



TOWN OF AMHERST

ACCESSORY DWELLING UNIT (ADU) PILOT PROGRAM

APPLICATION FORM

Return to:

Amherst Planning Department
5583 Main Street
Williamsville, NY 14221
(716) 631-7082

Applications will be accepted until all Program Funds are Awarded

Name: _____

Address: _____

Date Application Received: _____

Date Deemed Complete: _____



**Homes and
Community Renewal**

Town of Amherst Accessory Dwelling Unit Pilot Program
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APPLICANT INFORMATION

Owner Applicant's Name: _____

First	Middle	Last

	First	Middle	Last
1. Name			
2. Address			
3. City			
4. State			
5. Zip			
6. Phone			
7. Email			
8. Date			

Street Number	Street Name
Town/Village	State ZIP Code

Street Number		Street Name	
Town/Village		State	ZIP Code

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**Please select your preferred method(s) of contact using the checkboxes to the right of phone or email information.*

HOUSEHOLD COMPOSITION AND INCOME

Number of People Living at the Property: _____ Household Members (Including Applicant)

Provide Name and Age of **ALL** Household Members **including** Applicant(s) (as "Self"):

[illegible]

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Annual Household Gross Income from all Household Members (Before taxes and Deductions)? \$ _____
(Include all sources, such as: Earned Income, Self-Employment Income, Unemployment Insurance, Public Assistance, Social Security Benefits, Pension, Periodic Insurance Payment, Rental Income, Union Benefits, Veterans Benefits, Disability Compensation, Alimony, Child Support, Other, etc.)

Total Annual Household Gross Income (from all household members) cannot exceed the following limits:

Household Size	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons
Annual Household Income	\$84,840	\$96,960	\$109,080	\$121,200	\$130,920	\$140,640	\$150,360

Select the Employment Status(es) of All Household Members:

- | | |
|--|---|
| <input type="checkbox"/> Working | <input type="checkbox"/> Receiving Social Security / SSI |
| <input type="checkbox"/> Unemployed | <input type="checkbox"/> Receiving Pension |
| <input type="checkbox"/> Receiving Unemployment | <input type="checkbox"/> Receiving Workman's Compensation |
| <input type="checkbox"/> Receiving Public Assistance | <input type="checkbox"/> Other _____ |

Employer's Name and Address of All Household Members Over 18:

Are any members of the household disabled or handicapped? ☐ Yes ☐ No

Are any members of your household a veteran? ☐ Yes ☐ No

Are any household members an employee of the Town of Amherst? ☐ Yes ☐ No

If yes, you may need to submit a conflict-of-interest statement and have it approved by the Town Attorney's Office.

PROPERTY INFORMATION

Does one of the Owner-Applicant(s) live in the home? ☐ Yes ☐ No If yes: ☐ Year Round, or ☐ Seasonally

Names Listed on the Deed: _____

**Upload or attach a copy of the deed with the application.*

Year Property Purchased: _____ Square Footage of the Principal Home: _____

Do you have homeowners insurance? ☐ Yes ☐ No

Number of Residential Units currently on the Property: _____

Is any part of the property currently rented as a Short-Term Rental (i.e. AirBnB)? ☐ Yes ☐ No

Is the property listed on the New York State or National Register of Historic Places? ☐ Yes ☐ No

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Is there a mortgage on the property? ☐ Yes ☐ No

Do you have a home equity loan, home equity line of credit, or second mortgage on this property?
☐ Yes, List all applicable: _____ ☐ No

Do you have a reverse mortgage on this property? ☐ Yes ☐ No

Are your mortgage and/or home equity loan payments up-to-date?
☐ Yes ☐ No ☐ Not Applicable (No current loan)

Have you received a loan modification within the past 12 months due to delinquent payments?
☐ Yes ☐ No ☐ Not Applicable (No current loan)

Have you entered into foreclosure proceedings within the past 2 years? ☐ Yes ☐ No

Are your current property taxes paid in full? (Town, County, & School) ☐ Yes ☐ No

DESIRED ACCESSORY DWELLING UNIT (ADU) DETAILS

An Accessory Dwelling Unit (ADU) is defined in Town Code as “a separate dwelling unit that is attached to or located on the same lot as the principal residential dwelling used for the living, sleeping, cooking, and bathroom facilities of individuals for a period of time longer than 6 months” (§203-2-3). ADUs designed as part of this program must operate as a fully functional and independent housing unit, which must include a separate kitchen; bathroom, sleeping facilities, and separate independent entry.

What type of ADU are you applying for? ☐ Establish a new ADU ☐ Rehab an existing ADU

Please describe the reason are you seeking to create or rehabilitate an Accessory Dwelling Unit on your property:

For new ADU's, please describe where you would like it to be located on the property (see examples below):

- | | | | | |
|--|--|--------------------------------|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> Within Existing Living Space: | <input type="checkbox"/> Second Floor | <input type="checkbox"/> Attic | <input type="checkbox"/> Basement | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> New Construction Addition of Second Unit: | <input type="checkbox"/> Attached to Existing Home | | | |
| | <input type="checkbox"/> Detached from Existing Home | | | |
| <input type="checkbox"/> Conversion of an existing on-site Building: | <input type="checkbox"/> Garage | <input type="checkbox"/> Barn | <input type="checkbox"/> Other _____ | |

Desired Square Footage of the ADU? _____

Note: Please attach photos of the property and a sketch of the desired location for a new addition ADU. For sketch purposes, draw on a copy of your property survey. You received a copy of your survey when you purchased your property.

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Please describe any other details of your ADU that you envision (i.e. how many stories, studio or # bedrooms, proposed exterior entrance, proposed off-street parking location, etc.):

For renovation/rehab of an existing ADU, please describe the location of the current ADU on the property and the work that you are proposing to have completed (e.g. code compliance, health and safety issues, roof, plumbing, ADA accessibility, energy efficiency, other upgrades, etc.):

The ADU created or rehabilitated through this program must be occupied for a 10-year term. Do you commit to maintaining the unit's occupancy for the duration of that term? (i.e. seek renters or other occupancy arrangements upon vacancy) ☐ Yes ☐ No

Are you willing to have pictures taken of your ADU for program promotional purposes? ☐ Yes ☐ No
(See the attached NYS Plus One Accessory Dwelling Unit Program - Photo Release Form.)

Are you seeking the creation or rehab of an ADU in order to house person(s) considered disabled or over the age of 65?
(Answer yes if you meet either of these criteria and intend to live in the ADU and rent out the principal structure)
☐ Yes ☐ No

POTENTIAL RENTAL INCOME

Do you intend to receive rental income from the Accessory Dwelling Unit? ☐ Yes ☐ No

Please note: You are not required to charge rent from the tenants of the completed ADU. However, if you do intend to and can commit to charging rents considered to be affordable for the Amherst Market Area, your application will receive higher scoring points for priority selection. See Application Review and Program Procedures for details.

Will you commit to charging rents considered to be affordable (under the thresholds provided below)? ☐ Yes ☐ No

Maximum Monthly Rent Limits in order to be considered an Affordable ADU for additional application points:

ADU Size	Household Earning 65% Area Median Income
Studio/Efficiency	\$968
1 Bedroom	\$1,001
2 Bedroom	\$1,176

Note: Monthly Rent Limits are based on unit size and HUD Fair Market Rent Area Limits, which are recalculated by HUD annually.

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INCOME VERIFICATION

Were you required to file a federal and/or state income tax return this year? ☐ Yes ☐ No

List current household income from **ALL** sources for **ALL** household members. Also indicate the household member receiving income or benefits by name. Example: Parent receiving monthly social security benefits for one or more of their children, applicant would list amount(s) under "Aid to Dependent Children" per "month."

