



**The Town of Barnstable**  
**Affordable Housing Growth & Development**  
**Trust Fund Board**  
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**Mark S. Ells, Chairman**

**Friday, March 25, 2022**  
**Affordable Housing Growth & Development Trust Fund**  
**Board Meeting APPROVED Minutes**  
**9:00 A.M.**

Pursuant to the passage of legislation extending certain COVID-19 measures adopted during the state of emergency, this meeting was closed to the public.

Alternative public access to this meeting was provided by utilizing a Zoom link or telephone number, both provided in the posted meeting notice.

**Board Member Attendees:** Chairman Mark Ells, Andy Clyburn, Mark Milne, Laura Shufelt and Wendy Northcross.

**Other Attendees:** Attorney Ruth Weil, AHGDT Staff; Attorney Charlie McLaughlin, Senior Town Attorney; David Anthony, Director of Asset Management; Elizabeth Jenkins, Director, Planning & Development; Ryan Bennett, Housing Coordinator, Planning & Development; Amy Harwood, Marketing Outreach Manager, Planning & Development; Town Councilor Gordon Starr; and Ellen Swiniarski, Community Preservation Coordinator, Planning & Development.

**Call to Order**

With a quorum present, Chair Ells called the meeting to order at 9:00 a.m. and stated that today's meeting is recorded and in accordance with M.G.L. Chapter 30A, s 20 he must inquire whether anyone is recording this meeting and to notify the Chairman that a recording is being made. No one came forward.

**Member Introduction**

By roll call (present): Wendy Northcross, Laura Shufelt, Andy Clyburn, Mark Milne, and Mark Ells.

**Topics for Discussion**

**1. Public Comment**

None.

**2. Approval of minutes for the 3-11-22 meeting.**

Motion was made by Laura Shufelt and seconded by Wendy Northcross to approve the March 11, 2022 meeting minutes as submitted. Roll call vote: Wendy Northcross (yes), Laura Shufelt (yes), Andy Clyburn (yes). Mark Milne (abstained) and Mark Ells (abstained). Motion carries.

### **3. Discussion and review of proposed Guidebook for the Trust.**

Ruth Weil explained that the purpose of the Trust Guidebook is to offer applicants one document that contains all relevant Trust materials, noting that it will be updated as required. The Guidebook presents the history of the creation of the Trust; the roles of the Trustees; the application process; eligibility requirements for the current NOFA; and an Appendix includes all referenced documents. Wendy Northcross suggested the addition of an explanatory line or two at the beginning of each section.

Ruth Weil explained each section of the Guidebook noting the Trust structure and powers and the origins of the information, requirements, limitations, and definitions specific to the Trust that are contained in the Guidebook. It was agreed that although the Trust's NOFA focuses on development, funding for other types of projects in support of affordable housing would also be considered and should be included in the Guidebook.

Ruth asked the Trust for guidance regarding including in the Appendix, a sample award letter, grant agreement, mortgage promissory note. After discussion, it was decided that document samples watermarked with "DRAFT- NOT FOR OFFICIAL USE" would be helpful if included in the Appendix, noting that the documents would vary from project to project. Attorney McLaughlin offered that there should be a notation added to alert developers that Trust funds advanced that are not covered by the value of the property may require additional security.

The definitions of affordable housing, community housing, low income housing were discussed in relation to their applicability to the Trust. Ruth explained that the receipt of Community Preservation Act (CPA) funds requires that CPA rules are followed for those funds. She explained that the term community housing comes from the CPA and is broadly defined to include up to 100% area median income (AMI) and as low as 30% AMI explaining that for the purposes of the current NOFA, the Trust has defined community housing as anything from 81% to 100% AMI. Ruth further explained that affordable housing is 80% or below of the AMI and noted there are subsets: low income housing (50% or below AMI); and extremely low income housing (30% or below AMI). Ruth confirmed that currently the Trust did not have the ability to fund projects above 100% AMI due to the CPA limitation, noting that the Trust statute does not define low or moderate income housing and even if other funding sources are included, it must still constitute low or moderate income housing. Laura Shufelt agreed that traditionally affordable housing is 80% AMI or below with community housing up to 100% AMI explaining that there are some state programs that fund up to 120% AMI for workforce housing which has its own definition. Laura noted that because the statute does not define low and moderate incomes, some trusts across the state have defined it to be up to 120% AMI noting that special legislation is required for a community to go higher as Nantucket and Provincetown have done. Attorney McLaughlin raised the question whether income generated from a Trust investment would also be earmarked with CPA requirements and noted that this will be researched by Legal and brought back to the Trust.

