

**SECTION XVI**  
**AFFORDABLE HOUSING**  
**INNOVATIVE LAND USE CONTROL**

**16.1 AUTHORITY**

This Section is enacted in accordance with the provisions of RSA 674:21 which authorizes municipalities to establish inclusionary zoning designed to produce affordable housing by offering incentives for the production of such housing.

**16.2 PURPOSES**

The purposes of this Section are to:

- (a) Provide a realistic opportunity for low and moderate income individuals and families to obtain affordable housing in the Town of Hopkinton,
- (b) Provide appropriate incentives to encourage the production of such housing,
- (c) Provide standards and safeguards to make certain that the housing produced remains affordable to those in need.

**16.3 DEFINITIONS**

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

**16.3.1 Affordable Housing:** A housing unit which is (a) a rental unit in which the rent, including heat and utilities, does not exceed 30 percent of the income of a low or moderate income household living therein, or (b) an owner occupied unit, including a condominium, for which the total cost of monthly mortgage (principal and interest), taxes, insurance, and condominium fees do not exceed 30 percent of a low or moderate income household living therein.

**16.3.2 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 income or moderate income household as defined in this Section.

**16.3.3 Fair Share:** A community's share of low and moderate income individuals and families having a need for housing as calculated every five years by the Central New Hampshire Regional Planning Commission in accordance with the provisions of RSA 36:47 II.

**16.3.4 Low Income Person/Family:** A person or family which has a household income of 80 percent or less of the median income adjusted for family size of Merrimack County as published annually by the U.S. Department of Housing and Urban Development.

**16.3.5 Moderate Income Person/Family:** A person or family which has a household income of from 80 to 120 percent of the median income adjusted for family size of Merrimack County as published annually by the U.S. Department of Housing and Urban Development.

**16.4 PROCEDURES**

The Planning Board is authorized to review and approve plans for affordable housing in the same manner specified in Section 8.4.1 of this Ordinance or Sections 9.4 or 9.5, as applicable, unless modified in this Section.

**16.4.1 Authorized Incentives:** The Planning Board is hereby authorized as administrator of this Innovative Land Use Control Ordinance to approve projects under this Section which are designed to provide incentives for the creation of affordable housing. Unless changed in this Section, the remaining provisions of Section VIII and IX shall prevail.

## **16.5 AFFORDABLE HOUSING CRITERIA**

The Planning Board will authorize development incentives providing the following affordable housing development characteristics are met:

**16.5.1 Minimum Affordable Units:** In order to be considered an affordable housing development, at least 40 percent of the total number of dwelling units in the project must be available for and occupied by individuals and families whose total household income at the time of occupancy is no greater than 120 percent of the median income adjusted to household size of the annual Merrimack County figure and who, when they occupy the unit, will pay no more than 30 percent of their income for housing costs as defined in Section 16.3.1. The developer may elect to construct up to 100 percent of the units meeting the affordable criteria.

**16.5.2 Bedroom Mix:** No more than 25 percent of the affordable units may be one bedroom or studio units, unless the entire development is limited to the elderly. No more than 25 percent of the affordable units may be three bedroom units or more.

**16.5.3 Guarantee of Affordability:** In order to qualify as an affordable housing development, the developer must present covenants and/or other contractual guarantees, approved by the Town Counsel, which assure that no less than 40 percent of the total units will be affordable and made available to low and moderate income families for at least 20 years.

The developer may propose to meet the guarantee by:

- (a) Constructing housing financed by the Farmer's Home Administration, Section 515, and presenting certification from the FHA that the affordability criteria have been met for each low or moderate income household occupant.
- (b) Constructing housing financed by the New Hampshire Housing Finance Authority or any other governmental agency and presenting certification from the governmental agency that the affordability criteria have been met for each low or moderate income household occupant.
- (c) Constructing privately financed housing and presenting certification from the Concord Housing Authority, New Hampshire Housing Finance Authority, or other appropriate agency acceptable to the Planning Board that the affordability criteria has been met for each low or moderate income household occupant.

