

NANTUCKET AFFORDABLE HOUSING TRUST

~~ MINUTES ~~

Tuesday, October 18, 2022

Remote Meeting *via* Zoom – 12:30pm

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

ATTENDING MEMBERS: Brooke Mohr, Reema Sherry, Meg Browsers, Shantaw Bloise-Murphy, Brian Sullivan, Penny Dey (late)

STAFF IN ATTENDANCE: Tucker Holland (Housing Director); Hayley Cooke (Housing & Real Estate Office Manager); Vicki Marsh (Town Counsel)

ABSENT: Dave Iverson

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

Public Present on Zoom: Mary Mack, Eleanor Antonietti

I. Call Meeting to Order

Brian Sullivan called the meeting to order at 12:32pm & reads Public Participation Guidelines.

II. Approval of Agenda

The agenda is amended to move the item on 7 Amelia Drive to a future meeting. Also, item III is amended to correct the minute date. Correct date for minutes is 9.20.22, not 9.13.22.

Brooke Mohr moved to approve the agenda. Shantaw Bloise-Murphy seconded the motion.

ROLL CALL of those participating:

1. Reema Sherry Aye
2. Brooke Mohr Aye
3. Meg Browsers Aye
4. Shantaw Bloise-Murphy Aye
5. Brian Sullivan Aye

Agenda adopted by 5-0 vote.

III. APPROVAL of Minutes

- Minutes from 9.20.22

Minutes amended to include edits:

- 1) Penny Dey will be moved from attending to absent in meeting minutes.

Brooke Mohr makes a motion to approve the Minutes with the edits as noted. Reema Sherry seconded the motion.

ROLL CALL of those participating:

- | | |
|--------------------------|-----|
| 1. Reema Sherry | Aye |
| 2. Brooke Mohr | Aye |
| 3. Meg Browers | Aye |
| 4. Shantaw Bloise-Murphy | Aye |
| 5. Brian Sullivan | Aye |

Motion adopted by 5-0 vote.

IV. PUBLIC COMMENT for items not otherwise on the agenda

V. CCAP/CFAP – ACTION

- CCAP Application – Bell, 9 Benjamin Drive (Habitat Home)

Brian Sullivan recuses himself, Reema Sherry takes over this item.

Brooke Mohr makes a motion to approve closing cost assistance for the Bell family at 9 Benjamin drive for up to \$15,000 pending closing costs. Meg Browers seconded.

ROLL CALL of those participating:

- | | |
|-----------------|-----|
| 1. Brooke Mohr | Aye |
| 2. Meg Browers | Aye |
| 3. Reema Sherry | Aye |

Motion adopted by 3-0 vote.

Shantaw Bloise-Murphy and Brian Sullivan recuse themselves from the vote.

- CCAP Application – Reid, 9B Benjamin Drive (Habitat Home)

Brooke Mohr makes a motion to approve closing cost assistance for the Reid family at 9B Benjamin drive for up to \$15,000 pending closing costs. Meg Browers seconded.

ROLL CALL of those participating:

- | | |
|-------------------|-----|
| 1. Brooke Mohr | Aye |
| 2. Meg Browers | Aye |
| 3. Reema Sherry | Aye |
| 4. Brian Sullivan | Aye |

Motion adopted by 4-0 vote.

Shantaw Bloise-Murphy abstains from vote.

- CFAP Application – Davis, 11 Equator Drive

Anne Kuszpa: When we looked at Registry of Deeds, it looks like a different owner, but the seller's counsel assuring us of the ownership by the applicant.

Brian Sullivan asked for clarification and more information on this application, including the Land Plan. Hayley Cooke clarified that the application does not require that a Land Plan be submitted. But that if we want to include that in the future, we can alter the application for the future. The Chair agreed that additional information would be useful for review. Vicki raised a question about the ownership of the property. If the owner has not be verified, you can vote to proceed subject to verifying ownership.

Anne Kuszpa: [The information we have is that] there was foreclosure happening, but that the foreclosure Deed was wiped out by the order of the Court, and Mr. Davis still owns the property per the original Certificate of Title.

Anne Kuszpa will forward documentation to Town Counsel that supports the above claims.

Vicki Marsh: I would be happy to make a simple inquiry to confirm the ownership or the Record Title at the Registry of Deeds.

The Trust agrees that this item is carried to the November 1st meeting for Town Counsel to review and then we can hopefully move forward with granting the application.

VI. 31 Fairgrounds - UPDATE

Anne Kuszpa and Billy Cassidy gave an update on 31 Fairgrounds. The summary is:

- Building 2 is on site, the foundation was just poured last week.
- Building 4 is entirely on site in New Bedford
- Building 5 is partial on site (New Bedford)
- Building 6 is being constructed right now
- Building 7 is going to be available for trucking to leave Maine just before Thanksgiving
- There have been various delays, but things are really moving forward now.
- There are some inflation pressures, less than 16% since the inception of the project. We will be acquiring more funding, which will be presented later.
- Building 3 will be finished with same cedar siding that 1 and 8 were finished with, the rest are shingle.

