

HOUSE No. 4306

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 14, 2014.

The committee on Ways and Means, to whom was referred the Bill relative to local housing authority reform (House, No. 4211), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4306).

For the committee,

BRIAN S. DEMPSEY.

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to local housing authority reform.

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 2012
2 Official Edition, is hereby amended by inserting after the definition of “Substandard area” the
3 following definition:-

4 “Tenant member”, a member of the board of the housing authority who is directly
5 assisted by that housing authority pursuant to this chapter.

6 SECTION 2. The first paragraph of section 5 of said chapter 121B, as so appearing, is
7 hereby amended by inserting at the end thereof the following sentence:-

8 Every member shall be fiduciary of the housing authority.

9 SECTION 3. Section 5 of said chapter 121B, as so appearing, is hereby amended by
10 striking out, in line 8, the word “four” and inserting in place thereof the following figure:- 3.

11 SECTION 4. Said section 5 of said chapter 121B, as so appearing, is hereby further
12 amended by striking out, in lines 12 through 13, inclusive, the words “, and the one receiving the
13 next highest number of votes shall serve for one year”.

14 SECTION 5. Said section 5 of said chapter 121B, as so appearing, is hereby further
15 amended by adding the following paragraph:-

16 The department shall promulgate regulations establishing election procedures for tenants’
17 organizations to elect the tenant member in a town. If a tenant organization holds an election in
18 compliance with the department’s regulations, the board of selectmen shall appoint the tenant
19 elected as a member. Alternatively, a tenants’ organization may submit a list which contains not
20 less than 2, but no more than 5 names to the board of selectmen who shall make the selection
21 from among the names submitted; provided, however, that, where no public housing units are

22 owned and operated by the housing authority and no such units are owned and operated on
23 behalf of the housing authority, the board of selectmen shall appoint a tenant of the housing
24 authority from lists submitted in accordance with this section. If no tenants' organization is
25 established, or if no list of names is submitted within 60 days after a vacancy occurs, the board of
26 selectmen shall solicit applications from tenants and shall appoint any tenant of its choosing to
27 the authority. The department shall notify in writing tenant organizations and the board of
28 selectmen as specified herein not less than 90 days prior to the expiration of the term of a tenant
29 member. Whenever a vacancy occurs in the term of a tenant member for any reason other than
30 the expiration of a term, the department shall notify in writing the tenant organizations and the
31 board of selectmen specified herein within 10 working days after the vacancy occurs. The board
32 of selectmen shall make an appointment within a reasonable time after the expiration of 60 days
33 after said notice. The department may grant a waiver of this requirement if a tenant has been
34 elected this section.

35 SECTION 6. Said chapter 121B, is hereby further amended by inserting after section 5
36 the following section:-

37 Section 5A. The department shall establish and implement a comprehensive training
38 program for members. The training program shall be developed by the department in
39 consultation with representatives of local housing authorities, municipal officials, public housing
40 residents, public housing industry professional organizations, and relevant state agencies.

41 The department shall provide instructions to the members on the following laws and
42 topics: (1) the open meeting law established pursuant to sections 18 to 25, inclusive of chapter
43 30A ; (2) the public records law established pursuant to chapter 66 ; (3) the conflict of interest
44 law established pursuant to chapter 268A , ; (4) the uniform procurement act established
45 pursuant to chapter 30B, , (5) state finance provisions established pursuant to chapter 29 ; (6)
46 fraud prevention; and (7) fiduciary responsibilities; provided, that the department may include
47 any other topics relevant to proper management of a housing or redevelopment authority. The
48 department may consult with the attorney general and the inspector general in developing
49 training programs on the duties of housing authority members

50 The department shall provide independent technical assistance training to tenant
51 members. The department shall develop the training with the goal of enabling tenant members to
52 fully participate in the oversight of the housing authority's operation and capital planning. The
53 department may permit tenants who are not members to attend technical assistance training..

54 Once appointed, all members shall complete the training program, as developed by the
55 department, within 90 days of assuming the member's position. Members shall complete the
56 training program every 2 years. A member who does not complete the training program within
57 the required time frame may be subject to removal proceedings pursuant to section 6.

