

Existing Condominium conversion to year-round use FAQ

❖ Who can apply?

Individual unit owners cannot apply to convert their unit to year-round use. In the case of an existing condominium the applicant would be the condominium entity (association). The association shall designate **no more** than two individuals who have authority to sign and submit the application, such as the president of the Board of trustees and an attorney. The step 1 vote of the association verifying: 1) that the association has agreed to pursue the change and 2) designation of the individuals given authority to make application must accompany the application.

❖ Why can't I just start to use or rent my property year-round?

In short: zoning. Section 40.3.A of the zoning bylaw creates condominiums as a change of use. Aspects of this change of use are also recognized and regulated under the Massachusetts State Building Code, and the process of conversion must be followed to allow modification to your certificate of occupancy. It is the goal of the Town through policy and applicable regulation to foster safe and resilient accommodations for our transient guests and permanent residents. Please note that as a part of this conversion process memorialization/documentation of the change of use must be completed through the application for and issuance of proper building permits. When those permits are finalized, new certificates of occupancy will be issued which memorializes the change of use granted by this process.

❖ What does it cost?

The total actual cost for conversion will depend on the location, size and age of Condominium property; we anticipate that there will be legal fees and in some instances construction costs, however, the following application costs will apply as the Condominium association completes its process with the Town of Truro: **Application Fees** (non-refundable)

Step 1 (pre-application process) - \$250 + \$50 per unit

Step 2 (application and site visit) - \$150

❖ Where do I start?

Step 1: The applicant files a "step 1 pre-application" form and schedules a pre-application meeting with the Building Commissioner and Health & Conservation Agent for a case-specific overview of the project and an outline of the permitting process. At this time the first document reflecting the vote of the association to explore/pursue the change in use, and the designation of individuals to represent them shall be provided with the application.

Note: it is important that the designated individuals identified in the application form shall remain the points of contact through the process.

(This meeting will be based on information gathered from the property files. The compliance checklist will be completed after the site visit.

Staff will schedule the site visit after the pre-application meeting; the site visits will be scheduled on a first-come, first-served basis. Representatives from all relevant town departments will be invited to participate in the inspection(s). Applicant shall make available for

inspection all units and all spaces. Depending on the scope, this site visit might take considerable time.

Within 30 days of the site visit staff will refine the step 1 property compliance checklist to reflect the final regulatory requirements for conversion and will forward this to the applicant. The purpose of this checklist is to outline potential safety/energy improvements that will be necessary for the property to be adequate for the intended use. The step 1 checklist is part of the application signed by the applicant.

Step 1A (if needed, as determined by the Building Commissioner):

If a modification of the existing special permit allowing the present condominium is required, that applicant shall follow standard procedures and apply to the Truro Zoning Board of Appeals (ZBA) for a special permit under Section 40.3.A of the zoning bylaw. With this petition, the applicant shall attach a true and attested copy of the above-referenced recorded documents as well as any of the pertinent documentation and the Conversion Application and draft Covenant. Should the ZBA vote to grant the special permit, the applicant shall:

- a. Record the ZBA decision at the Barnstable County Registry of Deeds (Registry), and
- b. Apply for all necessary site and building related permits.

Step 2: Applicant submits the “step 2 condominium conversion application form” along with required votes noted above (if needed) and site drawings showing the extent of the property and an indication, in the case of year-round use, which units are to be converted. The vote shall indicate the percentage of unit owners that have agreed to the conversion application. The applicant will attach to the vote a copy of the page from the condominium documents that specifies the percentage of unit owners required to pass an amendment.

Step 3: (If required) Submit the completed application, covenant, and a copy of the revised master deed. The Select Board will vote to approve/disapprove the application pending the satisfaction of all requirements of regulatory departments and regulatory Boards/Commissions.

Step 4: Complete permitted construction work as required. Obtain final approvals for all units seeking conversion.

Step 5: Submit: “step 2 condominium conversion application form”; final building and site approvals; and modified Covenant.

Step 6: Select Board will review and sign Covenant at the next regularly scheduled meeting.

Step 7: Record Covenant at the Registry and return date/stamped copy to the Town; building Commissioner will issue new Certificate of Occupancy for all units converting.