



**MEETING POSTING**

**TOWN OF NANTUCKET**

Pursuant to MGL Chapter 30A, § 18-25  
All meeting **notices and agenda** must be filed and time stamped with the  
Town Clerk's Office and posted at least 48 hours prior to the meeting  
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NANTUCKET TOWN CLERK  
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Committee / Board	<b>AFFORDABLE HOUSING TRUST</b>
Day, Date, and Time	<b>TUESDAY, October 18, 2022 @ 12:30PM</b>
Location / Address	<b>REMOTE PARTICIPATION <i>VIA ZOOM (See Below)</i></b> <b>THE MEETING WILL BE AIRED AT A LATER TIME ON THE</b> <b>TOWN'S GOVERNMENT TV YOUTUBE CHANNEL AT</b> <a href="https://www.youtube.com/channel/UC-sgxA1fdoxteLNzRAUHIxA">https://www.youtube.com/channel/UC-sgxA1fdoxteLNzRAUHIxA</a>
Signature of Chair or Authorized Person	<b>Hayley Cooke</b> <b>Housing/Real Estate Office Manager</b>

**WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!**

**OCTOBER MEETING**  
**AGENDA FOR 10-18-2022**  
**(Subject to change)**  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

Please click on following link to join Zoom Meeting:  
<https://us06web.zoom.us/j/88615238340?pwd=d09KQkVKMGplT2lFV0xuMmxpY2kxUT09>

Meeting ID: 886 1523 8340  
Passcode: 943499

**Purpose:** To discuss business as noted below. Electronic copies of the complete text, plans, application, or other material relative to each agenda item are available per request by email to [hcooke@nantucket-ma.gov](mailto:hcooke@nantucket-ma.gov). Please email to request a paper copy and you will be provided a time to retrieve from the Housing Office located in Room 111 at 16 Broad Street between the hours of 8:30 AM and 4:30 PM on weekdays.

**Trust Members:** Brian Sullivan (Chairman), Reema Sherry (Vice Chair), Meg Browers, Shantaw Bloise-Murphy, Penny Dey, Dave Iverson, Brooke S. Mohr

**Staff:** Tucker Holland (Housing Director), Ken Beaugrand (Real Estate Director), Hayley Cooke (Housing & Real Estate Office Manager)

PLEASE LIST BELOW THE TOPICS THE CHAIR  
REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING

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- I. CONVENE in Open Session via Zoom
- II. APPROVAL of Agenda
- III. APPROVAL of Minutes
  - Minutes from 9.13.22
- IV. PUBLIC COMMENT for items not otherwise on the agenda
- V. CCAP/CFAP – ACTION
  - CCAP Application – Bell, 9 Benjamin Drive (Habitat Home)
  - CCAP Application – Reid, 9B Benjamin Drive (Habitat Home)
  - CFAP Application – Davis, 11 Equator Drive
- VI. 31 Fairgrounds - UPDATE
- VII. 7 Amelia Drive RFP – FINAL REVIEW & APPROVAL
- VIII. Year-Round Definitions and Restriction - DISCUSSION
- IX. Year-Round Rental Incentive Program – DISCUSSION
- X. Warrant Article to Codify Income Limits Served by Trust – DISCUSSION
- XI. Funding for Seven Letters- DISCUSSION & APPROVAL
  - RE: Communications and strategy work on Real Estate Transfer Fee for housing
- XII. Other Business
  - Upcoming Meetings:

Affordable Housing Trust Fund Agenda for TUESDAY, October 18, 2022

- Regular AHT meeting: November 15, 2022 at 12:30pm (Zoom Meeting)

**XIII.** Board Comments

**XIV.** Executive Session, Pursuant to MGL C. 30A § 21(A)

- Purpose 6: To consider the purchase, exchange, lease or value of real property where an open meeting may have a detrimental effect on the negotiating position of the public body.