<u>Check if Applicable</u>	<u>Type of Income</u>	<u>Current Amount Received</u>	<u>Recipient Name</u>
<input type="checkbox"/>	Wages, Salary	\$_____ per _____	_____
<input type="checkbox"/>	Wages, Salary (<i>Secondary, Other</i>)	\$_____ per _____	_____
<input type="checkbox"/>	Social Security/SSI	\$_____ per _____	_____
<input type="checkbox"/>	Social Security/SSI (<i>Secondary, Other</i>)	\$_____ per _____	_____
<input type="checkbox"/>	Public Assistance ¹	\$_____ per _____	_____
<input type="checkbox"/>	Unemployment Benefits	\$_____ per _____	_____
<input type="checkbox"/>	Veterans Benefits	\$_____ per _____	_____
<input type="checkbox"/>	Pension/Retirement	\$_____ per _____	_____
<input type="checkbox"/>	IRA Distribution	\$_____ per _____	_____
<input type="checkbox"/>	Disability Payment	\$_____ per _____	_____
<input type="checkbox"/>	Worker's Compensation	\$_____ per _____	_____
<input type="checkbox"/>	Child Support	\$_____ per _____	_____
<input type="checkbox"/>	Alimony Payment	\$_____ per _____	_____
<input type="checkbox"/>	Interest/Dividends from Investments	\$_____ per _____	_____
<input type="checkbox"/>	Aid to Dependent Children	\$_____ per _____	_____
<input type="checkbox"/>	Rental Income	\$_____ per _____	_____
<input type="checkbox"/>	Income From Business/Self-Employment	\$_____ per _____	_____
<input type="checkbox"/>	Other Income _____	\$_____ per _____	_____

¹ Note: Food Stamps are **NOT** counted as income and doesn't need to be disclosed.

Total Income This Year: _____

Any other financial situation the office should be made aware of?

The ADU Program requires homeowners to fund design/ pre-development activities (i.e. soft costs; see page 12) prior to the program assisting with construction costs. Are you able to fund the design/pre-development costs)?

☐ Yes ☐ No ☐ Not Applicable If yes, please explain how you intend to fund these costs:

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If you are creating a new ADU through an addition to the primary residence, the **total construction cost WILL exceed the \$112,500 grant amount (\$125,000 award minus the 10% Admin Fee)**. If this occurs, are you able to access additional funds (e.g. savings) or willing to explore additional financing options (e.g. construction loan, home-equity loan)?

☐ Yes ☐ No ☐ Not Applicable If yes, please explain how you intend to meet the gap _____

REQUIRED SUPPORTING DOCUMENTATION

Please enclose the following **copies**, with your application. **Failure to do so will delay review of your application.** Place a checkmark next to each item that you enclosed or "N/A" if not relevant to your finances. ***The office may require more documentation as part of verification. You are responsible for obtaining and submitting all required documents – refusal to comply (in a timely manner) may result in a disqualification. Your application will not be considered complete or eligible for funding until ALL requested documents are submitted and criteria met.***

- _____ Documentation of U.S. citizenship or legal resident status for the Property Owners
(submit copies of social security card or birth certificate or green card or passport or nexus.)
- _____ Copy of current homeowners insurance policy.
- _____ Copy of last three (3) months of bank statement for **ALL** accounts for **ALL** household members.
- _____ Complete, signed copy of federal income tax returns from last year, including **ALL** attachments, for **ALL** household members. *Must also be signed by 3rd party tax preparer. If you **rent out property**, are **self-employed**, or **have investments**, you must submit **three (3) years of tax returns**.*
- _____ Copy of W-2 statements for the previous year for all employed household members.
- _____ Copy of last two (2) months of consecutive pay stubs for all employed household members.
- _____ Copy of year-end or current statements for all investments/IRAs for all household members.
- _____ Copy of current mortgage/home equity statement with outstanding balance & last payment made.
- _____ Copy of child support award or divorce decree with alimony stating amount of support received.
- _____ Copy of form DD-214 for honorable discharge from military service, if applicable.
- _____ Copy of college schedule or transcript for household members attending college full-time.
(Full-time College students are not counted towards household income)
- _____ Copy of your property survey (most recent available is sufficient).
(A property survey can be found in your property purchase closing documents)
- _____ A signed "NYS Plus One Accessory Dwelling Unit Program - Photo Release Form" (attached).

*****Additional forms of income and corresponding documents required for submission continues on the next page.*****

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Please place check marks next to the relevant sources of income. You must provide annual statements or benefit reports for each benefit received during the past 6 months for all household members for the following:

- _____ Social Security / SSI / SSP / SSD / Aid to Dependents statement or most recent 1099.
- _____ Worker's Compensation paystubs or statement.
- _____ Unemployment benefits statement and history.
- _____ Pension or Retirement statement from this year or three years of 1099-R.
- _____ Veteran's Benefits statement from this year.
- _____ Public Assistance from this year (does not include HEAP or SNAP).
- _____ Statements or written identification for any other income not listed above.

****Your eligibility for the ADU Pilot Program is primarily based on your gross annual household income, which includes income for ALL household members from ALL sources, even nontaxed income. This income will be calculated by the Program based on the documentation submitted, additional documents may be requested following review.***

*****You must be in good standing with the Town and Town Court (unless applying to resolve code violation(s)).***

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APPLICATION REVIEW and SELECTION PROCEDURES

1. **APPLICATION REVIEW.** Applications will be reviewed against the Basic Thresholds and Project Feasibility criteria presented below. Applications will be awarded by the Program Selection Committee based on the ability to meet program requirements and feasibility.

In order to be approved, the following Basic Thresholds must be met:

- Property must be located within the Town of Amherst.
- Owner-occupancy within the primary household, for at least 60% of the year.
- Household income under 120% Area Median Income limits.
- ADU is permitted in project property's zoning district either "by-right" OR through a Zoning Board of Appeal Special Use Permit. **For assistance regarding the zoning district applicable to your specific property, contact the Amherst Planning Department (716) 631-7051 or planningemail@amherst.ny.us.*
- Owner must be willing to maintain ADU occupancy and follow good-faith solicitation practices for ADU when unit is vacant for the duration of the regulatory term (10 years).
- Property must not host more than one ADU, upon completion of the project.
- Property must be current on all Property Taxes and up to date on all applicable debts (i.e. mortgages, HELOCs, etc.).
- Property cannot have a Reverse Mortgage.
- Property does not have any open property maintenance code violations, unless applying to resolve violations applicable to an existing ADU.
- Completed ADU cannot be a Short-Term Rental.

If the above thresholds are met, the application will then be screened by the Program Selection Committee according to the following Project Feasibility priorities:

A. Zoning: *All proposed ADUs must meet zoning code and dimensional standards, whether allowed "by-right" or requiring a Special Use Permit depending upon the zoning district the host property is located within.*

- i) ADU is permitted "by-right" OR requires a Special Use Permit.
- ii) Envisioned ADU's ability to meet zoning standards for setbacks; off-street parking; and, lot coverage limits based on the limitations of the current lot/property without variances.
- iii) Suitable conditions of the host property, including such considerations as conforming to minimum lot dimensions; no slope or easement limitations; or other factors creating or adding to existing non-conformities.

**Site Visits may be conducted by the Program Selection Committee to confirm host property's conditions.*

B. Expected Project Cost & Financial Assistance: *Priority for award will focus on projects where applicants can demonstrate a strong ability to fund the upfront soft costs for design & pre-development and any potential gaps for construction (see page 13 for project budget estimates).*

- i) Projects that can be developed under the maximum award of \$125,000, including administrative fees.
- ii) For projects expected to be over the maximum grant award of \$125,000, including administrative fees:

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- a. Owner-applicants who can demonstrate enough savings or will qualify for private financing tools to meet the projects gap including low debt-to-income (< 45%), sufficient equity, etc.
- iii) Projects that demonstrate homeowner's ability to pay for ALL design and pre-development costs for the project (i.e. soft-costs). ADU Program assistance will only pay for Construction costs up to \$112,500 (10% is required for Administrative Fees). New-build ADUs design and pre-development costs typically range from \$10,000-\$12,500. Conversion of existing space project's soft costs typically range between \$5,000 - \$8,000, depending on the level of work being completed.

