

POLICIES & PROCEDURES TOWN OF HARVARD MUNICIPAL
AFFORDABLE HOUSING TRUST FUND

Revised March 30, 2017

1. PURPOSE

The purpose of the Town of Harvard Municipal Affordable Housing Trust Fund (Trust) is to provide for the creation and preservation of affordable housing in the Town of Harvard for low and moderate income households and which counts towards the Town's subsidized housing inventory as determined by the Department of Housing and Community Development. The Board of Selectmen (BOS) was authorized to establish the Trust by vote of the 2005 Annual Town Meeting, pursuant to Massachusetts General Laws Chapter 44, Section 55C. The fundamental concept behind the creation of the Trust is to have a quasi-municipal agency in the Town of Harvard capable of acting quickly and decisively in order to take advantage of opportunities to create or preserve affordable housing in accordance with the Trust's strategy and objectives (see section 13 below).

Beneficiaries of the Trust shall be low and moderate income households in the Town of Harvard. Definition of low and moderate income and means test to determine income eligibility shall be as established by the Commonwealth of Massachusetts, Department of Housing and Community Development.

2. NATURE OF POLICIES & PROCEDURES:

These policies and procedures are adopted to establish the Trust's organization and business conduct.

3. PROCEDURE FOR ESTABLISHING POLICIES AND PROCEDURES:

The adoption or amendment of policies and procedures is by a super majority (at least 4 members) vote of the Trustees present following public hearing(s).

4. AUTHORITY:

The Trust and Trustees derive their authority from Chapter 491 of the Acts of 2004, as amended, the vote of the 2005 Annual Town Meeting and the First Amended Declaration of Trust, ratified by the Board of Selectmen, executed on March 21, 2017, and recorded with the Worcester District Registry of Deeds on March 24, 2017,.

The powers and fiduciary responsibilities of the Trustees are as set forth in Section Five of the First Amended Declaration of Trust. The Trustees shall deal with moneys entrusted to them in a prudent manner. They shall, among other things, respect the purposes and conditions for which funds were given or appropriated for their use.

5. APPOINTMENT:

The First Amended Declaration of Trust provides for five (5) Trustees to be appointed by the Board of Selectmen for 2- year terms. The Trustees shall recommend potential appointees to the Board of Selectmen for consideration. As required by Massachusetts General Laws Chapter 44, Section 55C , one of the Trustees shall be a Selectman. It is desired that one of the Trustees be a member of the Planning Board. There is no limit on the number of terms a Trustee may serve. Trustees shall serve without compensation

6. VACANCIES ON THE BOARD:

Vacancies in the membership of the Board of Trustees shall be filled by appointment by the Board of Selectmen to fill the unexpired term. The Trust shall promptly notify the BOS in writing of any vacancy. The Trustees shall interview prospective candidates and recommend potential appointees to the Board of Selectmen for consideration.

7. TRUSTEES' MEETINGS:

Regular Trustees' Meetings will be held the second Monday of each month unless changed by the majority of the Trustees. The Board shall not meet on days designated legal holidays. Three Trustees attending will constitute a quorum. Should the second Monday of the month be a legal holiday, the meeting shall be rescheduled to the following Monday.

Executive sessions may be called at any meeting to discuss only those topics as allowed under the Open Meeting Law.

8. ORGANIZATION OF THE BOARD OF TRUSTEES:

There shall be a Chairman, Vice Chairman, Treasurer and Secretary of the Board of Trustees. Annual election of these officers shall occur at the first regular meeting after the annual appointment of Trustees. There is no limit to the number of terms the Chairman, Vice Chairman, Treasurer or Secretary may serve.

9. RESPONSIBILITIES OF THE CHAIRMAN:

The Chairman of the Board of Trustees shall:

1. With input from the Trustees, set the agenda for and preside at all meetings of the Board. In doing so, he/she shall maintain order in the meeting room, recognize speakers, call for votes and preside over the discussion of agenda items. The agenda shall include an opportunity for public comment.
2. Sign official documents that require the signature of the Chairman, as authorized by majority vote of the Trustees.
3. Call special meetings in accordance with the Open Meeting Law.
4. Represent the Trust's positions approved by a majority of the Trustees at meetings, conferences and other gatherings unless another trustee is otherwise determined by the Trust or delegated by the Chairman.
5. The Chairman shall have the same rights as other members to offer motions and resolutions, to discuss questions and to vote thereon.

10. RESPONSIBILITIES OF THE VICE-CHAIRMAN:

The Vice-Chairman of the Trust shall act in the place of the Chairman during his/her absence at meetings. Should the Chairman leave office, the Vice-Chairman shall assume the duties of Chairman until the Trust elects a new Chairman.

11. RESPONSIBILITIES OF THE TREASURER:

The Treasurer shall be responsible for maintaining the financial records of the Trust, for managing Trust funds, paying invoices approved for payment by the Trustees, and filing state and federal tax returns and financial reports. The Treasurer shall also be responsible for assuring completion of an annual independent audit to be submitted to the Board of Selectmen. The Town may assist in performance of some of these functions including but not limited to holding and tracking funds through the Town's warrant expense accounting system.

12. RESPONSIBILITIES OF THE SECRETARY:

The Secretary shall take the minutes of Trust meetings. Minutes shall contain a full statement of all actions taken by the Trustees and of the disposition of all proposals for action. Approved minutes shall be kept in a Minutes Book and filed with the Town Clerk. Minutes of Executive Sessions shall be separately kept and recorded in accordance with the above procedures. Minutes accepted by the Trust are available for public inspection in accordance with Massachusetts General Law.

The Secretary shall also be responsible for preparation of an annual report to be submitted, upon approval by the majority of the Trustees, to the Board of Selectmen for inclusion in the Town's Annual Report.

13. TRUST ACTIVITIES:

The Trust shall encourage small, scattered-site development of affordable housing in keeping with Harvard's rural landscape. It will not purchase or develop any property but rather will provide financial incentives to third-parties to develop affordable housing. Other activities may include:

1. conduct market/feasibility studies;
2. cover transaction costs associated with charitable gifts to the Trust Fund; and
3. seek grants and other outside funding to underwrite activities;

The Trust, with assistance from the Planning Board, will be responsible for maintaining the Town's Subsidized Housing Inventory, affordable housing production plans and making necessary reports.

In developing and pursuing such strategies the Trustees may consult with other town entities. Subsidizing any project over five units requires Board of Selectmen approval. The Trustees shall hold public hearings on proposed projects to gather input and address resident concerns.

14. ACCESS TO FINANCES:

The Treasurer and at least one other member will be signatories to any bank accounts held by the Trust. Two signatures will be required on any account.

APPENDIX

A) – Massachusetts General Laws Chapter 44, Section 55C

B) – First Amended Declaration of Trust, dated March 21, 2017