**XV.** Adjourn

# NANTUCKET AFFORDABLE HOUSING TRUST

~~ **DRAFT MINUTES** ~~

**Tuesday, September 20, 2022**

Remote Meeting *via* Zoom – **12:30pm**

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**Trust Members:** Brian Sullivan (Chair), Reema Sherry (Vice-Chair), Brooke Mohr, Meg Browers, Dave Iverson, Shantaw Bloise-Murph, Penny Dey

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**ATTENDING MEMBERS:** Brooke Mohr, Reema Sherry, Meg Browers, Shantaw Bloise-Murphy, Dave Iverson, Penny Dey, Brian Sullivan

**STAFF IN ATTENDANCE:** Tucker Holland (Housing Director); Hayley Cooke (Housing & Real Estate Office Manager); Vicki Marsh (Town Counsel)

**ABSENT:** Penny Dey

**Public Present on Zoom:** Anne Kuszpa (Housing Nantucket); Elizabeth Blair (Housing Nantucket), Jason Graziadei, Dave Armanetti, Andrew Burek

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## **I. Call Meeting to Order**

**Brian Sullivan** called the meeting to order at 12:33pm & reads Public Participation Guidelines.

## **II. Approval of Agenda**

**Ken Beaugrand** notes that there is an unexpected item on the Agenda, that is the item on 14 Somerset Rd. that is already on the agenda in front of you, but I note that it was added to the agenda late.

**Hayley Cooke** I wanted to note that similarly, we added a one-pager recapping the edits discussed at the last meeting regarding Orange St. and Bartlett Rd.

**Brooke Mohr** moved to approve the agenda. Dave Iverson seconded the motion.

ROLL CALL of those participating:

1. Reema Sherry                      Aye
2. Brooke Mohr                        Aye
3. Meg Browers                        Aye
4. Shantaw Bloise-Murphy        Aye
5. Dave Iverson                        Aye
6. Brian Sullivan                      Aye

Agenda adopted by 6-0 vote.

## **III. APPROVAL of Minutes**

- Minutes from 9.13.22

Minutes amended to include edits:

- 1) Tucker Holland name edited (mistakenly written with incorrect last name)
- 2) Include Anne Kuszpa’s comments about the new homeowner’s class – availability in person and online.

**Dave Iverson** makes a motion to approve the Minutes as amended. Reema Sherry seconded the motion.

ROLL CALL of those participating:

- |                   |     |
|-------------------|-----|
| 1. Reema Sherry   | Aye |
| 2. Brooke Mohr    | Aye |
| 3. Meg Browers    | Aye |
| 4. Dave Iverson   | Aye |
| 5. Brian Sullivan | Aye |

Motion adopted by 5-0 vote.

*Shantaw Bloise-Murphy abstains, as she was not at the previous meeting.*

#### **IV. PUBLIC COMMENT for items not otherwise on the agenda**

#### **V. CCAP/CFAP – ACTION**

- CFAP Application – Bell, 34 Chuck Hollow Rd.

Anne Kuszpa: It’s straightforward here. It’s a seller who wants to use the Covenant Formation Assistance Program. Do you have any questions?

Brian Sullivan: How big is the original lot? Oh, it’s huge, its 4.75 acres.

Dave Iverson: Yes, but he is restricted on footprint by tertiary standards.

**Brooke Mohr** makes the motion to approve the CFAP application for Bell at 34 Chuck Hollow Rd. Dave Iverson seconded.

ROLL CALL of those participating:

- |                          |     |
|--------------------------|-----|
| 1. Reema Sherry          | Aye |
| 2. Brooke Mohr           | Aye |
| 3. Meg Browers           | Aye |
| 4. Shantaw Bloise-Murphy | Aye |
| 5. Dave Iverson          | Aye |
| 6. Brian Sullivan        | Aye |

Motion adopted by 6-0 vote.

#### **VI. Nantucket Meadows Third Lottery – DISCUSSION & APPROVAL**

Tucker Holland: The folks who handle the monitoring and lottery for the 80% units, SEB Housing, works with Richmond and they have requested to do a third and final lottery for these units. The

period of completion will extend out over the next 12 to 14 months. They already talked to the DCHD, who are fine with doing one lottery for all units within that period. They are simply looking for our concurrence.

Brooke Mohr: Just to clarify, they're building the units over a longer period of time, but they want to make the selection with the same list for more extended period of time.

Tucker Holland: the representation is that they will come online in the next 12-14 months, a little longer than normal.

Brian Sullivan: When the lotteries happen, do they go specific to the number of units? It seems like a long period of time for people's circumstances to change. Do they have a lottery back up on the list? How does that work?

