

Concord Municipal Affordable Housing Trust
Thursday, January 27, 2022 at 1:30 pm
[Virtual Meeting via Zoom](#)
Approved Meeting Minutes

1. *Call to Order / Roll Call* – Chair Keith Bergman called the meeting to order at 1:33 pm on Zoom. Roll call of members present: Linda Escobedo, Mike Lawson, Frank (“Rich”) Feeley, Kerry Lafleur, and Keith Bergman. Keith congratulated Interim Town Manager Kerry Lafleur on her appointment by the Select Board on January 20, 2022 as a new member of the Trust. Also on the call were Concord Director of Planning & Land Management Marcia Rasmussen and Planning Board member Linda Miller.

2. *Approval of minutes - January 13, 2022 meeting* – Mike Lawson moved to approve the meeting minutes of Thursday, January 13, 2022 at 1:30 pm as amended; seconded by Linda Escobedo; motion approved by a vote of 4 in favor (Linda, Mike, Rich, Keith), 0 opposed, and 1 abstention (Kerry).

3. *2021 Annual Town Report* – Chair Keith Bergman reviewed the report submitted on behalf of the Trust for the Town of Concord’s 2021 Annual Town Report, by the Town’s January 21, 2022 deadline. See report document, attached.

4. *Developing proposed CMAHT Guidelines for Select Board approval* – Rich Feeley suggested three sections for the proposed guidelines being drafted for the Trust: how many units would we like to do; what are the kinds of units; and what types of criteria should we use in rating funding applications. Rich will have a revised draft set of guidelines for discussion at the Trust’s next meeting. Keith Bergman reported on some research done on what household income categories the Trust could address-- at or below 80% of Areawide Median Income, 100% or 120% of AMI, or even higher. Linda Escobedo recalled that Trustees had met with the Concord Housing Authority, Concord Housing Foundation, and Concord Housing Development Corporation to hear their suggestions for our guidelines; and suggested that until long-term revenue sources are available for the Trust and the Housing Production Plan is updated, the Trustees should focus on an interim guidelines at the current funding level. Keith Bergman observed that the Trustees might be a meeting or two away from submitting a set of draft CMAHT guidelines to the Select Board for approval. When the Trustees briefed the Select Board earlier this month, we’d indicated we’d be back in a month, and we’re still on track to be able to do that. Finance Committee chair Christine Reynolds has asked to see CMAHT’s guidelines for FinCom’s review of 2022 ATM funding requests for affordable housing on February 24, 2022.

Updated Housing Production Plan – Linda Escobedo reported that the Select Board had not approved the establishment of a Steering Committee to guide updating the 2015 Housing Production Plan which expired in 2021. Marcia indicated that she and Regional Housing Services Office Director Liz Rust would be getting together to discuss inviting representatives of the various housing committees to function as a working group for the staff and consultant.

5. Sources of Trust funds. Updates on real estate transfer fee & building permit surcharge legislation; exploring additional/alternative funding sources; annual town meeting appropriation; prepare for Select Board 1/31/22 focused meeting on use of ARPA funds - The Trust reviewed that Mass General Brigham last week announced its support for the statewide legislation for a real estate transfer fee. Concord's home rule petition for a real estate transfer fee for the Trust had not yet been reported out favorably by the Joint Committee on Revenue, but the one for a building permit surcharge had been reported out favorably by the Joint Committee on Housing on January 10, 2022.

In discussing what funds local housing trust can use, Keith Bergman noted that Massachusetts Housing Partnership's 2018 MAHT Guidebook says, "The sources of funding vary among housing trusts and can include: Community Preservation Act (CPA) funds; inclusionary zoning payments; negotiated developer fees; the municipality's general fund; tax title sales; payments from special bylaws/ordinances; cell tower lease payments; and private donations."

