

**TOWN OF GREAT BARRINGTON  
AFFORDABLE HOUSING TRUST FUND (AHTF)  
BOARD OF TRUSTEES MEETING**

**APPROVED MINUTES**

**Tuesday, December 19, 2023 at 6:30 PM**

**Remote virtual meeting by ZOOM.**

**MEMBERS PRESENT:** Fred Clark (Chair), Bill Cooke, Joseph Method, Krystyna Kurzyca, Ananda Timpane.

**MEMBERS ABSENT:** Garfield Reed.

**OTHERS PRESENT:** Phillip Orenstein (CDCSB), Jim Harwood (CDCSB)

Mr. Clark called the meeting to order at 6:30 PM and read Governor Baker's and Governor Healy's Orders regarding public access to public meetings. Unanimous approval by roll-call vote.

**HABITAT COMPLIANCE WITH GROVE ST. DEVELOPMENT AGREEMENT**

Mr. Clark stated that the Habitat attorney required the Affordable Housing Trust Fund (the Trust) to vote to accept Habitat's Certification that the 40 Grove Street project was completed according to the Development Agreement. The Trust voted unanimously to accept the Certification and voted to allow Mr. Clark to sign the document.

**ADU INCENTIVE PROGRAM**

The Trust discussed the ADU Pilot Incentive program and corrected a typo. The Trust voted unanimously to approve the program.

**RFP PROPOSAL**

The Trust continued the review from the previous meeting of the CDCSB proposal for a grant to acquire the Thornewood Inn for affordable housing. The Trust welcomed Phillip Orenstein and Jim Harwood from CDCSB. Mr. Orenstein and Mr. Harwood addressed questions raised in the last meeting including whether single room occupancy building qualifies as affordable housing. After extensive discussion the Trust voted 3-2 to continue the discussion until the next regular meeting with Mr. Clark and Ms. Kurzyca voting in the negative.

**Citizen speak time:** Amy Turnbull was recognized. She said that income limits in the ADU pilot should apply to the renter and that a 100% AMI rental limit would result in a rent that would be too high. Ms. Timpane responded with information about the ADU Pilot. After some exchanges with Ms. Turnbull, Ms. Timpane, and Mr. Method the discussion strayed off topic and became repetitive. Mr. Method suggested that Ms. Turnbull take it up with her home Housing Trust to which Mr. Clark stated that he was out of order.

**Media Trustee speak time:** None.

**Adjournment:** Hearing no objection, **Mr. Clark adjourned the meeting.**

CERTIFICATION OF CENTRAL BERKSHIRE HABITAT

PROPERTY: 40 Grove St. Great Barrington, MA

Central Berkshire Habitat for Humanity, Inc., a Massachusetts non-profit corporation, having an address of 314 Columbus Avenue, Pittsfield, Massachusetts 01201, ("Habitat" or "Developer") is party to a development agreement (the "Development Agreement") with the Great Barrington Affordable Housing Trust Fund, organized under section 55C of Chapter 44 of the Massachusetts General Laws, acting by and through its Board of Trustees, having an address of 334 Main Street, Great Barrington, Massachusetts 01230, (the "Trust."). The Agreement is recorded with the Southern Berkshire Registry of Deeds in Book 2759, Page 225 on Feb. 18, 2022. Habitat hereby certifies to the Trust that it has complied with its requirements under the Development Agreement.

Signed this 15th of December, 2023, by Carolyn Valli, CEO, authorized party.

CENTRAL BERKSHIRE HABITAT FOR HUMANITY, INC.



By: \_\_\_\_\_

Carolyn Valli, CEO

## COMPLIANCE WITH DEVELOPMENT AGREEMENT

WHEREAS, the Great Barrington Affordable Housing Trust Fund, organized under section SSC of Chapter 44 of the Massachusetts General Laws, acting by and through its Board of Trustees, having an address of 334 Main Street, Great Barrington, Massachusetts 01230, hereinafter named "Trust," and Central Berkshire Habitat for Humanity, Inc., a Massachusetts non-profit corporation, having an address of 314 Columbus Avenue, Pittsfield, Massachusetts 01201, hereinafter named "Habitat" or "Developer" entered into a Development Agreement dated February 17, 2022, (the "Development Agreement"); and

WHEREAS, the Development Agreement was recorded with the Southern Berkshire District Registry of Deeds in Book 2759, Page 225 on Feb. 18, 2022; and

WHEREAS, pursuant to the terms of the Development Agreement, the Trust transferred ownership of 40 Grove Street, Great Barrington, MA (the "Property") to Habitat by deed dated Feb. 18, 2022 and recorded with the same Registry in Book 2759, Page 236; and

WHEREAS, Habitat has diligently prosecuted the development of the Property and completed its responsibilities under the Development Agreement, and is preparing to transfer the Property to a new owner, subject to the provisions of the Development Agreement and pursuant to conditions and covenants approved by the Trust.

