HOUSE DOCKET, NO. 2876 FILED ON: 1/18/2013

HOUSE . . . . . No. 1102

The Commonwealth of Massachusetts

PRESENTED BY:

Nick Collins

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Nick Collins	*4th Suffolk*

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HOUSE . . . . . No. 1102

By Mr. Collins of Boston, a petition (accompanied by bill, House, No. 1102) of Nick Collins relative to operations at local housing authorities. Housing.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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

20 this section, for other local housing authorities ("client housing authorities" or "CHAs") in order
21 to supplement and expand CHA capacity and to utilize economies of scale ("CMSA
22 program").The department shall establish and implement the CMSA program in consultation
23 with representatives of local housing authorities, municipal officials, public housing residents
24 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 operationsand 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 anddevelop 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 standardsestablished by the department
66 shall be structured so as to enable the department to identify housing authorities that are failing
67 to meet minimumstandards 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 shallprovide 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 establishedby 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 The department shall establish and implement a single statewide centralized wait list for
91 state-aided public housing, after consultation with representatives of local housing authorities,
92 municipal officials, public housing residents and public housing industry professional
93 organizations. Such centralized wait list shall enable public housing applicants to submit a
94 standardized application, on which they may select locations of housing preference, through a

95 centralized internet website or through any local housing authority. All housing authorities shall
96 be required to utilize the centralized wait list for selection of public housing tenants, with all
97 local preferences and other preferences applied as required by law. To create and administer the
98 centralized wait list, the department shall contract with a qualified non-profit organization with
99 experience in administering centralized housing waiting lists.

100 SECTION 3. Section 29 of Chapter 121B of the General Laws, as so appearing,is hereby
101 amended by striking out the first paragraph and inserting in place thereof the following:

102 (a) Housing authorities shall be subject to annual financial and compliance audits by
103 independent audit professionals. Such audits shall be conducted by audit firms determined by
104 the department to be qualified, including the State Auditor's office, based upon their knowledge
105 of audit standards applicable to housing authorities, housing regulations, and housing authority
106 operations. The department shall provide funding in housing authority operating budgets for the
107 cost of conducting such audits.

108 (b) The department shall establishand implement financial and operational
109 compliance audit protocols, after consultation with representatives of local housing authorities,
110 municipal officials, public housing residents and public housing industry professional
111 organizations, to be used in such financial and compliance audits. Such audit protocols shall
112 include compliance testing,including confirmation of housing authority employee salary cap
113 compliance.

114 (c) Each housing authority shall keep an accurate account of all of its activities and
115 all of its receipts and expenditures and shall annually, after the end of its fiscal year, make a
116 reportthereof to the department, to the state auditor and to the mayor of its city or the selectmen
117 of its town. The department shall establish, implement and maintain a central automated
118 financial data system to which housing authorities shall submit their annual reports of financial
119 activities and on which auditors performing audits required by this section can electronically
120 provide confirmation of audit findings (as well as housing authority financial reports) and the
121 department may undertake financial data review.

122 SECTION 4.

123 (a) The department shall implement the provisions of this act within 90 days of the
124 effective date of the act, including through the promulgation of regulations as required.Within
125 120 days of the effective date of the act, the department shall file with the clerk of the house of
126 representatives a report detailing its implementation of this act, including copies of any
127 regulations, guidelines or other materials establishing and implementing the act's provisions.

128 (b) Within 90 days of the effective date of this act the department shall create an
129 advisory committee to receive and review a copy of the report described in subsection (a) of this
130 section, which advisory committee shall provide consultation to the department and the General

131 Court on the department's implementation of the provisions of this act. Members of the advisory
132 committee created by the department shall include representatives of local housing authorities,
133 municipal officials, public housing residents, representatives of public housing industry
134 professional organizations, and a representative of organized labor.