MEETING POSTING

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25
All meeting notices and agenda must be filed and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)

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2022 DEC 15 AM 10:25
NANTUCKET TOWN CLERK
Posting Number:T 1114

Committee / Board	AFFORDABLE HOUSING TRUST
Day, Date, and Time	TUESDAY, December 20, 2022 @ 12:30PM
Location / Address	REMOTE PARTICIPATION *VIA* ZOOM (*See Below*) THE MEETING WILL BE AIRED AT A LATER TIME ON THE TOWN'S GOVERNMENT TV YOUTUBE CHANNEL AT https://www.youtube.com/channel/UC-sgxA1fdoxteLNzRAUHIxA
Signature of Chair or Authorized Person	Hayley Cooke Housing/Real Estate Office Manager
WARNING:	IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!

NOVEMBER MEETING
AGENDA FOR 12-20-2022
(Subject to change)
www.nantucket-ma.gov

Please click on following link to join Zoom Meeting:
https://us06web.zoom.us/j/88615238340?pwd=d09KQkVKMGplT2lFV0xuMmxpY2kxUT09

Meeting ID: 886 1523 8340
Passcode: 943499

Purpose: To discuss business as noted below. Electronic copies of the complete text, plans, application, or other material relative to each agenda item are available per request by email to hcooke@nantucket-ma.gov. Please email to request a paper copy and you will be provided a time to retrieve from the Housing Office at 3 East Chestnut Street between the hours of 8:30 AM and 4:30 PM on weekdays.

Trust Members: Brian Sullivan (Chairman), Reema Sherry (Vice Chair), Meg Browers, Shantaw

Bloise-Murphy, Penny Dey, Dave Iverson, Brooke S. Mohr

Staff: Tucker Holland (Housing Director), Ken Beaugrand (Real Estate Specialist), Hayley Cooke (Housing & Real Estate Office Manager)

PLEASE LIST BELOW THE TOPICS THE CHAIR
REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING

I. CONVENE in Open Session via Zoom

II. APPROVAL of Agenda

III. APPROVAL of Minutes

- Minutes from 11.15.22

IV. PUBLIC COMMENT for items not otherwise on the agenda

V. Rental Incentives, Aspen Skiing Co. – DISCUSSION

VI. CCAP – ACTION

- Maria Lucia Abreu – 1 Aster Court

VII. CFAP and CCAP Program Summary – REVIEW & DISCUSSION

VIII. Recent Request to DHCD for (Re)Certification of HPP ("Safe Harbor") – UPDATE

IX. Conditions for Additional Funding – 31 Fairgrounds – DISCUSSION & ACTION

- Commitment letter
- Loan and grant agreement amendment

X. RFP Timelines – DISCUSSION

- 145 + 147 Orange Street, 12 Bartlett Road, and 7 Amelia Drive

XI. Warrant Articles regarding serving up to 240% AMI – DISCUSSION & ACTION

- Trust documentation
- CPC recommendation

XII. Recommendations to Select Board for Funding in FY 2024 – DISCUSSION & ACTION

XIII. Introduction of Down Payment Assistance Pilot Program – DISCUSSION

XIV. Other Business

Upcoming Meetings:

- Regular AHT meeting: January 17, 2022 at 12:30pm (Zoom Meeting)

XV. Board Comments

XVI. Executive Session, Pursuant to MGL C. 30A § 21(A)

- Purpose 6: To consider the purchase, exchange, lease or value of real property where an open meeting may have a detrimental effect on the negotiating position of the public body.

XVII. Adjourn

NANTUCKET AFFORDABLE HOUSING TRUST

~~SPECIAL MEETING MINUTES ~~

Tuesday, November 15, 2022

Remote Meeting *via* Zoom – **12:30pm**

Trust Members: Brian Sullivan (Chair), Reema Sherry (Vice-Chair), Brooke Mohr, Meg Browers, Dave Iverson, Shantaw Bloise-Murph, Penny Dey

ATTENDING MEMBERS: Reema Sherry, Penny Dey, Brooke Mohr, Meg Browers, Dave Iverson, Shantaw Bloise-Murphy

ABSENT: Brian Sullivan

STAFF IN ATTENDANCE: Hayley Cooke (Housing & Real Estate Office Manager); Ken Beaugrand (Real Estate Specialist), Vicki Marsh (Town Counsel)

ANTICIPATED SPEAKERS: Anne Kuszpa (Housing Nantucket), Billy Cassidy, Steven Hollister

PUBLIC PRESENT ON ZOOM: Elizabeth Blaire (Housing Nantucket), Robert Little

I. Call Meeting to Order

Reema Sherry called the meeting to order at 12:33pm & reads Public Participation Guidelines.

