

To: Betty Gallo and members of the Housing Authority

Monday, January 20, 2025

I am writing to weigh in on the next steps regarding the 181 project. I have followed the Housing Authority meetings that addressed the 181 project for several years, however, I was not involved until after the second Barnstable Superior Court decision where it was judged that the project put an abutter in harm's way.

I will respond first to some of the ideas that were listed in the Housing Authority Packet for January 13 meeting.

Let me begin with the buildability of the site. The term "unbuildable" is not a legal term and usually applies to a parcel of land that cannot be built upon because of zoning restrictions. Zoning, in this case does not prevent building homes on the site, but the question is whether it is actually reasonable to consider it a buildable site when financially it appears to be unrealistic and overly complex, such that funds would be better directed elsewhere. When I have referred to this site being unbuildable I was referring to whether it was feasible and reasonable fiscally. A great deal of information was revealed during the past decade since the property was purchased by the town as to what would be required to build safely for both the potential future home owner(s) and abutters. Legal and consulting costs from before cannot be recovered.

Given that, I will share my thoughts about the ideas presented.

There are four ideas that I believe all leave me with the same response. Those four ideas are:

- Hire someone to build at least one affordable house on the site.
- Sell the site to a developer with an affordable housing rider.
- Sell the site without such a rider.
- Give the land to a family who meets the affordable housing guidelines so they could build their own home.

Habitat for Humanity, a not-for-profit organization that specializes in cost effective home building is able to provide free labor towards building their homes. Habitat often says that designing for and building on challenging pieces of land is their strength. If Habitat could not find an affordable way to build three houses on this property after a decade of consulting and designing, how will someone else do this? Habitat, early on, made a deliberate decision to build three houses on this site due to the economy of constructing multiple houses that would share common costs of the project. This was particularly important given (a) the very large expense that would be required to bring a long driveway over steeply sloped topography to the proposed home site and (b) the need for quite substantial retaining walls to protect multiple abutters due to the steepness of the site and the risks of a catastrophic washout (harmful to both property owner(s) and one or more abutters).

I think everyone agrees that this is a very difficult site on which to build. It is not logical to me to call this "a buildable lot", when such a building process would not be financially feasible to anyone meeting affordable housing eligibility who might be interested. Given no limit on costs, this property could be used to build a house, a duplex or three houses for affordable housing. However, the experience and knowledge gained during the past 10 years, and more so during the last two years, leads me to conclude that due to the poor soils, and steep slopes that building on almost any other Truro property would be more cost effective including the purchase price (excluding waterfront or water view lots). I think one way of assessing whether this is realistically a buildable lot would be to review Town records and estimates and determine how much over normal costs would the necessary infrastructure requirements be to make this property safe for all parties (something that a superior court judge who reads the history of this property would approve). Then compare that to the price of a decent quality building lot in Truro (on which multiple houses might be an option). If the mitigating costs exceed the price of good property, then why would one spend the money here on a property that has potential for high liability in the case of a severe storm?

Finally, I want to address some legal ramifications of selling this property. Massachusetts law requires that licensed real estate agents are required to disclose any problems with a property that are not able to be seen that could affect its value. Under Massachusetts consumer protection regulations governing licensed real estate brokers, a

broker must disclose to a buyer *“any fact, the disclosure of which may have influenced the buyer or prospective buyer not to enter into the transaction.”* It also states that half-truths are not acceptable. Obviously, this would need to be disclosed to the listing real estate office by the town. I would assume it would also need to be disclosed to an assessor in order to get a reasonably accurate assessment.

The town would need to talk to legal counsel for confirmation of exactly what would need to be disclosed, but I believe that both ethically and legally the following would need to be disclosed:

1. There have been documented drainage problems affecting this property or adjacent properties
2. There have been documented soil movement problems on this property
3. Other things that may materially and adversely affect the value or desirability of the property include
 - a. Problems with slope and drainage both at possible house site and on needed driveway from Rte 6
 - b. Need for significant remediation to reduce the possibility of liability for washout of abutters' and new property owners' properties, both during construction and long term.
 - c. The results of both court cases in which the Town of Truro and Habitats plans failed to meet requirements of the law to protect an abutter, despite multiple attempts before and since.
 - d. Any concerning results of the engineering firm study commissioned by the town.

The next idea presented was:

- Donate the site to the Conservation Trust or swap land with the Trust.