58 SECTION 7. Said chapter 121B is hereby further amended by inserting after section 7 the
59 following section:-

60 Section 7A. The department shall promulgate guidelines for contracts to be executed by
61 the housing authority and an executive director. The department shall have the authority to
62 review and amend all contracts between housing authorities and executive directors, including all
63 terms for payment or monetary remuneration relevant to state payments, and shall strike any
64 provisions that do not conform with said guidelines.

65 SECTION 8. Said chapter 121B is hereby further amended by inserting after section 26A
66 of the following 4 sections:-

67 Section 26B. (a) A housing authority shall participate in the performance-based
68 monitoring program as established by the department in accordance with this section.

69 (b) The department shall establish and implement the performance-based monitoring
70 program and develop and provide uniform assessment standards for evaluating housing authority
71 operations. The assessment standards may incorporate public housing industry standards and
72 measures and federal monitoring standards as applicable. The monitoring program and
73 assessment standards established by the department shall be structured to enable the department
74 to identify housing authorities that are failing to meet minimum standards and to develop and
75 implement corrective action plans and targeted assistance by the department to improve
76 performance to a satisfactory level.

77 (c) The monitoring program and assessment standards established by the department
78 under this section shall be developed and implemented by the department in consultation with
79 representatives of housing authorities, municipal officials, public housing residents and public
80 housing industry professional organizations. At a minimum, the department shall include
81 assessment standards for: (i) executive director and senior staff training; (ii) board member
82 training; (iii) senior staff certification in public procurement procedures; (iv) budget
83 management; (v) minimum experience and education requirements to be used when hiring new
84 executive directors; (vi) maintenance and repair of existing units; (vii) procedure and timeline for
85 vacant unit turnover; (viii) capital project planning; (ix) resident services, including job training
86 initiatives and family self-sufficiency programming; and (x) participation in the capital
87 assistance team program established by section 26C.

88 (d) The department shall establish guidelines for designating a housing authority as
89 “chronically poor performing” under the monitoring program. The department shall develop
90 these guidelines in consultation with representatives of local housing authorities, municipal
91 officials, public housing residents and public housing industry professional organizations. If a
92 housing authority is designated as a chronically poor performing authority, the department shall
93 also have the power to appoint a chief administrative and financial officer, herein after referred
94 to the CAFO, who shall be responsible for the overall administration of the housing authority.

95 The department shall appoint the CAFO for a term of not more than 3 years. The CAFO shall be
96 appointed solely on the basis of administrative and executive qualifications and shall be a person
97 especially fitted by education, training and experience to perform the duties of the office. The
98 CAFO shall not be required to be a resident of the same municipality as the housing authority to
99 be administered or the commonwealth. The powers and duties of the CAFO shall include the
100 following: (i) coordinating, administering, and supervising of all financial services and activities;
101 (ii) implementing and maintaining uniform systems, controls, and procedures for all financial
102 activities; (iii) reviewing all proposed contracts and obligations; (iv) reviewing the spending plan
103 for each department; (v) evaluating the housing authority's current annual plan under section
104 28A of this chapter and implementing a written plan to meet the department's assessment
105 standards established pursuant to this section, including, but not limited to merging with another
106 housing authority or regional housing authority. Annually, on or before March 30, the CAFO
107 shall submit a 4-year financial plan and a 5-year capital plan to the department that includes all
108 capital needs of the housing authority.

109 (e) The department shall promulgate regulations requiring all housing authorities to
110 maintain a website which shall display contact information for members and senior staff.

111 Section 26C. (a) The department shall establish a program to provide capital planning and
112 technical assistance to housing authorities. The program shall include 3 capital assistance teams,
113 which shall aid housing authority members and executive directors in developing and managing
114 the housing authority's capital program, including: (i) developing a capital plan as required in the
115 housing authority's annual plan under section 26B of this chapter; (ii) preparing applications for
116 special capital project funds; (iii) implementing capital improvement projects; (iv) managing
117 updates to the department's capital planning system; (v) facilitating coordination between
118 housing authorities to ensure efficient use of capital and maintenance funds; and (vi) other
119 functions related to capital planning, renovation, and redevelopment as the department deems
120 necessary; provided further, the capital assistance team shall provide services to the housing
121 authority without requiring payment for said services by the housing authority. The capital
122 assistance teams shall be located in regions to be designated by the department.