Tucker Holland: When they're doing the lottery, there's a long list of folks selected in the order and they are keeping the "back up" folks, as you will, for situations you are describing.

Anne Kuszpa: That's right. For example, at Sachem's Path, all names are pulled, but then based on preferences like housing size, you get bumped up in priority. And then in 12 months, let's say, you're ready to execute a Purchas and Sale, and number 1 from the list has left the Island or doesn't want to buy, then they go to number 2.

Brian Sullivan: What is the ability for people in this scenario to rate lock and capture financing for any longer period of time in going this far out.

Anne Kuszpa: None. From the bank, it's a 45-day standard rate lock.

**Reema Sherry** makes the motion to approve the Third Lottery for Nantucket Meadows, in line with DHCD's approval. Dave Iverson seconded.

ROLL CALL of those participating:

- |                          |     |
|--------------------------|-----|
| 1. Reema Sherry          | Aye |
| 2. Brooke Mohr           | Aye |
| 3. Meg Browsers          | Aye |
| 4. Shantaw Bloise-Murphy | Aye |
| 5. Dave Iverson          | Aye |
| 6. Brian Sullivan        | Aye |

Motion adopted by 6-0 vote.

## **VII. 135 + 137 Orange Street and 12 + 12R Bartlett Rd. RFPs – DISCUSSION**

Tucker Holland: We wanted to put the summary of edits and items from the previous discussion on these RFPs. Does anyone have more thoughts?

*No comments from the Trust on this item.*

### VIII. 14 Somerset Road – ACTION

- Acceptance of Deed, Settlement Statement and an Assignment and Assumption of Lease Agreement for the closing.

Vicki Marsh: So, this is an approval for the acquisition of 14 Somerset Rd. by the Trust. The sales price was \$1,795,000. There's a Deed, Acceptance of the Deed, and an Assignment and Assumption of the Lease that is currently on the property and there is a Settlement Statement. The Trust received a \$50,000 credit for repairs that will need to be made to the property. There's also a \$5,000 credit for the oil tank on the property. Any questions?

Brian Sullivan: My question on the oil tank is – it just needs to be replaced and there's a back order on it?

Ken Beaugrand: Correct.

Dave Iverson: That lease runs out the first of the year?

Ken Beaugrand: No. It runs out the end of the month. I'm negotiating with the tenants to extend the leases for an additional year.

Brian Sullivan: At what point do you want to put this property into a covenant lot creation. Just putting an asterisk on that for you, thinking about it moving forward.

Vicki Marsh: Is the Town going to be releasing these properties, or is the Trust? These will be municipal employees, was my understanding. It seems the Town should be the lessor.

Ken Beaugrand: That was the plan, like 8A Thirty Acres.

Brooke Mohr: Is there a form to the motion?

**Brooke Mohr** makes the motion authorize the approval and execution of the Trust's purchase of 14 Somerset Rd., and the execution of the Acceptance of Deed, Assumption of Lease, and Settlement Statement, and any other documents. And authorize the Chair and Vice Chair to sign. Reema Sherry Seconded.

ROLL CALL of those participating:

- |                          |     |
|--------------------------|-----|
| 1. Reema Sherry          | Aye |
| 2. Brooke Mohr           | Aye |
| 3. Meg Browers           | Aye |
| 4. Shantaw Bloise-Murphy | Aye |
| 5. Dave Iverson          | Aye |
| 6. Brian Sullivan        | Aye |

Motion adopted by 6-0 vote.

**IX. Violet Place Acceleration– REVIEW & APPROVAL**

- Buydown of affordability and acceleration of construction of units in Phase 3 and Phase 4 located at 47 and 49 Beach Grass Road and 1, 2, 3, 4 and 5 Violet Place, Meadows II Workforce Housing Project;
- Request for Approval and Execution of Memorandum of Understanding, Grant and Loan Agreement, and any other documents related thereto necessary to effectuate the transaction; and further to authorize the Chair or Vice Chair to execute the above-referenced documents on behalf of the Trust.

Dave Armanetti: I'm here to answer any questions or address anything for the Board. We appreciate Tucker and Ken's leadership on this and the Board's leadership to move this forward. We hope to move this forward and get these built. And put more heads in beds.

