



Housing Plan Implementation Committee

Date: October 8, 2020

Time: 8:00 AM to 9:00 AM

Location: Virtual Meeting via Zoom

Minutes

Present: Ben Bradlow, Karen Kelleher, Jenny Raitt, Michelle Shortsleeve, Patricia Worden, Erin Zwirko.

Guests: Len Diggins.

The Committee first looked at the meeting summary from the October 1 meeting. Ben had pointed out a typo in the meeting summary, and Patricia made a motion to adopt the summary as amended. Michelle seconded the motion. The vote was unanimous.

Turning toward the preparation for Special Town Meeting, Erin recapped the items under consideration: the draft bylaw, holding a forum, preparing an editorial, and preparation for meetings with the Select Board and the Finance Committee. Erin also noted that she had circulated a memorandum regarding how other towns with trusts handle borrowing by the trust. Erin noted that there doesn't seem to be a trend, and that the decision is most likely particular to the community. If there is a trend to note, for communities with an additional level of approval, there seems to be one level of approval up to the assets of the trust, and a more stringent level of approval to borrow beyond the assets of the trust.

Jenny provided an overview of a conversation that she and Erin had with Charlie Foskett, the chair of the Finance Committee. In general, it sounds like the chair is supportive of the work, but still had a number of questions regarding what the trust can do, the limitations of a trust, and on liability. Those questions included:

1. What is the precise proposed vote in warrant article?
2. Is there any limit on the size of any project the AHTF can undertake?
3. Is there any limit on the number or total sum of all projects?
4. How does the Town get protected against fraud, self-dealing, cronyism and the like?
5. Do they have power of eminent domain?
6. Is the Town guaranteeing all their liabilities?
 - a. Debt?
 - b. Losses?
 - c. Court damages?

- d. Personal and property damage? Negligence? Gross Negligence?
7. Does the AHTF maintain an interest in property forever or does it really "sell" properties for purchase or rental projects?
 8. Does it ever return funds to the taxpayers?
 9. If money comes from the General fund is it by majority or 2/3 vote?
 10. TM approval of debt by 2/3 vote?
 11. Does the AHTF hold mortgages of purchasers? Or does a bank take full liability?

Jenny noted that the confirmed Finance Committee hearing would be held on October 28. Jenny is unsure if the HPIC members need to provide support for that meeting at this point, and similarly with the Select Board hearing which hasn't been scheduled yet.

The members then turned to two items to discuss in the bylaw: the membership of the trust and borrowing. Ben noted that there is a case to be made that the trust could have wide authority as a governing board. He thought the state law provides that latitude. Karen agreed with Ben, and suggested that the Committee discuss it further after hearing the comments at the forum.

The Committee then discussed the membership of the board. Patricia had made a motion that one member of the trustees be a renter or resident of subsidized housing. Karen confirmed that the recommendation be a mandatory member. The members discussed a variety of options regarding representation by renters, low to moderate income individuals, and individuals who receive assistance, as well as the number of trustees. The members confirmed the following language: "Of the Select Board appointees, at least one shall be a tenant who earns a low- or moderate-income, and resides in subsidized housing units as defined by G.L. c.40B or who receives state- or federally-sponsored rental subsidies and demonstrates knowledge of tenant issues." Patricia renewed her motion to adopt the language, Karen seconded, and the vote was unanimous.

Returning to borrowing, Erin pointed out the various areas where borrowing is mentioned and noted one additional location where the bylaw indicates that two-thirds of the trustees are needed to affirm actions. Erin suggested that borrowing should be included here. Karen recommended removing Town Meeting approval, but recommended establishing a threshold regarding liquidating assets. Patricia reminded the members that Town Meeting needs to approve the bylaw, and noted that there may be the need to leverage assets of the trust. Patricia recommended adding a cap so that no one is unduly afraid of the trustees' actions. She noted that there needs to respect for Town Meeting's authority. Michelle asked Erin to provide a slate of language options for the members to consider.

Karen made a motion to strike all approvals by Town Meeting. Michelle seconded. Patricia voted against the motion, Karen, Michelle and Ben voted for the motion. The motion failed because the affirmative votes were not a majority of the full committee. (Editor's Note: Following consultation with Town Counsel, this motion in fact passed. The HPIC reconsidered this vote at the October 15, 2020 meeting.)

Karen explained that a virtual forum will be held during the evening of October 14. Shelly Goehring from Massachusetts Housing Partnership and Keith Bergman a Concord resident and member of Concord's trust study committee. Based on the comments received from the forum, changes to the bylaw may be warranted. Comments regarding borrowing may provide direction as well.

Jenny requested that the members schedule another meeting in case the Select Board schedules a hearing on October 19. The members decided to hold another meeting on October 15 at 8 AM.

The meeting adjourned at 9:00 AM.