

To: Town Meeting Members

From: Karen E. Kelleher, Town Meeting Member, Precinct 5

CC: John Leone, Moderator  
Jennifer Raitt, Director of Planning and Community Development  
Doug Heim, Town Counsel

Date: November 16, 2020

Re: **Amendments Relating to Article 8 – Municipal Affordable Housing Trust Fund**

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Attached please find an amendment I proposed today in connection with Article 8. I note that I am a member of the Housing Production Plan Implementation Committee and participated in the preparation of the draft bylaw that would govern the Affordable Housing Trust. But this amendment offers an alternative to the amendment put forth by Mr. Gersh, and I propose it in my individual capacity.

Having reviewed Mr. Gersh's recently proposed amendments to this bylaw, I believe he identified an area of potential confusion in the purpose section of the proposed bylaw. I wish to propose an alternative way to clarify that language. Rather than refer to the zoning bylaw language, I propose to refer to the definition of affordable housing set forth in the Community Preservation Act (CPA) – a flexible definition which already governs certain Town investments in affordable housing. This will also foster alignment between the Trust and the CPA Committee. A copy of the relevant CPA definitions is attached.

This definition is a bit more flexible than the definition proposed by Mr Gersh. While the Town and the Trust will likely choose to focus its initial work on one or more key priorities, those initial priorities should be set forth in the Trust Action Plan proposed by the eventual Trustees, discussed with the public, approved by the Select Board, and updated from time to time to reflect our experience, changing market, and our new challenges, opportunities and priorities. The Bylaw itself, which will be difficult to modify going forward, should remain as flexible as possible.

With respect to Mr. Gersh's amendments, I urge you to vote no, because his third amendment, seeking to prevent the Trust from investing in properties permitted under M.G.L. c. 40B, would unduly limit the Trust's ability to achieve its mission. 40B is often used by affordable housing developers to streamline the permitting process. I believe this was the case with the Housing Corporation's Westminster Ave. project, which recently created 9 affordable rental units in Arlington. Such a development should be eligible for Trust support if needed for financial feasibility. In addition, Trust funding would give the Town leverage to negotiate for more low-income units than 40B itself would require, or to target those units to be affordable to lower income households, in a 40B project proposed by a for-profit developer.

Most importantly, I hope you will vote yes to approve the establishment of the Arlington Affordable Housing Trust Fund. But proactively creating and preserving affordable housing in any market is difficult and complicated, and deserves a full toolbox of flexible tools. Accordingly, I hope you will vote no on Mr. Gersh's amendment, and yes on this more flexible alternative.

Thank you for your consideration.

**Relevant Definitions from the Community Preservation Act:**

“Community housing”, low and moderate income housing for individuals and families, including low or moderate income senior housing.

"Low income housing", housing for those persons and families whose annual income is less than 80 per cent of the areawide median income. The areawide median income shall be the areawide median income as determined by the United States Department of Housing and Urban Development.

“Low or moderate income senior housing”, housing for those persons having reached the age of 60 or over who would qualify for low or moderate income housing.

"Moderate income housing", housing for those persons and families whose annual income is less than 100 per cent of the areawide median income. The areawide median income shall be the areawide median income as determined by the United States Department of Housing and Urban Development.