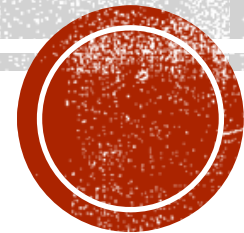


# BUILDING YOUR HOUSING INFRASTRUCTURE: HELPING MULTIPLE HOUSING ENTITIES WORK COLLABORATIVELY



MHP Housing Trust & CPA webinar series, March 16, 2022

Keith Bergman – Concord Municipal Affordable Housing Trust chair.  
Housing Nantucket Board of Advisors. MAPC Immediate Past President.  
Retired municipal manager: Littleton, Provincetown, Scituate, North  
Andover and Nantucket.



# HOUSING ENTITIES COLLABORATING

## Look for opportunities

Housing Production Plan update process and implementation

Master Plan update process and implementation

Coalitions to support major proposals & initiatives

Regular schedule of joint board meetings, with staff support

## Engage with housing entities

Local Housing Authority

Affordable Housing Trust

Community Preservation

Local Housing Partnership

Local Non-Profits & CDCs

Municipal Boards and Staff

Regional/Inter-municipal







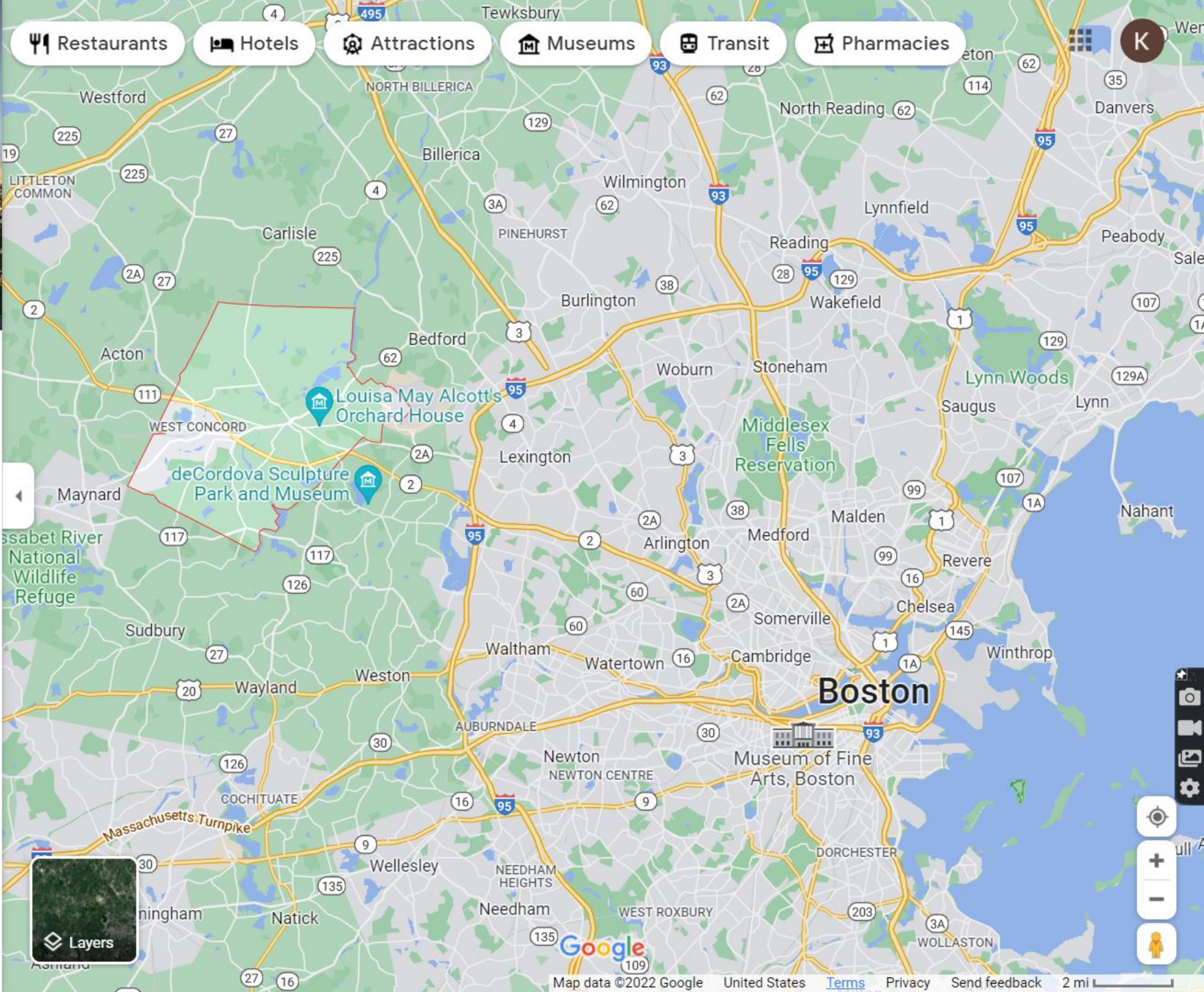
# Concord Massachusetts

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## Quick facts

Concord is a town northwest of Boston, Massachusetts. It's known for the American Revolutionary War sites in Minute Man National Historical Park. A key battle took place at the North Bridge and is commemorated by Daniel Chester French's Minute Man statue. In the 1800s, Transcendentalist poet Ralph Waldo Emerson drafted his essay "Nature" at the Old Manse. He and writer Henry David Thoreau also frequented Walden Pond.





