affordable unit per the combined total of the prorated land cost and total cost of construction of the median unit in the project.
 6. RESTRICTIONS
 - a. Local Initiative Program (LIP)

All affordable dwelling units shall be subject to an affordable housing restriction and a regulatory agreement per LIP of Department of Housing and Community Development. The LIP will ensure that affordable units are affordable in perpetuity, and shall ensure that affordable units can be counted toward the Natick Subsidized Housing Inventory (SHI).
 - b. Local Preference

Unless otherwise regulated by an applicable Federal or State agency under a financing or other subsidy program, at least fifty percent (50%) of the affordable units shall be initially offered for one hundred and eighty (180) days in the following priority, to:
 - i. Persons who currently reside within the Town of Natick;
 - ii. Persons who are employed by the Town of Natick;
 - iii. Persons who are employed by businesses located within the Town of Natick.
 - c. Marketing Plan for Affordable Units

Applicants under this bylaw shall submit a marketing plan or other method approved by the Town through its Housing Production Plan to the SPGA for its approval, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants.
 - d. Condominiums

Condominium documentation shall provide the owners of the Affordable Units with full and equal rights to all services and privileges associated with condominium ownership.
 - e. Legal Review

All legal documents, including but not limited to affordable housing deed riders, affordability restrictions, leases, condominium documents and/or homeowner's agreements shall be subject to peer legal review by the SPGA, to be paid in full by the Applicant.
 - f. Building Permits

No occupancy permits shall be issued for any unit in the development until the Building Commissioner receives verification that the required deed riders and LIP has been approved by DHCD and the Town Administrator, or designee, and has been recorded with the Middlesex South Registry of Deeds, and that the affirmative fair housing market plan, has been approved by DHCD.
7. COMPLIANCE

The provisions of Section V-J shall be considered supplemental to existing Zoning Bylaw except for the provisions of Section III-A.6.C (Smart Growth Overlay (SGO)). Wherever a conflict exists between two sections, this Section V-J shall prevail.
8. SEVERABILITY

If any provision of Section V-J is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Natick Zoning Bylaw. (Art 32 Fall TM, 10/16/18)

