

Feb. 9, 2016
West Tisbury Affordable Housing Committee
Minutes

Present: Mike Colaneri, Glenn Hearn, Ted Jochsberger and Vickie Thurber

Absent with Regrets: Henry Geller and Larry Schubert

Also Present: Rhonda Conley

ONGONIG BUSINESS

Fire Station Project: The committee reviewed the latest RFP and Outline Specs (see attached). Review corrections in red. ***Glenn made a motion seconded by Vickie to accept the RFP and Outline Specs as the final versions with grammar and other corrections with the understanding that the issues of energy efficiency, drainage and road/parking are addressed.***

VOTE 4 YES 0 NO

Ted made a motion seconded by Vickie that after corrections are made the documents should be sent to town counsel and the Selectmen for review and give permission for Leedara to speak to town counsel about any changes town counsel feels need addressed. VOTE 4 YES 0 NO

Rooney Refinance: Rhonda reported that the documents are in the signing phase as voted at the emergency meeting on 1/29/16. Mike will sign for the AHC Wed. the 10th.

Hurd Update: Rhonda spoke with Leslie Hurd. Hurd is still working on creating an affordable house lot.

Luck Update: Rhonda reported that Marie Luck is still considering selling her lot on Pin Oak Circle.

Ted made a motion seconded by Vickie to accept the minutes of 1/26/16 as written.

VOTE 4 YES 0 NO

NEW BUSINESS

Refinancing and Resale Process: Rhonda put together letters of process for these transactions (see attached). As time was short the discussion of these was postponed to a future meeting.

Adjourned at 8PM

The next AHC meeting will be Feb. 23, 2016 at 7 PM in the 2nd floor conference rm. at Town Hall.

The next AHT meeting will be Feb. 23, 2016 at 7:15 PM in the 2nd floor conference rm. at Town Hall.

Respectfully submitted by Rhonda Conley

Attachments

**TOWN OF WEST TISBURY
REQUESTS FOR PROPOSALS
For the
West Tisbury Community Housing Project at 565 Edgartown Rd**

The Town of West Tisbury through its Affordable Housing Committee invites qualified responders to submit a proposal for affordable rental housing construction and management. The selected responder will be responsible for the construction of three triplex-style clusters, for a total of 9 apartments, to be constructed on a portion of the 4.98 acre parcel of land in West Tisbury located at 565 Edgartown Road, Assessor's Parcel 31-36 (the "property"). The Town of West Tisbury will convey the property to the selected responder via a ground lease at \$1.00. The selected responder or its designee will be responsible for permitting, funding, construction and ongoing property management. Units will be restricted affordable in perpetuity

I General Information

1) Proposals will be accepted at the West Tisbury Town Hall, Office of the Executive Secretary, 1059 Main Street, P.O. Box 278, West Tisbury, MA 02575, **until 2:00 PM, [REDACTED].**

Applicants must submit one original application and 12 (twelve) copies in a sealed envelope marked "West Tisbury Community Housing Project at 565 Edgartown Rd" Faxed or e-mailed proposals will be deemed non-responsive and will be rejected. If, at the time of the scheduled response opening, Town Hall is closed due to uncontrolled events such as fire, snow, ice, wind or building evacuation, the response opening will be postponed until 2:00 PM on the next normal business day. Submittals will be accepted until that date and time.

2) Award will be made within sixty (60) days after response opening unless otherwise stated in the specifications or the time for award is extended by mutual consent of all parties. All submittals shall be valid for a minimum period of sixty (60) calendar days following the date established for acceptance.

3) If any changes are made to this RFP, an addendum will be issued. Addenda will be e-mailed, mailed or faxed to all companies and individuals on record as having requested the RFP.

3) There will be a **Bidders Conference** on site, _____.

4) **All inquiries or questions regarding this RFP should be submitted via e-mail no later than 2 pm [REDACTED] to Ms. Leedara Zola, Housing Consultant, leedarazola@gmail.com.** Responses to inquiries and questions will be mailed, faxed or emailed to all companies and individuals on record as having requested the RFP.

5) Responses may be modified, corrected or withdrawn only by written notice received by the Town of West Tisbury prior to the time and date set for the response opening. Modifications must be submitted in a sealed envelope clearly labeled "Modification No. ____" and must reference the original RFP response.

6) Responses received prior to the date of opening will be securely kept, unopened. No responsibility will attach to an officer or person for the premature opening of a response not properly addressed and identified. Any submittals received after the advertised date and time for opening will be considered non-responsive and be returned to the responder unopened.