# CONCORD'S HOUSING ENTITIES (PRE-MAHT)

## Concord Housing Authority, 1961

- Operates 228 subsidized units in public housing and Section 8 programs
- Serves more than 375 people

## Concord Housing Foundation, 2001

- Non-profit
- \$1,000,000 in private donations for affordable housing
- Annual funding appeals and special projects

## Community Preservation Committee, 2004

- \$27.1-million appropriated in all CPA categories
- 22% for community housing, per 2020 CPA plan

## Concord Housing Development Corporation, 2007

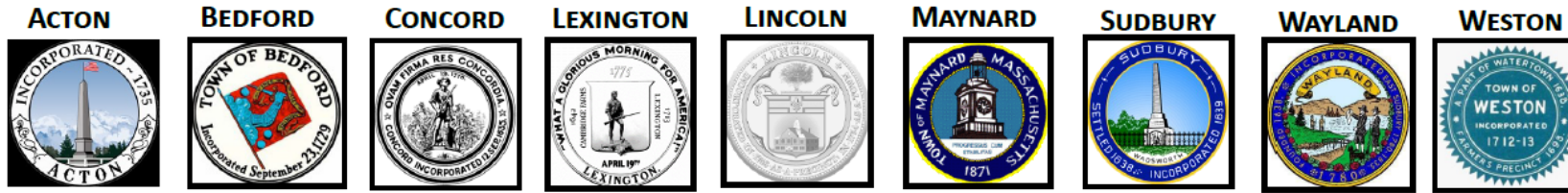
- Non-profit
- 83 affordable units at Christopher Heights at Junction Village
- Assabet River Bluff housing/open space land acquisition

## Regional Housing Services Office, 2011

- Inter-municipal agreement to serve member towns and assist residents
- Proactive monitoring, program administration, project development

- CHA, CHF, CHDC convened quarterly by RHSO as the **Concord Housing Roundtable**

# REGIONAL HOUSING SERVICES OFFICE, *ESTABLISHED 2011*



Member Towns receive housing services for an annual fee per Inter- Municipal Agreement:

- Monitoring
- Inventory Management
- Program Development and Administration
- Assessment Valuations
- Local Support (Studies, analysis, feasibility, project review)
- RHSO Website
- Regional Collaboration



RHSO Personnel deliver services through Lead Community.

