

HOUSE No. 3323

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

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 adoption of the accompanying bill:

An Act relative to public homes for veterans.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Garrett J. Bradley</i>	<i>3rd Plymouth</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Bradford Hill</i>	<i>4th Essex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Carlo Basile</i>	<i>1st Suffolk</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Stephen Stat Smith</i>	<i>28th Middlesex</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>William N. Brownsberger</i>	
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>

Anne M. Gobi

5th Worcester

Thomas M. Stanley

9th Middlesex

John D. Keenan

7th Essex

HOUSE No. 3323

By Mr. Bradley of Hingham, a petition (subject to Joint Rule 9) of Garrett J. Bradley and others for legislation to allow the non-profit corporation Home of the Brave, Inc., to construct and operate public homes for veterans. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 624 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to public homes for veterans.

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

1 SECTION 1. Notwithstanding any general or special law to the contrary, the board of
2 trustees of the Home of the Brave, Inc., a 501(c)(3) non-profit corporation, in sections 19
3 through 24 , inclusive, referred to as the corporation, may construct, purchase and operate public
4 homes for veterans. Such homes shall be considered “state veterans’ homes.” The construction,
5 purchase and operation of state veterans’ homes shall be funded from available federal and
6 private funds. The primary purpose of such state veterans’ homes is to provide support and care
7 for honorably discharged veterans who served in the Armed Forces of the United States for no
8 less than 180 days.

9 SECTION 2. Notwithstanding any general or special law to the contrary, the corporation
10 shall have, but shall not be limited to, the following powers:-

11 (a) to make and execute contracts and all other instruments necessary or convenient for
12 the exercise of its powers and functions under sections 18 through 24, inclusive;

13 (b) to acquire, in the name of the corporation, real or personal property of any interest
14 therein, including rights or easements, on either a temporary or long-term basis by gift, purchase,
15 transfer, foreclosure, lease or otherwise;

16 (c) to hold, sell, assign, lease, rent, encumber, mortgage or otherwise dispose of any real
17 or personal property, or any interest therein, or mortgage interest owned by the corporation or in
18 its control, custody or possession and release or relinquish any right, title, claim, lien, interest,
19 easement or demand however acquired;

20 (d) to procure insurance against any loss in connection with its property and other assets
21 in amounts and from insurers that it deems desirable;

22 (e) to receive, on behalf of the commonwealth, bequests and donations that may be made
23 to improve the general comfort and welfare of the members of the state veterans' homes or for
24 the betterment of the state veterans' homes;

25 (f) to apply for, and receive, any grants-in-aid for which the corporation shall be eligible;

26 (g) to borrow funds, make and issue bonds and negotiate notes and other evidences of
27 indebtedness or obligations for prudent and reasonable capital, operational and maintenance
28 purposes on behalf of the state veterans' homes ; provided that the corporation may secure
29 payments of all or part of the obligations by pledge of part of the revenues or assets of the
30 corporation that are available for pledge and that may be lawfully pledged or by mortgage of
31 part, or all, of any property owned by the corporation; provided that the corporation may do all

32 lawful things necessary and incidental to these powers; and provided that the corporation may
33 borrow money from the federal government and its agencies, from state agencies and from any
34 other source; and

35 (h) to take other actions necessary or convenient to exercise the powers granted or
36 reasonably implied in this section.

37 SECTION 3. The corporation shall appoint an administrator who shall be an honorably
38 discharged veteran who shall administer the state veterans' homes in accordance with the rules,
39 guidelines and general policies established by the board of trustees of the corporation. The
40 administrator shall serve for an indefinite term, but may be removed for cause by the board of
41 trustees. The administrator's salary shall be set by the board. The administrator shall hire the
42 necessary employees to operate the state veterans' homes; provided, that said employees shall
43 not be considered employees of the commonwealth.

