



ACTON HOUSING AUTHORITY

68 Windsor Avenue
P.O. Box 681
Acton, MA 01720-0681
(978) 263-5339 fax (978) 266-1408
TDD# 1-800-545-1833 ext. 120

3/17/08
Nancy
14

TO: Steve Ledoux, Town Manager
Town of Acton

FROM: ~~Kelley~~ Cronin, Executive Director
Acton Housing Authority

DATE: March 13, 2008

RE: Board of Selectmen Packet-Local Initiative Program Application

Attached is the packet for the Board of Selectmen's review and signature approval.
Included is:

1. Cover letter from Acton Housing Authority
2. Support letter from Acton Community Housing Committee
3. Local Initiative Program Application
Page 3 is the signature page for BOS Chair
4. Board of Selectman decision on Somerset Hills
5. Willow Central Regulatory Agreement

The Board has already approved the creation of these affordable units at Somerset Hills and Willow Central. The State requires this application for the three units that the Acton Housing Authority is purchasing to be included in the count of affordable units in Acton.

Please call me if you have any questions or concerns.



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TDD# 1-800-545-1833 ext. 120

March 12, 2008

Dore' Hunter, Chairman
Acton Board of Selectmen
472 Main St.
Acton, MA 01720

Dear Board members,

Enclosed please find an application to the DHCD Local Initiative Program for Local Action Units for Somerset Hills and Willow Central. The affordable units at Somerset Hills are provided as a result of a Special Permit for a Condominium Conversion granted by the Board in July 2005. Condition 3.2.8 and 3.2.9 provides the following:

3.2.8 The Owner shall offer to the Acton Housing Authority one 2-bedroom dwelling unit for a maximum sale price of \$15,000 following the completion of all renovation work in such unit.

3.2.9 The Owner shall offer for sale to low-income households one 1-bedroom unit for a maximum initial price of \$130,000 and two 2-bedroom units for a maximum initial price of \$145,000 each. The Owner shall hire a consultant, selected from a list that the Acton Community Housing Corporation (ACHC) has pre-approved, to oversee and ensure the Local Initiative Program (LIP) application to and certification by the Massachusetts Department of Housing and Community Development (DHCD) for of said three units, and to administer their marketing and lottery sales in compliance with LIP guidelines. The Owner shall prepare, or have the consultant prepare, all legal documents required by DHCD for the sale of the LIP units (regulatory agreements, deed riders, etc.).

The affordable units at Willow Central are being developed under a Comprehensive Permit Project approved by the Town. The 3-bedroom duplex unit located at 214 Central Street will be purchased by the Acton Housing Authority (AHA) and rented to a household below 80% of median income.

The AHA will be purchasing a 1-bedroom and a 2-bedroom unit at Somerset Hills and rent them to households at or below 80% of median income. The 1-bedroom located at 10 Wampus Avenue, unit 22, is being purchased for \$134,000 and the 2-bedroom unit located at 16 Wampus Avenue, unit 22, is being purchased for \$145,000. The Acton

Community Housing Committee (ACHC) is providing \$115,000 towards the purchase of the 2-bedroom unit.

As part of the approval process, both ACHC and the Chairman of the Board of Selectmen must sign the application for submittal to the DHCD. These units will be counted toward the Town's 10%.

The ACHC has voted to approve the enclosed LIP Local Action Unit application. I urge the Board to approve this application.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelley A. Cronin". The signature is fluid and cursive, with a prominent "K" and "A".

Kelley A. Cronin
Executive Director

Acton Community Housing Corporation

Nancy Tavernier, Chairman

TOWN OF ACTON

Acton Town Hall

472 Main Street

Acton, Massachusetts, 01720

Telephone (978) 263-9611

achc@acton-ma.gov

TO: Board of Selectmen
FROM: Nancy Tavernier, Chair
SUBJECT: Recommendation for Acton Housing Authority LIP LAU application
DATE: March 10, 2008
Cc: Erin Bettez, DHCD, LIP program

The Acton Community Housing Corporation has voted to recommend the DHCD Local Initiative Program, Local Action Unit application submitted by the Acton Housing Authority to the Board of Selectmen for approval and authorized the chairman to sign it.

Local Action Units reflect a program component that gives communities the opportunity to include housing units on the state's Subsidized Housing Inventory (SHI) that were built without a Comprehensive Permit but which meet LIP criteria and are suitable for inclusion in LIP. Such units may have been built pursuant to a local action such as a zoning provision, a condition of a variance or special permit issued by the planning board or zoning board of appeals, a contract provision (e.g., reuse of municipal or school building as housing), or an agreement between the town and a non-profit organization to build or rehabilitate municipal buildings into housing.

The three units in this application will be acquired through three different local actions. The Willow-Central unit was a result of the Comprehensive Permit granted by the ZBA for Willow-Central. The 1 Bedroom unit at Somerset Hills was a result of the Special Permit granted by the Selectmen in July 2005 to be made available to the Acton Housing Authority. The 2 bedroom unit at Somerset was a result of the same Special Permit but was a unit originally intended for a first time homebuyer. Because no eligible buyers applied, ACHC decided to use its Condo Buydown program to subsidize this unit for AHA purchase. They will use CPA funds to pay for the balance of the purchase price. CPA funds are being used for all three units as well as money from the Steinberg-Lalli Foundation.

ACHC is pleased to be able to partner with the Acton Housing Authority for these affordable housing opportunities. All of these units will be used to house very low income households, lower income than ACHC normally deals with. Being able to add a 1, 2, and 3 bedroom unit by using CPA and housing gift funds makes a strong statement of local support for affordable housing.

We urge the Board to approve this application.