The advantages of the Guidebook were discussed and appreciated and it was agreed that a comprehensive document is needed and can serve as backup to conversations with developers who may not fully realize the complexities of creating affordable housing. It was noted that the Guidebook will be updated as needed and posted on the website with hard copy available as well.

Motion was made by Andy Clyburn and seconded by Wendy Northcross to approve the Trust Guidebook with the suggested revisions. Roll Call Vote: Laura Shufelt (yes), Wendy Northcross (yes), Mark Milne (yes), Andy Clyburn (yes), and Mark Ells (yes).

#### **4. Update on the search to fill the Trust administrator position.**

Elizabeth Jenkins reported that in answer to the advertisement for the Trust administrator position, two qualified applicants responded. Interviews were conducted and the preferred candidate will be scheduled for a second interview with the Town Manager. As far as timing, Elizabeth said that ideally there would be some overlapping coverage with the potential and current Trust administrator.

#### **5. Update on the Transformational Development Initiative (TDI), a technical assistance grant from MassDevelopment.**

Ryan Bennett shared her screen depicting a map of the TDI District, a MassDevelopment program that she has been involved specifically in a housing group working on reinvestment opportunities in the east end. Ryan noted that there are four other working TDI groups. The housing working group has been encouraging property turnover in the east end and so far the little red depot building has been acquired and Cascade has changed ownership, noting that the group has been in touch with those property owners to provide incentive programs. Ryan shared a list compiled by herself and MassDevelopment of all of the different incentives that may be available that can be stacked to help support reinvestment. Information about the Trust; the NOFA, historic rehabilitation tax credits, and information about the Growth Incentive Zone, new market tax credits, Housing Choice and the Commonwealth Builder program from Mass Housing which increases the subsidy to \$250,000 per unit are included on the list. Ryan said the TDI housing group has been a very positive public/private engagement working group. Laura noted that the Commonwealth Building program has a minimum of 20 units as a threshold which will be added to the description.

There was discussion regarding whether any of the programs could be used by a homeowner to create an Accessory Dwelling Unit (ADU) and Laura noted that there needs to be a permanent deed restriction if CPA funds are used. Ryan offered that Housing Assistance Corp (HAC) has a technical assistance program in place to support the creation of ADUs as well as specific financing programs through local lenders that also can help support the creation of ADU units. Elizabeth said that CBDG and CPA funds have been and are used to support the Accessory Affordable Apartment Program (AAAP) and they continue to find ways to provide financial and other incentives to encourage people who are looking at creating ADUs. There was discussion for a future agenda item regarding the Trust playing a role in creating a summit for the financing of ADUs and to raise community awareness. Attorney McLaughlin agreed that ADUs could play a big part in affordable housing without requiring a perpetual restriction noting the need for feedback from the institution lenders in this regard. Laura pointed out that the AAAP program does not require a permanent restriction because it is a waiver under Chapter 40B and can be rescinded when sold or unused. Laura reminded that there must be a public benefit if putting public funds into a property. Ryan said that the intended audience is property owners in the east end through the TDI housing work group although there has been discussion about having a broader forum. She said tying in the ADU component and broadening the participant group could be a good exercise for the TDI housing group.

Elizabeth added that this agenda item was included to help loop the Trust into the efforts of the TDI housing group and explain the goals of the TDI District as well as what is already being done to provide opportunities in the district relative to accelerating growth with this district through co-investment and a public/private partnership to redevelop and meet district goals. She confirmed that one of the primary goals of the TDI District is economic and development growth revitalization through equitable housing and the table that Ryan presented illustrates the types of programs and funding that may be available to assist when proposing housing development within the TDI District. Elizabeth noted that a permitting guide for ADUs is being created. Attorney McLaughlin suggested including funding options as well and Elizabeth noted that Housing Assistance Corporation (HAC) has a technical assistance program for ADU funding that can be referenced.

## **6. Discussion of possible Trust funding to update the Housing Needs Assessment.**

Ryan explained that the Housing Needs Assessment is a component of the Housing Production Plan which will expire in 2023. Planning & Development is exploring whether non-CPA funds could be available to fund the Housing Needs Assessment. Ryan explained that there would be a direct contract with a consultant and this work is estimated to cost \$10,000. Ryan explained that the 2015 Housing Needs Assessment would be updated with determinations as to where the critical priorities and needs may have shifted resulting in a changing of priorities reflecting subsequently in the Housing Production Plan. Ryan explained that the updated Housing Production Plan will include priority strategies for addressing housing needs of different income groups, populations, and sectors in Town, noting that the Needs Assessment is the indicator of how to structure goals and strategies of the Housing Production Plan. She reminded that there have been significant shifts in housing needs since 2015.