44 SECTION 4. Notwithstanding any general or special law to the contrary, veterans
45 desiring admission to the state veterans' homes shall apply on forms prescribed by the
46 administrator. Admission shall be granted only to veterans who were residents of the
47 commonwealth at time of entry into the armed forces or at the time of application for admission
48 and to the spouses, widows or widowers of eligible veterans; provided that suitable facilities are
49 available. Parents of armed services members who are killed in action or die as a consequence of
50 wounds received in battle are also eligible, as so called "Gold Star" parents, for admission.
51 Admission shall only be granted when the provisions of the rules governing private payment,
52 Medicare and Medicaid eligibility to entitled persons are met; provided, however, that suitable

53 facilities are available. Each veteran admitted shall pay the state veterans' home in which he
54 resides, as determined by the board, the share of his maintenance costs that he can afford.

55 SECTION 5. Notwithstanding any general or special law to the contrary, all unrestricted
56 funds received by the corporation after the effective date of this act, including federal Veterans'
57 Administration stipend funds, shall be held in a permanent fund to be used as needed by the
58 administrator for the support and maintenance of the state homes. A percentage of these funds
59 approved by the board of trustees must be placed in reserve for capital improvement
60 expenditures. Upon construction or purchase, the corporation shall operate the state homes as
61 self-liquidating projects until all of the bonds issued pursuant to subsection (g) of section 19 are
62 retired. The corporation shall retain as direct income revenue any stipend funds it may receive
63 from the federal Veterans' Administration for the state veterans' homes eligible resident
64 population.

65 SECTION 6. The corporation shall report annually to the governor, the house and senate
66 committees on ways and means and the joint committee on veterans and federal affairs on or
67 before November 11. The report shall contain statistics of all veterans who resided in the state
68 veterans' homes during the year and such other matters as the corporation deems pertinent.

69 SECTION 7. The corporation's fiscal year shall be the same as the commonwealth's.
70 The corporation shall adopt rules for the administration of the state veterans' homes. The
71 corporation is subject to the provisions of chapter 180 of the General Laws.

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74 THE FOLLOWING IS NOT PART OF THE TEXT OF THE BILL, BUT INSTEAD
75 CONTAINS THE MEMORANDUM FROM THE SECRETARY OF THE
76 COMMONWEALTH PERTAINING TO THE COMPLIANCE WITH SECTION 7 OF
77 CHAPTER 3 OF THE GENERAL LAWS. THE MEMORANDUM FROM THE SECRETARY
78 IS AS FOLLOWS:-

79 MEMORANDUM OF THE MASSACHUSETTS SECRETARY OF STATE IN
80 RESPECT TO THE PETITION OF GARRET J. BRADLEY AND OTHERS FOR
81 LEGISLATION TO ALLOW THE NON-PROFIT CORPORATION HOME OF THE BRAVE,
82 INC.

83 TO CONSTRUCT AND OPERATE PUBLIC HOMES FOR VETERANS

84 March 28, 2011

85 To the Honorable Senate and House of Representatives:

86 The above-referenced petition was transmitted to me by the Clerk of the Senate on March
87 25, 2011 with a request for a memorandum pursuant to Massachusetts General Laws Chapter 3 §
88 7.

89 The Home of the Brave, Inc. was incorporated on September 24, 2002 pursuant to G.L. c.
90 180 to provide and promote housing, care, assistance, support and other programs for veterans.

91 The bill before you provides that the board of trustees of the corporation may construct
92 and operate public homes for veterans. Such homes are to be considered state veterans' homes
93 and are to be funded from available federal and private funds. The purpose of the veterans'

94 homes is to provide housing to honorably-discharged veterans who served in the Armed Forces
95 of the United States for not less than 180 days.

96 Admission to the homes shall be granted only to veterans who were residents of the
97 commonwealth at the time of entry into the armed forces or at the time of application for
98 admission and to the spouses, widows or widowers of eligible veterans, provided that suitable
99 facilities are available. Parents of armed services members who are killed in action or die as a
100 consequence of wounds received in battles are also eligible, as so called "Gold Star" parents, for
101 admission. Each veteran admitted shall pay the share of maintenance costs that he can afford.

102 The corporation is subject to the provisions of Chapter 180 of the General Laws.

103 Special legislation is necessary to effect the desired result. This office wholeheartedly
104 supports the objective of the bill. No fee is required by a corporation of this type under the
105 provisions of Chapter 3 § 7.

106 Respectfully submitted,

107 William Francis Galvin

108 Secretary of the Commonwealth

109 WFG/lf