



# TOWN OF HARWICH MASSACHUSETTS

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[Home](#) > [Boards & Committees](#) > [Community Preservation Committee](#) > [2023 Community Preservation Act Project Funding Request](#) > [Webform results](#) > 2023 Community Preservation Act Project Funding Request

## Submission information

Form: [2023 Community Preservation Act Project Funding Request](#) <sup>[1]</sup>

Submitted by Anonymous (not verified)

September 28, 2023 - 2:59pm

2601:19d:301:5770:5804:a573:f591:9a93

## Acknowledge receipt of Informational Packet

I have received and read the Informational Packet linked to above

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### Project Title

Affordable Housing Trust Funds

### Amount Requested

\$500,000

### Project Description

Add funds to the Harwich Affordable Housing Trust to allow the analysis, promotion of public discussion, maintenance, and the creation of affordable housing units to meet critical housing needs as stated in the Harwich Affordable Trust by-laws. The Trust will also explore the investment of a portion of Trust funds to generate interest revenue to further take advantage of housing opportunities.

### Estimated Start Date

July 1, 2024

### Estimated Completion Date

Three years from the release of funds (July 2024) funds may be rescinded automatically; waivers may be sought.

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### Applicant Name

Larry Ballantine, Chairman, Harwich Affordable Housing Trust

### Organization

Harwich Affordable Housing Trust

**Mailing Address**

30 Noreast Dr

**Phone**

508-241-4222

**Applicant Email**

[larryballantine@yahoo.com](mailto:larryballantine@yahoo.com)

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**Project Manager**

Larry Ballantine, Chair, Harwich Affordable Housing Trust

**Mailing Address**

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508-241-4222

**Project Manager Email**

[larryballantine@yahoo.com](mailto:larryballantine@yahoo.com)

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**Alternate Contact**

Brendan Lowney

**Mailing Address****Phone**

617-359-4666

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[r2bjl@yahoo.com](mailto:r2bjl@yahoo.com)

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**Please choose the correct category or categories for your project, below, according to the following definitions:**

**Open Space:** This application is for the “acquisition, preservation, rehabilitation and/or preservation of open space”.

**Historic:** This application is for the “acquisition, preservation, rehabilitation and/or restoration of historic resources”. Please provide the date on which the HDHC reviewed and endorsed this application.

**Community Housing:** This application is for the “acquisition, creation, preservation and/or support of community housing”.

**Recreation:** This application is for the “acquisition, creation, preservation, rehabilitation and/or restoration of land for recreational use”.

**Please refer to the Informational Packet linked to at the start of the application process for detailed explanation of the CPA funding Categories.**

### **CPA Category**

Community Housing

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### **How does this project fit into Harwich’s Local Comprehensive Plan and/or other Plan?**

The Housing Product Plan portion of the Local Comprehensive Plan calls for an increase of the existing affordable housing inventory to reach Massachusetts goal of 10% of existing housing. Harwich is currently at 4.98%; 330 additional affordable housing units are needed to meet the 10% goal.

### **How does this project benefit the citizens of Harwich? If appropriate, has the application sought public opinion or input? If not, why?**

All efforts to provide essential affordable housing is a benefit to our residents.

### **Please list other Commissions/Boards/Committees/Organizations that may have involvement, jurisdiction, partnering, and attach documentation of their review:**

- Harwich Housing Committee
- Harwich Conservation Trust
- Community Development Partnership
- Massachusetts Housing Partnership
- Mid Cape Church Homes – d/b/a Pine Oaks Village IV
- Harwich Fire Association
- Bob Wilber, Director of Conservation Services for the Commonwealth of Mass; September 27th seminar- Linking Conservation and Affordable Housing.
- J.M. Goldson – Draft Trust Action Plan

### **Please list any documentation to be forthcoming and reason for delay.**

All documents will be sent by separate email as some are lengthy (very large to print), web-site references will be given for Trust agendas and minutes.

- Last year’s application
  - Affordable Housing Trust Income statement - August 2023
  - Draft Affordable Housing Trust Action Plan
  - Draft Marceline Request for Proposal
  - Agendas and Minutes on Harwich Web-site
- 

**PROJECT BUDGET:** Attach a dated and detailed line item project budget estimate for your funding request. If the request involves a Town-owned asset, provide the project’s projected operating expenses, including maintenance.

**COST ESTIMATE:** Attach a cost estimate or firm quote (if available) for this project.

\$ 500,000

**LAND and/or BUILDING ACQUISITION PROJECTS:** The following must also be submitted, as applicable:

- Surveys and/or plot plans for the property
- Appraisals and agreements (if not available then submit by December 1, 2023)
- Name of present owner and attach copy of deed conveying property unto present owner.
- Property address, Harwich Assessor's property identification (Map#, Parcel #).
- For proposed Open Space land purchases, be prepared to discuss public access with the Committee.

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Please upload any additional application material here. Material must be in up to three (3) Portable Document Format (pdf) files, not to exceed 5MB each.

Any files exceeding 5MB must be submitted on a USB memory stick with hardcopy submission.

**Upload file**

**Upload file**

**Upload file**

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By signing below, the Applicant represents and warrants that all the information included is true and correct to the best of the signer's knowledge and belief. Further, the Applicant acknowledges in the event that the Community Preservation Committee agrees to grant funds to Applicant (and subject to Town Meeting approval), this application together with any Terms and Conditions shall constitute a binding agreement, between the Applicant and the Community Preservation Committee. Further, Applicant acknowledges and agrees to execute any additional grant agreements should the Community Preservation Committee so request.

**ATTESTATION:** I HEREBY ATTEST THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

**Submission Date** September 28, 2023 - 2:54pm

**Full Name** Larry G. Ballantine

**Title** Chair, Harwich Affordable Housing Trust

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Source URL:** <https://www.harwich-ma.gov/node/330511/submission/45546>

**Links**

[1] <https://www.harwich-ma.gov/community-preservation-committee/webforms/2023-community-preservation-act->



project-funding-request

## Affordable Housing Trust

### Income/Revenue

CPA Funding:	
ATM 18 Article #58	\$ 500,000
ATM 19 Article #42	\$ 340,000
ATM 20 Article #33	\$ 250,000
ATM 22 Article #33	\$ 500,000
ATM 23 Article #25	\$ 500,000
Total CPA Funding	\$ 2,090,000
FY 19 Cell Tower	\$ 74,913
FY 21 Cell Tower	\$ 218,294
Total Cell Tower Funding	\$ 293,207
Investment Revenue	
Fiscal Year 19	\$ 260
Fiscal Year 20	\$ 2,283
Fiscal Year 21	\$ 1,173
Fiscal Year 22	\$ 212
Fiscal Year 23	\$ 332
Total investment Revenue	\$ 4,260
	as of 11/30/2022
<b>Total Revenue</b>	<b>\$ 2,387,467</b>

### Expenses & Encumbrances

Expenses:	
Land Purchase	\$ 800,000
Community Development Partnership*	\$ 60,000
Legal/Closing Costs	\$ 40,138
Survey & Testing	\$ 43,843
JM Goldson, Inc.	\$ 35,870
Total Expenses	\$ 979,851

**Total Expenses** **\$ 979,851**

**Affordable Housing Trust Balance** **\$ 1,407,616**

Other Potential Funding Sources  
FY 22 & FY 23 Cell Tower Revenue \$ 262,884

**Combined Balances** **\$ 1,670,500**

\*\$32,500 paid to Community Development Partnership Housing Initiative directly from CPA funds, for a total \$92,500 paid.

TOWN OF HARWICH

# AFFORDABLE HOUSING TRUST STRATEGIC PLAN

FY2024-2028

PREPARED FOR:

Harwich Affordable Housing Trust

Harwich Town Hall

732 Main Street

Harwich Center, MA 02645

PREPARED BY:

JM Goldson LLC

DRAFT 09/05/23

## PREAMBLE

As this Action Plan is being developed, Cape Cod is experiencing a serious threat to its continued existence. Climate change and subsequent shore erosion, safe drinking water in sufficient supply, wastewater management, healthcare staffing shortages are just several of the threats. A compounding factor to these realities is a shortage of affordable housing. Our service workers can't find housing – this includes our police, fire fighters, teachers, nurses, and health aides for a rapidly growing elderly population. Our tourist industry is threatened by critical staff shortages, a function of lack of affordable housing. The experts needed to help solve the challenges we face can't afford to live here. More than 50% of our Cape workforce (road and waste management, librarians, contractors, town staff and management, utility workers, retail staff, etc.) drive daily back and forth across two nearly 100-year-old bridges to provide critical services needed to sustain us.

Until and unless we as a Cape-wide community come to terms with these challenges we live at risk. The plan that follows is but one step forward to address this crisis. Additional steps are critical as well. Our County and State leadership must continue their proactive approach. Our fellow Town Boards and Committees must continue to embrace this challenge as well. Proactive planning and zoning approaches are essential. A hard look at tax policies that enable the growing disparities are required as well. We believe this plan is an important step and we are committed to implementing it. We welcome your active engagement in creating the solutions needed to help it succeed.

## TABLE OF CONTENTS

Preamble	2
<hr/>	
Introduction	4
<hr/>	
REVENUES AND EXPENDITURES	5
LANDS UNDER THE TRUST'S JURISDICTION	6
Affordable Housing in Massachusetts	7
<hr/>	
WHAT IS CHAPTER 40B?	7
LOCAL HOUSING NEEDS AND OBJECTIVES	8
UNDERSTANDING HOUSING NEEDS IN HARWICH	8
WHAT WE HEARD FROM THE COMMUNITY	12
TRUST PRIORITIES & PLAN	15
<hr/>	
MISSION	15
GOALS OF THE TRUST	15
FIVE-YEAR PRIORITY ACTIONS	16
Year-1 Action Plan	18
<hr/>	
FIVE-YEAR BUDGET	19
Appendices	21
<hr/>	

# INTRODUCTION

In May 2019, Town Meeting approved the creation of the Harwich Affordable Housing Trust (HAHT), per Massachusetts General Laws Chapter 44 Section 55C (MGL c.44 s.55C). The Trust is charged with the responsibility to preserve and create affordable housing to serve the needs of low-and-moderate-income (LMI) households within the community.

The purpose of the Trust is to provide for the creation and preservation of affordable housing in the Town of Harwich for the benefit of low- and moderate-income households and the funding of community housing, as defined in and in accordance with the provisions of MGL c. 44B, the state's Community Preservation Act.

The Board of Trustees, which oversees the Trust, is comprised of five appointed community members, including at least one member of the Select Board and the Town Administrator or designee. Members serve two-year staggered terms. .

Harwich General Bylaws Chapter 140 grants the HAHT all powers and authority outlined in [MGL c.44 s.55C](#), including acquiring, selling, and leasing real property. Chapter 140 stipulates that the Select Board member of the Trust shall report to the full Select Board on purchases or sales of real property. Chapter 140 also stipulates that the HAHT Board shall maintain an affordable housing plan in collaboration with the Harwich Housing Committee and that it shall update the plan each year.