I can not speak to what interest the Conservation Trust would have in this property, but it does fit into the ideas that Paul Wisotzky shared at the 1/13/25 meeting to be able to use the 181 site for leverage and not necessarily for an actual building site. I would support this approach.

Here are two more ideas:

- Sell the property to one or more adjacent land owners as a buffer zone/extension to their property.

The town would need to determine the real market value of the land. It would be critical to share with an appraiser information that any future buyer might need to know or that any real estate agent would legally need to answer if asked a direct question by a potential buyer. Otherwise any appraised value would not take into account all the conditions of the property and would not reflect true market value. In my opinion, it is likely not that anyone would choose to build on this property if they understand the breadth of site work that will be required. If the value is low as I expect it will be, then perhaps adjoining land owners would be interested in purchasing the land as a buffer zone. I have not spoken to any of the abutters about whether they would have interest in this, but this seems like a way the town could recover a small part of the overall expense so far. Remember, the money that needs to be paid back to CPC is not new money the town is spending, but rather refunding money back to CPC because of an inadequate or inferior site selection process and ultimate decision made by leaders of the Town a decade ago.

- (2nd new idea) Approach CPC to see if the money that would be owed to them could be redirected to the Walsh property or something else. Has anyone inquired about this possibility?

In conclusion, I feel that it does not make sense to keep pouring good money into the 181 site project. These are resources that we can use for other affordable housing. That some Housing Authority board members would “like to see something happen” on this land, is in itself not justification for continuing. We have needs for more housing, but sometimes, to use a metaphor, one needs to fold one's hand and wait for better cards to put one's money on. I appreciated Paul's comment that this is very complex and that complexity does not result in quick solutions. I would hope that CPC would let you redirect the funds into a different project. The town can certainly show they made a good effort to get this done.

Thank you for your deliberate and transparent approach to addressing the next steps on this property.

Steven Stahl
Full time resident of Truro

TRURO HOUSING AUTHORITY MEETING MINUTES

Date: January 13th, 2025 Time: 5:00 PM

Location: Truro Town Hall, 24 Town Hall Rd

Recording: This Meeting was recorded and is available on the Town Website

1. Call the Meeting to Order: The meeting was called to order at 5:00 PM.

2. Roll Call

Betty Gallo, Chair

Mara Glatzel, Vice Chair

Kevin Grunwald, Member

Paul Wisotzky, Governor's Appointees

Melissa Wheeler, Clerk

3. Public Comment

Steve Stahl, Truro resident, and voter, expressed a desire for the mission and vision of the Housing Authority to include protecting citizens and property owners.

Brenda Connors, Truro resident and property owner abutting 181 Route 6, expressed her desire to see the land used for purposes other than affordable housing and offered to be an ally to the Housing Authority.

4. Vote to Adopt the Minutes of Truro Housing Authority's Meetings on December 11, 2024

Correction: Melissa Wheeler, Clerk, not Secretary.

The minutes were adopted with the above correction.

5. 181 Route 6 - Update and Committee Discussion on Path Moving Forward

It is anticipated that 181 Route 6 will be returned to Truro Housing Authority, and Habitat for Humanity Cape Cod will be released, in the near future. Habitat requested to be released from their deed since the price of building the design proposed was higher per unit than their organization's guidelines. There was a discussion about options for 181 Route 6 which included selling the property, building fewer units, etc.

6. Truro Housing Authority Goals Update

- **Cloverleaf:** Financial closing on December 29th, 2024. Construction start date has not yet been scheduled. A workshop will be held for interested applicants to complete their preliminary applications and utilize resources for the Cloverleaf lottery.
- **Municipal Affordable Housing Trust Study:** Is ongoing and the committee will receive an update at the next meeting.
- **Creation of Scattered Site Affordable Housing:** THA continues to discuss possibilities. We will continue to do research and utilize the DPW inventory of town-owned land: A work session will be scheduled to discuss findings and next step of action.
- **Seasonal Communities Act:** Connect with local members from the Seasonal Communities Advisory Council to discuss regulations, definitions, etc. related to local implementation of the Seasonal Communities Act.

7. Report on Zoning Task Force

Discussion on the Walsh-Truro Motor Inn Overlay District, which introduces additional regulations or standards without altering the underlying zoning.

8. Discussion of Listening Session on MAHT-There was a discussion of outreach and agenda for the session.

9. Vote to Adjourn

Moved by Paul Wisotzky

Seconded by Kevin Grunwald

Vote: All approved

The meeting was adjourned at 6:25 PM.

