

Vermont Housing & Conservation Board
MINUTES
Thursday, March 19, 2020
VHCB Conference Room
58 East State Street
Montpelier, VT

Board Members: David Marvin, Neil Mickenberg, Emily Wadhams, Maura Collins (Executive Director of VHFA), Billy Coster (designee of Julie Moore; Secretary of ANR), Tom Yahn, Diane Bothfeld (designee of Anson Tebbetts, Secretary of VAAF), Alison Harte (designee of Mike Smith; Secretary of Human Services) (All Board Members called in)

VHCB Staff: Gus Seelig, Elizabeth Egan, Anne Duffy, Marcy Christian, Jen Hollar (In person), Mark Martin, Nancy Everhart, Karen Freeman, Beth Schwarz, Jenny Hyslop, Larry Mires, Beth Schwartz, Martin Hahn, Ron Rupp, Bill Dell'Isola, Kim Foss

Others Present: Britt Haselton, Adam Piper (Vermont Land Trust); Jane Lazorchak (Vermont Department Fish & Wildlife); Amy Demetrowitz, Michael Monte (Champlain Housing Trust); David Riegel (Vermont Foundation of Recovery); Rick Zamore, Gail Nunziata (Broad Brook Community Center, Inc.); Steve Libby (Vermont River Conservancy); Sam Burr (Farmer)

Neil Mickenberg called the meeting to order at 10:03 am. He explained because the COVID-19 crisis, the board, most staff and guests are participating by phone. Board votes will be done with a Roll Call voice vote. He welcomed everyone to the meeting from around the state.

Board Roll Call:

Neil Mickenberg - Present
Emily Wadhams - Present
Maura Collins - Present
Billy Coster - Present
Diane Bothfeld - Present
Alison Harte - Present
David Marvin - Present
Tom Yahn - Present

Public Comment

There was no public comment.

PROJECT PRESENTATIONS

Gus explained the project presentation process. Staff will introduce each project with applicants giving project updates. Board members may ask questions at any time.

Recovery Housing, Colchester – Champlain Housing Trust 2020-029-001

Champlain Housing Trust originally requested \$800,000 and VHCB is recommending a VHCB award of \$600,000. Jenny Hyslop introduced the project and reminded the Board that in advance of the Board's September 2019 meeting, Champlain Housing Trust's proposal had involved converting three buildings in CHT's portfolio into Recovery Housing, to be operated by Vermont Foundation of Recovery (VFOR). However, prior to the Board meeting when the recommendation would have been considered, CHT asked that VHCB staff withdraw the recommendation for funding so that they could continue to work with the town of Essex to ensure that the project design and implementation met the needs of the community.

Amy Demetrowitz and Michael Monte from Champlain Housing Trust and David Riegel from Vermont Foundation of Recovery presented updates on the project. Amy explained, after the additional experience of working with the community of Essex, Champlain Housing Trust has come back to us with a proposal that has the same objective – creating 32 beds of recovery housing, in three CHT-owned buildings, with resulting cost savings that are intended to help bring this model to scale throughout Vermont in partnership with Vermont Friends of Recovery (VFOR). She outlined the two important changes that have occurred since September, which are outlined below:

1. Phasing: CHT is now proposing a phased approach to gradually bring the 32 beds online over a one-year period. This approach has been designed to take the concerns of the community into account.
2. Reduction in award recommendation: Another ongoing concern for staff has been the size of the requested award, in that it exceeds per unit awards for similar projects.

Jenny spoke about the housing crisis for people in recovery. This project will create a peer support community and involve an important housing/support organization partnership. This project could be a model for these types of partnerships around the state. Amy updated the board that the project has been awarded \$200,000 from the Hale Family Foundation. David Riegel from VFOR explained the process of working on this project has strengthened the relationship between CHT and VFOR.

Tom Yahn asked how long it would take to replicate this model in other areas of the state. David explained that they are working with partners throughout the state. Additional financial resources will be needed for the success of this work. Maura Collins voiced her support of the project as a resident of Essex. Alison thanked the partners for their work on the project and asked about affordability for very low income clients. David explained that this project will serve very low-income clients but wanted to leave it open for people of higher incomes. They anticipate that about 75% of their clients are eligible for Medicaid and they want to leave room for people to work and have an income. Clients are required to volunteer or work to contribute towards their living expenses. VFOR is collaborating with local businesses for these opportunities. David explained the mission of VFOR and services offered. The program supports people in their recovery by providing a safe, supportive living environment. Participants need to be active participants of their own recovery. The organization began in 2013 and they operate six homes and serve 43 individuals.

Broad Brook Community Center, Guilford
2020-052-001 Broad Brook Community Center, Inc.
2020-052-002 Preservation Trust of Vermont

The Broad Brook Community Center, Inc. (BBCC) has requested \$60,000 in funding to help with the costs of interior and exterior restoration of the former Grange hall in Guilford, and \$7,500 for Preservation Trust of Vermont for associated historic preservation easement and stewardship costs. Karen Freeman explained the community center has been owned by BBCC since 2015. BBCC, a 501(c)(3) nonprofit, was created for the purpose of purchasing and renovating the building and grew out of a 2014 Community Visit by the Vermont Council on Rural Development. Rick Zamore and Gail Nunziata from Broad Brook presented updates on the project. Guilford currently lacks a centralized, accessible and inclusive space for social, civic, educational and recreational activities. The Broad Brook Grange hall is adjacent to the town library, meeting house and historical society, and is a short walk from the town offices and the Guilford Central School and provides a much-needed “center of gravity” in town.

Phase 2 of the renovations are scheduled for 2020 and will include an elevator to the second floor auditorium (currently inaccessible to people with mobility issues), a sprinkler system, insulation, interior and exterior paint, window restoration and weatherization and floor refinishing. The total cost of Phases 1 and 2 is estimated at \$1,450,000 and the BBCC has raised over \$1 million in grants, historic tax credits, and individual contributions and pledges.

Rick said that this is the most beloved building in town and the project will make it much more useable. Gail noted that the property has been put into new uses during the coronavirus situation with the public accessing free broadband from the parking lot and the property a pick-up site for school lunches. There was a brief discussion about parking and Rick assured the board that there is ample parking on site. Emily commended the group for their fundraising efforts and responsiveness to meeting community needs during this time of self-isolation.

Dorset Quarry Swimming Hole, Dorset – Vermont River Conservancy
2020-054-001

Vermont River Conservancy has requested \$50,000 in VHCB funds with VHCB staff recommending an award of \$25,000. Mark Martin presented the project. The Dorset Quarry Swimming Hole is an historic resource that is listed on the Vermont State Register of Historic Places. It is the oldest marble quarry in the United States, opening in 1780 as the Norcross West Quarry, and closing in 1921. Since that time, it has been a very popular swimming destination, with up to 300 people a day visiting in the summer. In 2016, VHCB conserved the Gettysburg Quarry Property as a Town Forest for Dorset, which is located less than a mile from this project. Protecting the Dorset Quarry would greatly contribute to the recreational opportunities for the community.