C. Level of Need - Occupancy & Affordability: Priority for award will take into consideration the housing of vulnerable populations or providing an affordable housing unit.

- i) Owner-Applicant has a familial need for the ADU to host person(s) over the age of 65; a disabled person; or a veteran relative.
- ii) ADU's intended rent is considered affordable according to HUD Fair Market Rent - Maximum Rent Limits for the Buffalo Niagara Metropolitan Statistical Area.
- iii) Owner-Applicant household is considered Low-to-Moderate Income (under 80% Area Median Income) and can demonstrate through financial information submitted the rental income from the ADU will reduce their housing cost burden.

D. Proximity to Public Transportation: Priority for award will take into consideration projects within a half mile of a bus stop (NFTA or University at Buffalo) or within a mile of the NFTA light-rail station at UB South Campus.

- i) Projects within a ¼ mile of a NFTA or UB Bus stop; or within a ½ mile of the UB South Campus Light-Rail Station.

*****If additional information or clarifications are necessary, Town staff will reach out to Applicants for additional details.***

- 2. **PRELIMINARY GRANT AWARDS.** Applications will be selected for award from the Project Feasibility in this application round, in a first-come first-serve basis. Successful Homeowners will be required to execute the ADU Pilot Program Agreement and any other forms that must be executed in order to move to design stage.
- 3. **ENVIRONMENTAL REVIEW.** Town Planning Department staff must undertake environmental reviews prior to expenditure of funds on selected projects. Environmental review will include State criteria and Amherst SEQR requirements.

If select environmental conditions are found the project may be considered in-eligible and the homeowner agreement will be terminated, OR corrective actions may be incorporated into the ADU Scope-of-Work to correct the environmental conditions (i.e. removal of asbestos containing materials).

- 4. **DESIGN.** Upon successful completion of environmental reviews, each awardee must hire a local licensed architect to develop design documents for the ADU, manage the appropriate zoning approval process, and prepare the construction drawings and associated bid specifications. Architects can be hired from the Town-provided list or utilize a previously obtained architect.

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***Design work associated with the program is limited to only the Accessory Dwelling Unit and necessary improvements of the primary house required to support the ADU's function (see B. Other Technical Needs/Components below).

A. Architectural: *After an initial consult design meeting, the architect will prepare a schematic design where homeowners will be allowed up to 4 rounds of revisions prior to final sign-off.*

- i) "By-right" Zoning Projects - Following sign-off on the final design by the homeowner, construction drawings and specifications will be prepared.
- ii) Special Use Permit Zoning Projects – Following sign-off on the final design by the homeowner, the architect/homeowner will prepare an application to the Amherst Zoning Board of Appeals (ZBA). Revisions or additional conditions may be requested by the ZBA in order to grant the Special Use Permit. If so, a secondary sign-off on the revised plans may be necessary by the homeowner.

B. Other Technical Needs/Components: *Other technical components of development will be prepared as necessary to aid design or construction (depending on project type), such as a property survey; soil borings; engineered beam/load calculations; easement research; concrete testing; etc. Technical components/services can be subcontracted by the Architect as necessary, or hired independently by the Homeowner.*

Also, depending on the project type, additional upgrades to the principal structure or property may be necessary to accommodate the ADU or to bring the property into code compliance. These upgrades may include increased electrical load service; furnace or hot-water tank upgrades; secondary exits or egress windows; hard-wired CO2 detectors; grading/property stormwater drainage improvements; and the correction of improper storm water-to-sanitary sewer connections. Such improvements will be considered eligible construction costs under the grant.

C. Preliminary Estimation of Costs & Addressing Financing Gaps: *A preliminary development budget will be prepared based on market area construction costs per square foot. As the project moves closer to final design, the budget will be refined. If the preliminary budget or refined budgets come close to or exceed the maximum grant award of \$125,000, approved applicants will be required to demonstrate the ability to absorb the overage, either through cash-on-hand, construction loan or other financing tool approved by a lender.*

*****If estimated project funding gaps are not resolved, the project will not move forward and any soft costs incurred by the grant for design/pre-development to-date will be included in the Restrictive Covenant.*****

5. **BIDDING.** Once each project completes final design (and Special Use Permitting as necessary), architects must prepare construction specs and materials for homeowners to bid the project (with Belmont's oversight). Bids must be received from contractors licensed to work in the Town of Amherst. Belmont will oversee the bids received are complete and include all the necessary materials and requirements. Homeowner's must select the contractor from lowest bidder (or within 10% of bid).

The homeowner is then required to execute the prepared NYSHCR Owner-Contractor Agreement with the selected contractor. A Notice to Proceed will be issued by Belmont upon confirmation that all the proper insurance forms and required documentation has been received.

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A. MBE/WBE or SDVOB Requirements: *NYS requires 20% of the total grant award to utilize Minority-Business Enterprises (MBEs), and 10% of the total grant award to utilize Women-business enterprises (WBEs), or Service-Disabled Veteran-Owned Businesses (SDVOBs). Bids submitted within 15% of the lowest bid price with MBE, WBE, or SDVOB certified construction firms (or employing sub-contractors with these certifications) will be allowed for selection by the homeowner despite not being lowest bidder.*

6. **CONSTRUCTION STAGE & MANAGEMENT.** Upon receipt of the Notice to Proceed, the Contractor will file for building permits with the Amherst Building Department; and coordinate with Homeowners on construction staging locations, day-time operations, and points by which utilities may be shut-off for short periods. Contractors shall also coordinate with current tenants on such disruptions as well, if applicable.

A. Construction Management Oversight: *Belmont's Construction Manager will oversee contractor's construction progress and work completed; update the Town on progress of the project; coordinate inspection appointments by Town Building Inspectors; approve satisfactory progress payments to the contractor; address any concerns brought up by the homeowner; and confirm if change orders are necessary.*

B. Construction Invoicing: *Construction stage invoices will be paid by the Town directly to the contractor or sub-contractor, following full expenditure of the Homeowner's portion of the Construction budget. Invoices will require signature approval by the homeowner, Belmont Construction Manager, and Amherst ADU Program Director. The remaining 10% of the construction contract shall be held aside pending final inspections and receipt of a Certificate of Occupancy from the Amherst Building Department.*

C. Change Orders: *A certain percentage of change orders may be outlined upfront in the construction bid documents. However additional changes arising from unforeseen circumstances may be covered by the ADU grant award if there is capacity on the grant limit, otherwise they are the Homeowners responsibility. Cost increases from change orders due to homeowner's material or finishing fixture grade changes (that occur after the project was put out to bid) must be covered by the Homeowner.*

7. **OCCUPANCY APPROVAL.** The new ADU may be occupied following the receipt of a Certificate of Occupancy (COO). Once construction is complete, the final steps to receive the COO include:

A. Special Clearances: *The Construction Manager will arrange an energy efficiency blower test, duct-clearance test, and/or a lead-based paint clearance test (if applicable).*

B. Walk-through & Punch-List: *The Construction Manager will arrange a walk-through with the homeowner and contractor to develop a punch-list of any outstanding minor fixes/corrections necessary before final inspections.*

C. Final Inspection & Issuance of Certificate of Occupancy: *Following completion of any punch-list items, Town Building Inspectors will complete the final inspection to issue the Certificate of Occupancy and close any open-permits, upon which the Construction Manager and homeowner may sign-off on the final invoice for payment.*

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8. MISCELLANEOUS REQUIREMENTS & OBLIGATIONS.