Membership Fee covers :

- Staffing
- Administrative expenses
- Accounting
- Office support
- Mail
- Technology
- Other

Member Town Statistics (FY21)				
	Housing Units	Restricted/SHI Units	Restricted Ownership	SHI%
Acton	8,475	657	70	7.75%
Bedford	5,322	981	61	18.43%
Concord	6,852	721	71	10.52%
Lexington	11,946	1334	100	11.17%
Lincoln	2,130	298	59	13.99%
Maynard	4,430	401	6	9.05%
Sudbury	5,921	669	37	11.30%
Wayland	4,957	330	57	6.66%
Weston	3,952	149	11	3.77%
	53,985	5,540	472	10.26%



# CONCORD CHAPTER 40B S.H.I STATUS

- Concord currently exceeds the 10% affordable housing goal under Chapter 40B:

	<b>713</b>	<b>Countable units on Subsidized Housing Inventory</b>
<i>divided by</i>	6,852	Total year-year housing units per 2010 U.S. Census
<i>equals</i>	10.41%	S.H.I. percentage

- Concord hopes to remain above 10% when 2020 U.S. Census figures kick as the new denominator.

	<b>713</b>	<b>Countable units on Subsidized Housing Inventory</b>
<i>divided by</i>	7,101	ACS 2019 as estimate for 2020 U.S. Census
<i>equals</i>	10.04%	S.H.I. percentage estimate

- Once building permits are issued for Christopher Heights/Junction Village later this year, some 83 countable units will be added to the numerator.
- But Concord's housing needs go beyond its 10% goal under Chapter 40B



# PATH TO CMAHT

2017:

ATM voters petition to establish **Affordable Housing Funding Cte**

2019:

TM approves **AHFC** plan for funding - **MAHT statute**, home rule petitions to fund trust, first \$500K appropriation

2019-20

Select Board appoints **Affordable Housing Trust Study** to draft bylaw

2020:

ATM adopts **CMAHT Bylaw**, AG approves 2021; second \$500K ap

2021:

**Concord Municipal Affordable Housing Trust** established & appointed; third \$500K appropriation

2022:

**CMAHT** interim policy guidelines adopted by Trustees, approved by Select Board

# AFFORDABLE HOUSING FUNDING PLAN, 2019

- “Concord needs predictable, sustainable revenue sources so that funds are **readily available when affordable home opportunities arise**. Much of the development of affordable homes is opportunistic, occurring when a suitable property becomes available. Without the **necessary funds to act quickly**, valuable opportunities could be missed.”

*-Affordable Housing Funding Committee*



# AFFORDABLE HOUSING TRUST FUNDING PLAN

*Approved by 2019 Town Meeting Voters . . .*

- **Accept MGL c.44, s.55C to authorize MAHT in Concord**
  - Select Board appointed **Affordable Housing Trust Study Committee** to draft CMAHT Bylaw for 2020 ATM approval
- **File home rule petitions for dedicated funding for Trust: real estate transfer fee & building permit surcharge**
  - Affordable Housing Funding Plan estimated \$2.6-million per year
  - Both bills still pending in state legislature, reported out favorably by committee, 2022
- **Approve interim funding of \$500,000**
  - \$500,000 also approved by 2020 & 2021 ATMs; requested for 2022

# AFFORDABLE HOUSING TRUST BYLAW

*Approved by Town Meeting, September 2020; by AG in 2021*

- *Affordable Housing Trust Study Committee: “The Concord Municipal Affordable Housing Trust complements the Town’s existing affordable housing efforts, entities and programs, and can act quickly when affordable housing opportunities arise.”*
- *Select Board appoints 5-7 Trustees. 1 must be from Select Board; Town Manager can also be appointed. Currently: 5 trustees, including Interim Town Manager*
- *Select Board approval needed for Trust to borrow money; mortgage or pledge trust assets; purchase, accept, sell, lease, exchange, transfer, abandon, convey interest in real, personal, mixed property; amend Trust.*
- *Bylaw directs Trustees to “develop policy goals and statements, consistent with the Town’s adopted housing goals, and subject to approval by the Select Board, to serve as guidelines for the Trust.”*