Tucker Holland: I want to thank the Richmond team. We worked collaboratively very well in the Wildflower Acceleration project, which allowed Richmond to move much faster than would have been possible. There are 24 Nantucket households under that roof as a result of that collaboration. This one is super sizing that and will allow 48 households to be housed in the next 16 months. In addition, there is deeper and more extensive income restriction than otherwise would have been the case. There will be units restricted at 70%, 80%, 110% and 120%. So, it is more substantial than 12 units at 80%, as it would have been without this collaboration.

Vicki Marsh: It will be a total loan of \$5,950,000 of which \$2,380,00 will be turned into a grant upon the certification of these units. There is going to be 24 units with affordability level. 6 units at 70% AMI, 6 at 80% 6 at 110% and 6 at 120% AMI. The transaction is structured so that we disperse the funds at different times through the course of the development. We are waiting on approval of the interest rate and disbursement schedule.

Brian Sullivan: What is the term?

Vicki Marsh: 50 years.

Brian Sullivan: Is this an actionable item today?

Vicki Marsh: I think since those are the only two issues, I would say take a vote, subject to the interested rate and disbursement schedule, yes.

**Reema Sherry** makes the motion to approve and execute the MOU, the grant and loan agreement, and any other documents related once they are approved by Finance and Town Counsel. And to authorize the Chair or Vice Chair to sign. Dave Iverson Seconded.

ROLL CALL of those participating:

- |                          |     |
|--------------------------|-----|
| 1. Reema Sherry          | Aye |
| 2. Brooke Mohr           | Aye |
| 3. Meg Browers           | Aye |
| 4. Shantaw Bloise-Murphy | Aye |



Vicki Marsh: The affordability question. I want to be clear. Is there a level you are targeting?

Brooke Mohr: It has to be 100% AMI or less because all of our portion was 100% CPC money. So, all units have to be at 100% AMI or less.

Vicki Marsh: Did you want to target it and go below that 100% level.

Brooke Mohr: If its homeownership, all have to be at 80% or below, if rental, it is 25% of units that have to be at 80% or below.

Vicki Marsh: We were also talking about unit types. We're not targeting a specific type of units? I know in other projects we were trying to get more 2-3 bedrooms.

Brooke Mohr: I don't know if they are required for all of them to be SHI listed – the 3-bedroom requirement on a development this size. And then I would say maximum flexibility for the developer on this small lot.

Vicki Marsh: Ok. I'll look into that. So, we are going to be ground leasing this. Are we doing it for \$1.00 per year? Is there an initial lease payment you are looking for? For 6 Fairgrounds, we charged \$1,000 per unit. Do you want an initial lease payment to cover the Town's expenses? I know it's not a big project.

Brian Sullivan: I personally just say the \$1.00 per year.

Ken Beaugrand: Is there anything in here about basement units?

Vicki Marsh: No. Did you want basement storage?

Brian Sullivan: I think our preference was above ground, but we aren't looking to restrict it in any way.

Brooke Mohr: Can we set a criterion that says a larger percent of living space that is above grade is more advantageous?

Tucker Holland: Just a note: the design is part of how we evaluate the program, but we do not have final say on design.

Brian Sullivan: How does the entity that wins the RFP reassign the property in the future?

Vicki Marsh: Generally, they have to come to the Town for approvals to assign this ground lease. We can certainly negotiate this ground lease; I'll make sure it gives us flexibility to assign it to a land trust or another other Town entity or Board.

Brooke Mohr: If someone has an ownership proposal for this RFP, this being a ground lease does not make it impossible for this to be a home ownership option? It might get complicated, but does that preclude ownership under a land lease?

Vicki Marsh: Yes, you could create condominiums. It would be complex. You could leave it as a lease or a purchase, and it is up to the developer on how they want to proceed. To leave ownership as an option.

Tucker Holland: Yes, I think we should leave ownership as an option.

## **XI. Possible Warrant Article: Year-Round Housing Restrictions - DISCUSSION**

Brooke Mohr: One thing that is being discussed a lot is the idea of what a year-round housing restriction looks like. My basic understanding is that we cannot finance something that does not have an income level restriction attached to it because of our mandate. However, is there a way to codify a year-round occupancy type of deed restriction that could be used in the private sector, absent of income levels? And or in concert with income restrictions in projects we support financially in different areas? Does it need to go to Town meeting, but should the Trust take the lead on bringing something like this forward for the community to utilize?

