



Housing Plan Implementation Committee

Date: November 13, 2019

Time: 7:00 PM to 8:00 PM

Location: Senior Center, Mural Room, 27 Maple Street, Arlington

Minutes

Present: Lourie August, Pam Hallett, Jonathan Nyberg, Jenny Raitt, Patricia Worden, Erin Zwirko.

Absent: Karen Kelleher.

Guests: Doug Heim, Katiri Wagner.

The purpose of this meeting was for the Committee to continue the conversation about creating a municipal affordable housing trust fund and to hear from Doug Heim, Town counsel, on the legal requirements. Jenny introduced the matter and asked Doug to provide the background information on adopting the enabling legislation.

Doug indicated that MGL Chapter 44 Section 55C allows Massachusetts municipalities to create a municipal affordable housing trust fund. The legislation is both flexible and restrictive in that the legislation dictates the number of members the trust fund must have and lists the applicable powers of a trust fund, of which a municipality can limit further but cannot expand. Additionally a municipality may emphasize certain actions over other actions and can allow a trust fund to be more nimble by allowing it to act without Town Meeting approval. Doug provided Concord as a recent example. Concord moved on a suite of articles to establish the trust fund and how to fund the trust fund. Other examples include Medfield, Weston, and Amherst. There is some misconception that a municipal affordable housing trust fund has a lot of autonomy, but any activity must always be related to affordable housing as outlined in the legislation and local bylaw.

Doug suggested cautioned that the municipal bylaw cannot run afoul of the enabling legislation. The recommendation is to take the language in the enabling legislation and adopt that as the bylaw with the appropriate edits. The action plan, which the trust fund would prepare to direct its activities, would be more tailored to what the trust fund wants to accomplish. Additionally, Doug recommended that the trust fund be as small a body that can be effective to avoid volunteer fatigue, issues with quorums, and operational continuity. The enabling legislation allows a trust fund to be a minimum of 5 individuals

and maximum of 9 individuals. In many municipalities, the manager or mayor is on the trust fund either as a full member or as a non-voting member.

Patricia noted that without a municipal affordable housing trust fund, Arlington is limited in funding it can accept, for example, the pending legislation to allow a local option for real estate transfer fees require deposit into a municipal affordable housing trust fund. Because Arlington does not have this type of trust fund, Patricia noted that the town has lost funding in the past. She recommended a local bylaw that strictly follows the text of the enabling legislation in Section 55C, as well as requiring that the sale, lease, transfer of properties or assets have Select Board and Town Meeting approval.

It was pointed out that the 2008 Town Meeting article followed the text of Section 55C pretty closely, but perhaps too detailed. Doug noted that a simpler bylaw could be proposed to Town Meeting. He indicated that he would be happy to work with the Planning and Community Development staff to identify a few options for the Committee to consider.

Patricia inquired about local bylaws on condominium conversions and other bylaws that give the right to stay to tenants. It could be packaged with a suite of articles to go to Town Meeting. For example, Concord paired a home rule petition for a real estate transfer fee with the articles to establish the trust fund as it would be a mechanism to fund the trust fund. Pam handed out a draft resolution for a local real estate transfer fee.

Jenny noted that she would bring this effort to the ARB's attention during the December 2nd meeting when she plans to discuss potential Annual Town Meeting warrant submittals with the Board. Following reviewing information from Doug, the Committee could revisit the proposals with the Select Board and Town Counsel in January.

The members discussed the minutes from October 16, 2019. The members voted to approve the minutes.

The Working Group will meet next on December 3, 2019 at 9:15 AM (Editor's note: This meeting was subsequently cancelled due to snow).

Meeting adjourned at 8:10 PM.