Trusts typically operate in one of three ways – as a funder, an initiator, or a hybrid of both. The Harwich Trust aims to operate as a Hybrid, with a combination of initiating projects directly and taking funding requests from third parties under consideration. Many trusts also advocate for housing policies and



Thankful Chase Pathway apartments in Harwich, MA.  
Source: Massachusetts Housing Partnership



AHT Public Forum on June 27, 2023 in Harwich, MA.  
Source: JM Goldson

## Purpose of the Trust

To provide for the preservation and creation of affordable housing in the Town of Harwich for the benefit of low-and-moderate-income households as defined by the Massachusetts Department of Housing and Community Development (DHCD) and furtherance of this purpose, to acquire by gift, purchase, or otherwise real estate and personal property, both tangible and intangible, of every sort and description, and to use and/or dispose of such property, both real and personal, in such a manner as the Board of Trustees deems appropriate to carry out such purpose. The Trust shall be governed in accordance with Act and the authority granted by Town Meeting, as the same may be amended from time to time.

Source: Harwich Municipal Website: <https://www.harwich-ma.gov/harwich-housing-trust-committee>

initiatives, including zoning reform, local approval of development proposals, and local funding allocation to support housing needs.

### 3 FRAMEWORKS: TRUST BOARD’S APPROACH

1. **Initiator** – initiates projects and facilitates implementation directly
2. **Funder** – takes applications and determines which to fund
3. **Hybrid** – some combination of both above

\*Some Trusts also take on an advocacy role (like a Housing Partnership)



### REVENUES AND EXPENDITURES

As of June 2023, the Trust’s balance was \$992,940.00. Revenue includes allocations from Town Meeting, Community Preservation Act (CPA) funding, cell tower funding, and investment revenue.<sup>1</sup> Expenses include land purchase costs, predevelopment work (legal, closing costs, survey, and testing), and payment for professional consulting and technical assistance services. See appendices for AHT Balance sheets for 10/31/21, 1/31/22, and 3/31/22.

TRUSTEES	TERM - STAFF TO CONFIRM
Larry G. Ballantine, Chair	Term Expires 2024
Claudia Williams	Term Expires 2025
Brendan Lowney	Term Expires 2025
Mary E. Anderson	Select Board Representative
Robert Spencer	Term Expires 2025

<sup>1</sup> EBE TO FIND AND CONFIRM SOURCE FOR BALANCES  
Harwich Affordable Housing Trust Strategic Plan FY24-FY28, DRAFT 09/05/2023



# LANDS UNDER THE TRUST'S JURISDICTION

Harwich's Affordable Housing Trust currently has jurisdiction over several town-owned sites. The updated map below identifies these properties. Number 5, the former Marceline site, is the Trust's priority for redevelopment.

## TOWN OF HARWICH - AFFORDABLE HOUSING TRUST PROPERTIES

Prepared by JM Goldson LLC

J M GOLDSON



- 1 Depot St. (1 acre)
- 2 Sisson Rd. (Harwich Junior Theatre)
- 3 Oak St. (2.9 acres)
- 4 Orleans Rd./Depot Rd. (The Depot Rd. site - J1, J2, and J3 (restricted/vernal pools))
- 5 Pleasant Lake Ave./Queen Anne Rd. (Former Marceline property - 11.89 acres)

0 0.25 0.5 Miles  
Sources: MassGIS, MassDEP, MAPC Trailmap

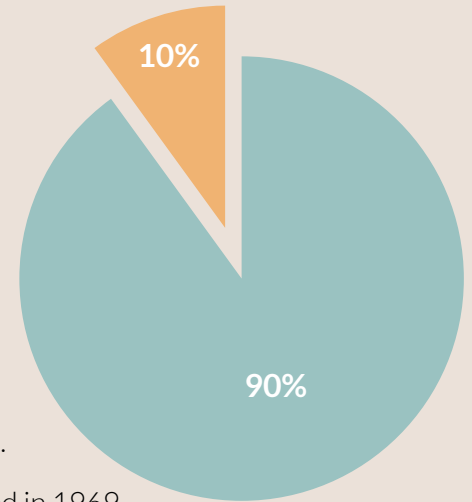


# AFFORDABLE HOUSING IN MASSACHUSETTS

Affordable housing in Massachusetts is housing that is restricted to individuals and families with qualifying incomes and asset levels and provides some manner of assistance to bring down the cost of owning or renting the unit, usually in the form of a public subsidy or from zoning relief. Affordable housing can be public or private.

## WHAT IS CHAPTER 40B?

Massachusetts General Laws Chapter 40B sections 20-23 (MGL c.40B s.20-23), known more generally as “40B” or the Comprehensive Permit Law, is a state statute that promotes the development of affordable homes by allowing developers to apply for a Comprehensive Permit for projects with at least 20-25 percent affordable units. Developers can request waivers from local zoning requirements through these permits and go through a streamlined permitting process. Chapter 40B sets a standard that all municipalities should aim to achieve a 10 percent affordability threshold of their entire housing stock. Municipalities not meeting that threshold have less flexibility in denying Comprehensive Permits.



### Subsidized Housing Inventory (SHI)

The SHI is a regularly monitored list of affordable homes that count towards the 10% threshold set forth in Chapter 40B. Eligible units are:

- Subsidized by state or federal programs or are created through local action.
- Affordable to households with low/moderate incomes.
- Affirmatively and fairly marketed.
- Subject to an affordability restriction.

Chapter 40B was enacted in 1969

to help expand the number of communities and neighborhoods where households with low and moderate incomes (LMI) could afford a safe and affordable home.<sup>2</sup> Chapter 40B enables the Massachusetts Department of Housing and Community Development (DHCD) to maintain a Subsidized Housing Inventory (SHI), which tracks all affordable housing units that are reserved for LMI households, under long-term legally binding agreements, and are subject to affirmative marketing requirements.<sup>3</sup> As stipulated by DHCD, households with incomes at or below 80 percent of the area median income (AMI) qualify as LMI.

### What qualifies as a low- and moderate-income (LMI) household?

The Department of Housing and Urban Development (HUD) releases income limits every year to indicate the thresholds for Low-and-Moderate-Income Households (<80 percent AMI). Income thresholds are calibrated by household size. The household size can be people who are related or unrelated living together in one unit. Harwich is part of Barnstable Area income limits, which in 2023 were:



\$64,450



\$73,650



\$82,850



\$92,050

<sup>2</sup> Citizens Housing and Planning Association, *Chapter 40B The State's Affordable Housing Law*, January 2014.

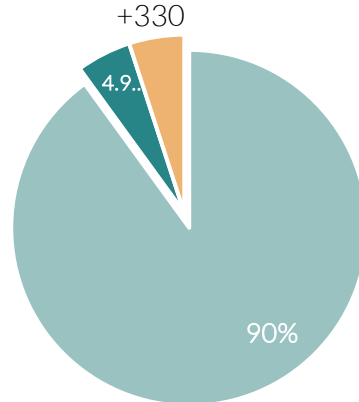
<sup>3</sup> The SHI is now administered by the Executive Office of Housing and Livable Communities, established in 2023.

# LOCAL HOUSING NEEDS AND OBJECTIVES

## AFFORDABLE HOUSING IN HARWICH

*As of June 2023, 4.98 percent of Harwich's housing stock is affordable (328 units). This is just under half of the 10 percent statutory target.*

Based on the current data available, using the June 2023 update to the SHI, Harwich would need to create 330 affordable units to reach the state's ten percent goal.<sup>4</sup> Many organizations have worked to promote housing production in Harwich including the Harwich Ecumenical Council for Housing, MidCape Church Housing, and Habitat for Humanity.

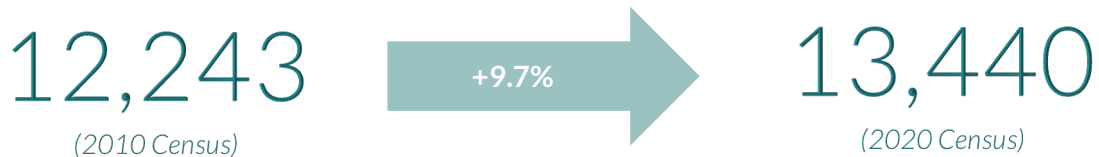


## UNDERSTANDING HOUSING NEEDS IN HARWICH

Harwich's current Housing Production Plan (HPP) was adopted in 2016 using 2010 Census and 2014 American Community Survey data to determine housing needs and set goals related to housing production in the community. Harwich's demographics and housing characteristics have changed since 2014, indicating new trends. This Affordable Housing Trust report includes a summary of updated key indicators of housing needs based on the most recent data available as of November 2022.<sup>5</sup>

### DEMOGRAPHICS & HOUSING STATISTICS

According to the decennial census, which presents a 100 percent count of the population, the year-round population of Harwich has increased over the last decade (2010-2020):



According to the most recent American Community Survey estimates, at the time of this writing in November 2022, the following population changes have been noted since the 2014 estimate (which were the basis of Harwich's most recent Housing Production Plan):

- Harwich's year-round population has continued to age between 2014 and 2021:
  - The median age increased from 50.9 to 58.4 years. The proportion of residents aged 65 and older increased 26 percent.
- Harwich's population predominantly identified as White alone in 2021, with a slowly growing Black, Indigenous, People of Color (BIPOC) population as compared to 2014. The BIPOC population grew

<sup>4</sup> Source: Executive Office of Housing and Livable Communities Chapter 40B Subsidized Housing Inventory (SHI) as of June 29, 2023. Accessed 8/2/2023.

<sup>5</sup> Updated data includes metrics from the 2020 Census, 2014 and 2021 American Community 5-Year Surveys, 2021 Massachusetts Association of Realtors Local Market Data, and the 2015-2019 HUD CHAS data.  
Harwich Affordable Housing Trust Strategic Plan FY24-FY28, **DRAFT 9/6/2023**

73 percent from 7 to 11 percent of the total year-round Harwich population. Note that the Cape Verdean community has deep roots in Harwich and remains an integral part of the community.

- While most households in Harwich are families, the overall proportion of family households declined as non-family households increased between 2014 and 2021.
  - The proportion of family households decreased four percent (62 percent in 2014, 60 percent in 2021); The proportion of nonfamily households increased seven percent (38 percent in 2014, 40 percent in 2021).
- The average household size in Harwich was also in flux in this period, with a slightly higher average household size and fewer Harwich residents living alone in 2021.
  - Average household size grew from 2.24 people per household (pph) to 2.29 pph (two percent). The proportion of householders living alone shrunk 37 percent (32 percent in 2014, 20 percent in 2021).
- Although Harwich's 2021 median household income increased compared to 2014, it is lower than the County's median income.
  - Harwich median household income rose 18 percent (\$67,332<sup>6</sup> in 2014, \$79,641 in 2021). Barnstable County's median household income was \$61,597 in 2014 and \$83,537 in 2021.

