

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Linda Campbell*

*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 housing and redevelopment authority executive directors..

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Linda Campbell</i>	<i>15th Essex</i>	<i>2/6/2012</i>
<i>Patricia D. Jehlen</i>		<i>2/7/2012</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/7/2012</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>	<i>2/8/2012</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/13/2012</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>	<i>2/10/2012</i>

**HOUSE . . . . . No.**

By Ms. Campbell of Methuen, a petition (subject to Joint Rule 12) of Linda Dean Campbell and others relative to housing and redevelopment authority executive directors. State Administration and Regulatory Oversight.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Twelve**

An act relative to housing and redevelopment authority executive directors..

*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. Section 3 of chapter 23B of the General Laws, as appearing in the 2010  
2 Official Edition, is hereby amended by adding the following three clauses:-

3 (w) develop specific housing authority board member training curriculum in consultation  
4 with the executive directors of housing authorities. Such training shall be provided by the  
5 department and shall include ethics, fiduciary responsibilities, compensation limitations and  
6 parameters. Training instructors shall have worked as either executive directors or board  
7 members of housing authorities;

8 (x) develop, promote and assist housing authorities with regional purchasing; and

9 (y) approve of a housing or redevelopment authority executive director pursuant to  
10 section 7 of chapter 121B.

11 SECTION 2. Section 1 of chapter 121B of the General Laws is hereby amended by  
12 striking out the definition of “housing authority” and inserting in place thereof the following  
13 definition:-

14 “housing authority”, a public body politic and corporate created pursuant to section 3 or  
15 corresponding provisions of earlier laws; provided, that those housing authorities managing the  
16 dwelling units shall be categorized as follows: (1) “small housing authority”, a housing authority  
17 managing less than 200 dwelling units; (2) “medium housing authority”, a housing authority  
18 managing 200 or more but less than 500 dwelling units; (3) “large housing authority”, a housing  
19 authority managing 500 or more but less than 1,000 dwelling units; (4) “very large housing  
20 authority”, a housing authority managing 1,000 or more dwelling units.

21 SECTION 3. Chapter 121B of the General Laws is hereby amended by striking out  
22 section 5 and inserting in place thereof the following section:-

23 Section 5. Every housing and redevelopment authority shall be managed, controlled and  
24 governed by 5 members, appointed or elected as provided in this section, of whom 3 shall  
25 constitute a quorum. Except as provided in section 7, no member shall serve as either a member  
26 or an executive director, or other employee, of any other housing or redevelopment authority.

27 In a city, 4 members of a housing or redevelopment authority shall be appointed by the  
28 mayor subject to confirmation by the city council; provided, that, the members shall be appointed  
29 to serve for initial terms of 1, 2, 4 and 5 years, respectively.

30 In a town, 5 members shall be elected by the town; provided, that of the members  
31 originally elected at an annual town meeting, the one receiving the highest number of votes shall  
32 serve for five years, the one receiving the next highest number of votes, for 4 years, the one

33 receiving the next highest number of votes, for 2 years, and the one receiving the next highest  
34 number of votes shall serve for 1 year; provided, that upon the initial organization of a housing  
35 or redevelopment authority, if a town so votes at an annual or special town meeting called for the  
36 purpose, four members of such an authority shall be appointed forthwith by the selectmen to  
37 serve only until the qualification of their successors, who shall be elected at the next annual town  
38 meeting as provided above.

39 In a city or town, one member of a housing or redevelopment authority shall be appointed  
40 by the department for an initial term of 3 years.

41 Thereafter, as the term of a member of any housing or redevelopment authority expires,  
42 his successor shall be appointed or elected, in the same manner and by the same body, for a term  
43 of five years from such expiration. Membership in a housing or redevelopment authority shall be  
44 restricted to residents of the city or town.