ARPA Funds for Affordable Housing – The Town of Concord is to receive \$5,654,719 in one-time funding under the federal American Rescue Plan Act of 2021 (ARPA). The Select Board is holding a focused meeting on January 31, 2022 on use of these ARPA funds. At the Trust's January 13, 2022, the chair was authorized to send a letter to the Select Board recommending that ARPA funds be used for affordable housing. See letter dated January 20, 2022, attached.

To follow that up, the chair has been in touch with MAPC, and then at their referral to State A&F, and forwarded their guidance to Select Board chair Terri Ackerman and Interim Town Manager Kerry Lafleur. Kasia Hart at MAPC cites the provisions of the U.S. Treasury's final rule for Coronavirus State and Local Fiscal Recovery Funds under the American Rescue Plan Act of 2021 (ARPA) effective April 1, 2022, which expressly include affordable housing as an eligible use of ARPA funds. MAPC will be following up with some general guidelines about use of ARPA funds for affordable housing. Brendan Sweeney at A&F then had some specific suggestions regarding the acquisition of property with those funds-- which Terri Ackerman had asked about—including ARPA rules for purchases of over \$1-million, but also noting that, "in the event that the Town and Town Counsel decide that the purchase of land and its development for affordable housing is not otherwise CLFRF eligible, the revenue loss provision may provide a pathway for the use of CLFRF funding to support this proposal in an eligible manner." Since Concord's \$5,654,719 in ARPA funds is less than \$10-million, the Town could utilize all of its funding for "general government services" under the revenue loss provision of the Final Rule, he noted. Among others thus far, [Lexington](#) and [Arlington](#) Select Boards have approved or reserved ARPA funds for affordable housing.

Rich Feely moved that the Trustees vote to request that the Select Board approve a transfer of \$500,000 from federal ARPA funds into the Concord Municipal Affordable Housing Trust Fund, said sum to be used for ARPA-eligible affordable housing purposes; and, further, if such request is granted, to withdraw the Trustees' prior request for funding of the Trust by the 2022 Annual Town Meeting. Motion was seconded by Mike Lawson. By roll call, the motion passed unanimously with Linda Escobedo, Mike Lawson, Rich Feeley, Kerry Lafleur, and Keith Bergman all voting in favor (5-0).

6. *Use of Trust funds. Assabet River Bluff land acquisition project status* – On January 13, 2022, the Trust had voted to authorize its chair to execute the Assabet River Bluff Land Acquisition Memorandum of Understanding between the Trust and the Concord Housing Development Corporation, Concord Housing Foundation, Concord Land Conservation Trust and Sudbury Valley Trustees. By January 18, 2022, the MOU had been executed by all five of the parties (see MOU document attached to CMAHT minutes of January 13, 2022). The purchase and sale agreement with the seller is still being negotiated. Check is being cut for the \$50,000 from the Trust towards the refundable deposit of \$140,000 going to the seller. Under the MOU, the proposed buyer is CHDC for Parcel A for affordable housing purposes; and CLCT or its affiliate, Concord Open Land Foundation, Inc. (“COLF”) for Parcel B for open space purposes. Concord Director of Planning & Land Management Marcia Rasmussen showed a draft subdivision plan, and reported that recent soils testing indicated that sandy soils on the property that would allow for an on-site disposal system.

7. *Public Comment* – none.

8. *Schedule Next Meeting* – Trustees plan to meet next on Thursday, February 3, 2022 and February 10, 2022, if need be, both at 1:30 PM on Zoom.

9. *Adjournment* – Mike Lawson made a motion to adjourn the CMAHT meeting, seconded by Rich Feeley. Motion passed unanimously (5-0). The meeting adjourned at 2:58 pm.

Documents attached

- Trust’s 2021 Annual Town Report
- Trust’s 1/20/22 Letter to Select Board re: ARPA funds for affordable housing

CONCORD MUNICIPAL AFFORDABLE HOUSING TRUST

Keith Bergman, Chair
Linda Escobedo, Vice-Chair
Michael Lawson, Clerk
Frank “Rich” Feeley
Stephen Crane / Kerry Lafleur

The Concord Municipal Affordable Housing Trust, established by town meeting’s acceptance of an enabling state statute in 2019 and adoption of a bylaw in 2020, began its work in 2021. The Trust complements the Town’s existing affordable housing efforts, entities and programs, and-- with sustained funding sources-- can act quickly when affordable housing opportunities arise, without having to wait for votes of town meeting to fund particular projects or (with the Select Board’s approval) to acquire property.