Brian Sullivan: We need to define what year-round occupancy means. So, I would challenge us to extract where that definition now and does it meet the concept?

Dave Iverson: This is a complex question. For one, is this something the Land Trust can deal with? Or will that be tied to income restrictions as well?

Brian Sullivan: I think it goes back to two things. What does the community want to define as year-round? And at what level is there a year-round restricted free market, being above 240%? And if it is a restriction that comes via this entity, are we interested in raising our income level to the 240%?

Dave Iverson: I think this is a good tool moving forward to preserve local neighborhoods. For example, Sparks Ave, we want him to restrict it to year-round. I think we also need to look into how we can buy these restrictions from people.

Brian Sullivan: We can chunk it out. Step 1. What is year-round? Step 2. What is the legal restriction written look like. And, if it is a boiler plate restriction, where do you apply the income level? It's a sliding scale of cost based on the level. We are far from the buying phase, we have to get the first two things defined. Is it the same as the housing covenant program? Let's put it in front of us.

Tucker Holland: We can look at the Covenant Definition, we can look at other communities like this. We can draw from this and define it. I think the agenda item was conflated with a regard to a Warrant article. Vicki has brought up wanting to codify our work with regard to income level beyond what we presently operate under. I think that is important. We want to have what it is we need to do there so that can be part of the warrant.

Brian Sullivan: So, we need to change our charter and have a vote at Town Meeting to raise our income levels.

Reema Sherry: Let's start there and go up to whatever will most help our community to cover more people.

Brian Sullivan: What is our threshold?

Vicki Marsh: There is not a specific number, which is part of the problem. It is just “affordable” and then where we get our funding dictates how we can use that money. It would behoove you to consider trying to go to a level that addresses as many people as you want. If that is 240% you could go for that. Also, regarding year-round: we should have an overview of all of these definitions. There are all these competing programs.

Brian Sullivan: Let’s break this into two actionable items. 1) Is the board prepared to empower Town Counsel to make changes to our legislation to bring us in line with number that are in the housing bank bill?

Tucker Holland: Up until this point we were advised that we can define “moderate income” in our own terms. I’m in favor to codify if we need to. But I want to understand what has changed that we now need to do something to operate the way we have already been operating? I don’t know if crossing 200% AMI is the thing? We are currently deploying monies for levels up to 200% AMI.

Brian Sullivan: On a legal perspective, I don’t know. But it is more in line with the conversation about year-round restrictions and being able to fund those restrictions in the future to a place more in the free market value. Is there a path for us to get there without changing the enabling legislation?

Vicki Marsh: I haven’t seen any definition that goes up to 240% AMI. I think what it does do is addressing if you want to cross over 200% AMI and make that a population you want to help.

Tucker Holland: So, it is our desire to go above 200% AMI to codify? Just trying to understand that.

Brooke Mohr: Vicki, if I’m hearing you, we might be getting to a level that might not be acceptable by self-definition without changing the enabling act?

Vicki Marsh: Even now, at 200%, you’ve decided to go to that level because of the circumstances on Nantucket. Other communities wouldn’t agree with that definition that 200% AMI is low to moderate income. So, it offers some protect for the Town to be able to say that this is what we are able to fund this under our Trust. DHCD understands, but their definition of low and moderate income is very different. It offers a clearer definition for the Trust to go to that level and not worry about exceeding our levels.

Brian Sullivan: So, let’s cook this idea a bit and bring it back to the table on October 18 as an actionable, votable item to see if we want to put together a warrant article to change our enabling legislation. Also, can we put together a group of competing definitions to define what year-round residency means?

Anne Kuszpa: In regard to year-round residency discussion, with the local initiative and deed restriction on Richmond development properties, they site “principal residence” as defining year-round occupancy. I advise again using the term “principal residency” as there isn’t a number of months that you have to prove definitively that you live here. With the Covenant program, it is 10 out of 12 months out of the year. And we can check that with bank statements, utility bills, etc.

Vicki Marsh: The “principal residency” comes from DHCD and it is very vague.

## **XII. Dr. Dickler Award – DISCUSSION**

Tucker Holland: We had discussed this previously. We are hoping for a Board Member or two to work with us to form criteria and a process for nomination and determination.

Reema Sherry: I'm willing to work on that with you guys.