II. Approval of Agenda

Dave Iverson moved to approve the agenda. Penny Dey seconded the motion.

ROLL CALL of those participating:

1. Dave Iverson Aye
2. Penney Dey Aye
3. Brooke Mohr Aye
4. Meg Browers Aye
5. Shantaw Bloise-Murphy Aye
6. Reema Sherry Aye

Agenda adopted by -0 vote.

III. APPROVAL of Minutes

•Minutes from 11.1.22

Minutes amended to include edits:

1) In item IX, the number should read $7,500, not $75,000
2) Minor typos to be corrected

Penny Dey makes a motion to approve the Minutes with the edits as noted. Brooke Mohr seconded the motion.

ROLL CALL of those participating:

1. Dave Iverson Aye
2. Penney Dey Aye
3. Brooke Mohr Aye
4. Meg Browers Aye
5. Shantaw Bloise-Murphy Aye
6. Reema Sherry Aye

Agenda adopted by -0 vote.

IV. PUBLIC COMMENT for items not otherwise on the agenda

None.

V. CCAP/CFAP – ACTION

CFAP – Campese, 67 Milestone Rd.

Brooke Mohr makes a motion to approve the CFAP Application for the Campese household at 67 Milestone Rd. for up to $10,000 pending closing costs. Seconded by Dave Iverson.

ROLL CALL of those participating:

1. Dave Iverson Aye
2. Penney Dey Aye
3. Brooke Mohr Aye
4. Meg Browers Aye
5. Shantaw Bloise-Murphy Aye
6. Reema Sherry Aye

Agenda adopted by -0 vote.

VI. Year-Round Definitions– DISCUSSION

Reem Sherry: My comment is I am a bit concerned that employment is such a large factor here. I think there are other ways of determining year-round status without bringing employment into the mix.

Shantaw Bloise-Murphy: We did have a component about if you are retired or not working, other items that can prove it. Such as voter registration, car registration, etc.

Brooke Mohr: Let's say someone works remotely and lives here, meeting the other criteria. Do you have to meet X number of these criteria? Or any number of them? Someone could have just moved here and not lived here very long and not worked her.

Penny Dey: My points are this too. Most point to employment on Nantucket. The majority of these bullets say that people have to work on Nantucket. If that is the intention, it needs to be consistent. And if it is, I would want to know why.

Meg Browers: I think we were trying to find the easiest ways for people to verify employment first. For retirees, you could do voter registration, car registration or in person affidavit. We just are bringing this forward to brainstorm and think it through with us, I'm open to back and forth discourse. It's an easy way to verify living here, but not a requirement, there are other ways to show you live here if you do not work here.

Penny Dey: So it is like a checklist or matrix. My other question is, would you be looking retroactively?

Meg Browers: In order to qualify, you have to have completed at least 12 months. Whatever matrix of criteria we decide on it. You can't qualify as year-round resident one month into living on Nantucket.

Dave Iverson: [To Vicki] Is all this on the up and up? Are we allowed to do this?

Vicki Marsh: It's problematic. We have to think about how we are going to implement this, where you propose to do this – a zoning bylaw for example. And then it will have to go to Town Meeting and be subject to oversight. So you have to think about it in terms of how to get it approved.

Dave Iverson: Are we as a group looking to define this for everything we do or for specific parts of our program? I'm trying to figure out who we are trying to weed out, for lack of a better word.

Vicki Marsh: It has come up in discussion amongst Trustees in terms of trying to acquire these restrictions from "year-rounders" so that was one of the ideas for the implementation.

Dave Iverson: I think it is as simple as, how long have they occupied the house. We are targeting people who have lived here in their own house, could use that extra bump in income in exchange for the year-round restriction. We should talk to Andrew about creating an overlay district for affordable restrictions. It's a bigger question.

Brooke Mohr: For me, the purpose for this, is a voluntary agreement between someone and the Trust, in exchange for money. They are volunteering to abide occupancy rules. We aren't forcing this on someone. We are giving them money in exchange for them agreeing to these conditions. And when that property changes hands, the idea is those restrictions stay with the property, in perpetuity. The next person is then getting a less expensive home, because of the restrictions. Can we create a new market?

Penny Dey: I know Housing Nantucket already has definitions on year-round. Anne, are there ways of improving this?