Steve Libby from the Vermont River Conservancy provided updates on the project. One of the primary purposes of the Vermont River Conservancy is to protect important, popular swimming holes throughout the state. Dick and Kirsten McDonough, who approached VRC in 2019 after decades of providing free public access, currently own the quarry. Since VRC accepted the offer, the McDonough’s and VRC have developed a plan where the property would be donated to Vermont

Riverlands, LLC, and the Vermont River Conservancy and VHCB would co-hold a conservation easement.

Mr. McDonough is currently working on an agreement to sell a 3.25-acre parcel abutting the quarry to Ryan Downey. Recently, a 100 space parking area for the swimming hole was constructed on this site. Mr. Downey intends to charge a parking fee to pay for the acquisition as well as to offset the costs of site development and management costs. VRC, the McDonough's and Mr. Downey are developing a comprehensive management plan that would ensure public access, protect the historic nature of the quarry, be mindful of neighboring property owners and provide long term financial support to VRC for ownership expenses and management costs.

Billy Coster had several questions about zoning permits and Act 250 requirements. Steve explained that the permits were obtained and the project did not need Act 250 review. There is parking for about 50 cars on Route 30, which is walking distance to the quarry. There was a brief discussion about the Vermont River Lands LLC, which was created for this type of project because of liability issues. Diane asked about the future of the parking lot and Steve explained that VRC has the right of first refusal to purchase if necessary in the future. The issue of affordability of the parking spaces was discussed. There will be a \$10/car fee charged for parking with be several free spots in the off-season and the parking along Rte. 30 is free as well. The town would also like to have free access to local residents and veterans. Tom mentioned that winter use for skating is as high as summer use on a water body in his area and he asked the group to think about managing that potential demand.

Fitzgerald, Colchester – Vermont Department of Fish & Wildlife 2020-056-001

Vermont Department of Fish & Wildlife (DF&W) has requested funds of \$459,290 grant to help fund the fee acquisition and restoration of 124 acres of farmland in Colchester along the Winooski River. Nancy Everhart presented the project. She explained this former dairy is located entirely in the floodplain, and much of the property is subject to regular flooding. The owner, Pat Fitzgerald, sold the dairy herd about two years ago, due in part to the lack of manure management infrastructure, and the extraordinary estimated expense, and permitting hurdles, of siting a manure pit in a floodplain and/or floodway. The tillable land will gradually be restored to floodplain forest and wetlands, and the property will be managed as a Wildlife Management Area (WMA).

Jane Lazorchak from DF&W provided updates to the project. She explained a primary goal of this project is to improve water quality in the Lake Champlain Basin through natural processes – permanent conservation and restoration. There is a diverse group of stakeholders including; VT Agency of Agriculture, Food & Markets (VAAF), The Nature Conservancy (TNC), DF&W, UVM Extension (business planner) and VHCB. This group has been working for several years with the Fitzgeralds. The buildings will be removed from the property as part of the restoration. Jane explained that the Pine Island area has several other projects that may add to the Wildlife Management Area in the years to come.

Langmaid Farm, Danville (2018-055-001) – Vermont Land Trust

Vermont Land Trust has requested \$298,000 in VHCB funds. Nancy Everhart presented the project. The farm is located in scenic North Danville and is in the midst of a transition. Owners Don and Dianne Langmaid sold most of their dairy herd in 2018. Their son Jake now lives at the farm, tending a growing herd of beef cattle, and managing the farm's sizable woodland acres, selling firewood and lumber cut in his portable sawmill. Don and Dianne's plan is to sell the development rights likely facilitating an intergenerational transfer to Jake. He has been strongly encouraged to enroll in VHCB's Farm & Forest Viability program, for help in business and transfer planning.

Britt Haselton from Vermont Land Trust gave updates to the project. He explained that the two generations have not yet worked out the details of this transfer. If the Langmaid family has not agreed upon a transfer before the easement closing, a condition requires a written lease of at least 3 years between them (or with another farmer) to meet the requirement that a farm to be conserved will remain in active operation.

Billy asked about the timeline of the project and wondered if more time was needed to work out the details of the transfer. Britt explained that Don and Dianne want to move forward on conserving and selling their farm now. They want the land conserved and to be kept in farming but need to plan their retirement as well. If they cannot work out a transfer with their son, they have asked VLT to help them find a farm buyer.

Burr Retro OPAV, Monkton (1989-100-005) – Vermont Land Trust

Vermont Land Trust has requested \$130,000 in VHCB funds to purchase a retroactive Option to Purchase at Agricultural Value (OPAV) on the Last Resort Farm in Monkton. The farm is currently owned by the Burr - Doyle family. Mark Martin presented the project. He explained that Sam Burr and Eugenie Doyle conserved the Last Resort Farm in 1991. At the time it was conserved, it was a dual goal housing and agricultural project. The housing component created twelve lots, four of which are affordable single-family homes, currently owned by Addison County Community Trust. In 2017, Sam and Eugenie entered into a lease to sell agreement with their son Silas Doyle-Burr. After being away from the farm for several years, Silas returned to Last Resort Farm and has worked there for the last 6 years. Under the lease to sell agreement, Silas became the owner and manager of the farm's LLC (Last Resort Farm, LLC) and will own the land and infrastructure as Sam and Eugenie phase out of the business. Silas has worked with the Vermont Farm and Forest Viability Program.

Adam Piper from Vermont Land Trust and Sam Burr provided updates on the project. Adam pointed out that this project was one of the first conserved farms in our portfolio. The project has been evaluated for water quality issues and buffer zones have been added. Sam Burr talked about the importance of the ecological protections. He also talked about the issue of family transfers. His family has made use of both the Viability Program and the farm mediation program. In face of the current crisis, they have many visitors coming to farm to get their produce. Neil thanked Sam for his service.

Consent Agenda

David made the motion to approve the Consent Agenda. Billy seconded the motion. Anne pointed out a correction to the resolution for the Homeland Project (2002-068-000); the correct award amount is \$188,652 with four homes. All voted in favor of the motion.

Roll Call

Alison – yes
Maura – yes
Billy – yes
David – yes
Emily – yes
Tom – yes
Diane – yes
Neil - yes

The Consent Agenda consisted of:

- 1) Red Clover, Brattleboro (BHA) (2014-091-002)
- 2) Lamson Pond Fen, Brookfield (TNC) (2020-055-001)
- 3) Groundworks Collaborative Supplemental Award, Brattleboro (GC) (2019-074-001)
- 4) Proposed changes to Federal Housing Policies
- 5) '20 Funds for Homeownership Pool (2000-068-000)
- 6) Hedding Drive Loan Modification (RACDC) (1989-095-001)
- 7) FFVP Authorizations
- 8) Authorization to apply for NRCS for ACEP and RCPP-ALE Funds
- 9) Decommittments

Lead Program Update

Ron Rupp presented the update. He gave a brief overview of the program. He highlighted changes to policies and priorities. He also gave an update on staffing. Matthew Hill has been hired as the Lead Director and they are about to offer the Lead Project Manager position to an excellent candidate.

Emily made the motion to approve the resolution regarding changes to the policies and priorities of the Lead Program. Diane seconded the motion. All voted in favor of the motion.