123 (b) Housing authorities with 500 or fewer state-aided units shall participate in the
124 program. The department may grant a waiver of this requirement, provided that a housing
125 authority can demonstrate satisfactory performance under the assessment standards of section
126 26B.

127 (c) Each capital assistance team shall be located at a host housing authority. Three host
128 housing authorities shall be selected by the department by developing and issuing a request for
129 proposal; provided further, that the department shall select 1 host housing authority in each of the
130 designated regions. The department shall promulgate regulations to increase the salary of the
131 host housing authority director.

132 (d) Each capital assistance team shall have a director to be hired by the host housing
133 authority in consultation with the department. The director shall hire project management and
134 capital planning staff to work directly with housing authorities to provide the technical assistance
135 described; provided however, no staff member shall individually oversee more than 2,500 units
136 on a permanent basis.

137 (e) An advisory board shall be created for each capital assistance team, which shall be
138 composed of 11 members. The host housing authority shall appoint 1 of its own board members
139 to the advisory board; the department shall promulgate regulations establishing election
140 procedures for the selection of the remaining 10 members. The department shall limit eligibility
141 for election to members of participating housing authorities in the region. The advisory board
142 shall meet on a quarterly basis with the capital assistance team director, host housing authority
143 director and the director of the department, or a designee and shall discuss issues of program
144 performance and coordination.

145 SECTION 9. Said chapter 121B, as so appearing, is hereby further amended by inserting
146 after section 28 the following section:-

147 Section 28A. (a) Each housing authority shall submit to the department an annual plan
148 which states the housing authority's goals and objectives to meet the department's assessment
149 standards under section 26B. The annual plan shall include the housing authority's capital
150 improvement plans for the following year and address any deficiencies in meeting applicable
151 performance standards.

152 (b) The housing authority shall make the annual plan available for public review and
153 comment through an annual public hearing. Not later than 45 days before the date of any public
154 hearing the housing authority shall publish a notice informing the public of the agenda items
155 which shall be covered at the hearing, including, but not limited to: (i) the housing authority's
156 proposed operating budget; (ii) the housing authority's proposed capital plan; and (iii) the
157 housing authority's specific plan to meet the assessment standards under section 26B of this
158 chapter.

159 (c) The department shall promulgate regulations to implement the provisions of this
160 section.

161 SECTION 10. Section 29 of said chapter 121B, as so appearing, is hereby amended by
162 striking out the first sentence and inserting in place thereof the following 5 sentences:-

163 The members of a housing authority shall annually, at a time to be determined by the
164 department, file with the department a written report for its last preceding fiscal year. Such report
165 shall be filed in the manner prescribed by the department and shall contain an audited financial
166 statement, an annual plan as provided for pursuant to this chapter and other information as the
167 department may require. Each housing authority shall contract with an external auditor to

168 prepare the audited financial statement; and provided further that the audited financial statement
169 shall be prepared in accordance with such generally accepted accounting principles and reporting
170 practices as may from time to time be prescribed by the American Institute of Certified Public
171 Accountants, or its successor organization. An external auditor shall perform no more than 3
172 consecutive audits for a housing authority. The department may grant a waiver of this
173 requirement to a housing authority, provided that the housing authority is unsuccessful in
174 procuring bids from multiple external auditors qualified to perform the housing authority's state
175 and federal audit. The report, including the audited financial statement and the annual plan, shall
176 be made available to the public on the department's website, as well as the housing authority's
177 website required under section 26B of this chapter. A member who does not submit the written
178 report as required by the department may be subject to removal proceedings pursuant to section 6
179 of this chapter. Additionally, housing authorities shall be subject to audit by the state auditor, in
180 accordance with generally accepted government auditing standards, as often as the auditor
181 determines is necessary. In determining the audit frequency of housing authorities, the state
182 auditor shall consider the materiality, risk, and complexity of housing authority activities, as well
183 as the nature and extent of prior audit findings. Each housing authority may be audited
184 separately or as a part of an audit covering multiple housing authorities.

