Accessory Apartments: One Adult Living Option

DDS is increasingly emphasizing Shared Living for those prioritized by DDS, and Adult Foster Care for those who are not. However, unless the individual has at least a two-bedroom unit of his or her own, in such arrangements the provision of services is not separated from the provision of housing. Individuals may find themselves having to move every few years as support providers move on. This instability is not good for anyone, particularly those with autism.

Those not prioritized by DDS face daunting waiting lists for subsidized housing that meets their support needs. For instance, while state elderly housing may appear to represent a shorter wait than a portable Sec. 8 voucher (2 years versus 10-12), for those who need a two-bedroom unit to accommodate an Adult Foster Care caregiver, the waiting list for a state elderly two-bedroom unit may be 20 years.

As a result, the default option for families is to continue to have their child live at home, with a family member acting as the Adult Family Care support provider. This is not a sustainable, long-term solution. However, a twobedroom accessory ("in-law") apartment, attached to the family home, may be. It allows the individual to stay put when the caregiver moves on; allows the family to provide respite; allows the family to act as the Sec. 8 landlord when a voucher is obtained; and, when the family moves out, can provide a source of rental income to help cover respite costs. The value of the Sec. 8 voucher can also help the family to make payments on any construction loan that was needed to add the accessory apartment.

There are two major barriers to this arrangement. One is zoning; many municipalities rigidly limit accessory apartments. The second is the financial barrier of paying for any respite not provided by the family or through DDS individual supports, combined with payments on the construction loan. To address the first, Autism Housing Pathways has proposed municipalities consider adopting a model zoning bylaw, which would permit accessory apartments for elderly or disabled relatives of the homeowner as a "by right use" ('definition below)

Bill S. 2202 (formerly S. 708), currently under consideration, would help address the second barrier. It would allow homeowners to take out a loan from the state, potentially with deferred payments and 0% interest, for 50% of construction costs or $50,000, whichever is less. This makes the following scenario possible:

- The individual with a disability signs up for Sec. 8 (preferably at age 18).
- A family member becomes the Adult Family Care provider, and receives a stipend of about $9,000/year.
- The family member saves the Adult Family Care stipend in a separate account.
- In approximately 10 years, the individual receives a Sec. 8 voucher and the family has saved $90,000.
- The family member takes a loan from the state for $50,000; the family now has $140,000 to devote to creating an accessory apartment.
- Construction costs in greater Boston range from $150-$200/sq. foot. At the lower end, a 900 sq. foot accessory apartment would cost $135,000, and costs are completely covered by savings and the loan. At the higher end, the family might need to take out a home equity loan for $40,000. A smaller unit would obviously cost less, and could completely avoid the need for a home equity loan.
- The Sec. 8 voucher can cover the cost to pay for the home equity loan.

Families do need to be aware they will need permission from the housing authority issuing the Sec. 8 voucher to be the Sec. 8 landlord for a family member. Although typically not permitted, it is often allowed as a reasonable accommodation for a person with a disability.

By Right Use (also called Use by Right) refers to a property owner's use of property and structures in manners consistent with that which is permissible in the zoning district that the property is located. A 'by right use' is a use permitted in a zoning district and therefore not subject to special review and approval by local government.