

Seasonal Community Tools

Summary of Seasonal Communities Tools as specified in the Affordable Homes Act and subsequent draft regulations from the Executive Office of Housing and Livable Communities

The Affordable Homes Act provides Seasonal Communities that accept their designation with unique tools to address the housing crisis facing their communities.

Year-Round Occupancy Restrictions

Communities can acquire legal restrictions that require certain homes to be used as year-round primary residences (at least 10 months annually). This helps protect existing housing stock from being converted into seasonal or short-term rentals.

Attainable Housing

The regulations specify a new type of housing category called attainable housing. This refers to a year-round housing unit that is subject to a restriction that limits occupancy to an individual or household with income that does not exceed 250% of area median income, or a lower limit as determined by the local community. This is intended to help households with more moderate incomes remain in their community that may not qualify for traditional affordable housing.

Year-Round Housing Trust Funds

Towns may create a local or regional housing trust fund dedicated to producing and preserving year-round affordable or attainable housing. These trusts can receive money or property from a variety of sources and use it flexibly for housing purposes. Regional trusts allow multiple towns to pool resources to develop affordable housing.

Housing Preference for Essential Public Workers

Communities may adopt housing preferences for local essential public employees (like teachers, first responders, and public works staff) in properties that they acquire or develop. Towns have discretion in determining who is an essential public employee, but any preferences must comply with fair housing laws and be documented with clear data and selection plans.

Housing Preference for Local Artists

Communities can expend funds designated for the creation and preservation of Artist Housing. This housing preference requires complying with fair housing laws and maintaining records describing the need for this housing and how eligibility is determined.

Property Tax Exemption Adjustments

Communities that use the state's residential property tax exemption can increase it up to 50% of the average assessed home value, providing stronger incentives for homes to remain primary residences.

Zoning Changes

Seasonal communities must amend zoning to allow the development of undersized lots (i.e. lots smaller than a municipality's minimum lot size) if they are used for year-round, attainable housing purposes. The housing must still be in a residential zone and comply with floor to area ratio and wastewater requirements, but lot size alone can't be used as a reason to bar development.

Communities also must allow by-right development of tiny houses (a detached dwelling unit of 400 square feet or less), provided they are restricted for year-round occupancy and meet health and safety standards. Communities still have the flexibility to allow, further regulate, or prohibit movable tiny houses.

Both changes give towns and local residents more tools to unlock small-scale housing production, while keeping reasonable community protections in place.

Waivers

A municipality may apply to EOHLC for a waiver if it faces undue hardship in meeting certain requirements.

The full text and details of these new regulations are available on EOHLC's website:

<https://www.mass.gov/info-details/eohlc-regulations-current-regulations-and-proposed-amendments>

The public comment on these draft regulations is available until October 31st.