

SECTION 10: AFFORDABLE OR WORKFORCE HOUSING

10.1 Authority and Purpose

This Section is enacted in accordance with the provisions of RSAs 674:58-61 and 674:21 which authorize municipalities to provide reasonable and realistic opportunities for the development of workforce housing, and to establish inclusionary zoning designed to produce Affordable Housing by offering incentives for the production of such housing. Providing incentives to encourage creation of Workforce Housing will permit the Town of Jackson to preserve and foster a diverse community. This Section recognizes three special features of the Town of Jackson: i) a large percentage of land within the Town of Jackson is permanently protected from development, intensifying development pressures and increasing land costs; ii) the Town's location attracts tourism, necessitating employment of service workers who must live within a reasonable distance of their employment; iii) an increasing elderly population may require low-cost housing in the future. Because Jackson has a small year-round population, incentives for provision of low-cost housing shall include those shown in Section 9, Accessory Apartments. In addition, the number of Dwelling Units approved under this Section shall be limited to avoid over-burdening town services within any one year period.

The purposes of this Section are to:

- i) Provide a realistic opportunity for Low and Moderate Income individuals and families to obtain Affordable or Workforce Housing in the Town of Jackson,
- ii) Provide appropriate incentives to encourage the production of such housing, without creating a hardship for provision of town services.

10.2 Definitions

The following words are specifically defined for purposes of this Section of the Zoning Ordinance:

10.2.1 Affordable or Workforce Housing: Any housing unit created in this category shall be "affordable" within the meaning of NH RSA 674:58, as may be revised from time to time.

10.2.2 Eligible Elderly Household: An individual or couple in which the individual or at least one person of the couple is 60 years of age or older and who by income qualifies as a Low or Moderate income Household as defined in this Section.

10.2.3 Low and/or Moderate Income Household: A person or family which has a household income meeting a particular percent of the median income, adjusted for family size, of Carroll County as published annually by the US Department of Housing and Urban Development; Low is up to 80 percent, and Moderate is up to 100 percent, of the above-cited median income level.

10.3 Procedures

The Planning Board is authorized to review and approve plans for creation of Affordable or Workforce Housing in two ways:

10.3.1 Creation of Affordable or Workforce Housing as part of a Cluster Single-Family Development or Multi-Family Residential Development in the same manner specified in Section 8 of this Ordinance, as applicable, except as modified in this Section.

10.3.2 Creation of Affordable or Workforce Housing through the creation of new individual lots.

10.4 Affordable Or Workforce Housing Criteria

The Planning Board will authorize incentives to encourage development of Affordable or Workforce Housing units, providing the following Affordable or Workforce Housing development characteristics are met.

10.4.1 The Dwelling Units designed to be Affordable or Workforce Housing units shall be restricted as follows:

- i) Approvals shall require that a one-bedroom unit may not exceed 900 square feet of heated space, a two-bedroom unit may not exceed 1,100 square feet of heated space, and a three-bedroom unit may not exceed 1,300 square feet of heated space;
- ii) Deed restrictions shall be placed on each Affordable or Workforce Housing unit that:

- a. prohibit an increase of more than 10 percent of the total heated space of the unit or other improvements having a value in excess of 10 percent of the purchase price of the unit;
- b. prohibit a sale of an owner-occupied unit to any person or family which does not meet the Low or Moderate Income Household requirements of this Section;
- c. limit, in the case of rental units, any annual rent increases to the annual percentage increase in the Carroll County median income published annually by the U.S. Department of Housing and Urban Development; and
- d. require that each Affordable or Workforce Housing unit be occupied as a primary residence by those meeting the definition of Low or Moderate Income Household or Eligible Elderly Household.

iii) Deed restrictions related to an affordable or Workforce Housing unit established under this Section must be approved by the attorney for the Town of Jackson and documented on all plans filed with the Planning Board and with the Carroll County Registry of Deeds.

10.4.2 Minimum Number of Affordable Units created within a Cluster Single-Family Development or Multi-Family Residential Development in compliance with Section 8 of this Ordinance: For every four Dwelling Units being constructed in accordance with this Section, at least one of those four shall be built to be “affordable” to an individual or family meeting the definition of Low or Moderate Income Household as specified in 10.2.3. In the first four units, one must be available to a Low Income Household at under 80% of the Median Income Index for Carroll County; in the next four units, one must be available to a Moderate Income Household at under 100% of the Medium Income Index for Carroll County; additional units shall be made available in the same pattern.

No more than 20 percent of the Affordable or Workforce Housing units may be one bedroom or studio units, or be restricted to occupancy by Eligible Elderly Households. No more than 25 percent of the Affordable or Workforce Housing units may be three or more bedroom units.

10.5 Certification Of Income Levels

To ensure that only Low and/or Moderate Income Household persons or families occupy the designated Affordable or Workforce Housing units, the candidate for occupancy must comply with regulations set by the NH Housing Finance Authority. Paperwork necessary to comply with those regulations shall be submitted to the Board of Selectmen or their designee at least 30 days prior to the transfer of title or execution of lease agreement.

10.6 Affordable Housing Incentives For This Section

The Planning Board is authorized to permit the following incentives provided that the criteria in Section 10.5 are met:

10.6.1 The Planning Board may reduce application costs for development proposals considered within this Section.

10.6.2 Site Development: All structures may be placed on the cluster development site in a manner to minimize environmental impact providing the structures comply with the dimensional requirements in Section 8 of this Ordinance unless modified with Planning Board approvals according to Sections 10.6.3 or Section 10.6.4.

10.6.3 Areas and Dimensions:

10.6.3.1 The Planning Board is authorized to permit the following incentives for Cluster Single-Family Development or Multi-Family Residential Development provided that the criteria in Section 10.5 are met, except that as an incentive to develop Affordable or Workforce Housing units, the cluster parcel may have as little as 150 feet of frontage along a State or Town highway with a classification of I, II, III, IV or V or public or Private Road.

10.6.3.2 A single lot created for an Affordable or Workforce Housing unit may have as little as 125 feet of footage along a public or Private Road.

10.6.4 Water and Sewer Requirements: As an incentive to develop Affordable or Workforce Housing units, the minimum size of the individual lot or the maximum number of lots permitted in a Cluster Development shall be determined by utilizing current NH Department of Environmental Services standards for the quantity of land necessary to provide a proper and adequate water supply and septic disposal system for each development containing Affordable or Workforce Housing units.

10.7 Maximum Units Created Within This Section

To avoid placing an undue burden on town services, no more than a total of 12 Dwelling Units (3 of which are Affordable or Workforce Housing units) receiving incentives through this Section shall receive approval in any single year.

10.8. Administration

This Section shall be administered by the Board of Selectmen.

10.8.1 Certificate of Occupancy. No certificate of occupancy shall be issued for an Affordable or Workforce housing unit without written confirmation, from the Board of Selectmen or their designee, of the income eligibility of the tenant or buyer of the unit and confirmation of the rent or price of the unit as documented by an executed lease or purchase and sale agreement.

10.8.2. Monitoring. Ongoing responsibility for maintaining the compliance with rental restrictions on Affordable or Workforce Housing units for rent shall entail an annual report certifying that the gross rents of such units and the household income of the tenants of such units have been maintained in accordance with and comply with the requirements of this Section. Such reports shall be filed on May 1st of each year with the Board of Selectmen or their designee and shall list the contract rent and tenant income of all units for the calendar year.

10.8.3 In the event that a tenant's household income exceeds 135 percent of the median income for that family size, the unit must be made available to an income-eligible tenant within one year.

10.9 Appeals

Appeals under this Section shall be governed by the provisions of RSA 674:61.