

## Accessory Dwelling Unit Strategies and Policies

### HINGHAM HOUSING PLAN

#### ADU Strategy Excerpt

(Full text available at: <https://www.hingham-ma.gov/918/Housing-Plan> ; see pages 86-88)

#### *Better promote Accessory Dwelling Units (ADUs)*

Responsible Party: Planning Board

Priority: Short Term

Accessory dwelling units (ADUs) are allowed by special permit in all of the Residence and Business Districts and defined in Section V-K of the By-Law as:

- a) A second self-contained dwelling unit within a single-family dwelling, which second dwelling unit is subordinate in size to the principal dwelling and otherwise complies with the provisions of this Section V-K.
- b) For the purposes of this Section V-K, a “family member” shall be a person related to the owner by blood, adoption or marriage, and may also include domestic help and caregivers.
- c) A “principal dwelling” for the purposes of this Section V-K is a single-family dwelling exclusive of the area that constitutes the accessory dwelling unit.
- d) A single-family dwelling with an accessory dwelling unit shall not be deemed to be a two-family dwelling.

The ADU regulations were adopted at the 2018 Annual Town Meeting. At the time of this report, the Board of Appeals had received 10 applications to construct an ADU. In each instance, the Board or its Zoning Administrator issued the requested special permit.

*Information from Section 3 of this Plan indicates that 215 of the 300 senior homeowners 62 years of age or older with incomes at or below 30% AMI were spending more than half of their income on housing costs. Such owners are struggling to remain in the community, many with likely more living space than they need. Some of these owners may find income from an ADU of great benefit but do not have a family member that would be interested and available to occupy an ADU.*

Because of changes to the state’s Local Initiative Program (LIP) in 2008, all affordable accessory units must be affirmatively marketed based on a state approved Affirmative Fair Housing Marketing and Resident Selection Plan. This would involve the Town establishing and maintaining a waiting list of prequalified households applying to rent any affordable accessory units, referred to as a Ready Renters List, and precludes units that are currently occupied or where owners select their own tenants including family members. Consequently, most communities that are promoting accessory apartments are not pursuing the inclusion of these units in the Subsidized Housing Inventory. Moreover, since Hingham has surpassed the 10% state affordability goal, the enforcement of affordability requirements becomes less of a concern. It should be noted that the Town of Lincoln, which is also over the 10% state goal, has introduced a special program to support deed-restricted affordable ADUs with incentives through a property tax exemption and 10-year,

zero interest loans of up to \$25,000 to help create such units.

The recent adoption of an ADU bylaw is a good start and certainly a step in the right direction. However, restricting occupancy to family members largely sidesteps one of the primary purposes and benefits of such units – to provide homeowners with additional income that is particularly important for elderly homeowners, single parents, and others who are spending too much of their income on housing and for whom such income may be critical to remaining in their homes. Also, without the flow of income from the rent of an accessory apartment, some young families or moderate-income households might not be able to afford homeownership.

There are a number of reasons for promoting accessory apartments in the community besides keeping extended family together and offering potential support from caregivers including:

- Create moderately-priced housing for those who might otherwise find it difficult to find housing.
- Offer appropriately sized units for growing numbers of smaller households, young adults and senior citizens in particular.
- Provide a fairly inexpensive means of increasing the supply of year-round rental units at lower cost than new construction and without significant impact on the surrounding neighborhood.
- Create housing units that do not require additional Town services, such as new streets or utilities, and involve little or no loss of open space.
- Provide companionship, security and services for the homeowner or tenant.
- Generate increased tax revenue in a locality because accessory units typically add value to existing homes.
- Offer a way of preserving historic properties given the rental stream available to help maintain the property.

While the Town might have some apprehensions concerning the impact of ADUs on existing neighborhoods, problems have not been borne out in other communities. For example, the Town of Needham conducted a survey of nine communities to obtain information on accessory dwelling unit zoning in what it considered to be relatively comparable communities.<sup>1</sup> This report provided compelling evidence that ADUs could contribute to the overall goal of increasing housing options for older adults, young adults, people with disabilities, and people with moderate incomes without negatively impacting the quality of life. Using the Massachusetts Model Bylaw and the experiences of these nine communities as guides, the report concluded that Needham could create a bylaw that ensured units could be integrated into existing single-family neighborhoods with little or no negative impact on the character of the neighborhood or on Town services, provide new options for current Needham homeowners, and minimize the regulatory burden on Town officials. The report emphasized the importance of affordability, allowing homeowners to rent their units to those beyond family and caregivers.

In order to promote accessory units, the Planning Board with support from the Affordable Housing Trust should further explore the Massachusetts Model bylaw as well as the bylaws in other communities. It should be noted that Lexington, Newton, and Scituate have relatively recently amended their zoning to

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<sup>1</sup> These communities included Acton, Bedford, Carlisle, Lexington, Milton, Newton, Scituate, Sudbury, and Westwood.

better promote accessory units, eliminating what they considered ineffective restrictions. Both Lexington and Newton have a tiered permitting system that includes by-right approval when the unit meets standard requirements and is created within the existing footprint of the principal dwelling while extending a special permit process for those applications that fall out of these basic provisions including units in detached structures. These bylaws, especially Lexington's, would be a good place to start in the exploration of changes to the ADU bylaw.

**HINGHAM MASTER PLAN**  
**ADU Policy 4.4 Excerpt**

Explore the possibility of allowing detached accessory dwelling units in some or all of the areas where accessory dwelling units are now allowed for family members, but not for rental.