Shantaw Bloise-Murphy indicated she is also interested in working on this.

## **XIII. Monthly Communication Piece – DISCUSSION**

Hayley Cooke: We wanted to have a more regular communication piece to keep everyone in the loop on the Housing and Real Estate Office. It will be a round up of what is going on with the Housing Office and the Trust quarterly. We can also add other news about other housing opportunities in affordable housing and rentals happening on the island. I wanted to ask if there is anything you want me to add?

Brooke Mohr: One thing would be adding links to the different companies and organizations that have standing waiting lists and applications. And that be a standing thing in the newsletter.

Meg Browers: how are you building a subscriber list?

Hayley Cooke: Florencia will send the first to a larger list, and people can subscribe. It will also go to major housing players on Nantucket.

Meg Browers: If you could do social media too, that would be useful. If you share that with me, I can share with the Community Foundation.

Brian Sullivan: For content, you can look at the report for FinnComm on an annual basis.

## **XIV. Other Business**

### Upcoming Meetings:

- Regular AHT meeting: October 18, 2022 at 12:30pm (via Zoom).

## **XV. Board Comments**

## **XVI. Executive Session, Pursuant to MGL C. 30A § 21(A)**

- Purpose 6: To consider the purchase, exchange, lease or value of real property where an open meeting may have a detrimental effect on the negotiating position of the public body.

**Brooke Mohr** makes a motion to adjourn the regular meeting and go into Executive Session.  
Seconded by Reema Sherry.

ROLL CALL of those participating:

- |                          |     |
|--------------------------|-----|
| 1. Reema Sherry          | Aye |
| 2. Brooke Mohr           | Aye |
| 3. Meg Browsers          | Aye |
| 5. Shantaw Bloise-Murphy | Aye |
| 5. Dave Iverson          | Aye |
| 6. Brian Sullivan        | Aye |

Motion adopted 6-0 vote.

Open Session Meeting ended at 2:10pm.

Submitted by:  
Hayley Cooke

Town	Average Hotel Price/Night (Peak Season Month)	Maximum Payout for Renting to Workers	# of workers/bedrooms for max. payout	Contract time	Rental Restrictions	Notes	# Housed from Program
Nantucket, MA	\$657-951	N/A	N/A	N/A	N/A	N/A	N/A
Truckee, CA	\$1,067	\$10,000	3 local workers, or 2 and one child	1 year	Renters must make an avg. of less than 150% AMI, half of the adults in household must work 20 hr/wk for employer in Truckee Tahoe Unified School District. No hard cap on rental price for tenants, but has to be "reasonable" re: 150% AMI level. Avg. \$1,000/bedroom per month.	Payout amount based on lease length and number of bedrooms	110
Summit County & Breckenridge, CO	\$359	\$20,000	3 or more bedrooms	1 year		Payout amount based on lease length and number of bedrooms. In area, there is also a moratorium on new short-term rental permits. Program is only open to property owners with short-term rental licenses and tenants who work 30 hrs/wk in Summit County	30 leases in first 45 days. 100 bedroom goal.
Big Sky, MT	\$1,304	\$18,000	4 bedroom home	2 years			99
Woodstock, VT	\$328	\$10,000				For someone in town who may have space in their house or building on their property they can rent out by renovating or building from scratch. Payout amount based on lease length and number of bedrooms	
Woodstock, VT	\$328	\$3,000-7,000		1 year, 2 year	Rent is controlled. \$1000/month for studio, \$1500/month for 1 bed, \$2500/month for 2 bed	Payout amount based on lease length and number of bedrooms	
Winter Park, CO	\$234	\$320,000 awarded to 25 property owners.		12 and 6 month leases		Payout amount based on lease length and number of bedrooms. In area, there is also a moratorium on new short-term rental permits. \$320,000 awarded to 25 property owners.	45 bedrooms
Sedona, AZ	\$325	\$10,000	3 bedroom	1 year		Payout amount based on lease length and number of bedrooms.	