Next Meeting: Thursday, February 13th, 2025, from 5:00 - 6:30 PM (Select Board Chamber)

Respectfully submitted,

Melissa Wheeler, Clerk

NOTE CHANGES:

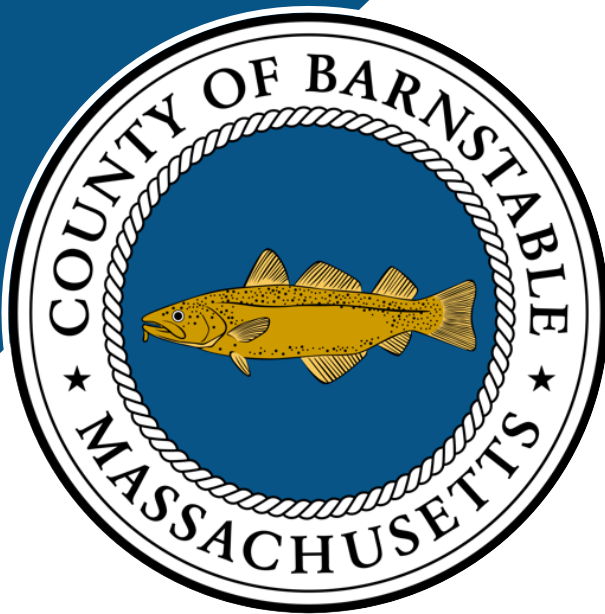
**DATES FOR TRURO HOUSING AUTHORITY MEETINGS, WORK
SESSIONS**

Feb. Reg meeting -- Thurs, Feb 13th from 5 - 6:30 pm [Select Board
Chambers]

THA work session-- Thursday, Feb 27th from 5 - 7 pm
[Select Board Chambers]

THA Work Session -- Mon, March 3 1-3 pm [Select Board Chambers]

Barnstable County Shared Regional Housing Services SUMMARY OF HOUSING TRUSTS



Prepared by Barrett Planning Group LLC for
Barnstable County Department of Human Services
October 2024



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Municipal Affordable Housing Trusts (MAHT)

Under Chapter 44, Section 55C of the Massachusetts General Laws, cities and towns can establish a local affordable housing trust through their legislative body.^{1,2} Such trusts are intended **“to provide for the creation and preservation of affordable housing in municipalities for the benefit of low and moderate income households and for the funding of community housing, as defined in and in accordance with the provisions of chapter 44B”** (i.e. the Community Preservation Act, or CPA).

While the MAHT statute does not define “low- and moderate-income,” existing programs and statutes typically define such households as those with incomes up to 80 percent of the Area Median Income (AMI) based on income limits established by the US Department of Housing and Urban Development (HUD). The CPA statute defines low-income housing as affordable to households with incomes up to 80% AMI, and moderate-income housing as affordable to households with incomes up to 100% AMI.

The table below summarizes the statutory framework for municipal affordable housing trusts (MAHTs) in Massachusetts, although towns can petition the legislature to establish alternative trusts outside of this framework.

MGL c. 44 § 55C: Overview

Subsection (a) establishes purpose of a Municipal Affordable Housing Trust (MAHT)

- Municipalities can adopt MGL c. 44 55C to establish a MAHT
- Purpose: to provide for the creation and preservation of affordable housing for benefit of low- and moderate-income households and for funding community housing
- Community housing is defined in accordance with the provisions of MGL c. 44B (Community Preservation Act), which provides for housing up to 100% AMI

Subsection (b) specifies membership requirements for MAHT Board of Trustees

- MAHT must be governed by a Board of Trustees of at least five (5) members
- Board must include chief executive officer of municipality (i.e. Mayor in a city, or Select Board in a town unless other municipal office is locally designated as CEO)
- If Selectboard is chief executive officer, at least one member must be on MAHT
- Member term not to exceed two years
- Members are designated as public agents
- Town Manager or Town Administrator is permitted to be member, with or without voting powers

¹ [Chapter 491 of the Acts of 2004](#), signed into law in 2005 as [MGL c. 44 § 55C](#).

² Town Meeting serves as the legislative body for all Barnstable County towns except the Town of Barnstable, in which a thirteen-member elected Town Council serves this role.

