

# A proposal to create The West Tisbury Housing Bank

## **Section 1. Definition**

There is hereby established a West Tisbury Housing Bank (the "Housing Bank"), the purpose of which shall be to address the longstanding housing crisis in WT associated with the excessive cost and diminishing supply of available housing.

The Housing Bank will be charged:

- to provide support and assistance to current and prospective WT residents, and the community at large, in all appropriate aspects of housing and related community-building;
- To create and preserve year-round housing in West Tisbury.

## **Section 2. Personnel and Operation**

The Housing Bank shall be administered by a Housing Bank Committee ("The Committee") consisting of no less than three, and no more than five persons.

### **2.1 Membership and Terms**

The Housing Bank shall comprise 5 total members, consisting of 3 members each elected to a 3-year term in the same manner as other elected town officials; one member to be appointed to a three-year term by the West Tisbury Board of Selectmen; and one member to be appointed to a three-year term by the West Tisbury Municipal Housing Trust ("MHT"). The West Tisbury Selectboard shall appoint the initial three elected members to serve from the effective date of this act until the next annual Town election. The initial terms of these 3 members, drawn by lot by the initial three appointed members, shall be staggered so that one member is elected each year, following the initial election of members. In the same way, the 2 appointed members shall draw lots so that the initial term of the loser of the draw shall serve a 2-year initial term, so that the 2 appointed terms are also staggered thereafter.

### **2.2 Vacancies:**

Should a vacancy occur during the term of the elected member, the sitting members of the Housing Bank Committee shall appoint an interim member, with the advice and consent of the Selectboard, to serve until the next scheduled town

election, at which time, an election will be held to elect a person to serve the remainder of the term, if any.

### **2.3 Administration:**

The Committee shall elect from among its regular members a chair, and a secretary and treasurer who may be the same person. Committee members shall adopt rules and regulations for conducting its internal affairs and procedural guidelines for carrying out its responsibilities in accordance with the bylaws of the Town of West Tisbury and the General Laws of the Commonwealth of Massachusetts.

Committee members shall serve without compensation.

### **2.4 Quorum:**

A quorum shall consist of half of all elected and appointed members rounded up to the nearest whole number.

Decisions of the Housing Bank shall be by majority vote at a meeting where a quorum is present, except that no expenditure of money shall be authorized by a vote of less than two thirds of all elected and appointed members, rounded up to the nearest whole number.

The Housing Bank Committee shall make rules regarding attendance.

The Housing Bank Committee shall keep accurate records of its meetings and actions in accordance with Open Meeting Law and the policies and practices of the Town, and shall file an annual report that shall be distributed with the annual report of the Town.

### **2.5 Conflict of interest:**

Housing Bank members shall hold no other elected or appointed position in the Town.

If a Housing Bank Committee member also represents an non-municipal organization that may benefit from a project being considered for a grant from the Housing Bank Committee, the member must declare a possible conflict of interest and shall not participate in the consideration and action on that grant application.

### **Section 3. Scope of Activity**

The Housing Bank Commission shall, subject to this act, have the power and authority to:

1. accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Housing Bank in connection with any ordinance or bylaw or any general or special law or any other source, including money from Chapter 44B, provided, however that any such money received pursuant to Chapter 44B shall be used exclusively for community housing and shall remain subject to all rules, regulations and limitations of that chapter;
2. purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
3. sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Housing Bank property as the Housing Bank Commission deems advisable notwithstanding the length of any such lease or contract;
4. execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Housing Bank Commission engages for the accomplishment of the purposes of the Housing Bank;
5. employ regular staff, advisors and agents, such as accountants, appraisers and lawyers, as the Housing Commission deems necessary;
6. purchase and retain and/or lease real property for the Housing Bank's internal administrative purposes and to dispose of same as and when the Housing Commission deems advisable.
7. pay reasonable compensation and expenses to all employees, advisors and agents and to apportion such compensation between income and principal as the Housing Committee deems advisable;
8. apportion receipts and charges between income and principal as the Housing Committee deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation, depletion or otherwise;
9. participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and

