

# ADU?

## **EXPLANATION OF ARTICLES 45/46: Information regarding the proposed Accessory Dwelling Unit Bylaw**

Lack of year-round rental housing is impacting the sustainability of Wellfleet as a community. There has been an almost zero vacancy rate for year-round rentals for many years and COVID-19 has accelerated this trend, making it much worse. While we are seeing progress on the larger rental project on Lawrence Road, such things take time and will not meet all the need for year round rentals. Article 45 or Article 46 would allow property owners to create accessory dwelling units (ADUs) or apartments on their properties right away. There is no one answer to the housing crisis but this is one tool that 8 towns across the Cape are already using to make new units available right away without costing taxpayer dollars or requiring new development.

1. An ADU is an additional, size restricted, dwelling unit with independent kitchen, bathroom, living areas and a separate entrance allowed on a lot with another structure including residences and businesses.
2. An ADU may be incorporated within or added onto a principal residential or commercial structure. They can also be built into an accessory building or be free standing.
3. The proposed ADU Bylaw would allow ADUs to be built by right in any district in the town, except for the National Seashore Park where a Special Permit would be required.
4. Unless otherwise stated in the bylaw, ADUs would have to follow all Federal, State and local laws and regulations, including lot coverage, setbacks, Title V, and historic rules.

5. Application for a building permit for an ADU will trigger a Septic Inspection. Septic systems must be up to current requirements and some will require upgrading. ADUs would NOT increase the allowable number of bedrooms allowed on a property. This is a key component of the bylaw - that it both preserves our water quality as well as allows for more housing options.

6. ADUs are limited to between 200-1200 square feet and must be occupied year-round.

7. ADUs must be registered with the Town, require a yearly Affidavit of Compliance and will be monitored by Town staff

**8. ADUs may not be rented short-term. Significant penalties apply for non-compliance.**

9. ADUs may be rented at market rate and there are no income restrictions on tenants. However, a property owner can apply for an Affordable Housing Tax Exemption if they rent the unit within affordability guidelines.

10. A property owner may live in the ADU year-round after filing an Affidavit of Compliance and rent the principal dwelling. This will allow older homeowners to downsize on their own property.

11. A property owner may allow a friend, family member, caregiver, or other to live in the ADU for free as long they occupy it year-round and the Affidavit of Compliance is filed yearly.

Further information and a more comprehensive set of Frequently Asked Questions may be found at [WellfleetAffordableHousing.org](http://WellfleetAffordableHousing.org).

Prepared by Wellfleet's Housing Committees.

General Information about Accessory Dwelling Units can be found at: All About Accessory Dwelling Units-AARP: This posts links to 2 downloadable booklets about ADUs.