MGL c. 44 § 55C: Overview

Subsection (c) defines MAHT powers

- Municipality can omit or modify any listed powers in subsection (c) and can grant additional powers consistent with this section. In a nutshell, subsection (c) allows the MAHT to:
 - Accept and receive property or money by gift, grant, etc.
 - Purchase and retain property
 - Sell and lease property
 - Employ and pay advisors
 - Borrow money and mortgage or pledge trust assets as collateral
 - Manage or improve property
 - Exercise various accounting and fund administration capabilities³

Under Section 170(c)(1) of the Internal Revenue Code, charitable donations made to a governmental unit are tax-deductible if made for a public purpose.

Subsections (d) through (j) cover other miscellaneous provisions

- Once awarded to the MAHT, funds do not need to be further appropriated and remain property of the MAHT until expended (d)
- The MAHT is a public employer (e), municipal agency (f), governmental body (i), and municipal board (j), and is tax-exempt (g)
- MAHT members are considered public employees (e) and special municipal employees (f)
- Trust records must be audited annually by an independent auditor (h)

³ Massachusetts Housing Partnership, *2018 Municipal Affordable Housing Trust Guidebook*, p.16. Available at https://www.mhp.net/assets/resources/documents/MAHTGuidebook_2018.pdf

Summary of Trusts

Currently, all communities in Barnstable County except the Town of Sandwich have adopted some form of a municipal affordable housing trust, although not all of these trusts have been established under MGL c. § 55C. The following summary provides an overview of each trust by town based upon publicly available information from each town's website, the Barnstable County Registry of Deeds, and the Massachusetts Legislature.

While reasonable efforts have been made to ensure this summary is accurate and up to date as of October 2024, it may not be complete and does not constitute an official or legal description of any municipal board or governmental body. Please report any errors or missing information to Alexis Lanzillotta at Barrett Planning Group at alexis@barrettplanningllc.com.

Barnstable Affordable Housing/Growth and Development Fund

Powers

- Generally aligned with MGL c. 44 § 55C(c)
- Also authorized to “promote sound and prudent economic development”

Membership

Five members, including:

- Town Manager
- Four other Trustees appointed by Town Manager. Trustees **may** include two town employees (which may include the Assistant Town Manager and Finance Director); an individual with expertise in affordable housing development; and an individual with expertise in sound and prudent economic development.

Funding Sources

- The Trust originally funded with a **\$1M inclusionary zoning fee-in-lieu payment**
- Primarily **CPA funds** since the original \$1M payment

Authorization & Documentation

- Town Code (§ 241-47.1.B(u)) authorizes Town Manager to appoint a Board of Trustees to administer provisions of MGL c. 44, § 55C
- Board's [Rules and Regulations](#), most recently updated in 2022, define the Board's goals and priorities for funding allocations
- Has issued [Notices of Funding Availability \(NOFAs\)](#) outlining eligible activities and funding caps, evaluation criteria, and other program specifics
- Declaration of Trust recorded with the Registry of Deeds in 2013 (Bk:Pg: 27082-125) and amended in 2020 (Bk:Pg: 33417-298)

Bourne Affordable Housing Trust

Powers

Generally aligned with MGL c. 44 § 55C(c) except:

- Real property transactions require 2/3 vote of Trustees
- Trustees can only borrow up to 80 percent of total value of Trust's assets

Membership

- Five members appointed by Select Board
- 2010 amendment to Declaration of Trust replaced requirement for Select Board member with Town Administrator (*Website still says one member is from Select Board*)

Funding Sources

- Primarily **CPA funds**

Authorization & Documentation

- Town voted to accept MGL c. 44 § 55C at **2008 ATM by Article 22**
- Declaration of Trust recorded with Registry of Deeds in 2009 (BK:Pg: 24049-173) and amended 2010 (Bk:Pg: 24298-307)

Brewster Affordable Housing Trust

Powers

Generally aligned with MGL c. 44 § 55C(c) except:

- Real or personal property transactions or loans over \$50,000 must first be approved by Select Board
- Additional responsibilities include issuing policy goals and statements to serve as guidelines for the Trust

Membership

Seven-member board, including:

- Two residents at large
- Town Administrator or designee (staff or resident)
- One member from each of the following:
 - Select Board
 - Brewster Housing Partnership
 - Community Preservation Committee
 - Planning Board

Funding Sources

- Primarily **CPA funds**
- Additional funds via **free cash** from Town of Brewster, including **50 percent** of the estimated annual revenue from the Town's **Room Occupancy Tax**. Since the policy's adoption in 2021 through FY24, **\$1,125,000 of STR revenue** has been allocated to the Brewster AHT.

