

1 **ARTICLE:**

2 To see if the Town will amend the West Tisbury Bylaw by adding the following Chapter  
3 establishing the **West Tisbury Community Housing Board, as follows:**

4 1: ESTABLISHMENT and PURPOSE

5 There is hereby established a West Tisbury Community Housing Board (the  
6 "Housing Board"), the purpose of which shall be to create, promote, develop,  
7 build, sustain and preserve year-round community and workforce housing, and  
8 community infrastructure, for the residents of West Tisbury. The mission and  
9 charter of the Housing Board shall be broadly interpreted to support the long term  
10 viability and sustainability of the Town of West Tisbury in all matters related to  
11 housing and sustainable community, with attention both to preservation and to  
12 growth.

13 2: MEMBERSHIP

14 Section 2.1: The Housing Board shall comprise 5 total members, as follows: three  
15 members, each elected to a three-year term in the same manner as other  
16 elected town officials; one member to be appointed to a one-year term by  
17 the West Tisbury Board of Selectmen; and one member to be appointed to  
18 a one-year term by the West Tisbury Municipal Housing Trust ("MHT").  
19 The West Tisbury Board of Selectmen shall appoint the initial three  
20 elected members to serve from the effective date of this act until the next  
21 annual Town election. The initial terms of these 3 members, drawn by lot  
22 by the initial three appointed members, shall be staggered so that one term  
23 expires each year following the initial appointment.

24 Section 2.2: Should a vacancy occur during the term of the elected member, the sitting  
25 members of the Housing Board shall appoint an interim member with the  
26 advice and consent of the Board of Selectmen to serve until the next  
27 scheduled town election, at which time, an election will be held to elect a  
28 person to serve the remainder of the term, if any. Should no candidate  
29 stand for election, the Board of Selectmen and the MHT shall alternate to  
30 appoint candidates to fill vacancies for the remainder of said term.

31 Section 2.3: The Housing Board shall elect from among its regular members a chair,  
32 and a secretary and treasurer who may be the same person. Housing Board  
33 members shall adopt rules and regulations for conducting its internal  
34 affairs and procedural guidelines for carrying out its responsibilities in  
35 accordance with the bylaws of the Town of West Tisbury and the General  
36 Laws of the Commonwealth of Massachusetts. Housing Board members  
37 shall serve without compensation.

38 Section 2.4: A quorum shall consist of half of all elected and appointed members  
39 rounded up to the nearest whole number. Decisions of the Housing Board  
40 shall be by majority vote at a meeting where a quorum is present, except  
41 that no expenditure of money shall be authorized by a vote of less than  
42 two thirds of all elected and appointed members, rounded up to the nearest  
43 whole number.

44 Section 2.5: The Housing Board shall make rules regarding attendance. The Housing  
45 Board shall keep accurate records of its meetings and actions in  
46 accordance with Open Meeting Law and the policies and practices of the  
47 Town, and shall file an annual report that shall be distributed with the  
48 annual report of the Town.

49 Section 2.6: The Housing Board may petition the West Tisbury Selectmen to remove  
50 an elected or appointed member for cause. Any term vacated in this  
51 manner shall be filled in accordance with Section 2.2 of this act.

52 Section 2.7: Housing Board members shall hold no other elected position in the Town.  
53 All Housing Board members must declare any possible conflict of interest  
54 with any activity that the Housing Board may undertake.