# CONCORD MAHT BECOMES OPERATIONAL

- Concord Municipal Affordable Housing Trust (CMAHT) Board of Trustees convened and organized, September 2021
- CMAHT approved **Declaration of Trust** document & recorded at Middlesex Registry of Deeds, November 2021
- Select Board transferred oversight of **cumulative \$1.5-million** town meeting appropriations to Trust, December 2021
- CMAHT requested additional \$500,000 appropriation, either from **town meeting or ARPA funds**; approved \$650,000 towards Assabet River Bluff project, January 2021
- Concord's home rule petitions for **real estate transfer fee, building permit surcharge** favorably reported out by legislative committee, second readings in State Senate

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*The **Local Option for Housing Affordability (“LOHA”) Coalition** is working to create and support affordable housing with a **Real Estate Transfer Fee***





# CMAHT POLICY GUIDELINES PROCESS

- **Identify Town's Housing Goals – Oct. '21**
  - 2018 Envision Concord master plan, 2015 Housing Production Plan, CPC funding guidelines – per RHSO
- **Housing Stakeholder meetings, input – Nov. '21 to Feb. '22**
  - Housing Roundtable, Nov '21; CHA, CHF, CHDC joint meetings Dec '21
- **Interim set of guidelines approved by Select Board – Mar. '22**
  - Interim based on current annual funding levels
- **Guidelines to be updated later for the long-term**
  - when dedicated funding sources implemented, and Housing Production Plan is updated (late 2022 / early 2023)

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# CMAHT INTERIM POLICY GUIDELINES

Attached reference document: Low and Moderate income limits (% of AMI) by program/funding source

Reference Document:

Low and Moderate Income Limits (% of Areawide Median Income) by Program/Funding Source

Program/Funding Source	Low Income	Moderate Income	Note/Reference
Municipal Affordable Housing Trust statute – per Massachusetts Housing Partnership's 2018 MAHT Guidebook	See Note	See Note	MHP 2018 MAHT Guidebook p. 27: "The trust statute <a href="#">[M.G.L. C.44, s.55C]</a> does not include definitions for key terms such as . . . 'low- and moderate-income.' A trust can consult existing programs and statutes in the state to adopt definitions for terms. . . . Each funding source has restrictions and requirements for uses of funds. Certain programs and projects may not be eligible under all funding programs. It will be particularly important to secure funds from sources that will enable the housing trust to accomplish its priority initiatives. Once funds are secured, particularly if secured from multiple sources, the board of trustees will need an accounting system that tracks revenue by original funding source."
Community Preservation Act (CPA) <a href="#">community housing</a>	80% of AMI	100% of AMI	As defined in <a href="#">M.G.L. C.44B, s.2</a>
Comprehensive Permit Law <a href="#">M.G.L. C.40B, ss.20-23</a> Subsidized Housing Inventory (SHI)	80% of AMI	See Note	See <a href="#">DHCD regulations</a> . If ownership units, SHI counts only those for HH incomes at/below 80% of AMI; if rental units, SHI can count all rental units in a project if at least 25% of the total number are at/below 80% of AMI; otherwise, only those at/below 80% of AMI are counted.
Massachusetts Affordable Housing Trust administered by <a href="#">MassHousing</a>		110% of AMI	<a href="#">Funding threshold criteria</a> include: "Affordability of all AHTF units to households earning no more than 110% of area median income."
Concord <a href="#">Zoning Bylaw</a> Section 10, Planned Residential Development (PRD)		"Starter-priced housing" <110%; "moderate-priced housing" <150%	"10.2.3.2 Affordable dwelling units are those units made available for sale, lease or rent at below market rates based on the following: (a) Starter-priced housing: Dwelling units set aside for sale, lease or rental to households with incomes of less than one hundred ten (110) percent [of AMI] . . . (b) Moderate-priced housing: . . . incomes of less than one hundred and fifty (150) percent [of AMI] . . ."