45 In a city, one of the four members of a housing authority appointed by the mayor shall be  
46 a resident of that city and shall be a representative of organized labor who shall be appointed by  
47 the mayor from a list of not less than two nor more than five names, representing different unions  
48 submitted by the Central Labor Council, AFL-CIO and the International Brotherhood of  
49 Teamsters, Chauffeurs, Warehousemen and Helpers of America of the city or of the district  
50 within which the city is included. If no such list of names is submitted within sixty days after a  
51 vacancy occurs, the mayor may appoint any representative of organized labor of his own  
52 choosing to the authority. In a city, one of the four members of a housing authority appointed by  
53 the mayor shall be a tenant in a building owned and operated by or on behalf of the local housing  
54 authority who shall be appointed by the mayor from lists of names submitted by each duly

55 recognized city-wide and project-wide tenants' organization in the city. A tenants' organization  
56 may submit a list which contains not less than two nor more than five names to the mayor who  
57 shall make his selection from among the names so submitted; provided that, where no public  
58 housing units are owned and operated by the local housing authority and no such units are owned  
59 and operated on behalf of the local housing authority, the mayor shall appoint any tenant of the  
60 housing authority from lists submitted in accordance with this section. If no list of names is  
61 submitted within sixty days after a vacancy occurs, the mayor shall appoint any tenant of his  
62 choosing to the authority. The mayor shall notify in writing tenant organizations as specified  
63 herein not less than ninety days prior to the expiration of the term of a tenant member. Whenever  
64 a vacancy occurs in the term of a tenant member for any reason other than the expiration of a  
65 term, the mayor shall notify in writing the tenant organizations specified herein within ten  
66 working days after the vacancy occurs. The mayor shall make an appointment within a  
67 reasonable time after the expiration of sixty days after said notice.

68 Vacancies, other than by reason of expiration of terms, shall be filled for the balance of  
69 the unexpired term, in the same manner and by the same body, except elected members in towns  
70 whose terms shall be filled in accordance with the provisions of section eleven of chapter forty-  
71 one. Every member, unless sooner removed, shall serve until the qualification of his successor.

72 As soon as possible after the qualification of the members of a housing or redevelopment  
73 authority the city or town clerk, as the case may be, shall file a certificate of such appointment,  
74 or of such appointment and election, as the case may be, with the department, and a duplicate  
75 thereof, in either case, in the office of the state secretary. If the state secretary finds that the  
76 housing or redevelopment authority has been organized and the members thereof elected or  
77 appointed according to law, he shall issue to it a certificate of organization and such certificate

78 shall be conclusive evidence of the lawful organization of the authority and of the election or  
79 appointment of the members thereof.

80 Whenever the membership of an authority is changed by appointment, election,  
81 resignation or removal, a certificate and duplicate certificate to that effect shall be promptly so  
82 filed. A certificate so filed shall be conclusive evidence of the change in membership of the  
83 authority referred to therein.

84 Any member appointed or elected pursuant to this section shall attend a board member  
85 training as proscribed by the department pursuant to section 3 of chapter 23B.. The department  
86 shall certify such attendance.

87 SECTION 4. Said chapter 121B of the General Laws is hereby further amended by  
88 striking out section 7 and inserting in place thereof the following section:-

89 Section 7. A housing or redevelopment authority shall elect from among its members a  
90 chairman and a vice-chairman, a treasurer who may be a member of the authority, may employ  
91 counsel and may delegate to one or more of its members, agents or employees such powers and  
92 duties as it deems necessary or proper for the carrying out of any action determined upon by it.  
93 So far as practicable, a housing or redevelopment authority shall make use of the services of the  
94 agencies, officers and employees of the city or town in which such authority is organized, and  
95 such city or town shall, if requested, make available such services, except, that in the city of  
96 Boston, the housing authority may contract with said city for the assignment of thirty-seven  
97 police officers of the police department of said city to police the buildings and grounds owned by  
98 said authority with the proviso that said authority shall reimburse said city for one third of the  
99 cost thereof.

