

SENATE No. 3157

Senate, December 22, 2022 -- Substituted as a new draft (Senator Tarr) for the Senate Bill authorizing the town of Boxford to establish the Boxford small repair grants trust (Senate, No. 2935).

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 known as the Boxford Small Repair Grants
2 Trust, herein referred to as the “trust”, to advance the public purpose of ensuring the
3 maintenance of safe and sanitary housing for income-qualified residents of the town of Boxford
4 who are 60 years of age or older or who have a permanent disability

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

12 The trust shall be governed by a board of trustees in accordance with the authority
13 granted by town meeting and shall dispense funds as grants as the board shall deem appropriate
14 to carry out the purposes of the trust consistent with the policies adopted from time to time by the
15 board.

16 SECTION 3. (a) The board of trustees shall consist of 5 members to be appointed the
17 select board of the town of Boxford, 1 of whom shall be a member of the select board, 1 of
18 whom shall be from a resident of the town of Boxford , 1 of whom shall be a member of the
19 town housing partnership committee, 1 of whom shall be a member of the Boxford council on
20 aging and 1 of whom shall be the town administrator or their designee. All members of the board
21 shall serve for 2-year overlapping terms, except the town administrator or their designee.

22 Initially, appointments to the board of trustees shall be staggered terms, with 2 members
23 serving for 1-year terms and 2 members serving for 2-year terms. The members of the board
24 shall serve without compensation but shall be reimbursed by the trust for expenses incurred in
25 the performance of the member's duties.

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

30 (c) The original members of the board shall be appointed within 60 days following the
31 effective date of this act. In the event of a vacancy on the board, a successor member shall be
32 appointed by the select board to complete the unexpired term.

33 (d) Any member of the board of trustees may be removed by the select board.

34 (e) The board of trustees shall meet not less than twice a year and more often as
35 determined necessary by the board.

36 (f) The board of trustees are hereby authorized to execute a declaration of trust governing
37 the trust.

38 SECTION 4. (a) There shall be a trust fund to be known as the Boxford Small Repair
39 Grants Trust Fund. The fund shall be separate and apart from the General Fund of the town of
40 Boxford.

41 (b) The town treasurer shall be the custodian of the trust fund consistent with section 46
42 of chapter 41 of the General Laws.

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

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

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

49 (i) disburse funds consistent with the requirements of this trust; provided, however, that
50 the maximum amount that can be granted to any 1 applicant or residence is \$7,500;

51 (ii) establish the grant program parameters such as the guidelines, limits, eligibility and
52 residency requirements, eligible uses of funds and any other parameters that the trust deems
53 necessary to ensure the objectives of the trust;

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

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

60 (v) issue policy goals and statements to serve as guidelines for the trust.

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

65 (c) The trust is a public employer, and the members of the board are public employees for
66 the purposes of chapter 258 of the General Laws.

67 (d) The trust shall be deemed a municipal agency and the trustees special municipal
68 employees for the purposes of the General Laws, including, but not limited to, chapter 268A of
69 the General Laws.

70 (e) The trust is exempt from chapters 59 and 62 of the General Laws and from any other
71 general law concerning payments of taxes based upon or measured by property or income
72 imposed by the commonwealth or a political subdivision of the commonwealth.

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

75 (g) The trust is a public body for the purposes of sections 18 to 25, inclusive, of chapter
76 30A of the General Laws.

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

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

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

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

87 SECTION 7. (a) The trust shall provide grants to residents of the town Boxford whose
88 income is not greater than 100 per cent of the area median income, as defined by the department
89 of housing and community development, and who are: (i) 60 years of age or older; provided,
90 however, that if the applicant is a couple, at least 1 of the applicants shall be 60 years of age or
91 older; or (ii) of any age with a permanent disability; provided, however, that for the purposes of
92 this section, "permanent disability" shall mean incapacity that will continue for an indefinite
93 period which is likely never to end, even though recovery at some remote or unknown time is
94 possible.

95 To be eligible, the resident must be the record owner of the house or, if the house is in a
96 trust, 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 of the General Laws.

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 associated
102 with the grant, including a requirement that in the event all or a portion of the funds are not used
103 for the purposes consistent with this act, such funds shall be returned to the trust.

104 SECTION 8. If the trust is terminated, the remaining funds in the trust shall be returned
105 to the town of Boxford and held by the select board for affordable housing purposes.

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

108 SECTION 10. This act shall take effect upon its passage.