

May 12, 1994

TO: Board of Selectmen, Town Manager
FROM: Nancy Tavernier
SUBJECT: BOS meeting with ACHC

The Acton Community Housing Corporation (ACHC) will be meeting with the Selectmen on 5/17 to attempt to clarify their role and consider a different structure to their organization. It is clear that ACHC was established prior to certain municipal finance laws, e.g. Chapter 30B, the Procurement Act, and this existence of a new set of rules brings into question ACHC's current operating procedures.

What is clear is that state law prohibits a private nonprofit organization from receiving public funds without a contract with the public entity supplying the funds, similar to the situation with Eliot Clinic. Therefore, if ACHC is "given" funds for affordable housing from developers who have been required to do so by the Planning Board or ZBA, then those constitute public funds and must be given to the town under the purview of the Board of Selectmen. If ACHC were under contract to the town to provide affordable housing, they could then submit a proposal for the use of those funds to the BOS.

The ACHC has discussed these issues and is looking for direction from the Board of Selectmen as to how best to accomplish the charge that we have been given, to promote affordable housing opportunities in the town of Acton.

We are looking at 2 models of organization.

1. The ACHC would contract with the town to provide affordable housing and would petition the Board to use any funds that were given to the town for that purpose. This would essentially leave the ACHC structure intact, but the Selectmen would control the funding source, if any. The ACHC would offer advice to the Planning Board or ZBA or BOS on matters of affordable housing. A contract could be awarded to more than one entity, ACHC would not necessarily be the sole source, the Acton Housing Authority could also be designated.

2. The Selectmen would submit a Home Rule Petition to the next Town Meeting and on to the Legislature identical to the attached Home Rule Petition used in the Town of Lexington. This petition gives the Selectmen the authority to establish a nonprofit housing corporation and gives the corporation the power to acquire money and property etc. All of the corporation's activities are subject to the approval of the Board of Selectmen, giving a great deal of accountability to the community.

ACHC has agreed that option #2 is the preferred route to travel, recognizing that it may take up to 2 years to get Home Rule approval. We would hope that in the meantime, we could continue to be the preliminary negotiating agency for affordable

housing and that any money or property received would be earmarked for affordable housing.

ACHC also considered becoming an advisory body to the Acton Housing Authority but the AHA's declining resources are a concern to the group and serious reservations were expressed by Betty McManus as to an increased workload for them.

We look forward to the discussion and have appreciated past support given by the Selectmen to the ACHC and the community issue of diversity in housing.

TO: Town Manager
FROM: Nancy Tavernier
SUBJECT: Clarify status of ACHC (Acton Community Housing Corporation)
DATE: 4/15/94

I have placed the ACHC on the agenda for the 5/17/94 meeting, 8:30-9:00PM. The ACHC feels the need to clarify their role in such areas as:

1. Negotiations with developers - ACHC's mission statement authorizes them to be the preliminary negotiators with developers. What exactly should that procedure be? We are involved in some negotiations right now with Kirk Ware as a result of Planning Board conditions on Acorn Park and we have also negotiated with New View.

2. If the ACHC successfully negotiates the gift of money, or property, how is that set up? Would it be a special fund subject to BOS approval? If it were a gift of property, land or house, how would that work? Would the ACHC be allowed to use any of it for administrative expenses?

3. If ACHC decided to buy property with gift money, would Chap 30B enter into the procedure? For example, if we wanted to buy a house for deed restricted affordability would we have to put it out to bid and accept the best house?

4. If ACHC became a Town Board, instead of a corporation, and was an advisory board to the BOS and appointed by BOS, how would any of the above scenarios change? Would we then have access to appropriated funds?

John may have some other suggestions for questions that need to be answered. It might be helpful to have Town Counsel give some preliminary opinions on these specifics. If necessary, Peter Berry and I would be happy to meet with you and John or even Town Counsel prior to or after this meeting.

cc BOS
ACHC

ACTS, 1983. - Chaps. 520, 521.

Be it enacted, etc., as follows:

The personnel administrator of the division of personnel administration shall examine and certify Bryan C. Ruocco of the city of Lynn for appointment as a police officer according to the grade he received in the examination for police officer held on October first, nineteen hundred and eighty-three, notwithstanding the fact that he has attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification and appointment to such position.

Approved November 28, 1983.

Chap. 520. AN ACT AUTHORIZING THE CERTIFICATION AND APPOINTMENT OF JOSEPH CROWINSHIELD AS A POLICE OFFICER, NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification and appointment of Joseph Crowinshield as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The personnel administrator of the department of personnel administration shall examine and certify Joseph Crowinshield for appointment as a police officer according to the grade he received in the examination for police officer held on October first, nineteen hundred and eighty-three, notwithstanding the fact that he has attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification and appointment.

Approved November 28, 1983.

Chap. 521. AN ACT ESTABLISHING A NONPROFIT HOUSING CORPORATION FOR THE TOWN OF LEXINGTON.

Be it enacted, etc., as follows:

Lexhab

SECTION 1. There is hereby established a nonprofit housing corporation to be known as the Lexington Housing Assistance Board, Inc. which shall be subject to the supervision of the

ACTS, 1983. - Chap. 521.

board of selectmen of the town of Lexington. Said board shall consist of not less than five members, who shall be appointed by the board of selectmen for staggered three-year terms as designated by said board of selectmen, such appointments to be made annually by said board of selectmen on or before May thirty-first. Members shall serve until their successors are appointed and qualified. Continuing members may act despite a vacancy or vacancies in said board and for this purpose be deemed to constitute a full board. Any vacancy in said board, however occurring, may be filled by the board of selectmen for the unexpired portion of the term.

Said board is hereby established and shall exercise its powers and perform its duties for the purpose of investigating and implementing alternatives for the provision of and providing affordable housing for persons of low, moderate and middle income, and others whose needs may be identified from time to time, in the town of Lexington. The powers and duties of said board as set forth herein are intended to be alternative and supplemental to, and not in limitation of, the powers and duties of the Lexington Housing Authority established pursuant to chapter one hundred and twenty-one B of the General Laws. The liability of said board and its members shall be limited to the same extent as the liability of a public employer and public employees as provided in section two of chapter two hundred and fifty-eight of the General Laws.

SECTION 2. Said board shall have the powers and privileges conferred by the provisions of paragraphs (g) to (i), inclusive, and paragraph (k) of section nine of chapter one hundred and fifty-six B of the General Laws, and the following powers, provided that no such power shall be exercised either in a manner inconsistent with this act or any general or special law, or to carry on any activity which is not in furtherance of the purposes set forth in this act:

(a) to adopt, amend and repeal by-laws for the regulation and conduct of its business including but not limited to the call and conduct of its meetings, the number of members which shall constitute a quorum and the mode of voting by proxy;

(b) to elect a chairman and vice-chairman, each of whom shall be members of said board, and a secretary and a treasurer, who need not be members of said board, and who may be the same person. The treasurer shall give bond for the faithful performance of his duties in form and amount approved and fixed by the board of selectmen, the cost of which bond shall be paid from funds of said board. The chairman and in his absence the vice-chairman shall chair meetings of said board. The secretary shall be the custodian of all books, documents and papers filed

ACTS, 1823. - Chap. 321.

with said board and of the minute book or journal of said board;

(g) with the approval of the board of selectmen, to make and execute all contracts and all other instruments necessary or convenient for the exercise of its power and functions, subject to approval of the town counsel of the town of Lexington as to form;

