



Concord Municipal Affordable Housing Trust Meeting
Thursday, October 21, 2021 at 1:00 pm
[Virtual Meeting via Zoom](#)
Approved Meeting Minutes

1. *Call to Order* - Chair Keith Bergman called the meeting to order at 1:00 pm on Zoom. Roll call of members present: Linda Escobedo, Mike Lawson, Stephen Crane, and Keith Bergman.
2. *Approval of Minutes of September 30, 2021 meeting* – Mike moved to approve September 30, 2021 meeting minutes, as amended; seconded by Linda. Motion passed unanimously (4-0).
3. *Update on Select Board's October 4, 2021 meeting: CMAHT board set at five (5) members; statement approved for CMAHT webpage* – Keith reported that the Select Board had voted on October 4, 2021 to approve the CMAHT statement proposed on September 30, 2021, including setting the composition of the CMAHT board at five members. That statement (attached) now appears on the [CMAHT page at the Town website](#).
4. *Affordable Housing Update: Regional Housing Services Office Director – Subsidized Housing Inventory / Chapter 40B Status*. CHSO Director Liz Rust discussed [Concord's Subsidized Housing Inventory \(SHI\)](#), reporting the Town's current status exceeding the 10% goal under M.G.L. Chapter 40B with 10.54% (722 SHI units divided by 6,852 year-round housing units per 2010 US Census). While Junction Village/Christopher Heights has currently fallen off of the Concord's SHI inventory, once building permits are issued for this project in the spring of 2022, its 83 affordable units will be added back. This should help to ensure that, once the 2020 US Census figures are released later in 2022, the Town can stay above 10%. Concord's Housing Production Plan expired in January 2021, but will be updated by 2022, likely before the 2020 US Census figures are released. Once the HPP is updated and certified by the State, the Town would be eligible to apply for "safe harbor" status under Chapter 40B, should the Town fall below 10% from the 2020 US Census figures.

Affordable Housing Funds. Liz Rust also gave an update on projects seeking funding from the total \$1,500,000 in free cash appropriated for affordable housing at the last three annual town meetings (\$500,00 each in 2019, 2020, and 2021). Projects are 930 Main Street (assist in purchase of 2 units); Gerow land (design feasibility); Emerson Annex (preserve 1 unit), 100 Elm Brook (buydown 1 SHI unit), and Uplands Road/Old Marlborough Road. See attached.
5. *Developing policy goals and statements-- consistent with Town's adopted housing goals, and subject to Select Board approval-- to serve as guidelines for Concord Municipal Affordable Housing Trust [per CMAHT Bylaw Section 6, Item 18]* – The CMAHT Bylaw adopted by the 2020 Annual Town Meeting directs the Trustees in Section 6, Item 18 "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." Liz Rust provided a summary of the Town's current adopted housing goals from 2018 Envision Concord Section 4.3 Housing Plan Element, 2015 Housing Production Plan, and 2021 Community Preservation Committee Funding Application Guidelines. That summary (attached) can be used to help identify which goals the Trust should be addressing and prioritizing in drafting a proposed set of guidelines.

6. *Filing Declaration of Trust and Certificate of Trustees for Concord Municipal Affordable Housing Trust with Registry of Deeds and Land Court [per CMAHT Bylaw Section 9]* – There was not yet a declaration of trust document from Town Counsel for the CMAHT to consider, so this matter will be taken up at a future meeting.

7. *Financial Update: Chief Financial Officer - Status of Town funding for CMAHT* – Town of Concord Chief Financial Officer/Treasurer Kerry Lafluer stated she concurred with Liz Rust's figures, discussed above. Kerry also reported that a private donation of \$25,000 had been made to the affordable housing trust fund (from Eric Green and Carmin Reiss in 2020), and that those funds are currently in a special gift account. Once the declaration of trust document is filed at the Registry of Deeds, those gift funds can be transferred to CMAHT.