Roll Call

Alison – yes
Maura – yes
Billy – yes
David – yes
Emily – yes
Tom – yes
Diane – yes
Neil - yes

Staff's Report

Gus had updates to his written report to the Board. Gus thanked everyone for participating on the phone meeting. He explained that almost all VHCB staff is working remotely at this point. Huge thanks to Bob Zatzke for his tireless work in this area. There are challenges but people are working hard through those challenges. Several employees are losing childcare, which will make working more difficult. Management team is meeting daily by phone.

Gus provided testimony before Senate Appropriations Committee. It is unclear how COVID-19 crisis will affect state funding. VHCB is working with our partners to address various needs. Harbor Place will be repurposed for the homeless population who are vulnerable to illness. We will continue to work throughout the state to provide support where we are needed. He welcomed three new employees: Matthew Hill, our new Lead Program Director, Bill Dell'Isola, the new Conservation Analyst and Kim Foss, our new Legal Assistant. In addition, as Ron mentioned, the Lead Program is about to hire a new staff member for the lead team. Rick DeAngelis' job has been posted as well. Emily asked about staff working at home and Gus explained that everyone except Laurie are working remotely.

Financials/IT Report

Anne talked about staff working remotely. Our new database and the addition of our electronic document system have made this move much more doable. There have been some bumps in the road but overall things are good. There may be impacts on the budget with staff working at home. Marcy reported that staff have just completed a tech survey and the results will help assist tech team in determining staff needs. Neil asked if the first phase of the database project is now complete. Marcy explained that Phase 1 has been completed and the survey and current conditions will help to identify needs for Phase 2.

Minutes

Alison moved approval of the minutes from the January 24, 2020 board meeting. Emily seconded the motion. There was no discussion. All voted in favor.

Roll Call

Alison – yes
Maura – yes
Billy – yes
David – yes
Emily – yes
Tom – yes
Diane – yes
Neil - yes

Policy Issues: Water Quality Services, Lower Winooski and Other Watersheds

Gus discussed the memo that was sent to the Board about supporting Act 76 and the surface waters of Vermont. After several meetings between ANR and the Department of Environmental Conservation staff are exploring different roles VHCB might play in the clean water realm, including applying to be a service provider. Gus proposed that staff work on this project and report to the board at our next meeting. Many of our partners have expressed strong support for us being involved at some level. At the same time, the Regional Planning Commissions also have a strong interest in being service providers in the regions that they serve. Billy added that ANR thanked Gus and staff for being willing to be involved in these discussions. Board members had questions about liability issues, the financial impact on VHCB, and if this work would take away from the staff's focus on our core mission.

Maura wondered if it might necessary to have a board meeting in the month of April to address this and several other issues dealing with the current Covid-19 crisis. VHFA has been talking about providing grant support to our partners. Housing organizations are dealing with property management expenses, difficulties with rent collection, providing more support to the elderly. There may be construction delays that will delay development fees. Organizations are also being asked to do things that involve risks such as Champlain Housing Trust's work at Harbor Place, which they hadn't anticipated before this crisis arose. There was a board discussion about the current crisis and its effects around the state. David Marvin talked about the stress to his employees of running his business right now. They are having trouble keeping up with the demands of the public. Diane talked about just of few of the issues facing farmers: the loss of food service orders, farmer markets being closed, and continuing stresses for already struggling dairy farmers. Alison reported about human services struggles including helping the homeless population. Front line staff are feeling anxious as well. Billy talked about ANR and how they are looking at permit processing issues and how they may be able to help. Karen reported that our conservation partners are helping to promote outside learning basics for kids while parents are homeschooling. They are concerned as many of their fundraising activities have been canceled and these events provide much-needed funds for their work around the state.

Deliberations:

Housing Projects

Recovery Housing

2020-029-001

Diane made a motion to approve the Recovery Housing resolution. Emily seconded the motion. Alison said the Agency of Human Services had the following significant issues with the project. Affordability of the site for residents and income limits might be too high and the potential for eviction and resulting homelessness were concerns, as well as, concentrating the population on the site. As a result, she could not support the project. Initially Maura had some of same concerns but explained she has learned that there is a scholarship fund to cover the \$140 weekly fees until the individuals can earn the money themselves. This fund goes long way to help with those who cannot afford the fee. Jenny explained that in addition to the scholarship fund, case management and transition plans help residents. Residents are not kicked out of housing on a Friday afternoon. There is coordination with local providers and people sometimes leave but can be admitted back in to the housing at a later date. VFOR is committed to recovery and they do not want people to be homeless. There was a brief discussion about the concentration concern with this many units in one location. Peer support is a very important piece of the recovery puzzle. There is also a cost savings to having this number of beds in one location. This project with this number of units may work in Chittenden County but may not be appropriate in other areas of the state. The phasing approach to this project will also help staff see if this number of units is an issue. Alison said that the Agency is concerned with stigma rather than safety. Jenny explained that this is transitional housing and people will move on from this site. Neil thought this project worked because of the location being part of a larger community. The motion passed.

Roll Call

Alison – no

Maura – yes

Billy – no
David – yes
Emily – yes
Tom – yes
Diane – no
Neil - yes

Conservation Projects

Broad Brook Community Center	2020-052-001 & 2020-052-002
Dorset Quarry Swimming Hole	2020-054-001
Fitzgerald	2020-056-001
Langmaid Farm	2018-055-001
Burr Retro OPAV	1989-100-005

David made a motion to approve the above listed resolutions as a block. Alison seconded the motion. Billy had concerns about the parking situation and wanted to have more discussion in the future if this situation comes up with other projects. Gus assured him that we would be mindful of these situations. Tom had some concerns about the family transfer situation with the Langmaid Farm and hoped that the young farmer would take advantage of resources available through the Viability Program. All voted in favor of the motion. Emily & David abstained from the Preservation Trust of Vermont Stewardship award for the Broad Brook Community Center, Billy abstained from Fitzgerald project.

Roll Call

Alison – yes
Maura – yes
Billy – yes abstained from Fitzgerald project
David – yes abstained from BBCC PTV Stewardship
Emily – yes – abstained from BBCC PTV Stewardship
Tom – yes
Diane – yes
Neil - yes

Other business:

There was no other business.

The meeting adjourned at 12:48.

Respectfully submitted,
Marcy Christian

Resolutions

54-60 South Main Street Groundworks Collaborative 2019-074-001

Resolution

To score the application “9” for need, “10” for impact and “8” for quality, and to award the Groundworks Collaborative (the "Developer") UP TO \$35,000 in additional VHCB funds for construction and related costs.

This award is subject to the following conditions and restrictions:

1. All conditions and restrictions of VHCB’s original grant for the 54 South Main Street (VHCB #2019-074-001) shall apply to this award.
2. VHCB’s review and approval of the financial and legal structure of the proposed Opportunity Zone financing prior to closing.