LOCAL INITIATIVE PROGRAM APPLICATION FOR LOCAL ACTION UNITS

Introduction

The Local Initiative Program (LIP) is a state housing initiative administered by the Department of Housing and Community Development (DHCD) to encourage communities to produce low- and moderate-income housing. The program provides technical and other non-financial assistance to cities or towns seeking to increase the supply of housing for households at or below 80% of the area median income. LIP-approved units are entered into the subsidized housing inventory pursuant to Chapter 40B.

In accordance with 760 CMR 45.03, the Department shall certify units submitted as Local Action Units if they meet the following requirements:

- (1) the units serve Low- and Moderate-Income households;
- (2) the units are not developed with a comprehensive permit;
- (3) the units are subject to use restrictions which result from city or town action or approval, as a condition of new construction, building conversion, adaptive re-use, or substantial rehabilitation, or as a result of other local regulatory or inclusionary zoning provision;
- (4) the initial period of such use restrictions should be the longest period permitted by law. In all cases, the term shall be no less than the term specified in the special permit issued for the project.
- (5) the owner(s) of the units will sell/lease the units in accordance with an affirmative fair marketing plan approved by the Department.

To apply, a community must submit a complete copy of this application to:

**Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114**

**Attention: Erin O'Brien Bettez, LIP Program
(617) 573-1309
(Erin.Bettez@state.ma.us)**

Community Support Narrative, Project Description, and Documentation

Please provide a description of the project, including a summary of the project's history and the ways in which the community fulfilled the Local Action requirement.

Somerset Hills Limited Partnership/Wellesley Capital approached the Town of Acton regarding a Condominium Conversion in April 2005. Several meetings were held with the current owners and the town. There are 48 one and two bedroom units in the conversion.

Initially, the Acton Housing Authority (AHA) and the Acton Community Housing Corporation (ACHC) asked that up to 10% of the units become affordable. The AHA would purchase one 2 Bedroom unit for their low income rental program and three units would be sold to first time homebuyers. The AHA will be purchasing a 1 Bedroom and 2 Bedroom for the low income rental program.

The number of units, the affordable selling price, the unit improvements, the condo fees were all negotiated prior to the issuing of the Condominium Conversion Permit in July 2005. The terms agreed to are:

1. The owner would offer a unit for sale to the Acton Housing Authority for not more than \$150,000.
2. One 1-bedroom 2nd floor unit priced at \$115,000.
3. Two 2-bedroom 2nd floor units priced at \$130,000.
4. The units to be scattered amongst buildings and not be clustered.
5. The developer will fund a consultant to submit LIP Application and administer the Marketing and Lottery plan for the 3 ACHC units, which will allow the units to count towards the 10% SHI.
6. The units will contain Standard Upgrade package as described in writing to ACHC on 6/2/05.
7. Regulatory Agreement, Monitoring Agent Agreement, Master Deed and deed rider for each unit to be prepared by developer and approved by DHCD and Board of Selectmen.
8. ACHC reserved the right to buy-down the selling price of an additional market unit, with a 1 or 2 bedroom depending on demand exhibited during the Lottery.

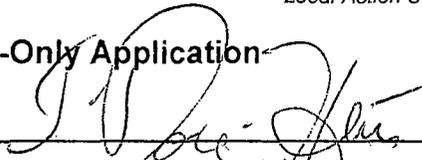
The AHA will be purchasing two of the affordable units. A 1-bedroom unit for \$130,000 and a 2-bedroom unit for \$130,000.

Willow Central, LLC is developing three additional affordable units located at 28 Willow Street and 212-214 Central Street in Acton. The development is a valid Comprehensive Permit Project approved by the municipality. Two of the units will be offered to first time home buyers. The third 3-bedroom unit located at 214 Central Street will be purchased by the AHA for \$270,000.

All three of the AHA units will be rented to tenants who are below 80% of area median income.

Signatures of Support for the Local Initiative Units-Only Application

Chief Elected Official:

Signature: 

Print Name: F. Dore Hunter

Date: 3/17/08

Chair, Local Housing Partnership:
(as applicable)

Signature 

Print Name: Nancy E. Tavernier

Date: 3/12/08



Municipal Contact Information

Chief Elected Official:	Name	F. Dore Hunter
	Address	Acton Town Hall 472 Main Street Acton, MA 01720
	Phone	978-264-9611
	Email	bos@acton-ma.gov
Town Acting Administrator/Manager:	Name	Steven Ledoux
	Address	Acton Town Hall 472 Main Street Acton, MA 01720
	Phone	978-264-9612
	Email	manager@acton-ma.gov
City/Town Planner (if any):	Name	Roland Bartl
	Address	Acton Town Hall 472 Main St. Acton, MA 01720
	Phone	978-264-9636
	Email	rbartl@acton-ma.gov
Town Counsel:	Name	Stephen D. Anderson
	Address	Anderson & Kreiger LLP One Canal Park, Suite 200 Cambridge MA 02141
	Phone	617-621-6510
	Email	sanderson@andersonkreiger.com
Chairman, Local Housing Partnership (if any).	Name	Nancy Tavernier
	Address	Acton Town Hall 472 Main St. Acton, MA 01720
	Phone	978-263-9611
	Email	ntavern@comcast.net
Community Contact Person for this project:	Name	Kelley A. Cronin
	Address	Acton Housing Authority 68 Windsor Avenue Acton, MA 01720
	Phone	978-263-5399
	Email	kelley@actonhousing.net

The Project

Project Site: Somerset Hills Condominiums
Address: 10 – 16 Wampus Avenue and 677 Main Street
Acton, MA 01720

And
Project Site: Willow Central
214 Central Street
Acton, MA 01720

Site Characteristics: proposed or existing buildings by design, ownership type, and size.