Program/Funding Source	Low Income	Moderate Income	Note/Reference
American Recovery Act of 2021 (ARPA) Coronavirus State and Local Fiscal Recovery Funds (SLFRF). See US Treasury <a href="#">SLFLF Final Rule</a> , pp. 102-110.	Rental: 60-80% Ownership: 80%	To be determined	SLFLF Final Rule p. 106: "Treasury will presume that any projects that would be eligible for funding under either the National Housing Trust Fund (HTF) or the Home Investment Partnerships Program (HOME) are eligible uses of SLFRF funds." <a href="#">HOME</a> : For rental housing, at least 90% of HHs w/income below 60% of AMI; remainder below 80% of AMI. For homeownership, all below 80% of AMI. <i>Note</i> : Both HTF and HOME programs can be used to fund site acquisition and improvement, among other activities.
<i>Proposed home rule petition: <a href="#">S.2437</a></i> - An Act establishing a real estate transfer fee upon the transfer of property in the town of Concord	See Note above	See Note above	Bill provides in proposed Section 4 that, "All fees received pursuant to this act shall be deposited in the Concord Affordable Housing Trust Fund established pursuant to <a href="#">section 55C of chapter 44 of the General Laws.</a> "
<i>Proposed home rule petition: <a href="#">S.2438</a></i> - An Act establishing a building permit surcharge in the town of Concord		120% of AMI	Bill provides in proposed Section 3 that, "For the purposes of this act, 'affordable housing' shall mean as defined under <a href="#">section 1 of chapter 60 of the General Laws</a> "—i.e., below 120% of AMI
Proposed statewide bill. <a href="#">S.868, H.1377</a> , An Act empowering cities and towns to support affordable housing with a fee on certain real estate transactions		175% of AMI	Bill's definitions include: "Affordable Housing Purposes" as "uses allowed by the municipal or state affordable housing trust fund into which funds are deposited, or, if the funds are deposited into a community preservation act fund, the housing uses allowed thereunder." and "Affordable Housing Restriction" of 30+ years "limited to use as a residence occupied by a low or moderate income household which earns less than a specified income level, the upper limit of which may not exceed 175 per cent of the median income for a household in that city or town; provided, however that moneys derived from a transfer fee implemented pursuant to this section and deposited into a state or municipal Affordable Housing Trust Fund or Community Preservation Fund, may be subject to the lower income restrictions that govern said Fund. . . ."



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# NEXT: HOUSING PRODUCTION PLAN UPDATE

- At last week's **Concord Housing Roundtable** began out next collaboration-- **updating Housing Production Plan** for approval by Select Board & Planning Board, and DHCD

Concord Housing Roundtable March 9, 2022

## PROJECT SCHEDULE

**3/9:** Housing Roundtable Meeting/ Project Kickoff  
Create outreach plan for engagement  
Mid-Late March: Design and launch a web-based community housing survey  
Late April: Hold up to five focus groups

**By Early May:** Draft dev. constraints & implementation capacity analysis, map obstacles & opportunities, RHSO to complete Housing Needs Assessment  
**Mid May:** Steering Committee (SC) Meeting to review documents & focus group summaries, prepare for Public Forum  
**Late May:** Hold a public forum to share preliminary results and solicit feedback

**June:** SC Meeting to review engagement results, comments on draft reports, & hold brainstorm session about potential strategies  
**Mid July:** Provide preliminary goals and strategies  
**Late July:** SC Meeting to review preliminary outline of goals and strategies and solicit feedback  
**August:** Outreach and preparation for public forum

