

**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 adoption of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John J. Binienda</i>	<i>17th Worcester</i>	
<i>John P. Fresolo</i>	<i>16th Worcester</i>	<i>2/1/2013</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>2/1/2013</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/1/2013</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>1/29/2013</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2013</i>
<i>Donald Humason</i>		
<i>John H. Rogers</i>	<i>12th Norfolk</i>	
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	
<i>Anne M. Gobi</i>	<i>5th Worcester</i>	
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>	
<i>Chris Walsh</i>	<i>6th Middlesex</i>	

<i>Kevin J. Murphy</i>	<i>18th Middlesex</i>	
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	
<i>James R. Miceli</i>	<i>19th Middlesex</i>	
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>	
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>2/1/2013</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/1/2013</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>1/31/2013</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>2/1/2013</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>	<i>1/31/2013</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>1/31/2013</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>1/31/2013</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/31/2013</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>	<i>2/1/2013</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>	<i>1/31/2013</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>2/1/2013</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>	<i>1/31/2013</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/30/2013</i>
<i>Christopher G. Fallon</i>	<i>33rd Middlesex</i>	<i>2/1/2013</i>
<i>Ryan C. Fattman</i>	<i>18th Worcester</i>	<i>2/1/2013</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>2/1/2013</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>	<i>2/1/2013</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>1/31/2013</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/30/2013</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>2/1/2013</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>2/1/2013</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>2/1/2013</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>	<i>2/1/2013</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>	<i>1/31/2013</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/30/2013</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>2/1/2013</i>
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>1/31/2013</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>2/1/2013</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>	<i>2/1/2013</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>	<i>2/1/2013</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	<i>2/1/2013</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>1/31/2013</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/30/2013</i>

# HOUSE . . . . . No. 1094

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

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## 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:*

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

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

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

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

15           Section 26B – Collaborative Management and Service Agency Program.

16           a.       The department shall establish and implement a program to select, facilitate and  
17 support local housing authorities created pursuant to section 3 of this chapter, or regional  
18 housing authorities created pursuant to section 3A of this chapter, to serve as collaborative

19 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 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

public housing industry professional organizations, establish procedures and incentives that will result in no less than 50 CHAs transferring their operations in full to management by CMSAs.

Section 26C – Standards for and review of housing authority operations.

a. The department shall establish and implement performance-based monitoring program and develop and provide uniform standards for assessing housing authority operations which incorporate public housing industry standards and measures, including federal monitoring standards as applicable. Participation in the monitoring program shall be mandatory for housing authorities. The monitoring program and assessment standards established by the department shall be structured so as to enable the department to identify housing authorities that are failing to meet minimum standards and to develop and implement corrective action plans and targeted assistance by the department to improve performance to a satisfactory level.

b. The department shall establish and implement a housing authority accreditation system that provides for review and accreditation of housing authorities by a recognized and independent organization of housing industry professionals (“accreditation reviewers”). All housing authorities shall be required to participate in the accreditation system and the accreditation reviewers shall report on their accreditation determinations to the department. The accreditation system shall be based, in part, upon the assessment standards described in subsection (a) of this section and emphasize qualitative rather than quantitative evaluation criteria. The accreditation system shall provide objective third-party assessment of a housing authority’s performance and its ability to meet goals based on the needs of its local community and shall provide technical assistance by the department as required to assist housing authorities in correcting performance weaknesses identified in the accreditation process. Accreditation decisions shall be reviewed and renewed on a periodic basis to be determined by the department. Housing authorities determined by the accreditation process to be accredited shall be exempt from participation in the department’s monitoring program described in subsection (a) of this section for a period of time as set forth in the accreditation system established by the department.

c. The monitoring program, assessment standards and accreditation system established by the department under this section shall be developed and implemented by the department in consultation with representatives of local housing authorities, municipal officials, public housing residents and public housing industry professional organizations.

Section 26D – Creation and administration of statewide centralized wait list for state-aided public housing

The department shall establish and implement a single statewide centralized wait list for state-aided public housing, after consultation with representatives of local housing authorities, municipal officials, public housing residents and public housing industry professional organizations. Such centralized wait list shall enable public housing applicants to submit a standardized application, on which they may select locations of housing preference, through a

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

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

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

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

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

#### SECTION 4.

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

(b) Within 90 days of the effective date of this act the department shall create an advisory committee to receive and review a copy of the report described in subsection (a) of this 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.