A. Restrictive Covenant & Lien. *The Grant Program requires Homeowner's record the Program's Restrictive Covenant on the property, following the completion of construction whereby the final construction figure and grant amount is known and entered in the Restrictive Covenant (attached). Should the project not move forward to construction, the Restrictive Covenant must still be recorded by the Homeowner(s) reflecting the total project costs expended to-date.*

B. On-going Monitoring. *To ensure grant terms are met during the 10-year term, the Town will require:*

- i) Verification of Owner-occupancy – owners must submit a signed statement with supporting documentation annually acknowledging they still own and occupy the principal dwelling-unit on the property.
- ii) Verification of ADU Occupancy – owners must submit documentation verifying the ADU's occupancy year-round (utility bills, licenses, leases, etc.). If un-occupied at the time of verification, see iii below.
- iii) Good-faith Efforts for Rental Advertising - if unoccupied, owners must provide documentation of efforts made seeking tenants to occupy the unit.
- iv) ADU Household Income and Affordable Rent Verification – if project was selected on the basis of providing an affordable unit, documentation will be required annually verifying the household income and lease value for the ADU.
- v) Special Use Permit Renewal – if the ADU was permitted according to a Special Use Permit, the permit must remain in good-standing for the entirety of the ADU's occupancy, meaning an administrative renewal is required by the Amherst Building Commissioner every 2 years.

C. Landlord & Renters Rights Workshop. *Awardees shall be required to attend a Landlord Training Webinar offered for Free by Housing Opportunities Made Equal if approved for the program. The workshop will educate attendees on NYS laws regarding landlords and tenant's rights, as well as fair housing.*

D. Insurance. *Homeowners are required to maintain adequate homeowner's insurance on the principal structure and the accessory dwelling unit and include the "Town of Amherst 5583 Main Street, Williamsville, NY 14221" as additionally insured on the policy.*

9. APPLICATION ATTACHMENTS.

- NYS Plus One Accessory Dwelling Unit Program - Photo Release Form
- U.S. EPA Lead-based Paint Pamphlet
- H.O.M.E. Landlord Training Webinar Flyer
- ADU Program Restrictive Covenant (for reference)

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POTENTIAL ACCESSORY DWELLING UNIT PROJECT EXPENSES

The following example outlines potential project costs based on an assumed unit size (700 square feet) and the project type (new build-addition vs. rehab or conversion). These costs are just estimates and are based on current market conditions, final total costs may be lower or higher depending unit size and end design.

Project Activities	New Build Attached		Rehab or Conversion of Existing Space*	
	ADU Program	Homeowner Expenses	ADU Program	Homeowner Expenses
Total Grant Allowance/Unit	\$ 125,000		\$ 125,000	
Soft Costs/Pre-Development				
Architectural Design & Engineering		\$ 6,200		\$ 4,500
Testing (lead, asbestos, soil borings)		\$ 3,650		\$ 1,950
Regulatory Fees/ Building Permit Fees		\$ 1,800		\$ 1,800
Special Use Permit Fee		\$ 115		\$ 115
Survey, if applicable		\$ 800		\$ 800
Total Soft Costs	\$ -	\$ 12,565	\$ -	\$ 9,165
Project Delivery/Administration				
Town Staff Program Delivery	\$ 2,500		\$ 5,000	
Belmont Construction Administration	\$ 10,000			
Town Rehab Construction Administration			\$ 5,000	
Total (cannot exceed 10% of Client Award)	\$ 12,500		\$ 10,000	
Remaining for Construction	\$ 112,500		\$ 115,000	
Construction Share Estimates**	\$ 112,500	\$ 108,000	\$ 115,000	\$ 13,625
Total by Project Resource	\$ 125,000	\$ 120,565	\$ 125,000	\$ 22,790

*Figures base on a complete gut-rehab or full conversion of space. Actuals may be much lower depending on the work necessary.

**Construction Cost Estimates	New		Rehab	
Construction Costs***	\$	210,000	\$	122,500
Contingency (5%)	\$	10,500	\$	6,125
Total Construction Cost	\$	220,500	\$	128,625

***New based on average 700 sq.ft. @ \$300/sq. ft. Rehab/conversion based 700 sq.ft. @ \$175/sq.ft.

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GENERAL PROCEDURES OUTLINE

1. Applications are received by Planning Department Staff and checked for completeness. Clarifying questions may be asked of Applicants.
2. Applications are reviewed by staff, including verification of income and property ownership, applicable zoning district, status of property taxes and mortgage payments, and potential code-violations. Applicants will be contacted by staff for additional supporting information if necessary.
3. Applications that move on to the Project Feasibility stage will be evaluated by staff for consideration by the Program Selection. Program staff may schedule a site visit with the applicant to view the existing property for clarification.
4. Applications with high Project Feasibility will be selected for Preliminary Grant Awards and Homeowners are expected to execute the Program's Grant Agreement. Remaining applications may be placed on a waiting list to be awarded if there is a vacancy of an awarded participant or more funding is obtained by the Program.
5. Preliminary Awardees will undergo Environmental Review conducted by Amherst Planning Department staff to identify compliance with applicable environmental laws and standards. In some cases testing may be ordered for lead-based paint or potential asbestos containing materials.
5. Awardees will hire an Architect to start the ADU design and zoning compliance requirements. Awardees will be required to sign-off on the final design prior to bidding.
6. Homeowners may hire directly for all other design/pre-development services necessary OR request their architect to subcontract for such services, including if applicable: lead paint and asbestos testing; geotechnical soil boring and report; HVAC, plumbing, and electrical design. Town staff will review proposed contracts for such services in order to affirm they are complete and reasonable if Homeowner's so desire.
7. Program Architect's will prepare the Construction Drawings and Specs. The Program's Construction Administrator, Belmont Housing Resources for WNY, will review draft bid packages for completeness and program required documentation prior to Homeowner seeking soliciting construction bids.
8. Homeowner's will be required to execute the construction agreement contract with the lowest and most qualified bidder (of bids deemed reasonable). **DO NOT SIGN A CONTRACT UNTIL YOU RECEIVE WRITTEN NOTICE TO DO SO.** Town staff/Construction Manager verifies Contractor's insurance coverage.
9. A "Notice and Order to Proceed" will be issued to the Contractor by the Program's Construction Manager. **PAYMENT WILL NOT BE MADE FOR ANY WORK BEGUN PRIOR TO THE ISSUANCE OF A "PROCEED ORDER".**
11. Contractor obtains necessary building permits and begins work. Construction Administrator monitors construction progress and Town Building Inspectors conduct inspections during applicable times.

Town of Amherst
Accessory Dwelling Unit Pilot Program

Progress payments are made for completed work signed-off on by Homeowner and Construction Administrator. Town issues checks for payment directly to the Contractor.

12. Work is completed. Construction Manager arranges for final inspections and walk-throughs, energy-efficiency and clearance tests, verifies completed work to a satisfactory level.
13. Certificate of Occupancy is issued. Homeowner is given any guarantees or warranties by the Contractor. The final check to the Contractor is issued by the Town. Program photos are taken for promotional materials.
14. Homeowner and any others listed on the deed record the ADU Program's Restrictive Covenant with the Erie County Clerk's Office, and sign a HUD Lien Agreement (if HUD gap funding was sought for the project).

Town of Amherst Accessory Dwelling Unit Pilot Program

WHAT TO EXPECT AND WHAT NOT TO EXPECT FROM THE ADU PROGRAM

Homeowner Responsibilities

The program will help homeowners during the design, zoning approval, permitting, bidding and construction process, but homeowners are responsible for participating in the program, making choices and completing the items listed below:

1. Homeowners participate in the program in a timely manner and make the property available for scheduled construction work as needed/reasonable.
2. Homeowners help inspect their house and point out problems or concerns upfront that may be relevant to the ADU's design and construction to the Architect.
3. Homeowners sign the Construction Agreement with the contractor; and sign and record the Program's Restrictive Covenant.
3. Homeowners inspect and approve work performed by their contractors, and approve payments made to their contractors.
5. Homeowners work with the construction administrator and contractors to settle disagreements during the job.
6. Homeowners call/write their contractors to ask them to correct problems covered by contractor warranties during the first few years after the job has been completed (for items subject to warranties).
7. All awardees will be required to take a Landlord Training Webinar offered for Free by Housing Opportunities Made Equal regardless if you intend to charge rent for the unit.

