HOUSE DOCKET, NO. 3238 FILED ON: 1/18/2013

HOUSE . . . . . No. 1094

The Commonwealth of Massachusetts

PRESENTED BY:

John J. Binienda

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act to further enhance efficiency and accountability of operations at local housing authorities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John J. Binienda	*17th Worcester*
John P. Fresolo	*16th Worcester*
John J. Mahoney	*13th Worcester*
James J. O'Day	*14th Worcester*
Harriette L. Chandler	*First Worcester*
Michael O. Moore	*Second Worcester*
Donald F. Humason, Jr.	*4th Hampden*
John H. Rogers	*12th Norfolk*
Elizabeth A. Poirier	*14th Bristol*
Anne M. Gobi	*5th Worcester*
Louis L. Kafka	*8th Norfolk*
Tom Sannicandro	*7th Middlesex*
James J. Dwyer	*30th Middlesex*
Bradley H. Jones, Jr.	*20th Middlesex*
Peter V. Kocot	*1st Hampshire*
Christine E. Canavan	*10th Plymouth*
Chris Walsh	*6th Middlesex*

Kevin J. Murphy	*18th Middlesex*
Ann-Margaret Ferrante	*5th Essex*
Angelo L. D'Emilia	*8th Plymouth*
James R. Miceli	*19th Middlesex*
George N. Peterson, Jr.	*9th Worcester*
Paul A. Schmid, III	*8th Bristol*
Cory Atkins	*14th Middlesex*
James Arciero	*2nd Middlesex*
Bruce J. Ayers	*1st Norfolk*
F. Jay Barrows	*1st Bristol*
Michael D. Brady	*9th Plymouth*
Paul Brodeur	*32nd Middlesex*
Gailanne M. Cariddi	*1st Berkshire*
Tackey Chan	*2nd Norfolk*
Thomas P. Conroy	*13th Middlesex*
Mark J. Cusack	*5th Norfolk*
Marcos A. Devers	*16th Essex*
Geoff Diehl	*7th Plymouth*
Carolyn C. Dykema	*8th Middlesex*
Christopher G. Fallon	*33rd Middlesex*
Ryan C. Fattman	*18th Worcester*
Kimberly N. Ferguson	*1st Worcester*
Michael J. Finn	*6th Hampden*
William C. Galvin	*6th Norfolk*
Sean Garballey	*23rd Middlesex*
Susan Williams Gifford	*2nd Plymouth*
Patricia A. Haddad	*5th Bristol*
Steven S. Howitt	*4th Bristol*
Kevin J. Kuros	*8th Worcester*
Christopher M. Markey	*9th Bristol*
Paul McMurtry	*11th Norfolk*
Aaron Vega	*5th Hampden*
William M. Straus	*10th Bristol*
Jeffrey N. Roy	*10th Norfolk*
Harold P. Naughton, Jr.	*12th Worcester*
Shaunna O'Connell	*3rd Bristol*
Keiko M. Orrall	*12th Bristol*
William Smitty Pignatelli	*4th Berkshire*
Angelo J. Puppolo, Jr.	*12th Hampden*

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HOUSE . . . . . No. 1094

By Mr. Binienda of Worcester, a petition (accompanied by bill, House, No. 1094) of John J. Binienda and others for legislation to further enhance efficiency and accountability of operations at local housing authorities. Housing.

The Commonwealth of Massachusetts

An Act to further enhance efficiency and accountability of operations at local housing authorities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 121B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the definition of "clearance project" the following:

"Client housing authority", a housing authority created pursuant to section 3 of this chapter, or regional housing authority created pursuant to section 3A of this chapter, that contracts with a collaborative management and service agency as set forth in Section 26B of this chapter.

"Collaborative management and service agency", a housing authority created pursuant to section 3 of this chapter, or regional housing authority created pursuant to section 3A of this chapter, appointed by the department under section 26B of this chapter that has demonstrated the capacity to perform and to manage public housing projects at a consistently high level under the standards imposed by this chapter.