VII. 7 Amelia Drive RFP – FINAL REVIEW & APPROVAL

This item has been moved to a future date, as amended in approval of agenda.

Penny Dey joined the meeting at 1:00pm.

VIII. Year-Round Definitions and Restrictions - DISCUSSION

Hayley Cooke did research on various definitions of “year-round” both in the Nantucket community and other similar communities. The summary of this information is included in the packet.

The Trust engaged in a discussion about what how to define “year-round.” Below are key points:

Brian Sullivan: There is a variety of definitions. If we are going to create year-round Covenant properties, we need to look at the definition of year-round. What are we able to define? Is it an expiring restriction, a forever restriction? What does it look like and what does the community want? If there is a point where there is a financial exchange for the restriction, we need to define it and make a move to get it into the code.

Vicki Marsh: Housing Nantucket has defined it as 10 to 12 months. So, there is some precedent in the Town to use that. I don't know how much support that will have from other Boards. We're going to have to establish and work on a definition of “year-round” and then get that into the Code, which would include changing Zoning bylaw. In terms of restrictions – they are generally held for 30-year terms. If a party has a restriction longer than 30 years, they need to get an extension and do that every 20 years. However, the Town as a governmental body, could hold a restriction under Chapter 184, Section 26, that restriction could be held in perpetuity. And then Town could be the enforcing body to do that.

Brian Sullivan: To your point, I think a conversation with other Boards is important. I'm not sure how we best move this forward. The various definitions that exist locally all have crossover, all have variance, but not sure how to move this forward with such a large group.

Brooke Mohr: The other group tackling this definition would be the Short-Term Rental Group. So, it is a good time to be doing this. Finding the stakeholders and bringing them together about where things are headed in different entities. For examples, does 10 out of 12 work for Housing Nantucket? Do they want to amend that, or if it works, do we just adopt that and have others come together with us?

Brian Sullivan: Are we looking at getting a definition in 2 years, with this much community input? I'm look at a timeline and working backwards. So, what do we want to work with in getting this moved forward?

Meg Browsers: Tucker, in regards to your work with housing stakeholders – can their be discussion with that group? And then bring our recommendations?

Tucker Holland: I can bring that up at the next meeting.

Brooke Mohr: I want to follow up on what you said on timeline. We don't need to arrive at consensus necessarily...I think we should have everyone weigh in on their requirements and why and if they are happy with it, to inform ourselves before we make our decision and define it.

Brian Sullivan: How do we move this forward with the community, so we have something actionable for the next meeting. That is my question to the group.

Shantaw Bloise-Murphy: So, let's say we define this. How do we enforce this?

Vicki Marsh: That would be written in to however we define this and would go into the Code.

Tucker Holland: It sounds like we are trying to define this restriction with the hope there will be monetary compensation to buy this restriction from people?

Brian Sullivan: That is one function. I'm hoping some people donate it.

Brian Sullivan: I think we should chunk this out. 1) Definition 2) Restriction 3) Body that will do this.

The Trust discussed enforcement, but there was no decision reached and they decided to focus on the definition first. Penny Dey and Brooke Mohr suggested a subgroup on these items.

Meg Browers, Brian Sullivan, Shantaw Bloise volunteered to be in a subcommittee. Vicki Marsh to check if this group of 3 can meet, regarding open meeting law.

IX. Year-Round Rental Incentive Program – DISCUSSION

A chart in the packet outlines various communities (resort Towns, towns with year-round housing issues) in which the government pays homeowners to rent to year-rounders rather than rent seasonally. This research was done by Hayley Cooke for the Trust. The Trust had a discussion about what implementing a similar program on Nantucket might look like. Major discussion items below:

Brooke Mohr: I'm all in favor of trying to get more housing for people. I think the biggest push back we will get are from year-rounds who have already been renting to year rounders.

Brian Sullivan: Could we include them?

Brooke Mohr: What would the cost be?

Meg Browers: I fully support this concept; this seems like a great idea. If we can find funding, I fully support this idea.

Brian Sullivan: So, what are the steps to get this in action? We need to get a definition of year-round, we need to present this to Town Meeting to get funding. And how do we define the "worth" for each house? How do we define that (i.e. bedroom count, bath counts, etc.)?

Brooke Mohr: I think don't overanalyze it. Call it a pilot program, offer it to 10 families, and see who bites. I would think it would be based on a bedroom count. And if no one bites, then maybe we

priced it too low. Then talk to people to ask what is the number? I think it isn't the exact dollar but helping cover the differential [re: renting short term].

Meg Browers: Why don't we reach out to these programs and see what they are doing in terms of enforcement and protocol.

Brooke Mohr: Also, maybe the commitment is longer than a year. Also, where does the Town sit when it comes to the landlord/tenant.

Penny Dey: The Trust doesn't seem to want to be that Agent.

Vicki Marsh: It seems it would just be between landlord and tenant, not the Town. It's different than enforcing a restriction that we paid for.

Meg Browers: Also, the year-round tenants are a built-in agent to say if they are living there at not.