What Homeowners Should Understand Before Participating in the Program

1. Don't expect all floors, walls, ceilings, doors, windows, etc. in older houses to be completely plumb, level and square when work is completed.
2. Sometimes it can be stressful living in a house while a contractor is performing work.
3. Very few times in life is anyone completely satisfied with things they buy or have repaired. Buying a house or having a house renovated is no different.
4. Contractors will be using homeowner's utilities (electricity, water) at certain times during construction, which may result in higher monthly bills. There may be times where utilities are shut off for short periods to complete electrical, plumbing or heating work.
4. Houses built over 50 years ago are subject to a State Historic Preservation Office (SHPO) review. Interior and exterior photos of the property may be required. Restrictions may be placed on renovations related to placement of windows or materials used if they are found to have an impact on SHPO designated historic features.
5. Finally, the program is *NOT* a contractor, does *NOT* recommend contractors and *CANNOT* guarantee that homeowners will be satisfied with the work done by their contractors.

**Town of Amherst
Accessory Dwelling Unit Pilot Program**

CERTIFICATION

I hereby certify that I am the owner and occupant of the property to be improved. I certify that the information provided in this application is true and correct to the best of my knowledge and contains no willful misrepresentations. I have received and read a written description of the Town's Accessory Dwelling Unit Pilot Program. I agree to cooperate with the Town in complying with all specified procedures.

Caution: Anyone who misrepresents his, her, or their primary residence or income shall be prohibited from receiving the Accessory Dwelling Unit Pilot Program funds, and may be subject to criminal prosecution.

I understand under the False Claims Act, 31 U.S.C. §§ 3729-3733, those who knowingly submit, or cause another person or entity to submit, false claims for payment of government funds are liable for three times the government's damages plus civil penalties of \$5,500 to \$11,000 per false claim.

I understand that any contract for construction or renovation work financed in whole, or in part by this program, will be between the contractor and me. I also understand that I should not sign any contract for rehabilitation work to be accomplished under this program until I am authorized to do so by the Town. I also understand that the Town of Amherst will not be responsible or liable for any breach of contract, faulty workmanship, product and material defects, accidents or damage which may arise from my relationship with any contractor, and the Town does not guarantee or warranty the work of any contractor.

I understand that all owners of record will be required to sign and record a Restrictive Covenant on my property for the total forgivable grant amount awarded by the Amherst Accessory Dwelling Unit PILOT Program. The Restrictive Covenant is forgiven over a period of 10 years, and requires on-going occupancy for the ADU during that 10-year term, as well as restrictions on the sale or transfer of the property during the 10-year term. If these requirements are not met, the remaining amount of the forgivable grant will need to be repaid to the Town of Amherst Community Development Program.

I have received and read the attached "General Procedures Outline", "What to Expect and Not Expect from the ADU Program" and the EPA pamphlet "Protect Your Family from Lead in Your Home".

I hereby grant the Town of Amherst permission to inspect my property, located at:

_____ in conjunction with my application for an Accessory Dwelling Unit.
Property Address

Applicant

Date

Co-Applicant

Date

PLEASE RETURN THE APPLICATION & ALL REQUIRED DOCUMENTS TO:

**Town of Amherst Planning Department
5583 Main Street
Williamsville, NY 14221**

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**Homes and
Community Renewal**

Plus One ADU Program Property Release Form

For valuable consideration received, I, _____ (**print property owner name**), give to the New York State Housing Trust Fund Corporation (“HTFC”), the unrestricted right to use, for any lawful purpose, any photographs taken of the Accessory Dwelling Unit (ADU) as well as the exterior and yard of the property listed below, which I own and/or for which I have the authority to grant such permission, and to use my name in connection therewith if it so chooses.

I release and discharge HTFC from any and all claims or causes of action arising from the use of such photographs, including, without limitation, claims for libel or invasion of privacy.

I am eighteen years of age or older. I have read this release and understand its contents. This release is binding upon me, my heirs, successors, and assigns.

Property Address: _____

Signed: _____

Date: _____

Witness: _____ (print name)

Signed: _____

Date: _____

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IMPORTANT!

Lead From Paint, Dust, and Soil in and Around Your Home Can Be Dangerous if Not Managed Properly

- Children under 6 years old are most at risk for lead poisoning in your home.
- Lead exposure can harm young children and babies even before they are born.
- Homes, schools, and child care facilities built before 1978 are likely to contain lead-based paint.
- Even children who seem healthy may have dangerous levels of lead in their bodies.
- Disturbing surfaces with lead-based paint or removing lead-based paint improperly can increase the danger to your family.
- People can get lead into their bodies by breathing or swallowing lead dust, or by eating soil or paint chips containing lead.
- People have many options for reducing lead hazards. Generally, lead-based paint that is in good condition is not a hazard (see page 10).



Protect Your Family From Lead in Your Home



United States
Environmental
Protection Agency



United States
Consumer Product
Safety Commission



United States
Department of Housing
and Urban Development

Are You Planning to Buy or Rent a Home Built Before 1978?

Did you know that many homes built before 1978 have **lead-based paint**? Lead from paint, chips, and dust can pose serious health hazards.

Read this entire brochure to learn:

- How lead gets into the body
- How lead affects health
- What you can do to protect your family
- Where to go for more information

Before renting or buying a pre-1978 home or apartment, federal law requires:

- Sellers must disclose known information on lead-based paint or lead-based paint hazards before selling a house.
- Real estate sales contracts must include a specific warning statement about lead-based paint. Buyers have up to 10 days to check for lead.
- Landlords must disclose known information on lead-based paint or lead-based paint hazards before leases take effect. Leases must include a specific warning statement about lead-based paint.

If undertaking renovations, repairs, or painting (RRP) projects in your pre-1978 home or apartment:

- Read EPA's pamphlet, *The Lead-Safe Certified Guide to Renovate Right*, to learn about the lead-safe work practices that contractors are required to follow when working in your home (see page 12).



Consumer Product Safety Commission (CPSC)

The CPSC protects the public against unreasonable risk of injury from consumer products through education, safety standards activities, and enforcement. Contact CPSC for further information regarding consumer product safety and regulations.

CPSC

4330 East West Highway
Bethesda, MD 20814-4421
1-800-638-2772
cpsc.gov or saferproducts.gov

U. S. Department of Housing and Urban Development (HUD)

HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. Contact Office of Lead Hazard Control and Healthy Homes for further information regarding the Lead Safe Housing Rule, which protects families in pre-1978 assisted housing, and for the lead hazard control and research grant programs.

HUD

451 Seventh Street, SW, Room 8236
Washington, DC 20410-3000
(202) 402-7698
hud.gov/lead

This document is in the public domain. It may be produced by an individual or organization without permission. Information provided in this booklet is based upon current scientific and technical understanding of the issues presented and is reflective of the jurisdictional boundaries established by the statutes governing the co-authoring agencies. Following the advice given will not necessarily provide complete protection in all situations or against all health hazards that can be caused by lead exposure.

U. S. EPA Washington DC 20460
U. S. CPSC Bethesda MD 20814
U. S. HUD Washington DC 20410

EPA-747-K-12-001
March 2021

U. S. Environmental Protection Agency (EPA) Regional Offices

The mission of EPA is to protect human health and the environment. Your Regional EPA Office can provide further information regarding regulations and lead protection programs.