### 55 Section 3: POWERS AND AUTHORITY

56 The Housing Board shall, subject to the provisions of the General Laws and this  
57 chapter, has the power and authority to:

58 (a) accept and receive real personal property or money, by gift, grant,  
59 contribution, devise or transfer from any person, firm, corporation or other

60 public or private entity, including but not limited to money, grants of funds or  
61 other property tendered to the Housing Board in connection with any  
62 ordinance or bylaw or any general or special law or any other source,  
63 including money from Chapter 44B, provided, however, that the use of any  
64 money received pursuant to Chapter 44B shall be subject to all rules,  
65 regulations and limitations of that chapter; purchase and retain real or personal  
66 property, including without restriction investments that yield a high rate of  
67 income or no income;

68 (b) sell, lease, exchange, transfer or convey any personal, mixed, or real property  
69 at public auction or by private contract for such consideration and on such  
70 terms as to credit or otherwise, and to make such contracts and enter into such  
71 undertaking relative to Housing Board property as the Housing Board deems  
72 advisable notwithstanding the length of any such lease or contract;

73 (c) execute, acknowledge and deliver deeds, assignments, transfers, pledges,  
74 leases, covenants, contracts, promissory notes, releases and other instruments  
75 sealed or unsealed, necessary, proper or incident to any transaction in which  
76 the Housing Board engages for the accomplishment of the purposes of the  
77 Housing Board;

78 (d) propose, design, lead, support, consult on, and otherwise participate in  
79 projects broadly intended to sustain and advance the viability of the Town of  
80 West Tisbury, in matters of housing, infrastructure and quality of life;

81 (e) employ regular staff, advisors and agents, such as accountants, appraisers and  
82 lawyers, as the Housing Board deems necessary;

83 (f) purchase and retain and/or lease real property for the Housing Board's internal  
84 administrative purposes and to dispose of same as and when the Housing  
85 Board deems advisable;

86 (g) pay reasonable compensation and expenses to all employees, advisors and  
87 agents and to apportion such compensation between income and principal as  
88 the Housing Board deems advisable;

- 89 (h) apportion receipts and charges between income and principal as the Housing  
90 Board deems advisable, to amortize premiums and establish sinking funds for  
91 such purpose, and to create reserves for depreciation, depletion or otherwise;
- 92 (i) participate in any reorganization, recapitalization, merger or similar  
93 transactions; and to give proxies or powers of attorney with or without power  
94 of substitution to vote any securities or certificates of interest; and to consent  
95 to any contract, lease, mortgage, purchase or sale of property, by or between  
96 any corporation and any other corporation or person;
- 97 (j) deposit any security with any protective reorganization committee, and to  
98 delegate to such committee such powers and authority with relation thereto as  
99 the Housing Board may deem proper and to pay, out of Housing Board  
100 property, such portion of expenses and compensation of such committee as the  
101 Housing Board may deem necessary and appropriate;
- 102 (k) carry property for accounting purposes other than acquisition date values;
- 103 (l) borrow money on such terms and conditions and from such sources as the  
104 Housing Board deems advisable, to mortgage and pledge Housing Board  
105 assets as collateral;
- 106 (m) make distributions or divisions of principal in kind;
- 107 (n) comprise, attribute, defend, enforce, release, settle or otherwise adjust claims  
108 in favor of or against the Housing Board, including claims for taxes, and to  
109 accept any property, either in total or partial satisfaction of any indebtedness  
110 or other obligation, and subject to the provisions of this act, to continue to  
111 hold the same for such period of time as the Housing Board may deem  
112 appropriate;
- 113 (o) hold all or part of the Housing Board property uninvested for such purposes  
114 and for such time as the Housing Board may deem appropriate;
- 115 (p) extend the time for payment of any obligation to the Housing Board; and
- 116 (q) adopt such regulations and procedures as it deems necessary or appropriate to  
117 provide funding for the implementation of any and all purposes cited in this  
118 Chapter.

119 Section 4: DEED RESTRICTIONS

120 All housing units created, and real estate acquired, through funding by the  
121 Housing Board under this Article shall be deed restricted in perpetuity for the use  
122 approved for funding by the Housing Board.

123 Section 5: ESTABLISHMENT OF A REVOLVING FUND

124 Subject to annual authorization by the Town, the Housing Board shall oversee a  
125 revolving fund, established in accordance with Section 53E1/2 of Chapter 44 of  
126 the General Laws, or other applicable law or statute (the "Fund"), with all  
127 deposits and expenditures made from such revolving fund without need for  
128 further appropriation. Deposits into the Fund may include:

- 129 (a) funds received as a result of state, county or town regulation imposing a tax  
130 or fee on real property transfers for the purpose of funding community or  
131 other housing projects;
- 132 (b) Funds received by the Town through short-term rental tax, in accordance with  
133 Chapter 337 of the Acts of 2018 (“An Act Regulating and Insuring Short-  
134 Term Rentals”) or other relevant act or statute;
- 135 (c) voluntary contributions of money and other liquid assets to the Fund;
- 136 (d) grants of funds tendered to the Housing Board in connection with any  
137 ordinance or bylaw or any general or special law or any other source,  
138 including without limitation state and/or federal grants;
- 139 (e) any other funds from any other appropriate source, including funds raised and  
140 appropriated by the Town of West Tisbury.

141 All expenses lawfully incurred by the Housing Board in carrying out this act shall  
142 be evidenced by proper vouchers and shall be paid only upon submission of  
143 warrants duly approved by the Housing Board.

144 Section 6: EXPENDITURE OF FUNDS

145 The Housing Board may expend monies from the Fund as described in this  
146 section. Upon applications from West Tisbury Residents, non-profit and for-profit  
147 corporations and organizations and public entities in a competitive process which  
148 will include public notice of funding availability, and in a form prescribed by the

149 Housing Board, funding in the form of grants, loans, loan guarantees, lines of  
150 credit, interest subsidies, rental assistance or any other means determined to  
151 further the goals of the Housing Board for eligible housing activities might be  
152 provided. Eligible activities may include, but not be limited to, the following:

- 153 (a) Purchase and rehabilitation of existing structures for rental or home  
154 ownership;
- 155 (b) Construction of rental or home ownership housing and necessary  
156 infrastructure;
- 157 (c) Purchase of land, and any and all improvements including infrastructure and  
158 easements to be used for qualified housing;
- 159 (d) Down payment assistance, grants and soft second loans;
- 160 (e) Rental assistance programs;
- 161 (f) Modernization and capital improvements of existing rental and ownership  
162 housing;
- 163 (g) Housing counseling, predevelopment costs and technical assistance associated  
164 with creating housing projects and programs;
- 165 (h) General planning, consulting and support for projects intended to advance the  
166 viability and quality of life of the community and Town of West Tisbury.

167 Section 7: MAINTENANCE OF PUBLIC RECORDS

168 The Housing Board shall keep a full and accurate account of its actions including  
169 a record as to when, from or to whom, and on what account money has been paid  
170 or received. These records or accounts shall constitute a public record, and shall  
171 be subject to examination by any person upon request in accordance with Section  
172 10 of Chapter 66 of the general law, or any other relevant statute or chapter.

173 Section 8: INTERPRETATION and SEVERABILITY

174 This Chapter, being necessary for the welfare of the Town of West Tisbury and its  
175 inhabitants, shall be liberally construed to affect its purposes.

176 In case any provision of this Chapter shall be deemed invalid, illegal or  
177 unenforceable, the validity, legality and enforceability of the remaining provisions  
178 shall, to the extent permitted by law, not in any way be affected or impaired  
179 thereby.

180 Section 9: EFFECTIVE DATE

181 Acceptance of this Chapter by the town of West Tisbury shall be by the  
182 affirmative vote of a majority of the voters at any regular or special town election  
183 at which the question of acceptance has been placed on the ballot. This Chapter  
184 shall become effective on the date of acceptance.

185 Section 10: DISSOLUTION

186 In the event of the dissolution of the Housing Board, title to all funds and other  
187 real and personal property held by the Housing Board shall vest in the Town of  
188 West Tisbury, after provision is made for payment of all obligations of the  
189 Housing Board.