



TOWN OF NORFOLK

Town Clerk's Office

ONE LIBERTY LANE

NORFOLK, MASSACHUSETTS 02056

Office: 508-641-0929 Fax: 508-541-3363

Carol Greene
Town Clerk

Rebecca Tefft
Assistant Town Clerk

November 17, 2025

I hereby certify that pursuant to the Warrant for the Fall Special Town Meeting held on Wednesday, the 12th day of November 2025 the advisory board recommended and the Town passed by a declared 2/3 vote:

ARTICLE 13

Submitted by the Planning Board

To see if the Town will vote to amend the Norfolk Zoning Bylaws, Chapter 310, § 310-8.3 Affordable Housing Development; by adding the following text in bold, and deleting the following text in strikethrough; or take any other action in relation thereto.

§ 310-8.3. Affordable housing development.

- A. Purpose and intent. The purpose of this bylaw is to encourage development of new housing that is affordable to low- and moderate-income households. At minimum, affordable housing produced pursuant to this § 310-8.3 shall be eligible for inclusion in the Town's Subsidized Housing Inventory as kept by the **Executive Office of Housing and Livable Communities (EOHLC)**~~Massachusetts Department of Housing and Community Development~~ or the successor agency thereto.

- B. Applicability. In any residential project containing six or more dwelling units, within any district and under any portion of the **Zoning Bylaws**, the developer shall be required to provide ~~affordable housing units as outlined in the table below~~ **not less than 10% affordable housing units. This bylaw does not apply to any development for which a complete application for a special permit, a subdivision of land, or a plan of land that does not require Planning Board approval MGL c. 41, § 81P, has been submitted to the Town Clerk prior to the adoption of this bylaw by Town Meeting. No project may be divided or phased to avoid the requirement of this section.** A fractional unit of 0.5 or more shall be rounded up to the next whole unit.



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Table of Affordable Units*	
Total Units in Project	Affordable Units
6 to 12	10%
13 to 19	15%
20+	20%

NOTE:

* The construction of affordable units shall be commensurate with the construction of market-rate units. Should projects be constructed in phases, each phase shall contain the same proportion of affordable units to market-rate units as the overall development.

...

D. Mandatory provision of affordable units.

(1) ...

(a) ~~In accordance with affordable housing units as set forth in § 310-8.3B, in a division of land or multiple unit development subject to this bylaw, affordable housing units as set forth in § 310-8.3B shall be established~~ **provided for as affordable housing units in any one or combination of methods provided for set forth below:**

...

- [3] Contribution of funds to the Norfolk Municipal Affordable Housing Trust Fund to be used for the creation of affordable housing in lieu of construction and offering affordable units within the locus of the proposed development. For the purposes of this bylaw, the cash payment per affordable unit required shall be **a minimum of three hundred and fifty thousand dollars (\$350,000) per required affordable housing unit.** ~~to the difference between the median single family home sales price in } Norfolk for the most recent calendar year as~~



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~~determined by the SPGA and the price affordable to a qualified purchaser as determined by the SPGA, based on applicable guidelines of the DHCD, Local Initiative Program (LIP).~~ **The Planning Board may consult with the Norfolk Affordable Housing Trust about the payment in lieu amount as to whether or not a payment in lieu is preferable to an affordable unit on or off site.**

Where the calculation of affordable units results in a fractional unit below 0.5, a cash payment may be made as provided in this section on a pro rata basis. The cash payment formula and timetable may be adjusted by the SPGA from time to time through the issuance of guidelines or regulations. If the SPGA issues a special permit to authorize a cash payment in lieu of units and the Board of Trustees of Norfolk Municipal Affordable Housing Trust Fund ~~votes to~~ accepts said contributions, the payment shall be paid to the Norfolk Affordable Housing Trust Fund prior to the issuance of any building permits for the development or prior to the sale of any lots, if applicable. Alternatively, the SPGA may allow payment of said contributions according to a specified timetable in proportion to the rate of development or sale of lots. ~~This cash contribution alternative shall apply only to homeownership developments and division of land and shall not apply to rental development.~~

...

- (c) As a condition for the granting of a special permit, all affordable housing units shall be subject to an affordable housing restriction and a regulatory agreement in a form acceptable to the Planning



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Board. The regulatory agreement shall be consistent with any applicable guidelines issued by the ~~EOHLC Department of Housing and Community Development~~ and shall ensure that affordable units can be counted towards the Norfolk's Subsidized Housing Inventory.

...

F. Provision of affordable housing units off-site. As an alternative to the requirements of Subsection E, an applicant subject to this section may develop, construct or otherwise provide affordable units equivalent to those required by Subsection D off-site. All requirements of this section that apply to on-site provision of affordable units shall apply to provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the SPGA as ~~an integral element~~ **a condition** of the special permit review and approval process of the on-site development. The SPGA shall consider the off-site affordable units through a separate special permit application. If off-site affordable units are approved, the SPGA may allow replacement of affordable units on-site with equivalent market-rate units if the developer demonstrates, to the satisfaction of the SPGA, that doing so will create a clear benefit to the Town.

G. Maximum incomes and selling prices; initial sale.

- (1) To ensure that only eligible households purchase affordable housing units, the purchaser of an affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within 30 days following transfer of title, to the local housing trust, community development corporation, housing authority or other agency as established by the Town that his/her or their family's annual income level does not exceed the maximum level as established by the commonwealth's ~~EOHLC Department of~~



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~~Housing and Community Development~~, and as may be revised from time to time.

- (2) The maximum housing cost for affordable units created under this bylaw is as established by the commonwealth's ~~EOHLC Department of Housing and Community Development~~, Local Initiative Program, or as revised by the Town.

H. ...

- (1) Right of first refusal to purchase. The purchaser of an affordable housing unit developed as a result of this section shall agree to execute a deed rider prepared by the Town, consistent with model riders prepared by ~~EOHLC Department of Housing and Community Development~~, granting, among other things, the municipality's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

...

- K. Proof of eligibility and inclusion. No special permit issued under this section shall be effective unless and until the applicant provides evidence that the approved affordable units are eligible for inclusion on the Town's Subsidized Housing Inventory as kept by the ~~EOHLC Department of Housing and Community Development~~.

True Copy Attest:

Carol Greene
Town Clerk