



TOWN OF HAMILTON
OFFICE OF THE BOARD OF SELECTMEN
Tel: 978-468-5572 Fax: 978-468-268

April 19, 2005

Representative Bradford R. Hill
State House, Room 542
Boston, MA 02133

Re: Home Rule Petition
Hamilton Affordable Housing Trust Fund

Dear Representative Hill:

Enclosed please find a certified copy of the motion and vote taken under Article 2 of the warrant for the Town of Hamilton Special Town Meeting, held January 31, 2005, which authorized the Board of Selectmen to petition the Legislature to set up an Affordable Housing Trust Fund. Also attached, please find the Board of Selectmen's formal petition to the Legislature.

Thank you for your cooperation. We appreciate your sponsorship. Please do not hesitate to call us.

Yours truly,


Maureen Hickey
Assistant Town Administrator



TOWN OF HAMILTON
TOWN HALL
577 BAY ROAD • P.O. BOX 429
HAMILTON, MASSACHUSETTS 01936

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The following is a certified copy of the motion and vote taken under Article 2 of the warrant for the Town of Hamilton Special Town Meeting, held January 31, 2005, at the Hamilton-Wenham Regional High School.

ARTICLE 2 Moved by David Carey, duly seconded, that the Town authorize the Board of Selectmen to petition the Legislature to permit the Town to set up an Affordable Housing Trust Fund for receiving and disbursing funds earmarked for affordable housing, whether received by grant, gift, or as required by local by-law, provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objective of this petition.

Mr. Carey used a Power Point presentation to impart his information.

Why was the Housing Partnership Committee (HPC) created?

- Create affordable housing for seniors, school and municipal employees, young residents, etc.
- Respond to Mass Law 40B Affordable Housing.
- Perform the following tasks:
 - Advise the town on housing and review projects.
 - Evaluate defensive strategies for 40B.
 - Assist with review and negotiations for 40B projects.

What is Affordable Housing?

- Housing for seniors, young families, etc.
- Under the 40B law, the definition is:
 - Affordable to households earning 80% of the area median income.
 - Does not cost more than 30% of the household's before-tax income.

What is 40B?

- A Massachusetts law.
- Applies to towns with less than 10% affordable housing.
- Allows developers to build projects that don't comply.
- If ZBA rejects a 40B project, developer can appeal.
- 40B project are usually 25% affordable.
- 40B project include up to 8 units per acre.

What is Hamilton's 40B Profile?

- 2,713 total housing units.
- 73 units (2.7%) 40B "affordable".
- To comply with 40B, we need
 - 200 units now, or
 - 27 units per year.
- An affordable property in Hamilton would cost approximately \$190,000.

Why are we hearing about 40B now?

- In the past, developers built big properties in big towns.
- In Hamilton, a buildable lot is \$300 to \$400k.



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- And most land is zoned for 1 or 2 acres per home.
- 40B can build 8 units per acre and provide the best financial "deal" for owners and developers.

What is the benefit of an Affordable Housing Production Plan?

- If State approves plan and town builds to plan, the ZBA can deny 40B projects.
- However, under such a plan:
 - Town must build 200 units now, or
 - Build at least 27 units each year

What has the Hamilton Housing Partnership Committee done so far?

- Hired a consultant, Community Opportunities Group, Inc.
- Began work on housing production plan.
- Consultant says housing plan is not feasible.
- Consultant suggests alternative "tailored to local capacity and resources".
- State may accept as defense against 40B project.

What options has the HPC identified so far to increase affordable housing?

- Use of town-owned lots.
- Re-classify accessory apartments as affordable.
- Convert single family residences to multifamily.
- Use housing funds to buy units and resell at lower price.
- Re-classify existing properties as affordable.
- Ask landowners selling property to evaluate Planning Board and HPC options.

Article 2 Create an Affordable Housing trust fund

- Board of Selectmen to ask Legislature to permit Affordable Housing Trust Fund.
- Fund will hold money from gifts, grants or other sources.
- Fund can finance low interest loans, grants or other financial assistance to increase affordable housing.
- A bylaw still required for the town to proceed.