Notes: Kayak.com pricing, some use Lease Local company to find tenants, costs town \$

## Year-Round Definitions on Nantucket

### LANDBANK:

- Actual **domicile** at property within 2 years of the purchase. Must live at the property year-round for an additional 3 years.
- [Owners] **“Shall remain permanently for an indefinite time and without any certain purpose to return to a former place of abode for a period lasting not less than the 5<sup>th</sup> anniversary of the transfer”**
- A notice of lien for the exemption amount is placed on the property for 5 years, at which time it will be released if they remain in compliance and domiciled at the 5-year date.
- Compliance check on first-time homebuyers with “M” exemptions and affordable “O” exemptions after purchase on the purchase anniversary date on the annual basis: 2 years, 3 year, 4 year and 5 year.
- Compliance check: TON annual street list, TON registered residents list, 1<sup>st</sup> page of a MA tax return for year prior, phone book or directory for address/contact info.
- If information seems questionable, inquiry letter will go to out resident asking them to confirm their primary residence and return proof of residency by showing a driver’s license with their current address on it, 1<sup>st</sup> page of their MA tax return, and a copy of the mortgage statement with the residential address listed.
- If there is no reply to letter, 2<sup>nd</sup> and 3<sup>rd</sup> letter goes out. If there is no response after that, Land Bank issues a Notice of Assessment asking for Lien amount to be repaid, plus penalty and interest costs.

### ZONING:

#### Definition of **PRINCIPAL RESIDENCE:**

The locality where a person resides **with the present intent to make it the person's fixed and permanent home. The person's physical presence alone will not establish a principal residence.** In ascertaining one's intent, the Housing Authority shall consider, among other things, the person's **employment status, voter registration, driver's license, motor vehicle registration, real property ownership, income tax returns, or the filing with the Housing Authority of a written declaration to establish or maintain a principal residence.** The owner of a unit being rented shall provide the Housing Authority with an **annual certification of compliance** with the terms of the covenant.

## HOUSING NANTUCKET:

- Covenant homeowners must occupy the Covenant home 10 out of 12 months per year
- Owners sign an affidavit at time of purchase to say they will be there 10 out of 12 (primary residence )
- Documented annually by responding to a Housing Nantucket mailing
- Annual Recertification Filing Form is affirmed by the Covenant Homeowner, signed and returned with a copy of a recent utility bill.

## ASSESSOR'S OFFICE:

- The only way we have of determining whether someone is a “year-round resident” is whether or not the taxpayer has applied for, qualified for, and received, the residential exemption.
- Unless the office knows the resident personally, they determine residency from the **mailing address where their tax bill is sent**. (note: not the most reliable as tax bill could be going to an attorney, llc, etc.)
- The residential exemption is an exemption under MGL C. 59, section 5C, that allows a community to provide an exemption to taxpayers who **own and occupy their property as their primary residence**. A taxpayer has to apply for the exemption as exemptions from taxation in Massachusetts are considered to be privileges. As part of the application process, we require a **copy of the first page (mailing label section only) of the individual's most recent state and federal income tax returns showing their Nantucket address as the address on the returns. The idea being that the if individual claims their Nantucket address as their domicile to the government, then presumably it is.** (We also like to see their **drivers license, voter registration and street list**, to confirm.)
- “Domicile” in Massachusetts is defined as “the place which is an individual's true, fixed and permanent home, determined by established common law principles and the facts and circumstances in each case.”
- As for enforcement, the residential exemption is generally removed if the property sells. It can also be removed if the property is placed in trust depending on the circumstances.
- When the property is owned by a trust, the applicant for the residential exemption has to be both a trustee and a beneficiary of the trust (as well as living at the property full time) and we require the trust documentation to support that.
- Also, LLC ownership does NOT qualify to receive the residential exemption, as in the eyes of the state (and DOR), an LLC is a corporation with its own tax benefits and the residential exemption is a personal exemption, not a corporate one.

Outreach: Oak Bluff Town, Provincetown Town, Big Sky MT Community Housing Trust, Winter Park, CO Town.

**Provincetown, MA:** Difficult to enforce and define. Year-Round Market Rate Rental Housing Trust defines primary residency as 46 weeks out of the year.

**Oak Bluffs:** does not have a standard definition for a year-round resident.

The MV Housing Bank draft legislation uses “Year-round housing,” shall be as defined in regulations adopted by the commission; provided that year-round housing shall not include housing units in which the primary occupants reside for less than **11 months** during any one year.

They have discussed in the Zoning Reform Committee defining the year-round primary residence as a **minimum of 9 months**, but it has not been decided or approved.