<u>Project Style</u>	<u>Total Number of Units</u>	<u>Number of Units Proposed for LIP Units- Only Certification</u>
Single-family detached	1(Willow Central)	
Attached	2(Willow Central)	1
Low-rise (less than 35 feet)	48	2
Mid-Rise (35-70 feet)		
Other		

Unit Composition

Type of Unit:	# of Units	# of BRs	# of Baths	Gross Square Feet	Livable Square Feet	Sale Prices/ Rent	Condo Fee
Condo Ownership							
Fee Simple Ownership							
Rental							
Affordable:	3	1 – 1 Bed	1	702	702	\$130,000	\$181
		1 – 2 Bed	1	763	763	\$130,000	\$195
		1 – 3 Bed	1.5	1,320	1,320	\$270,000	\$100

Local tax rate per thousand \$15.39

For Fiscal Year 2008



Board of Selectmen

A True Copy. Attest:

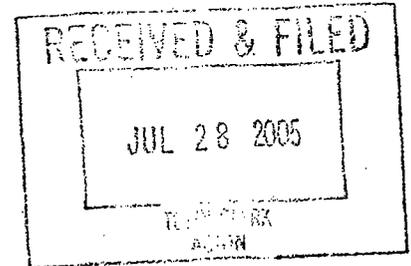
Mary Allett
TOWN CLERK ACTON, MASS.

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9612
Fax (978) 264-9630
bos@acton-ma.gov
www.acton-ma.gov

DECISION
2005.C18

Somerset Hills L.P.
Condominium Conversion Permit
July 18, 2005

GRANTED



Decision of the Acton Board of Selectmen (hereinafter the Board) on the application of Somerset Hills Limited Partnership/Wellesley Capital (hereinafter the Owner) for a Condominium Conversion Permit under the provisions of Chapter 584 of the Acts of 1987 - "An Act Relative to the Protection of Tenants and Purchasers of Condominium or Cooperative Units in the Town of Acton" (the Act) and the Town of Acton Regulations for Condominium or Cooperative Conversion Permit Applications (the Rules). The subject property is located at 10-16 Wampus Avenue and 677 Main Street. It is shown on the 2004 Acton Town Atlas map D-5 as parcels 17 and 19 (the Property).

The Board held a public hearing on the matter on July 18, 2005. Mr. Robert Buonato and Mr. George Morrill of Somerset Hills, LP, and Mr. Daniel Gaguin and Mr. Jonathan Cosco of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, PC represented the Applicant. Board members Peter K. Ashton (Chairman), Walter M. Foster, F. Dore Hunter, and Lauren S. Rosenzweig were present throughout the hearing. The minutes of the hearing and submissions on which this decision is based upon may be referred to in the Planning Department or the Town Clerk's office at the Acton Town Hall.

1 EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

1.1 Documentation and items required by the Rules consisting of:

- A properly executed Application for a Permit to Convert a Rental Housing Unit from Rental Housing Use filed on June 3, 2005.
- The proposed condominium master deed.
- The names of the present tenants in the rental housing units, and the expiration of their lease or rental agreement.
- A copy of the required notice of intent to convert with evidence that it has been delivered to the tenants.
- A copy of the hearing notice with evidence that it has been delivered to the tenants.
- A report by a licensed septic system inspector.
- Application filing fee.

1.2 Interdepartmental communication received from:

- Acton Building Commissioner, dated June 7, 2005.

- Acton Fire Chief, dated July 13, 2005.
- Acton Board of Health, dated June 13, 2005 and July 7, 2005.
- Acton Planning Department, dated July 8, 2005.
- Acton Housing Authority, dated June 6, 2005.
- Acton Community Housing Corporation, dated June 3, 2005.

2. FINDINGS and CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The subject Property consist of two buildings and other improvements housing together 48 one- and two-bedroom dwelling units on +/-7.44 acres of land at Wampus Avenue and Main Street, and an additional +/-1.64 acres opposite on Main Street. The Owner intends to convert all 48 dwelling units from rental units to condominium ownership units.
- 2.2 The Owner has provided each tenant of all housing accommodations on the Property the notice required under section 4 of the Act of his intent to convert the Property to the condominium form of ownership, including information about the period of notice before conversion evictions can take place, the right to purchase the unit, relocation benefits, assistance in locating comparable rental housing; and provisions for the extension of rental agreements.
- 2.3 The Owners has not provided documentation required under section 2.5 of the Rules, such as a sample purchase and sale agreement, to show the terms of purchase that will be offered to the tenants and how those terms compare to terms offered to the public.
- 2.4 The Owner has provided a description of the buildings prepared by an independent professional engineer licensed to operate in the Commonwealth along with asbestos and lead paint inspection reports. However, the Act requires that such engineer (or architect) also certifies that the buildings meet all applicable building and health codes and comply with State regulations regarding asbestos and lead paint. The descriptions and reports do not meet the intent of the Rules.
- 2.5 The Owner has indicated verbally to Town staff that the Property will undergo renovations in preparation of the conversion of the housing accommodations to condominium ownership.
- 2.6 The Owner has agreed to make certain units available as affordable units to be counted towards Acton's affordable housing stock under M.G.L. Ch. 40B.
- 2.7 The Board of Health has recommended certain changes to the proposed master deed and replacements of septic system tanks, manholes, and pipes.
- 2.8 The Fire Chief has recommended certification for required smoke detectors and upgrade to the fire alarm system as necessary to comply with current standards.
- 2.9 As proposed and as conditioned herein the conversion of the Property to condominium ownership will comply with the Act and the Rules.

3. BOARD ACTION

Therefore, subject to and with the benefit of the following waivers, conditions, and limitations, the Board voted on July 18, 2005 to GRANT the Condominium Conversion permit.

3.1 WAIVERS

Although not requested, a waiver is granted from section 4.3.3 of the Rules – Monitoring Wells Agreement. Since the adoption of the Rules in 1988, changes in Title V and Acton Board of Health regulations have made this section obsolete. The Board of Health has indicated no objection to this waiver.

