

## **HOUSING BOARD BYLAW**

### **SECTION 1.0 Establishment**

- 1.1 There is hereby established a permanent Board that shall be known as the Boxborough Housing Board. The members of said Board shall consist of not less than five voting members who shall be residents of the Town of Boxborough appointed by the Board of Selectmen for staggered three-year terms, such appointments to be made annually on or before June thirtieth. Current voting members of other statutory town boards, whether elected or appointed, shall not be eligible to serve as voting members of said Housing Board. The Board of Selectmen shall invite other boards to designate ex-officio representatives to serve in an advisory capacity as non-voting members.
- 1.2 A voting member of said Board may be removed for cause by the Board of Selectmen.
- 1.3 Members shall serve until their successors are appointed. Any vacancy in said Board, however occurring, may be filled by the Board of Selectmen for the unexpired portion of the term.
- 1.4 A majority of the voting members of said Board shall constitute a quorum.
- 1.5 The Boxborough Housing Board shall be responsible for developing, implementing and executing the Boxborough Affordable Housing Long-Range Plan (the Plan) to provide for affordable housing in the Town of Boxborough. The Boxborough Housing Board shall exercise its powers and perform its duties for the purpose of investigating, implementing, managing, and providing a diverse stock of affordable housing in accordance with said Plan and the requirements and guidelines of MGL Ch 40B, and regulations issued thereunder as amended.
- 1.6 Within the broader context of the Boxborough Master Plan, the Affordable Housing Long-Range Plan shall provide sufficient details and rationale to guide the formulation of specific proposals for the production of affordable housing units.
- 1.7 The Housing Board shall be responsible for periodic updates and amendments to the Affordable Housing Long-Range Plan.
- 1.8 Said Plan or any substantive amendment or revision thereto shall become effective upon approval by majority vote at Town Meeting. Said Board shall hold a public hearing on the Affordable Housing Long-Range Plan or amendments thereto prior to placement on the warrant for Town Meeting.
- 1.9 The Housing Board shall conduct a substantive review, including public hearings, of the Affordable Housing Long-Range Plan at intervals not greater than five years from the previous amendment or revision.

- 1.10 Minor revisions to said Plan for accuracy and convenience in execution may be made without requiring Town Meeting approval, provided that the Board of Selectmen agrees to the revision and shall so signify by formal acceptance of a revised plan document. No revision to said Plan shall be submitted for consideration and approval by the Board of Selectmen until the Boxborough Housing Board has held a public hearing on the proposed changes.
- 1.11 Excepting funds provided by the Town for clerical and consulting support, the Housing Board shall only expend funds pursuant to and/or consistent with an approved Plan, as it may be amended from time to time.
- 1.12 The Boxborough Housing Board shall, following a public hearing on the matter, adopt and publish a set of operational and policy guidelines to be employed by the Town in the development of affordable housing.
- 1.13 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.
- 1.14 The Boxborough Housing Board may, at its discretion, delegate specific operational or oversight responsibilities to the Town Administrator.
- 1.15 The Boxborough Housing Board shall submit a written annual report to the Town on the status of affordable housing in Boxborough, and the receipt and expenditure of funds. The report shall include a statement of the activities of the Boxborough Housing Board during the year, together with such recommendations as it may deem advisable on matters pertaining to affordable housing. Said Board shall also provide to the Board of Selectmen an annual affordable housing certification report adhering to reporting requirements for such purposes as set forth by the Massachusetts Department of Housing and Community Development.

## **SECTION 2.0 Powers**

- 2.1** The Boxborough Housing Board shall have the following powers, provided however, that no such power shall be exercised either in a manner inconsistent with this bylaw, or with any general or special law or bylaw or to carry on any activity which is not in furtherance of the purposes set forth in this bylaw:
- (a) to adopt, amend and repeal rules for the regulation and conduct of its business including, but not limited to, the conduct of its meetings;
  - (b) to elect a chairman and vice-chairman, each of whom shall be voting members of said Board, and a secretary who need not be a member of said Board. In the absence of the chairman, the vice-chairman shall chair meetings of said Board. The secretary shall be the custodian of all records of said Board;
  - (c) 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 Boxborough as to form;

- (d) in compliance with Massachusetts General Laws or applicable statutes relating to the acquisition and disposal of municipal property, and the Town Bylaw on Acceptance of Land and Roads, to acquire or lease, by gift, purchase or exchange, on behalf of the Town, and to hold such property under the Board's care, custody, management and control, and use such property 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 Boxborough Housing 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) to enter into contracts or agreements with, and to engage from time to time, contractors, architects, engineers, consultants, attorneys, accountants, construction, financial and other experts, superintendents, managers and such other agents as may be necessary in its judgment;
- (g) to appear on behalf of the Town before boards, commissions, departments or other agencies of municipal, state, or federal government;
- (h) to formulate and to carry out or monitor plans for projects involving the acquisition or operation of affordable housing consistent with the objectives and provisions of the Boxborough Affordable Housing Long-Range Plan, as amended, and to construct, reconstruct, renovate, expand, extend, improve, repair, remodel, equip, furnish, maintain, manage and operate such facilities;
- (i) to fix and revise from time to time and to charge and collect rates, fees, rentals and other charges and sale prices for or in connection with the use, occupancy or other disposition of any affordable housing facility or other property or portion thereof under its control;
- (j) to establish, impose, grant or amend, by deed, lease or any other means or method, and on behalf of the Town to hold the benefit of, monitor, exercise and enforce lawful restrictions on the rental, sale, resale, use or occupancy of affordable housing facilities or other property under its control, or other facilities or property designated by the Board of Selectmen, 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;
- (k) 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;
- (l) to do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this bylaw; provided, however, that said Board may delegate to any subcommittee 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.

**2.2** No binding contract of 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 MGL Ch 21E on or at the property. This requirement may be waived by the Board in acquiring a unit or units in a residential condominium.

Adopted:	October 30, 2000
Approved by Attorney General:	January 12, 2001
Amended by Town Meeting:	May 21, 2008
Approved by Attorney General:	September 23, 2008