Authorization & Documentation

- **Chapter 18 of General Bylaws**, "Affordable Housing Trust Fund," adopted at **2018 STM (May) by Article 7**
- [Chapter 375 of the Acts of 2018](#) repealed [Chapter 16 of the Acts of 2006](#), which established an Affordable Housing Fund, and authorized transfer of all funds to newly-established Trust
- [Program Guidelines and Funding Application](#) (updated in 2023) describes eligible activities, monitoring and compliance, selection criteria, and other program specifics
- Declaration of Trust recorded with Registry of Deeds in 2018 (Bk:Pg: 31649-340)

Chatham Affordable Housing Trust Fund Board of Trustees

Powers

Generally aligned with MGL c. 44 § 55C(c)

Membership

Seven-member board, including:

- Two members of Select Board
- One member of the Community Housing Partnership
- Remaining four members from community at large considering expertise
- Note: This was amended by ATM 2023, Article 40 – previously all Select Board members were on the AHT, with two additional members appointed by the SB

Funding Sources

- **CPA funds**
- Funds from developers under the **inclusionary zoning bylaw** (Section VII(B), 2.1 - Affordable Dwelling Units, Mandatory Provision)
- [Chapter 121 of the Acts of 2024](#) reallocates the **Town's Room Occupancy Tax** to set aside 1% to a newly created **Attainable Housing Special Revenue Fund** (and 1% to Chatham Elementary School Special Revenue Fund). **However**, the Chatham AHT Board does not act as the Board of Trustees for this newly-created fund. A separate bill to establish a new Chatham Housing Trust authorized to fund housing up to 200% AMI has not yet been approved by the legislature.

Authorization & Documentation

- **Chapter 10, Section 10-5 of General Bylaws**, "Affordable Housing Trust Fund," adopted at **2006 ATM by Article 16**
- [Housing Guidelines and Application Package](#) (approved in 2019) lists priorities, principles, eligible activities, and funding guidelines

Dennis Affordable Housing Trust Fund

Powers

Generally aligned with MGL c. 44 § 55C(c) except:

- Requires Select Board approval to handle property transactions (buying, selling, leasing, etc.), constructing, managing, or improving property
- Borrowing funds requires Select Board and Finance Committee approval
- Trust has additional responsibilities – i.e. tasked with assisting with development of Housing Production Plans and Local Comprehensive Plans, acting as lottery and monitoring agent, employing housing initiatives, et al.

Membership

Seven-member board appointed by Select Board

Funding Sources

- Primarily **CPA funds**

Authorization & Documentation

- Chapter 19, Article VII (“Affordable Housing Trust Fund”) of General Bylaws originally adopted at **Sept 2006 STM by Article 27**, and **amended in its entirety at Nov 2012 STM by Article 6**
- Declaration of Trust recorded with Registry of Deeds in 2013 (Bk:Pg: 27447-168)

Eastham Affordable Housing Trust

Powers

Generally aligned with MGL c. 44 § 55C(c)

Membership

- Five-member board appointed by Select Board
- One member must be a Select Board member

Funding Sources

- CPA funds
- In 2022 the Town adopted Section 7.7 of the Zoning Bylaw, “Inclusionary Zoning Special Permit” (**2022 ATM by Article 11A**). This bylaw includes an option for an **inclusionary fee-in-lieu payment** whereby the developer can contribute payment to the AHT instead of providing the required affordable/workforce housing units.

Authorization & Documentation

- Adopted at **2008 ATM by Article 32**
- Declaration of Trust recorded with Registry of Deeds in 2009 (Bk:Pg: 24172-260)
- [Affordable Housing Trust Program Guidelines](#), adopted in 2018, outline the Trust’s guiding principles, eligible activities, application process, selection criteria

Falmouth Affordable Housing Fund

Powers

- Established through a Special Act in (Chapter 29, Acts of 2011) rather than under MGL c. 44 § 55C
- Select Board, as Trustees, is able to:
 - Accept and receive real property, personal property, or money into fund
 - Grant or loan funds as Trustees deem appropriate for promotion, expansion, and retention of affordable housing
- Falmouth's Special Act does not refer to "low- and moderate-income housing" or "community housing," which have specific regulatory meanings. Thus, the Falmouth AHF can support housing for incomes over 100% AMI depending on funding source.