Habitat certifies compliance with the Development Agreement and has provided a Certificate of Compliance

NOW THEREFORE, the Trust hereby accepts the certification that the Property was developed as required under the terms and conditions of the Development Agreement

IN WITNESS WHEREOF, the Trust voted to accept the certification of compliance with the development agreement in public session on December 19, 2023.

GREAT BARRINGTON  
AFFORDABLE HOUSING TRUST FUND  
Frederick Clark, Chair

COMMONWEALTH OF MASSACHUSETTS  
BERKSHIRE, SS

On this \_\_\_\_ day of December 2023, before me, the undersigned notary public, personally appeared Frederick Clark, as Chair of the Great Barrington Affordable Housing Trust Fund personally known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and as his free act and deed as Chair.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

## Great Barrington Affordable Housing Trust Accessory Dwelling Unit Pilot

### Terms and General Information

**ADU** – Accessory Dwelling Unit. In Great Barrington, ADUs include: separate structures with a dwelling unit on a residential property, “tiny houses” and/or tiny house “pads”, and additional dwelling units within the main residential structure.

**AMI** – Area Median Income. Affordable Housing Trust (AHT) funding must be used for housing for people with incomes of up to 100% AMI.

**AMI Restrictions** – Where an AHT uses funds to create housing, the housing must have a period of time during which that housing will be restricted as affordable housing and tied to a minimum AMI. The minimum period of restriction is 10 years.

#### 1. ADU Pilot Purpose

- Leverage the AHT to add affordable ADUs to the market;
- Test viability of leveraging direct partnerships with resident homeowners to increase AMI protected housing in Great Barrington;
- Provide an opportunity for resident homeowners, who may not meet 100% AMI but , who experience strain in meeting cost of living in Great Barrington, to meet those costs by leveraging AHT funds for construction or renovation to create additional rental income to become financially secure.

#### 2. Applicant Criteria

The criteria by which homeowner/landlord applications will be evaluated and selected, as well as the criteria for the homeowner/landlord application are as follows:

- Applicants:** Applicants must currently reside in GB as their primary residence, or be buying a home in GB that will be used their primary residence for 10-years.
- Residency:** The proposed ADU will be on the GB property that is also the primary residence of the applicant.
- Project Viability:** In cases where the total project costs will exceed the amount requested of the AHT by the applicant, applicants must demonstrate ability to complete the total of the ADU building or renovation project at time of application – this may include use of savings, other loans, or labor to be contributed.
- Resident-Landlord Financial Need:** Applicants who demonstrate that the ADU rental income at 100% AMI will assist owner to be able to afford their household’s GB housing costs and contribute to allowing them remain a resident of Great Barrington will be prioritized.

#### 3. AMI Tenant Requirement

The AMI requirement for the tenant of the proposed ADU and income verification process are as follows:

- **AMI:** AMI maximum is up to 100% Great Barrington AMI<sup>i</sup> for the tenant of the rental unit (ADU). Rents may not exceed 30% of tenant income at time of lease and verification.
- **Verification:** Income eligibility will be verified at the time of lease. In subsequent years of the lease, there will be annual verification that same tenant remains in the unit. New leases to new tenants require new verification.
- **Verification Administration:** The Trust will subcontract eligibility verification to a community partner.

#### 4. Loan Structure & Administration

This section describes how the loan can be used, its structure and administration.