(d) with the approval of the board of selectmen, to acquire or lease, by purchase or otherwise, and to own, hold and use, on such terms and conditions and in such manner as it may deem proper, and to exchange, grant options on, sell, transfer, convey, assign, lease, pledge, mortgage, encumber, grant liens on and security interests in, or otherwise dispose of, on such terms and conditions as it may deem proper, real, personal or mixed real and personal property or any interest, easements or rights therein, and any assets or revenues of said board, as may be necessary or appropriate to carry out its purposes;

(e) with the approval of the board of selectmen, to enter into agreements or other transactions with the commonwealth or any political subdivision or public instrumentality thereof, the United States government or any federal, state or other governmental agency;

(f) with the approval of the board of selectmen, to borrow money and to execute notes therefor which shall not be deemed to be debts or obligations of the town of Lexington, to hold mortgages, and to invest any funds held in reserve funds, or any funds not required for immediate disbursement in such investments as may be lawful for fiduciaries in the commonwealth. Said board shall have no stock;

(g) with the approval of the board of selectmen, to enter into contracts or agreements with, and to employ from time to time contractors, architects, engineers, consultants, attorneys, accountants, construction, financial and other experts, superintendents, managers and such other agents and employees as may be necessary in its judgment and to fix their compensation;

(h) with the approval of the board of selectmen, to receive and hold funds appropriated by the town and other funds, property, labor and other things of value from any source, public or private, by gift, grant, bequest, loan or otherwise, either absolutely or in trust, and to expend or utilize the same on behalf of said board for any of its purposes or to act as an agent or conduit in administering or disbursing funds or financial or other aid from any source; provided, however, that all revenues collected or received by said board in connection with its activities, investments or transactions shall be expended only with the approval of the board of selectmen of the town of Lexington;

(i) to appear in its own behalf before boards, commissions,

ACTS, 1983. - Chap. 521.

departments or other agencies of government, municipal, state or federal;

(j) to procure insurance against any loss in connection with the property or activities of said board, in such amounts and from such insurers as it may deem necessary or desirable, and, with the approval of the board of selectmen, to indemnify its members or agents if and to the extent specified from time to time in the by-laws of said board and subject to and in the manner provided in section six of chapter one hundred and eighty of the General Laws;

(k) to formulate and, with the approval of the board of selectmen, carry out or monitor plans for projects involving the acquisition or operation of housing facilities of any kind or nature, and to construct, reconstruct, renovate, expand, extend, improve, repair, remodel, equip, furnish, maintain, manage and operate such facilities;

(l) with the approval of the board of selectmen, to fix and revise from time to time, and to charge and collect rates, fees, rentals and other charges and sales prices for or in connection with the use, occupancy or other disposition of any housing facility or other property or portion thereof under its ownership or control;

(m) with the approval of the board of selectmen, to establish, impose, grant or amend, by deed, lease or any other means or method, and to hold the benefit of, monitor, exercise and enforce lawful restrictions on the rental, sale, resale, use or occupancy of housing facilities or other property under its ownership or control, or other facilities or property designated by the selectmen of the town, or restrictions with respect to the income of owners, tenants or occupants of such housing facilities or other property, or options and rights of first refusal with respect to such facilities or property, and to waive, release or discharge any such rights or restrictions;

(n) with the approval of the board of selectmen, to enter into, perform or monitor agreements or other transactions with contractors, developers, brokers or other real estate professionals or any other person relating to the providing of affordable housing for persons of low and moderate income in the town;

(o) to do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act.

Said board may delegate to any committee or member of the board any action which said board is empowered to do or make. Said board may be a partner in any business enterprise which said board would have power to conduct by itself.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the income, assets and activities of

ACTS, 1983. - Chap. 521.

said board shall be exempt from all taxes and assessments and said board shall not be subject to any of the provisions of chapter sixty-three of the General Laws or to any taxes based upon or measured by property or income imposed by the commonwealth or by any political subdivision thereof. Said board is hereby authorized and empowered to enter into an agreement or agreements with the assessor of the town of Lexington, with the approval of the board of selectmen, wherein said board shall undertake to make to the town annual payments in lieu of taxes in connection with any real property acquired and owned by said board, the amounts of such payments to be reasonable sums stipulated in such agreement or agreements or determined in accordance with a reasonable formula so stipulated.

SECTION 4. Without limitation of the powers of said board set forth in section two, said board is authorized to receive and to expend and utilize for its purposes all proceeds of the sale by the town of Lexington of the land and improvements known as the Muzzey Junior high school, which proceeds have been appropriated by the town for such purposes. In addition, the town may appropriate other funds for the carrying out by said board of its purposes as set forth herein. Any appropriation therefor may be raised by the town by taxation. At least annually, said board shall cause independent audits to be made of the books and records of said board, which annual audits shall be filed with the board of selectmen of the town.

SECTION 5. In the event that said board shall be dissolved in accordance with law at any time, all property and interests therein, assets and rights of said board existing at such time shall be transferred to the town of Lexington by authority of this act, and title to all such property and all such rights shall vest in the town of Lexington automatically without the need for further action or instrument, and the town of Lexington shall, to the maximum extent permitted by law, and acting by and through its board of selectmen, assume, hold and exercise the powers and duties of said board set forth herein with respect to such property and rights so transferred to said town.

SECTION 6. The provisions of this act are severable and if any of its provisions shall be held invalid in any circumstance, such invalidity shall not affect any other provisions or circumstances.

SECTION 7. This act shall take effect upon its passage.

Approved November 29, 1983.



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Corporations Division

May 19, 1995

Steven Graham
Graham & Harsip, P.C.
289 Great Road
Acton, MA 01720

RE: Acton Community Housing Corporation

Dear Steven:

This letter is sent as a follow-up to our conversation earlier this week regarding the Petition of Representative Resor for legislation to establish the Acton Community Housing Corporation. After consideration it appears that the petition is subject only to the provisions of M.G.L. c. 3, § 5. That section requires the State Secretary to notify the petitioner that summary information concerning the petition must be published in a newspaper of general circulation in the cities and towns affected by the petition and copies transmitted to the mayor, board of selectmen, or town council as the case may be. We notified Representative Resor of that obligation today.

Nevertheless you may wish to consider amending the petition to provide that the corporation being created by the Act is subject to the provisions of M.G.L. c. 180. This will allow you to merge the earlier corporation into the special act corporation thereby transferring the assets and liabilities of its predecessor to it. Such an amendment will also be beneficial to the corporation in that it will provide a simple mechanism for accomplishing changes to its organizational structure.

I hope this information is helpful to you. If you have any additional questions please contact me. You may reach me by note sent to the address provided below or by telephone at 727-2853.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Laurie Flynn".

Laurie Flynn



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William Francis Galvin, Secretary of the Commonwealth
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Dear Betty:

Enclosed is a copy of a letter regarding the Home Rule Petition. We should plan on discussing this at the next meeting.

The suggestion made in the second paragraph rises the question for me of whether we can amend the Petition since the language tracks the vote at Town Meeting. It may require that we do an amendment to the Town Meeting vote, however that is accomplished.

Very truly yours,

GRAHAM & HARSIP, P.C.

A handwritten signature in black ink, appearing to be "JL" or similar initials, written over a horizontal line.

GRAHAM & HARSIP, P.C.