Pursuant to the Town Bylaw, the Trust’s purpose is 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. The Trustees are 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, or convey interest in real, personal, or mixed property; or to amend the Trust document.

Appointments and Organization. The Select Board made initial appointments to the Concord Municipal Affordable Housing Trust Board of Trustees on May 2, 2021, including one member of the Select Board and the Town Manager. The Town called a first meeting of the Trustees for September 16, 2021, at which Keith Bergman was elected as chair, Linda Escobedo as vice chair, and Michael Lawson as clerk. On October 4, 2021, the Select Board voted to establish the number of Trustees at five.

Declaration of Trust. On November 8, 2021, the Trustees approved the form of a Declaration of Trust document prepared by Town Counsel, which was recorded on November 19, 2021 at the Middlesex South Registry of Deeds at Book 79188, Page 390.

Transfer of Funds to the Trust. A gift of \$25,000 from Eric Green and Carmin Reiss, which the Select Board voted to accept on January 4, 2021, has been transferred to the Trust, and the Trustees are thankful for this donation.

On December 6, 2021, the Select Board voted to transfer to the Trust oversight of the 2019, 2020, and 2021 annual town meeting articles for affordable housing totaling \$1.5-million, “subject to any funding commitments that may have been made by the Select Board or Town Manager prior to this vote.” Those prior commitments—all approved by the Select Board-- were:

- \$150,000 to the Concord Housing Development Corporation, Concord Housing Foundation and Habitat for Humanity to assist in the purchase of two (2) affordable units at 930 Main Street, approved on July 1, 2019;

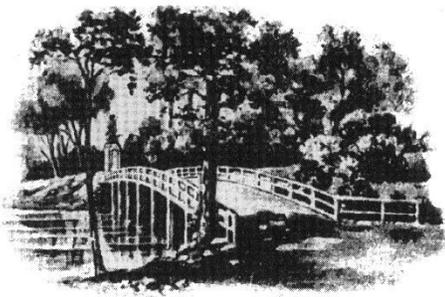
- \$50,000 to the Concord Housing Authority for design feasibility for one (1) additional affordable unit at 369 Commonwealth Avenue (Gerow property), approved on July 29, 2019;
- \$95,000 to the Town of Concord/ Regional Housing Services Office to preserve one (1) affordable unit at Emerson Annex on Stow Street, approved on February 22, 2021; and
- \$570,000 to the Concord Housing Development Corporation to buydown and create one (1) affordable unit at 100 Elm Brook, approved on June 1, 2021 but decommitted by vote of the Select Board on January 3, 2022 at the request of CHDC and the property owner.

Trust approves \$650,000 towards Assabet River Bluff Land Acquisition. On December 16, 2021 and January 6, 2022, the Trust committed a total of \$650,000 requested by the Concord Housing Development Corporation as part of the 6.7-acre Assabet River Bluff land acquisition project totaling \$2.9-million. \$1-million is needed for 0.9 acres for affordable housing and \$1.9-million for 5.8 acres of open space. The affordable housing component includes an existing two-family structure and vacant land on which three more units could be built, for a total of five (5) affordable units. The Trust’s funding includes \$50,000 towards a refundable deposit paid to the seller in January 2022 to preserve the ability to purchase the property. If this project proceeds, additional funding would be needed for construction.