Membership

Select Board acts as the Fund's Trustees

Funding Sources

- **CPA funds**
- Per FY2025 Budget -- either 1/6 of **Rooms Excise Tax Revenue** (6% for Falmouth) as approved by **Article 15 of Nov 2021 ATM** or \$850,000, whichever is greater
- **Community Impact Fee** (3% for professionally-managed STR units) approved by **Article 16 of Nov 2021 ATM**, with all revenue going to the FAHF

Authorization & Documentation

- Adopted at **2010 ATM by Article 31**
- Established in 2011 through special legislation ([Chapter 29 of the Acts of 2011](#))
- Board's [Funding Allocation Guidelines, Funding Priorities](#) (60-120% AMI first priority, 30-60% AMI second priority, 120-140% AMI third priority), and [Application and Review Process](#) documents outline the policies for reviewing applications and awarding funds, which can go over 100% AMI depending on source

Not to be confused with the Falmouth Housing Trust, a nonprofit organization established in 1986 as a Community Development Corporation (CDC)

Harwich Affordable Housing Trust Fund

Powers

Generally aligned with MGL c. 44 § 55C(c) except:

- Property acquisitions and depositions must be reported to Select Board
- Trust to work with Harwich Housing Committee to develop an affordable housing plan to be updated annually and presented to Select Board

Membership

- Five members appointed by Select Board
- Members include Town Administrator or designee and one member of Select Board

Funding Sources

- Primarily **CPA funds**
- **Cell tower revenue**
- [Chapter 476 Acts of 2008](#), An Act Authorizing the Establishment of an Affordable Housing Fund in the Town of Harwich, established a fund supported by cell tower revenue, proceeds from sale of specific parcels of land, and other sources. *(Unclear what status of fund is, if it was used prior to 2018, or if reserves were transferred to trust established in 2018.)*

Authorization & Documentation

- **Chapter 140 of General Bylaws**, “Affordable Housing Trust,” adopted at **2018 ATM by Article 40**
- Declaration of Trust recorded with Registry of Deeds in 2018 (Bk:Pg: 31507-293)

Mashpee Affordable Housing Trust

Powers

Generally aligned with MGL c. 44 § 55C(c)

Membership

Nine members, including:

- Select Board
- Four additional members appointed by Select Board

Funding Sources

- Primarily **CPA funds**

Authorization & Documentation

- **Chapter 3, Article XIII of General Bylaws**, “Town of Mashpee Affordable Housing Trust Fund,” adopted (*amended?*) at **2006 ATM by Article 16**
- Declaration of Trust recorded with Registry of Deeds in 2019 (Bk:Pg: 31779-31)

Orleans Affordable Housing Trust Fund

Powers

Generally aligned with MGL c. 44 § 55C(c) except:

- Requires Select Board approval to handle property transactions (buying, selling, leasing, etc.), constructing, managing, or improving property; borrowing or merging funds, disposing of property, etc.

Membership

- Between seven and nine members appointed by Select Board
- At least one member must be member of Select Board

Funding Sources

- **CPA funds**
- [Chapter 471 of the Acts of 2004](#) authorized the Town to issue **bonds for affordable housing**. (*Status/subsequent actions unclear.*)
- 2018 ATM, Art. 35: Approved an **override (\$275,000)** to fund the newly established Affordable Housing Trust Fund Board
- 2023 ATM, Art. 31: Approved another **override (\$275,000)** to fund the Affordable Housing Trust Fund Board
- From 2018 to 2023, Town Meeting has approved a total of \$1,875,000 in funds for the Trust.

Authorization & Documentation

- Current **Chapter 104 of General Bylaws**, “Affordable Housing Trust,” adopted at **2018 ATM by Article 33**, which replaced previous bylaw adopted at 2000 ATM by Article 28
- [Chapter 318 of the Acts of 2018](#) repealed former Affordable Housing Trust Fund established by [Chapter 260 of Acts of 2000](#) and authorized transfer of all funds to newly-established Trust
- Declaration of Trust recorded with Registry of Deeds in 2019 (Bk:Pg: 31813-229)