- **The Loan:** A 0% interest, 10-year loan to resident-landlords to create an ADU on their property on which they primarily reside. The loan is tied to a minimum 10-year restriction on the ADU requiring its use as an affordable rental at up to 100% AMI. With compliance, defined as 10-years occupancy by an income verified tenant or tenants, the loan will be 100% forgiven at 10-years of compliance.
- **Disbursement:** 50% of the loan amount will be available at the start of the project. The remaining 50% will be distributed as cost reimbursement. The loan contract must be signed prior to any disbursement.
- **Lien:** Town Counsel will make a recommendation as to whether the program shall include liens. Should Counsel recommend use of a lien, the lien will occur at the time of last disbursement.
- **Prior to construction completion:** Should the landlord/applicant fail to maintain primary residency on the property after loan approval, before or during construction, funds will be withdrawn.
- **After construction:** Owners who cease to reside on the property after occupation of the ADU by a qualified tenant, or who fail to make the property available for rental, or who fail to rent to a qualified tenant will not be eligible to turn 100% of the loan into a grant and the loan will be due in full 12 months from the first date of non-compliance.
- **Timeframe:** Determined on a project-basis, each project will present a timeline in final stages of application process. In the event that a project is 6 months over the project deadline as outlined in the application timeline, a review is triggered and a revised timeline agreement must be made with the AHT. If no agreement can be reached, no further disbursement will be made and legal action against grantee may be taken.
- **Property sale:** In the event of a property sale within 10 years, the entirety of the AHT loan is due in full at the time of sale. In such cases there is no eligibility for loan forgiveness. The new owner may keep the lien in place and continues program under same terms as the original owner.
- **Outstanding issues:** Town counsel input will determine if the program will use a lien or a contract as an enforcement mechanism, and advise on the application of "Mrs.



Murphy's" rule. The pilot will adopt the recommendation of counsel on both issues during implementation phases.

#### 5. Public Relations and Marketing

The success of the ADU Pilot rests on effective outreach and marketing in order to maximize the applicant pool and ensure community awareness. The Trust will work with the Town to generate and disburse information about the pilot and application period. The following provides an outline for further implementation:

- **Target Audience:** Homeowners in Town of GB, as well as generating word of mouth information sharing among all residents.
- **Community-based Information Outlets:** The NEWSletter, Senior Center Newsletter, Shopper's Guide, Social Media, AHT Website, Town Website, Town social media, School District E-blasts
- **AHT Website:** Press release, general information about the pilot, and link to application.
- **In person:** Info session.
- **Press Release:** Target local news outlets for in depth stories, Spectrum News, The Edge, The Eagle and WAMC.
- **Materials to Create:** Short-form program description, press release, website content, flyer and social media "flyer."
- **Content:** Use straight forward language in all materials including website, flyers and application.

#### 6. Budget Line

The pilot budget includes \$150,000 for disbursements in loans to selected applicants and \$5000 for project administration.

- \$150,000.00 – Disbursed to selected applicants, selection is based on criteria match, no minimum or maximum limit on what can be funded or number of applications.
- \$5000.00 – Administration, flat fee to subcontractor for project administration of application process and tenant verification.
- The total number of proposals funded will be determined in the evaluation process and based on strongest matches to meet project criteria. If no applicants meet sufficient criteria for approval, then no funds will be disbursed.
- Award amounts for loans must may not exceed \$100,000.00.

#### 7. Application and Selection

##### *The Application*

- **Accessibility:** Use straight forward language in application and evaluation process.
- **Timeline:** Open application window for 3-month period once pilot design is finalized and the initial marketing begun. Subcontractor begins selection process the month following close of application window.

- **Subcontract application process** to 1.) protect privacy of applicants; 2.) resource the administration needed for the application and selection process; 3.) brings a greater expertise in housing and serving communities to the process.
- **In the event no applicants are selected:** If there are no viable applications, the budgeted funds will revert back to general fund of the AHT for other programming.

#### *Selection*

Applicants will be compared, ranked, assessed and ultimately selected using the criteria outlined below. All applicants must meet the residency requirement, with no exceptions.

Applications will be evaluated on:

- I. Project viability – may consider additional funding/cost savings sources (savings, other loan, or sweat equity/labor on project)
- II. Living space proposed – the extent to which the proposed ADU is appropriate for a living space
- III. Location – The extent to which the location is accessible to food, down town and cell coverage.
- IV. Resident-Landlord Financial Need – the extent to which the landlord applicant demonstrates financial strain meeting cost of living in GB that an income restricted ADU would help alleviate.
- V. Cost Effectiveness – the extent to which the project is cost effective.
- VI. Impact – the extent to which the project demonstrates ability to impact the most people possible with secure housing.

The attached detailed assessment rubric will be used to evaluate and select applicants.