Following David's comments, the Moderator called for the vote.

VOICE VOTE: MOTION PASSES

A TRUE COPY: ATTEST:

Jane M. Wetson

Jane M. Wetson, Town Clerk

APR 19 2005

Pursuant to the vote of the Town of Hamilton at its Town Meeting of January 31, 2005, Board of Selectmen hereby requests that the Legislature adopt the following special legislation:

AFFORDABLE HOUSING TRUST FUND

SECTION 1. The Town of Hamilton may establish a separate fund to be known as the Affordable Housing Trust Fund for the purpose of creating or preserving affordable housing by the Town, the Hamilton Housing Authority, or a community development corporation, non-profit housing development corporation, or similar entity established under the laws of the commonwealth. Expenditures from the Affordable Housing Trust Fund shall be authorized by a majority vote of the Board of Selectmen in consultation with the Hamilton Housing Partnership.

SECTION 2. All the expenditures from the fund shall be used for low- or moderate-income housing as defined in section 20 of chapter 40B of the General Laws. The funds may be used to:

- a) Purchase or improve land for low- or moderate-income housing;
- b) Acquire, rehabilitate or redevelop existing dwelling units for occupancy by low- or moderate-income homebuyers or tenants;
- c) Acquire, redevelop or convert existing non-residential structures for low- or moderate-income housing;
- d) Develop and construct new dwelling units for purchase or rental by low- and moderate-income housing purchasers or tenants;
- e) Purchase rights of first refusal to acquire existing dwelling units for sale or rental to low- or moderate-income households;
- f) Provide grants, low-interest loans or deferred payment loans to assist low- or moderate-income homebuyers to purchase a home in the Town of Hamilton;

Expenditures shall follow an allocation plan submitted by the Board of Selectmen annually to the Town at the Annual Town Meeting and approved by Town Meeting. The allocation plan may be amended by the Town Meeting at any Special Town Meeting upon a favorable recommendation from the Board of Selectmen. The Board of Selectmen may request the advice of the Hamilton Housing Partnership, the Planning Board and others in developing any allocation plan. The allocation plan shall be a general plan of how funds will be expended during the next fiscal year. It shall also include a report on how funds were spent during the previous fiscal year.

All expenditures from the fund, including funds for capital purchases of land or buildings, shall be in accordance with the allocation plan and approved by a majority vote of the Board of Selectmen.

SECTION 3. As a means of providing available assets for the fund, all monies received by the Town through the following means shall be paid over to and become a part of the fund for the purposes set forth in this act:

- a) Cash payments from developers under an affordable housing zoning bylaw, if the town votes to adopt one.
- b) Funds authorized by Town meeting for community housing purposes under chapter 44B, the Community Preservation Act, if the town votes to accept section 3 to 7, inclusive of said chapter 44B.
- c) Gifts, grants, donations, contributions or other cash payments made to the Town for the purpose of providing low- or moderate-income housing.
- d) Any other source of revenue determined by Town Meeting, as allowed by law.

SECTION 4. Real property interests purchased or conveyed by the Town under this act shall be in accordance with section 16 of chapter 30B of the General Laws, unless exempt under section 1 of said chapter 30B or under other laws of the Commonwealth.

The Board of Selectmen may convey, through sale, lease or transfer, real property purchased under this act provided that an affordable housing use restriction under sections 26, 31, 32 and 33 of chapter 184 of the General Laws is executed with or on behalf of the purchaser or owner of the property and recorded at the Registry of Deeds. The affordable housing use restriction shall be perpetual or for the maximum allowed by law, unless a lesser term is authorized in the allocation plan approved by Town meeting.

Real property conveyed through sale, lease or transfer to a for-profit or non-profit developer to provide low- or moderate-income rental housing shall be subject to an affordable housing regulatory agreement executed with or on behalf of the developer and the Department of Housing and Community Development or any successor agencies thereto.

SECTION 5. The Town Treasurer shall be the custodian of the fund and shall invest the funds in the manner authorized by sections 55, 55A and 55B of chapter 44 of the General Laws. Any income or proceeds received from the investment of funds shall be credited to and become part of the fund.