

November 9th, 2022

Honorable Selectboard of Aquinnah,
Honorable Selectboard of Chilmark
Honorable Selectboard of Edgartown
Honorable Selectboard of Oak Bluffs
Honorable Selectboard of Tisbury
Honorable Selectboard of West Tisbury

Re: Housing Bank Review Committee (HBRC): Selectboard Meetings at end November or Early December:

Please put on your Selectboard agendas an update and request from the Housing Bank Review Committee; a group appointed by the six towns as proscribed under the MV Housing Bank Warrant Article passed by the six towns of MV.

After a lengthy series of meetings of this group and an evaluation, discussion and voting, the group proposes three amendments to the MV Housing Bank Act prior to submission to the MA Legislature.

1. Amend composition of the Town Advisory Boards (“TABs”) (lines 62-66) as follows:

“Town advisory board”, a town board created in each member town to assist the commission in administering this act, each to consist of 1 representative duly appointed, either from its membership or otherwise, by each of the following town boards: select board, conservation commission, planning board, zoning board, **board of assessors, housing committee**, board of health and, if one exists, wastewater committee. ~~and 2 appointed by the housing committee.~~

2. Editorially change Chapter 183 to Chapter 183A (line 56) and editorially change 2022 to 2024 (line 108) as follows:

The interest of a buyer or seller under a contract for purchase and sale of real property, the transferable development rights created under chapter 183A of the General Laws; the dominant estate in any easement or right of way, the right to enforce any restriction, an estate at will or at sufferance, or an estate for years or leasehold interest.

The election of the at large member of the commission shall be conducted at the biennial state election in ~~2022~~ **2024** and succeeding elections of the at-large member shall take place at the biennial state election.

3. Amend Section 13 related to gifts (line 337) as follows:

Grants or gifts of money or other assets to the housing bank shall be expended only for the purposes of the grant or gift and subject to any restrictions or limitations imposed thereon by the grantor or donor thereof, **and to all the restrictions, limitations, and guidelines laid out elsewhere in the Act.**

Accordingly, the Housing Bank Review Committee recommends the three amendments as stated.

However, as part of the review process to propose amendments as proscribed by the Act, the Committee requested input from Senator Julian Cyr and Representative Dylan Fernandes to advise on any suggestions as to how to facilitate passage of the MV Act in the coming Legislative Session.

It was recommended by them that the MV Act be broken into three parts which would contain all elements and language of the Act as voted upon by the Island voters but separated into:

1. Section 1 - the transfer fee (which was suggested would be a common state wide fee structure ultimately determined by the Legislature,
2. Section 2 - the basic elements of the MV Act regarding governance, structure, minimum 75% existing structures, and borrowing authority.
3. Section 3 - the additional elements of the Act that would be under control of the MV Towns rather than the legislature (thus enabling the Towns of MV to modify or change elements over time without having to go to the Legislature to change those elements.)

We request that the Selectboards determine whether to submit the Act to the Legislature as either:

- The six page Warrant Article passed by the voters
- The 27 page Act as referenced by the Warrant Article
- Or a three part division of the Act as indicated in the 3 bullet points listed above.

The Housing Bank recommends the three amendments and will follow your instructions as to the format of submission of the MV Housing Bank Act to the Commonwealth.

It will require legal guidance on a structure to make Section (3) enforceable by the Towns.

Cc: Town Administrators
RRKH
CCHBMV

Respectfully,

Housing Bank Review Committee

Aquinnah – Mike Hebert
Chilmark – Jim Malkin,
Edgartown – James Hagerty
Oak Bluffs – Mark Leonard
Tisbury – Rachel Orr
West Tisbury – Jessica Miller