

Accessory Apartments FAQ

How will expanding the availability of accessory apartments across the city not lead to more people, traffic, and other problems?

The absolute number of people who may live in a home would not change from the current rule. People may have boarders, household workers like nannies, extended family, and others living with them by-right, as long as the number of unrelated persons in a household does not exceed four. This ordinance would allow homeowners to create a more private and comfortable separate unit with the same maximum number of people who can currently reside on a property.

Why should we consider expanding the availability of accessory apartments?

There are lots of reasons, reflecting the diversity of people who live in Newton, but fundamentally this is about creating options for Newton residents. These include:

- To encourage legalization of existing accessory apartments, which must meet health and fire safety codes.
- To create a place for a caregiver or companion and/or a source of income for older adult residents to help preserve their option to stay in their homes.
- To allow families to invite older adult parents or adult children to live with them in a way that maintains individual privacy and dignity.
- To create more affordable and environmentally sustainable housing options.

Does this mean we are re-zoning all single-family residential districts to two-family residential districts?

No, this proposed ordinance is not a rezoning, does not increase existing allowed densities, and does not allow subdivision of land.

How do we keep students out of these units?

Of course we cannot exclude students but we can address the primary concerns raised about student housing, which is the disruption of the neighborhood. The Accessory Apartment Ordinance requires that the homeowner live in one of the units and it is in their interest to monitor and control the activities of those living there.

What about enforcement?

Newton's Inspectional Services Department (ISD) is charged with enforcing Newton's Zoning Ordinance, including the Accessory Apartment Ordinance. While the primary mechanism of all zoning enforcement has been resident generated complaints, ISD also has a proactive program for identifying illegal accessory apartments working with the Police and Fire Departments as well as the student housing offices of local colleges. Further, the ordinance has specific provisions requiring annual occupancy reporting and annual re-certification of compliance. The restrictions associated with accessory apartments in Newton will be attached to the property deed, which helps to maintain compliance with ordinance requirements.

What about parking?

The proposed ordinance does not require additional parking for the accessory unit. This rule is consistent with the requirement that residents of an accessory apartment be counted within the maximum number of unrelated residents allowed in any home. Therefore no additional parking should be required.

What about short term rentals like AirBnB?

Regulating short term rentals is being taken up separately by the Zoning and Planning Committee in 2017.

What does this ordinance envision accessory apartments looking like?

There are two types of accessory apartments that would be allowed under this ordinance – those internal to an existing single or two-family home and those in a detached building. An internal accessory apartment would be invisible to the casual observer. No separate door is allowed on the front of the building and any exterior alterations required to create the unit, such as a second egress, must be in keeping with the existing home design and material quality. An accessory apartment in a detached building could be in a small stand-alone cottage (maximum 1200 SF), above a garage or similar building, or in an existing historic accessory building such as a carriage house. A new detached building must be in keeping with the general design of the main home and must conform to the same setback requirements of the principal house. Historic buildings must be restored according to conditions approved by the Historic Commission.

What is the difference between a two-family or multi-family structure and a home with an accessory apartment?

A property with an accessory unit is different from a two or three family property by virtue of the fact that the accessory apartment is a subservient unit without all of the rights inherent to a typical dwelling unit. Most significantly, the total occupancy of the principal unit and accessory unit is limited to the occupancy of the principal unit alone, whereas in a typical two-family building, each unit is entitled to its own independent occupancy limit. So where a house with an accessory apartment is limited to a family and up to three unrelated individuals, a two-family dwelling can have a total of two-families and up to six unrelated individuals across both units. Other restrictions on accessory apartments that do not exist for a typical two-family home include:

- The property owner must live on-site;
- The accessory apartment cannot be in separate ownership, i.e. no condos;
- The accessory apartment is a maximum of 1,000 sq. feet (1,200 if in a detached structure) or 40% of the principal house size, whichever is smaller;
- The accessory apartment must visually blend into the existing house, including not having an entrance on the front of the building; and

- An accessory apartment requires a Letter of Determination from the Commission of Inspectional Services, must be recorded with the Register of Deeds or land court, is subject to on-going monitoring by the City, and annual recertification of consistency with accessory apartment rules.

A two or three-family home is not subject to any of the above rules.

What are the property tax implications of an accessory apartment?

The property taxes paid on a given property are based on the tax rate determined by the City Council and the assessed value of the property. As far as how an accessory apartment might impact the assessed value of a property, the basic rule is, if something increases the value of a house in the general real estate market, than that value is reflected in the assessment. The Newton Assessor's Office has not seen any increase in value based on having accessory apartments, but, adding a bathroom, finishing a basement, or adding additional square footage to the home, whether for an accessory apartment or not, would likely increase a home's value.

How many accessory apartments might be created in Newton?

The Planning Department reviewed available data from other communities with similar accessory apartment regulations and the general finding is that there are not large numbers of these units created. An accessory apartment generally costs tens of thousands of dollars, if not over a \$100,000 to install and includes the potential inconvenience of being a landlord and having to share your home. These units create an option for those who need them and can do them. Portland Oregon found that .5% of eligible properties created an accessory apartment. Lexington, MA has had about five new units a year and, since they adopted a new accessory apartment ordinance allowing internal units on all single family lots, they anticipate getting as many as five to ten a year. Over the last five years, inquiries from the public interested in creating an accessory apartment in Newton have ranged from 8 to 21. Over the last 20 years, a total of 73 accessory apartment units have been created in Newton or less than 4 a year, representing .002% of Newton's total housing stock, under the current, more restrictive ordinance.

Could the ordinance be revised in the future if many more accessory apartments are created than we anticipate?

Yes, the ordinance can be revised and amended by City Council at any time.

Has there been engagement with community members about accessory apartments?

Yes, accessory apartments were part of the Newton Leads 2040 Housing Strategy community conversations, which began in 2014. City staff heard overall strong support for accessory apartments from community members as part of these conversations. Planning Department staff met with several neighborhood and community groups in 2016 to better understand different perspectives on accessory apartments, which informed the writing of the proposed ordinance. Staff also held a public information session in fall 2016 to share information about the proposed

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accessory apartment ordinance and answer questions. Information is available online at www.newtonma.gov/accessoryapartments.