ATTORNEYS AT LAW
STRAWBERRY HILL BUILDING
289 GREAT ROAD
ACTON, MA 01720

STEVEN R. GRAHAM
BARRY S. HARSIP

TEL: (508) 264-0480
FAX: (508) 264-4990

LAURA B. MOODY

May 25, 1995

Ms. Betty McManus
Acton Community Housing Corporation
P. O. Box 681
Acton, MA 01720

Re: Acton Community Housing Corporation

Dear Betty:

Enclosed is a copy of a letter regarding the Home Rule Petition. We should plan on discussing this at the next meeting.

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Steven R. Graham

SRG/jm
Enclosure

Acton Community Housing Corp.
P.O. Box 681
Acton, MA 01720
(508) 263-4776

July 18, 1995

Representative Lida Harkins
House Chairperson
Joint Committee on Housing & Urban Development
State House
Boston, MA 02133

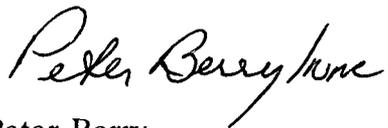
Dear Representative Harkins:

I am writing to request a favorable report from the Committee Members of Housing and Urban Development for House Bill #5283, a Home Rule Petition submitted by the Town of Acton. Once enacted the law would establish a Town Board called the Acton Community Housing Corporation (ACHC). The ACHC would be subjected to the supervision of the Acton Selectmen and would exercise its power and perform its duties for the purpose of providing affordable housing for persons of low and moderate income.

Since 1987, pursuant to a vote of the Acton Town Meeting, the ACHC has been operating as a non-profit corporation working to provide affordable housing opportunities in Acton. Based on our experience we feel that this organization will operate more effectively as an official Town Board. As this Home Rule Petition received a unanimous vote at the Annual Town Meeting I now encourage the State Legislators to endorse and enact House Bill #5283.

Thank you in advance for your positive consideration for Acton's request.

Sincerely,



Peter Berry
Chairman, Acton Community Housing Corp.

cc: Robert Durand, Senator
Pam Resor, Representative
Tom Connelly Jr., Executive Director, Mass NAHRO

Acton Community Housing Corp.
P.O. Box 681
Acton, MA 01720
(508) 263-4776

July 18, 1995

Senator Daniel Leahy
Senate Chairperson
Joint Committee on Housing & Urban Development
State House
Boston, MA 02133

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Peter Berry
Chairman, Acton Community Housing Corp.

cc: Robert Durand, Senator
Pam Resor, Representative
Tom Connelly Jr., Executive Director, Mass NAHRO

ATTN: Senator Bob Durand

FAX# 617-722-2897

Bob - any support would be appreciated - Thanks, Betty McParsons

Acton Community Housing Corp.

P.O. Box 681

Acton, MA 01720

(508) 263-4776

July 18, 1995

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Senate Chairperson
Joint Committee on Housing & Urban Development
State House
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cc: ✓ Robert Durand, Senator
Pam Resor, Representative
Tom Connelly Jr., Executive Director, Mass NAHRO

ATTN: Representative Pam Resor -
Acton Community Housing Corp.
P.O. Box 681
Acton, MA 01720
(508) 263-4776

FAX#
617-722-2897

July 18, 1995

Representative Lida Harkins
House Chairperson
Joint Committee on Housing & Urban Development
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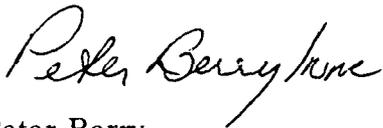
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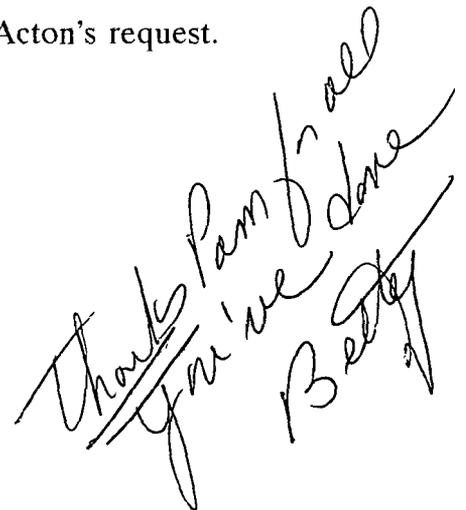
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Peter Berry
Chairman, Acton Community Housing Corp.

cc: Robert Durand, Senator
Pam Resor, Representative
Tom Connelly Jr., Executive Director, Mass NAHRO



ATTN: Tom Connelly

Acton Community Housing Corp.
P.O. Box 681
Acton, MA 01720
(508) 263-4776

FAX#
617-720-2529

July 18, 1995

Senator Daniel Leahy
Senate Chairperson
Joint Committee on Housing & Urban Development
State House
Boston, MA 02133

Dear Senator Leahy:

I am writing to request a favorable report from the Committee Members of Housing and Urban Development for House Bill #5283, a Home Rule Petition submitted by the Town of Acton. Once enacted the law would establish a Town Board called the Acton Community Housing Corporation (ACHC). The ACHC would be subjected to the supervision of the Acton Selectmen and would exercise its power and perform its duties for the purpose of providing affordable housing for persons of low and moderate income.

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Chairman, Acton Community Housing Corp.

cc: Robert Durand, Senator
Pam Resor, Representative
✓ Tom Connelly Jr., Executive Director, Mass NAHRO

Tom - Any support from NAHRO would be greatly appreciated by Acton - Thanks Betty Should be lead 7/19/95

AUG 29 1995



PAMELA P. RESOR
14TH MIDDLESEX DISTRICT
5 PROCTOR STREET
ACTON, MA 01720

SHELLY A. MACNEILL
LEGISLATIVE ASSISTANT

The Commonwealth of Massachusetts
House of Representatives
State House
Boston, MA 02133-1054

Don Johnson
FYI
Cathy Belbin

Committees on
Commerce and Labor
Natural Resources
Science and Technology
ROOM 33, STATE HOUSE
TEL: (617) 722-2060

August 23, 1995

Ms. Catherine Belbin
Town Clerk
Acton Town Hall
472 Main Street
Acton, MA 01720

Sherril - Pam's Aide
skell @ Ways & Means

Dear Ms. ^{Cathy} Belbin,

Enclosed please find a copy of House Bill 5238, An Act To Establish A Community Housing Corporation In The Town Of Acton, Massachusetts, which you had requested. As you are aware, the legislation is currently being reviewed by the House Committee on Ways and Means.

If you have any questions or concerns regarding the legislation or any other matters please do not hesitate to contact my office at 722-2060.

Sincerely,

PAMELA P. RESOR
State Representative

cc: BOS } FYI
ACHC }

By Ms. Resor of Acton, petition (subject to Joint Rules 12 and 9) of Pamela P. Resor (by vote of the town) for legislation to authorize the town of Acton to establish a community housing corporation. Housing and Urban Development [Local Approval Received.]

Pamela P. Resor (by vote of the town) for legislation to authorize the town of Acton to establish a community housing corporation,

AN ACT

~~AN ACT~~ TO ESTABLISH A COMMUNITY HOUSING CORPORATION IN THE TOWN OF ACTON, MASSACHUSETTS

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION I.

There is hereby established a nonprofit housing corporation to be known as the Acton Community Housing Corporation, which shall be subject to the supervision of the board of selectmen of the Town of Acton. Said board shall consist of not less than five members, who shall be appointed by the board of selectmen for staggered three-year terms as designated by said board of selectmen, such appointments to be made annually by said board of selectmen on or before June thirtieth. Members shall serve until their successors are appointed and qualified. Continuing members may act despite a vacancy or vacancies in said board and for this purpose be deemed to constitute a full board. Any vacancy in said board, however occurring, may be filled by the board of selectmen for the unexpired portion of the term.