3.2 CONDITIONS

The following conditions shall be binding upon the Applicant and its successors and assigns. The Town of Acton may elect to enforce compliance with this decision and the Act using any and all powers available to it under the Act and other applicable law.

- 3.2.1 The Owner shall protect the tenants of all housing accommodations on the property from harassment during the period that the tenants are entitled to remain in the unit, specifically:
- Only to the extent permitted by law or as provided by existing lease or rental agreements, the Owner may show tenant occupied units to prospective condominium purchasers, but shall limit such showing appointments to three per week on weekdays (Monday through Friday). However, the Owner and a tenant may arrange for showing appointments at other times and days of the week that are mutually agreeable to both parties.
 - The Owner shall make showing appointments only after notifying the affected tenants of the specific time of the showing.
 - The Owner shall minimize disturbances and inconveniences to the resident tenants that may result from construction or renovation work conducted in preparation of the condominium conversion. No conversion related construction or renovation work shall be carried out except between the hours of 7:00 AM and 6:00 PM Mondays through Fridays, and between 9:00 AM and 2:00 PM Saturdays.
 - The Owner shall notify in advance all tenants of any expected and unavoidable disturbances or inconveniences due to conversion related work on the Property.
 - The Owner shall not increase the rents except as provided for in section 4 (e) of the Act.
- 3.2.2 The Owner shall inform potential purchasers of units of any asbestos material or lead paint known to be presents in any part of the building in which the unit is located, and shall provide copies of recent asbestos and lead inspection reports.
- 3.2.3 Before filing the condominium master deed at the Middlesex South District Registry of Deeds or the Land Court, the Owner shall provide the Board with documentation showing the terms of purchase that is being offered to tenants and to the public.
- 3.2.4 Before filing the condominium master deed at the Middlesex South District Registry of Deeds or the Land Court, the Owner shall modify it to provide for a separate account dedicated solely for the repair, replacement, and maintenance of the wastewater disposal system serving the Property. This account shall be funded initially with a sum exceeding \$5,000, and then with portions of the condominium fees paid by each unit owner.
- 3.2.5 Before the sale of any condominium unit on the Property, the Owner shall have replaced septic system tanks, manholes, and pipes to the satisfaction of the Acton Board of Health.
- 3.2.6 Before the sale of any condominium units on the Property, the Owner shall provide certification that they are equipped with smoke detectors as required by M.G.L. Ch. 148, S. 26F and shall upgrade the fire alarm systems in the buildings on the Property to meet current laws and regulations. The smoke detector certification and alarm upgrades shall

meet the approval of the Acton Fire Chief, who shall have the authority to perform inspections as he deems necessary.

- 3.2.7 Before the sale of any condominium unit on the Property, the Owner shall renovate such unit and the building in which such unit is located and provide the Board of Health and the Building Commissioner with a detailed and expressed certification that the unit complies with all applicable Town and State building and health codes including regulations regarding asbestos and lead paint. Such certification shall be made by an independent registered engineer or architect licensed to practice in the Commonwealth.
- 3.2.8 The Owner shall offer to the Acton Housing Authority one 2-bedroom dwelling unit for a maximum sale price of \$150,000 following the completion of all renovation work in such unit.
- 3.2.9 The Owner shall offer for sale to low-income households one 1-bedroom unit for a maximum initial price of \$130,000 and two 2-bedroom units for a maximum initial price of \$145,000 each. The Owner shall hire a consultant, selected from a list that the Acton Community Housing Corporation (ACHC) has pre-approved, to oversee and ensure the Local Initiative Program (LIP) application to and certification by the Massachusetts Department of Housing and Community Development (DHCD) for of said three units, and to administer their marketing and lottery sales in compliance with LIP guidelines. The Owner shall prepare, or have the consultant prepare, all legal documents required by DHCD for the sale of the LIP units (regulatory agreements, deed riders, etc.).
- 3.2.10 The aforesaid four affordable dwelling units shall be located on the 2nd floor in scattered locations in either of the two building and shall be provided with the replacements and/or upgrades listed in a spreadsheet that the Owner provided to the Acton Community Housing Corporation entitled Somerset Hills LP, Acton MA, Standard Unit Specs & Budget.
- 3.2.11 Upon the request of the ACHC, the Owner shall offer for sale an additional low-income 1- or 2-bedroom unit subject to the ACHC "buying down" its market rate unit price to the maximum prices set forth in paragraph 3.2.4 above. The sale of this unit shall also follow steps, procedures, and requirements set forth in paragraph 3.2.4.
- 3.2.12 The Owner may proceed with the proposed condominium conversion subject to compliance with all continuing obligations and requirements of the Act, the Rules, and this Decision, including but not limited to: offering the units to the tenants at prices on terms equal to or more favorable than what is offered to the public; adhering to all time frames and periods specified in the Act and in this decision; and offering lease extensions and relocation assistance.
- 3.2.13 This decision shall be filed with the Acton Town Clerk, and it shall be recorded concurrently with the condominium master deed in the Middlesex South District Registry of Deeds or the Land Court.

3.3 LIMITATIONS

The authority granted to the Applicant under this permit is limited as follows:

- 3.3.1 The foregoing conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Act, the Rules, and other applicable laws and regulations.
- 3.3.2 Other approvals or permits required by law and other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 3.3.3 This condominium conversion permit shall expire after 1 year has elapsed from the date that this decision has been filed with the Town Clerk without recording of the condominium

master deed at the Middlesex South District Registry of Deeds or the Land Court. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration date. The Board herewith reserves its rights and powers to grant or deny such extension and to issue any appropriate changes to this Decision.

3.3.4 The Board hereby reserves its right and power to modify or amend this Decision and its terms and conditions with or without a public hearing upon the request of the Applicant, his designees or assigns, or upon its own motion.

