

EQUITABLE ARLINGTON
ACCESSORY DWELLING UNITS: FACT SHEET
March 23, 2021

PURPOSE

The proposed ADU zoning amendment is intended to recognize and build on the majority support for ADUs from both the 2019 town meeting and from town residents who recognize a clear need for Arlington to:

- encourage housing for persons of all income levels and ages by making available more housing that is smaller and less expensive than existing alternatives; and
- offer homeowners the ability to age in place, create independent living space for family or household members, downsize, or earn supplemental income.¹

WHAT ARE WE PROPOSING?

To allow accessory dwelling units (“ADUs”) by right (i.e., without the need for a special permit or other zoning relief) in connection with single-family dwellings, two-family dwellings and duplex dwellings. Key components of this proposal include:

1. ADUs would be limited in size to 900 square feet, or 50% of the floor area of the principal residence, whichever is less.
2. One ADU would be allowed per primary residence, either (1) within the existing footprint of the building (e.g., in a basement or attic); (2) as an addition to an existing residence; or (3) within a detached structure (such as a carriage house or garage), although a special permit would be required for an ADU in an accessory structure located within 6 feet of the lot line.
3. ADUs would still be subject to all applicable dimensional requirements of the Arlington Zoning By-Law (“Bylaw”) the same as any other home addition. For example, under Section 5.4.2B(6) of the Bylaw, any addition of 750 square feet or more of gross floor area (including to create an ADU) would require a special permit.
4. No additional off-street parking spaces would be required if a homeowner sought to build an ADU (but all parking would remain subject to existing on-street parking rules).
5. Before applying for a building permit for an ADU, the owner would need to certify to the building inspector that the owner or a family member of the owner will reside in either the principal dwelling unit or the accessory dwelling unit upon completion of the ADU.
6. ADUs would also be subject to the state Building Code and to all applicable Fire Department rules and regulations.
7. An ADU could not be owned separately from the principal dwelling unit (i.e., cannot be converted to a condo and sold).

¹ See the AARP report, “The ABCs of ADUs,” which can be found at the following link: <https://www.aarp.org/content/dam/aarp/livable-communities/livable-documents/documents-2019/ADU-guide-web-singles-071619.pdf>.

FREQUENTLY ASKED QUESTIONS:

1. *What is an Accessory Dwelling Unit, or ADU?*

An ADU is a separate, smaller living unit with its own kitchen and bathroom facilities and separate entrance that is attached to or included within a larger residence or located in an accessory structure on the same lot as a larger residence.

2. *What's the difference between a home with an ADU and a two-family home?*

In a two-family home, both units can be the same size, and they might be separately owned as condo units (and can be sold separately from each other). In contrast, an ADU is subordinate to the principal dwelling unit with which it is associated – it can't have more than 50% of the floor area of the principal dwelling (and in any event can't exceed 900 square feet), and it cannot be sold separately from the principal dwelling.

3. *Preserving the character of Arlington neighborhoods*

Any ADU will be subject to all existing dimensional limitations, meaning that a homeowner could not expand their home to add an ADU any more than they could expand their home for additional living space. Based on the experience of other Massachusetts cities and towns that allow ADUs, we expect the number of ADUs permitted each year to be modest (approx. 2-5 units/year).²

4. *ADUs for Arlington homeowners, not developers*

ADUs will be built by existing homeowners, not developers, and the ADU cannot be “flipped” or otherwise sold as a condo. Under our proposal, someone seeking to build an ADU would need to certify to the building inspector that they or a family member will reside in either the principal dwelling unit or the accessory dwelling unit upon completion of the accessory dwelling unit. The proposal includes an exception to this certification for non-profit or governmental entities that restrict the ADU as affordable.

5. *Protecting the environment and preserving open spaces*

ADUs would still be subject to existing limitations on development that are imposed by the Bylaw. For example, an ADU would need a special permit if it would expand the gross floor area of an existing building by 750 square feet or more. In addition, because they are smaller, use existing infrastructure and will often be attached to the principal residence, ADUs will require less energy and fewer resources to build and maintain than detached, single-family dwellings.

6. *No additional pressure on parking resources*

Our proposal would not change any existing on-street parking requirements, which include a prohibition on overnight street parking on public streets and any applicable rules established for private ways, meaning that any additional vehicles for an ADU would be handled like any other additional vehicle a household acquires.³ In addition there is, on average, typically less than one additional car for each ADU.⁴

² The report, “The State of Zoning for Accessory Dwelling Units,” written by Amy Dain and published by the Pioneer Institute for Public Policy Research in July 2018, can be found at the following link: <https://www.aarp.org/content/dam/aarp/livable-communities/livable-documents/documents-2019/ADU-guide-web-singles-071619.pdf>. This report indicates that, while the number of ADUs varies across jurisdictions, on average, only approximately 2.5 units are permitted in each municipality each year.

³ See Arlington Traffic Rules and Orders, Article V, Section 14 (prohibiting overnight parking on public streets).

⁴ See “The ABCs of ADUs”, page 16.

7. *Allowing ADUs as of right*

Allowing ADUs as-of-right would treat ADUs in the same way as any other addition or change to an existing residence (i.e., the addition of an ADU would be subject to the same rules as an expansion to build an additional bedroom or in-home office). Requiring a special permit more generally would depress the creation of many worthwhile ADUs because it would mean that even before the owner knows whether an ADU will be allowed, he or she must incur thousands of dollars upfront to engage a design professional and/or attorney, and undergo a public discretionary approval process. The exception is that this proposal would require a special permit for an ADU in an accessory structure located within 6 feet of the lot line, in recognition of the concerns that neighbors may have in that situation where an existing structure, close to the lot line, is converted into an ADU.

8. *Requiring owner occupancy*

Our proposal ensures that ADUs are built by existing Arlington property owners, rather than outside developers. More onerous owner-occupancy requirements in other jurisdictions have had the effect of stifling the creation of ADUs due to uncertainty and other unintended consequences, and have imposed burdens on ADU owners that don't exist for anyone else. For example, more onerous requirements could result in non-compliance from changing life circumstances, such as divorce or death of the homeowner or a temporary job relocation and would complicate the sale and refinancing of homes.

9. *Promoting affordability*

Because ADUs are by definition small, they can be an important source of reasonably-priced housing within reach for individuals and families who cannot afford a single-family home or larger unit.⁵ We've chosen to not impose specific income-eligibility restrictions on the residents of ADUs, however, which would make it illegal in many circumstances for ADUs to be occupied by a family member (which will often be the reason an owner wants to create an ADU in the first place) and would make ADUs impractical given the cost associated with adding an ADU plus the administrative requirements of complying with affordability restrictions.

10. *Preserving existing limitations on short-term rentals*

Arlington already prohibits the use of ADUs for short-term rentals (such as Airbnbs), so no further restriction is needed in this proposal.⁶

11. *Enforcing ADU requirements*

ADUs do not pose any special enforcement challenges, and based on the experience of other Boston-area towns we expect only a modest number of ADUs to be created each year. Arlington's Inspectional Services Department will review all ADU permit applications and inspect all ADUs prior to issuing a certificate of occupancy, in the same manner as all other home improvements and other work in town, to ensure compliance with zoning, building code and fire safety requirements.

⁵ This is consistent with empirical evidence from the AARP, which reports that, according to a survey of ADU occupants in Vancouver, Canada, approximately 37% of ADU residents had incomes below the metropolitan median income. See "Accessory Dwelling Units, Model State Act and Local Ordinance", page 2.

⁶ See Town of Arlington Bylaws, Title V, Article 18.