Additional Funds for the Trust. At the Trust’s request, the Select Board has inserted a placeholder article for annual funding for the Trust on the warrant for the 2022 Town Meeting, understanding that free cash may not be a source the Trust can rely on year in and year out. Further, since the Town’s two home rule petitions to fund the Trust long term—S.2437 for a real estate transfer fee and S.2439 for a building permit surcharge-- have not been approved by the state legislature, the Trustees are exploring other potential alternative funding sources. Those might include an annual town meeting appropriation, mitigation funds from housing developers, donations to the Trust, and/or use of funds from the state and federal government, including ARPA (American Rescue Plan Act of 2021) funding. Any reuse of surplus Town property for affordable housing purposes would also help reduce the cost of development in Concord.

Developing Proposed Guidelines for the Trust. To develop an initial set of proposed guidelines for the Trust for approval by the Select Board, the Trustees are reviewing the Town’s adopted housing goals—from the 2018 Envision Concord housing plan element, 2015 Housing Production Plan and the Community Preservation Committee’s 2021 specific use criteria for community housing projects—and have met jointly with Concord Housing Authority, Concord Housing Foundation, and Concord Housing Development Corporation for input on which of the Town housing goals it should prioritize-- in the near term, at the current annual funding level. For the longer term, the Trust looks forward to participating in the process of updating the Housing Production Plan data based on new data from 2020 U.S. Census, and will continue to advocate for reliable funding sources to be put into place to address Concord’s housing goals.

The Trustees appreciate the work done by our predecessors, the Affordable Housing Funding Committee (from 2017 to 2019) and Affordable Housing Trust Study Committee (from 2019 to 2020); and are grateful for the continuing support of the Select Board and Town staff, our fellow housing advocates and stakeholders, and the Concord community as a whole.



OLD NORTH BRIDGE

TOWN OF CONCORD

TOWN HOUSE - P.O. BOX 535
CONCORD, MASSACHUSETTS 01742

TO: Concord Select Board c/o Chair Terri Ackerman
FROM: Concord Municipal Affordable Housing Trust c/o Chair Keith Bergman
DATE: January 20, 2022
SUBJ: ARPA Funding for Affordable Housing

Thank you for convening a focused meeting for Monday, January 31, 2022 on the use of some \$5.6-million in one-time funding which the Town of Concord is to receive under the federal American Rescue Plan Act of 2021 (ARPA). Please know that, by its unanimous vote on January 13, 2022, the Concord Municipal Affordable Housing Trust respectfully requests that the Select Board consider using ARPA funding to support affordable housing goals in Concord.

It is the Trust's understanding that ARPA funds can be used to build affordable housing and for other housing initiatives under the pandemic response or revenue replacement spending categories, to address disproportionately impacted households, including cost-burdened households paying more than 30 percent of their income for housing. According to MAPC, 56.4% of Concord's renter-occupied units (888 of 1,575) are cost burdened— higher than the statewide percentage of 50.6%. Among the 13 towns in the MAGIC subregion of MAPC, Concord has the highest percentage of owner-occupied cost-burdened units, at 30% (1,523 of 5,073 owner-occupied units)— compared to 24.9% for MAGIC as a whole (12,825 of 51,546).

In urging Concord's 2019 Annual Town Meeting voters to establish a municipal affordable housing trust and to file home rule petitions with the state legislature for a real estate transfer fee and building permit surcharge to fund it, the Affordable Housing Funding Committee concluded 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 projected that the \$2.76-million per year those home rule petitions might produce represented only 55% to 69% of the total amount Concord may need to reach its affordable housing goals. And since then, even as we continue to advocate for the bills' passage, the cost of producing housing continues to climb.¹

So, the Trustees wish also to explore other potential ways to provide alternative funding sources for affordable housing. Those might include an annual town meeting appropriation, mitigation funds from housing developers, donations to the Trust, and/or use of funds from the state and federal government. As such, the Trust hopes that the Select Board's use of one-time federal ARPA funds can include addressing the Town's affordable housing goals, and that you will look favorably on our request.

Please let us know what questions you have about any of this. Thanks very much.

¹ With the ever rising of real estate in Concord, any reuse of surplus Town property for affordable housing purposes would also be particularly helpful in meeting the Town's affordable housing goals.