

**"NOVEMBER 5, 2019
REPEAL
OF
THE TOWN OF BRIDGTON
AFFORDABLE HOUSING
LOCAL
PREFERENCE ORDINANCE"**

PROPOSED: NOVEMBER 5, 2019

Town of Bridgton

Affordable Housing Local Preference Ordinance

I. Preamble. The Town of Bridgton serves as the service center for the rural areas of western Cumberland, and southern Oxford Counties and is the only community in the Greater Bridgton area that offers employment opportunities, retail and service businesses, health care facilities and social services within a compact geographic area that does not require extensive use of private transportation. The Town is geographically well positioned to meet the needs of working families and elderly and disabled persons who either cannot afford private transportation or who can no longer drive and who wish to remain close to families and friends.

Based on data from 2010 United States Census 19.3% of the residents of Bridgton are over 65 years of age; 63.6% of the households of the Town of Bridgton have income levels below the national average; and 18.93% have incomes at or below 150% of the poverty line.;

Based on data from the 2010 U.S. Census, 71.29% of the housing stock in the Town of Bridgton consists of single and two family dwellings; more than 80.59% of those dwellings are more than thirty years old; only 22.11% of the dwelling units located in the Town of Bridgton are located in multiple family dwellings; and of those only 4.5% or 70 units are Affordable Housing Units.

The lack of Affordable Housing Units in the Town of Bridgton poses a hardship on the residents of the Town and their family members, especially on those elderly or disabled residents of the Town who desire to down-size to smaller dwelling units and on those Town residents who desire to have their elderly or disabled family members move closer to them; and on Employees in the Town of Bridgton who want to live close to their jobs.

Based on the foregoing, it is the policy of the Town of Bridgton to provide a system of preferences for residents of the Town and their family members and for those employed in Town and their family members.

II. Statement of Purpose. It is the purpose of this Ordinance to establish a system of Preferences to ensure that at least 50% of newly created Affordable Housing Units are made available on a preferential basis to the following groups:

1. Residents of the Town of Bridgton and their family members;
2. Employees of the Town of Bridgton and their family members;
3. Employees of businesses, health care facilities, social service agencies and non-profit organizations who are based in the Town of Bridgton, and other persons or entities whose employment is based in the Town of Bridgton, and their family members; and
4. Self-employed persons with a place of business in the Town of Bridgton and their family members.

III. Authority. This Ordinance is adopted pursuant to the home rule authority of the Town of Bridgton under Article 8, Part 2, Section 1 of the Constitution of Maine, its home rule authority under 30-A MRS §2104 et seq., and all other applicable authority.

IV. Required Preference. The owner of any Affordable Housing Project to be issued a building permit by the Code Enforcement Officer of the Town of Bridgton, Maine, on or after January 1, 2014, shall select the initial purchasers, lessees, tenants or occupants of at least 50% of the Affordable Housing Units located within the Project under a method that provides a Preference to otherwise eligible applicants as follows:

- Residents of the Town of Bridgton and their Family Members;
- Employees of the Town of Bridgton and their Family Members;

- Employees of businesses, health care facilities, social service agencies, non-profit organizations, and other persons or entities whose employment is based in the Town of Bridgton, and other persons or entities whose employment is based in the Town of Bridgton, and their Family Members; and
- Self-employed persons with a place of business in the Town of Bridgton and their Family Members.

First preference shall be granted to residents of the Town of Bridgton and their family members and second preference shall be given on an equal basis to members of the remaining groups listed above.

V. Adoption of Rules. The Board of selectmen may adopt rules not inconsistent with the terms of this Ordinance, in order to implement the Preferences established by Article IV of this Ordinance.

VI. Non-Discrimination. The Owner of an Affordable Housing Project subject to this Ordinance shall not discriminate on the basis of race, color, sex, sexual orientation, physical or mental disability, religion, country of ancestral origin, familial status or the receipt of public assistance payments in the administration of Preferences under this Ordinance.

VII. Implementation of Preference.

1. Notice of Availability. At least 120 days before the Owner of an Affordable Housing Project subject to this Ordinance enters into a purchase and sale agreement, lease, rental agreement or other commitment to make available Affordable Housing Units to purchasers, lessees, tenants or occupants, the Owner of the Project shall publish a notice in at least two newspapers of general circulation in the Town of Bridgton stating the number of new Affordable Housing Units expected to become available in the Town of

Bridgton as part of the Project, the date that they will become available, the eligibility requirements applicable to occupants of the Units, and that, subject to those requirements, the first and second Preferences described in Article IV will be applied to applicants for 50% of the Units. The published notice shall describe how an application can be obtained, the procedure and requirements for submitting an application and such other information as may be required by the Board of Selectmen by rule. The Owner of an Affordable Housing Project shall conduct at least one public meeting in the Town of Bridgton to describe the Project, the eligibility requirements of the Project, the application procedure, the first and second Preferences established by this Ordinance, and such other information as the Board of Selectmen may require by rule.