Provincetown Affordable Housing Trust Fund

Powers

- Per [Chapter 230 of the Acts of 2002 --](#)
 - Fund can be used for:
 - Creation, preservation, and support of affordable housing
 - Rehabilitation or restoration of land acquired by town for affordable housing, including reuse of existing buildings or new construction
 - Defraying cost of hiring of affordable housing specialist
 - Funds can be used by:
 - Provincetown Housing Authority
 - CDC or Trust established under commonwealth
 - Applicant for funds for HUD, EOHLC, or HOME Consortium program funds for affordable housing
- Town practice is to adhere to 80% AMI unless CPA funds are used, which can go up to 100% AMI, while the Town's Market Rate Rental Fund has been used for higher income levels

Membership

- Administered by Provincetown Community Housing Council (*Unclear of membership structure of PCHC*)

Funding Sources

- **Inclusionary zoning** fees
- 25% of proceeds generated by **sale of tax title properties**
- [Chapter 43 of the Acts of 2000](#) authorized the Town to utilize funds (not to exceed 10%) received under [Chapter 293 of the Acts 1998](#) (**Open Space Land Acquisition Program**) for affordable housing
- [Chapter 387 of the Acts of 2022](#) allocated 30% of the **Room Occupancy Excise Tax** and 100% of the **Community Impact Fee** (3% for professionally-managed STR units) to any "duly established affordable or community housing trust fund" at the discretion of the Select Board

Authorization & Documentation

- Adopted at **April 2001 STM by Article 6** and established by [Chapter 230 of the Acts of 2002](#)
- Amended by [Chapter 83 of the Acts of 2008](#) to authorize the Provincetown Community Housing Council to vote on expenditures rather than the Provincetown Housing Authority

Provincetown Year-Round Market Rate Rental Housing Trust

Powers

- Specific powers similar to MGL c. 44 § 55C(c), provided actions relate to Trust's purpose of **creating and preserving year-round rental units, including market rate units**, for benefit of residents of the town
- Town currently owns and operates 28 year-round rental units for households with incomes between 80% AMI - 200% AMI

Membership

- Five members, one of which is a Select Board member and one member of public at large, preferably resident who lives in year-round rental housing
- Three-year term following initial appointments
- *(Unclear if Community Housing Council has a role)*

Funding Sources

- Initial funding through **Town Meeting appropriation**
- Revenue from sale or lease of trust property and any **rental revenue** from trust property

Authorization & Documentation

- Adopted at **2015 ATM by Article 23** and established by [Chapter 305 of the Acts of 2016](#)

Truro Affordable Housing Trust

Powers

- Town has accepted MGL c. 44 § 55C (ATM 2022, Article 34) but does not appear to have established a Declaration of Trust or local bylaw refining the Trust's powers

Membership

- Currently the Trust Fund is overseen by the Select Board
- Town has accepted MGL c. 44 § 55C (ATM 2022, Article 34) but does not appear to have established a Declaration of Trust or local bylaw refining the Trust's membership

Funding Sources

- Primarily **CPA funds**
- [Chapter 310 of the Acts of 2002](#) authorized the Town to utilize funds (not to exceed 10%) received under [Chapter 293 of the Acts 1998 \(Open Space Land Acquisition Program\)](#) for affordable housing
- **Room Occupancy Excise Tax:** 2021 ATM, Article 20, authorized the Town to establish an **Affordable Housing Stabilization Fund** that would automatically receive 33 percent of the Local Room Occupancy Tax.
- For the past three years (2022-2024) Town Meeting has voted to transfer funds from the Town's Affordable Housing Stabilization Fund to the Affordable Housing Trust Fund.
- **Potential source -- Community Impact Fee:** 2024 ATM, Articles 19 and 20, authorized Town to adopt community impact fee of 3% for both professionally-managed and owner-occupied 2- and 3-family units. However, all currently goes to Capital Stabilization Fund (Article 21).

Authorization & Documentation

- Town voted to accept MGL c. 44 § 55C at the **2022 ATM by Article 34**
- However, the Article did not specify that the Town would petition the General Court to replace the previous Affordable Housing Trust Fund established by [Chapter 274 of the Acts of 2002](#) with the newly-formed MAHT. **Status unclear.**

Wellfleet Affordable Housing Trust

Powers

Generally aligned with MGL c. 44 § 55C(c)

Membership

- Between five and seven members appointed by the Select Board
- One member must be member of Select Board
- Majority of trustees must be residents