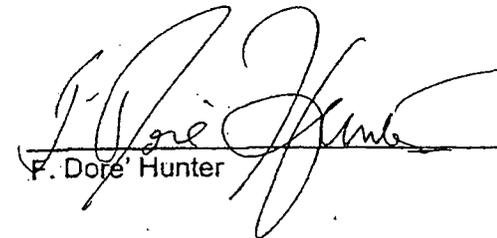
4 APPEALS

Appeals to this Decision, if any, shall be made pursuant to section 6A of the Act within 20 days after the date of filing this Decision with the Town Clerk. A notice of an appeal shall be submitted to the Town Clerk.

The Town of Acton Board of Selectmen


Peter K. Ashton, Chairman

~~Walter M. Foster~~


F. Dore Hunter


Lauren S. Rosenzweig

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals filed with this office.

Eva Bowen, Town Clerk

Date

Copies furnished:

Owner -
certified mail #
Fire Chief
Town Planner

Tenants
Health Director
Acton Water District

Building Commissioner
Town Clerk
Assistant Assessor

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ACTON HOUSING AUTHORITY

**PURCHASE OF FAMILY HOUSING UNIT
REQUEST FOR PROPOSALS**

The Acton Housing Authority (AHA) is seeking to purchase a three bedroom condominium unit in the Town of Acton, MA. Housing units that meet the requirements of this Request for Proposals (RFP) will be considered.

PROPOSAL DEADLINE:

Proposals will be received and evaluated on a rolling basis as described in this RFP until the Authority has selected properties for purchase. Proposals will be received until the initial deadline of 2:00 p.m. on January 4, 2008 at which time they will be publicly opened and read aloud at the Acton Housing Authority (address shown below).

If the AHA does not select Proposals for purchase from this initial round, it will accept further Proposals fourteen days after the initial deadline at the same time (2:00 p.m. on January 18, 2008) and on fourteen day intervals following, until a Proposal is selected for purchase.

Any proposal received after an opening deadline will be deemed submitted for consideration at the next available opening deadline unless the Authority selects a property for purchase, in which case proposals received after an opening deadline will be deemed non-responsive and returned to the applicant.

The Proposal should be placed in a sealed envelope and addressed as follows:

Proposal to Sell Condominium Unit/Building
C/O Kelley A. Cronin, Executive Director
Acton Housing Authority
68 Windsor Avenue
P.O. BOX 681
Acton, MA 01720
978-263-5339

Please contact the Acton Housing Authority to receive a Disclosure of Beneficial Interest in Real Property Transaction form, which must accompany the sealed proposal.

GENERAL REQUIREMENTS:

Once the AHA has entered into an acceptable Offer to Purchase, upon reasonable notice, the AHA, their agents, representatives and/or the state Dept. of Housing and Community Development (DHCD) shall be granted permission to enter the premises for the purpose of conducting inspections & testing as deemed necessary. Upon a satisfactory investigation of the proposed property, the AHA further agrees to execute a Standard Form Purchase and Sales Agreement and make a deposit of 5% of the purchase price.

PROPERTY SPECIFICATIONS:

Each proposal submitted to the Acton Housing Authority must meet the following minimum requirements:

- Condominiums must be located in the Town of Acton
- Condominiums must be delivered vacant and free and clear of any tenants
- Condominiums must have three bedrooms
- The Master Deed of the Condominium must prohibit any restriction on the AHA's ability to rent units to tenants
- Have a purchase price of no more than \$300,000

PREFERENTIAL CRITERIA:

In addition to the above criteria, the following features will be given preferential consideration:

1. Located in close proximity to the office and maintenance shops of the Acton Housing Authority.
2. Located within walking distance to shopping areas, public transportation and employment opportunities.
3. New construction built with high quality materials.
4. Energy efficient design features.
5. Private out door space, yards, patios, decks or porches.
6. Storage areas, such as an attic or basement.
7. Parking available on grounds of property.
8. Connection to municipal water supply.
9. Washing machine and dryer hook ups.
10. Home warranty.

SELECTION PROCESS:

The following selection process shall be used for Proposals received in the initial round and for any following rounds that may occur at two week intervals as described above.

Following the opening of submitted proposals, the AHA will review each written proposal to determine whether it meets the minimum requirements of this RFP. Proposals that do not meet these requirements will be promptly notified in writing that their property(s) will not be considered further.

All properties which meet the minimum requirements, and are therefore considered responsive proposals, will be inspected by the AHA, DHCD, or its agents. The AHA will evaluate and rank the responsive proposals based on the extent to which they meet the preferential criteria stated herein.

Following consultation with DHCD, the AHA will issue a letter accepting the highest ranked proposal, contingent upon the execution of the Standard Form Purchase and Sales Agreement. The Purchase and Sales Agreement shall state a closing date, which shall not be more than 60 days from the date the agreement is signed.

The AHA reserves the right to reject any and all bids if it is in the best interests of the AHA.

Acton Community Housing Corporation
Nancy Tavernier, Chairman
TOWN OF ACTON

Acton Town Hall
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 263-9611
achc@acton-ma.gov

TO: Acton Housing Authority Board
FROM: Nancy Tavernier, Chair
SUBJECT: Willow-Central 3BR duplex unit
DATE: May 29, 2007

The following is background information for the discussion tonight on the Willow-Central project, a brief update and suggestions for the RFP process for the Housing Authority.

ACHC has selected Mark O'Hagan of MCO & Associates, Inc. to be the developer. We are in the process of negotiating the Purchase and Sale agreement (Disposition Agreement) and that will hopefully be finished this week. It needs to be signed by the Board of Selectmen at either the June 4 or 25 meeting. We are hoping for the earlier meeting but there are a few loose ends as always such as DHCD approval of the developer, transfer of the Comp Permit and bank financing commitment.