Lamson Pond Fen The Nature Conservancy #2020-055-001

Resolution:

To score the application 8 for need, 9 for impact, and 9 for quality, and to award The Nature Conservancy (the "Grantee") a VHCB grant in the amount of up to Twenty-Five Thousand Dollars (\$25,000), consisting of up to \$22,000 for easement acquisition and up to \$3,000 for the Grantee’s staff time. This project involves property known as the Lamson Pond Fen, located in Brookfield, Orange County, and includes approximately 60 acres. The primary purpose of the award is ecological protection of the rich fen natural community on the property. This award is subject to the following conditions:

VHCB Special Conditions:

1. The property shall be subject to a conservation easement drafted by VHCB and TNC. The easement will be co-held by VHCB and TNC, with TNC as the primary conservation easement steward.
2. The conservation easement shall include:
 - a. A Surface Water Protection Zone around the fen and unnamed stream, and an Ecological Protection Zone surrounding the boundary of the fen and unnamed stream.
 - b. The right to sustainably manage forest resources subject to a Forest Management Plan, that is approved by a professional forester and consistent with the Purposes of the conservation easement;
 - c. No building rights;
 - d. Public access for educational purposes.

3. Prior to disbursement, the conservation easement and all components, including the Forest Management Plan, Surface Water Protection Zone, and Ecological Protection Zone, shall be reviewed and approved by VHCB staff.
4. Prior to disbursement, VHCB shall have reviewed and approved the Right of Way Easement that secures public and stewardship access to the property.

This project is also subject to all applicable Standard VHCB Conditions for Nonprofit and Municipal Conservation Projects.

**Broad Brook Community Center, Inc.
Broad Brook Community Center
VHCB# 2020-052-001**

Resolution:

To score the application 9 for need, 9 for impact, and 9 for quality, and to award the Broad Brook Community Center, Inc. (the "Grantee") a VHCB grant in the amount of up to Sixty Thousand Dollars (\$60,000) for the rehabilitation of the Broad Brook Community Center building in Guilford, Windham County. The primary purpose of the award is historic preservation.

This award is subject to the following restrictions and conditions:

VHCB Special Conditions:

1. Prior to disbursement of VHCB funds, Grantee shall execute and record in the Town of Guilford Land Records an historic preservation easement to be co-held by VHCB and the Preservation Trust of Vermont and prepared by VHCB staff. The historic preservation easement will cover the exterior facades and significant interior features of the structure.
2. Prior to disbursement of VHCB funds, the Grantee will obtain all needed permits for the project.
3. Prior to disbursement of VHCB funds, the Grantee will submit for VHCB staff review a preliminary inventory of future capital needs for the building and budget for ongoing maintenance.

This project is subject to all applicable Standard VHCB Conditions for Nonprofit and Municipal Conservation Projects and VHCB Standard Conditions for Historic Preservation Projects.

**Preservation Trust of Vermont
Broad Brook Community Center
VHCB# 2020-052-002**

Resolution:

To award the Preservation Trust of Vermont a grant of Seven Thousand Five Hundred Dollars (\$7,500), consisting of \$6,000 for historic preservation easement stewardship endowment and \$1,500

for preparation of the baseline documentation report for the Broad Brook Community Center in Guilford, Windham County. The primary purpose of the award is historic preservation.

This award is subject to all applicable Standard VHCB Conditions for Historic Preservation Projects.

**Loan Modification
Hedding Drive Housing Limited Partnership,
Randolph Area Community Development Corporation
#1989-095-001**

Resolution

To extended the maturity date for the VHCB Loan of \$51,100 and the VHCB Loan of \$123,318.44 to December 1, 2027.

**Recovery Housing ♦ Essex, Vermont
Champlain Housing Trust
2020-029-001**

Resolution:

To score the application “10” for need, “9” for impact and “8” for quality, and to award Champlain Housing Trust (the "Developer") VHCB funds in the amount of up to Six Hundred Thousand Dollars (\$600,000) for acquisition, rehabilitation and related expenses. This project involves property located at 1005, 1006 AND 1007 Ethan Allen Avenue in Essex, Vermont and will consist of a total of 32 beds, some of which will be rented individually and some as apartments, in 3 buildings.

This award is subject to the following restrictions and conditions:

Affordability and Conveyance Restrictions:

Developer shall execute a VHCB Housing Subsidy Covenant of perpetual duration that restricts 29 beds, which will be prepared by VHCB general counsel and will contain restrictions substantially as follows:

VHCB and/or HRB:

For as long as the property is operated as a recovery residence the Developer shall ensure that every reasonable effort is made to provide housing to persons whose annual income, at their date of initial occupancy, is less than or equal to 100% of median income for 29 of the beds. The remaining 3 beds will not be restricted by income. Initially, Building 1 of the property shall restrict 12 beds to persons whose annual income, at their date of initial occupancy, is less than or equal to 100% of median income. Initially, Building 2 of the property shall restrict two (2) of the four (4) apartments to persons whose annual income, at their date of initial occupancy, is less than or equal to 100% of median income; and, as the remaining two (2) apartments become available, each remaining apartment upon availability will be restricted to persons whose annual income, at their date of initial occupancy, is less than or equal to 100% of median income. The remaining beds/apartments located in Building 3 will be restricted to persons whose annual income, at their date of initial occupancy, is less than or

equal to 100% of median income IF the Town of Essex approves their use as recovery residences. IF the Town of Essex does not approve the use of the remaining beds to be used as recovery residences, and no later than June 30, 2021, the remaining beds/apartments will be restricted to persons whose annual income, at their date of initial occupancy, is less than or equal to 80% of median income.

On an annual basis, the Developer will provide information about the income of those admitted to the residence in the prior 12 months. The rent charged to residents shall be governed by a master lease arrangement between the Developer and the Operator, which is subject to the review and approval of VHCB staff.

If in the future the Developer ceases to operate the property or a portion of the property as recovery housing, the Developer shall enter into a new housing subsidy covenant approved by in writing VHCB and containing provisions to ensure that:

- a. The property is used to provide affordable housing;
- b. Every reasonable effort is made to maintain the income qualifications set forth in the Housing Subsidy Covenant
- c. In any event, the property is occupied by persons whose Annual Income, at their date of initial occupancy, is less than or equal to 80% of Median Income.

Any conveyance of the property shall require the prior written consent of VHCB, which consent shall not be unreasonably withheld if the proposed transferee is an eligible applicant to receive funds from VHCB.

Special VHCB Conditions:

1. By June 30, 2020, if Community Development Block Grant funds have not been awarded, and it is likely that the project will not be able to begin construction during 2020, this award may be decommitted and returned to the available pool of funds to be awarded to projects at subsequent VHCB Board meetings.
2. The Developer will enter into an MOU / master lease agreement with VFOR that has an initial duration of not less than 5 years. The agreement will be subject to the review and approval of VHCB staff and will contain:
 - a. Provisions for the reporting of data, to include at minimum the sharing of ADAP data on at least an annual basis to Champlain Housing Trust, as well as, annual reporting on the income levels of those admitted in the prior year. CHT will share that data on at least an annual basis with VHCB.
3. Prior to closing on this award, and on an ongoing basis, the Developer, in partnership with VFOR, will provide VHCB with an update on its plans to offer services to families with children. This update will include information about progress in the creation of transition plans for families, as well as information about other partners involved in the planning process, including the Agency of Human Services.