Said board is hereby established and shall exercise its powers and perform its duties for the purpose of investigating and implementing alternatives for the provision of and providing affordable housing for persons of low, moderate and middle income, and others whose needs may be identified from time to time, in the Town of Acton. The powers and duties of said board as set forth herein are intended to be alternative and supplemental to and not in limitation of, the powers and duties of the Acton Housing Authority established pursuant to chapter one hundred and twenty-one B of the General Laws. The liability of said board and its members shall be limited to the same extent as the liability of a public employer and public employees as

NOTE. — Use ONE side of paper ONLY. DOUBLE SPACE. Insert additional leaves, if necessary.

the General Laws.

SECTION 2- Said board shall have the powers and privileges conferred by the provisions of paragraphs (a) to (i), inclusive, and paragraph (k) of section nine of chapter one hundred and fifty-six B of the General Laws, and the following powers, provided that no such power shall be exercised either in a manner inconsistent with this act or any general or special law, or to carry on any activity which is not in furtherance of the purposes set forth in this act:

(a) to adopt, amend and repeal rules for the regulation and conduct of its business including but not limited to the call and conduct of its meetings, the number of members which shall constitute a quorum and the mode of voting by proxy;

(b) to elect a chairman and vice-chairman , each of whom shall be members of said board, and a secretary and a treasurer, who need not be members of said board, and who may be the same person. The treasurer shall give bond for the faithful performance of his duties in form and amount approved and fixed by the board of selectmen, the cost of such bond shall be paid from funds of said board. The chairman and in his absence the vice-chairman shall chair meetings of said board. The secretary shall be the custodian of all books, documents and papers filed with said board and of the minute book or journal of said board;

(c) with the approval of the board of selectmen, to make and execute all contracts and all other instruments necessary or convenient for the exercise of its powers and functions, subject to approval of the town counsel of the town of Acton as to form;

(d) with the approval of the board of selectmen, to acquire or lease, by purchase or otherwise, and to own, hold and use, on such terms and conditions and in such a manner as it may deem proper, and to exchange, grant options on, sell, transfer, convey, assign, lease, pledge, mortgage, encumber, grant liens on and security interests in, or otherwise, encumber, se disposes on and security interests in, or otherwise dispose of, on such terms and conditions as it may deem proper, real, personal or mixed real and personal property or any interest, easement or rights therein, and any assets or revenues of said board, as may be necessary or appropriate to carry out its purposes;

(e) with the approval of the board of selectmen, to enter into agreements or other transactions with the commonwealth or any political subdivision or public instrumentality thereof, the United States government or any federal, state or other governmental agency;

(f) with the approval of the board of selectmen, to enter into contracts or agreements with, and to employ from time to time contractors, architects, engineers, consultants, attorneys, accountants, construction, financial and other experts,

superintendents, managers and such other agents and employees as may be necessary in its judgement and to fix their compensation;

(h) with the approval of the board of selectmen , to receive and hold funds appropriated by the town and other funds, property, labor and other things of value from any source, public or private, by gift grant bequest, loan or otherwise, either absolutely or in trust, and to expend or utilize the same on behalf of said board for any of its purposes or to act as an agent or conduit in administering or disbursing funds or financial or other aid from any source; provided, however, that all revenues collected or received by said board in connection with its activities, investments or transactions shall be expended only with approval of the board of selectmen of the town of Acton;

(i) to appear in its own behalf before boards, commissions, departments or other agencies of government, municipal, state or federal;

(j) to procure insurance against any loss in connection with the property or activities of said board, in such amounts and from such insurers as it may deem necessary or desirable, and, with the approval of the board of selectmen, to indemnify its members or agents if and to the extent specified from time to time in the bylaws of said board and subject to and in the manner provided in section six of chapter one hundred and eighty of the General Laws;

(k) to formulate and, with the approval of the board of selectmen , carry out or monitor plans for projects involving the acquisition or operation of housing facilities of any kind or nature, and to construct, reconstruct, renovate, expand, extend, improve, repair, remodel, equip., furnish, maintain, manage and operate such facilities;

(l) with the approval of the board of selectmen, to fix and revise from time to time, and to charge and collect rates, fees, rentals and other charges and sales prices for or in connection with the use, occupancy or other disposition of any housing facility or other property or portion thereof under its ownership or control;

(m) with the approval of the board of selectmen, to establish, impose, grant or amend, by deed, lease or any other means or method, and to hold the benefit of, monitor, exercise and enforce lawful restrictions on the rental, sale, resale, use or occupancy of housing facilities or other property under its ownership or control, or other facilities or property designated by the selectmen of the town, or restrictions with respect to the income of owners, tenants or occupants of such housing facilities or other property, or options and rights of first refusal with respect to such facilities or property, and to waive, release or discharge any such rights or restrictions;

(n) with the approval of the board of selectmen, to enter into, perform or monitor agreements or other transactions with contractors, developers, brokers or other real estate professionals or any other person relating to the providing of affordable housing for persons of low and moderate income in the town;

(o) to do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act;

Said board may delegate to any committee or member of the board any action which said board is empowered to do or make. Said board would have power to conduct by itself.

(p) No contract or agreement to purchase or accept as a gift, any right, interest or title to real property, shall be entered into until a site inspection has been made and a report received from a qualified person regarding the presence of hazardous materials or substances as defined by M.G.L. Chapter 21E on or at the property.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the income, assets and activities of said board shall be exempt from all taxes and assessments and said board shall not be subject to any of chapter sixty-three of the General Laws or to any taxes based upon or measured by property or income imposed by the commonwealth or by any political subdivision thereof. Said board is hereby authorized and empowered to enter into an agreement or agreements with the assessor of the Town of Acton, with the approval of the board of selectmen, wherein said board shall undertake to make to the town annual payments in lieu of taxes in connection with any real property acquired and owned by said board, the amounts of such payments to be reasonable sums stipulated in such agreement or agreements or determined in accordance with a reasonable formula so stipulated.

SECTION 4. The Town may appropriate funds for the carrying out by said board of its purposes as set forth herein. Any appropriation therefore may be raised by the town by taxation or otherwise. At least annually, said board shall cause independent audits to be made of the books and records of said board, which annual audits shall be filed with the board of selectmen of the town.

SECTION 5. In the event that said board shall be dissolved in accordance with law at any time, all property and interests therein, assets and rights of said board existing at such time shall be transferred to the town of Acton by authority of this act, and title to all such property and all such rights shall vest in the town of Acton automatically without the need for further action or instrument, and the town of Acton shall, to the maximum extent permitted by law, and acting by and through its board of selectmen, assume, hold and exercise the powers and duties of said board set forth herein with respect to such

property and rights so transferred to said town.

SECTION 6. The provisions of this act are severable and if any of its provisions shall be held invalid in any circumstance, such invalidity shall not affect any other provisions or circumstances.

SECTION 7. This act shall take effect upon its passage.

PETITION-HOUSE

Rep. Pamela P. Resor

of Acton

presents the petition of Pamela P.

Resor (by vote of the town)

for legislation to authorize

the town of Acton to establish

a community housing corporation.

[LOCAL APPROVAL RECEIVED]

PLEASE LEAVE THIS SPACE BLANK.

[Accompanied by bill, House, No.]

HOUSE OF REPS., April 27, 1995.