100           A housing authority may compensate its members for each day spent in the performance  
101 of their duties and for such other services as they may render to the authority in connection with  
102 projects commenced prior to July first, nineteen hundred and sixty-five. Such compensation shall  
103 not exceed fifty dollars a day for the chairman and forty dollars a day for a member other than  
104 the chairman, provided that the total sum paid to all the members in any one month or year shall  
105 not exceed two per centum of the gross income of the housing authority during such month or  
106 year, respectively, nor shall the total sum paid in any year exceed twelve thousand five hundred  
107 dollars in the case of the chairman or ten thousand dollars in the case of a member other than the  
108 chairman. Such compensation shall be allocated by the housing authority among its various  
109 projects commenced prior to July first, nineteen hundred and sixty-five, in such manner and  
110 amounts as it deems proper. Members of a housing authority shall be allowed, or be reimbursed  
111 for, all expenses properly incurred by them within or without the city or town in the discharge of  
112 their duties. Such expenses shall be allocated by the housing authority among its various projects  
113 in such manner and amounts as it deems proper.

114           For the purposes of chapter two hundred and sixty-eight A or paragraph (7) of section  
115 forty-four D of chapter one hundred and forty-nine, each housing and redevelopment authority  
116 shall be considered a municipal agency and, without limiting the power of a city council or board  
117 of aldermen or board of selectmen to classify additional special municipal employees pursuant to  
118 said chapter, each member of such an authority, and any person who performs professional  
119 services for such an authority on a part-time, intermittent or consultant basis, such as those of  
120 architect, attorney, engineer, planner, or construction, financial, real estate or traffic expert, shall  
121 be considered a special municipal employee.

122 Any compensation paid to a tenant member of a housing authority for services as a  
123 member shall be included as income in determining rent, and the tenant shall be subject to  
124 appropriate rent increases, as provided for in authority policy and as regulated by the department;  
125 provided, however, that such compensation shall not be considered income for purposes of  
126 determining continued occupancy.

127 A housing authority may employ an executive director, agents and employees subject to  
128 the following limitations and qualifications: (1) approval by the department of any executive  
129 director; (2) approval of a salary or compensation schedule for an executive director to be  
130 developed by the department using a formula based solely upon the number of units under  
131 supervision, program responsibility with one base salary and one benefit package as authorized  
132 by the department; and (3) no motor vehicle may be provided to the housing authority executive  
133 director and to housing authority clerical personnel, unless authorized by the department.

134 A full-time director is to be considered one who directs a medium sized housing authority  
135 or larger. No full-time director shall serve as a part-time director in any other housing authority.

136 Cities and towns with a small housing stock lesser may have a part-time director or may  
137 share a director with another community as long as the total number of units under supervision is  
138 approximately medium in size as determined by the department. Communities must be  
139 reasonably geographically co-located and approved by the department.

140

141 Directors of more than one housing authority shall be compensated according to the  
142 number of housing units under supervision and program responsibility as authorized by the  
143 department.

144 SECTION 5. Subsection (a) of section 20 of chapter 268A of the General Laws, as  
145 appearing in the 2010 Official Edition, is hereby amended by striking out the seventh paragraph  
146 and inserting in place thereof the following paragraph:-

147 This section shall not prohibit an employee of a housing authority in a municipality from  
148 holding any elective office, other than the office of mayor or board member of a housing or  
149 redevelopment authority, in such municipality nor in any way prohibit such employee from  
150 performing the duties of or receiving the compensation provided for such office; provided,  
151 however, that such elected officer shall not, except as otherwise expressly provided, receive  
152 compensation for more than 1 office or position held in a municipality, but shall have the right to  
153 choose which compensation he or she shall receive; provided further that no such elected official  
154 may vote or act on any matter which is within the purview of the housing authority by which he  
155 or she is employed; provided further that no such elected official shall be eligible for  
156 appointment to any such additional position while he or she is still serving in such elective office  
157 or for 6 months thereafter; and provided further that no executive director of a housing authority  
158 shall be a member of any housing or redevelopment authority, a violation of which shall be  
159 punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more  
160 than 5 years, or in a jail or house of correction for not more than 2½ years, or both. Any  
161 violation of the provisions of this paragraph which has substantially influenced the action taken  
162 by the housing authority in any matter shall be grounds for avoiding, rescinding, or cancelling  
163 the action on such terms as the interest of the municipality and innocent third parties may  
164 require.

165           SECTION 6. Notwithstanding any general or special law to the contrary, within 90 days  
166 of the effective date of this act, the department of housing and community development shall  
167 promulgate regulations to implement the provisions of this act.