2. Deadline for Submissions of Housing Applications. The deadline for submission of applications shall be at least 60 days following the publication of the required notice and at least 30 days following the public meeting. Application forms shall be made available from the Owner, at the public meeting and at the Bridgton Town office. Applications shall be made available at the Bridgton Town Office from the date of notice publication until the deadline for filing applications.
3. Review and Approval of Applications. The Owner of an Affordable Housing Project subject to this Ordinance shall review the applications and, for 50% of the Affordable Housing Units, shall give first and second Preference to those otherwise qualified applicants who are eligible for a Preference under Article IV of this Ordinance, provided that in reviewing the applications, the Owner of the Affordable Housing Project shall be entitled to reasonably rely on the accuracy of statements made by applicants in their applications. The Owner shall select by date of application the prospective purchasers,

lessees, tenants or occupants of 50% of the Units from the pool of otherwise eligible applicants who are eligible for a first and second Preference. Nothing contained herein shall prevent an applicant who is eligible for a Preference from applying for one of the remaining Units in the Project that is not subject to a Preference under this Ordinance. If the number of otherwise eligible applicants applying for a first and second Preference is less than 50% of the number of available Units, the Owner may fill all the remaining Units in the Project with otherwise eligible applicants who are not entitled to a Preference.

4. Report. Prior to the initial sale, lease, rent or occupancy of the Units in an Affordable Housing Project subject to this Ordinance, the Owner shall submit a signed written report to the Code Enforcement Officer of the Town of Bridgton describing the procedures that have been followed by the Owner to implement the Preferences established under Article IV and to comply with the requirements of this Ordinance and any rules that may be adopted by the Board of Selectmen under this Ordinance.
5. Certificate of Compliance. If the Code Enforcement Officer determines that the Owner has complied with the requirements of this Ordinance and any rules that may be adopted by the Board of Selectmen under this Ordinance, the Code Enforcement Officer shall issue a Certificate of Compliance to the Owner of the Affordable Housing Project.
6. Optional Advance Approval of Owner's Implementation Plan. At least 60 days prior to publishing the Notice of Availability required under paragraph 1, the Owner of an Affordable Housing Project to be developed, constructed, converted or otherwise established in the Town of Bridgton may, but is not required to, submit for optional advance approval an Owner's Proposed Implementation Plan for compliance with this

Ordinance to the Code Enforcement Officer. The Code Enforcement Officer shall have 30 days from submission of the Owner's Proposed Implementation Plan, to give advance approval of the Plan, give advance approval of the Plan with conditions, or disapprove the Plan. If the Code Enforcement Officer gives advance approval of the Plan or gives advance approval of the Plan with conditions, and the Code Enforcement Officer subsequently determines that the Owner has followed the Implementation Plan and applicable conditions, in implementing the Preferences established under Article IV and complying with the requirements of this Ordinance and any rules that may be adopted by the Board of Selectmen, the Owner shall be entitled to a Certificate of Compliance under this Article.

VIII. Prohibition. No Unit in an Affordable Housing Project for which a building permit is to be issued by the Town of Bridgton after January 1, 2014 shall be sold, leased, rented or occupied, until the Owner has been issued a Certificate of Compliance under this Ordinance by the Code Enforcement Officer.

IX. Penalty. An Owner who permits a Unit in an Affordable Housing Project subject to this Ordinance to be sold, leased, rented or occupied without a Certificate of Compliance under this Ordinance from the Code Enforcement Officer shall be liable for a civil penalty of up to One Thousand Dollars (\$1,000) per day for each day that the violation continues.

X. Enforcement. This Ordinance may be enforced by the Municipal Officers of the Town of Bridgton who may seek the civil penalty prescribed in Article IX and other injunctive and equitable relief.

XI. Definitions.

1. "Affordable Housing Unit" or "Unit". A dwelling unit in an Affordable Housing Project that is restricted to persons who meet certain age, disability, income or other eligibility criteria as required by a governmental, quasi-governmental or other authority in order to qualify for federal or State housing subsidies or tax credits.
2. "Affordable Housing Project" or "Project". A multi-family project comprised of ten or more dwelling units developed, constructed and/or owned by an agency or instrumentality of the United States, the State of Maine, a quasi-municipal or non-profit corporation, or other public or private entity, that is financed in whole or in part through federal or State housing subsidies or tax credits, and in which a certain number of Units are restricted to persons or households that meet certain age, disability, income, or other demographic criteria.
3. Employee. A person who is currently employed, or who has accepted a written offer of employment, from the Town of Bridgton or a business, social service agency, non-profit organization or other person whose employment is based in the Town of Bridgton.
4. Family Member. A person related to another by blood, marriage, adoption, or registered domestic partnership as parent-child, grandparent-grandchild, spouse, or domestic partner. For purposes of this definition, step-parents and step-children shall be considered as parents and children.
5. "Owner". The person or entity who has legal title to an Affordable Housing Project located in the Town of Bridgton, and any lessee, sublessee, managing agent or other person having the right to sell, lease, rent, or manage an Affordable Housing Project or any agent of them.

6. Preference. Favorable consideration granted to an otherwise eligible prospective purchaser, lessee, tenant or occupant of an Affordable Housing Project as provided under Article IV of this Ordinance.
7. “Town of Bridgton” or “Town”. The Inhabitants of the Town of Bridgton, a Maine municipal corporation.

Enacted: June 10, 2014