Once the Closing takes place and O'Hagan takes ownership, he expects to move forward immediately. Once he takes out a building permit, the clock starts running for the Housing Authority. Here are the relevant sections (Section 4 c) from the ACHC's RFP to which the developer will agree when he signs the agreement.

(c) Special Conditions for Duplex 3-Bedroom

The following special conditions shall apply to the Duplex 3-Bedroom Unit and shall govern the successful RFP Respondent hereunder and its successors and assigns (collectively the "Developer"):

- (i) The Acton Housing Authority ("AHA") may issue its own Request for Proposals (the "AHA RFP") to acquire a 3-bedroom unit in the Town of Acton for its rental housing program.
- (ii) If the AHA RFP is issued on or before the thirtieth day after the issuance of a building permit for the Duplex 3-Bedroom Unit, the Developer shall timely and fully respond to the AHA RFP, and shall offer the Duplex 3-Bedroom Unit to AHA at a price not to exceed \$330,000.
- (iii) In the event that (A) AHA awards the acquisition contract to the Developer within thirty days after the AHA RFP bid opening, and (B) within thirty days thereafter AHA executes an agreement to acquire the Duplex 3-Bedroom Unit and to close on that acquisition within thirty days after the issuance of a final

occupancy permit for that unit, then the Developer shall sell the Duplex 3-Bedroom Unit to AHA pursuant to the AHA RFP award and that agreement, provided however that the Developer shall include in the deed to AHA of the Duplex 3-Bedroom Unit a perpetual restriction running for the benefit of ACHC to the following effect: "In the event that the Acton Housing Authority proposes to resell the Duplex 3-Bedroom Unit at any time, then the Acton Housing Authority shall provide advance written notice to the Acton Community Housing Corporation which shall have the option, exercisable on or before the 120th day after receipt of said notice, to buy down the Duplex 3-Bedroom Unit's maximum selling price to the then-applicable maximum selling price for the unit to be affordable to a 4 person household at 80% AMI (said buy down to be funded by ACHC making a payment in the amount of the difference between the appraised fair market value of the unit unrestricted and said then-applicable maximum selling price) and thereafter to restrict the Duplex 3-Bedroom Unit in perpetuity to be affordable for a 4 person household at 80% AMI."

- (iv) In the event AHA does not timely issue the AHA RFP, award the contract to the Developer, or execute the agreement to acquire the Duplex 3-Bedroom Unit as provided herein, then ACHC shall have the option, exercisable on or before the 120th day after issuance of the building permit for the Duplex 3-Bedroom Unit, to buy down the Duplex 3-Bedroom Unit's selling price from \$330,000 to \$176,500 (i.e. by a payment of \$153,500) and to restrict the Duplex 3-Bedroom Unit in perpetuity to be affordable for a 4 person household at 80% AMI.
- (v) In the event ACHC does not timely exercise that option, then the Developer shall sell and restrict the Duplex 3-Bedroom Unit to a qualifying 4 person household earning no more than 150% AMI at a selling price that is affordable to a household earning 130% of the AMI.
- (vi) Unless AHA acquires the Duplex 3-Bedroom Unit as set forth above, the Duplex 3-Bedroom Unit shall initially be sold pursuant to a lottery process as required by Comprehensive Permit Condition § E.4 to a qualifying household at the applicable affordability percentage, and shall be subject to a Perpetual Affordability Restriction as set forth in Comprehensive Permit Condition § E.5.
- (vii) In any event, the Duplex 3-Bedroom Unit shall be subject to a DHCD Universal Deed Rider that is adapted for the selected option and approved by Town Counsel. (See Comprehensive Permit Condition § E.)

A brief synopsis of the Options for the 3BR duplex unit:

1. The AHA puts out an RFP seeking a unit with specific criteria including the price to be paid
2. The developer bids on it and offers the unit at a predetermined price, not to exceed \$330,000
3. If the AHA does not seek the unit or awards the bid to another unit elsewhere, the ACHC will have the option to buy down the selling price to \$176,500 to make it an affordable unit to be sold by lottery.
4. If the ACHC does not buy down the unit, the developer will have the right to sell the unit at a below market price for incomes up to 150%AMI, keeping it restricted with a deed rider. The unit would not count toward the Town's 10%.

The ACHC has been given a gift of \$100,000 to be used on the Willow-Central project. Because the developer does not require any subsidy to construct and market the project, we will be using the \$100,000 primarily to buy down the selling prices of the three units. We are also considering the addition of several project upgrades such as a concrete and granite sidewalk, brick walkways and additional landscaping. We will also plan to fund the initial reserve fund at an amount not to exceed \$10,000. Because each unit will "own" its own septic system and will be responsible for its maintenance, the need for a large reserve fund is diminished. The donor has expressed some reservations about his gift being used for a fund that will just sit for perhaps 5 years.

Until we complete the final negotiations and close on the project, we will not have firm numbers for how we will use the \$100,000. ACHC will need to make certain decisions too. At this point, we would anticipate buying down the \$330,000 unit with \$60,000 bringing the selling price to \$270,000.

This brings the update to the discussion of the AHA RFP process. Town Counsel Steve Anderson, who is also representing ACHC and being paid by us, has stressed that ACHC must remain strictly at arms-length in regard to the AHA RFP process, AHA also needs that protection. AHA can issue a very specific RFP with criteria that would allow the Willow-Central unit to be the most logical respondent but cannot make it so tight that it could be the only respondent but that is for your lawyer to determine.

Here is a suggestion for RFP inclusions:

1. AHA puts out an RFP looking for:
 - 3BR unit
 - Village location, within walking distance to services
 - Quality new construction
 - Maximum purchase price of e.g. \$270,000
 - Restrictions on unit must be stated, such as rental allowed, children allowed
 - Even specific criteria such as washer dryer hook-ups, basement, 1 ½ baths, etc.

