

## **Workforce Housing Ordinance**

**Rationale.** The purpose of this inclusionary zoning ordinance is to encourage and provide for the development of affordable workforce housing within Dublin. The Town recognizes the importance and benefit to the community and its citizens of the establishment and encouragement of suitable opportunities for affordable housing. The Town also recognizes that frequently property that may be suitable as a location for affordable housing fails to meet some of the objective criteria that govern land use, and that strict adherence to all Zoning and Subdivision requirements may render the project economically unfeasible. The Town also recognizes that there are some situations in which normal Zoning or Subdivision requirements can be waived without necessarily sacrificing public health, safety and welfare so long as proper safeguards are maintained. Accordingly, it is deemed advisable to adopt an innovative land use control in accordance with RSA 674:21 which would permit the Planning Board to identify a project that is a suitable candidate for the waiver of requirements, and when so identified, that project would be required to meet less stringent standards, provided certain criteria were met.

**I. Purpose:** The purpose of this Workforce Housing Ordinance is to provide for the development of affordable housing within Dublin. It is intended to insure the continued availability of a diverse supply of home ownership and rental opportunities for low to moderate income households.

**II. Authority.** The **Workforce Housing Ordinance** is adopted under the authority of RSA 674:57-61 and 674:21, and is intended as an inclusionary zoning provision, as defined in 674:21 (I)(k) and 674:21 (IV)(a). The regulations herein shall supplement the regulations in this chapter, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law.

### **III. Applicability:**

A. Development in accordance with the provisions of the Workforce Housing Ordinance is permitted as a conditional use within the Rural and Village zoning districts.

B. Permitted Uses: In the interest of encouraging affordability, single family, duplex, multi-family, and manufactured housing is permitted within an application under this Article when the Planning Board has found that the proposed project meets the following criteria:

1. The housing proposed shall be affordable within the meaning of the Ordinance.
2. The project shall comply with all site plan and/or subdivision regulations that apply, other than those waived hereunder.

C. Any person aggrieved by a Planning Board decision that constitutes a denial of a Conditional Use Permit due to noncompliance with one of more of the provisions of this ordinance may appeal that decision to the Superior Court, as provided in RSA 677:15.

### **IV. Affordable Housing Incentives**

A Site Plan or Subdivision Plan that will guarantee that a designated percentage of units will be reserved as affordable housing may be approved with an increase in the density of

the site up to that same percentage, if the Planning Board finds that an increase in density is necessary to enable the applicant to provide affordable housing. For instance, a plan that would reserve 50% of the units as affordable housing could be granted an increase in density up to 50%; a project in which all of the units would be affordable could be granted an increase up to double the density otherwise allowed.

## **V. Workforce Housing Standards.**

Affordable workforce housing is allowed by a conditional use permit issued by the Planning Board. This innovative land use control for workforce housing is regulated by site plan review and subdivision regulations and procedures.

VI. Planning Board Powers . Once the Planning Board has determined that a proposed project is affordable and compliant with the above standards, the traditional lot size, density, setback, open space requirements and other requirements that would ordinarily be applicable may be waived and the Planning Board shall have the power to establish such requirements for each project as they determine to be necessary in the best interest of the Town, and to facilitate the project, provided however, any increase in density shall not exceed that allowed per Paragraph IV and shall not have an unreasonably adverse effect of the property values of abutting properties.

VII. Rules and Regulations. The Planning Board may adopt appropriate rules and regulations to implement the review process contemplated hereunder. Such rules shall at a minimum provide for the developer to restrict the sale or lease of the units through appropriate recorded covenants to those who qualify, pursuant to the definition of affordable housing contained in this Ordinance for a period of thirty years from the date of approval.

VIII. Administration and Compliance. This article shall be administered by the planning board. Applications for the provisions provided under this Article shall be made to the planning board and shall be part of the submission of an application for site plan or subdivision plan approval. No certificate of occupancy shall be issued for an affordable housing unit without written confirmation of the income eligibility of the tenant or buyer of the affordable housing unit and confirmation of the rent or sales price of the affordable housing unit as documented by an executed lease or purchase and sales agreement.

IX. Saving Clause. If any provision of this ordinance is found to be unenforceable, such provision shall be considered separable and shall not be construed to invalidate the remainder of the ordinance.

X. Effective Date. This ordinance shall be effective upon adoption by the municipal governing body. [Date]

XI. Definitions:

Affordable Housing - where the combined rental and utility costs or combined mortgage loan debt services, property- taxes, and required insurance does not exceed thirty (30) percent of the maximum allowed income of the purchaser (See AMI below). Calculation

of housing costs shall be based on current taxes, a 30-year fixed rate mortgage, a five percent down payment, and prevailing mortgage rates within the region.

Area Median Income (AMI) - area median income is the amount defined by the U.S. Department of Housing and Urban Development for the Cheshire County Non-Metro County Fair Market Rent (FMR) Area, as updated yearly. Area median income figures shall be determined annually by the US Department of Housing and Urban Development.

Income - Wage income and assets, as defined Net Family Assets and Annual Income by the Code of Federal Regulations (CFR) Part 5, Subpart F, and as amended from time to time.

Inclusionary zoning - Under RSA 674:211.(k), these are land use regulations which provide a voluntary incentive or benefit to a property owner in order to induce the property owner to produce housing units which are affordable to persons or families of low and moderate income.

Multi-family housing - For the purpose of workforce housing developments, multi-family housing means a building or structure containing five (5) or more units, each designed for occupancy by an individual household.

Workforce housing - Housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the US Department of Housing and Urban Development (HUD). Workforce housing also means rental housing which is affordable to a household with an income of no more than sixty (60) percent of the median income for a 3-person hou