SECTION 2. Said chapter 121B of the General Laws, as so appearing, is hereby amended by inserting after section 26A of chapter 121B the following sections: --

Section 26B – Collaborative Management and Service Agency Program.

a. The department shall establish and implement a program to select, facilitate and support local housing authorities created pursuant to section 3 of this chapter, or regional housing authorities created pursuant to section 3A of this chapter, to serve as collaborative management and service agencies ("CMSAs") to perform management functions, as set forth in this section, for other local housing authorities ("client housing authorities" or "CHAs") in order to supplement and expand CHA capacity and to utilize economies of scale ("CMSA program").The department shall establish and implement the CMSA program in consultation with representatives of local housing authorities, municipal officials, public housing residents and public housing industry professional organizations. Such CMSAs selected by the

25 department shall be existing housing authorities or regional housing authorities that have
26 demonstrated the capacity to perform and to manage public housing projects at a consistently
27 high level under the standards imposed by this chapter.
28 b. Pursuant to the CMSA program established and implemented by the department
29 under this section, CMSAs shall be directed to contract, on a fee for service basis, with CHAs to
30 provide to CHAs (i) services related to vacant unit turnover; (ii) procurement of goods and
31 services under applicable law; and (iii) services related to capital improvement of CHA housing
32 projects. Under the CMSA program, all CHAs that manage 100 or fewer state aided low income
33 housing units only, or that fail to demonstrate to the satisfaction of the department, in their
34 agency operational plans submitted pursuant to subsection (c) of this section, that they possess
35 the proficiency to perform such functions on an efficient basis without participation in the
36 CMSA program, shall be mandated to contract for such functions under the CMSA program.
37 CHAs not mandated by this section to participate in the CMSA program for such functions may
38 enter into contracts with CMSAs for such services at their discretion, except as set forth in
39 subsection (d) of this section. In addition, the CMSA program shall provide that CHAs may
40 contract with CMSAs to provide such other operating, administrative and maintenance services
41 to CHAs as deemed necessary or beneficial by such CHAs (except as set forth in subsection (d)
42 of this section), or as mandated by the department after review of CHA agency operational plans
43 as set forth in subparagraph (c) of this section or after a finding that a housing authority has
44 failed to meet accreditation standards, performance standards or audit standards as set forth in
45 section 26C of this chapter. The department's CMSA program shall include provision of
46 assistance, including financial assistance, by the department to CMSAs selected for the hiring
47 and training of staff certified to perform the functions required by the CMSA program.
48 c. Each CHA shall submit to the department, within 180 days of the effective date of
49 this act, a plan for its operations and addressing its participation in the CMSA program ("agency
50 operational plan"), and shall submit an agency operational plan annually contemporaneously
51 with submission of its operating budget. The annual agency operation plan shall include the
52 CHA's capital improvement plans for the following year and address any deficiencies in
53 meeting applicable performance standards. The department shall review and approve the
54 sufficiency and compliance of such agency operational plans under the standards set forth in this
55 section and in the CMSA program developed by the department.
56 (d) As part of the CMSA program, the department shall, in consultation with
57 representatives of local housing authorities, municipal officials, public housing residents and
58 public housing industry professional organizations, establish procedures and incentives that will
59 result in no less than 50 CHAs transferring their operations in full to management by CMSAs.
60 Section 26C – Standards for and review of housing authority operations.
61 a. The department shall establish and implement performance-based monitoring
62 program and develop and provide uniform standards for assessing housing authority operations
63 which incorporate public housing industry standards and measures, including federal monitoring
64 standards as applicable. Participation in the monitoring program shall be mandatory for housing

