

WAYLAND HOUSING PARTNERSHIP

Minutes – December 13, 2016

Submitted by Rachel G. Bratt

Unanimously approved January 10, 2017

Attending: Mary Antes, Kathy Boundy, Rachel Bratt, Chris Di Bona, Stephanie May, Armine Roat

Absent: Joanne Barnett, Pat Harlan

(Note: Jennifer Steel was not at the meeting but, since then, she has been approved as the WHA representative to the WHP.)

At 7:40 Rachel called the meeting to order.

Public Comment/New Business: We were joined by Brian Boggia, Executive Director of the Wayland Housing Authority, who was there to provide a public comment about two possible new 40B projects that he is working on. In the 1980s the Town was able to acquire 25 scattered site single or 2-family homes through a HUD grant, to be held as long-term public housing and managed by the WHA. Brian and Housing Trust member (and developer), Mike Staiti, are working on this together. The idea is to convert one of the homes (near the Cochituate Post Office) from a 1-family into a 2-family. The other home, on a second site, would remain a 1-family, but there is space and sufficient septic capacity to add another 2-BR home. Both will be LIP/40B projects, since the zoning is 1-family only; both will be rental. Brian explained that these 2 units cannot be added to the public housing stock, since he said the Faircloth amendment requires the WHA to remain at its public housing stock level from 1999. Rachel said she would explore this limit.

NOTE: Section 9(g)(3) of the Housing Act of 1937 ("Faircloth Amendment") limits the construction of new public housing units. The Faircloth Amendment states that the Department cannot fund the construction or operation of new public housing units with Capital or Operating Funds if the construction of those units would result in a net increase in the number of units the PHA owned, assisted or operated as of October 1, 1999. <https://portal.hud.gov/hudportal/documents/huddoc?id=FRCLTH-LMT.pdf>

Minutes of October 18: Two corrections were made. Mary moved to accept as corrected. Kathy seconded. Unanimously approved.

Monitoring Report: Brian discussed some of the issues/problems identified in the report, including a few owners of affordable units who are renting at market prices. The deeds governing those properties had not barred this and since Willowbrook was built through a program other than 40B Chris asked why DHCD is not doing something about this problem, which is Commonwealth-wide. Brian also mentioned that renting units also violates Willowbrook condo association by-law. Mary noted that Mark Lanza, prior town counsel, had not done anything on the problem at Willowbrook, but recently letters were sent; Mary said she would try to access them. Kathy commented that this may be an issue for the attorney general and she suggested that we contact Judith Liben at Mass. Law Reform Institute. Rachel will do this. [Note: Rachel spoke to Judith and she said that she did not know about this issue and suggested we contact Henry Korman.]

Here is some additional information from Brian: Willowbrook case was approved in the mid-1980's as a Planning Overlay District (POD) by the Planning Board with very little involvement from DHCD. Willowbrook was not built under a Chapter 40B Comprehensive Permit that is approved by the ZBA. There was no public funding involved. Later, the Town petitioned DHCD to have the units count under the Housing Opportunity Program (HOP which Brian believes later evolved into the Local Initiative Program-LIP). The six affordable units at Willowbrook continue to be counted in

the Town's Subsidized Housing Inventory (SHI). Today, all developments must submit a LIP application to DHCD to be counted in the SHI.

The Willowbrook units were actually built in 1997 and used the DHCD affordable deed rider at the time. But for some reason, the town (or Town Counsel) deleted relevant sections. Probably nobody could foresee what problems could arise. People at DHCD/LIP have told Brian that affordable units are being rented in this fashion across the state. Brian's impression is that DHCD does not have the inclination to enforce any of the provisions of the affordable deed rider and would prefer to leave enforcement to the individual towns. LIP does not take units that are in violation of their deed out of the SHI. Below is my breakdown of Willowbrook by unit:

The other problem is the resale discount price 67% of the appraised market value which when applied will take the sales price out of the affordable range.

Brian believes that affordability goals of the program are generally not in question-just not enforced. This is *part* of the reason why he now prefers affordable rentals over affordable homeownership. Brian stresses that the majority of affordable homeowners comply with the program.

Consultant report on Housing Organizational Structure: Mary reported that Nan is considering hiring a consultant to help implement the report. It is not clear when that will happen. We will postpone having a joint housing meeting on this until the consultant is hired and the next steps are clearer.

River's Edge: Chris noted that a developer has been recommended to the BOS by the River's Edge Committee: Wood Partners. Before proceeding with the plan, the BOS is assessing whether the proposed project is in the best financial interest of the Town.

40B Process in Wayland: Mary noted that she thought the document was written by the WHP, likely based on state guidelines. It would be good for the actual statute/regs. To be cited explicitly. Rachel suggested that we should form a sub-committee to work on this. Rachel is particularly keen to involve new members in this effort. Once our committee drafts a new document, we will then bring it to the joint housing committee for their approval.

Next meeting of WHP: January 10 @ 7:30
Final meeting for 2016 scheduled for December 13.

At 8:55 Chris made a motion to adjourn, seconded by Stephanie.