In this case, Mark O'Hagan would respond offering the price in the RFP and ACHC would pay him the difference between that price and the \$330,000 which is guaranteed in the RFP.

If your lawyer would like to speak to Steve Anderson about the RFP, I am sure he would be willing. His contact information is:

Stephen D. Anderson
ANDERSON & KREIGER LLP
One Canal Park, Suite 200
Cambridge MA 02141
Direct Dial: 617-621-6510
Main number: 617-621-6500
e-mail: sanderson@andersonkreiger.com

Acton Community Housing Corporation
Nancy Tavernier, Chairman
TOWN OF ACTON
Acton Town Hall
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 263-9611
achc@acton-ma.gov

On June 7, 2007, the ACHC voted to use the Steinberg-Lalli gift funds for Willow-Central by subsidizing the selling prices of the units, adding some project upgrades, and establishing a Reserve Fund for the Condo Association. The funding for the following items will be provided to Willow Central LLC. The preferred payment schedule is any time after January 1, 2008.

- 1. Buy down the selling price of the 3BR duplex unit** **\$60,000**
Assumes purchase by the Acton Housing Authority:

The approved maximum selling price of this unit is \$330,000. The ACHC Subsidy would reduce the sale price to the AHA to \$270,000. The subsidy funds would be given to Willow Central LLC at the time of Closing on the unit to guarantee the sales revenue of \$330,000 as approved per the Comp Permit and RFP.

Should the AHA not purchase the unit, the ACHC will have the option to buy down the unit to an affordable price for a first-time homebuyer. ACHC will guarantee the \$330,000 sales revenue.

Should the ACHC option not be utilized the unit will be sold as a below market rate unit for no less than \$230,000 to a 4 person household earning no more than 150% AMI at a price that is affordable to a household earning 130% of the AMI. ACHC would provide the \$100,000 subsidy for this unit to guarantee the \$330,000 sales revenue and would expect a deed rider to restrict the income limit at future resales.

- 2. Buy down the selling prices of the 2 affordable units by 5%** **\$16,725**

Buy down subsidy will be given to Willow Central LLC at the time of Closing on each unit.

3 BR bungalow unit: \$176,500 (DHCD approved maximum price) to \$167,675 (-\$8825)

2BR duplex unit: \$157,900 (DHCD approved maximum price) to \$150,000 (-\$7900)

- 3. Provide funds for project upgrades** **\$10,000**

Concrete sidewalk and granite curbing on Central St.

Paver stone walkways from main entrance of each unit to each driveway

- 4. Provide start up funds for the Condo Association Reserve Fund** **\$ 3,000**

TOTAL Funds from ACHC: **\$89,725**

ACTON COMMUNITY HOUSING CORPORATION

WILLOW CENTRAL, LLC

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

A. Settlement Statement

U.S. Department of Housing
and Urban Development

Loan #
OMB No. 2502-0265

B. Type of Loan			
1. <input type="checkbox"/> FHA 2. <input type="checkbox"/> FmHA 3. <input checked="" type="checkbox"/> Conv. Unins	6. File Number	7. Loan Number	8. Mortgage Insurance Case Number
4. <input type="checkbox"/> VA 5. <input type="checkbox"/> Conv. Ins	08B425MS		

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(P.O.C.*)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name/Address of Buyer: Acton Housing Authority
68 Windsor Avenue, Acton, Massachusetts 01720

E. Name and Address of Seller: Willow Central, LLC
206 Ayer Rd., Ste., 5, Harvard, Massachusetts 01451

F. Name and Address of Lender: Cash

G. Property Location: 214 Central Street, Acton, Massachusetts 01720

H. Settlement Agent: Roche and Murphy, Mark C. Saba
Agent's Address: 38 Pond Street, Suite 305, Franklin, Massachusetts 02038
Place of Settlement: 125 Summer Street, Boston, Massachusetts 02102

I. Settlement Date 06/06/2008

J. Summary of Buyer's Transaction		K. Summary of Seller's Transaction	
100. Gross Amount Due from Buyer		400. Gross Amount Due To Seller	
101. Contract sales price	\$330,000.00	401. Contract sales price	\$330,000.00
102. Personal property		402. Personal property	
103. Settlement charges to Buyer (line 1400)	\$2,135.00	403.	
104. Purchase & Sale Agreement		404.	
105. Declaration of Homestead		405.	
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/town taxes		406. City/town taxes	
107. County Tax		407. County Tax	
108. Assessments		408. Assessments	
109. Condo Fee Adj. 06/06/08 to 06/30/08	\$164.50	409. Condo Fee Adj. 06/06/08 to 06/30/08	\$164.50
110. Contribution to Condo Reserves	\$3,000.00	410.	
111. Condo Reserves (2 months)	\$400.00	411.	
112. Fuel Adjustment		412. Fuel Adjustment	
120. Gross Amount Due From Buyer	\$335,699.50	420. Gross Amount Due To Seller	\$330,164.50
200. Amounts Paid By Or In Behalf of Buyer		500. Reductions In Amount Due to Seller	
201. Deposit or Earnest Money		501. Excess Deposit (see instructions)	
202. Principal Amount of New Loan		502. Settlement charges to seller (line 1400)	\$10,175.00
203. Existing Loan(s) taken subject to		503. Existing Loan(s) taken subject to	
204.		504. Middlesex Savings Bank-Payoff	\$154,213.52
205.		505.	
206.		506.	
207.		507.	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/town taxes		510. City/town taxes	
211. County Tax		511. County Tax	
212. Assessments		512. Assessments	
213. Condo Fee Adj		513. Condo Fee Adj	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total Paid By/For Buyer	\$0.00	520. Total Reduction Amount Due Seller	\$164,388.52
300. Cash At Settlement From/To Buyer		600. Cash At Settlement To/From Seller	
301. Gross Amount due from Buyer (line 120)	\$335,699.50	601. Gross Amount due to seller (line 420)	\$330,164.50
302. Less amounts paid by/for Buyer (line 220)	\$0.00	602. Less reductions in amt due seller (line 520)	\$164,388.52
303. Cash from Buyer	\$335,699.50	603. Cash to Seller	\$165,775.98

We, the undersigned, identified in section D hereof and Seller in section E hereof, hereby acknowledge receipt of this completed Settlement Statement on June 6, 2008.