4. For as long as the property is operated as a recovery residence the Developer shall ensure that every reasonable effort is made to provide housing to persons whose annual income, at their date of initial occupancy, is less than or equal to 100% of median income for 29 of the beds. The remaining 3 beds will not be restricted by income. On an annual basis, the Developer will provide information about the income of those admitted to the residence in the prior 12 months.
5. By June 30, 2021, the Developer shall report to VHCB on the status of the use of the remaining units located in building 3. Developer agrees to execute an Amendment to the VHCB Housing Subsidy Covenant to restrict these remaining units as set forth above.
6. If in the future the Developer ceases to operate the property or a portion of the property as recovery housing, the Developer shall enter into a new housing subsidy covenant approved in writing by VHCB and containing provisions to ensure that:
 - a. The property is used to provide affordable housing;
 - b. Every reasonable effort is made to maintain the income qualifications set forth in the Housing Subsidy Covenant
 - c. In any event, the property is occupied by persons whose Annual Income, at their date of initial occupancy, is less than or equal to 80% of Median Income.

Red Clover Commons 2 ♦ Brattleboro, Vermont
Housing Vermont & Brattleboro Housing Authority dba Brattleboro Housing Partnerships
(BHP)
2014-091-002

Resolution:

This project involves property located at 30 Fairground Road, Brattleboro and consists of a total of 18 rental units in 1 building.

To retain the Board's prior commitment of \$375,600 in VHCB funds, with the understanding that if bids come in in line with current cost estimates, staff are granted the authority to decommit up to \$144,000 in excess funds. If bids come in higher than anticipated, staff are granted the authority to utilize the full amount of the previously committed VHCB funds.

Regarding the Federal funds, to score the application 10 for need, 10 for impact, 8 for quality, and to award Housing Vermont and Brattleboro Housing Authority dba Brattleboro Housing Partnerships (the "Developers") UP TO \$254,000 in HOME funds and UP TO \$674,400 in HTF Funds.

This award is subject to the affordability restrictions described in the Board resolution, applicable standard conditions, and the following special conditions, which modify and supersede the conditions imposed with the Board's June 2019 commitment:

This award is subject to the following restrictions and conditions:

Affordability and Conveyance Restrictions:

Developer shall execute a VHCB Housing Subsidy Covenant of perpetual duration that restricts eighteen (18) units, which will be prepared by VHCB general counsel and will contain restrictions substantially as follows:

VHCB:

Developer shall lease eighteen (18) units to persons whose household income, at their date of initial occupancy, is less than or equal to 80% of area median income. The annualized rent charged for each such unit shall not exceed 30% of 70% of area median income for a household consisting of one and one-half persons per bedroom.

Developer shall target and make every reasonable effort to lease six (6) of these eighteen units to persons whose household income, at their date of initial occupancy, is at or below 50% of area median income. Initially, the annualized rent charged for these units shall not exceed 30% of 50% of area median income for a household consisting of one and one half persons per bedroom. Developer shall make every reasonable effort to maintain the initial level of affordability on said units.

Developer shall make every reasonable effort to lease any three (3) of the six units to persons whose household income, at their date of initial occupancy, is less than or equal to 30% of area median income, OR, to persons with special needs. In addition, Developer shall make every reasonable effort to ensure that the annualized rents for all units are "affordable" to the occupying households, as described further in section 7 of the VHCB Housing Subsidy Covenant.

Any conveyance of the property shall require the prior written consent of VHCB, which consent shall not be unreasonably withheld if the proposed transferee is an eligible applicant to receive funds from VHCB.

HTF:

Four (4) units on the property shall be designated as HTF units and the following restrictions shall apply during the HTF Program affordability period of thirty (30) years. The HTF units shall consist of four (4) one-bedroom units. The owner shall lease the HTF units to persons whose initial household income is less than or equal to 30% of the median family income of the geographic area, as determined by HUD with adjustments for smaller and larger families. The rent plus utilities charged for each such unit shall not exceed the greater of 30 percent of the federal poverty line or 30 percent of the income of a family whose annual income equals 30 percent of median income for the area, as determined by HUD, with adjustments for the number of bedrooms in the unit. If the unit receives Federal or State project-based rental subsidy, however, and the tenant pays as a contribution toward rent not more than 30 percent of the tenant's adjusted income, the maximum rent is the rent allowable under the Federal or State project-based rental subsidy program. The owner shall also comply with HTF requirements regarding annual tenant income certifications and over-income tenants.

HOME:

Four (4) units on the property shall be designated as HOME units and the following restrictions shall apply during the HOME Program affordability period of twenty (20) years. The HOME units shall

consist of four (4) one-bedroom units. The owner shall lease the four (4) HOME units to persons whose household income is less than or equal to 60% of area median income and the annualized rent charged for each such unit shall not exceed the lesser of the applicable HUD fair market rent, or 30% of 65% of area median income for a household consisting of one and one-half persons per bedroom. The owner shall also comply with HOME Program requirements regarding calculation of rents, annual tenant income certifications, and payment of additional rent if a tenant's household income increases to more than 80% of area median income

This award is subject to the affordability restrictions described below, applicable standard conditions, and the following special conditions, which modify and supersede the conditions imposed with the Board's June 2019 commitment:

Special VHCB Conditions:

1. By May 31, 2020, if 9% Low Income Housing Tax Credits have not been awarded, and it is likely that the project will not be able to begin construction during 2020, the VHCB award may be de-committed and returned to the available pool of funds to be awarded to projects at subsequent VHCB Board meetings.
2. In the event that financing with a 40-year term becomes available prior to closing, VHCB may reduce the amount of this award to the extent that more favorable financing terms enable the project to take on additional debt.
3. Prior to closing, the Developers shall obtain construction bids that demonstrate to the satisfaction of VHCB staff that projected construction costs are within the approved budget for the project.
4. Prior to closing, the Developers shall provide to VHCB an appraisal that demonstrates to the satisfaction of VHCB staff that the project's appraised value supports acquisition costs.
5. In consultation with the Board Chair, the staff shall structure this award in order to assure the project's compliance with the Low Income Housing Tax Credit Program.
6. Prior to closing, Brattleboro Housing Partnerships will provide a sample of routine financial reports for its Finance Committee and board. The report(s) must demonstrate to VHCB staff's satisfaction that BHP's board is receiving adequate financial information to provide oversight of BHP, and confirm the capacity of the organization to co-develop and manage the proposed project.

Special HTF Conditions

1. By May 31, 2020, if 9% Low Income Housing Tax Credits have not been awarded, and it is likely that the project will not be able to begin construction during 2020, the HTF award may be de-committed and returned to the available pool of funds to be awarded to projects at subsequent VHCB board meetings.

2. This project may limit eligibility and/or give preference to elderly/disabled in accordance with 93.303(d)(3). Prior to closing, Recipient shall submit documentation to VHCB staff to verify compliance with this part.
3. Prior to closing, Recipient shall submit documentation that the project complies with Section 504 of the Rehabilitation Act of 1973. For new construction, the project is required to have at minimum one (1) physically accessible unit, and at least one (1) additional unit is required to be made accessible to people with sensory impairments.

Fair Housing Act (FHA) design requirements for new construction projects also apply. Prior to closing, Recipient shall submit documentation that the project meets FHA accessibility requirements for all 18 units, common spaces, parking, and routes throughout the building and its grounds.

4. In order to meet HUD's grant-year specific deadlines, the project's legal closing must occur within 24 months of the date VHCB executed a FFY19 HTF funding agreement with HUD (7/31/2019). In addition, HTF funds must be fully expended within 5 years of that date. If, after 18 months of the execution of the HTF agreement, it appears unlikely that the project will meet these deadlines, VHCB reserves the right to de-commit the HTF award.
5. Prior to closing, in accordance with 93.303 (b)(9), Recipient shall provide documentation to VHCB staff for review and approval that supportive services are not mandatory for the occupants of HTF units, and that participation in services is not a requirement of tenancy.

Special HOME Conditions

1. By May 31, 2020, if 9% Low Income Housing Tax Credits have not been awarded, and it is likely that the project will not be able to begin construction during 2020, the HOME award may be de-committed and returned to the available pool of funds to be awarded to projects at subsequent VHCB board meetings.
2. This project may limit eligibility and/or give preference to elderly/disabled in accordance with 92.253(d)(3). Prior to closing, Developer shall submit documentation to VHCB staff to verify compliance with this part.
3. Prior to closing, Developer shall submit documentation that the project complies with Section 504 of the Rehabilitation Act of 1973. For new construction, the project is required to have at minimum one (1) physically accessible unit, and at least one (1) additional unit is required to be made accessible to people with sensory impairments.

Fair Housing Act (FHA) design requirements for new construction projects also apply. Prior to closing, Developer shall submit documentation that the project meets FHA accessibility requirements for all 18 units, common spaces, parking, and routes throughout the building and its grounds.

4. Prior to closing, Developers shall submit to VHCB staff for review and approval documentation that the project is in compliance with federal Section 104(d) one-for-one replacement requirements, including, if necessary, the publication of a one-for-one replacement plan.
5. The project's legal closing must occur within 24 months of the date HUD executed a FFY19 HOME funding agreement with the State of Vermont (7/31/2019). In addition, HOME funds must be fully expended within 4 years of that date. If, after 18 months of the execution of the HOME agreement, it appears unlikely that the project will meet these deadlines, VHCB reserves the right to de-commit the HOME award.
6. Prior to closing, in accordance with 92.253 (b)(9), Developer shall provide documentation to VHCB staff for review and approval that supportive services are not mandatory for the occupants of HOME units, and that participation in services is not a requirement of tenancy.

This award is also subject to VHCB standard conditions for tax credit rental housing, and is also subject to the HOME and HTF standard conditions.

Resolution for Housing Loan Modification

Resolution

VHCB Healthy & Lead Safe Homes Program

To approve revisions to the Policies & Priorities (dated March 10, 2020) that govern the operations of the VHCB Healthy & Lead Safe Homes Program (a.k.a. Lead Program).

**Vermont Land Trust
Burr-Doyle Retro OPAV
#1989-100-005**

Resolution:

To score the application 9 for need, 8 for impact, and 8 for quality, and to award the Vermont Land Trust (the "Grantee") a VHCB grant in the amount of up to One Hundred Thirty Thousand dollars (\$130,000), consisting of \$125,000 for the acquisition of an Option to Purchase at Agricultural Value and \$5,000 for associated costs. The primary purpose of the award is to purchase an OPAV on the Burr –Doyle Farm and to facilitate the transfer in ownership to Silas Doyle-Burr.

This award is subject to the following conditions:

VHCB Special Conditions:

1. Simultaneous with disbursement, the Burr-Doyle easement shall be amended to replace the Right of First Refusal with an Option to Purchase at Agricultural Value co-held by VHCB and the Vermont Land Trust on the 273 acres. VHCB shall review and approve the amended conservation restrictions prior to closing.

2. The amended easement will also contain riparian protections along Pond Brook and two unnamed surface water features. The location and configuration of these protections shall be as depicted in the application dated 1-1-2019.
3. The Vermont Agency of Agriculture, Food and Markets will be changed from co-holder of the easement to a holder of executory interest in the easement.

This project is also subject to all applicable Standard VHCB Conditions for *Retroactive OPAV Purchase Projects*.

**Vermont River Conservancy
Dorset Quarry
#2020-054-001**

Resolution:

To score the application 8 for need, 8 for impact, and 8 for quality, and to award the Vermont River Conservancy (the "Grantee") a VHCB grant in the amount of up to Twenty - Five Thousand dollars (\$25,000), consisting of up to \$25,000 for associated costs. This project involves property known as the Dorset Quarry Swimming Hole in Bennington County, and includes approximately 2.78 acres. The primary purposes of the award are public access to and conservation of the historic Dorset Quarry. The secondary purpose is for water quality protection.

This award is subject to the following conditions:

VHCB Special Conditions:

1. Simultaneous with disbursement, the Property shall be conveyed to the Vermont Riverlands, LLC, subject to a conservation easement held by the Vermont River Conservancy and the Vermont Housing and Conservation Board. The easement shall be to VHCB's satisfaction.
2. Prior to disbursement, Grantee will develop and Interim Management Plan for the property that details the various uses, issues and management actions envisioned for the property. VHCB shall review and approve this plan prior to closing, but will **not review and approve any potential management actions related to safety issues on the property.**
3. Prior to disbursement, Vermont River Lands LLC shall demonstrate proof of liability insurance on the property in the amount satisfactory to VHCB staff.
4. Prior to disbursement, the landowner shall place a deed restriction on the parking lot parcel guaranteeing 90 parking spaces shall be available to the public during swimming season at an affordable price, in perpetuity.
5. Prior to disbursement, a Right of First Refusal to Vermont River Conservancy shall be added to the warranty deed transferring the parking lot property from Mr. McDonough to the new property owner.

6. In addition to the 90 set aside parking spaces, prior to disbursement, VRC, the Town of Dorset, and the landowner shall enter into an agreement to provide 5 to 10 free parking spaces that will be accessible during the non-swimming season. Arrangements will be made to ensure these parking spaces are plowed during snow season.

This project is also subject to all applicable Standard VHCB Conditions for *Nonprofit and Municipal Conservation Projects*.

**Vermont Land Trust
Langmaid Farm
#2018-055-001**

Resolution:

To score the application 8 for need, 8 for impact, and 8 for quality, and to award the Vermont Land Trust (the "Grantee") a VHCB grant in the amount of up to Two Hundred and Ninety-Eight Thousand Dollars (\$298,000), including up to \$285,000 for acquisition of development rights, conservation restrictions, and option to purchase at agricultural value, \$4,000 for associated costs, and up to \$9,000 for stewardship endowment. This project involves property known as the Langmaid Farm, located in Danville, Caledonia County and includes approximately 313 acres.

This award is subject to the following conditions:

VHCB Special Conditions:

1. This award is contingent on completing a modification of the NRCS contract for this project to increase the federal share to 50% of the appraised easement value.
2. The easement shall include the following residential and building complex rights, all as reviewed and approved by VHCB staff:
 - a. sole discretion farm labor housing right,
 - b. right to build one farm labor house up to 2,500 square feet;
 - c. Camp right
 - d. Building complexes, generally as depicted on the application, around existing infrastructure, and to provide for future residential and agricultural needs
3. The easement will include the following special environmental protections, all as depicted on the farm plan and reviewed and approved by VHCB staff:
 - a. Wetlands protection zone on the Northern White Cedar Swamp
 - b. 50 foot riparian buffer along the perennial streams
4. Prior to closing, Grantee will provide an update to VHCB staff on Jake Langmaid's progress in developing a business plan, including a copy of any business plan developed by then.
5. Prior to closing, Don and Dianne Langmaid will either execute a 3-year written lease, a lease-purchase agreement, or will convey the farm to their son Jake simultaneous with closing. Alternatively, the owners will execute a written lease of at least three years, or a purchase and sales agreement, with another farmer. The lease or PSA will be reviewed and approved by VHCB staff prior to closing.

6. The easement may include an impervious surface limit of up to 5%, as approved by NRCS.
7. The VHCB award includes an expected \$9,000 contribution to the stewardship endowment. If this project does not qualify for a waiver from the landowner stewardship contribution at closing, this amount may be reduced by staff, by the amount of the required landowner contribution (1% of easement purchase price). VHCB staff has the authority to decommit any funds remaining in this Grant Agreement after closing.
8. Prior to closing, the acreage of the property, particularly the boundary of the northeastern corner, will be established to VHCB staff satisfaction. If a survey of any part of the property is commissioned, VHCB will contribute up to \$3,000 toward the cost, consistent with VHCB's Land Survey Standards for Farm Projects.
9. Since VHCB plans to use federal funds from the Natural Resources Conservation Service (NRCS) Agricultural Conservation Easement Program (ACEP/Agricultural Lands Easement) for a portion of the cost of this project, the following NRCS conditions are included to encourage the sustainable management of soil resources on the farm, to protect water quality, and to comply with NRCS requirements. Prior to disbursement of VHCB funds:
 - a. NRCS state office staff will verify that the landowners are eligible to receive ALE funds and are in compliance with Highly Erodible Land and Wetland requirements;
 - b. NRCS state office staff will conduct a hazardous materials review of the project;
 - c. NRCS staff will write an HEL plan, if required, to be signed by NRCS and the landowner prior to closing;
 - d. The landowners will sign a Grant of Development Rights and Conservation Restrictions which includes the objective of encouraging sustainable management of soil resources on the farm, requires that highly erodible cropland be managed in accordance with an HEL Conservation Plan approved by NRCS and gives the United States certain rights to enforce if VHCB does not.

Standard Conditions: This award is also subject to VHCB Standard Conditions for Farm Projects.

**Farm & Forest Viability Program
Applying for and Accepting State and Federal Funds:**

Resolution:

Be it resolved that the Vermont Housing and Conservation Board hereby authorizes VHCB staff to apply for and accept the following funding for the purposes of providing business planning and technical assistance to farm, food, food hub, forestry and/or forest-products enterprises:

- Working Lands Enterprise Board grant, not to exceed \$200,000
- USDA Rural Development Rural Business Development Program grant, not to exceed \$200,000
- USDA Beginning Farmer and Rancher Development Program grant, not to exceed \$600,000
- Northern Border Regional Commission grant, not to exceed \$250,000

- High Meadows Fund and/or other foundation grants, for the Food Hub Collaborative, not to exceed \$150,000

Staff are authorized, with the advice and consent of the VHCB Board chair or a Board committee appointed by the VHCB Board chair, to commit these funds as grants or contracts with organizations or consultants, and to use remaining funds for operational expenses, as articulated in applications to each funding entity.

**Authorizing VHCB Staff to Apply for NRCS Funds for Farmland Protection Program
USDA- NRCS – Agricultural Conservation Easement Program (ACEP) / Agricultural Lands
Easement (ALE) and Regional Conservation Partnership Program (RCPP-ALE) - \$4,000,000**

Resolution:

On behalf of the Vermont Housing and Conservation Board, VHCB staff are authorized to prepare, execute and submit written proposals to the Vermont Office of the Natural Resources Conservation Services for up to Four Million Dollars (\$4,000,000) in FFY 2020 funds to assist in the protection of additional farms in the State of Vermont under the Agricultural Lands Easement program (ALE) and the Regional Conservation Partnership Program (RCPP). This may include separate applications for FFY2020 ALE funding, and RCPP funding. If NRCS awards ALE and/or RCPP funds to VHCB, VHCB staff is authorized to administer and implement these programs, including signing all necessary documents.

**Vermont Department of Fish and Wildlife
Fitzgerald Farm Retirement
2020-056-001**

Resolution:

To score the application 9 for need, 9 for impact and 9 for quality, and to award the Vermont Department of Fish and Wildlife a VHCB grant in the amount of up to Four Hundred Fifty-Nine Thousand, Two Hundred and Ninety Dollars (\$459,290), consisting of \$450,000 for acquisition and \$9,290 for associated costs and stewardship endowment, to take this farmland out of production, restore wetlands and floodplain forest functions, and manage it as a Wildlife Management Area. This project involves property known as the Fitzgerald farm, located in the Town of Colchester, and includes approximately 124 acres. The primary purposes of the award are natural area protection and water quality improvement, and the secondary purpose is public outdoor recreation. This award is subject to the following conditions:

VHCB Special Conditions:

1. Prior to disbursement, the agricultural infrastructure on the property will be removed or a plan for its removal will be completed, to the satisfaction of Vermont DF&W, VAAF and VHCB staff.
2. Any lease for future use of the property, between DF&W and the current owner, will be reviewed and approved by VHCB staff prior to closing.
3. Prior to disbursement, a survey of the property will be completed. Any increase in acreage will not impact the purchase price of the property.

4. At the time of disbursement, title to the property shall be conveyed to the Vermont Department of Fish and Wildlife.
5. The property shall be subject to a conservation easement drafted by VHCB staff, and co-held by VHCB and The Nature Conservancy, that includes water quality protection as a primary purpose. The easement will be consistent with the VAAFMM agreement with the current owner, and will be subject to review and approval by VHCB staff prior to closing.
6. Prior to disbursement, Grantee shall report, to staff satisfaction, on the town of Colchester's and the Chittenden County Regional Planning Commission's position on the project's conformance with the town and regional plans, respectively.
7. At the time of disbursement, an interim management plan shall be prepared for the property, that includes a plan for restoring wetlands and floodplain forest, and managing recreational use while promoting water quality, natural area protection and wildlife habitat.

Standard Conditions - This award is also subject to VHCB Standard Conditions for ANR Projects.

**Homeland Program ♦ Statewide Vermont
2002-068-000**

Resolution:

To add a total of Two Hundred Twenty-Three Thousand Six Hundred Fifty-Two dollars (\$223,652) to continue operation of a statewide subsidy pool for the purchase of up to 5 owner-occupied homes.

These funds shall be available to the following organizations: Addison County Community Trust (ACCT), Champlain Housing Trust, Inc. (CHT), Downstreet Housing and Community Development, Inc. (DHCD), Neighborworks of Western Vermont (NWWVT), Twin Pines Housing Trust (TPHT) and Windham & Windsor Housing Trust, Inc. (WWHT) (the "Grantee" or "Grantees", as applicable). This award shall be subject to the following restrictions and conditions:

This award is subject to the following restrictions and conditions:

Affordability Restrictions

The initial purchaser(s) of a unit subsidized under this program shall be an "Eligible Household" as defined below. Grantee and the purchaser(s) shall execute a Housing Subsidy Covenant of perpetual duration. This Covenant will be prepared or reviewed by VHCB legal counsel and shall contain restrictions on conveyance. With respect to the improvements, the Covenant shall include a requirement that whenever an owner intends to sell the unit, Grantee shall have a right to repurchase the unit at a price determined pursuant to a limited appreciation formula approved by VHCB staff. The Covenant shall also restrict resale, whether by the owner or by Grantee, so that the improvements may only be resold to Eligible Households. With respect to land owned by a Grantee, any conveyance shall require the prior written consent of VHCB, which consent shall not be unreasonably withheld if the proposed transferee is an eligible applicant to receive funds from VHCB.

Definitions

"Eligible Household" shall mean a person or group of persons whose Household Income, at the date of their initial occupancy, is less than or equal to 120% of Median Income, adjusted for family size.

"Household Income" shall mean annual income determined in accordance with Title 24, §813.106, of the Code of Federal Regulations.

"Median Income" shall mean median income for (i) the Burlington Metropolitan Statistical Area {County in which the Land is located, if outside the Burlington MSA}, or (ii) the State of Vermont {State of Vermont Nonmetro if outside the Burlington MSA}, whichever is greater, as determined from time to time and published in the Federal Register by the United States Department of Housing and Urban Development.

VHCB Special Conditions:

1. VHCB Homeland funds shall be available to Grantees to assist eligible households purchase homes. Funding shall be requested on an individual transaction basis up to the following amounts:
 - a) Households can receive a grant amount of the lesser of \$50,000 or 20% of the purchase price; OR, in cases where there is a leasehold value appraisal, households can receive a grant amount of the lesser of \$50,000 or 25% of the purchase price; for a VerMod home purchase, the grant amount shall be capped at \$44,000.
 - b) The minimum grant is \$20,000.
 - c) Grantees shall be awarded a development fee of \$5,900 per transaction.
2. In its evaluation of requests to approve Homeland funds for individual buyers, VHCB staff shall consider the following factors:
 - a) compliance with VHCB guidelines and policies for homeownership programs;
 - b) the proposed buyer's need for Homeland assistance to purchase the home; the proposed buyer's creditworthiness, and the level of affordability of the home for the proposed buyer;
 - c) The quality of the home and its likely future marketability.
3. Grantees are encouraged to combine outside funds with VHCB Homeland subsidies in order to assist additional applicants. The grant amounts listed in special condition #1 are considered maximum and minimum grant amounts. However, to encourage leveraging of other funds, organizations may request a lower subsidy amount and receive a development fee for a transaction if the following conditions are met:
 - a) grantee must demonstrate a sufficient level of affordability for the initial purchaser and for long-term stewardship of the home;

- b) The minimum subsidy amount requested from VHCB is \$10,000 but the total subsidy in the project is at least \$20,000;
 - c) VHCB must review and approve the legal and financial security structure for each transaction.
4. VHCB Homeland funds shall be used to subsidize the acquisition of condominium units or detached single family homes.
 5. The restrictions and conditions of this award shall apply to all funds remaining in previous awards for the Homeland Program.

Standard Homeland Conditions:

1. Prior to disbursement of any VHCB Homeland funds to a particular grantee, that organization shall submit for VHCB staff review and approval the ground lease, limited equity formula, housing subsidy covenant, and any other documents designed to ensure the perpetual affordability of the units subsidized with these funds. With respect to each Homeland unit, the grantee must obtain an option to purchase providing that whenever an owner intends to sell the unit, the grantee will have a right to repurchase the unit at a price determined in accordance with the limited equity formula approved by VHCB staff. Any changes in this document must be approved by VHCB.
2. Prior to disbursement, the proposed buyers of a home purchased with Homeland funds must have successfully completed a VHCB-approved homebuyer education program.

VHCB Homeland funds, including development fees, shall be disbursed on a per unit basis at the time of acquisition. Prior to disbursement, the grantee shall submit the following items, acceptable in form and content to VHCB staff, to demonstrate the need and creditworthiness of the buyer as well as the quality and marketability of the home:

- an affordability worksheet;
- a Purchase & Sales Contract;
- an appraisal substantiating the purchase price;
- a third party inspection for existing buildings;
- for on-site septic systems, documentation regarding the functionality and legality of the septic system; and,
- for on-site water systems, documentation regarding the quality and quantity of water.

3. On a limited basis, Grantees are permitted to assist existing homeowners at risk of not being able to afford their homes due to loss of income or other factors. Any requests for this purpose will be reviewed on a case-by-case basis by VHCB staff. However, at a minimum, the grantee must demonstrate that the homeowner is creditworthy, and if assisted, is likely to be able to maintain ownership of the home into the future.

4. At the closing on each unit subsidized with VHCB Homeland funds, the Grantee and the purchaser of the unit shall execute the VHCB approved Housing Subsidy Covenant and VHCB Mortgage, which shall be recorded in the appropriate Land Records.
5. Grantees shall give VHCB staff prior notice of each proposed resale of a unit subsidized with Homeland funds and provide VHCB staff with an affordability worksheet, in a form acceptable to VHCB, for each proposed purchaser. Grantees shall ensure that the homes are resold only to Eligible Households, either by exercising their option to purchase or by arranging for direct sales to Eligible Households, unless this requirement is waived by VHCB staff with respect to a particular transaction. In addition, Grantees shall notify VHCB staff of any pending foreclosure or other legal proceeding affecting any property subsidized with Homeland funds.
7. Prior to disbursement of funds to an individual grantee, the respective organization shall adopt guidelines for the approval of homes considered for purchase through their program. The guidelines shall address property type (single family, condo, and manufactured housing), future marketability, and considerations regarding location and other issues. The guidelines must be shared with participants in the program before they are qualified to identify a home for purchase.
8. Grantees shall require that all homeowners purchasing homes with funds assisted with this award escrow property taxes and home insurance on a monthly basis when that service is offered by the lender.

Decommitments

Resolution:

The Board votes to decommit the outstanding award balances on the above projects, in the total amount of \$7,000.00.

Recommended decommitments:

<u>Project #</u>	<u>Name</u>	<u>Grantee</u>	<u>Reason</u>	<u>Funding Source</u>	<u>Amount to Decommit</u>
2017-093-001	Orr Farm	VLT	Slight reduction in appraised value	NRCS/RCPP	1,000.00
				Bond	1,000.00
2017-095-001	Sauerwein Farm	VLT	Reduction in appraised value	Trust	5,000.00
				Total:	\$ 7,000.00