Referred, under Rule 24, to the committee on Rules and to the committees on Rules of the two branches, acting concurrently, the question being on suspending Joint Rules 12 & 9.

Robert E. MacQueen, Clerk.

H. R., and 9, 19

Joint Rules 12 suspended.

Referred to the committee on

Sent to the Senate for concurrence.

, Clerk.

House, No. 5283

Presented by: Representative Pamela P. Resor

Petition of Pamela P. Resor (by vote of the town) for legislation to authorize the town of Acton to establish a community housing corporation.

04/27/95 H Referred to the committee on House Rules -HJ 509

07/10/95 H Reported, referred to the committee on Joint Rules, reported, rules suspended and referred to the committee on Housing and Urban Development -HJ 893

07/13/95 S Senate concurred -SJ 986

Public Hearing date Jul 19 pm at 1:00 in Room B-1

07/20/95 H Bill reported favorably by committee and referred to the committee on House Ways and Means -HJ 994

11/06/95 H Committee recommended ought to pass and placed in the Orders of the Day for the next session -HJ 1308

11/08/95 H Read second and ordered to a third reading -HJ 1320

11/09/95 H Read third (title changed) and passed to be engrossed -HJ 1346

11/14/95 S Read; and referred to the committee on Senate Ways and Means -SJ 1529

03/04/96 S Committee recommended ought to pass and referred to the committee on Senate Steering and Policy -SJ 1821

Return to Bill inquiry screen, General Court home page, or Commonwealth of Massachusetts home page

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Ninety-six

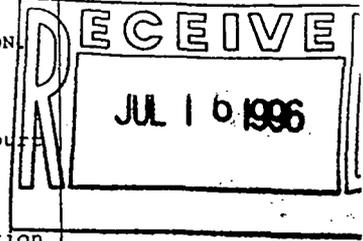
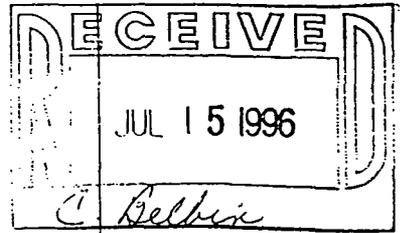
AN ACT ESTABLISHING A COMMUNITY HOUSING CORPORATION IN THE TOWN OF ACTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There is hereby established a nonprofit housing corporation which shall be known as the Acton Community Housing Corporation and shall be subject to the supervision of the board of selectmen of the town of Acton. The board of directors of said corporation shall consist of not less than five members who shall be appointed by the board of selectmen for staggered three-year terms as designated by said board of selectmen, such appointments to be made annually by said board of selectmen on or before June thirtieth. Members of said board of directors shall serve until their successors are appointed and qualified. Continuing members may act despite a vacancy in said board of directors and, for this purpose, shall be deemed to constitute a full board of directors. Any vacancy in said board of directors, however occurring, may be filled by the board of selectmen for the unexpired portion of the term.

Said board of directors shall exercise its powers and perform its duties for the purpose of investigating and implementing alternatives for the provision of and to provide for affordable housing for persons of low, moderate and middle income and other persons whose needs may be identified from time to time in said town. The powers and duties of said board as set forth herein are intended to be alternative and supplemental to and not in limitation of, the powers and duties of the Acton Housing Authority established pursuant to chapter one hundred and twenty-one B of the General Laws. The liability of said board and its members shall be limited to the same extent as the liability of a public employer and public employees as are limited by law.

SECTION 2. The board of directors of the Acton Community Housing Corporation shall have the powers and privileges conferred by the provisions of clauses (a) to (i), inclusive, and clause (k) of section nine of chapter one hundred and fifty-six B of the General Laws, and the following powers; provided, however, that no such power shall be exercised either in a manner in-



cc: BOS
ACHC

consistent with this act or with any general or special law or to carry on any activity which is not in furtherance of the purposes set forth in this act:

(a) to adopt, amend and repeal rules for the regulation and conduct of its business including, but not limited to, the call and conduct of its meetings, the number of members which shall constitute a quorum and the mode of voting by proxy;

(b) to elect a chairman and vice-chairman, each of whom shall be members of said board, and a secretary and a treasurer, who need not be members of said board and who may be the same person. The treasurer shall give bond for the faithful performance of his duties in such form and such amount as approved and fixed by the board of selectmen. The cost of such bond shall be paid from funds of said board of directors. The chairman and, in his absence, the vice-chairman shall chair meetings of said board. The secretary shall be the custodian of all books, documents and papers filed with said board and of the minute book or journal of said board;

(c) with the approval of the board of selectmen, to make and execute all contracts and all other instruments necessary or convenient for the exercise of its powers and functions, subject to the approval of the town counsel of the town of Acton as to form;

(d) with the approval of the board of selectmen, to acquire or lease, by purchase or otherwise, and to own, hold and use on such terms and conditions and in such a manner as it may deem proper and to exchange, grant options on, sell, transfer, convey, assign, lease, pledge, mortgage, encumber, grant liens on and security interests in or to otherwise dispose of, on such terms and conditions as it may deem proper, real, personal or mixed real and personal property or any interest, easement or rights therein and any assets or revenues of the board of directors, as may be necessary or appropriate to carry out its purposes;

(e) with the approval of the board of selectmen, to enter into agreements or other transactions with the commonwealth or any political subdivision or public instrumentality thereof, the United States government or any federal, state or other governmental agency;

(f) with the approval of the board of selectmen, to enter into contracts or agreements with, and to employ from time to time, contractors, architects, engineers, consultants, attorneys, accountants, construction, financial and

other experts, superintendents, managers and such other agents and employees as may be necessary in its judgment and to fix their compensation;

(g) with the approval of the board of selectmen, to receive and hold funds appropriated by the town and other funds, property, labor and other things of value from any source, public or private, by gift, grant, bequest, loan or otherwise, either absolutely or in trust, and to expend or utilize the same on behalf of the corporation for any of its purposes or to act as an agent or conduit in administering or disbursing funds or financial or other aid from any source; provided, however, that all revenues collected or received by the board of directors in connection with its activities, investments or transactions shall be expended only with approval of the board of selectmen of the town of Acton;

(h) to appear in its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;

(i) to procure insurance against any loss in connection with the property or activities of said board, in such amounts and from such insurers as it may deem necessary or desirable and, with the approval of the board of selectmen, to indemnify its members or agents if and to the extent specified from time to time in the by-laws of the corporation and subject to and in the manner provided by section six of chapter one hundred and eighty of the General Laws;

(j) to formulate and, with the approval of the board of selectmen, to carry out or monitor plans for projects involving the acquisition or operation of housing facilities of any kind or nature, and to construct, reconstruct, renovate, expand, extend, improve, repair, remodel, equip, furnish, maintain, manage and operate such facilities;

(k) with the approval of the board of selectmen, to fix and revise from time to time and to charge and collect rates, fees, rentals and other charges and sales prices for or in connection with the use, occupancy or other disposition of any housing facility or other property or portion thereof under its ownership or control;

(l) with the approval of the board of selectmen, to establish, impose, grant or amend, by deed, lease or any other means or method and to hold the benefit of, monitor, exercise and enforce lawful restrictions on the rental, sale, resale, use or occupancy of housing facilities or other property under its ownership or control, or other facilities or property designated by the selectmen of the town or restrictions with respect to the income of owners,

tenants or occupants of such housing facilities or other property, or options and rights of first refusal with respect to such facilities or property and to waive, release or discharge any such options, rights or restrictions;

