

Housing Bank panel hears from Fernandes, Cyr

Statewide enabling legislation to be filed in order to 'streamline' proposed transfer fee.

By **Abigail Rosen** - October 25, 2022



Members of the Housing Bank Review Committee meet with state Rep. Dylan Fernandes and state Sen. Julian Cyr at Edgartown Town Hall Monday. -Abigail Rosen

The Housing Bank Review Committee (HBRC) welcomed state Sen. Julian Cyr, D-Truro, and Rep. Dylan Fernandes, D-Falmouth, at its meeting in Edgartown's Town Hall on Monday evening, after acknowledging the need to seek input from state representatives regarding the proposed legislation for the Martha's Vineyard Housing Bank Act.

This comes after the committee, at its last meeting in August, discussed how to get its proposed transfer fee bill codified after a similarly structured bill for Nantucket was withdrawn from consideration as the official legislative session came to a close.

The amendment acknowledging Nantucket's home rule petition for a Housing Bank transfer fee — which was part of an omnibus economic development bill — was expected to be vetoed by Republican Gov. Charlie Baker; Cyr subsequently made the decision to withdraw it and bring it back next legislative session.

After all six towns voted in favor of the Housing Bank at town meetings earlier this year, an advisory committee — composed of representatives of each of the six Island towns — was

created, and then tasked with reviewing and modifying the Housing Bank Act, in addition to considering suggested amendments from Island residents and entities.

The goal was, through the work of the Housing Bank Review Committee, that the Island would be able to come up with a finalized — and more likely to be passed — piece of legislation that would then be presented to the state for ratification.

The HBRC includes Aquinnah housing committee chair and town moderator Mike Herbert, Chilmark select board chair Jim Malkin, Edgartown town administrator James Hagerty, Oak Bluffs affordable housing committee chair Mark Leonard, Tisbury finance committee member Rachel Orr, and West Tisbury select board member Jessica Miller. There were also a handful of Island residents on hand to discuss the Housing Bank legislation.

Malkin explained that Cyr and Fernandes, along with their staff, had reviewed the home-rule M.V. Housing Bank Act, and that the goal was for them “to come back to [the HBRC] with what they think we might do to best ensure that a transfer fee is passed by the legislature.”

“I think everyone in this room, and certainly it is the will of the Island, that we do something about housing, and we do it with money collected [and] based upon a transfer fee of property,” Malkin said.

Fernandes said that the idea of a Housing Bank funded by property transfer fees has been floated for years, with an increasing number of municipalities filing home-rule petitions for their towns.

“There’s a lot of municipalities that want this,” he said; “we can’t just do a one-off. There should be some consistency across the state.”

Because of this, Fernandes said, he was prompted to file a statewide piece of enabling legislation that would allow for a local option, “for cities and towns to do what they choose, without home-rule petitions.”

Fernandes drew parallels between the transfer fee legislation and the short-term rental bill, which was initially filed nearly two decades ago and eventually passed, “with a critical mass of home-rule petitions.” He said the Housing Bank transfer fee bill will be modeled in a similar way, and would allow municipalities flexibility to tailor the legislation specific to their respective aims.

Martha’s Vineyard is in a unique position, Fernandes said, as the six towns are operating as one entity in their aim for a transfer-fee-funded Housing Bank.

The transfer fee portion of the legislation, Fernandes said, will “only happen on the statewide level.”

“There’s a massive list of people pushing this,” Fernandes said, including Boston Mayor Michalle Wu, who has it as “her No. 1 legislative priority.”

Fernandes said he’s hopeful for the passing of the statewide enabling legislation, especially upon the likely election of Maura Healy as governor, who “is significantly more supportive of us than the current administration.”

“The stars are really aligning in a lot of ways,” he said, referring to yearslong efforts to alleviate affordable housing shortages. Now, he said, “I think it will actually happen.”

Cyr commented on the massive amount of work that went into the process, and praised the Island for its ability to garner votes in favor of the Housing Bank at town meetings earlier this year.

“It’s often hard to get all six towns on this Island pulling in the same direction,” he said.

With two months left on the legislative calendar, Cyr emphasized the need to move forward in an expeditious manner, but honed in on the home-rule petition for the M.V. Housing Bank, which has been thoroughly reviewed by him and his staff, and his counsel.

Cyr offered his recommendation, that HBRC consider “slimming down” the 27-page act,

and suggested submitting a less restrictive one that would allow for more flexibility. Ultimately, Cyr explained, it would be ideal to allow room in the act for potential changes; “to adapt and evolve.”

Things like the strict environmental mitigation measures detailed in the Island’s act prevent growth in a changing community, Cyr said, noting that environmental standards often shift. Being bound to a weighty and inflexible piece of legislation would force the Island to return to the state to make even small changes.

Cyr noted that with the enabling legislation regarding transfer fees, the final version of the statewide bill will “probably be different” than “the confines [of] the transfer fee that was adopted in the six Island towns.”

But, he said, “we have to sort of balance the interests, desires, and needs” of all of the municipalities in the district and the state.

The review committee mulled over the information, with some members expressing concern over making any changes to an already-voted-upon act. Similarly, members noted the exhaustive work and difficulty of finally reaching consensus on the act to present to voters in the first place.

John Abrams of the Coalition to Create the M.V. Housing Bank (CCMVHB) commented on the response to the hefty 27-page act, noting that without a detailed and specific aim for what the Housing Bank ought to accomplish, fewer Islanders would have supported it. “The precision is there because of people’s fears,” he said. “It is what people voted for.”