Brooke Mohr: If we are using Trust funds, there has to be an income restriction of some type.

Brian Sullivan: Maybe another subcommittee to work on this?

Brooke Mohr and Meg Browers volunteer to work on this.

X. Warrant Article to Codify Income Limits Served by Trust - DISCUSSION

Below are the main discussion points in a longer conversation the Trust had on the enabling legislation and AMI levels.

Brian Sullivan: This discussion is: are we prepared to change or enabling legislation to raise our AMI income limit, and is there anything else we would want to change in the enabling legislation to bring to Town meeting in April? And what is our deadline to submit an article for this?

Brooke Mohr: If we bring it to the Select Board to sponsor the article, we have until mid-January.

Tucker Holland: I think the prior discussion around a year-round restriction and funds associated in trying to obtain that, can those funds come from the Trust and what changes would we need to allow that?

Brooke Mohr: I think it is driven by the other conversation we are going to have to some extent.

Brian Sullivan: Do we pick a number and get it started and move along? In hopes we have a fruitful conversation with the select board.

Tucker Holland: Forgetting the number we pick – the Trust serves low to moderate income levels; we have our definition of moderate. Vicki had suggested, regardless of if we change the level we want to serve, to at least codify up to the level we are currently serving. Whether we changed our current upper limit or not, I had understood from Vicki that we still need to do something. Is that accurate?

Vick Marshi: I think it would be helpful to have definition of up to what income levels the Trust wants to serve.

Brooke Mohr: I would strive to do something along the line of: the scope of our mission is to fund housing for Nantucket residents making up to X amount of AMI and/or who reside on Nantucket on a year-round basis. That gives us the leeway to do something at a higher level for just year-round, without an income restriction.

Penny Dey: If this is affordable, it has to be tied to income?! I feel very strongly that it has to be tied to income.

Reema Sherry: We have to be able to make a case for what we consider moderate income for the market on Nantucket. So, then we can offer Covenant homes for people that are maybe at 240%. That number seems to be being bounced around.

The Trust decided to look at a draft from Vicki Marsh on Warrant Article language at the November 1st meeting.

Penny Dey: We throw around these percentages, we should remind ourselves of what they equal.

Hayley Cooke will prepare a chart for the Trust that shows up to 300% AMI levels on Nantucket for the November 1st meeting.

XI. Funding for Seven Letter- DISCUSSION & APPROVAL

Tucker Holland: We don't have to approve it today. Seven Letter is the group we worked with last year on getting the Transfer Fee legislation to the State House. I'll get details for the next meeting for approval. But I wanted to introduce the topic today and see if there is feedback on the desire to continue moving forward. Last year, it was a monthly fee of \$7500/month for Seven Letter, I don't think that will change. The group did a great job for us. I would love to hear thoughts.

Penny Dey: What is different this time? What is going to stop the Mass. Association of Realtors from killing this repeatedly?

Tucker Holland: Healy and Driscoll both expressed support for getting this done. What likely will happen is that there will be some hurdles that a community has to get over in order to access the Transfer Fee. Such as using CPA funds for housing, you have the max short term rental fee in process, etc. We check all of the boxes.

Reema Sherry: For new members, can you explain how these funds are used? We cannot pay lobbyist, but this pays for other outreach?

Tucker Holland: We are paying the communications and strategy folks – they get our stories into publications that legislators and the general public would read. Last year, there was a story in the Boston Globe, for example.

The Trust had a general discussion about the Transfer fee and efforts last year and efforts and players involved coming up this year.

Brian Sullivan: So you're looking for general temperature of the room to support this?

Tucker Holland: If NARAB was willing to make any continued contribution to this effort, it says something.

Penny Dey: I can bring it up at the NARAB meeting in November.

Tucker Holland: I'm hoping we can vote in November to fund the entire effort. If we can, we want that commitment, and that can be offset by NARAB and other individuals from Real Estate.

Brooke Mohr: So, we would be voting to double our contribution in the hopes it is offset by others?

Tucker Holland: Yes. We would be voting to spend roughly \$70,000.

Brian Sullivan: I'm interested in continuing this conversation, at continuing the effort at the state house. I got four thumbs up on that one.

XII. Other Business

Upcoming Meetings:

- Special AHT meeting: November 1, 2022 at 12:30pm (via Zoom).
- Regular AHT meeting: November 15, 2022 at 12:30pm (via Zoom).

XIII. Board Comments

None.

XIV. 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.

Brooke Mohr makes a motion to adjourn the regular meeting and go into Executive Session. Seconded by Penny Dey.

ROLL CALL of those participating:

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|--------------------------|-----|
| 1. Reema Sherry | Aye |
| 2. Brooke Mohr | Aye |
| 3. Meg Browers | Aye |
| 4. Shantaw Bloise-Murphy | Aye |
| 5. Penny Dey | Aye |
| 6. Brian Sullivan | Aye |

Motion adopted 6-0 vote.

Nantucket Affordable Housing Trust Fund – Minutes, October 18, 2022

Open Session Meeting ended at 2:15pm.

Submitted by:

Hayley Cooke