Buyers: Acton Housing Authority
 Sellers: Willow Central, LLC
 Sellers: _____

L Settlement Charges.

700. Total Sales/brokerage commission based on price: \$330,000.00 @ 3.0000% = \$9,900.00		Paid From Buyer's Funds at Settlement	Paid From Sellers Funds at Settlement
Division of Commission (line 700) as follows:			
701.	\$9,900.00 to MCO Housing Services		
702.	\$0.00 to		
703.	Commission paid at Settlement		\$9,900.00
704.			
800. Items Payable In Connection With Loan			
801.	Loan Origination Fee to		
802.	Loan Discount to		
803.	Appraisal Fee to		
804.	Credit Report to		
805.	Tax Service Fee to		
806.	Flood Certification to		
807.	Processing Fee to		
808.	Underwriting Fee to		
809.			
810.			
811.	Yield Spread Premium to		
900. Items Required by Lender To Be Paid In Advance			
901.	Interest from 06/06/08 to 06/30/08 @\$0.0000 /day 25 days		
902.	Mortgage Insurance Premium for 0 months to		
903.	Hazard Insurance Premium for 1 years to		
904.			
905.			
1000. Reserves Deposited With Lender			
1001.	Hazard Ins months @ per month		
1002.	Mortgage Ins months @ per month		
1003.	City Tax months @ per month City/Town of Acton, MA		
1004.	County Tax months @ per month		
1005.	Assessments months @ per month		
1006.			
1007.			
1008.	Aggregate Adjustment		\$0.00
1100. Title Charges			
1101.	Settlement/Closing Fee to		
1102.	Abstract/Title Search to McDonough&Novak / Roche&Murphy		
1103.	Title examination to		
1104.	Title Insurance binder to		
1105.	Document preparation to		
1106.	Notary fees to		
1107.	Attorney's Fees to Roche & Murphy		\$500.00
(includes above line numbers) 1101, 1102 & 1105			
1108.	Title Insurance to First American Title Insurance		\$1,320.00
(includes above line numbers) 1103 & 1104			
1109.	Lender's coverage \$0.00 @ \$0.00 \$924.00 to Roche and Murphy		
1110.	Owner's coverage \$330,000.00 @ \$1,320.00 \$396.00 to First American Title Insurance		
1111.	Municipal Lien Certificate to Town of Acton		\$25.00
1112.			
1113.			
1200. Government Recording and Transfer Charges			
1201.	Recording Fees: Deed \$125.00 Mtg \$0.00 Rls \$75.00		\$125.00 \$75.00
1202.	City/county tax/stamps: Deed \$0.00 Mtg \$0.00		
1203.	State tax/stamps: Deed \$0.00 Mtg \$0.00		
1204.	Recording Fee: MLC to Registry of Deeds		\$65.00
1205.	Rundown / Recording Fee to McDonough & Novak		\$75.00
1300. Additional Settlement Charges			
1301.	Obtain/Review Survey to McDonough & Novak		
1302.	Discharge/Tracking Fee to Roche & Murphy		\$75.00
1303.	Courier Fee to DHA Courier		\$25.00 \$25.00
1304.	Express Mail / Postage to UPS / Roche & Murphy		\$25.00
1305.	Doc Prep / Copies to R&M		
1306.			
1307.	Recording Fee: 6D Cert to Registry of Deeds		\$75.00
1308.	Recording Fee: Homestead to ROD		
1400.	Total Settlement Charges		\$2,135.00 \$10,175.00

We, the undersigned, identified in section D hereof and Seller in section E hereof, hereby acknowledge receipt of this completed Settlement Statement (pages 1 and 2) on June 6, 2008.

Buyers: Acton Housing Authority

Sellers: Willow Central, LLC

The HUD-1 settlement statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause funds to be disbursed in accordance with this statement.

Settlement Agent: _____

Date: June 6, 2008

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

5826

LAW OFFICES OF ROCHE & MURPHY
CONVEYANCING ACCOUNT
38 POND STREET
FRANKLIN, MA 02038



5-7515/110

6/5/2008

PAY TO THE
ORDER OF

WILLOW CENTRAL CONDOMINIUM TRUST

\$ **400.00

Four Hundred and 00/100*****DOLLARS

WILLOW CENTRAL CONDOMINIUM TRUST

MEMO

ACTON HOUSING AUTHORITY-08B425-MS

AUTHORIZED SIGNATURE

Details on back. Security Features included.

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT.

⑈005826⑈ ⑆011075150⑆ 60204945871⑈

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

5832

LAW OFFICES OF ROCHE & MURPHY
CONVEYANCING ACCOUNT
38 POND STREET
FRANKLIN, MA 02038



5-7515/110

6/5/2008

PAY TO THE
ORDER OF

WILLOW CENTRAL CONDOMINIUM TRUST

\$ **3,000.00

Three Thousand and 00/100*****DOLLARS

WILLOW CENTRAL CONDOMINIUM TRUST

MEMO

ACTON HOUSING AUTHORITY-08B425-MS

AUTHORIZED SIGNATURE

MP
SECURE
SAFEGUARD
SECURE

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Security Features Included