

Typical LAU Application Process

1. **Confirm Eligibility of Local Action:** The LAU projects must result from an eligible municipal action (Refer to Graphic about local actions). Projects can trigger LAU eligibility via special permit, inclusionary zoning, CPA funding, or similar.
2. **Pre-Application Coordination with EOHLC:** State guidance strongly encourages early contact with LIP staff to review eligibility and get feedback before formal site plan approval or building permit.
3. **Developer applies for building permits:** Affordable units must be identified on building permits for future SHI submission.
4. **Regulatory Agreements Preparation and Recording:** Developer Prepares Regulatory Agreement, ideally using state or municipal template, with affordability levels, unit counts, term of restriction (ideally 30+ years), monitoring and enforcement details and timelines. This can be a resource intensive process for municipal planning staff. Typically, the developer records the agreement at Registry of Deeds. It is advisable to complete this before LAU application submission. The developer should also ideally notify building officials of relevant pre-conditions and Office of Assessors noting the affordable units.
5. **Compile and Submit the LAU Application:** The municipality should work with the developer to compile and submit the LAU application. Typically, special permits and other land use approvals issued by a municipality include specific deadlines by which the developer must submit their LAU application to EOHLC.
 - a. Municipal staff or housing consultant or SHSO should review and approve the AFHMP, attend lotteries, review the eligibility of initial occupants.
 - b. A completed LAU application form includes:
 - i. Evidence of municipal support. Usually this entails attending meetings of the Affordable Housing Trust and the Board of Selectmen.
 - ii. Project description and Community Support narrative
 - iii. Signatures of Municipal CEO and Affordable Housing Trust (if applicable)
 - iv. Municipal and Developer contact information
 - v. Clear and complete overview of the project, including site plan and a detailed description of the market-rate and affordable unit(s)
 - vi. Evidence of local municipal action.
 - vii. Regulatory Agreement (Long-term Use Restriction to be recorded at Registry of Deeds)
 - viii. As applicable:
 - For Condominium projects - Condo Master Deed with undivided interest in common areas etc.
 - For Rental units - Local Housing Authority's current Utility Allowance
 - ix. Evidence of developer's existence, good standing and authority to contract
 - x. Affirmative Fair Housing Marketing Plan. See this link for additional resources: [AFFIRMATIVE-FAIR-HOUSING-MARKETING-PLAN.pdf](#)
 - xi. Permittee's service agreement with an affordable housing Lottery Agent recognized by EOHLC.
6. **Apply to include LAU to the SHI:** Affordable units must meet all SHI requirements, including participation in an eligible Subsidy program such as the Local Initiative Program (LIP), to be counted on the Subsidized Housing Inventory (SHI). Achieving certain project milestones, as outlined in c.40B/SHI guidelines, may make units eligible; however, eligibility can lapse if required timelines are not met, for example, if more than a year passes after zoning approval without building permits, or 18 months after building permits without occupancy permits. Without an eligible Subsidy program, units will not be counted on the SHI regardless of other milestones. Municipalities cannot unilaterally require affordable units through local action and have

them automatically included; approval through a recognized subsidizing agency is required. Link to EOHLC [Form to request new units](#).

7. **Create a strategy for Ongoing Monitoring:** A community should designate a specific person or entity who will be in charge of ongoing monitoring and compliance of the LAUs. This can include rent increase approval coordination with developers, annual income verifications, ensuring compliance with fair housing requirements in the event of resales, etc.