Anne Kuszpa: Inclusion of the water/electric bill is really helpful. Most people comply. If are out of compliance and are ignoring our enforcement fines, it is difficult to collect zoning enforcement fines without going to court. We can do that, but we try to avoid it. So, if there's a way to impose fines, that is a way to strengthen the program.

Shantaw Bloise-Murphy: There were two groups. We were just working on the definition of year-round, we did not tie anything to it financially. We took definitions from groups around the island

and used their definitions and fused them, and thought about how people skirt around rules. And we also looked at Oak Bluff, Veil, etc. who have programs like this.

Meg Browers: For our purposes, I don't want us to be afraid to define what "year-round" means according the Affordable Housing Trust specifically. And as long as we keep it in our lane, I feel more comfortable establishing a definition that meets our needs. To Brooke's point, [if you don't want to access the incentives, that's fine. If you do, we need to define this].

Brooke Mohr: To me, the simplest criteria is you have to occupy the house X number of months. And then we have a way to prove and verify that you are complying with the month residency requirements.

There was continued discussion about possibilities of future programs, buying restrictions, etc. there was discussion to move this to another meeting, and focus on the Agenda item as written, which is a focus on just what the definition of "year-round" is, rather than what programs we are using it for, and parameters for those programs.

Brooke Mohr: Our goal here is to define something, for the purposes of programs we have in the future. We are trying to create housing for people who live here, and live here year-round. So, we just need to define that, and whatever program we have uses that definition.

Meg Browers: Going to a bottom line. Is 10 [out of 12] months enough? Is it too little?

Dave Iverson: I think 10 months is good. I think the verification is easy, the [compliance] is what is going to be the struggle.

Brooke Mohr: I agree. It leaves room for aging people to visit grandchildren, etc.

Reema Sherry: I'm good with 10 months.

VII. Rental Incentives Program – DISCUSSION

Brooke Mohr: We started getting into the weeds with this a bit. I think maybe we aren't ready for this after the conversation on year-round definitions. I think we should figure out, what are we trying to achieve with this? And then you can work back from that and create a program. Is it moving units that are shuffle houses? Is it moving short term rentals to year-round? Who are we trying to incentivize and what is the goal? We need to define the goals. I would be interested in this group coming back together and creating a list of goals we can present to the Trust and then figuring it out if it works.

Reema Sherry: Increasing the stock of year-round rentals would be a huge goal for me. And there are a lot of people who rent below market rate, year-round, it would be nice to incentivize that.

Penny Dey: I like the group's idea of a small pilot program.

Dave Iverson: Yes, we need to take a close look at what we are trying to achieve and how viable that is. Is it wiser to incentivize new builds as year-rounder rentals? I think it is an interesting discussion. Competing against short-term rentals is not the best use of our money.

VIII. Warrant Article to Codify Income Limits Served by Trust – REVIEW & DISCUSSION

Vicki Marsh: I've changed the purpose in the Trust to define both "affordable" and "attainable." Affordable at less than 100% AMI, and you go up to 240% AMI for attainable. That is the only change for the Trust. Does this meet your approval?

Penny Dey: On the 240%. Does it need a bottom threshold? Does it need to say 101% to 240%?

Vicki Marsh: I defined the affordable at 100% or less, so the next step is above 100% to 240%.

Penny Dey: Can we say Area Median Income?

Vicki Marsh: Yes.

Brooke Mohr: We should vote to adopt this Article and then recommend its inclusion on the Warrant by the Select Board. And we should include it as an Agenda item for the Select Board.

Penny Dey makes a motion to approve the Warrant Article language subject to adding "Area Median Income." Brooke Mohr seconds the motion with a friendly amendment of: We recommend this Article subject to the addition of the phrase "Area Median Income" to the Select Board for inclusion on the 2023 Annual Town Meeting Warrant.

ROLL CALL of those participating:

1. Dave Iverson Aye
2. Penney Dey Aye
3. Brooke Mohr Aye
4. Meg Browers Aye
5. Shantaw Bloise-Murphy Aye
6. Reema Sherry Aye

Agenda adopted by 6-0 vote.

Reema Sherry: Let's put the CPC Warrant Article on the next Agenda.

Brooke Mohr: May I suggest our Board agrees with the direction this is going and have someone on our Board attend the next CPC meeting? If I can be in the first 30 minutes of the Agenda, I can be there.

Ken Beaugrand: We can do that.

Trust Members agree with Brooke.

IX. Housing Nantucket Request Regarding 31 Fairgrounds Cost Adjustment- DISCUSSION.

Reema Sherry: Penny, I'll look to you.

Penny Dey: Steven do you want to give an overview?

Steven Hollister: There are 8 buildings to be built, there are 4 of them in places. All boxes to hit the site before the end of the year. Big picture, the Trust has allocated $8.516 million. To date, half of that has been funded. Since last December, construction prices have continued to go up. You have been presented a request for another $1.76 million. That request would bring the total project cost just shy of $10.3 million. The cost of construction, exclusive of original development fees and special permit amendment fees, is about $450 dollars per square foot. That includes landscaping, utilities, etc. so it is reasonable from that standpoint. This is a 21% increase to the cost of the land development, or 15% increase of the construction development.

Penny Dey: I want to point out that the first change order involved a expansion in scope and we structured that first price change as a loan to be amortized over years 51 to 57, potentially forgivable based upon certain miles stones.

Steve: A portion of that was a grant, a portion was a loan.

Penny Dey: Does anyone have any questions for Steve? Billy, do you have anything to add to that?

Billy Cassidy: We will have all of the houses in our possession by December 7th. In anticipation of the final two barges.

Vicki Marsh: is the request that is being made a request for a loan of $1.76 million? And have the terms been established?

Reema Sherry: It is requested as a grant in the letter. Penny, I forwarded Tucker's staff recommendation to you, which he sent to me. Maybe you can talk about that?

Penny Dey: Tucker has recommended a loan rather than a grant. This is his two cents: he is recommended we approve it as a potentially forgivable loan if certain benchmarks are met. He does suggest this new request should amortize coterminous with the last increase that was approved and that kicks in starting year 51 and run to year 57. If Housing Nantucket feels they need a longer amortization period, then we need to see their cash flow projections with assumptions.

Brooke Mohr: Do you remember what portion was a loan and what portion was a grant for the last request?

Anne Kuszpa: I will try to bring that up right now.

Brooke Mohr: I like the idea of at least a portion of it being a loan. And ongoing monitoring of projects like this is important for us with our partners. It's hard to know what is coming down the road 10 years, 50 years from now. I think having it as a loan is the financially responsible way to do it for municipal funding and tax dollars.

Steven Harrington: I have it. $810k was a grant, $956k was a loan broken up into two amounts ($856k to cover redesigns and $100k to cover solar infrastructure).

Dave Iverson: I agree that some of it should be grant (based on performance), and some of it a loan. The major portion as a loan.

Brooke Mohr: I don't mind the whole thing being potential forgiveness down the road. Last time, a portion was an immediate cash grant, and a portion was a loan for year 51-57, eligible for forgiveness. And we should put on a future agenda to establish potential forgiveness criteria.

Dave Iverson: Not opposed to that.

Penny Dey: I also want to suggest that whatever performance standards are developed are done in conjunction with Housing Nantucket.

Vicki Marsh: We still have to do loan documentation in order to fund these transactions. The prior loan documentation has not been done either. We can put something in the grant and loan agreements as to conditions or prior to finalizing those loan documents we can come up with the conditions before we vote and finalize this.

Penny Dey: I suggest the motion mirrors the previous request. Does someone want to make a motion?

Brooke Mohr: Last time we approved this, the inflationary portion was a grant, not a loan. This is again, through no fault of the developer, contractor, that these increases of come about.

Brooke Mohr makes a motion that the Affordable Housing Trust grant $100,000,000 and structure a loan of $763,212 to run concurrent with the other loan under the same condition in year 51-57 non-amortizing. And whatever other language Vicki can offer my motion.

Vicki Marsh add the language of: $100,000,000 million as a grant and the balance of the request as a loan, with the same terms that was in the original additional funding. Amortizing the loan for years 51-57, and non-amortized loaned up to the first 50 years. And possible forgiveness of the loan based upon satisfaction of conditions and performance standards that are to be determined.

Brooke Mohr accepts that language to add to her motion. Dave Iverson seconds the motion.

ROLL CALL of those participating:

1. Dave Iverson — Aye
2. Reema Sherry — Aye
3. Brooke Mohr — Aye
4. Meg Browers — Aye
5. Shantaw Bloise-Murphy — Aye
6. Penny Dey — Aye

Agenda adopted by 6-0 vote.

X. Dr. Dickler Award – DISCUSSION & ACTION

Reema Sherry: We need to have action on this. I think we should run this by the Select Board as far as having the announcement of the recipient at the Annual Town Meeting. Any discussion on this?

Penny Dey: This is limited to citizens, right?

Reema Sherry: I think it is. I don't think we want to award this to a staff member or Board Members.

Penny Dey: I was thinking of someone who formerly served.

Reema Sherry: I think that would make the person eligible.

Brooke Mohr: Could it be an organization?

Reema Sherry: I think it is meant to be an individual, a community member. One person.

Brooke Mohr makes a motion to adopt this language for the Dr. Dickler tribute award as written. Second by Penny Dey.

ROLL CALL of those participating:

1. Dave Iverson Aye
2. Penney Dey Aye
3. Brooke Mohr Aye
4. Meg Browers Aye
5. Shantaw Bloise-Murphy Aye
6. Reema Sherry Aye

Agenda adopted by 6-0 vote.

XI. Other Business

Upcoming Meetings:

- Regular AHT meeting: December 20, 2022 at 12:30pm (via Zoom).

XII. Board Comments

None.

XIII. Executive Session, Pursuant to MGL C. 30A § 21(A)

•Purpose 6: To consider the purchase, exchange, lease or value of real property where an open meeting may have a detrimental effect on the negotiating position of the public body.

Penny Dey makes a motion to adjourn the regular meeting and go into Executive Session and not to return to regular meeting. Seconded by Dave Iverson.

ROLL CALL of those participating:

7. Dave Iverson Aye
8. Penney Dey Aye
9. Brooke Mohr Aye
10. Meg Browers Aye
11. Shantaw Bloise-Murphy Aye
12. Reema Sherry Aye

Agenda adopted by 6-0 vote.

Open Session Meeting ended at 2:02pm.
Submitted by:
Hayley Cooke

Article pertaining to Agenda item V. Rental Incentives, Aspen Skiing Co.

'Tenants for Turns' offers season pass, other incentives to some homeowners who rent to Skico employees

ARTICLE __

Amendment of Town of Nantucket Affordable Housing Trust Fund

To see if the Town will vote to authorize the Select Board to amend the Declaration of Trust of the Town of Nantucket Affordable Housing Trust Fund dated February 8, 2010 recorded with Nantucket County Registry of Deeds in Book 1221, Page 20, as amended by First Amendment to Declaration of Trust of Town of Nantucket Affordable Housing Trust Fund dated September 25, 2014 recorded with said Deeds in Book 1452, Page 272 pursuant to the authority set forth in Section 17 of said Trust, as follows:

1. Section 2 Purpose: Delete Section 2 and replace it with the following: "The purpose of the Trust is to provide for the creation and preservation of affordable and attainable housing in the Town of Nantucket for the benefit of year-round residents. For the purposes of this Trust, "affordable housing" is defined as housing that is occupied by a low or moderate income household with incomes less than one hundred percent (100%) of the area wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size. For purposes of this Trust, "attainable housing" is defined as housing that meet the needs of households with incomes less than two hundred forty percent (240%) of the area wide median income as determined by HUD, adjusted for household size."

All other provisions of the Trust shall remain the same.

Or to take any other action related thereto.

(Select Board)

ARTICLE ___.

(Home Rule Petition: Use of Community Preservation Act (CPA) Funds for Community and Attainable Housing at or below 240% Area Median Income

To see if the Town will vote to authorize the Select Board to petition the General Court to introduce special legislation authorizing the use of Community Preservation Funds for both Community and Attainable Housing for households whose annual income is less than two hundred forty percent (240%) of the area wide median income, provided however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage, as follows:

AN ACT FACILITATING THE APPROPRIATION AND EXPENDITURE OF COMMUNITY PRESERVATION FUNDS FOR COMMUNIITY AND ATTAINABLE HOUSING PURPOSES IN THE TOWN OF NANTUCKET

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the definition of "Low income housing" as being housing for those persons and families whose annual income is less than eighty percent (80%) of the area wide median income set forth in the eleventh paragraph of section 2 of chapter 44B of the Massachusetts General Laws, and the definition of "Moderate income housing" as being housing for those persons and families whose annual income is less than one hundred percent (100%) of the area wide median income set forth in the fourteenth paragraph of section 2 of chapter 44B, and the definition of "Community housing" as being housing for low and moderate income individuals and families set forth in the fourth paragraph of section 2 of chapter 44B the Town of Nantucket, upon recommendation of its community preservation committee, may appropriate and expend community preservation funds for the purpose of community housing and attainable housing for those persons and families whose annual income is less than or equal to two hundred forty percent (240%) of the area wide median income

SECTION 2. This act shall take effect upon passage.

Or to take any other action related thereto.