(m) with the approval of the board of selectmen, to enter into, perform or monitor agreements or other transactions with contractors, developers, brokers or other real estate professionals or any other person relating to the provisions of affordable housing for persons of low and moderate income in the town;

(n) to do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act; provided, however, that said board of directors may delegate to any committee or member of said board any action which said board is empowered to do or make or which said board shall have power to conduct by itself;

(o) no contract or agreement to purchase or accept as a gift, any right, interest or title to real property, shall be entered into until a site inspection has been made and a report received from a qualified person regarding the presence of hazardous materials or substances, as defined in chapter twenty-one E of the General Laws on or at the property.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the income, assets and activities of Acton Community Housing Corporation shall be exempt from all taxes and assessments and said board shall not be subject to any provisions of chapter sixty-three of the General Laws or to any taxes based upon or measured by property or income, imposed by the commonwealth or by any political subdivision thereof. Said board is hereby authorized and empowered to enter into agreements with the assessor of the town of Acton and with the approval of the board of selectmen, wherein said board shall undertake to make to the town annual payments in lieu of taxes in connection with any real property acquired and owned by said corporation, the amounts of such payments to be reasonable sums stipulated in such agreement or agreements or determined in accordance with a reasonable formula so stipulated.

SECTION 4. The town of Acton may appropriate funds for carrying out, by said board, of the purposes as set forth herein. Any appropriation therefor may be raised by said town by taxation or otherwise. At least annually, the board of directors shall cause independent audits to be made of the books and

records of said board, which annual audits shall be filed with the board of selectmen of said town.

SECTION 5. In the event that said board shall be dissolved in accordance with law at any time, all property and interests therein, and all assets and rights of said board existing at such time shall be transferred to the town of Acton by authority of this act, and title to all such property and all such rights shall vest in said town of Acton automatically without the need for further action or instrument and the town of Acton shall, to the maximum extent permitted by law and acting by and through its board of selectmen, assume, hold and exercise the powers and duties of the board of selectmen as set forth herein with respect to such property and rights so transferred to said town.

SECTION 6. This act shall take effect upon its passage.

House of Representatives, June 7, 1996.

Passed to be enacted, *J. Michael Ruane* Acting Speaker.

In Senate, June 18, 1996.

Passed to be enacted, *Thomas B. Rife*, President.
28 June, 1996.

Approved,
at two o'clock and 40 minutes, P. M.

W. Wm. F. Weld
Governor.

Acton Community Housing Corporation
Description of Powers under Home Rule (Chapter 143 of Acts of 1996)

CRITERION	ACHC
Purpose	To investigate and implement alternatives and to provide for affordable housing for persons of low, moderate and middle income and other persons whose needs may be identified from time to time in the town.
Governing Entity	Board of Directors, appointed by and subject to the supervision of the Board of Selectmen
Number of Directors/Trustees	Not less than five
Term of Office	Staggered three year terms
Mandatory Director/Trustees	None
Corporate Status	A nonprofit housing corporation subject to the supervision of the board of selectmen
Other Officers	Chairman, vice-chairman, secretary and a treasurer. The chairman and, in his absence, the vice-chairman shall chair meetings of said board. The secretary shall be the custodian of all books, documents and papers filed with said board and of the minute book or journal of said board
Treasurer's Bond	The treasurer shall give bond for the faithful performance of his duties in such form and such amount as approved and fixed by the board of selectmen. The cost of such bond shall be paid from funds of said board of directors.
Accept and Receive Property	With the approval of the board of selectmen, to acquire or lease, by purchase or otherwise, and to own, hold and use on such terms and conditions and in such a manner as it may deem proper, and to exchange, grant options on, sell, transfer, convey, assign, lease, pledge, mortgage, encumber, grant liens on and security interests in or to otherwise dispose of, on such terms and conditions as it may deem proper, real, personal or mixed real and personal property or any interest, easement or rights therein and any assets or revenues of the board of directors, as may be necessary or appropriate to carry out its purposes
Purchase and Retain Property	See above
Sell, Lease and Exchange Property	See above
Execute and Deliver Deeds, Leases and Other Instruments	With the approval of the board of selectmen, to make and execute all contracts and all other instruments necessary or convenient for the exercise of its powers and functions, subject to the approval of the town counsel of the town of Acton as to form
Employ Advisors and Agents	With the approval of the board of selectmen, to enter into contracts or agreements with, and to employ from time to time, contractors, architects, engineers, consultants, attorneys, accountants, construction, financial and other experts, superintendents, managers and such other agents and employees as may be necessary in its judgment and to fix their compensation
Borrowing	With the approval of the board of selectmen, to ... sell, transfer, convey, assign, lease, pledge, mortgage, encumber, grant liens on and security interests in or to otherwise dispose of, on such terms and conditions as it may deem proper, real, personal or mixed real and personal property or any interest, easement or rights therein

Acton Community Housing Corporation
Description of Powers under Home Rule (Chapter 143 of Acts of 1996)

CRITERION	ACHC
	and any assets or revenues of the board of directors, as may be necessary or appropriate to carry out its purposes
Manage or Improve Real Property	To formulate and, with the approval of the board of selectmen, to carry out or monitor plans for projects involving the acquisition or operation of housing facilities of any kind or nature, and to construct, reconstruct, renovate, expand, extend, improve, repair, remodel, equip, furnish, maintain, manage and operate such facilities
Appropriation Issues	The town of Acton may appropriate funds for carrying out, by said board, of the purposes as set forth herein. Any appropriation therefore may be raised by said town by taxation or otherwise.
Ownership of Trust Property	With the approval of the board of selectmen, to receive and hold funds appropriated by the town and other funds, property, labor and other things of value from any source, public or private, by gift, grant, bequest, loan or otherwise, either absolutely or in trust, and to expend or utilize the same on behalf of the corporation for any of its purposes or to act as an agent or conduit in administering or disbursing funds or financial or other aid from any source; provided, however, that all revenues collected or received by the board of directors in connection with its activities, investments or transactions shall be expended only with approval of the board of selectmen of the town of Acton
Status of Employees under 268A	The liability of said board and its members shall be limited to the same extent as the liability of a public employer and public employees as are limited by law.
Tax Exemption	Notwithstanding the provisions of any general or special law to the contrary, the income, assets and activities of Acton Community Housing Corporation shall be exempt from all taxes and assessments and said board shall not be subject to any provisions of chapter sixty three of the General Laws or to any taxes based upon or measured by property or income, imposed by the commonwealth or by any political subdivision thereof. Said board is hereby authorized and empowered to enter into agreements with the assessor of the town of Acton and with the approval of the board of selectmen, wherein said board shall undertake to make the town annual payments in lieu of taxes in connection with any real property acquired and owned by said corporation, the amounts of such payments to be reasonable sums stipulated in such agreement or agreements or determined in accordance with a reasonable formula so
Annual Audits	At least annually, the board of directors shall cause independent audits to be made of the books and records of said board, which annual audits shall be filed with the board of selectmen of said town.
Rules	To adopt, amend and repeal rules for the regulation and conduct of its business including, but not limited to, the call and conduct of its meetings, the number of members which shall constitute a quorum and the mode of voting by proxy
Agreements with other governmental entities	With the approval of the board of selectmen, to enter into agreements or other transactions with the commonwealth or any political subdivision or public instrumentality thereof, the United

Acton Community Housing Corporation
Description of Powers under Home Rule (Chapter 143 of Acts of 1996)

