



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
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LEGISLATIVE AIDE
JODY TOZIER

September 26, 2005

Hamilton Board of Selectmen
P.O. Box 429
Hamilton, MA 01936

Dear Members of the Board,

We are writing to inform you that H. 4136, An Act Relative to Establishing an Affordable Housing Trust Fund in the Town of Hamilton, was signed into law by Governor Mitt Romney on September 23, 2005. It now becomes Chapter 97 of the Acts of 2005.

We have enclosed for your review a copy of the law as well as a chronological summary of the bill's journey through the legislative process. We want to thank you for your advocacy on behalf of this proposal and look forward to working with you as we move forward on your other proposals now being considered by the Legislature.

As always please feel free to contact us if we can be of further assistance to you.

Sincerely,

A handwritten signature in cursive script that reads "Brad".

Bradford R. Hill
State Representative
4th Essex District

Sincerely,

A handwritten signature in cursive script that reads "Bruce".

Bruce E. Tarr
Minority Whip
Massachusetts State Senate

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Five

AN ACT PROVIDING FOR AN AFFORDABLE HOUSING TRUST FUND IN THE TOWN OF HAMILTON.

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. 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 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 Affordable Housing Trust Fund shall be used for low or moderate income housing as defined in section 20 of chapter 40B of the General Laws. The fund 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 nonresidential 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; and
- (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 of Hamilton at the annual town meeting and approved by the town meeting.

The allocation plan may be amended by the town meeting at a 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 Affordable Housing Trust Fund, all monies received by the town from the following sources 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 by-law, if the town votes to adopt one;

(b) funds authorized by town meeting for community housing purposes under chapter 44B of the General Laws, if the town votes to accept sections 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; and

(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 subject to section 16 of chapter 30B of the General Laws, unless exempt under section 1 of said chapter 30B or under any 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 term 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 nonprofit 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 Affordable Housing Trust 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.

House of Representatives, September 15, 2005.

Passed to be enacted,

Paul Donato, Speaker.

In Senate, September 15, 2005.

Passed to be enacted,

F. E. ..., President.

September 23, 2005.

Approved, at 11:42 AM

M. H. ...
Governor.

House, No. 4136

Presented by: Representative Bradford Hill

Petition of Bradford Hill (by vote of the town) relative to establishing an affordable housing trust fund in the town of Hamilton.

06/06/05 H Referred to the committee on Housing -HJ 353
06/15/05 S Senate concurred -SJ 472
Public Hearing date Jul 26 am at 10:00 in Room B-2
08/04/05 H Bill reported favorably by committee and referred to the committee on House Steering, Policy and Scheduling -HJ 567
08/18/05 H Committee reported that the matter be placed in the Orders of the Day for the next sitting
08/18/05 H Rules suspended
08/18/05 H Read second and ordered to a third reading -HJ 585
09/01/05 H Read third and passed to be engrossed -HJ 604
09/06/05 S Read; and placed in the Orders of the Day for the next session -SJ 785
09/12/05 S Taken out of the Orders of the Day
09/12/05 S Read second, ordered to a third reading, read third and passed to be engrossed -SJ 790
09/15/05 H Enacted
09/15/05 S Enacted and laid before the Governor

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