## **16.6 AFFORDABLE HOUSING INCENTIVES FOR SECTION VIII**

The Planning Board is authorized to permit the following incentives provided that the criteria in Section 16.5 are met:

**16.6.1 Where Allowed:** Affordable housing conservation subdivisions will be allowed in R-3, R-2 and R-1 Districts, provided that the project is in compliance with Section VIII, Conservation Subdivisions and Section XVI Affordable Housing, Innovative Land Use Control, of this Ordinance. Elderly Affordable Housing will be allowed in the B-1 District and those portions of the R-1 and VR-1 Districts serviced by municipal sewer and water by Special Exception.

**16.6.2 Dwelling Unit Configuration:** Dwelling units may be configured in the following ways:

**District**

**Configuration**

R-3	Single family detached or attached units with up to four units per building, providing all units have direct access (not through a common corridor) to the ground and have some living area at ground level, either site built or pre-site built.
R-2, R-1, VR-1	Single family detached or attached units with up to twelve units per building providing all units have direct access (not through a common corridor) to the ground and have some living area at ground level, either site built or pre-site built.
B-1, R-1, VB-1, and VR-1 within the Contoocook Precinct serviced by Municipal water & sewer for Elderly Affordable Housing only.	(a) Single family detached or attached units with up to twelve units per building providing all units have direct access (not through a common serviced by Municipal water corridor) to the ground and have some living area at ground level.  (b) The above density and design limitations may be waived by grant of Special Exception by the Zoning Board of Adjustment if the applicant can prove to the Board's satisfaction that an increased number of units and design modifications promote the health and welfare of the residents of the building(s) without, in any way, adversely affecting surrounding properties. All other requirements for a Special Exception must be met.

The units may be rental units or of condominium or cooperative form of ownership.

**16.6.3 Dwelling Unit Density:** The total acreage, measured in square feet, excluding the surface area of water bodies and excluding wetlands, shall be divided by the square feet per dwelling unit specified below to calculate the maximum allowable density within the conservation subdivision.

**Density**

**Square Feet Per Dwelling Unit**

R-3	60,000 sq. ft.
R-2	45,000 sq. ft. if neither public water or sewer. 40,000 sq. ft. if public water but no sewer. 35,000 sq. ft. if public water and sewer.
R-1, VR-1	40,000 sq. ft. if neither public water or sewer. 35,000 sq. ft. if public water but no sewer. 30,000 sq. ft. if public water and sewer.
B-1 and VB-1 (special exception), R-1 and VR-1 within Contoocook Precinct Elderly Affordable Housing.	15,000 sq. ft. and 2,000 sq. ft. for each dwelling unit more than one in a building.

All projects must receive the approval of the Water Supply and Pollution Control Commission showing that no pollution will occur as a result of these densities.

**16.6.4 Site Size:** There shall be no minimum site size as specified in Section 8.6.3. All structures may be placed on the conservation subdivision site in a manner to minimize environmental impact providing the structures comply with the dimensional requirements in Section 8.6.4 unless modified in Section 16.6.5.

**16.6.5 Dimensional Requirements:** The conservation subdivision shall comply with Section 8.6.4 except that the minimum spacing between structures shall be 35 feet.

## **16.7 BUILDING CONFIGURATION**

In no case shall manufactured housing allowed herein be attached to create more than one dwelling unit per building.

## **16.8 MAXIMUM PROJECT SIZE**

No affordable housing development, proposed pursuant to this Section, shall exceed 50 units in total size.

## **16.9 MAXIMUM NUMBER OF AFFORDABLE UNITS**

No more than 50 affordable housing units will be approved by the Planning Board in any calendar year.

## **16.10 TERMINATION OF INCENTIVES**

This Section shall terminate when the Planning Board has approved the Town's total fair share of low and moderate income housing units for each decade. The Planning Board will notify the Board of Selectmen when this figure has been met.

## **16.11 REINSTATEMENT OF INCENTIVES**

The fair share calculation of low moderate income housing needs shall be recalculated following each decennial U.S. Census. Any unmet fair share unit accommodation balance shall not be carried over to the subsequent decade. The fair share housing calculation, once determined, shall be filed with the Board of Selectmen. The incentive system shall be reinstated, without further ordinance adoption, when a fair share housing need is calculated.