65 authorities. The monitoring program and assessment standards established by the department
66 shall be structured so as to enable the department to identify housing authorities that are failing
67 to meet minimum standards and to develop and implement corrective action plans and targeted
68 assistance by the department to improve performance to a satisfactory level.
69 b. The department shall establish and implement a housing authority accreditation
70 system that provides for review and accreditation of housing authorities by a recognized and
71 independent organization of housing industry professionals ("accreditation reviewers"). All
72 housing authorities shall be required to participate in the accreditation system and the
73 accreditation reviewers shall report on their accreditation determinations to the department. The
74 accreditation system shall be based, in part, upon the assessment standards described in
75 subsection (a) of this section and emphasize qualitative rather than quantitative evaluation
76 criteria. The accreditation system shall provide objective third-party assessment of a housing
77 authority's performance and its ability to meet goals based on the needs of its local community
78 and shall provide technical assistance by the department as required to assist housing authorities
79 in correcting performance weaknesses identified in the accreditation process. Accreditation
80 decisions shall be reviewed and renewed on a periodic basis to be determined by the department.
81 Housing authorities determined by the accreditation process to be accredited shall be exempt
82 from participation in the department's monitoring program described in subsection (a) of this
83 section for a period of time as set forth in the accreditation system established by the department.
84 c. The monitoring program, assessment standards and accreditation system
85 established by the department under this section shall be developed and implemented by the
86 department in consultation with representatives of local housing authorities, municipal officials,
87 public housing residents and public housing industry professional organizations.
88 Section 26D – Creation and administration of statewide centralized wait list for state-
89 aided public housing
90
91 The department shall establish and implement a single statewide centralized wait list for
92 state-aided public housing, after consultation with representatives of local housing authorities,
93 municipal officials, public housing residents and public housing industry professional
94 organizations. Such centralized wait list shall enable public housing applicants to submit a
95 standardized application, on which they may select locations of housing preference, through a
96 centralized internet website or through any local housing authority. All housing authorities shall
97 be required to utilize the centralized wait list for selection of public housing tenants, with all
98 local preferences and other preferences applied as required by law. To create and administer the
99 centralized wait list, the department shall contract with a qualified non-profit organization with
100 experience in administering centralized housing waiting lists.
101 SECTION 3. Section 29 of Chapter 121B of the General Laws, as so appearing, is hereby
102 amended by striking out the first paragraph and inserting in place thereof the following:
103 (a) Housing authorities shall be subject to annual financial and compliance audits by
104 independent audit professionals. Such audits shall be conducted by audit firms determined by

105 the department to be qualified, including the State Auditor's office, based upon their knowledge
106 of audit standards applicable to housing authorities, housing regulations, and housing authority
107 operations. The department shall provide funding in housing authority operating budgets for the
108 cost of conducting such audits.
109 (b) The department shall establish and implement financial and operational
110 compliance audit protocols, after consultation with representatives of local housing authorities,
111 municipal officials, public housing residents and public housing industry professional
112 organizations, to be used in such financial and compliance audits. Such audit protocols shall
113 include compliance testing, including confirmation of housing authority employee salary cap
114 compliance.
115 (c) Each housing authority shall keep an accurate account of all of its activities and
116 all of its receipts and expenditures and shall annually, after the end of its fiscal year, make a
117 report thereof to the department, to the state auditor and to the mayor of its city or the selectmen
118 of its town. The department shall establish, implement and maintain a central automated
119 financial data system to which housing authorities shall submit their annual reports of financial
120 activities and on which auditors performing audits required by this section can electronically
121 provide confirmation of audit findings (as well as housing authority financial reports) and the
122 department may undertake financial data review.
123 SECTION 4.
124 (a) The department shall implement the provisions of this act within 90 days of the
125 effective date of the act, including through the promulgation of regulations as required. Within
126 120 days of the effective date of the act, the department shall file with the clerk of the house of
127 representatives a report detailing its implementation of this act, including copies of any
128 regulations, guidelines or other materials establishing and implementing the act's provisions.
129 (b) Within 90 days of the effective date of this act the department shall create an
130 advisory committee to receive and review a copy of the report described in subsection (a) of this
131 section, which advisory committee shall provide consultation to the department and the General
132 Court on the department's implementation of the provisions of this act. Members of the advisory
133 committee created by the department shall include representatives of local housing authorities,
134 municipal officials, public housing residents, representatives of public housing industry
135 professional organizations, and a representative of organized labor.
136