CRITERION	ACHC
	States government or any federal, state or other governmental agency
Appearances	To appear in its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government
Insurance	To procure insurance against any loss in connection with the property or activities of said board, in such amounts and from such insurers as it may deem necessary or desirable and, with the approval of the board of selectmen, to indemnify its members or agents if and to the extent specified from time to time in the by-laws of the corporation and subject to and in the manner provided by section six of chapter one hundred and eight of the General Laws
Charges/Collection	With the approval of the board of selectmen, to fix and revise from time to time and to charge and collect rates, fees, rentals and other charges and sales prices for or in connection with the use, occupancy or other disposition of any housing facility or other property or portion thereof under its ownership or control
Affordable Housing Restrictions	With the approval of the board of selectmen, to establish, impose, grant or amend, by deed, lease or any other means or method and to hold the benefit of, monitor, exercise and enforce lawful restrictions on the rental, sale, resale, use or occupancy of housing facilities or other property under its ownership or control, or other facilities or property designated by the selectmen of the town or restrictions with respect to the income of owners, tenants or occupants of such housing facilities or other property, or options and rights of first refusal with respect to such facilities or property and to waive, release or discharge any such options, rights or restrictions
Monitoring Agreements	With the approval of the board of selectmen, to enter into, perform or monitor agreements or other transactions with contractors, developers, brokers or other real estate professionals or any other person relating to the provisions of affordable housing for persons of low and moderate income in the town
Elastic Clause	To do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act; provided, however, that said board of directors may delegate to any committee or member of said board any action which said board is empowered to do or make or which said board shall have power to conduct by itself
Site Inspection	No contract or agreement to purchase or accept as a gift, any right, interest or title to real property, shall be entered into until a site inspection has been made and a report received from a qualified person regarding the presence of hazardous materials or substances, as defined in the chapter twenty-one E of the General Laws on or at the property

Chapter 141. AN ACT RELATIVE TO TENANT MEMBERS OF HOUSING AUTHORITIES.

Be it enacted, etc., as follows:

The second paragraph of section 6 of chapter 121B of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- A member of a housing authority appointed as a tenant, in accordance with the provisions of section five, who ceases to be a tenant in a building owned and operated by or on behalf of the local housing authority shall be removed upon the date of such change by operation of law.

Approved June 28, 1996.

Chapter 142. AN ACT RELATIVE TO THE MAXIMUM TERM OF CERTAIN SERIAL LOANS ISSUED BY CITIES, TOWNS, AND DISTRICTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately increase the term of certain serial loans, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

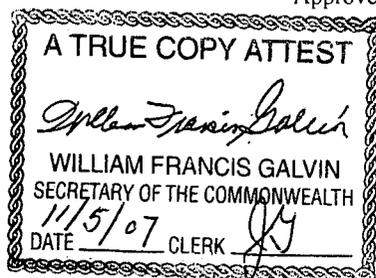
Section 7 of chapter 44 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out clauses (21) and (22) and inserting in place thereof the following two clauses:-

(21) For the cost of architectural services for plans and specifications for any proposed building for which a city, town or district is authorized to borrow, or for the cost of architectural services for plans and specifications for additions to buildings owned by a city, town, or district where such additions increase the floor space of said buildings, five years if issued before any other debt relating to said buildings or additions is authorized, otherwise the period fixed by law for such other debt relating to said building or additions; provided, however, that at the time the loan is issued the city, town or district owns the land on which the proposed building or additions would be constructed.

(22) For the cost of engineering or architectural services for plans and specifications for any project not defined in clause (21) for which a city, town or district is authorized to borrow, five years if issued before any other debt relating to said project is authorized, otherwise the period fixed by law for such other debt relating to said project.

Approved June 28, 1996.

Chapter 143
of 1996



Chapter 143. AN ACT ESTABLISHING A COMMUNITY HOUSING CORPORATION IN THE TOWN OF ACTON.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established a nonprofit housing corporation which shall be known as the Acton Community Housing Corporation and shall be subject to the supervision of the board of selectmen of the town of Acton. The board of directors of said corporation shall consist of not less than five members who shall be appointed by the board of selectmen for staggered three-year terms as designated by said board of selectmen, such appointments to be made annually by said board of selectmen on or before June thirtieth. Members of said board of directors shall serve until their successors are appointed and qualified. Continuing members may act despite a vacancy in said board of directors and, for this purpose, shall be deemed to constitute a full board of directors. Any vacancy in said board of directors, however occurring, may be filled by the board of selectmen for the unexpired portion of the term.

Said board of directors shall exercise its powers and perform its duties for the purpose of investigating and implementing alternatives for the provision of and to provide for affordable housing for persons of low, moderate and middle income and other persons whose needs may be identified from time to time in said town. The powers and duties of said board as set forth herein are intended to be alternative and supplemental to and not in limitation of, the powers and duties of the Acton Housing Authority established pursuant to chapter one hundred and twenty-one B of the General Laws. The liability of said board and its members shall be limited to the same extent as the liability of a public employer and public employees as are limited by law.

SECTION 2. The board of directors of the Acton Community Housing Corporation shall have the powers and privileges conferred by the provisions of clauses (a) to (i), inclusive, and clause (k) of section nine of chapter one hundred and fifty-six B of the General Laws, and the following powers; provided, however, that no such power shall be exercised either in a manner inconsistent with this act or with any general or special law or to carry on any activity which is not in furtherance of the purposes set forth in this act:

(a) to adopt, amend and repeal rules for the regulation and conduct of its business including, but not limited to, the call and conduct of its meetings, the number of members which shall constitute a quorum and the mode of voting by proxy;

(b) to elect a chairman and vice-chairman, each of whom shall be members of said board, and a secretary and a treasurer, who need not be members of said board and who may be the same person. The treasurer shall give bond for the faithful performance of his duties in such form and such amount as approved and fixed by the board of selectmen. The cost of such bond shall be paid from funds of said board of directors. The chairman and, in his absence, the vice-chairman shall chair meetings of said board. The secretary shall be the custodian of all books, documents and papers filed with said board and of the minute book or journal of said board;

(c) with the approval of the board of selectmen, to make and execute all contracts and all other instruments necessary or convenient for the exercise of its powers and func-

tions, subject to the approval of the town counsel of the town of Acton as to form;

(d) with the approval of the board of selectmen, to acquire or lease, by purchase or otherwise, and to own, hold and use on such terms and conditions and in such a manner as it may deem proper and to exchange, grant options on, sell, transfer, convey, assign, lease, pledge, mortgage, encumber, grant liens on and security interests in or to otherwise dispose of, on such terms and conditions as it may deem proper, real, personal or mixed real and personal property or any interest, easement or rights therein and any assets or revenues of the board of directors, as may be necessary or appropriate to carry out its purposes;

(e) with the approval of the board of selectmen, to enter into agreements or other transactions with the commonwealth or any political subdivision or public instrumentality thereof, the United States government or any federal, state or other governmental agency;

(f) with the approval of the board of selectmen, to enter into contracts or agreements with, and to employ from time to time, contractors, architects, engineers, consultants, attorneys, accountants, construction, financial and other experts, superintendents, managers and such other agents and employees as may be necessary in its judgment and to fix their compensation;