Support H.1377/S.868 Real Estate Transfer Fee - Stephen moved that the CMAHT vote to submit to the Legislature's Joint Committee on Housing for its October 26, 2021 hearing a letter in support of H.1377, "An Act empowering cities and towns to support affordable housing with a fee on certain real estate transactions," and S.868, "An Act empowering cities and towns to impose a fee on certain real estate transactions to support affordable housing." Motion seconded by Mike, and unanimously approved (4-0). The letter (attached) will be shared with the Select Board and Concord's state legislators, Senator Mike Barrett and Representative Tami Gouveia.

8. *Schedule joint meetings with/ designate CMAHT liaisons to: Concord Housing Authority, Concord Housing Development Corporation, Community Preservation Committee, Concord Housing Foundation, Concord Housing Roundtable (11/8/21 @ 7 PM), and other local housing stakeholders* - The November 8, 2021 Concord Housing Roundtable with the CHA, CHF, CHDC and other stakeholders will be an opportunity for CMAHT to invite input on which particular housing goals the Trust should be addressing and prioritizing in drafting a proposed set of guidelines for Select Board approval. Keith volunteered to prepare a draft outline about developing CMAHT guidelines, which would be circulated prior to that joint meeting.

9. *Public Comment* – Karlen Reed 83 Whitts End asked what the funding status was for the Concord Housing Authority's affordable housing project at 365 Commonwealth Avenue. Linda Escobedo replied that the Select Board had voted not to provide additional funding for the project. Stephan Bader from the Housing Authority and Linda Miller from the Planning Board were also on the Zoom call.

10. *Schedule Next Meeting Dates* – Stephen suggested that next meeting should be scheduled when the trust documents are available to act upon.

11. *Adjournment* – Mike made a motion to adjourn the meeting, seconded by Stephen. Motion passed unanimously (4-0). Meeting adjourned at 2:05 pm.

Documents attached

- CMAHT Statement approved by Select Board on October 4, 2021
- Status of \$1.5-million for affordable housing, from Liz Rust to Stephen Crane, 10/19/21
- Concord Housing Goals – excerpts, prepared by Liz Rust
- CMAHT Letter of Support H.1377/S.868 Transfer Fee for Affordable Housing

Concord Municipal Affordable Housing Trust

The Concord Municipal Affordable Housing Trust (CMAHT) was established by the Town's [Affordable Housing Trust Bylaw](#) to provide for the preservation and creation of affordable housing in the Town of Concord for the benefit of low and moderate income households and for the funding of community housing, as defined in the Community Preservation Act, MGL c. 44B. The CMAHT Board of Trustees consists of five members appointed by the Select Board, including one member of the Select Board and the Town Manager.

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. The CMAHT's Board of Trustees is authorized 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. Select Board approval is also needed for the Trust to borrow money; mortgage or pledge trust assets; purchase, accept, sell, lease, exchange, transfer, abandon, convey interest in real, personal, or mixed property; or to amend the Trust.

Background

In its message to April 2019 Annual Town Meeting voters, the [Affordable Housing Funding Committee](#)¹ reported that "Concord needs predictable, sustainable revenue sources so that funds are readily available when affordable home opportunities arise Without the necessary funds to act quickly, valuable opportunities could be missed." The Committee's entire package of recommended articles was approved by the 2019 Annual Town Meeting. Article 23 appropriated \$500,000 from Free Cash for affordable housing. Article 24 accepted MGL c.44, s.55C to authorize creation of a municipal affordable housing trust. Articles 25 & 26 authorized filing of home rule petitions to establish a building permit surcharge and a real estate transfer fee to be deposited into Concord's Affordable Housing Trust Fund. Later in 2019, the Select Board appointed an [Affordable Housing Trust Study Committee](#)² to draft a proposed [Affordable Housing Trust Bylaw](#), which was approved on September 13, 2020 by 2020 Annual Town Meeting Article 13, and on February 23, 2021 by the Massachusetts Attorney General. Both the September 13, 2020 and June 13, 2021 Annual Town Meetings made additional appropriations of \$500,000 from Free Cash for affordable housing-- a total of \$1.5-million from 2019 to 2021.