Funding Sources

- Primarily **CPA funds**
- **Community Impact Fee:** 2022 ATM, Articles 45 and 46, authorized Town to adopt community impact fee of 3% for both professionally-managed and owner-occupied 2- and 3-family units
 - Article 44 authorized Town to establish an **Affordable Housing Stabilization Fund** and allocate 35% of community impact fee
 - Article 45 authorized Town to establish a **Mixed Income Housing Stabilization Fund** and allocate 65% of community impact fee
(Parameters for this fund unknown)

Authorization & Documentation

- **Chapter 25, Article III of General Bylaws**, “Affordable Housing Trust,” adopted at **2021 ATM by Article 44**
- At the 2020 ATM (Article 31) the Town voted to rescind previous Affordable Housing Trust Fund established by [Chapter 352 of the Acts of 2006](#) and replace with a MAHT under MGL c. 44, §55C. *(This Article also tasked the Select Board to petition General Court for special legislation to repeal Chapter 352 of the Acts of 2006. **Status unclear**, as there does not appear to have been a petition filed to date.)*

Yarmouth Affordable Housing Trust

Powers

Generally aligned with MGL c. 44 § 55C(c) except:

- The Select Board member of the Trust shall report to the full Select Board on purchases or sales of real property.
- The Trust is additionally tasked with working with Community Housing Committee to develop affordable housing plan to be updated each year and presented to Board of Selectman

Membership

- Five-member board appointed by the Select Board
- Town Administrator acts as Chair and has a vote

Funding Sources

Primarily **CPA funds**

Authorization & Documentation

- **Chapter 6 of General Bylaws**, “Affordable Housing Trust,” adopted at **2007 ATM by Article 22**
- Declaration of Trust recorded with Registry of Deeds in 2013 (Bk:Pg: 27284-206)

Comparison by Town

Town	Authorized by	Locally Adopted	Exceeds 80-100% AMI?	Other Limits	Included in General Bylaws/ Town Code?	Declaration of Trust recorded with Registry of Deeds?
Barnstable	MGL c.44 §55C	2013 (based on Declaration of Trust)	No		Town Code (§ 241-47.1.B(u)) authorizes TM to appoint a Board of Trustees to administer MGL c.44, §55c. Not separately described in Town Code.	Bk:Pg: 27082-125 Bk:Pg: 33417-298
Bourne	MGL c.44 §55C	2008 ATM (May)	No	Requires 2/3 vote for real property transactions	No	Bk:Pg: 24049-173 Bk:Pg: 24298-307
Brewster	MGL c.44 §55C	2018 STM (May)	No	Requires Select Board approval for transactions over \$50,000	Ch.18 of General Bylaws	Bk:Pg: 31649-340
Chatham	MGL c.44 §55C	2006 ATM (May)	New fund up to 200% AMI -- Ch. 121 of Acts of 2024 -- but fund is not under the Trust		Ch.10, Sect.10-5 of General Bylaws	None found
Dennis	MGL c.44 §55C	2012 STM (Nov)	No	Requires SB approval for transactions	Ch.19, Art.VII of General Bylaws	Bk:Pg: 27447-168
Eastham	MGL c.44 §55C	2008 ATM (May)	No		No	Bk:Pg: 24172-260
Falmouth	Ch.29, Acts of 2011	2010 ATM (Nov)	Yes	Select Board acts as Trustees	No	None found
Harwich	MGL c.44 §55C	2018 ATM (May)	No		Ch.140 of General Bylaws	Bk:Pg: 31507-293
Mashpee	MGL c.44 §55C	2006 ATM (May)	No	Select Board constitutes majority of Trust	Ch.3, Art.XIII of General Bylaws	Bk:Pg: 31779-31
Orleans	MGL c.44 §55C	2018 ATM (May)	No		Ch.104 of General Bylaws	Bk:Pg: 31813-229
Provincetown	Ch.230, Acts of 2002	2001 STM (Apr)	Yes, but at this time each group focuses on different income levels		No	None found
Provincetown	Year-Round Market Rate Rental Housing Trust Fund: Ch.305, Acts of 2016	2015 ATM (Apr)			No	None found for either Trust
Sandwich	N/A	N/A	N/A	N/A	N/A	N/A
Truro	MGL c.44 §55C	2022 ATM (Apr)	No		No	None found
Wellfleet	MGL c.44 §55C	2021 ATM (June)	No		Ch.25, Art.III of General Bylaws	None found
Yarmouth	MGL c.44 §55C	2007 ATM (Apr)	No		Ch.6 of General Bylaws	Bk:Pg: 27284-206 Doc:1,218,410