

SENATE No. 2935

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 adoption of the accompanying bill:

An Act authorizing the town of Boxford to establish the Boxford small repair grants trust.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Lenny Mirra</i>	<i>2nd Essex</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>

SENATE No. 2935

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2935) of Bruce E. Tarr, Lenny Mirra and Tram T. Nguyen (by vote of the town) for legislation to authorize the town of Boxford to establish the Boxford small repair grants trust. Municipalities and Regional Government. [Local approval received]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act authorizing the town of Boxford to establish the Boxford small repair grants trust.

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. There shall be a municipal trust called the “Boxford Small Repair Grants
2 Trust, herein referred to as the “trust.”

3 SECTION 2. The purpose of the trust shall be to provide funds for the preservation of
4 housing in the town of Boxford for the benefit of income qualified Boxford residents through the
5 Boxford Small Repair Grant Program. The purpose of the grant program will be to enable
6 qualified residents to continue to age in place and in their community through essential
7 modifications to their homes. The trust shall provide financial assistance for the benefit of low-
8 and moderate – income households in order to preserve existing housing units for health and
9 safety purposes, which grants shall serve the public interest and address a community need.

10 The trust shall dispense such funds As grants in such manner as the board of trustees shall
11 deem appropriate to carry out such purposes consistent with the policies adopted from time to

12 time by the board of trustees. The trust shall be governed by a board of trustees in accordance
13 with the authority granted by town meeting.

14 SECTION 3. (a) There shall be a five (5) member board of trustees (the "board")
15 appointed by the Select Board. Not including the Town Administrator or the Town
16 Administrator's designee, four (4) of the trustees shall be appointed for two (2) year overlapping
17 terms of office by the select board from amongst the residents of the town. Initially, the
18 appointments shall be staggered terms: two trustees for one-year terms and two trustees for two-
19 year terms. The members of the board shall serve without compensation, but shall be reimbursed
20 by the trustee for expenses incurred in the performance of the member's duties.

21 (b) The members shall be composed of the following:

- 22 • One (1) member of the Select Board;
- 23 • One (1) member from the general Boxford Community;
- 24 • One (1) member of the town Housing Partnership Committee;
- 25 • One (1) member of the Council on Aging; and
- 26 • The Town Administrator or the Town Administrator's designee

27 (c) Members of the board shall be sworn to the faithful performance of their official
28 duties. A majority of the members shall constitute a quorum for the transaction of any business.
29 The board shall elect from among its members a chair, vice-chair, clerk, and other officers as it
30 finds necessary and determine their duties.

31 (d) The original members of the board shall be appointed within sixty (60) days following
32 the effective date of this act.

33 (e) In the event of a vacancy on the board, a successor member shall be appointed by the
34 select board to complete the unexpired term.

35 (f) any member of the board may be removed by the select board.

36 (g) The trustees shall meet at least twice a year, and more often as determined necessary
37 by the trustees.

38 (h) The trustees are hereby authorized to execute a declaration of trust governing the
39 trust.

40 SECTION 4. (a) the trust funds shall be separate and apart from the General Fund of the
41 town of Boxford.

42 (b) the town treasurer shall be the custodian of the trust fund consistent with the
43 provisions of Section 46 of Chapter 41 of the General Laws.

44 (c) the trust fund shall receive and hold all gifts and grants made to the trust fund as well
45 as money appropriated by the town to the trust.

46 (d) Money in the Trust fund shall be available for expenditure by the trust for the
47 purposes set forth in this act, and subject to any restrictions contained in any gift or grant,
48 without the need for further appropriation by town meeting.

49 SECTION 5. (a) The trust, by and through its board of trustees, may:

50 i) Disburse funds consistent with the requirements of this trust, where the maximum
51 amount that can be granted to any one applicant or residence is \$7,500;

52 ii) Establish the grant program parameters such as the guidelines, limits, eligibility
53 and residence y requirements, eligible uses of funds and any other parameters that it deems
54 necessary to ensure the objectives of the trust;

55 iii) Accept and receive money by gift, grant, contribution, bequest or transfer from any
56 person, firm, corporation or other public or private entity or any other source, provided a record
57 of restrictions on any contribution to the trust shall be maintained;

58 iv) Execute, acknowledge and deliver contracts, grant agreements and other
59 instruments sealed or unsealed, necessary, proper or incident to a transaction in which the board
60 engages for the accomplishment of the purposes of the trust; and

61 v) Issue policy goals and statements to serve as guidelines for the trust.

62 (b) General revenues appropriated into the trust become trust property and may be
63 expended without further appropriation. All money remaining in the trust at the end of a fiscal
64 year, whether or not expended by the board within one (1) year of the date the money was
65 appropriated into the trusts, shall remain trust property.

66 (c) the trust I a public employer and members of the board are public employees for the
67 purposes of chapter 258 of the General Laws.

68 (d) the trust shall be deemed a municipal agency and the trustees special municipal
69 employees for the purposes of the General Laws, including without limitation chapter 268A
70 thereof.

71 (E) the trust is exempt from chapters 59 and 62 of the General Laws, and from any other
72 General Law concerning payments of taxes based upon or measured by property or income
73 imposed by the Commonwealth or a political subdivision of the Commonwealth.

74 (f) the books and records of the trust shall be audited annually by an independent auditor
75 in accordance with generally accepted accounting practices.

76 (g) the trust is a public body for the purposes of Sections 18 to 25, inclusive, of Chapter
77 30A of the General Laws.

78 (h) The trust is a board of the town for purposes of Chapters 30B and Section 15A of
79 Chapter 40 of the General Laws; provided, however, that agreements and conveyances between
80 the trust and agencies , boards, commissions, authorities, departments, and public
81 instrumentalities of the town shall be exempt from said Chapter 30B.

82 (i) The trust may act and do things necessary or convenient to carry out the purposes
83 expressly granted in this act.

84 (j) The board of trustees shall be considered a town board subject to the by-laws of the
85 town except as may be otherwise expressly provided in this act.

86 SECTION 6. The financial records of the trust shall be subject to control and oversight by
87 the town except as may be otherwise expressly provided in this act.

88 SECTION 7. (a) The following persons are eligible for grants from the trust:

89 (i) Income qualified Boxford residents 60 years of age or older. If there is a couple,
90 then one resident of the couple shall be 60 years of age or older.

91 (ii) Income qualified Boxford residents of any age with a permanent disability, as
92 defined by the Commonwealth of Massachusetts.

93 (iii) Income of the household shall be at or below 100% of the area median income
94 (AMI) , as defined by the Massachusetts department of housing and community development.

95 (iv) The resident must be the record owner of the house, or, if the house is in a trust,
96 then the resident must be a beneficiary of the trust and must give written authority to make the
97 requested repairs to the residence.

98 (b) Any application submitted for grant funds shall be confidential, except to the extent
99 required to be disclosed pursuant to Section 10 of Chapter 66.

100 (c) The recipient of a grant shall execute a grant agreement in favor of the trust which
101 shall set forth the purpose for which the grant is awarded, and the terms and conditions
102 associated with the grant, including a requirement that in the event all or a portion of the funds are
103 not used for the purposes consistent with this act, such funds shall be returned to the trust.

104 SECTION 8. In the event that the trust should be terminated, the remaining funds I the
105 trust shall be returned to the town of Boxford and held by the Select Board for affordable
106 housing purposes.

107 SECTION 9. This act, being necessary for the welfare of the commonwealth and the
108 town of Boxford and its inhabitants, shall be liberally construed to affect its purposes.

109 SECTION 10. This act shall take upon its passage.