¹ The Affordable Housing Funding Committee, appointed by the Select Board pursuant to 2017 Annual Town Meeting Article 49, began its work in September 2017 and issued a final report in April 2019.

² The Affordable Housing Trust Study Committee appointed by the Select Board began its work in October 2019, presenting its final recommended bylaw in January 2020 and concluding its work in September 2020.

From: Elizabeth Rust <liz@rhsousing.org>
Sent: Tuesday, October 19, 2021 9:14 AM
To: Stephen Crane <scrane@concordma.gov>
Subject: RE: CMAHT Documents for 10/21

Good morning,
\$490,000 is the uncommitted balance.

Coming/pending changes to that include a return of \$5k from Emerson Annex (came in under budget) and a return of the Elm Brook. Giving a \$1,060,000 balance.

Below is my tracking.

	Chronological			
SB/Town Vote	Purpose	Amount	Balance	Status
7/1/2019	2019 ATM, article 23	\$500,000	\$500,000	
7/1/2019	930 Main St - Assist in purchase (2 units)	-\$150,000	\$350,000	Complete
7/29/2019	Gerow - Design feasibility (1 unit)	-\$50,000	\$300,000	Partially spent
9/1/2020	2020 ATM, article 14	\$500,000	\$800,000	
2/22/2021	Emerson Annex - Preserve 1 unit	-\$100,000	\$700,000	Complete, can return \$5000
7/1/2021	2021 ATM, article 17	\$500,000	\$1,200,000	
6/1/2021	100 Elm Brook Buydown - Create 1 SHI unit	-\$570,000	\$630,000	CHDC requests to return
9/13/2021	CHDC 2B Upland 10%	-\$140,000	\$490,000	Funds reserved, awaiting further information
	<i>Return Elm Brook?</i>	<i>\$570,000</i>	<i>\$1,060,000</i>	

Elizabeth Rust
Director
liz@RHSOhousing.org
Regional Housing Services Office (RHSO)
37 Knox Trail, Acton MA 01720

Listed below are the Concord Housing Goals, as excerpted from the existing planning documents. Each document also has more detailed information about strategies to achieve the goals, which can be found in the [linked](#) source documents. The goals are listed here in total, even though some might not be appropriate for CMAHT specifically.

Envision Concord (2018) Section 4.3 Housing Plan Element

Goal 1: Develop realistic, achievable targets for preserving or creating housing of all types (beyond the State Housing Inventory).

Goal 2: Develop additional, self-sustaining funding mechanisms to support achieving the housing targets developed in Goal 1.

Goal 3: Bring private and public groups representing open space, land conservation, resilience, and housing together to identify solutions for meeting housing needs.

Goal 4: Discourage the demolition of smaller homes and their replacement with larger, more expensive residences.

Goal 5: Encourage renovation of existing single-family homes (in all zoning districts), and identify the opportunities to create accessory dwelling units within existing structures in all zoning districts, and allow cluster development and cohousing in designated areas.

Goal 6: Identify regulatory tools and tax incentives to encourage developers to build housing the Town wants/needs, especially denser housing near town centers or small (5-10 unit) developments such as Riverwalk, in ways that reinforce existing historical character and support sustainable development practices.

Housing Production Plan (2015)

Goal 1. Support and foster aging in the community through expansion of the range of affordable housing options.

Goal 2. Increase variety of housing options, particularly near village centers.

Goal 3. Encourage creation of affordable rental and ownership housing for households with low-incomes, moderate, and middle-incomes throughout the community.

Goal 4. Encourage the preservation of existing smaller homes and the construction of new smaller homes, especially as permanently affordable homes for low-income families.

