

HOUSE No. 03255

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy R. Madden and

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to the Falmouth Affordable Housing Fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>David Vieira,</i>	<i>3rd Barnstable</i>

HOUSE No. 03255

By Messrs. Madden of Nantucket and Vieira, a petition (accompanied by bill, House, No. 3255) of Timothy R. Madden and David Vieira, (by vote of the town) for legislation to establish an affordable housing trust fund in the town of Falmouth. [Local Approval Received.]
[Municipalities and Regional Government].

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
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An Act Relative to the Falmouth Affordable Housing Fund.

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

- 1 Section 1. Notwithstanding any general or special law to the contrary, the Town of Falmouth
2 may establish and maintain a special trust fund to be known as the Falmouth Affordable Housing
3 Fund (FAHF), hereinafter referred to as the “Fund”. The trustees of the Fund shall be the Board
4 of Selectmen. Monies in the Fund may be expended at the direction of Board of Selectmen, for
5 the purpose of promotion, expansion, and retention of the affordable housing inventory in the
6 Town of Falmouth, including costs and expenses associated with research, acquisition, creation,
7 construction, rehabilitation, relocation, program administration, and legal and engineering fees
8 incurred in connection with this purpose.
- 9 Section 2. The powers of the Board of Selectmen, all of which shall be carried out in furtherance
10 of the purposes set forth in this act, shall include the following powers:

11 a) To accept and receive real property, personal property or money, by gift, grant, contribution,
12 devise or transfer from any person, firm, corporation or other public or private entity, including
13 but not limited to money, grants, funds or other property tendered to the trust in connection with
14 any ordinance or bylaw or any general or special law or any other source, including money from
15 chapter 44B; and including repayment of loans or return of funds for breach of grant conditions
16 and any other funds appropriated by town meeting. .

17 b) To make grants or loans from the Falmouth Affordable Housing Fund on such terms and
18 conditions as the Board of Selectmen deem appropriate for the purpose of promotion, expansion,
19 and retention of the affordable housing inventory in the Town of Falmouth, including costs and
20 expenses associated with research, acquisition, creation, construction, rehabilitation, relocation,
21 program administration, and legal and engineering fees incurred in connection with this purpose.
22 Grants or loans from the Fund shall be authorized by an affirmative vote of the Board of
23 Selectmen only after recommendation from the Community Preservation Committee. Selectmen
24 may accept, reject, amend to reduce, or return for further study such recommendations from the
25 Committee. If the Community Preservation Committee ceases to exist under circumstances
26 where no successor body is established, the Board of Selectmen may appoint a successor
27 committee to serve in its place and stead or the Board of Selectmen may assume the
28 responsibility.

29 c) To establish “Guidelines for the Falmouth Affordable Housing Fund”, which may be
30 amended from time to time by the Board of Selectmen upon the recommendation from the
31 Community Preservation Committee, or the successor committee as provided for in section 2b,
32 for uses consistent with the purposes of this act. The Guidelines may provide for rules,

33 regulations or procedures for the administration of the fund and for eligibility of applications for
34 loans or grants from the Fund.

35 Section 3. Notwithstanding any general or special law to the contrary, all monies paid into the
36 Falmouth Affordable Housing Fund from any source shall be paid directly into the Fund without
37 a specific appropriation and may be expended for the purposes set forth herein without further
38 appropriation by Town Meeting. All monies remaining in the Fund at the end of any fiscal year,
39 whether or not expended by the trustees within one (1) year of the date they were appropriated
40 into the Fund, remain Fund property.

41 Section 4. The Town Treasurer shall be the custodian of the Falmouth Affordable Housing Fund
42 and shall invest the funds in a manner authorized by sections 54, 55, 55A and 55B of chapter 44
43 of the Massachusetts General Laws. Any income or proceeds received from the investment of
44 funds shall be credited to and become part of the Fund.

45 Section 5. This act shall take effect upon its passage.