- to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
10. deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Housing Committee may deem proper and to pay, out of Housing Bank property, such portion of expenses and compensation of such committee as the Housing Commission may deem necessary and appropriate;
  11. carry property for accounting purposes other than acquisition date values;
  12. borrow money on such terms and conditions and from such sources as the Housing Commission deems advisable, to mortgage and pledge Housing Bank assets as collateral;
  13. make distributions or divisions of principal in kind;
  14. comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Housing Bank, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Housing Commission may deem appropriate;
  15. hold all or part of the Housing Bank property uninvested for such purposes and for such time as the Housing Commission may deem appropriate;
  16. extend the time for payment of any obligation to the Housing Bank; and
  17. adopt such regulations and procedures as it deems necessary or appropriate to provide funding for the implementation of any and all programs cited in section 4A of this act.

#### **Section 4.**

The Housing Bank may disburse funds in accordance with an annual budget, to be submitted, reviewed, and approved in accordance with Town policies, the Town's bylaw, and the General Laws.

Eligible activities may include, but not be limited to, the following:

- Purchase and sale of existing structures for rental or home ownership;
- Construction of rental or home ownership housing and necessary infrastructure;
- Purchase of land, and any and all improvements including infrastructure and easements to be used for qualified community-building and/or housing projects;
- Down payment assistance,
- Rental assistance programs;

- Modernization and capital improvements of existing rental and ownership housing;
- Counseling, predevelopment costs and technical assistance associated with creating community-building and/or housing projects and programs.

The Housing Bank may, upon approval by Town Meeting, establish and maintain a revolving fund in accordance with the General Laws and the bylaws of the Town, in order to receive and disburse funds in support of its programs and activities, when in accordance with its annual budget.

### **Section 5.**

All housing units created, and real estate acquired, through funding by the Housing Bank under this act shall be deed restricted in perpetuity for the use approved for funding by the Housing Bank Bank.

### **Section 6.**

The Housing Bank Commission shall establish, propose and abide by a budget to be reviewed annually by the Financial Review Committee, and approved by Town Meeting.

The Housing Bank may propose and establish such funds as necessary to receive and disburse voluntary contributions of money and other assets in the furtherance of its mission.

The Housing Bank may apply for, accept, and expend grants in accordance with its mission, including without limitation state and/or federal grants.

All expenses lawfully incurred by the Housing Bank Commission in carrying out this act shall be evidenced by proper vouchers and shall be paid in accordance with policies and practices of the Town.

### **Section 7.**

The Housing Bank Commission shall keep a full and accurate account of its actions including a record as to when, from or to whom, and on what account money has been paid or received under this Proposal. . These records or accounts shall be subject to examination by the director of accounts or the director's agent pursuant to section 45 of chapter 35 of the General Laws.

## **Section 8.**

This Proposal, being necessary for the welfare of the Town of West Tisbury and the island of Martha's Vineyard and its inhabitants, shall be liberally construed to effect its purposes.

## **Section 9.**

Acceptance of this Proposal by the town of West Tisbury shall be by the affirmative vote of a majority of the voters at any regular or special town election at which the question of acceptance has been placed on the ballot.

This Proposal shall become effective on the date of acceptance

## **Section 10.**

Any time after five (5) years from the date on which a town votes to accept this act in accordance with Section 9, any town that is a member of the Housing Bank may withdraw from it by the affirmative vote of a majority of the voters at any regular or special town election. A town that has withdrawn remains liable for any obligations prior to withdrawal. A town that has withdrawn may renew its membership by the affirmative vote of a majority of the voters at any regular or special town election at which the question of acceptance has been placed on the ballot.

In the event of the dissolution of the Housing Bank, title to all funds and other properties held by the Housing Bank shall vest in the Town of West Tisbury as herein provided, after provision is made for payment of all obligations of the Housing Bank.