Region 1 (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont)

Regional Lead Contact
U.S. EPA Region 1
5 Post Office Square, Suite 100, OES 05-4
Boston, MA 02109-3912
(888) 372-7341

Region 2 (New Jersey, New York, Puerto Rico, Virgin Islands)

Regional Lead Contact
U.S. EPA Region 2
2890 Woodbridge Avenue
Building 205, Mail Stop 225
Edison, NJ 08837-3679
(732) 906-6809

Region 3 (Delaware, Maryland, Pennsylvania, Virginia, DC, West Virginia)

Regional Lead Contact
U.S. EPA Region 3
1650 Arch Street
Philadelphia, PA 19103
(215) 814-2088

Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

Regional Lead Contact
U.S. EPA Region 4
AFC Tower, 12th Floor, Air, Pesticides & Toxics
61 Forsyth Street, SW
Atlanta, GA 30303
(404) 562-8998

Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Regional Lead Contact
U.S. EPA Region 5 (LL-17J)
77 West Jackson Boulevard
Chicago, IL 60604-3666
(312) 353-3808

Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribes)

Regional Lead Contact
U.S. EPA Region 6
1445 Ross Avenue, 12th Floor
Dallas, TX 75202-2733
(214) 665-2704

Region 7 (Iowa, Kansas, Missouri, Nebraska)

Regional Lead Contact
U.S. EPA Region 7
11201 Renner Blvd.
Lenexa, KS 66219
(800) 223-0425

Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Regional Lead Contact
U.S. EPA Region 8
1595 Wynkoop St.
Denver, CO 80202
(303) 312-6966

Region 9 (Arizona, California, Hawaii, Nevada)

Regional Lead Contact
U.S. EPA Region 9 (CMD-4-2)
75 Hawthorne Street
San Francisco, CA 94105
(415) 947-4280

Region 10 (Alaska, Idaho, Oregon, Washington)

Regional Lead Contact
U.S. EPA Region 10 (20-C04)
Air and Toxics Enforcement Section
1200 Sixth Avenue, Suite 155
Seattle, WA 98101
(206) 553-1200

Simple Steps to Protect Your Family from Lead Hazards

If you think your home has lead-based paint:

- Don't try to remove lead-based paint yourself.
- Always keep painted surfaces in good condition to minimize deterioration.
- Get your home checked for lead hazards. Find a certified inspector or risk assessor at epa.gov/lead.
- Talk to your landlord about fixing surfaces with peeling or chipping paint.
- Regularly clean floors, window sills, and other surfaces.
- Take precautions to avoid exposure to lead dust when remodeling.
- When renovating, repairing, or painting, hire only EPA- or state-approved Lead-Safe certified renovation firms.
- Before buying, renting, or renovating your home, have it checked for lead-based paint.
- Consult your health care provider about testing your children for lead. Your pediatrician can check for lead with a simple blood test.
- Wash children's hands, bottles, pacifiers, and toys often.
- Make sure children eat healthy, low-fat foods high in iron, calcium, and vitamin C.
- Remove shoes or wipe soil off shoes before entering your house.

Lead Gets into the Body in Many Ways

Adults and children can get lead into their bodies if they:

- Breathe in lead dust (especially during activities such as renovations, repairs, or painting that disturb painted surfaces).
- Swallow lead dust that has settled on food, food preparation surfaces, and other places.
- Eat paint chips or soil that contains lead.

Lead is especially dangerous to children under the age of 6.

- At this age, children's brains and nervous systems are more sensitive to the damaging effects of lead.
- Children's growing bodies absorb more lead.
- Babies and young children often put their hands and other objects in their mouths. These objects can have lead dust on them.



Women of childbearing age should know that lead is dangerous to a developing fetus.

- Women with a high lead level in their system before or during pregnancy risk exposing the fetus to lead through the placenta during fetal development.

For More Information

The National Lead Information Center

Learn how to protect children from lead poisoning and get other information about lead hazards on the Web at epa.gov/lead and hud.gov/lead, or call **1-800-424-LEAD (5323)**.

EPA's Safe Drinking Water Hotline

For information about lead in drinking water, call **1-800-426-4791**, or visit epa.gov/safewater for information about lead in drinking water.

Consumer Product Safety Commission (CPSC) Hotline

For information on lead in toys and other consumer products, or to report an unsafe consumer product or a product-related injury, call **1-800-638-2772**, or visit CPSC's website at cpsc.gov or saferproducts.gov.

State and Local Health and Environmental Agencies

Some states, tribes, and cities have their own rules related to lead-based paint. Check with your local agency to see which laws apply to you. Most agencies can also provide information on finding a lead abatement firm in your area, and on possible sources of financial aid for reducing lead hazards. Receive up-to-date address and phone information for your state or local contacts on the Web at epa.gov/lead, or contact the National Lead Information Center at **1-800-424-LEAD**.

Hearing- or speech-challenged individuals may access any of the phone numbers in this brochure through TTY by calling the toll-free Federal Relay Service at **1-800-877-8339**.

Other Sources of Lead, continued

- **Lead smelters** or other industries that release lead into the air.
- **Your job.** If you work with lead, you could bring it home on your body or clothes. Shower and change clothes before coming home. Launder your work clothes separately from the rest of your family's clothes.
- **Hobbies** that use lead, such as making pottery or stained glass, or refinishing furniture. Call your local health department for information about hobbies that may use lead.
- Old **toys** and **furniture** may have been painted with lead-containing paint. Older toys and other children's products may have parts that contain lead.⁴
- Food and liquids cooked or stored in **lead crystal** or **lead-glazed pottery or porcelain** may contain lead.
- Folk remedies, such as "**greta**" and "**azarcon**," used to treat an upset stomach.

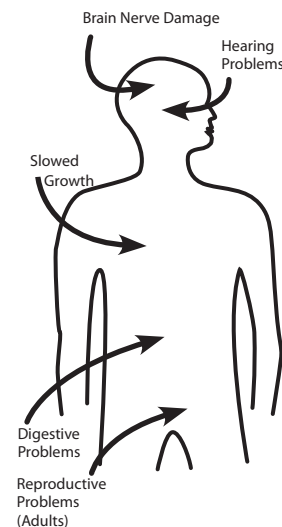
⁴ In 1978, the federal government banned toys, other children's products, and furniture with lead-containing paint. In 2008, the federal government banned lead in most children's products. The federal government currently bans lead in excess of 100 ppm by weight in most children's products.

Health Effects of Lead

Lead affects the body in many ways. It is important to know that even exposure to low levels of lead can severely harm children.

In children, exposure to lead can cause:

- Nervous system and kidney damage
- Learning disabilities, attention-deficit disorder, and decreased intelligence
- Speech, language, and behavior problems
- Poor muscle coordination
- Decreased muscle and bone growth
- Hearing damage



While low-lead exposure is most common, exposure to high amounts of lead can have devastating effects on children, including seizures, unconsciousness, and in some cases, death.

Although children are especially susceptible to lead exposure, lead can be dangerous for adults, too.

In adults, exposure to lead can cause:

- Harm to a developing fetus
- Increased chance of high blood pressure during pregnancy
- Fertility problems (in men and women)
- High blood pressure
- Digestive problems
- Nerve disorders
- Memory and concentration problems
- Muscle and joint pain

Check Your Family for Lead

Get your children and home tested if you think your home has lead.

Children's blood lead levels tend to increase rapidly from 6 to 12 months of age, and tend to peak at 18 to 24 months of age.

Consult your doctor for advice on testing your children. A simple blood test can detect lead. Blood lead tests are usually recommended for:

- Children at ages 1 and 2
- Children or other family members who have been exposed to high levels of lead
- Children who should be tested under your state or local health screening plan

Your doctor can explain what the test results mean and if more testing will be needed.

Other Sources of Lead

Lead in Drinking Water

The most common sources of lead in drinking water are lead pipes, faucets, and fixtures.