### HARWICH MEDIAN INCOME BY HOUSEHOLD TYPE, 2014-2021

Household Type	Median Income (2014)	Median Income (2021)	Change
Individual/Per Capita	\$38,555	\$46,676	21%
Family	\$79,538	\$101,612	28%
Non-Family	\$41,048	\$48,451	18%
Renter	\$43,679	\$51,786	19%
Homeowners	\$73,043	\$84,478	16%
Householder age less than 25	\$8,906	No data	
Householder age 25-44	\$76,743	\$78,400	2%
Householder 45-64	\$74,919	\$108,348	45%
Householder 65 and older	\$48,012	\$68,418	43%

Sources: 2014 & 2021 American Community Survey 5-Year Estimates (B19301, B25119, and S1903)

### HARWICH POPULATION BELOW POVERTY LINE, 1979-2021

Type of Resident/ Household	1979		1989		1999		2010		2014		2021		Change (2010- 2021)
	#	%	#	%	#	%	#	%	#	%	#	%	
Individuals Below Poverty Line	573	6.4	586	5.6	668	7.8	967	7.9	891	7.3	688	5.2	-28.8
Families	130	4.9	148	4.8	103	2.9	226	6.6	123	3.7	99	2.9	-21.6
Related Children Under 18 years	182	9.1	89	4.6	185	8.4	229	11.6	126	6.8	114	7.3	7.4
Individuals 65+	121	4.8	185	6.3	141	4.1	249	7.0	203	6.0	261	5.7	-5.0

Sources: 1980, 1990, 2000, & 2010 U.S. Census Data, 2014 & 2021 American Community Survey Estimates (S1701 & S1702).

Percentages calculated based on population for whom poverty status was determined.

<sup>6</sup> Adjusted for inflation.

- The proportion of owner-occupied units increased between 2014 and 2021 by four percent (82 percent in 2014 and 86 percent in 2021).
- The predominance of single-family homes that was observed in 2014 increased. The proportion of single-family housing units grew ten percent (81 percent in 2014, 91 percent in 2021).

### SUMMARY OF HARWICH HOUSING TYPES, 1990-2021

Type of Structure	1990		2000		2010		2014		2021		Change
	#	%	#	%	#	%	#	%	#	%	%
1 Unit, Detached	7,180	86.2	8,337	88.2	8,577	87.1	8,501	84.6	9,340	93.0	9.9
1 Unit, Attached	184	2.2	303	3.2	151	1.5	190	1.9	369	3.7	94.2
2 to 4 units	350	4.2	292	3.1	311	3.2	426	4.2	289	2.9	-32.2
5 to 9 units	291	3.5	229	2.4	306	3.1	235	2.3	331	3.3	40.9
10+ units	212	2.5	282	3.0	473	4.8	661	6.6	187	1.9	-71.7
Mobile Homes	108	1.3	7	0.1	31	0.3	32	0.3	11	0.1	-65.6
Total	8,325		9,450		9,849		10,045		10,516		

Sources: 1990 & 2000 and 2010, 2014, & 2021 American Community Survey Estimates (2502).

- Home sale prices and rental costs continue to increase, though the former at an accelerated rate.
  - Median sales price for single-family properties was \$317,500 (2014); median rent was \$1,161 (2014). In 2021, the median sales price for single-family properties was \$606,500<sup>7</sup>; the median rent was \$1,282. Note, as reported by the Massachusetts Association of Realtors, the median sales price for a single-family house in Harwich was \$667,000 in July 2023.
- The estimated proportion of cost-burdened households, spending more than 30 percent of gross annual income towards housing costs, in Harwich declined between the 2014 and 2019 estimates (the most recent estimates available at the time of this writing in November 2022).
  - In 2014, approximately 38 percent of households in Harwich were cost-burdened (43 percent of renters, 36 percent of homeowners). In 2019, approximately 34 percent of households in Harwich were cost-burdened (28 percent of renters, 35 percent of homeowners).

### PRIORITY HOUSING NEEDS

Harwich's priority housing needs remain comparable to the findings of the 2016 HPP and are summarized here. Note that a comprehensive housing needs study would be required to determine more specific needs.

- Increase affordable rental options.
- Create a wider range of affordable housing options, including homeownership/starter home opportunities.
- Increase housing options for people with disabilities, including handicap-accessible or adaptable, compliant for aging-in-place, and integrated supportive services.
- Reintroduce programs to support necessary home improvements to correct code violations or other hazardous issues for LMI households.

<sup>7</sup> Massachusetts Association of Realtors Local Market Data, YTD December 2021.  
Harwich Affordable Housing Trust Strategic Plan FY24-FY28, DRAFT 9/6/2023

Findings related to housing needs in other local planning documents are summarized below.

### 2011 Comprehensive Plan: Key Findings

Harwich's 2011 Comprehensive Plan (Comp Plan) includes discussion about housing needs and development. The Comp Plan references affordable housing goals from the 2010 HPP but also looks more broadly at housing needs. A summary of the priorities and goals included in the Comp Plan are outlined below.

#### Priorities

- Encourage re-use of existing housing stock rather than development on vacant land.
- Encourage development of village housing rather than in outlying areas.
- Prioritize rental assistance over subsidized homeownership.

#### Goals, Objectives, and Actions

- Enable suitable housing opportunities for the Harwich population with emphasis on affordable and other low-cost housing.
- Establish priorities for implementation of the 2010 Housing Production Plan for the Town of Harwich.
  - Establish an annual procedure for reviewing existing priorities and recommending new ones.
- Pursue implementation efforts for affordable housing projects consistent with town priorities.
  - Identify projects, funding sources, and potential environmental and permitting issues.
  - Encourage public and private provisions of workforce housing (80%-120% AMI) and other low-cost housing regardless of eligibility for the SHI.
- Pursue zoning and other development controls that support desirable housing development patterns.

### 2017 Open Space and Recreation Plan: Key Findings

While Harwich's Open Space & Recreation Plan (OSRP) focuses on the protection and preservation of natural resources, open space, and recreation opportunities, it is important to consider these priorities in conjunction with any discussion about housing and development. As oftentimes competing interests, open space preservation and environmental considerations directly impact opportunities for housing development in Harwich.

The 2017 OSRP incorporates the following vision statement from the 2000 OSRP:

***We see the residents of Harwich coming together to support those actions that will enhance the small-town atmosphere prized by current residents and visitors alike. The outcome will be a pleasant environment for living, working, recreation and shopping with enhancement of existing village centers and commercial areas. We will take those actions necessary to provide for the appropriate use of land and a variety of housing types, residential densities, and neighborhoods to maintain social diversity. All actions will be consistent with the carrying capacity of Harwich's natural environment, the Cape Cod Commission's Regional Policy Plan, and the ability to support the required infrastructure.***

#### Relevant Goals

- Maintain an inventory of existing town-owned properties and identify appropriate uses.
- Identify future open space acquisitions.
- Protection of natural resources and community character through growth management strategies.
- Preserve and enhance groundwater and surface water, coastal and adjacent shoreline areas, inland and coastal wetlands, and wildlife and plant habitats.

## 2019 Housing Trust Forum

In April 2019, the HAHT held a forum to share information on key trends, best practices, and upcoming objectives related to the Trust's responsibilities. In their presentation, the Trust discussed the five town-owned sites proposed for housing development under the Trust's jurisdiction (four were approved), and identified the following next steps:

- Prioritize properties based on potential impacts on HPP goals
- Conduct feasibility studies
- Community input and feedback
- Seek a developer (RFP)

Through this forum, the Trust prioritized next steps for two sites: 0 Oak Street and 265 Sisson Road and subsequently received a Technical Assistance grant from Mass Housing Partnership (MHP) to assist with predevelopment for sites with potential for multifamily development. The Trust keeps an ongoing inventory tracker of all proposed sites.

Also in the spring of 2019, the HAHT began discussing the need to create an action plan to guide the Trust's activities in the short-term future, resulting in the development of this document.

## WHAT WE HEARD FROM THE COMMUNITY

As part of the strategic planning process, JM Goldson and the Town of Harwich Affordable Housing Trust hosted an in-person public forum on June 27, 2023. The public forum offered members of the public the opportunity to participate in person at the Harwich Community Center. The forum featured a presentation by the consultant which included information about Harwich's housing needs, the function and possible actions of an Affordable Housing Trust Fund, and a presentation of the draft mission and goals for the Trust, which were prepared by JM Goldson. The forum also included boards with which attendees could interact to share their thoughts and roundtable discussions wherein attendees could discuss the topics at length.

### Key Findings

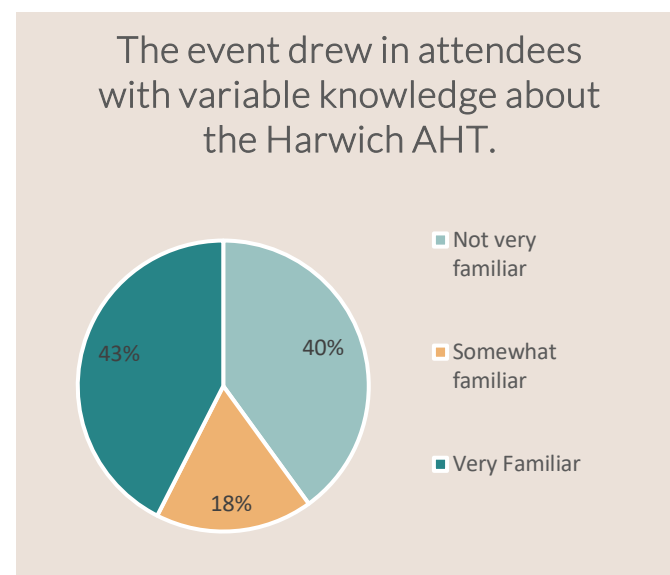
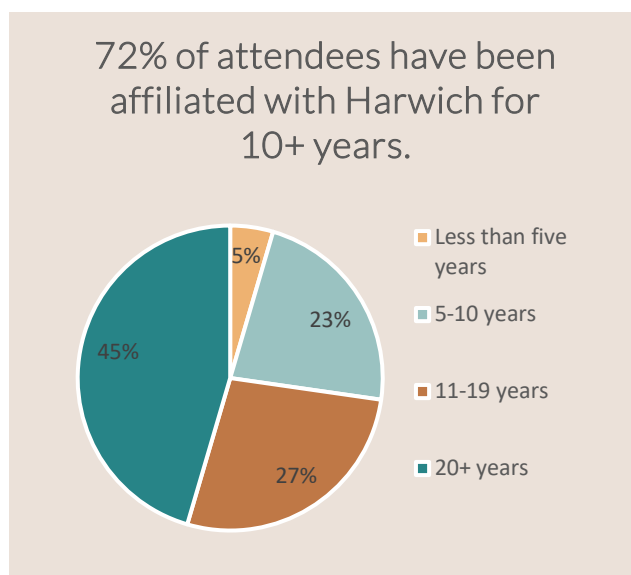
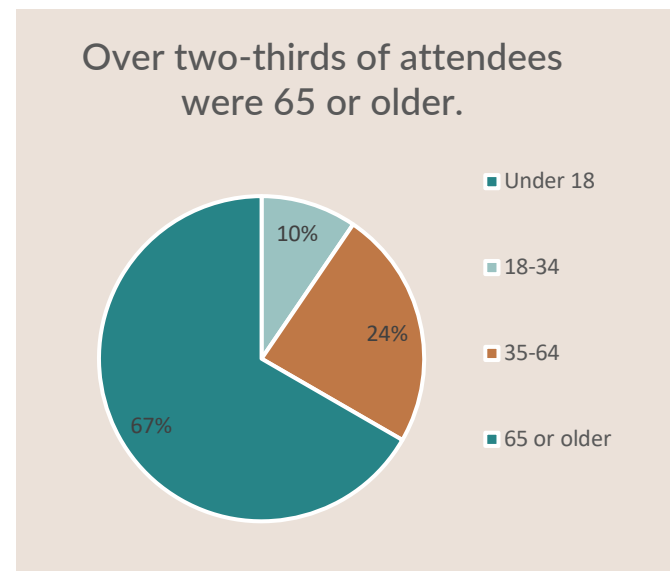
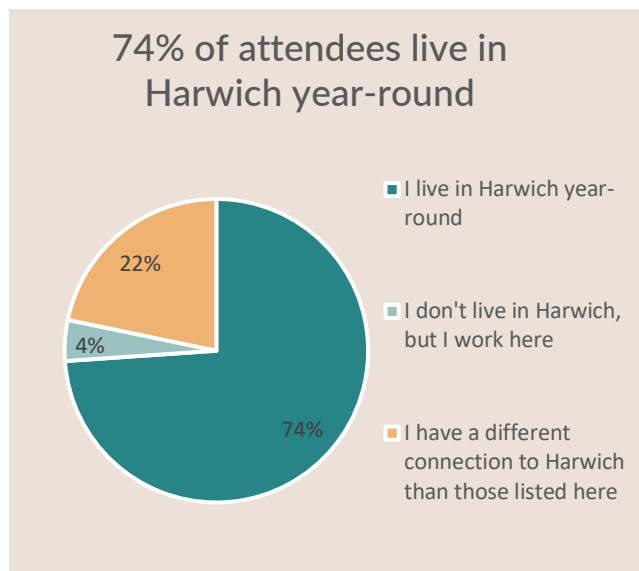
- In total, 27 people participated in the public forum. Approximately 74% of attendees were year-round Harwich residents, 67% reported being age 65 or older, 86% identified as homeowners, and 73% reported being connected to Harwich for more than 10 years.
- When reviewing the draft mission, participants in several small groups expressed desire that the Trust should support projects with affordability up to 80% AMI, projects with homeownership opportunities, and that all deed restrictions related to Trust funding should be in perpetuity to ensure retention of affordable housing stock. Participants also saw an advocacy role for the Trust, wherein the Trust could support zoning changes to advance greater density and sustainability in local housing development.
- When reviewing the draft goals, participants showed a keen interest in striving for the 10% SHI goal. There was notable enthusiasm for the Trust to assume the role of a land steward, supervising development on Trust-owned properties, dealing with parcels that cannot be developed, and acquiring other suitable parcels. Attendees emphasized their desire to ensure that Harwich does not experience a net loss of affordable housing units.
- When discussing their vision for the redevelopment of the former Marceline property (located at the intersection of Pleasant Lake Avenue and Queen Anne Road), several small groups emphasized that it should be a dense development (upwards of 65 units), with taller heights to preserve green space, it should be built to net-zero, Passive House, or other sustainable development standards, and that while a mixture of unit sizes is desired, the inclusion of 3 bedrooms ("family units") is critically important.

- Only one post-it comment was placed on this board. It expressed a desire for dense, rental housing that was 100% affordable in perpetuity. One small group echoed the desire for rental housing at the site and another also wanted to see deed restrictions preserving affordability.
- Other discussion topics included the need for broader community involvement, level of affordability (need for deep affordability, 30-60% AMI), coordination with the Harwich Housing Committee, and the desire for thoughtful design in housing development (aesthetics, infrastructure, and connection to broader community services like public transportation).

Common Themes that arose across the small group roundtables included: an incremental approach to meeting SHI goals, no net loss of affordable units in Harwich, concern for green space and local resources, and a role for the Trust in advocating for zoning changes to support housing development in Harwich.

## PARTICIPANTS

A total of 27 people participated in this event, though not every participant answered every question at the entrance board.



## PRESENTATION SUMMARY

JM Goldson, in collaboration with the Town of Harwich drafted a mission and set of goals to guide the actions of the Harwich Affordable Housing Trust Fund. The public forum was intended to gather community insight on the mission and goals and as well as solicit direction for the potential redevelopment of the former Marceline property, owned by the HAHT and located at the intersection of Pleasant Lake Avenue and Queen Anne Road.

The presentation also included information about Harwich's housing needs, definitions of "Affordable" and "Workforce" housing, and the function and possible actions of an Affordable Housing Trust Fund, given it was anticipated that the public may not be familiar with these concepts and terms as they are used within the planning industry.

Participants were encouraged to ask clarification questions at any point. The feedback was gathered via a collaborative approach, wherein the mission and goals were presented, and attendees could offer feedback via physical "sticky-notes," on the presentation boards. Attendees were also given the opportunity to stay and participate in small group roundtable conversations facilitated by members of the Trust, wherein each small group had fifteen-minute windows to discuss and scribe their feedback on the draft mission, draft goals, and their vision for housing development at the former Marceline property. Attendees were encouraged to choose one approach by which to offer their thoughts and the vast majority joined the roundtable discussions.

As a result of the feedback gathered from the engagements described above, the consultant team modified the mission and goals and presented those revisions to the Trust members for their further comment. Feedback was collected at a working session held with the Trust on July 10, 2023, where Trust members also brainstormed actions they would like the Trust to take to reach their stated goals.



# TRUST PRIORITIES & PLAN

## MISSION

As a result of the feedback received at the above-described engagements, JM Goldson has revised the Mission as follows:

The mission of the Harwich Affordable Housing Trust is to serve the Harwich community by:

- Prudently leveraging Trust funds to support affordable housing development, including year-round rental and homeownership units, to help the Town incrementally reach the state's 10 percent goal and preserve affordable units in perpetuity.
- Ensuring housing development is guided by principles of sustainable development and consideration of green space and natural assets.
- Promoting community understanding about the housing needs of Harwich and advocating for needed zoning changes to support the creation of affordable housing.
- Serving as a land steward in service of affordable housing development, including facilitating development on Trust-owned properties and the strategic acquisition of other developable parcels.
- Securing various consistent and predictable trust revenue sources to ensure reliable support for affordable housing development.

## GOALS OF THE TRUST

As part of the strategic planning process, the Trustees developed a set of goals to guide the deliberations of the Trustees over the coming five years (FY24-28). Consistent with the requirements of the Trust bylaw, the Trustees will prioritize the allocation of the Trust funds and the Trustees' efforts for the following purposes.



### FUNDING GOALS

Funding goals describe the Trust's priorities for allocating Trust funding over the five-year strategic planning period.

1. Prioritize and leverage funds to annually create at least 33 SHI-eligible units to help the town incrementally reach its housing production goals per Chapter 40B, particularly year-round development with at least 25 percent of units affordable to households with low/moderate income (at or below 80 percent of the Area of Median Income) to help the town incrementally reach its housing production goals per chapter 40B.
2. Prioritize funds for development or other initiatives to create or preserve affordable units in perpetuity, ensuring no net loss of affordable units within the next five years.
3. Foster year-round affordable housing development on priority Trust-owned sites.



### OPERATIONAL GOALS

Operational goals describe how the Trust will approach its work to be most effective and serve the Town in the best way possible.

4. Work to ensure a consistent and robust funding stream to support the Trust's initiatives, including an equitable annual allocation of Harwich's Community Preservation Act funds.
5. Work with the Harwich Housing Committee to regularly provide information to community members about affordable housing needs and opportunities and to complete an updated Housing Production Plan with a substantial public engagement component by the end of FY2024.
6. Advocate for zoning changes and tax policies to increase production and preservation of affordable housing and promote creativity in addressing Harwich's housing needs.

7. Commit to strong communication and collaboration between the Trust, the Harwich community (including Town officials and other local boards and commissions), Barnstable County and state partners, and local conservation organizations.

## FIVE-YEAR PRIORITY ACTIONS

The priority actions for the Trust are intended to actualize the Trust's goals, as stated in the previous section. Directly below lists the priority actions and indicates short-term, medium-term, long-term, and ongoing initiatives the Trust plans to focus its funding, time, and energy on over the five-year strategic planning period.

### SHORT TERM – YEAR 1 (FY24)

1. Collaborate with the Community Preservation Committee to advocate for local policy to ensure that CPA funds are allocated equitably to the Trust annually to support the implementation of this strategic plan and create a regular and predictable funding source.
2. Issue a Request for Proposals (RFP) for the Marceline property affordable housing development, select a preferred developer through a public interview process, and negotiate a development agreement.
3. Work with the Planning Department to create a local one-stop application for housing development funding requests, create an updated Trust website to include all application materials and guidance on process and funding rounds, and establish procedures for evaluating requests. Implement first funding round using the new application materials.
4. Participate in update to the Housing Production Plan by attending focus groups, interviews, and/or public forums to provide insight as to housing needs and opportunities.
5. Collaborate with staff to review inventory of SHI-eligible affordable housing units and to identify any expiring uses.
6. Establish criteria for the acquisition of land as well as the dispensation of parcels that are not suitable for development, including various planning considerations such as environmental constraints, zoning requirements, proximity to commercial areas, schools, parks, and other amenities, and availability of public infrastructure. Land acquisition is possible through private donation, transfer of Town-owned property, or through purchase.
7. Conduct an inventory of trust-owned sites and, by applying criteria outlined in action #5, create a ranking by readiness for development.

### MEDIUM TERM – YEARS 2-3 (FY25-26)

8. Explore the potential to acquire affordable deed restrictions to convert existing market-rate homes to affordable.
9. Advocate for zoning amendments and implementation of the HPP to promote affordable housing production and the preservation of housing options, alongside the preservation of open space.
10. Continue to support the development of the Marceline property, including executing a land transfer, supporting and advocating for permit approvals, and other subsidies, as needed.
11. Consider utilizing trust funding to support private development of affordable housing, through the application process developed in Year 1.
12. Begin process to develop a second site either existing Trust-owned land or through town transfer of town-owned property or acquisition of private property.
13. Establish an annual local Housing Roundtable meeting, with the Trust as convener of other local and regional housing and land use entities to coordinate priorities and raise public awareness of local housing initiatives. Include representatives from the business and conservation community to coordinate initiatives and align goals.
14. Work with regional partners to initiate an annual gathering of affordable housing organizations across the County to share best practices, lessons learned, and new opportunities.

## LONG TERM – YEAR 4-5 (FY27-28)

15. Review and adjust the Trust's goals and priorities as needed as Trust approaches the 33-unit production target.
16. Seek opportunities to acquire additional developable land to pursue partnerships with mission-based developers to create affordable housing (through a state-compliant land disposition process), including an annual review of the Town's tax title inventory to identify vacant buildable properties for tax foreclosure.

## ONGOING.

17. Ensure deed restrictions are renewed or extended upon expiration by dedicating funding to provide additional subsidies or purchase units.
18. Work with staff to ensure the Trust website is informative and engaging regarding housing needs and opportunities in Harwich and coordinate efforts with Harwich Housing Committee as needed.

## Criteria for Evaluation of Funding Requests

The Trust will evaluate development project loan requests on a rolling basis but may periodically issue RFPs for projects. In addition to specific criteria that may be established in these RFPs, the Trust will generally evaluate projects based on the following criteria:

- Maximizes the percentage of units affordable to households at or below 80 percent AMI.
- Ensures variety in the unit mix, especially projects providing family/3-bedroom units.
- Prioritizes responsiveness to Harwich's specific housing needs.
- Ensures long-term affordability restrictions, with a preference for restrictions in perpetuity.
- Demonstrates thoughtful consideration of the site and appropriateness in scale and design.
- Ensures adequate capacity of the development entity, quality property management approach, and provision of support services, as needed.
- Demonstrates willingness to work with the community, neighborhood, and Town officials to refine the conceptual design.
- Prioritizes funds for non-profit or mission-based developers.
- Maximizes leveraging of other public and private funds.

# YEAR-1 ACTION PLAN

The matrix below lays out actions for the Trust to focus on each month from November 2023 (after adopting this Strategic Plan) through November 2024. The actions included consist of the Short-Term Actions described in the Strategic Plan.

Actions	FY2024								FY2025				
	Nov	Dec	Jan '24	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov
<b>1. Collaborate with CPC</b>	Submit Trust application by Oct 2 <sup>nd</sup> . Meet with CPC and discuss Trust Action Plan and budget request.					Secure CPA funds at Spring Town Meeting.			CPA funding allocation available. Complete report of expenditures to the CPC (the CPC must complete the state's CP Projects Report (CP-3) annually by September 15th.)			Submit FY2025 funding application by early October and attend CPC meetings as needed to present request.	
<b>2. Issue a Request for Proposals (RFP) for the Marceline property and select a preferred developer.</b>	Discuss timeline with Trust at Sept meeting												
<b>3. Create one-stop application for housing development funding requests</b>	Review any existing local funding applications; collaborate with staff to create unified application.		Trust to outline evaluation process; work with staff on iterative drafts of application.		Finalize application materials, guidance, and evaluation procedure.	Update all materials on website and publicize.	Publicize funding availability.		Open application.	Review and score applications (set date or rolling).			Award funds.
<b>4. Participate in update to the Housing Production Plan</b>	Schedule to be driven by Town, Staff to advise.												
<b>5. Collaborate with staff to review SHI-t o identify any expiring uses</b>	Staff to review SHI; review Affordable Housing Restrictions, as necessary; identify any uses expiring in near-term.		Staff to update Trust on upcoming expiring uses, if any.	Strategize with staff on outreach and possible strategies for preservation or extension of expiring restrictions.			Ongoing collaboration with staff; potential outreach,			Review action taken to date; review units preserved or lost; work with Staff to establish timeline for periodic review.			
<b>6. Establish criteria for the acquisition of land as well as the dispensation of land by Trust</b>	Staff to research criteria of other communities, as available.				Staff to report to Trust on criteria of other communities, present sample criteria.		Trust to revise criteria to ensure it is sensitive to Harwich's needs and local context, solicit public participation as is feasible.			Finalize and publicize Trust criteria.			

Actions	FY2024	FY2025	Actions	FY2024	FY2025	Actions	FY2024	FY2025	Actions	FY2024	FY2025	Actions	FY2024
	Nov	Dec		Nov	Dec		Nov	Dec		Nov	Dec		Nov
7. Conduct inventory of trust-owned sites and, by applying criteria outlined in action #5, create a ranking by readiness for development	Staff to complete profiles for all Trust-owned sites, noting size, natural features, availability of municipal services, and other elements,						Trust to review profiles, apply criteria established in Action 5, solicit public participation as is feasible,			Trust to create ranking of Trust-owned sites by year-end, with goal of crafting a Request for Proposal for development for selected site in Year 2; establish timeline for inventory update.			
Report annually to Select Board						Prepare and present annual report to Select Board prior to Spring Town Meeting.							

## FIVE-YEAR BUDGET

The budget, on the following page, is intended for planning purposes only as it is based on rough estimates of projected expenses associated with priority initiatives and professional support and potential sources needed to support these expenses. The budget will require annual amendment to reflect actual costs of initiatives and revenues.

*Note: Community Preservation Act (CPA) funds are included as a source of funding for the trust, however it is important to remember that CPA appropriations must be recommended by the Community Preservation Committee and approved by Town Meeting.*

	FY24	FY25	FY26	FY27	FY28	5-Year Total	Notes
<b>Sources</b>							
Funds carry forward from prior year	\$416,901	\$192,588	\$101,440	\$154,064	\$107,679	\$416,901	Note: This draft budget bases the starting balance as noted on the 3/31/2022 balance sheet, which is the most recent provided to the consultant. <b>Please forward the most recent balance sheet so this can reflect the current balance.</b>
CPA Appropriation	762,405	781,465	801,002	821,027	841,552	4,007,451	This represents about 40% of total estimated annual CPA funds (based on FY2022 local collections and 19.56% state Trust Fund Distribution - the lowest Harwich has received to date). This estimate does accounts for 2.5% local revenue increase per year.
Cell Tower Payments	\$88,813	\$88,813	\$88,813	\$88,813	\$88,813	\$444,065	Require Select Board Approval. Amount based on 3/31/22 AHT balance sheet showing FY2022 Cell Tower Revenue (note: FY2019 revenue was \$74,913 and FY2021 revenue was \$218,294).
Sale of Buy-Down Unit (FY26 and FY28) and sale of Trust-owned property (FY25)	\$0	\$500,000	\$243,000	\$0	\$243,000	\$986,000	Sale assumes price using DHCD calculator with FY2023 HUD income for 3-person HH at 80% AMI; Harwich 2023 Property Tax Rate of 6.64; interest rate for 30-year fixed mortgage at 7.18% +0.25 per DHCD guidelines (7.43%), and no condo fees. <b>Let's discuss trust-owned property disposition assumptions - \$500K in Year FY25 is just a placeholder.</b>
Interest (x%)	\$ 969	\$ 969	\$ 969	\$ 969	\$ 969	\$4,844	Based on average FY2019-FY2022.
<b>Total (Revenue)</b>	<b>\$1,269,088</b>	<b>\$1,563,835</b>	<b>\$1,235,223</b>	<b>\$1,064,873</b>	<b>\$1,282,013</b>	<b>\$5,859,261</b>	
<b>Uses</b>							
Admin & Legal Fees	(\$76,500)	(\$78,795)	(\$81,159)	(\$83,594)	(\$86,101)	(\$406,149)	Based on FY22 Part-time Housing Coordinator expense of \$50,000, with 3% COL increase assumed. Added \$25,000 in legal fees each year to assist with acquisitions, developer agreements, etc.
Development initiatives including Trust property and developer requests (Strategies 2, 3, 10, 11, & 12)	(\$1,000,000)	(\$850,000)	(\$900,000)	(\$340,000)	(\$1,000,000)	(\$4,090,000)	With this budget, to create 163 eligible SHI units over 5 years (33 units per year per Trust Goal #1) minus 2 buy-down units, the Trust would average \$25,092 per unit.
Buy-down existing market rate units to convert to affordable ownership units. (Strategy 8)	0	\$ (533,600)	\$ (100,000)	\$ (533,600)	\$ (75,000)	(\$1,242,200)	Purchase price based on 80% of median sales price July 2023 for a single-family house in Harwich. Funding scenario assumes house purchase in 2nd year of budget and rehab expenditures in 3rd year, then repeats the cycle for purchase of a second unit. Revenue shows estimated proceeds from sale of house.
<b>Total (Expenses)</b>	<b>(\$1,076,500)</b>	<b>(\$1,462,395)</b>	<b>(\$1,081,159)</b>	<b>(\$957,194)</b>	<b>(\$1,161,101)</b>	<b>(\$5,738,349)</b>	
<b>Revenue-Expenses</b>	<b>\$192,588</b>	<b>\$101,440</b>	<b>\$154,064</b>	<b>\$107,679</b>	<b>\$120,912</b>	<b>\$120,912</b>	

# APPENDICES

## AHT Balance Sheets

10/31/21

1/31/22

3/31/22

(ADD MORE RECENT IF AVAILABLE)

DRAFT

Harwich Affordable Housing Trust

Harwich, MA 026

## Request for Proposals (RFP)

To select a developer to design, construct, operate and manage affordable rental units consisting of no more than 90 bedrooms on approximately 12 Acres of land at 0 Pleasant Lake Avenue and 456 Queen Anne Road, Harwich, MA.

### Important Dates

Pre-Proposal  
Meeting/Site Tour:  
xxxxxxx, 2023 at  
xxxp.m.

Proposal Submission

Deadline: xxxxx2023 at  
2:00 p.m.



# Table of Contents

I.	Invitation to Bid
II.	Proposal Submission and Selection Process
III.	Site Tour and Briefing
IV.	Development Objectives
V.	Property Description
VI.	Proposal Submission Requirements
VII.	Developer Selection Criteria
VIII.	Selection Process
IX.	Post Selection
X.	Attachments

## **I. Invitation to Bid**

The Harwich Affordable Housing Trust ("Trust"), through its Chief Procurement Officer, is seeking proposals from qualified developers for the development of no more than 90 bedrooms of affordable rental housing at a range of incomes on parcels of land owned by the Trust. The properties, totaling approximately 12 acres are addressed and located at 0 Pleasant Lake Avenue and 456 Queen Anne Road in Harwich, and are further identified at the Barnstable County Registry of Deeds Book 34262, Page 277.

The Trust intends to enter into a Land Development Agreement and convey/lease the property to the developer, with affordability restrictions. The developer will be responsible for the design, construction, development and operation of the rental units at the property.

The purpose of this RFP is to select a developer with demonstrated experience and capacity to carry out a development project that best addresses the needs and goals of the affordable as described in this RFP. The most advantageous proposal, from a responsive and responsible proposer, taking into consideration all evaluation criteria set forth in the RFP, will be selected.

## **II. Proposal Submission and Selection Process**

The Trust has determined that the award of this contract is subject to the Uniform Procurement Act. M.G.L. c. 30B. The provisions of M.G.L. c. 30B are incorporated herein by reference.

Applicants shall submit on or before 2:00 p.m., [REDACTED], 2023, a clearly marked original proposal plus seven copies, including an electronic copy on a flash drive, to:

**Who?**

***Harwich Affordable Housing trust***

***Harwich, MA 02631***

Faxed or electronically mailed proposals will be deemed non-responsive and will not be accepted. Overnight mail services cannot be relied on to deliver by 2:00 pm in Harwich.

Proposals submitted after the submission deadline will not be accepted. In order to be considered a complete submission, proposals should be marked "[REDACTED] **Housing Proposal**" and must include all required documents completed and signed by a duly authorized signatory, including the following:

1. Cover page labeled "[REDACTED] Housing Proposal" to the Harwich Affordable Housing Trust for the development of rental family housing, specifying: (1) the development entity, (2) primary contact person, and (3) all contact information.
2. One clearly marked original, in a three-ring binder, and 7 copies of the proposal with required attachments.
3. An electronic version of the complete proposal submission on a flash drive.

**The Trust reserves the right to reject any or all proposals or to cancel this Request for Proposals if that is deemed to be in the best interest of the Trust.**

#### **Inquiries on RFP**

All inquiries should be made via e-mail and directed to: \_\_\_\_\_ - no later than \_\_\_\_\_ **2023**. Inquiries should have a subject line entitled: \_\_\_\_\_ *Housing RFP Inquiry*. Any inquiries after such date will not be accepted. All inquiries for which a response is provided, together with the responses, will be shared with all proposers who have provided their contact information.

#### **Proposers' Responsibility for due diligence**

Proposers should undertake their own review and analysis concerning physical conditions, environmental conditions, applicable zoning, required permits and approvals, and other development and legal considerations.

#### **Additional Notes**

Proposals will be opened publicly at **2:00 p.m.** on, \_\_\_\_\_ **2023**. A Proposer may correct, modify or withdraw a proposal by written notice received prior to the time set for the submission of proposals, but not thereafter. Each responsive proposal will be evaluated first for compliance with the threshold (minimum) criteria and, if it meets those criteria, then evaluated according to the criteria set forth in Attachment **A** 'Comparative Evaluation Criteria'.

The Trust makes no representations or warranties, express or implied, as to the accuracy and/or completeness of the information provided in this RFP. This RFP, including all attachments, is made subject to errors, omissions, and withdrawal without prior notice, and different interpretations of laws and regulations. The Proposer assumes all risk in connection with the use of the information and releases the Trust from any liability in connection with the use of the information provided by the Trust. Further, the Trust makes no representation or warranty with respect to the property, including without limitation, the value, quality or character of the property or its fitness or suitability for any particular use and/or the physical and environmental condition of the property. The property will be conveyed in "AS-IS" condition.

Each Proposer shall undertake its own review and analysis (due diligence) concerning the physical and environmental condition of the property, applicable zoning and other land use laws, required permits and approvals, and other development, ownership and legal considerations pertaining to the property and the use of the property, and shall be responsible for applying for and obtaining any and all permits and approvals necessary or convenient for the Proposer's use. All costs and expenses of leasing and developing the property, including, without limitation, the costs of permitting and improvements, shall be the sole responsibility of the successful proposer. Note that the Trust of Harwich has incentive policies for the creation of affordable and affordable housing, see Attachment ....

### **III. Site Tour and Briefing**

Interested Proposers are encouraged to attend a voluntary on-site briefing session at **2:00 p.m.** on, \_\_\_\_\_, **2023 at 0 Pleasant Lake Avenue and 456 Queen Anne Road**. The site visit is not mandatory; however all proposers must familiarize themselves with the property by

undertaking an independent review and analysis of physical conditions, regulatory constraints, required permit and approvals, and other legal considerations.

#### **IV. Development Objectives**

The Trust is seeking a developer to build affordable rental housing units consisting of no more than 90 bedrooms on the site. The development should be designed for a variety of households (individuals of all ages, families with children, persons with disabilities) and reflect a mix of affordability levels.

The Trust would like to see a mix of residential building types. The bedroom mix should be based on the site's capacity, good site planning and landscaping considerations, and the market and financial feasibility of an affordable rental project at this location.

The development will be subject to a Land Development Agreement (See example in Attachment D) in a form that is acceptable to the Trust. [If 99-year ground lease, a draft ground Lease will be in Attachement D]

#### **Affordability**

All of the units must be affordable to households at or below 80% Area Median Income (AMI). The Trust prefers that the development will include units that are affordable to households with incomes ranging from 30% AMI to 80% AMI (See Evaluation Criteria at Attachment A for details). The proposer should include a clear analysis as to the levels of affordability proposed and the reasoning behind the proposed unit and income mix. The Trust is seeking affordability in the design of the units (e.g., energy efficient utilities and maintenance) in addition to affordability by restriction. All affordable units (80% AMI or below) must meet the requirements for inclusion in the Executive Office of Housing & Livable Communities' (EOHLC) Subsidized Housing Inventory (SHI).

The developer shall enter into a Regulatory Agreement with the Subsidizing Agency and the Trust on terms acceptable to the parties and shall, at the Trust's request, grant the Trust a separate affordable housing restriction on terms acceptable to the Trust and be in form and substance acceptable to EOHLC.

#### **Unit Types**

The development should reflect the needs of Harwich and provide housing for a range of household sizes as noted in the Town of Harwich Chapter 40B Housing Production Plan in Attachment E. For this reason, the Trust is interested in more than 1 building as well as "universally accessible" design. At least 10% of the units shall contain three or more bedrooms to satisfy the State's family housing policy. Unit layouts should emphasize efficiency. Kitchens should be sized based on the bedroom composition of the unit.

#### **Building Design and Aesthetics**

The development's architecture should reflect and be compatible with the existing architecture and style of the Harwich community. The goal is for the development to look like it belongs in Harwich.

The Trust of Harwich encourages the following:

- Multiple buildings, which can be of various sizes.
- Native landscaping in keeping with Harwich's character
- Outdoor common and recreation areas
- Ample storage for residents
- Bicycle storage racks
- Onsite laundry facilities
- Parking should be scattered as much as possible
- Areas for outdoor trash and recycling receptacles
- Sensitivity to neighborhood and adjacent properties

### **Energy Efficiency**

The Trust is looking for proposals that include building and site designs that reduce the tenants' energy, water usage and cost, and limit the project's environmental impact.

Proposals that meet Passive House, LEED or other energy efficiency standards are preferred.

Proposers are encouraged to reach out to energy efficiency rebate programs, as well as lender and State incentives.

Details regarding sustainable design features should be incorporated into the proposal.

### **Site**

The properties are located at 0 Pleasant Lake Avenue and 456 Queen Anne Road in Harwich and is identified as Assessor's Map                      (See Locus maps Attachment B). It contains approximately 12 Acres.

### **Project Permitting**

The properties are zoned R-L and R-R. Proposals should include a description of the permitting process that the developer plans to use. The Trust anticipates permitting will be through M.G.L. Chapter 40B (Comprehensive Permit).

### **Rental Management**

The successful respondent's development team must include a qualified and experienced property management firm, or, if not identified at the time of submission, a description of the process for procuring such a firm and the performance standards to be met by the property management firm. It is expected that there will be on-site management and 24-hour emergency maintenance service.

## **V. Property Description**

## Deed

Barnstable County Registry of Deeds Book 34262, Page 277.

Please see Attachment C for the Deed and Trust Meeting Votes.

## Zoning

The properties are currently zoned R-L and R-R, however, it is expected that the development will be permitted through M.G.L. Chapter 40B.

## Utilities

- Water: Public
- Septic: Private
- Electric: Eversource

## VI. Proposal Submission Requirements

### The Development Team

The proposal must include a description of the development team, the individuals and organizations to be involved in the development, **including the project manager**, and the experience of these parties. The development team may include, without limitation, the developer, property manager, architect, contractor, engineers, consultants, lenders and investors. Proposals must include:

- The name, address, e-mail address, and telephone number of the proposer; the name of any representative authorized to act on his/her behalf, and the name, title and contact information for the individual designated by the developer to receive all correspondence from the Trust and its agents.
- The names and primary responsibilities of each individual on the development team.
- If the proposer is not an individual doing business under their own name, a description of the firm and legal form and status of the organization (e.g., whether a for-profit, not-for-profit, a general or limited partnership, a corporation, LLC, LLP) and the jurisdictions in which it is registered to do business. If the proposer is a non-profit entity, please include a list of the organization's Board of Directors and areas of expertise they represent.
- The ownership structure of the entity to enter into the Land Development Agreement with the Trust and its relationship to any investors, lenders and guarantors of debt, if any.
- Identification of all principals, partners, co-venturers or sub-developers participating in the transaction, and the nature and share of participants' ownership in the project.
- Identification of the person designated to be the property manager if the property developer will also be the property manager. If this is not the case, state the legal and financial relationship between the entities and describe the process for securing property management services and criteria and minimal qualifications it will use in selecting the property management firm.

- Identification of the development team, such as architects, engineers, landscape designers, contractor, and development consultants. In addition, provide background information, including firm qualifications and resumes for principals and employees expected to be assigned to the project.
- A summary of the developer's and the development team's experience, both collectively and individually, with similar projects. Particular attention should be given to demonstrate experience with **projects of a similar scale and complexity**. Proposers should demonstrate the ability to perform as proposed and to complete the project in a competent and timely manner, including the ability to pursue and carry out design, permitting, financing, construction, and marketing/unit absorption.
- A list of all projects in progress or planned with details of their current status.

### Format

Proposers should use the following format to submit the information required (above):

- For referenced projects: project name, location, project type, number of residential units, project scope, start date, projected and actual completion date, total development costs, development team, key personnel, and current status.
- Narrative on why the Proposer's experience is relevant to the 0 Millstone Rd housing project
- Description of the organizational structure of the development team and a plan for the maintenance of effective communications between the Trust and the development team during all phases of the project.
- Information regarding any legal or administrative actions past, pending or threatened that could relate to the conduct of the Proposer, its principals or any affiliates.
- Confirmation that no local, state or federal taxes are due and outstanding for the development team or any constituent thereof.
- Provision of third-party references for 3 completed projects including one affordable housing project. Provide contact names, titles, and current telephone numbers, who can provide information to the Trust concerning the Proposer's experience with similar projects.

### Development Concept

The proposal must include a detailed description of the development concept for the property and its improvements, including but not limited to:

- Number and size of units (square footage and number of bedrooms) and affordability levels. Include narrative as to why/how the mix of bedrooms, sizes and affordability was determined to ensure project financial feasibility and appropriateness for the marketplace.
- Preliminary site design.
- Discussion of the physical plan and architectural character of the project and the various programmatic and physical elements of the development, including energy savings and green design elements of the buildings and site design.

- Construction staging plan and discussion of construction impacts as to how the project will be managed to limit impact on neighbors and especially the school, in particular with respect to noise and traffic during the construction period.
- Project financing – provide a sources and uses pro forma (see comparative evaluation criteria), and describe any previous experience in securing such funding. Describe in detail what, if any, local, state or federal subsidy money will be sought to create affordability and the timeline for securing those sources.
- Projected 10 year operating budget
- Letters of interest from both construction and permanent lenders (mentioned in the comparative evaluation criteria)

### **Conceptual Design Drawings**

The proposal must include 11 x 17 plans including:

- Site plan that describes parking layout and numbers of parking spaces, building footprints, and any programmed outdoor space
- Landscape plan with sufficient detail on how the plan addresses limiting the project impact on surrounding areas and the users of those areas
- Floor plans
- Elevations with material indications
- Typical unit plans
- Color Rendering

### **Management Plan**

Please provide a management plan that includes the following:

- Description of the target market (e.g. pricing and the strategy for marketing and lottery process).
- In addition, if the Proposer is including a property manager as part of the team, all relevant information as outlined under 'The Development Team', above, including details of any projects where the Proposer and Manager have previously worked together.
- Lottery for affordable units: To ensure a fair and equitable selection process for the affordable units, a lottery shall be conducted for all of the affordable units. Proposals may include a lottery agent as part of the development team. A marketing/lottery plan shall be required as part of the approval of the units for inclusion on the Subsidized Housing Inventory prior to issuance of a building permit. For the proposal, the Proposer shall indicate any other lotteries they have been involved in, their role and the outcomes.
- Experience with Low Income Housing Tax Credits if proposed as a funding source.
- Experience with project-based rental assistance, Section 8, 811, and/or MRVP if proposing such subsidies.

The Proposer and/or its property manager must demonstrate:

- A clear understanding of fair housing requirements/laws.
- A clear understanding of the local preference opportunities and requirements, and how the lottery will address any local preference.
- Ability and commitment to utilize appropriate stated standards to determine program and unit eligibility – i.e., qualified tenants.



- Clear criteria for tenant selection and a fair and unbiased selection process.
- Competency for selecting properly qualified tenants.
- Ability and commitment to maintain all necessary reports and certifications required under state and federal law.

### Implementation Plan and Timeline

The proposed development should be completed **within 3 years** of the execution of the Land Development Agreement. Extensions may be granted at the discretion of the Select Board. The proposal must include a description of how the development concept will be implemented, including, but not limited to:

- Detailed development schedule for all elements of the plan including key milestones, financing benchmarks, zoning approvals and compliance, and projected completion/occupancy timeframes.
- Outline of the required land use, environmental, operation, and other governmental or regulatory approvals, including zoning, development and environmental permits. The proposer should provide a schedule for securing approvals as part of the proposal. The Proposer should note what zoning variances, special permits or modifications, if any, are required as part of the development plan.

### Price Proposal

The Price Proposal Form (Attachment H) should be completed and submitted in a separate, sealed envelope.

## VII. Developer Selection Criteria

### Minimum threshold criteria

**All proposals submitted by the due date will be evaluated for conformance with the below stated minimum criteria. Those proposals that meet the minimum criteria will then be evaluated by the comparative criteria described below. Proposers may be invited to present their proposal to the review committee. The presentation will not be scored.**

The following are minimum criteria for Proposal consideration. Proposals that do not clearly and fully convey compliance with these minimum criteria will not be considered.

- Complete conformance with all Submission Requirements (Sec. VI)
- Price Proposal Form, setting forth the price the Proposer is willing to pay for the land, found in Attachment H
- Proposer must have a minimum of **5 years'** experience in residential development
- A successful track record of similarly sized projects with at least 3 references
- Availability to begin work towards permitting within 60 days of executing the Land Development Agreement and show sufficient staff resources and availability to perform required services

- Complete required forms found in Attachment I (Certificate of Tax Compliance), Attachment J (Certificate of Non-Collusion), Attachment K (Disclosure Statement required by M.G.L. c. 7C, Section 38 (formerly M.G.L. c. 7, Section 40J) and Attachment L (Certificate of Authority)

### **Comparative Evaluation Criteria**

Projects meeting the minimum threshold criteria will then be judged and scored based on the Comparative Evaluation Criteria further explained and outlined in Attachment **A**.

### **Proposal Submission Terms and Requirements**

- A. The Trust reserves the right to reject any and all proposals in whole or in part, and to waive minor informalities, when in its sole discretion to do so is deemed to be in the best interests of the Trust and to the extent permitted by law.
- B. Proposals that meet all quality requirements shall be evaluated based on responsiveness to the criteria, terms and conditions contained in this RFP and its attachments. Failure to follow the instructions, meet the criteria, or agree to the terms and conditions contained in this RFP may be cause for rejection of the proposal as non-responsive.
- C. All proposals shall be submitted to the Trust, as and where set forth above, on or before the proposal deadline. Proposals and unsolicited amendments to proposals received by the Trust after the proposal deadline will not be considered, and requests for extensions of time will not be granted. Proposers who mail proposals should allow sufficient time for receipt by the Trust by the proposal deadline. Proposals received after the proposal deadline will be returned to the Proposer unopened.
- D. All proposals shall be signed in ink by the Proposer. If the Proposer is a corporation, the authority of the individual signing shall be endorsed upon, or attached to, the proposal and certified by the clerk of the corporation.
- E. All proposals submitted shall be binding upon the Proposer for a minimum period of one hundred twenty (120) calendar days following the opening of proposals.
- F. Proposals submitted to the Trust shall be securely kept and shall remain unopened until the proposal deadline and the opening of proposals.
- G. Proposals once submitted may, upon request of the Proposer prior to the proposal deadline, be withdrawn or amended. If amended, resubmission of the proposal shall comply with all requirements of this RFP.

- H. Negligence on the part of the Proposer in preparing the proposal confers no right of withdrawal after the proposal deadline. The Trust does not assume any responsibility for errors, omissions, or misinterpretations which may have resulted in whole or in part from the use of incomplete proposal documents. Any Proposer finding an ambiguity, inconsistency, or error shall promptly notify the Trust.
- I. If it becomes necessary to revise any part of this RFP or if additional data are necessary to enable an exact interpretation of provisions, such addenda will be provided to all Proposers who have requested this RFP and provided their contact information. No addenda will be issued within the immediate three (3) business day period prior to the proposal deadline.
- J. By submitting a proposal in response to this RFP, the Proposer shall be deemed to have certified that no officer, agent, or employee of the Trust has a direct or substantial financial interest in the procurement, that the proposal is submitted in good faith and exclusively on Proposer's own behalf, without fraud, collusion or connection of any kind with any other Proposer for the same work or with any undisclosed party.
- K. Proposers may add additional stipulations or otherwise qualify their proposals, but the Trust shall retain the sole right to judge the importance of any such stipulation or qualification. If the Trust determines that the stipulation or qualification is not in its best interest and/or is materially unacceptable, and if the Proposer does not clearly indicate this to be an alternative for consideration, then the Trust reserves the right to reject such proposal.
- L. Selection of a Proposer's proposal will not create any rights on the Proposer's part, including, without limitation, rights of enforcement, equity or reimbursement, until the Land Development Agreement and all related documents are fully executed.
- M. It is understood, agreed upon and made a part hereof, and shall be a part of the Land Development Agreement, that the Agreement entered into between the Trust and the Proposer shall not be assigned or assignable by way of sub-contract or otherwise, unless or until the Trust shall have first assented thereto in writing.
- N. The Trust reserves the right to modify any specifications and submission requirements associated with the proposal and the scope of the project.

#### **VIII. Selection Process**

The evaluation committee, consisting of the [REDACTED], will review and evaluate all proposals that have been received by the submission deadline based on the criteria outlined herein. Evaluation of the proposals will be based on the information provided in the Proposers' submissions in accordance with the submission requirements of this RFP and any interviews, references, and additional information requested and/or gathered by the Trust. The Trust or its designee(s) will select the developer it determines has presented the most advantageous proposal. ***The Trust reserves the right to select the most advantageous proposal that best meets the needs of the affordable. This may not be the proposal that achieves the highest score.***

The Trust will notify all Proposers in writing of its decision.

The Trust reserves the right to disqualify any proposal or response due to insufficient supporting or explanatory information, or to request additional supporting information. The Trust may request additional information of one or more Proposers relative to a proposal or qualifications. Questions shall be in writing with the expectation of a written response within a specified time. Proposers may also be invited to appear before the evaluation committee. Failure to comply with any such request will result in rejection of the proposal at issue.

The Trust reserves the right to reject any or all proposals or to cancel this Request for Proposals at any time if doing so is in the best interest of the Trust.

## **IX. Post Selection**

### **Land Development Agreement and Ground Lease**

It is the intent of the Trust to enter into a Land Development Agreement with the selected proposer within 90 days of selection. The Land Development Agreement will be finalized after the selection process. Draft Land Development Agreement and Ground Lease can be found at Attachment G.

## **Chapter 30B Real Property Developments to Promote Public Purpose Requirements**

If the Trust determines that the public purpose of the project is best met by selling the property for less than fair market value, the Trust will post a notice in the Central Register explaining the reasons for this decision and disclosing the difference between the property value and the price to be received. This notice will be published before the Trust enters into any agreement with the selected developer.

- X. Attachments
  - A. Comparative Evaluation Criteria
  - B. Locus Map and Existing Conditions Survey
  - C. Deed, Town Meeting & Trust Votes
  - D. Draft Land Development Agreement and Ground Lease
  - E. Housing Production Plan - link
  - F. Conceptual Site Designs
  - G. Engineering reports: survey, Phase 1 Environmental
  - H. Price Proposal Form
  - I. Certificate of Tax Compliance
  - J. Certificate of Non-Collusion
  - K. Disclosure Statement
  - L. Certificate of Authority

**ATTACHMENT A**  
**Comparative Evaluation Criteria: 0 Millstone Rd, Harwich**

	Unacceptable	Advantageous	Highly Advantageous
<b>Developer Experience &amp; Capacity (Team)</b>			
<ul style="list-style-type: none"> <li>• Demonstrated experience in and capability for designing, permitting, developing and managing similar residential projects.</li> <li>• Outcome of comparable projects</li> <li>• Experience with site septic system issues</li> <li>• Property management experience with similar projects</li> <li>• The quality of the team's reputation and references, particularly in terms of its regulatory track record and ability to complete projects as proposed</li> <li>• Success in marketing approach, including affirmative fair housing marketing plans and lottery, meeting State requirements</li> </ul>	Development team members have only minimal experience in the development of projects with similar scope – including legal, design, development, financing, and management experience with rental housing.	Development team members have significant experience in the development of projects of similar scope – including legal, design, financing, affordable housing management. Significant experience (2 or more projects) including with private septic. Energy efficient buildings part of standard approach.	Development team members have significant experience in the development of projects of similar scope – including legal, design, financing, affordable housing management. Extensive experience (4 or more projects) including with private septic. Energy efficient design is their standard approach to design and development.
<b>Affordability</b>			
Proposal meets a range of incomes. At a minimum <b>all</b> of the units must be restricted to households at or below 80% AMI	Less than 100% affordable to 80% AMI.	All of the units affordable to 80% AMI	All of the units 80% affordable to 80% AMI or below with the affordability ranging from 30% AMI to 80% AMI

<b>Site Design</b>			
<ul style="list-style-type: none"> <li>• Thoughtful and efficient site design using the natural topography of the site as much as feasible</li> <li>• Efficient, safe internal traffic flow</li> <li>• Underground utilities</li> <li>• Exterior lighting – minimal impact to neighbors and night sky</li> <li>• Landscape plan including within parking area includes native plantings and, when feasible, enhances rather than replaces existing vegetation</li> <li>• Designated area for snow</li> <li>• Adequate parking for residents and visitors</li> <li>• Keep natural buffer to surrounding residential neighbors as required in the narrative (Section IV, Site)</li> <li>• Respects adjacent properties</li> <li>• Provides programmed outdoor affordable gathering space for a variety of ages.</li> <li>• Includes bike racks</li> </ul>	Proposal fails to meet the majority of the RFP criteria for site design.	The proposal meets some or all of the RFP site design criteria with thoughtful building siting, safe, efficient traffic flow, and maintains the natural buffers to surrounding neighborhoods, as required.	Proposal meets or exceeds all of criteria
<b>Infrastructure and Green Design</b>			
<ul style="list-style-type: none"> <li>• Underground utilities</li> <li>• Storm water management uses standards of low impact development</li> <li>• Buildings are located for maximum solar potential</li> <li>• Roof construction is “solar ready” (designed to support solar panels)</li> <li>• Meets green design standards for LEED, Passive House, or other comparable programs</li> <li>• Provide charging station(s) for EVs</li> </ul>	Proposal fails to meet a majority of the RFP criteria for infrastructure and green design	The proposal meets some of the RFP infrastructure and green design criteria	Proposal meets the or exceeds all of the criteria

<b>Building Design</b>			
<ul style="list-style-type: none"> <li>• Exterior is of high quality, while remaining compatible with local architectural design</li> </ul>	Design appears incongruous with local	Design reflects or complements	Design proposal articulates a creative

<ul style="list-style-type: none"> <li>• Creative design that is cost effective and high quality</li> <li>• Interior design and layouts meet a variety of household sizes and mobility needs</li> <li>• Finishes support durability and low-maintenance for tenants</li> <li>• Construction maximizes soundproofing between units</li> <li>• Provides community space for residents, preferably with kitchen facilities</li> <li>• Includes office space for management</li> <li>• Provides storage space, either in basements or sheds</li> </ul>	<p>designs, interior layout does not meet a variety of household types and mobility needs, and does not comply with a majority of the RFP criteria</p>	<p>local designs, layout provides for a variety of household types and mobility needs, Complies with a majority of the RFP criteria and preferences</p>	<p>development vision that is a cost-effective, energy efficient, attractive design that reflects and/or complements the local vernacular, and provides a variety of household types and mobility needs. Complies with all of the RFP criteria and preferences</p>
<b>Financial Feasibility</b>			
<ul style="list-style-type: none"> <li>• Adequacy of proposed budgets (development and operating)</li> <li>• Appropriateness of rents in relation to the market</li> <li>• Track record of securing proposed financing</li> </ul>	<p>Proposals does not demonstrate an understanding of development costs and operating budgets for affordable housing and/or does not have a successful record of securing financing.</p>	<p>Proposal contains realistic development and operating budgets and evidence of success in securing necessary financing.</p>	<p>Proposal contains realistic development and operating budgets and evidence of a high degree of success in securing necessary financing and other sources of funding.</p>

<b>References, Site Visits, and Interviews</b>			
<ul style="list-style-type: none"> <li>• A minimum of three references including references from all projects undertaken in the last 10 years</li> <li>• The evaluation committee may choose to visit proposers' completed projects</li> </ul>	<p>Did not provide minimum of 3 references not met, or references were poor and/or</p>	<p>Strong references reflecting projects came in on time and within budget, good property</p>	<p>Strong references reflecting timely completion, excellent budget control, excellent</p>



	<p>inadequate. Properties visited were in poor condition.</p>	<p>management structure. Properties visited were in good condition, site layout was efficient, and buildings were well designed.</p>	<p>property management structure and professionalism of developer. Properties visited were in great condition, site layout building design, and landscaping excellent, and use of energy efficient and durable materials.</p>
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**HARWICH AFFORDABLE HOUSING TRUST**

**REQUEST FOR PROPOSALS (RFP)**

**Sale of Property at 0 Pleasant Lake Avenue and 456 Queen Anne Road, Harwich**

**Exhibit H**

**PRICE PROPOSAL FORM**

**PRICE**

*Please write your proposal offer:*

---

Print/Type your proposal amount above in written form

---

Print/Type your proposal amount above in number form

**Note:** *Both the written form and the number form should indicate the same total amount. If there is a conflict between the written form and the number form amounts, the written form will control.*

---

Name of proposer

---

Name of person signing proposal

---

Signature of person signing proposal

---

Date

---

Title

---

Address

**(Note: This form must be included in the proposal submission)**

**HARWICH AFFORDABLE HOUSING TRUST**

**REQUEST FOR PROPOSALS (RFP)**

**Sale of Property at 0 Pleasant Lake Avenue and 456 Queen Anne Road, Harwich**

**Exhibit I**

**CERTIFICATE OF TAX COMPLIANCE**

Pursuant to Chapter 62C, §49A(b) of the Massachusetts General Laws, I,

\_\_\_\_\_ authorized signatory for  
(Name)

\_\_\_\_\_, do hereby certify under the pains and  
(Name of Proposer)

penalties of perjury that said proposer has complied with all laws of the Commonwealth  
of Massachusetts relating to taxes.

Signature: \_\_\_\_\_

Printed name: \_\_\_\_\_

Title: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Date: \_\_\_\_\_

**(Note: This form must be included in the proposal submission)**

**HARWICH AFFORDABLE HOUSING TRUST**

**REQUEST FOR PROPOSALS (RFP)**

**Sale of Property 0 Pleasant Lake Avenue and 456 Queen Anne Road, Harwich**

**Exhibit J**

**CERTIFICATE OF NON-COLLUSION**

The undersigned certifies under the pains and penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals.

Signature: \_\_\_\_\_

Printed name: \_\_\_\_\_

Title: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Date: \_\_\_\_\_

**(Note: This form must be included in the proposal submission)**

**HARWICH AFFORDABLE HOUSING TRUST**

**REQUEST FOR PROPOSALS (RFP)**

**Sale of Property at 0 Pleasant Lake Avenue and 456 Queen Anne Road, Harwich**

**Exhibit K**

**DISCLOSURE STATEMENT FOR**  
**TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY**  
**M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)**

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains and penalties of perjury, the following information as required by law:

(1) Real Property:

in parcel of land located at 0 Pleasant Lake Avenue and 456 Queen Anne Road, Harwich, containing 12 acres of land, more or less, and shown as “\_\_\_\_\_” on a plan entitled “\_\_\_\_\_,” dated \_\_\_\_\_, 2021, and described in a deed recorded with the Barnstable Registry of Deeds in Book 34262, Page 277.

(2) Type of Transaction, Agreement, or Document: Sale of Property by Harwich Affordable Housing Trust

(3) Public Agency Participating in Transaction: Harwich Affordable Housing Trust

(4) Disclosing Party’s Name and Type of Entity (if not an individual):

(5) Role of Disclosing Party (Check appropriate role):

\_\_\_\_ Lessor/Landlord \_\_\_\_ Lessee/Tenant

\_\_\_\_ Seller/Grantor \_\_\_\_ Buyer/Grantee

\_\_\_\_ Other (Please describe): \_\_\_\_\_

(6) The names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a time share that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c. 7C, s. 38, are hereby disclosed as follows (attach additional pages if necessary):

NAME

RESIDENCE

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(7) None of the above- named persons is an employee of the Division of Capital Asset Management and Maintenance or an official elected to public office in the Commonwealth of Massachusetts, except as listed below (insert “none” if none):

(8) The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

*No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.*

*Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.*

*The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.*

(9) This Disclosure Statement is hereby signed under penalties of perjury.

---

Print Name of Disclosing Party (from Section 4, above)

---

Authorized Signature of Disclosing Party

Date (mm / dd / yyyy)

---

Print Name & Title of Authorized Signer

**(Note: This form must be included in the proposal submission)**

**HARWICH AFFORDABLE HOUSING TRUST**

**REQUEST FOR PROPOSALS (RFP)**

**Sale of Property at 0 Pleasant Lake Avenue and 456 Queen Anne Road, Harwich**

**Exhibit L**

**CERTIFICATE OF AUTHORITY**

Give full names and residences of all persons and parties interested in the foregoing proposal:

(Notice: Give first and last name in full; in case of a corporation, give names of President and Treasurer; in case of a limited liability company, give names of the individual members, and, if applicable, the names of all managers; in case of a partnership or a limited partnership, all partners, general and limited and; in case of a trust, all the trustees)

NAME	ADDRESS	ZIP CODE
------	---------	----------

_____	_____	_____
_____	_____	_____
_____	_____	_____

Kindly furnish the following information regarding the Respondent:

**1) IF A PROPRIETORSHIP**

Name of Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Home: \_\_\_\_\_

**2) IF A PARTNERSHIP**

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Names and Addresses of Partners

PARTNER NAME	ADDRESS	ZIP CODE
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_____	_____	_____
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3) IF A CORPORATION OR A LIMITED LIABILITY COMPANY**

Full Legal Name: \_\_\_\_\_

State of Incorporation: \_\_\_\_\_

Principal Place of Business \_\_\_\_\_

Qualified in Massachusetts: Yes \_\_\_\_\_ No \_\_\_\_\_

Place of Business in Massachusetts: \_\_\_\_\_

**4) IF A TRUST**

Full Legal Name: \_\_\_\_\_

Recording Information: \_\_\_\_\_

Full names and address of all trustees:

NAME	ADDRESS	ZIP CODE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature: \_\_\_\_\_

Printed name: \_\_\_\_\_

Title: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Date: \_\_\_\_\_

**(Note: This form must be included in the proposal submission)**