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2023 Area Median Income Limits							
Household Size	1	2	3	4	5	6	7
100% Income Limit	\$71,700	\$81,900	\$92,100	\$102,300	\$110,500	\$118,700	\$126,900
80% Income Limit	\$57,360	\$65,520	\$73,680	\$81,840	\$88,400	\$94,960	\$101,520
70% Income Limit	\$50,190	\$57,330	\$64,470	\$71,610	\$77,350	\$83,090	\$88,830
60% Income Limit	\$43,020	\$49,140	\$55,260	\$61,380	\$66,300	\$71,220	\$76,140



**Pilot Goals:**

- 1.) Leverage the AHT to add affordable ADU to the market
- 2.) Test viability of leveraging partnerships with resident homeowners directly to increase AMI protected housing in Great Barrington
- 3.) Provide an opportunity for resident homeowners who may not meet 100% AMI but experience strain meeting cost of living in Great Barrington to meet those costs by leveraging the AHT to create an opportunity for additional ADU income by support for construction/renovation costs through AHT funds

Residency – meets residency requirements and is likely to continue to do so. Prescreen requirement. Not eligible to apply if not met.		Fails eligibility: Not eligible to vote in GB.	Meets eligibility: Eligible to vote in GB.	Moderate	Somewhat Strong	Strongest
Assessment Criteria:		Weakest	Somewhat Weak			
1) Project viability – may consider additional funding/cost savings sources (savings, other loan, or sweat equity/labor on project)		Low level of detail on budget and financial plan that such that it prevents assessment of viability.	Low level detail budget or financial plan	Moderate detail on both budget and financial plan.	Strong detail budget or financial plan but not both.	Detailed budget and financial plan that shows 100% of the project cost will be covered, once the grant amount is included.
2) Living space proposed – the extent to which the proposed ADU is appropriate for a living space <ul style="list-style-type: none"> <li>• Square Footage.</li> <li>• Amenities.</li> <li>• Natural light.</li> <li>• Environmental quality of materials used.</li> </ul>		Minimum allowable square foot (150 net useable sq ft) under ADU housing code.  Meets minimum standards dwelling unit re: water, sanitation, insulation, heat. See state sanitary code, chapter 2.  Meets minimum windows requirements.  Meets minimum environmental requirements.  Meets all minimums to get a CO.	Minimum allowable square foot (338 net useable sq ft) under ADU housing code.  Meets minimum standards dwelling unit re: water, sanitation, insulation, heat and has either: full kitchen, a washer/drier, a full bath, or high-speed internet.  At least 1 window more than minimum windows.  Incorporates at least 1 best-practice standard in environmental building.	Minimum allowable square foot (525 net useable sq ft) under ADU housing code.  Has some but not all: full kitchen, washer/drier. Full bath, high speed internet.  Several of windows.  Meets some but not all best-practice standards in environmental building.	Minimum allowable square foot (713 net useable sq ft) under ADU housing code.  Has most but not all: full kitchen, washer/drier, full bath, high speed internet.  Good natural light.  Incorporates many best-practice standard in environmental building.	Maximum allowable square foot (900 net useable sq ft) under ADU zoning law.  Has full kitchen, washer/drier, full bath, high speed internet.  Strong natural light.  Meets all best-practice standards in environmental building.

[Type here]

3) Location – The extent to which the location is accessible to food, down town and cell coverage. <ul style="list-style-type: none"> <li>Ease of access to groceries/food and main street.</li> <li>Cell service/coverage.</li> </ul>	Must have transportation to access grocery or food and main street, no cell coverage.	Has access only one of: groceries/food; main street; or cell coverage.	Has access to more than one of: groceries/food; main street; or cell coverage.	Has access to all but one of: groceries/food; main street; or cell coverage.	Walking distance of grocery/food and main street & full cell coverage.
4) Resident-Landlord Financial Need – the extent to which the landlord applicant demonstrates financial strain meeting cost of living in GB that an income restricted ADU would help alleviate <p>*Financial need should include assessment of assets.</p>	No financial need.	Housing costs are less than 30% of their household income and there is little financial need.*	Housing costs are approximately 30% and there is some financial need.	Housing costs are over 30% and there is clear financial need.	Demonstrates rental income will prevent homeowner/landlord from leaving home.
5) Cost Effectiveness – the extent to which the project is cost effective	Inefficient use of estimated cost/square foot.	Somewhat inefficient use of estimated cost/square foot.	Moderately efficient use of estimated cost/square foot.	Fairly efficient use of estimated cost/square foot.	Maximizes efficiency on estimated cost/square foot basis.
6) Impact – the extent to which the project demonstrates ability to impact the most people possible with secure housing.	Minimum impact: Studio unit, and 1 resident in the landlord's residential unit.	Studio unit or 1 resident in the landlord's residential unit.	1 bedroom and more than one resident in the landlord's residential unit.	Multibroom ADU or high number of residents in the landlord's residential unit.	Maximum impact: Multibroom ADU and highest number of residents in the landlord's residential unit.