Lead pipes are more likely to be found in older cities and homes built before 1986.

You can't smell or taste lead in drinking water.

To find out for certain if you have lead in drinking water, have your water tested.

Remember older homes with a private well can also have plumbing materials that contain lead.

Important Steps You Can Take to Reduce Lead in Drinking Water

- Use only cold water for drinking, cooking and making baby formula. Remember, boiling water does not remove lead from water.
- Before drinking, flush your home's pipes by running the tap, taking a shower, doing laundry, or doing a load of dishes.
- Regularly clean your faucet's screen (also known as an aerator).
- If you use a filter certified to remove lead, don't forget to read the directions to learn when to change the cartridge. Using a filter after it has expired can make it less effective at removing lead.

Contact your water company to determine if the pipe that connects your home to the water main (called a service line) is made from lead. Your area's water company can also provide information about the lead levels in your system's drinking water.

For more information about lead in drinking water, please contact EPA's Safe Drinking Water Hotline at 1-800-426-4791. If you have other questions about lead poisoning prevention, call 1-800 424-LEAD.*

Call your local health department or water company to find out about testing your water, or visit epa.gov/safewater for EPA's lead in drinking water information. Some states or utilities offer programs to pay for water testing for residents. Contact your state or local water company to learn more.

* Hearing- or speech-challenged individuals may access this number through TTY by calling the Federal Relay Service at 1-800-877-8339.

Renovating, Repairing or Painting a Home with Lead-Based Paint

If you hire a contractor to conduct renovation, repair, or painting (RRP) projects in your pre-1978 home or childcare facility (such as pre-school and kindergarten), your contractor must:

- Be a Lead-Safe Certified firm approved by EPA or an EPA-authorized state program
- Use qualified trained individuals (Lead-Safe Certified renovators) who follow specific lead-safe work practices to prevent lead contamination
- Provide a copy of EPA's lead hazard information document, *The Lead-Safe Certified Guide to Renovate Right*



RRP contractors working in pre-1978 homes and childcare facilities must follow lead-safe work practices that:

- **Contain the work area.** The area must be contained so that dust and debris do not escape from the work area. Warning signs must be put up, and plastic or other impermeable material and tape must be used.
- **Avoid renovation methods that generate large amounts of lead-contaminated dust.** Some methods generate so much lead-contaminated dust that their use is prohibited. They are:
 - Open-flame burning or torching
 - Sanding, grinding, planing, needle gunning, or blasting with power tools and equipment not equipped with a shroud and HEPA vacuum attachment
 - Using a heat gun at temperatures greater than 1100°F
- **Clean up thoroughly.** The work area should be cleaned up daily. When all the work is done, the area must be cleaned up using special cleaning methods.
- **Dispose of waste properly.** Collect and seal waste in a heavy duty bag or sheeting. When transported, ensure that waste is contained to prevent release of dust and debris.

To learn more about EPA's requirements for RRP projects, visit epa.gov/getleadsafe, or read *The Lead-Safe Certified Guide to Renovate Right*.

Where Lead-Based Paint Is Found

In general, the older your home or childcare facility, the more likely it has lead-based paint.¹

Many homes, including private, federally-assisted, federally-owned housing, and childcare facilities built before 1978 have lead-based paint. In 1978, the federal government banned consumer uses of lead-containing paint.²

Learn how to determine if paint is lead-based paint on page 7.

Lead can be found:

- In homes and childcare facilities in the city, country, or suburbs,
- In private and public single-family homes and apartments,
- On surfaces inside and outside of the house, and
- In soil around a home. (Soil can pick up lead from exterior paint or other sources, such as past use of leaded gas in cars.)

Learn more about where lead is found at epa.gov/lead.

¹ "Lead-based paint" is currently defined by the federal government as paint with lead levels greater than or equal to 1.0 milligram per square centimeter (mg/cm²), or more than 0.5% by weight.

² "Lead-containing paint" is currently defined by the federal government as lead in new dried paint in excess of 90 parts per million (ppm) by weight.

Identifying Lead-Based Paint and Lead-Based Paint Hazards

Deteriorated lead-based paint (peeling, chipping, chalking, cracking, or damaged paint) is a hazard and needs immediate attention. **Lead-based paint** may also be a hazard when found on surfaces that children can chew or that get a lot of wear and tear, such as:

- On windows and window sills
- Doors and door frames
- Stairs, railings, banisters, and porches

Lead-based paint is usually not a hazard if it is in good condition and if it is not on an impact or friction surface like a window.

Lead dust can form when lead-based paint is scraped, sanded, or heated. Lead dust also forms when painted surfaces containing lead bump or rub together. Lead paint chips and dust can get on surfaces and objects that people touch. Settled lead dust can reenter the air when the home is vacuumed or swept, or when people walk through it. EPA currently defines the following levels of lead in dust as hazardous:

- 10 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) and higher for floors, including carpeted floors
- 100 $\mu\text{g}/\text{ft}^2$ and higher for interior window sills

Lead in soil can be a hazard when children play in bare soil or when people bring soil into the house on their shoes. EPA currently defines the following levels of lead in soil as hazardous:

- 400 parts per million (ppm) and higher in play areas of bare soil
- 1,200 ppm (average) and higher in bare soil in the remainder of the yard

Remember, lead from paint chips—which you can see—and lead dust—which you may not be able to see—both can be hazards.

The only way to find out if paint, dust, or soil lead hazards exist is to test for them. The next page describes how to do this.

Reducing Lead Hazards, continued

If your home has had lead abatement work done or if the housing is receiving federal assistance, once the work is completed, dust cleanup activities must be conducted until clearance testing indicates that lead dust levels are below the following levels:

- 10 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) for floors, including carpeted floors
- 100 $\mu\text{g}/\text{ft}^2$ for interior windows sills
- 400 $\mu\text{g}/\text{ft}^2$ for window troughs

Abatements are designed to permanently eliminate lead-based paint hazards. However, lead dust can be reintroduced into an abated area.

- Use a HEPA vacuum on all furniture and other items returned to the area, to reduce the potential for reintroducing lead dust.
- Regularly clean floors, window sills, troughs, and other hard surfaces with a damp cloth or sponge and a general all-purpose cleaner.

Please see page 9 for more information on steps you can take to protect your home after the abatement. For help in locating certified lead abatement professionals in your area, call your state or local agency (see pages 15 and 16), epa.gov/lead, or call 1-800-424-LEAD.

Reducing Lead Hazards

Disturbing lead-based paint or removing lead improperly can increase the hazard to your family by spreading even more lead dust around the house.

- In addition to day-to-day cleaning and good nutrition, you can **temporarily** reduce lead-based paint hazards by taking actions, such as repairing damaged painted surfaces and planting grass to cover lead-contaminated soil. These actions are not permanent solutions and will need ongoing attention.
- You can minimize exposure to lead when renovating, repairing, or painting by hiring an EPA- or state-certified renovator who is trained in the use of lead-safe work practices. If you are a do-it-yourselfer, learn how to use lead-safe work practices in your home.
- To remove lead hazards permanently, you should hire a certified lead abatement contractor. Abatement (or permanent hazard elimination) methods include removing, sealing, or enclosing lead-based paint with special materials. Just painting over the hazard with regular paint is not permanent control.



Always use a certified contractor who is trained to address lead hazards safely.

- Hire a Lead-Safe Certified firm (see page 12) to perform renovation, repair, or painting (RRP) projects that disturb painted surfaces.
- To correct lead hazards permanently, hire a certified lead abatement contractor. This will ensure your contractor knows how to work safely and has the proper equipment to clean up thoroughly.

Certified contractors will employ qualified workers and follow strict safety rules as set by their state or by the federal government.