7) Proposals, which are incomplete, conditional or obscure, will be rejected. No award will be made to any proposer who cannot satisfy the Awarding Authority that he/she has sufficient ability and sufficient capital to enable him/her to meet the requirements of these specifications. The Awarding Authority's decision or judgment on these matters shall be final, conclusive and binding.

8) The Town of West Tisbury reserves the right to reject any and all responses and to waive any minor informality in responses received whenever such rejection or waiver is in its best interest.

- 9) The Town of West Tisbury may cancel this RFP, in whole or in part, or may reject all Proposals, or may procure only some goods and/or services outlined in this RFP whenever such action is determined to be fiscally advantageous, or if it is otherwise in the best interest of the Town of West Tisbury.
- 10) The Town of West Tisbury may request that supplementary information be furnished to assure the Town of West Tisbury that a proposer has the technical competence, the business and technical organization, and the financial resources adequate to successfully perform the necessary work.
- 11) The Town of West Tisbury will not be responsible for any expenses incurred in preparing and submitting responses. All submittals shall become the property of the Town of West Tisbury. All deliverables, reports, maps and other documents resulting from this contract shall become the property of the Town of West Tisbury.
- 12) The RFP, and any subsequent contract for the services, is hereby issued in accordance with M.G. L. c. 30B. The selected proposer shall be expected to comply with all applicable state and federal laws in performance of service and acceptance of the land from the Town of West Tisbury, including but not limited to M.G.L. c. 44, § 63A, M.G.L. c. 60, § 77A and M.G.L. c. 60, § 77B.
- 13) Response to this RFP acknowledges the proposer’s acceptance of all sections and requirements of this document. The proposer’s response to the RFP will be incorporated within the contract. If the proposer’s proposal does not comply with the requirements of this RFP, or if an item is not understood in any way, a copy of that section of the RFP must then be included in the proposal and all its copies clearly stating the deviation, additions, or other comments.
- 14) The Town of West Tisbury makes no representations or warranties, express or implied, as to the accuracy and or completeness of the information included in this RFP. This RFP, including all attachments, supplements and/or future addendums, is made subject to errors, omissions, and withdrawal without prior notice, and to changes to, additional, and different interpretations of laws and regulations.
- 15) The Tax Compliance Certification and the Certificate of Non-Collusion must be included with the response. These forms must be signed by the authorized individual(s).

II. Background

A. Housing Needs

The Department of Housing and Community Development lists West Tisbury as having 1.8% of its year-round housing stock affordable to low-to-moderate income households. The state goal is 10%. Compared to other Vineyard towns (ranging from Aquinnah with 25.9% to Chilmark with 0.7%), West Tisbury has the second least affordable housing.

The National Low Income Housing Coalition publishes a yearly “Out of Reach” report on rental housing affordability. The 2014 report lists Dukes County as having the second highest housing cost related to minimum wage (second only behind Nantucket, a dubious distinction). A Dukes County renter household needs the equivalent of 3.1 full time jobs at minimum way in order to afford a 2 bedroom at fair market rent. At area mean wage for renter households (different than minimum wage) a Duke’s County household needs 2.1 full time jobs.

With a very high seasonal demand for rental housing, year-round stable affordable rentals are rare, if not virtually impossible, to find.

B. 2015 Dukes County Area Median Incomes

2015 Income Limits, Based on Percentage of Dukes County Area Median Income (AMI)

	1-person	2-person	3-person	4-person	5-person	6-person
30% of AMI	\$18,400	\$21,000	\$23,650	\$26,250	\$28,410	\$32,570
50% of AMI	\$30,650	\$35,000	\$39,400	\$43,750	\$47,250	\$50,750
80% of AMI	\$46,100	\$52,650	\$59,250	\$65,800	\$71,100	\$76,350

100% of AMI	\$61,180	\$69,920	\$78,660	\$87,400	\$94,390	\$101,380
120% of AMI	\$73,420	\$83,900	\$94,390	\$104,880	\$113,270	\$121,660

Source: Dukes County Regional Housing Authority

C. Affordable Rental Rates

2015 Affordable Rent (assuming utilities included)

	1-bedroom	2-bedroom	3-bedroom
30% of AMI	\$460	\$591	\$683
50% of AMI	\$766	\$985	\$1,138
80% of AMI	\$1,153	\$1,481	\$1,711
100% of AMI	\$1,530	\$1,967	\$2,272
120% of AMI	\$1,836	\$2,360	\$2,727

Source: Incomes from Dukes County Regional Housing Authority

Calculation based on 1 person per bedroom for 1bdrm; 1.5 persons per bedroom for 2bdrm and 3 bdrm

III. Request for Proposals

A. Project Description

The Town of West Tisbury through its Affordable Housing Committee invites qualified responders to submit a proposal for affordable rental housing construction and management. The selected responder will be responsible for the construction of three triplex-style clusters, for a total of 9 apartments, to be constructed on a portion of the 4.98 acre parcel of land in West Tisbury located at 565 Edgartown Road, Assessor’s Parcel 31-36 (the “property”). See Attachment A for Site Information, including Concept Site Plan, Maps, Deed and Title Insurance. The Town of West Tisbury will convey the property to the selected responder via a ground lease at \$1.00. The selected responder or its designee will be responsible for permitting, funding, construction and ongoing property management. Units will be restricted affordable in perpetuity

The purpose of this Request for Proposal (RFP) is to select a developer who can demonstrate the experience and capacity to timely and successfully:

Enter into a ground lease with the Town of West Tisbury

- Perform community outreach prior to permitting; ensure site plan takes into account existing uses of the property and the neighborhood in general, and works to be harmonious with these to the greatest extent practical
- Secure all appropriate approvals and permits. It is anticipated that this project will be permitted under the Town of West Tisbury Zoning Bylaw Section 4.4 “Housing” or in the alternative, permitting under Massachusetts General Law Chapter 40B.
- Ensure all nine units are included on the Department of Housing and Community Development (DHCD) Subsidized Housing Inventory (SHI). This requirement may be waived at the discretion of the Town of West Tisbury
- If applicable, execute a Regulatory Agreement in a form acceptable to the Town of West Tisbury and the Department of Housing and Community Development.
- Construct buildings in three triplex-style clusters, for a total of 9 apartments
- Work cooperatively through marketing, including lottery *if necessary*, utilizing the Town’s selection processes for future assignments.

- Effectively and productively manage the 9 units of affordable rental housing, ensuring a quality, sustainable neighborhood; or at the approval of the Town of West Tisbury, hire a local management team under a management agreement approved of by the Town of West Tisbury.

See Attachment B for a sample Ground Lease. See Attachment C for a sample Regulatory Agreement. See Attachment D for a sample Management Agreement.

The selected responder will be responsible for conducting community outreach and design review, including presenting draft plans and specifications to the community and neighbors before applying for a permitting.

The selected responder should work in harmony and collaboration with other uses of the property, including the ball field, and will share a driveway curb-cut onto Edgartown Road with the ball field.

The selected responder will be responsible for securing all permits and necessary zoning relief. It is expected that this project will be under a Special Permit through the Town of West Tisbury Zoning Bylaw Section 4.4 Housing

The selected responder will be responsible for ensuring the units are included on the Department of Housing and Community Development (DHCD) Subsidized Housing Inventory (SHI). It is expected that this would be via the Local Initiative Program (LIP).

The selected responder will be responsible for quality construction of the units.

The selected responder will work cooperatively with the West Tisbury Affordable Housing Committee or other entity approved by the Town of West Tisbury, through outreach, marketing, lottery and maintenance of appropriate waiting lists. Preference for local West Tisbury residents should be in all selection processes to the maximum extent allowable by law

The Town of West Tisbury will require that the Developer use best efforts to secure the maximum local preference allowed by law in the initial lottery.

E. Property Description

The property is a portion of the 4.98 acre parcel of land in West Tisbury located at 565 Edgartown Road, Assessor's Parcel 31-36. See Attachment A for Site Information, including Concept Site Plan, Maps, Deed and Title Insurance prepared by Vineyard Land Surveying & Engineering, Inc. and dated March 30, 2015. Selected responder and the Town of West Tisbury will agree upon a building envelope.

IV. Goals and Guidelines

The Town of West Tisbury has established the following guidelines as a reflection of its goals for quality development of the property. Priority will be given to applicants who demonstrate the ability to best meet these goals, as determined by the evaluation criteria in this RFP

A. General Design and Construction Guidelines

All structures must comply with any local applicable code, including "stretch code", Massachusetts State Building Codes, Massachusetts Electrical Code, Massachusetts Plumbing and Heating Code, Massachusetts Fire Code, and Massachusetts Sanitary Code.

There is no preference for type of construction. Modular or panelized construction is acceptable, as is traditional "stick-built" construction.

Buildings and Units will be Sited within a building envelop as approved of by the West Tisbury Affordable Housing Committee and the West Tisbury Board of Selectmen. It is anticipated that the final site plan will - substantially conform to the Concept Plan in Attachment A.

******* To the greatest extent possible, building plans should be harmonious with the existing architecture of the neighborhood and the Town of West Tisbury *******

B. Community Outreach

The selected responder will be responsible for conducting community outreach and design review, including presenting draft plans and specifications to the community and neighbors before submitting applications for permitting

C. Building and Unit Specifications

The preference is for units clustered in triplex-style configurations; with three clusters of three units each. There shall be no more than 7 buildings total. Unit configuration must include three 3-bedroom units, three 2-bedroom units and three 1-bedroom units. The maximum total number of bedrooms is 18. See Outline Specifications

One of the 1-bedroom units must adhere to ADA standards. All of the ground floor living space *in all units* must meet visitability standards, including exterior walkways.

The site plan must include 18 parking spaces, including 3 handicapped spaces.

D. Ball Field

Developer will be required to improve the Ball field parking to approximately 30 designated spaces. This should be included in bid as a separate line item cost.

E. Energy Efficiency and “Green” Construction

Proposals shall provide the most energy efficient residential project within the constraints of this development. Energy Star Standards shall be adhered to. The Town of West Tisbury encourages applicants to suggest in their proposal changes to the design that would improve the energy efficiency and maintenance of the houses and encourages applicants to suggest “green” technologies, LEED construction and/or near Net Zero and Net Zero Building, including, but not limited to, the addition of solar energy components.

F. Landscaping and Site Work

Proposals will include finish grade (taking into account appropriate and reasonable drainage techniques), lawn, shrubs and gravel driveways. Proposals shall provide a landscape plan that includes a 50’ no disturb area along the western property border. The landscape plan shall also include an appropriate buffer between the development and the ballfield, shall call for the minimum practical vegetation removal and should include an area designated for community garden.

G. Readiness to Proceed and Timelines

Developer shall show the ability to start on the project within a reasonable timeframe, no later than 9 months after execution of the ground lease, preferably earlier. Start shall be evidenced by securing of a building permit. Construction shall be completed, as evidenced by a Certificate of Occupancy, and the Units shall be rented to eligible and qualified households, preferably earlier but no later than two years after building permits have been issued. Timelines may be extended by mutual agreement of the Developer and the Town of West Tisbury. In the event the Developer defaults on the aforesaid obligations, at the Town’s option, title to the land shall revert to the Town or its designee.

H. Financial

Selected responder shall be responsible for all costs associated with permitting, construction, household selection and ongoing rental maintenance and management, and shall demonstrate the financial capacity to manage and complete the Project.

Assistance shall be provided by the Town of West Tisbury in the form of documentation for any grant applications or subsidies for which the selected responder may choose to apply.

I. Ground Lease

See Attachment B for a sample Ground Lease. The Ground Lease fee will be \$1.00 *this is a one-time fee.*

V. Evaluation Criteria

The criteria to be used by the Town of West Tisbury in evaluating the proposals are as follows.

A. Minimum Threshold Criteria

The project must meet the minimum threshold criteria. Submittals failing to comply with one or more of the minimum criteria stated below shall be disqualified from further consideration:

1. The response must be complete and must conform with all submission requirements

2. Proposal must be for nine units; three 3-bedroom units, three 2-bedroom units and three 1-bedroom units, with a maximum of 18 total bedrooms and 7 total buildings. One of the 1-bedroom units must adhere to ADA standards. All of the ground floor living space *in all units* must meet visitability standards, including exterior walkways.
3. Affordability (utilizing the Town's selection processes for future assignments): Unit must be affordable to households earning at or below 80% of the Duke's County Median Income
4. Responder must certify compliance on all state and local taxes (see attachment I)

Comparative Evaluation Criteria:

Projects meeting the minimum criteria will be judged on the following additional comparative evaluation criteria. The Town of West Tisbury reserves the right to award the contract to the responsive and responsible proposal which best meets the Town's needs, taking into account qualifications, submittal quality and evaluation criteria. The awarding authority's decision or judgment on these matters shall be final; the Town of West Tisbury will use the comparative criterion for each separate rating area, and based upon these criteria, will assign an overall rating to each proposal. Each of the criteria may contain ratings of:

- Unacceptable**
- Not Advantageous**
- Advantageous**
- Highly Advantageous**

An "Unacceptable" rating in any one of the criteria may eliminate the proposal from further consideration:

1. Strength of Development Team

Applicants will be evaluated on the strength of the development team as evidenced by the experience with similar projects. Experience evaluated will be that of the organization's principal (executive director, chief executive officer, or similar position) and the individual designated to lead the Project (project manager or other similar position).

- Unacceptable: Either the organization's principal or the project manager has had no experience with similar projects within the last 5 years.
- Not Advantageous: Either the organization's principal or the project manager have had experience with only 1 similar project within the last 5 years.
- Advantageous: both the organization's principal and the project manager have had experience with 2 or more similar projects within the last 5 years.
- Highly Advantageous: both the organization's principal and the project manager have had experience with 3 or more similar projects within the last 5 years.

2. Construction Experience

Applicants will be evaluated based on the extent of the organization's construction experience with residential new construction affordable rental projects.

- Unacceptable: Applicant has less than 5 years of the above stated construction experience
- Advantageous: Applicant has 5 to 8 years of the above stated construction experience
- Highly Advantageous: Applicant has more than 8 years of the above stated construction experience

3. Rental Property Management Experience

Development Team will be evaluated on the extent of the organization's and/or the organization's designated Management Group's experience with Rental Property Management in the context of affordable housing.

- Unacceptable: Applicant has no experience with rental property management in the context of affordable housing
 - Advantageous: Applicant has 5 years or less of experience with rental property management in the context of affordable housing
4. Highly Advantageous: Applicant has more than 5 years of experience with rental property management in the context of affordable housing

Financial Experience and Capacity

Applicants will be evaluated on the extent to which financial references verify financial capacity of applicant and the extent of their financial strength to support the most favorable terms from a construction lender.

- Unacceptable: Applicant has not demonstrated financial capacity by providing adequate documentation to allow reviewers to determine financial viability
- Not Advantageous: Applicant has provided basic documentation regarding financial capacity however it is not clear that applicant has the financing or cash flow to adequately complete the project
- Advantageous: Applicant has provided sufficient documentation to demonstrate financial viability and cash flow to complete the project
- Highly Advantageous: Applicant has provided ample documentation to demonstrate financial viability and cash flow with a lending letter of interest naming this project and documenting availability of financing

5. Project Discussion and Cost Projections

Applicants will be evaluated on the extent of their project understanding, especially pertaining to the goals of creating quality affordable housing that can be rented affordably to income qualified households, as evidenced by Applicant's Narrative Description of the Proposed Development and Development Budget.

- Unacceptable - Proposal did not adequately convey Applicant's understanding of the project goals and approach to completing the project successfully.
 - Not Advantageous - The response indicates Applicant may understand the project goals, but the materials provided are not clear enough to make a determination. Applicant's approach does not instill confidence in a plan to complete the project in a well thought out manner.
 - Advantageous - The Narrative and Budget provided indicate Applicant will meet the project goals and show the Applicant's demonstrated understanding of the project and approach to the work required
6. Highly Advantageous - The Narrative and Budget provided clearly indicate Applicant's understanding of the project goals and ability to successfully meet these goals; shows the Applicant's demonstrated understanding of the project; Applicant's ability to bring leadership to the project and that their approach to the project demonstrates a creative and thorough process

Project Discussion and Design Proposals

Applicants will be evaluated on the extent of their project understanding, especially pertaining to the goals of creating quality affordable housing that is harmonious with the existing architecture of

the neighborhood and the Town of West Tisbury, and meets the Goals and Guidelines in the RFP, as evidenced by Applicant's Narrative Description and Preliminary Site Plans.

- Unacceptable - Proposal did not adequately convey Applicant's understanding of the project goals, and approach to designing the project successfully.
- Not Advantageous - The response indicates Applicant may understand the project goals, but the materials provided are not clear enough to make a determination. Applicant's approach does not instill confidence in a plan to design the project in a well thought out manner.
- Advantageous - The Narrative and Preliminary Site Plans provided indicate Applicant will meet the project goals and show the Applicant's demonstrated understanding of the project and approach to the design.
- Highly Advantageous - The Narrative and Preliminary Site Plans provided clearly indicate Applicant's understanding of the project goals and ability to successfully meet these goals; shows the Applicant's demonstrated understanding of the project; Applicant's ability to bring leadership to the project and that their approach to the design demonstrates a creative and thorough process

7. Readiness to Proceed

Applicants will be evaluated on their ability to begin the project in a timely manner as demonstrated by the Projected Development Schedule. Start shall be evidenced by securing of a building permit.

- Unacceptable: Applicant did not provide a Projected Development Schedule
- Not Advantageous: Applicant has provided a Projected Development Schedule that documents the ability to start the project 24-36 months after the execution of the ground lease
- Advantageous: Applicant has provided a Projected Development Schedule that documents the ability to start the project 12-24 months after the execution of the ground lease
- Highly Advantageous: Applicant has provided a Projected Development Schedule that documents the ability to start the project within 12 months or less after the execution of the ground lease

8. Ability to Work with Local Government and Funding Sources

Applicants will be scored according to the extent of successful experience working with government-assisted programs and funding sources during the last five years.

- Unacceptable: Applicant with less than one year successful experience working with government assisted programs
- Advantageous: Applicant with one to five years successful experience working with government assisted programs
- Highly Advantageous: Applicant with more than five years of successful experience working with government assisted programs

9. Green Construction

Proposal will receive additional consideration for green construction as follows:

- Unacceptable: Lack of adherence to Energy Star standards
- Not Advantageous: Adherence to Energy Star standards
- Advantageous: Additional "green" aspects to construction beyond Energy Star
- Highly Advantageous: LEED certified construction

VI. Submission Requirements

Applicants must submit all of the following information:

1. Letter of Interest signed by all principals of the applicant organizations
2. Narrative description of the proposed development, including description of development team (key consultants, property manager, architect, contractor and attorney). The narrative should detail previous experience of members of team and should also provide details on similar projects completed.
 - Project Information (**MUST USE**: One Stop located at www.mhic.com)
 - a. Project Description and Development Team Summary (One Stop Section 1&2)
 - b. Sources and Uses (One Stop Section 3)
 - c. Operating Pro-Forma (One Stop Section 4)
 - d. Preliminary site plan
 - e. Preliminary architectural floor plans and elevations
 - f. Projected development schedule
3. Financial and Developer Information:
 - a. Developer Financials: Most recent federal tax forms and audited financial statements
 - b. Letters of interest from lender(s) or other documentation of funding sources
 - c. References (no more than three), including name, title and contact information
 - d. List/Description of other real estate owned
4. Forms and Certificates
 - a. Certification of Tax Compliance (M.G.L. c. 62C, 49A) (Attachment G)
 - b. Disclosure of Beneficial Interests (M.G.L. c.7, 40J) (Attachment H)
 - c. Certificate of Non-Collusion (Attachment I)
 - d. Information regarding any legal or administrative actions, past, pending or threatened that could relate to the conduct of the applicant's business (Attachment J).

VII. Selection Process

All packages submitted by the deadline will be opened in public and logged in. All information contained in the proposals is public. The Town of West Tisbury, its Affordable Housing Committee or its designee(s) will review and evaluate all proposals that have been received by the submission deadline. Evaluation of the proposals will be based upon the information provided in the applicant's submission in accordance with the selection criteria outlined in this RFP and any interviews, references and additional information requested by the Town. The Affordable Housing Committee will make a recommendation to the West Tisbury Board of Selectmen. The Board of Selectmen will be the awarding authority. The Town of West Tisbury will notify all applicants in writing of its decision.

Attachments:

Attachment A: Concept Site Plan, Maps, Deed and Title Insurance

Attachment B: Sample Ground Lease

Attachment C: Sample Regulatory Agreement

Attachment D: Sample Management Agreement

Attachment E: November 2015 Town Meeting Vote

Attachment F: Town of West Tisbury Zoning Bylaw

Attachment G: Certificate of Tax Compliance Form

Attachment H: Disclosure of Beneficial Interests Form

Attachment I: Certificate of Non-Collusion Form

Attachment J: Information on Legal and Administrative Actions

[*Attachment Outline Specification*](#)

West Tisbury Affordable Housing Refinance Review Procedure

Please note: This procedure is intended as a practical assist to owners and does not replace or contravene any particular term or requirement of a West Tisbury Housing Covenant or Deed Rider.

1. When the Owner of a West Tisbury property ("Homeowner") under a Housing Covenant or Deed Rider preserving long term affordability wishes to refinance their property, the Homeowner shall notify the Town Affordable Housing Committee (WTAHC) and the Dukes County Regional Housing Authority (DCRHA) in writing (addresses at end of procedures) of the Homeowner's intention (the Refinance "Notice"). ***WTAHC must review and approve all requests to refinance before you may close on a new loan. The Notice should state the full address of the property, the amount of the refinance or second mortgage requested a phone number where you can be reached during the day, an email address if available and, the reason for refinancing.***
2. Upon receipt of the Notice, staff of the WTAHC, West Tisbury Board of Assessors and DCRHA shall confer and determine the current Maximum Resale Price of the Property based upon the terms of the existing Covenant or Deed Rider.
3. The Homeowner will be notified of the current Maximum Resale Price by phone followed by mailed confirmation within 21 business days of receipt of the Notice.
4. At this time, the Homeowner shall also be supplied by WTAHC or DCRHA staff with a copy of the current Housing Covenant in use by the Town, Permitted Mortgage Agreement, Town \$1.00 Mortgage and Certificate of Approval for review with their lender regarding permissible terms of mortgage.
5. The Homeowner will need to submit the following:
 - a. ***A copy of your complete loan application to the lending institution***
 - b. ***A copy of the commitment letter from the lender. The commitment letter, or any written documentation, should provide information on the loan terms, including the interest rate, points, length of loan (15 or 30 years), APR (annual percentage rate), and any other pertinent information.***
 - c. ***A copy of the Good Faith Estimate. The Good Faith Estimate is provided by the lender and should provide information on the estimated closing costs.***

WTAHC may also require the following depending on your deed rider (covenant) and will inform you of which documents are required in your particular situation.

- ***A copy of the deed rider. The deed rider is the document you signed at closing that describes the resale and refinance provisions for your particular property.***
- ***An appraisal report. A complete copy of an appraisal report for the property, completed by a certified residential appraiser within the last 120 days. The home should be appraised as a (market rate or affordable rate property?)***
- ***Information on your monthly condominium fees (if any), your town's current tax rate per thousands and monthly homeowner's insurance amount. You can provide this information in your letter requesting approval to refinance.***

Within 21 business days of the Homeowner's submission of the above, WTAHC will conclude its review and submit a written decision to the Homeowner.

6. At this juncture Town Counsel will step in to handle the documents for the mortgage (if so approved by WTAHC) closure. Preparation of closing documents by the Homeowner's attorney shall be the Homeowner's responsibility. Town Counsel shall prepare a current Housing Covenant, Permitted Mortgage Agreement, Town \$1.00 Mortgage and Certificate of Approval (all documents to be included in the closing). Town Counsel shall collect the required signatures of the Board of Selectmen and WTAHC representative and notarization of such documents. This should be completed within 30 business days of the WTAHC review and written decision. These documents shall not be altered by the Lending Institute, Homeowner or Homeowner's Counsel. If changes to any of these documents are contemplated they must be brought before the West Tisbury Affordable Housing Committee and approved by such. This may lead to a delay in the processing or a denial of refinancing.
7. The Homeowner shall direct all contacts with town counsel as to closing date, etc.
8. Town Counsel will inform WTAHC of the closing and provide a copy of the recorded documents along with an invoice of cost for services pertaining to the WTAHC refinance involvement.
9. WTAHC staff will provide a copy of the recorded Housing Covenant to the DCRHA for reference in future affordability monitoring.

West Tisbury Affordable Housing Committee PO Box 278, West Tisbury, MA

affordhouse@westtisbury.ma-gov

Dukes County Regional Housing Authority, P.O. Box 4538, Vineyard Haven MA 02568

www.vineyardhousing.org

508-693-4419

Adding/Deleting Name to Deed during Refinance

If you will "convey" the home from your spouse/co-owner, WTAHC considers this a transfer of the property. The following describes the procedure for this transfer:

Deletion: The closing attorney will prepare a new deed in your name alone that WTAHC must review prior recording. The new deed must specifically reference the current deed rider (listing the book and page numbers of the original deed rider).

Addition: The same process will apply if you are adding your spouse (husband or wife) to the Deed.

Note: The Deed rider (covenant) may have explexive clauses pertaining to transfer of property that must be followed.

MORTGAGE GUIDLEINES

Your proposed new first or second mortgage should at a minimum meet the following guidelines:

1. **Be a fully –amortizing fixed-rate mortgqage with no prepayment penalty or balloon payment.**
2. **Have a current fair market interest rate. (No more than 2 % points above the currently prevailing interest rate).**
3. **For a first mortgage refinance: Have a loan amount no greater than 80% of the maximum resale price.**
4. **For a second mortgage. The combined amount of the first and second mortgages may not exceed 80% of the maximum resale price.**

WTAHC may deny your request to refinance, or require that you consult with a non-profit credit counselor if the benefit of the loan is unclear. Examples of this may include loans with high closing costs, or a higher interest rate than you currently hold.

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West Tisbury Affordable Home Resale and Transfer Procedures

The West Tisbury Affordable Housing Committee (WTAHC) wants to make sure you are aware of the **obligations if or when you** resale or transfer your home. The Affordable Housing Covenant that is included in your deed documents and recorded at the Dukes County Registry of Deeds states that you must receive approval from the WTAHC before you may resale or transfer your home.

1. When the Owner of a West Tisbury property under a Housing Covenant or Deed Rider preserving long term affordability wishes to resale or transfer their property, the Owner shall notify the WTAHC and the Dukes County Regional Housing Authority (DCRHA) in writing **stating** the Owner's intention (the Resale "Notice"). Please make note of your present covenant or deed rider of the restrictions within dealing with the resale and transfer of the property. **This notice should state the full name of the property owner, physical and mailing addresses, and phone number.**
2. Upon receipt of the Notice, staff of the WTAHC and DCRHA shall confer and determine the current Maximum Resale Price of the Property based upon the terms of the existing Covenant or Deed Rider. **This will be presented to the WTAHC for review and confirmation.** The Owner will be notified of the current Maximum Resale Price by phone, if possible, followed by written confirmation within **30 days** of the WTAHC receiving the Resale Notice.
3. At this time as stated in the covenant, the Owner shall seek to find an Eligible Purchaser as described based on the terms of the existing covenant or deed rider. The Owner must use his best efforts to find an Eligible Purchaser to purchase the property. The term "best efforts" as used herein shall mean (A) the placement of an advertisement for sale of the Property stating the Maximum Resale Price (as defined), Owner's telephone number, and the phrase: "Sale of unit subject to certain guidelines and restrictions with respect to the maintenance and retention of affordable housing for households of low and moderate income" and (B) the receipt of satisfactory evidence to the AHC and the Monitoring Agent (DCRHA) that the new purchaser qualifies as an Eligible Purchaser. WTAHC and DCRHA may assist in this effort.
4. Upon location of an Eligible Purchaser the Homeowner shall inform the WTAHC and DCRHA for confirmation of such. The Homeowner shall inform the Eligible Purchaser they must complete an application with the DCRHA for qualification of purchase. This application shall request financial information including income and assets. If approved by the DCRHA as an Eligible Purchaser the WTAHC shall be informed. WTAHC will contact the present homeowner of approval and will set a meeting date with said Eligible Purchaser. The WTAHC will send before the meeting the documents (Certificate of

Approval, Affordable Housing Covenant, Town Mortgage, Permitted Mortgage Agreement) required by the Town to purchase an affordable home. These **current** required documents are for the Eligible Purchaser to review and share with their prospective lender and/or attorney. It should be noted in the documents that a fixed mortgage is required for purchase. At the meeting the WTAHC may answer any questions the prospective Eligible Purchaser may have about the documents, etc. This phase of the process may take up to 30 days.

5. If the Eligible Purchaser does not meet the eligible criteria the present homeowner will be informed by phone and written notice as well as the Eligible Purchaser within 21 days. This will start the Eligible Purchaser search again. DCRHA and WTAHC are available for assistance at any time during this process.
6. The Eligible Purchaser and Present Homeowner shall inform the WTAHC of the lender and/or attorney name, address and phone number so they may inform WTAHC's counsel who shall handle the preparations of the WTAHC's required documents (mentioned above).
7. The Eligible Purchaser will need to present the mortgage documents to the WTAHC for approval before final approval of purchase. Approval may take up to 30 days.
8. After approval of mortgage Town Counsel shall handle the closing process and attend the closing on the Town's behalf. Town Counsel will confer with Eligible Purchaser's attorney and/or lender to complete the signing and recording of such at the loan closing. WTAHC's counsel shall gather the necessary town officials' signatures within **21** days of receiving all necessary information from the Eligible Purchaser's counsel and/or lender and WTAHC. To keep the process in motion all parties should be kept abreast of any developments involving the Town participation in this purchase by homeowner, eligible purchaser, lender and attorneys.

At no time is WTAHC's counsel to be considered the Homeowner or Eligible Purchaser's counselor or used as such. WTAHC's counsel is only involved to facilitate the processing of the WTAHC's required documents.

Please feel free to contact the WTAHC by email or phone to ask any questions or discuss any issues you may want brought to the WTAHC's attention.

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Dukes County Regional Housing Authority (DCRHA)
Email
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