

## TOWN OF WILLISTON, VERMONT

### HOUSING TRUST FUND

**Adopted:**

#### Williston Selectboard

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Abstract: There is a shortage of affordable housing and housing that is affordable is important for the long-term economic viability of Williston and the region. The purpose of this Ordinance is to establish a Housing Trust Fund for the promotion, retention and creation of long-term affordable housing for very low or low income households.

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## Article I. Authorization

This ORDINANCE is adopted under authority granted to municipalities in 24 V.S.A. § 1971.

## Article II. Statement of Purpose

It is the purpose of this ordinance:

- 1) To establish a Housing Trust Fund for the promotion, retention and creation of long-term affordable housing for very low and low income households.
- 2) To distribute gifts, grants or loans to organizations or projects that promote, retain or create long-term affordable housing for very low or low income households.
- 3) To distribute "capacity grants" to 501(c)(3) tax-exempt, nonprofit corporations organized and operated for the purpose of creating or preserving housing for very low and low income households.
- 4) To establish a Housing Trust Fund Advisory Board

## Article III. Definitions

The following definitions shall apply in the interpretation and enforcement of this article:

**(a) Affordable Housing:**

Consists of dwellings that will be made available for rent or for sale at prices which allow them to be rented or acquired by households having incomes of no more than 80% of the median household income for Chittenden County, as defined by the United States Department of Housing and Urban Development, and adjusted for family size, without spending more than thirty (30) percent of their incomes on housing costs. Housing costs for renters shall include rent and utilities (heat, hot water, trash removal, and electricity). For homeowners, housing costs include mortgage (interest and principal), property taxes, and property insurance. To qualify as 'affordable,' the future rent or price of resale of a unit must be restricted to a rate of appreciation established by agreement with a housing trust, a non-profit housing organization, or a public housing agency, as authorized by 27 V.S.A. § 610.

**(b) Capacity Grant:**

A gift or grant that supports the staffing, training, planning, fundraising and/or on-going operations of a nonprofit corporation, thereby increasing that corporation's capacity to create or preserve housing for very low and low income households.

**(c) Limited Equity Cooperative Housing Corporation:**

A Vermont corporation organized under Title 11, Chapter 14 of the Vermont State Statutes.

**(d) Low Income household:**

Low income household: A household having an income not exceeding eighty (80) percent of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to [42](#) U.S.C. section 1437 et seq.

**(e) Very low income household:**

A household having an income not exceeding fifty (50) percent of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

## Article IV. Establishment of Housing Trust Fund

**(a) Establish Trust Fund**

The Williston Selectboard hereby establishes a special revenue account under the name of the "Williston Housing Trust Fund."

**(b) Deposit of Revenues**

Into this account shall be deposited funds appropriated from the Town's General Fund, impact fees collected under the Town's Development Bylaws, if adopted, bequests and donations from public and private sources, and any other revenues specifically dedicated to the housing trust fund by written agreement or by vote of the Selectboard.

## Article V. Management of Housing Trust Fund

**(a) Establish Advisory Board**

The Williston Selectboard hereby establishes a Housing Trust Fund Advisory Board. The manner of appointment, term lengths, number of members and other related details shall be determined by the Selectboard.

**(b) Role of Advisory Board**

The Advisory Board shall meet as needed to:

- 1) To investigate the housing needs of Williston;
- 2) Investigate possible administrative agents and recommend to the Selectboard one for appointment;
- 3) Monitor program activities;
- 4) Prepare and submit to the Selectboard an annual report on the accomplishments and activities of the Trust Fund; and
- 5) Develop and submit for approval to the Selectboard an annual work plan.

**(c) Financial Management**

The Town Manager or his/her designee shall serve as the manager of the housing trust fund. The responsibilities of the manager, subject to the orders of the Selectboard, shall include:

- 1) Maintaining the financial and other records of the housing trust fund;
- 2) Disbursing and collecting housing trust fund monies; and
- 3) Providing a financial report periodically to the Selectboard, but not less than every twelve (12) months.

**(d) Administrative Management:**

An administrative agent will be appointed by the Selectboard upon recommendation by the Advisory Board and under such terms and conditions set by the Selectboard to:

- 1) Execute the annual work plan;
- 2) Solicit applications for assistance;
- 3) Provide technical assistance to potential applicants;
- 4) Recommend project or programmatic award decisions to the Advisory Board;
- 5) Report on expenditures and commitments of the housing trust fund, administrative costs and activities, and accomplishments through the awards made by the housing trust fund.;
- 6) Monitoring of project and program activities; and
- 7) Enforce project or program requirements.

## Article VI. Distribution and Use of Housing Trust Fund Assets

**(a) Distribution/use in furtherance of public purposes.**

All distributions of principal, interest or other assets of the housing trust fund shall be made in furtherance of the purposes set out in this ORDINANCE, including such disbursements as may be necessary to support the housing trust fund's own operations.

**(b) Disbursement as gifts, grants or loans.**

During each year, the housing trust fund shall disburse as gifts, grants and/or loans so much of the housing trust fund's assets as the Selectboard, in its discretion, may deem appropriate in the annual work plan.

**(c) To whom made.**

These disbursements may be made to nonprofit corporations, municipal corporations, limited equity cooperative housing corporations, for-profit corporations, partnerships and/or individuals.

**(d) To whom prohibited.**

No gifts, grants or loans shall be awarded by the housing trust fund to corporations, partnerships or individuals who are delinquent, at the time of application, in the payment of property taxes or impact fees to the Town of Williston, who have been convicted of arson, who have been convicted of discrimination in the sale or lease of housing under the fair housing laws of the State of Vermont, or who have pending violations of current electrical, plumbing, building or housing codes or zoning ordinances.

***(e) Priority of disbursements.***

Priority in all disbursements intended for use in acquiring, constructing, rehabilitating and/or financing housing units shall be given, in the following order of preference, to projects that guarantee:

- 1) The perpetual affordability of these units for very low or low income households;  
or
- 2) A term of affordability of these units for very low or low income households that has a duration of from ten (10) to forty (40) years together with the eventual recapture and return of these public subsidies to the housing trust fund.

## Article VII. General Provisions

If any portion of this ORDINANCE and any amendments made hereto are held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ORDINANCE and amendments made hereto shall not be affected and shall remain in full force and effect. If any statute referred to in this ORDINANCE shall be amended, this ORDINANCE shall be deemed to refer to such amended statute.