Checking Your Home for Lead

You can get your home tested for lead in several different ways:

- A lead-based paint **inspection** tells you if your home has lead-based paint and where it is located. It won't tell you whether your home currently has lead hazards. A trained and certified testing professional, called a lead-based paint inspector, will conduct a paint inspection using methods, such as:
 - Portable x-ray fluorescence (XRF) machine
 - Lab tests of paint samples
- A **risk assessment** tells you if your home currently has any lead hazards from lead in paint, dust, or soil. It also tells you what actions to take to address any hazards. A trained and certified testing professional, called a risk assessor, will:
 - Sample paint that is deteriorated on doors, windows, floors, stairs, and walls
 - Sample dust near painted surfaces and sample bare soil in the yard
 - Get lab tests of paint, dust, and soil samples
- A combination inspection and risk assessment tells you if your home has any lead-based paint and if your home has any lead hazards, and where both are located.



Be sure to read the report provided to you after your inspection or risk assessment is completed, and ask questions about anything you do not understand.

Checking Your Home for Lead, continued

In preparing for renovation, repair, or painting work in a pre-1978 home, Lead-Safe Certified renovators (see page 12) may:

- Take paint chip samples to determine if lead-based paint is present in the area planned for renovation and send them to an EPA-recognized lead lab for analysis. In housing receiving federal assistance, the person collecting these samples must be a certified lead-based paint inspector or risk assessor
- Use EPA-recognized tests kits to determine if lead-based paint is absent (but not in housing receiving federal assistance)
- Presume that lead-based paint is present and use lead-safe work practices

There are state and federal programs in place to ensure that testing is done safely, reliably, and effectively. Contact your state or local agency for more information, visit epa.gov/lead, or call **1-800-424-LEAD (5323)** for a list of contacts in your area.³

What You Can Do Now to Protect Your Family

If you suspect that your house has lead-based paint hazards, you can take some immediate steps to reduce your family's risk:

- If you rent, notify your landlord of peeling or chipping paint.
- Keep painted surfaces clean and free of dust. Clean floors, window frames, window sills, and other surfaces weekly. Use a mop or sponge with warm water and a general all-purpose cleaner. (Remember: never mix ammonia and bleach products together because they can form a dangerous gas.)
- Carefully clean up paint chips immediately without creating dust.
- Thoroughly rinse sponges and mop heads often during cleaning of dirty or dusty areas, and again afterward.
- Wash your hands and your children's hands often, especially before they eat and before nap time and bed time.
- Keep play areas clean. Wash bottles, pacifiers, toys, and stuffed animals regularly.
- Keep children from chewing window sills or other painted surfaces, or eating soil.
- When renovating, repairing, or painting, hire only EPA- or state-approved Lead-Safe Certified renovation firms (see page 12).
- Clean or remove shoes before entering your home to avoid tracking in lead from soil.
- Make sure children eat nutritious, low-fat meals high in iron, and calcium, such as spinach and dairy products. Children with good diets absorb less lead.

³ Hearing- or speech-challenged individuals may access this number through TTY by calling the Federal Relay Service at 1-800-877-8339.



ON DEMAND LANDLORD TRAINING WEBINAR

Landlord Training
(includes Certificate
of Completion)

WE WILL DISCUSS:

- FAIR HOUSING LAWS &
PROTECTED CLASSES**
- LANDLORD RIGHTS &
RESPONSIBILITIES**
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Restrictive Covenant

Program funds granted by [ENTER LPA NAME], with an address of [LPA ADDRESS] to:

OWNER(S): [_____]

PROPERTY STREET ADDRESS: [_____]

[MUNICIPALITY], [_____] County

SECTION/BLOCK/LOT: [_____]

AMOUNT OF GRANT ASSISTANCE: [_____]

UNIT ASSISTED: [_____]

DESCRIPTION OF ASSISTED IMPROVEMENTS: [_____]

This Restrictive Covenant is made and executed this [_____] day of [____], [YEAR].

WHEREAS, the undersigned is/are the owner(s) (“Owner”) of the premises described above (“Premises”); and

WHEREAS, the Owner is an “Eligible Participant” in the Plus One ADU (“Program”), defined as being at or below 100% of the area median income (AMI) as determined from time to time by the United States Department of Housing and Urban Development for the county in which the property is located and as adjusted for family size; and

WHEREAS, the Owner acknowledges that the Premises have been improved with [_____] in grant assistance (“Grant Assistance”) provided by the New York State Housing Trust Fund Corporation (“HTFC”) to [LPA NAME] under the Program; and

WHEREAS, this Declaration also secures the Owner’s performance and observance of all the provisions, obligations, and covenants under this and other instruments delivered in connection with the Program including the Grant Agreement executed by and between the Owner and [LPA NAME]; and

NOW, THEREFORE, the Owner hereby declares that for a period of ten (10) years (“Regulatory Period”), which commenced on [_____] [YEAR] and terminating [_____] [YEAR] (“Termination Date”), the Premises shall be occupied by the Owner as their primary residence and shall at all times be maintained in good operating order and condition, and all necessary repairs, renewals, replacements, additions, and improvements shall, from time to time, be promptly made.

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Owner further declares that, during the Regulatory Period, the Premises shall not be sold (unless to an Eligible Participant whose eligibility to participate in the Program has been confirmed by [LPA NAME]), moved, demolished, or materially altered without the prior written consent of HTFC. In the event of an approved sale or otherwise permitted transfer, the Eligible Participant shall execute an Affirmation assuming the regulatory requirements and responsibilities found herein. Failure to execute such Affirmation may result in the recapture of Program funds in accordance with the simple declining balance outlined herein.

Owner further declares that the accessory dwelling unit improved with Program funds (the “ADU”) shall be occupied by a permanent tenant for the duration of the Regulatory Period; that the ADU shall not be used as a short-term rental, including as a vacation and/or seasonal rental; and that should the ADU become vacant during the Regulatory Period, the Owner shall make good faith efforts to market the ADU to potential permanent tenants.

Owner further declares that for the duration of the Regulatory Period, any first position mortgage given by the Owner for the purpose of construction or permanent financing of the Premises shall not be refinanced without the prior written consent of HTFC.

This Declaration is expressly subject and subordinate to any mortgage given by the Owner for the purpose of construction or permanent financing of the Premises, whether or not such mortgage is recorded prior to the date of this Declaration.

All the grants, covenants, terms, provisions, and conditions contained herein shall run with the land, binding all subsequent owners, encumbrances, and tenants of the Premises. In the event the Owner shall breach any such grant, covenant, term, provision, or condition, the Owner must return the outstanding balance of Loan Funds to [LPA NAME] for recapture by HTFC. The amount to be repaid and recaptured shall be determined by reducing the original amount of Grant Assistance disbursed to the Owner by one-tenth (1/10th) for each year of the Regulatory Period the Owner was in compliance hereunder. Repayment will be calculated in accordance with the following schedule:

Months 0-12:	100% repayment due
Months 13-24:	90% repayment due
Months 25-36:	80% repayment due
Months 37-48:	70% repayment due
Months 49-60:	60% repayment due
Months 61-72:	50% repayment due
Months 73-84:	40% repayment due
Months 85-96:	30% repayment due
Months 97-108:	20% repayment due
Months 109-120:	10% repayment due
Months 121 and beyond:	0% repayment due

This Restrictive Covenant shall be recorded in the Office of the Clerk of the County in which the Premises are located and shall automatically lapse on the Termination Date.

IN WITNESS WHEREOF, this instrument has been signed the day and year set forth above.

OWNER(S):

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Owner 1 Print Name

MAILING ADDRESS:

[_____]

Owner 1 Sign Name

Owner 2 Print Name

[_____]

Owner 2 Sign Name

STATE OF NEW YORK)

COUNTY OF _____) ss.:

On the _____ day of _____, in the year _____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC

[LPA NAME]

DRAFT

By: []

Name: []

Title: []

STATE OF NEW YORK)

COUNTY OF _____) ss.:

On the _____ day of _____, in the year _____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC