



# Select Board

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## Select Board Meeting Minutes September 28, 2023

**Quorum present:** Select Board Members; Kathleen Keresey, Chair, Andrew Krouss, Andrew Potter, and Town Administrator Marie Ryan.

**Others Present:** Leigh Davis, Co-Chair of Great Barrington Select Board

Kathleen opened the meeting at 6 PM and introduced Leigh Davis who will speak about the Real Estate Transfer fee concept.

Leigh thanks the Board for the opportunity to discuss the Real Estate Transfer Fee and explain how this process works. She has been working on the housing issues in Berkshire County for several years.

She stated that reasons for all her work on housing are:

1. Rapidly escalating home prices negatively impact Berkshires economy, workforce, quality of life, and social identity.
2. A new, effective and equitable tool to support the creation and retention of affordable and workforce housing is needed.
3. The Real Estate Transfer Fee to Support Affordable and Workforce Housing

Leigh has been working closely with Amherst, Nantucket, Somerville, Martha's Vineyard Commission, Western Mass Network to End Homelessness. She said we currently find ourselves with a need to protect and expand affordable and workforce housing. To do this, we must pursue bold and creative avenues for revenue generation without causing further challenges to those seeking to buy average-priced homes in Great Barrington. Under current state law, Towns of cannot institute a transfer fee without the approval of the State Legislature. Therefore, she was seeking the consent of the Great Barrington Selectboard to include a Home Rule Petition article on the Special Town Meeting Warrant.

If Town Meeting votes in the affirmative, the Special Act will go to the Legislature to be filed. If the Legislature approves, we will have the opportunity at that time to craft the bylaw that will guide the implementation and regulation of the fee. This bylaw will then need to be passed at Town Meeting.

The proposed bylaw that would subsequently be written would allow the town to impose a transfer fee on the sale of properties exceeding a purchase price to be determined, and subject to a number of exemptions. This approach gives Town Meeting the authority to regulate the proposed fee by bylaw instead of locking the Town into set parameters at the state level. It also allows flexibility to assess metrics and adjust in the future if needed.

She explained an example of this program would work. A 1% Fee will be applied to all real estate transactions exceeding a purchase price of \$1 million. After the first year, the \$1 million threshold will annually be adjusted to reflect the Consumer Price Index for the area, thereby protecting homeowners as their nest eggs grow. The Fee will be split between the buyer and seller; each is responsible for one-half of one percent of the sale price. Fee revenue would replenish the Affordable Housing Trust Fund each year, providing a reliable annual revenue stream to leverage additional funds and better plan strategically. Exempt from the fee shall be, among other things, transfers between family members, transfers for a value of less than \$100, transfers as a result of marital dissolution, transfers between governmental units, and transfers for affordable housing. Annual Reports will detail Transfer Fee revenue and housing impacts.

With worsening housing costs and unaffordability trends, Governor Healey is anticipated to introduce an omnibus housing bill this fall, including language for all pending Real Estate Transfer Fee Home Rule Petitions to move forward. Joint Housing Committee Chair, Senator Lydia Edwards, also indicated this building momentum during her visit to Great Barrington last week. Leigh has been invited to a meeting with Secretary of Housing Ed Augustus to discuss the Real Estate Transfer Fee- this is significant - Boston is listening to Western Mass.

Amherst is currently the only municipality outside the Cape, Islands, or Eastern Massachusetts to file a Home Rule Petition. Western Massachusetts is being left out of the conversation. The more Western Massachusetts municipalities that file petitions, the more our region's interests and needs will be considered.

In short, Berkshire County Towns should be at the table to negotiate the omnibus housing bill and should have its home rule petition considered at the earliest opportunity.

Passage of the Home Rule Petition would mean a foot in the door and a seat at the table. The opportunity to influence legislation to suit our needs once the local option-enabling bill is passed. (rather than it being Boston-Cape centric). The bills H 377 and S 868 would allow communities to opt in without filing special acts. The Omnibus housing bill is expected to be filed this legislative session.

Andy Potter made a motion to adjourn, seconded by Andy Krouss at 6:53 PM.  
All were in favor, meeting adjourned.

Respectfully submitted,

*Marie y. Ryan*

Marie Y. Ryan  
Town Administrator