Andy Clyburn said that for long term planning purposes, the Trust should possibly look at the ability to exceed 100% AMI as Nantucket and Provincetown have done and said that this Housing Needs Assessment may support that discussion. Laura Shufelt noted that the census information which will include total year round housing units will not be available until September and said the updated census would contain important information for the Housing Needs Assessment. Ryan said she will provide more information as to how other communities are handling the situation where their Housing Production Plans are set to expire and the most current data from the census is not available. There was discussion regarding other funding sources and the preference to use Trust funds for development of affordable housing. Laura noted that Housing Choice has been a funding source for the housing plans however, Elizabeth expressed concern that the timing for distribution of Housing Choice funds would be too long to wait and stressed the importance of keeping the town's Housing Choice Community designation updated. Elizabeth said that they are also having conversations with CPC and the Legal Department about the availability and advantages of that funding source. Mark Milne said that CPC Administration funds had been used for the plan the last time and it could be a potential opportunity as a funding source. Wendy Northcross was in support of the Trust funding the plan given the enormity of the challenges to increase housing in town and the inability of employees to find housing. Mark Milne said that the Trust still has funds remaining from Trade Winds mitigation that could be approved by the Trust quickly. It was agreed that staff would work together to make a recommendation to the Trust if the Trust is determined to be the appropriate funding source for the Housing Needs Assessment.

## **7. Continuation of discussion as to whether the Trust should actively pursue the acquisition of properties.**

Andy Clyburn said that although there had been robust discussion on the potential for the Trust to acquire properties, it was decided to continue the discussion to a meeting with all members present. He noted that everyone agrees that every opportunity should be on the table but said that in discussion there were some points brought to light associated with acquiring and management of property and the need to hire assistance was noted as this would be a novel undertaking for the Trust. Laura said this proactive stance was offered if the Trust was not getting developers interested in building affordable housing or creating affordable housing in other ways, rather than waiting for developers to come to the Trust. She shared that many other Trusts have purchased property and then put them out for disposition for a developer to create affordable housing, noting the advantage is the Town gets what is wanted on the parcel for housing. Laura outlined the process followed by other Trusts: purchase parcel; predevelopment work/confirm financial feasibility; attractive RFP to developers with parameters of what is wanted; convey the land at no cost to the developer to avoid required public construction wages. All Trust members agreed that this is something that should be explored further as a future discussion item and Laura agreed to bring back information on other Trust's successful efforts in this regard.

## **8. Proposed minor amendments to the Trust Rules and Regulations.**

Ruth said as noted in the discussion about the Guidebook, page 5 of the Trust's Rules and Regulations did not include Community Housing. The proposed amendment is to add Community Housing to Section D (1) (A) 1 through 4.

Motion was made by Andy Clyburn and seconded by Mark Milne to approve the amendment to Section D (1) (A) 1 through 4 of the Trust Rules and Regulations by adding Community Housing to the section. Roll call vote: Laura Shufelt (yes), Wendy Northcross (yes), Mark Milne (yes), Andy Clyburn (yes), and Mark Ells (yes).

## **9. Update on the Request For Quotes (RFQ) for on-call housing inspectors.**

Ruth Weil advised that this agenda item will need to be brought back to a future meeting.

## **10. Discussion of topics for future meetings.**

- Update on the Request for Quotes (RFQ) for on-call housing inspectors.
- Example of a successful acquisition/development of property by a Trust – Laura said she is unavailable for the April 8, 2022 Trust meeting.
- Update on the Housing Needs Assessment funding ask.
- Update on the marketing of the NOFA.
- Update on the Trust administrator position.
- Process for Accessory Dwelling Units – staff's recommendations.
- Discussion regarding exceeding the restriction of 100% AMI – process to accomplish this and possible impacts.

**Adjournment**

Motion to adjourn was made by Mark Milne and seconded by Wendy Northcross. Roll call vote: Laura Shufelt (yes), Wendy Northcross (yes), Mark Milne (yes), Andy Clyburn (yes), and Mark Ells (yes). Meeting adjourned.

**List of documents/exhibits used by the Board at the meeting:**

Exhibit 1 – Affordable Housing Growth and Development Trust Fund Board Agenda 3/25/2022.

Exhibit 2 – Draft minutes for the 03/11/2022 Affordable Housing Growth and Development Trust Fund Board meeting.

Exhibit 3 - Barnstable Affordable Housing Growth and Development Trust Fund Guidebook.

Exhibit 4 - Barnstable Affordable Housing Growth and Development Trust Fund Rules and Regulations – to be amended March 25, 2022.

Respectfully submitted,  
Ellen M. Swiniarski  
CPC Coordinator  
Planning & Development