**Early September:** Hold 2<sup>nd</sup> public forum to solicit feedback on draft goals & strategies  
Prepare draft HPP including goals, strategies, & action plan  
Update reports with 2020 census data  
**Early October:** Submit draft HPP for SC review  
**Late October:** SC Meeting  
**November:** Revise draft plan

**Early December:** Present revised draft HPP to joint meeting of Planning Board (PB) and Select Board (SB)  
**Early December:** Submit revised HPP for local approval  
**Mid December:** PB and SB to vote to approve plan  
**Mid December:** Submit HPP to DHCD

**MARCH - APRIL**      **MAY**      **JUNE - AUGUST**      **SEPT - NOV**      **DECEMBER**

47:38 / 3:20:29

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# HOUSING ENTITIES COLLABORATING

## Look for opportunities

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# LITTLETON MASTER PLAN, 2017

In Littleton, Planning Board, Select Board, Council on Aging led town meeting passage of initiatives to implement all five housing goals in Master Plan update, *including MAHT*

- 1. Focus on **allowing greater density** in places where it makes sense to intensify land use, e.g., near the train station, around Littleton Common, and in older industrial or commercial areas where redevelopment opportunities exist.
- 2. Increase diversity of Littleton's housing stock in neighborhood-friendly ways by encouraging **small accessory apartments on owner-occupied residential lots**
- 3. Amend over-55 housing bylaw-- more effective tool for **creating options to help Littleton residents stay here as they age.**
- 4. Establish **Municipal Affordable Housing Trust** to build local capacity for housing advocacy, housing finance, and housing development.
- 5. Adopt an **inclusionary housing bylaw** to require affordable housing in any residential development that requires a special permit.



# LITTLETON MASTER PLAN, 2017

- 4. Establish Municipal Affordable Housing Trust to build local capacity for housing advocacy, housing finance, and housing development
  - **To accept enabling state statute *AND* adopt Town Bylaw in a single article**
- 5. Adopt an inclusionary housing bylaw to require affordable housing in any residential development that requires special permit.
  - Applies to developments with 6 or more residential units
  - 10% of the units must be affordable
  - Density bonus of 3 market rate for each additional affordable unit
  - **Fee in lieu of units (twice HUD income limit for HH of 4) available only for 6 to 19 units, but not 20>, to be deposited in affordable housing trust fund**





# NANTUCKET: ACHIEVING SAFE HARBOR

- 31 Fairgrounds Road – 22 year-round affordable rental units.
- Nantucket Affordable Housing Trust collaboration with non-profit Housing Nantucket, a CDC established in 1994
- \$3.6 million land acquisition + \$6.75 million 50-year loan for construction

31 Fairgrounds Road  
Nantucket, MA 02554

## Schematic Design & Concept Sketches



# NANTUCKET: ACHIEVING SAFE HARBOR

- Many **housing stakeholders** on Nantucket, including the Town, Nantucket Housing Authority, Nantucket Affordable Housing Trust, Housing Nantucket, Habitat for Humanity, Nantucket Cottage Hospital, and others, **meeting monthly on Zoom**.
- In 2020, just as **Housing Nantucket** was **undertaking a strategic planning process** looking for how to position itself **to best serve this collaboration**, the **Town of Nantucket** approached Housing Nantucket about undertaking **31 Fairgrounds Road**.
- **Nantucket Affordable Housing Trust's** top goal is **to achieve safe harbor** by adding 24 units/year to the SHI list, including **creating and financing public/private partnerships for the development of SHI-eligible units on appropriate sites working within existing zoning regulations for the sites**.
- **Nantucket Town Meeting** voters have recently funded **\$15- to \$20-million per year** for affordable housing development, even while petitioning the state legislature for real estate transfer fee and other measures.
- We're looking for further collaborations . . .



# **BUILDING YOUR HOUSING INFRASTRUCTURE: HELPING MULTIPLE HOUSING ENTITIES WORK COLLABORATIVELY**

Contact:

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More at <https://www.concordma.gov/2940/Concord-Municipal-Affordable-Housing-Tru>