(g) with the approval of the board of selectmen, to receive and hold funds appropriated by the town and other funds, property, labor and other things of value from any source, public or private, by gift, grant, bequest, loan or otherwise, either absolutely or in trust, and to expend or utilize the same on behalf of the corporation for any of its purposes or to act as an agent or conduit in administering or disbursing funds or financial or other aid from any source; provided, however, that all revenues collected or received by the board of directors in connection with its activities, investments or transactions shall be expended only with approval of the board of selectmen of the town of Acton;

(h) to appear in its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;

(i) to procure insurance against any loss in connection with the property or activities of said board, in such amounts and from such insurers as it may deem necessary or desirable and, with the approval of the board of selectmen, to indemnify its members or agents if and to the extent specified from time to time in the by-laws of the corporation and subject to and in the manner provided by section six of chapter one hundred and eighty of the General Laws;

(j) to formulate and, with the approval of the board of selectmen, to carry out or monitor plans for projects involving the acquisition or operation of housing facilities of any kind or nature, and to construct, reconstruct, renovate, expand, extend, improve, repair, remodel, equip, furnish, maintain, manage and operate such facilities;

(k) with the approval of the board of selectmen, to fix and revise from time to time and to charge and collect rates, fees, rentals and other charges and sales prices for or in connection with the use, occupancy or other disposition of any housing facility or other property or portion thereof under its ownership or control;

(l) with the approval of the board of selectmen, to establish, impose, grant or amend, by deed, lease or any other means or method and to hold the benefit of, monitor, exercise and

enforce lawful restrictions on the rental, sale, resale, use or occupancy of housing facilities or other property under its ownership or control, or other facilities or property designated by the selectmen of the town or restrictions with respect to the income of owners, tenants or occupants of such housing facilities or other property, or options and rights of first refusal with respect to such facilities or property and to waive, release or discharge any such options, rights or restrictions;

(m) with the approval of the board of selectmen, to enter into, perform or monitor agreements or other transactions with contractors, developers, brokers or other real estate professionals or any other person relating to the provisions of affordable housing for persons of low and moderate income in the town;

(n) to do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act; provided, however, that said board of directors may delegate to any committee or member of said board any action which said board is empowered to do or make or which said board shall have power to conduct by itself;

(o) no contract or agreement to purchase or accept as a gift, any right, interest or title to real property, shall be entered into until a site inspection has been made and a report received from a qualified person regarding the presence of hazardous materials or substances, as defined in chapter twenty-one E of the General Laws on or at the property.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the income, assets and activities of Acton Community Housing Corporation shall be exempt from all taxes and assessments and said board shall not be subject to any provisions of chapter sixty-three of the General Laws or to any taxes based upon or measured by property or income, imposed by the commonwealth or by any political subdivision thereof. Said board is hereby authorized and empowered to enter into agreements with the assessor of the town of Acton and with the approval of the board of selectmen, wherein said board shall undertake to make to the town annual payments in lieu of taxes in connection with any real property acquired and owned by said corporation, the amounts of such payments to be reasonable sums stipulated in such agreement or agreements or determined in accordance with a reasonable formula so stipulated.

SECTION 4. The town of Acton may appropriate funds for carrying out, by said board, of the purposes as set forth herein. Any appropriation therefor may be raised by said town by taxation or otherwise. At least annually, the board of directors shall cause independent audits to be made of the books and records of said board, which annual audits shall be filed with the board of selectmen of said town.

SECTION 5. In the event that said board shall be dissolved in accordance with law at any time, all property and interests therein, and all assets and rights of said board existing at such time shall be transferred to the town of Acton by authority of this act, and title to all such property and all such rights shall vest in said town of Acton automatically without the need for further action or instrument and the town of Acton shall, to the maximum extent permitted by law and acting by and through its board of selectmen, assume, hold and exercise the powers and duties of the board of selectmen as set forth herein with respect to such property and rights so transferred to said town.

Chap. 143

SECTION 6. This act shall take effect upon its passage.

Approved June 28, 1996.

Chapter 144. AN ACT REQUIRING SCHOOL BUS HEADLIGHTS TO BE ILLUMINATED WHILE SUCH BUS IS IN OPERATION.

Be it enacted, etc., as follows:

Clause (7) of section 7B of chapter 90 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after the sixth sentence the following sentence:- The operator of a school bus shall cause its headlamps to be illuminated while such bus is in operation.

Approved June 28, 1996.

Chapter 145. AN ACT RELATIVE TO THE APPOINTMENT DATE OF TOWN COUNCIL EMPLOYEES OF THE CITY KNOWN AS THE TOWN OF METHUEN.

Be it enacted, etc., as follows:

SECTION 1. Section 2-8(a) of Article 2 of the charter of the city known as the town of Methuen which is on file in the office in the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- City Accountant - the town council shall, on or before January fifteenth in odd numbered years, elect, by ballot or otherwise, a city accountant to hold office for a term of two years and until his successor is qualified.

SECTION 2. Section 2-8(b) of said Article 2 of said charter is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Clerk of the Council - the town council shall, on or before January fifteenth in odd numbered years, elect, by ballot or otherwise, a clerk of the council to hold office for a term of two years or until his successor is qualified.

SECTION 3. Section 2-8(c) of said Article 2 of said charter is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- City Solicitor - the town council shall, on or before January fifteenth in odd numbered years, elect, by ballot or otherwise, a city solicitor to hold office for a term of two years and until his successor is qualified.

SECTION 4. The terms of office of the current incumbents in the offices referred to in sections one, two and three shall be extended until January fifteenth, nineteen hundred and ninety-nine.

Chap. 145

SECTION 5. This act shall take effect upon its passage.

Approved June 28, 1996.

Chapter 146. AN ACT RELATIVE TO A CERTAIN LIQUOR LICENSE IN THE TOWN OF BOLTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 386 of the acts of 1986 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. Notwithstanding the vote of the town of Bolton cast at a previous biennial state election on the questions to have been placed on the ballot for the town for such election under the authority of section eleven of said chapter one hundred and thirty-eight or the additional subdivisions thereof provided by chapter seven hundred and six of the acts of nineteen hundred and sixty-seven and chapter eight hundred and fifty of the acts of nineteen hundred and sixty-nine, the state secretary shall cause the following question to be placed on the ballot for the town of Bolton at the state election to be held on November fourth, nineteen hundred and eighty-six and each subsequent biennial state election thereafter; provided, however, that if a majority of the votes cast in said town in answer to said question is in the affirmative in three successive biennial state elections, the state secretary shall no longer place the following question on said ballot:-

(G) Shall a restaurant license be granted in the town of Bolton to Rich House, Inc., for the sale of all alcoholic beverages, to be consumed on the premises?

If a majority of the votes cast in said town in answer to the above subdivision (G) is in the affirmative, said town shall, irrespective of the results of votes taken in answer to any other subdivision, be taken to authorize for each of the two calendar years next succeeding, the issuance of said restaurant license as defined and limited in section twelve of said chapter one hundred and thirty-eight, for the sale in said town of all alcoholic beverages to be consumed on the premises of Rich House, Inc. subject to all provisions of said chapter one hundred and thirty-eight except as herein otherwise provided.

Notwithstanding the foregoing, if a majority of the votes cast in said town is in the affirmative in three successive biennial state elections then said license shall be considered to be a permanent license; provided, however, that the licensing authority shall not approve the transfer of said license to any other person, organization or corporation; and, provided further, that the granting of said license shall reduce by one any increase in licenses granted due to census reapportionment under section seventeen of said chapter one hundred and thirty-eight.

SECTION 2. This act shall take effect as of September tenth, nineteen hundred and eighty-six.

Approved June 28, 1996.