Goal 5. Promote and support affordable housing for families including rental and homeownership opportunities.

Goal 6. Foster community outreach and education to develop an inclusive mindset about the need for affordable housing throughout the community.

Goal 7. Continue to nurture and maintain working partnerships with organizations focused on addressing affordable housing needs in Concord and the region.

Goal 8. Continue to support the monitoring and preservation of existing affordable units.

Community Preservation Committee Funding Application (2021)

SPECIFIC USE CRITERIA FOR COMMUNITY HOUSING PROJECTS

In addition to the general criteria for Community Preservation Act funding, projects involving community housing that address as many of the following criteria as possible will receive preference. In particular, projects that:

1. Address objectives in the 2018 Comprehensive Long Range Plan or the Housing Production Plan.
2. Contribute to the Town's State Housing Inventory units to maintain its goal of 10% affordability consistent with Chapter 40B.
3. Ensure long term affordability through deed restrictions or other mechanisms.
4. Create new affordable housing opportunities by buying-down the purchase price of condominium and other housing units; new construction; the reuse of non-residential buildings, the use of Town or State-owned land; or the conversion of market rate housing to affordable units. The Community Preservation Committee recommends, whenever possible, the reuse of existing buildings or the construction of new buildings on previously developed sites.
5. Give priority to local residents, Town and school employees, Hanscom AFB military personnel and other groups with a "Concord Connection" in accordance with State guidelines.
6. Receive support from local organizations and institutions that advocate for affordable housing.
7. Distribute community housing throughout the Town. Encourage mixed-income developments that are harmonious in design and scale with the surrounding community.
8. Leverage funds available for affordable housing through the utilization of state, federal, and other funding resources.
9. Avoid compromising resources identified on the Town's Historic Resources Master Plan

TO: Joint Committee on Housing c/o luke.oroark@mahouse.gov
FROM: Concord Municipal Affordable Housing Trust c/o keith@kbergman.com

October 22, 2021

Senator John F. Keenan
Chair, Joint Committee on Housing
State House, Room 413-F
Boston, MA 02133

Representative James Arciero
Chair, Joint Committee on Housing
State House, Room 38
Boston, MA 02133

SUBJ: Support for H.1377 and S.868 – Affordable Housing Real Estate Transfer Fee

Dear Chair Keenan and Chair Arciero:

Please accept this as written testimony from the Town of Concord Municipal Affordable Housing Trust, for the Joint Committee on Housing's hearing on October 26, 2021, in support of both H.1377, *An Act empowering cities and towns to support affordable housing with a fee on certain real estate transactions*, and S.868, *An Act empowering cities and towns to impose a fee on certain real estate transactions to support affordable housing*. The members of the CMAHT have unanimously voted to support both bills.

Concord's subsidized housing inventory currently stands at 10.54%-- above its Chapter 40B goal-- and H.1377 and S.868 would provide important opportunities for our voters to continue to support affordable housing efforts in town by adopting a local option real estate transfer fee as a dedicated funding source. In recent years, Concord town meeting voters have not only voted to establish the Concord Municipal Affordable Housing Trust, but also appropriated \$500,000 annually to fund affordable housing efforts, and filed home rule legislation for a dedicated local funding source like that envisioned in H.1377 and S.868. In so doing, voters recognize that Concord needs predictable, sustainable revenue sources so that funds are readily available when affordable home opportunities arise, and that without the necessary funds to act quickly, valuable opportunities could be missed.

We urge your committee's favorable action on H.1377 and S.868, and thank you for your consideration and support.

Sincerely,
CONCORD MUNICIPAL AFFORDABLE HOUSING TRUST

By Keith Bergman, Chair

Cc: Senator Michael J. Barrett Mike.Barrett@masenate.gov
Representative Tami L. Gouveia Tami.Gouveia@mahouse.gov
Concord Select Board
Concord Housing Foundation