

8.6 HOUSING AFFORDABILITY.

8.6.1 Purpose. The intent of this Section is to increase the supply of housing in the Town of Wakefield that is permanently available to and affordable by low- and moderate-income households and to encourage a greater diversity of housing accommodations to meet the needs of families and other Wakefield residents, and developing and maintaining a satisfactory proportion of the Town's housing stock as affordable dwelling units.

8.6.2 Affordable Requirement. To that end, developments made subject to this section by other provisions of this bylaw shall assure that at least 18% of the total number of dwelling units in the development (rounded to the nearest whole number) will be affordable, as provided below.

8.6.3 Special Permit. The applicant shall submit to the special permit granting authority (SPGA) for the use involved a use restriction or regulatory agreement for the designated affordable dwelling units. That agreement shall establish an affordability restriction for the maximum period allowed by law. Together with the special permit application the applicant shall provide:

1. A site approval letter from either the subsidizing agency or other agency authorized by EOHLC under Housing Appeals Committee regulations 760 CMR 56.04(2); and
2. A complete draft regulatory agreement among the above agency, the developer, and the Town Councilors.
3. Prior to obtaining any building permit for the project, the applicant shall submit proof to the special permit granting authority that the use restriction or regulatory agreement was recorded at the Registry of Deeds. The use restriction or regulatory agreement selected by the applicant shall be subject to the approval of the special permit granting authority using the Department of Housing and Community Development Guidelines. The use restriction or regulatory agreement shall include a right of first refusal for the Town of Wakefield upon the transfer of such restricted units.
4. The affordable dwelling units shall be integrated into the overall development or building in which they are situated so as to prevent the physical segregation of such units. Their exterior appearance shall be designed to be consistent with that of the market rate units in the same development or building, except for size;
5. At the time of application, the applicant shall identify the approximate floor areas of all units. The affordable dwelling units shall have the same number of bedrooms as the market rate nonaffordable dwelling units on a proportionate or pro-rata basis or they may have a smaller number of bedrooms if agreed to by the special permit granting authority.
6. With the approval of the special permit granting authority, this affordable dwelling unit requirement may be met by placing some or all of the required affordable dwelling units on an alternative site or sites suitable for housing as solely determined by the special permit granting authority. Off-site affordable dwelling units may be located in an existing structure, but they must be units which are not already counted in the Town of

Wakefield's Massachusetts General Laws, Chapter 40B, Subsidized Housing Inventory, as amended, at the time of the application. Off-site affordable dwelling units provided through this provision shall comply in all respects other than on-site location with the requirements of this Section, with the following clarifications and modifications. Existing off-site units that are converted to affordable dwelling units shall not be counted in the total number of units for the purpose of determining the required number of affordable dwelling units. However, new off-site housing units created to satisfy the requirement for affordable dwelling units under this section shall be considered part of the total number of units for the purpose of determining the total required number of affordable dwelling units.

7. The following requirement shall be a condition of special permits which require affordable dwelling units in order to prevent a disproportionate number of **market rate** ~~nonaffordable~~ dwelling units being occupied prior to the completion and occupancy of the affordable dwelling units.

- a. No market rate units exceeding 25% of the total shall be occupied unless 25% of the affordable dwelling units have been completed and occupancy permits issued therefor.
- b. No market rate units exceeding 50% of the total shall be occupied unless 50% of the affordable dwelling units have been completed and occupancy permits issued therefor.
- c. No market rate units exceeding 75% of the total shall be occupied unless 75% of the affordable dwelling units have been completed and occupancy permits issued therefor.
- d. No market rate units exceeding 95% of the total shall be occupied unless 100% of the affordable dwelling units have been completed and occupancy permits issued therefor.