185 SECTION 11. Section 34 of said chapter 121B, as so appearing, is hereby amended by
186 striking, in lines 156 through 162, the eighth paragraph.

187 SECTION 12. Said section 34 of chapter 121B, as so appearing, is hereby further
188 amended by striking, in lines 208 through 209, the words:- by the state auditor or.

189 SECTION 13. Said chapter 121B, as so appearing, is hereby further amended by inserting
190 after section 38B the following 2 sections:-

191 Section 38C. The department shall establish and implement a program for the purpose of
192 conducting annual surveys of public housing residents. The department shall develop the annual
193 survey in conjunction with stakeholders, including public housing residents. The survey shall be
194 conducted by the department and shall preserve the anonymity of the residents. The survey shall
195 include, at a minimum, questions about maintenance and repair of units, housing authority
196 communication to residents, resident participation in housing authority governance, resident
197 safety, and resident services, such as job training programs. The department shall establish
198 procedures to conduct physical inspections of a representative sample of units in conjunction
199 with the survey, provided further, that the results of the survey shall be used to evaluate the
200 housing authority's performance under section 26B.

201 Section 38D. (a) As used in this section, the following words shall, unless the context
202 clearly requires otherwise, have the following meanings:-

203 "Affordable housing", homeownership or rental housing which is restricted to occupancy
204 by low or moderate income households of 1 or more persons and for which the sale price or rents

205 are affordable as defined by the criteria for inclusion in the department’s subsidized housing
206 inventory or consistent with funding sources.

207 “Affordable housing development”, a development of new or rehabilitated affordable
208 housing, which may include market-rate housing if such market-rate housing is reasonably
209 necessary for the financial feasibility of construction or operation of the affordable housing.

210 “Department”, department of housing and community development.

211 “Extremely low income household”, a household with a gross income at or less than 30
212 per cent of area median household income as most recently determined by the U.S. Department
213 of Housing and Urban Development, adjusted for household size.

214 “Housing authority”, a housing authority established pursuant to section 3.

215 “Low or moderate income household”, a household with gross income at or less than 80
216 per cent of area median household income as most recently determined by the United States
217 Department of Housing and Urban Development, adjusted for household size.

218 “Market-rate housing”, homeownership or rental housing which is not restricted to
219 occupancy by low or moderate income households. Market-rate housing may be made available
220 for occupancy by households without regard to income, and it may also include housing subject
221 to maximum income limits to be occupied by households with gross income greater than 80 per
222 cent but not more than 150 per cent of the area median household income as most recently
223 determined by the United States Department of Housing and Urban Development, adjusted for
224 household size.

225 “Program”, the regional public housing innovation program under this section.

226 “Public housing”, state-assisted housing developed through funds provided under chapter
227 200 of the acts of 1948, chapter 667 of the acts of 1956, chapter 705 of the acts of 1966, chapter
228 689 of the acts of 1974 and chapter 167 of the acts of 1987.

229 “Regional housing authority”, a housing authority established pursuant to section 3A.

230 “Very low income household”, a household with a gross income at or less than 50 per
231 cent but greater than 30 per cent of area median household income as most recently determined
232 by the U.S. Department of Housing and Urban Development, adjusted for household size.

233 (b)(1) A regional housing authority may apply to the department for approval to
234 participate in the program. Participation shall be limited to applicants that have the ability to
235 plan and carry out activities under the program, as evidenced by prior performance in the
236 operation and maintenance of public housing, demonstrate a need to redevelop and repair
237 occupied and vacant public housing units, and other appropriate factors as determined by the
238 director of the department.

239 (2) The department may determine the housing authorities participating in the program,
240 provided that, the total number of authorities may not exceed 4 authorities. To be eligible to
241 participate in the program, a housing authority must: (i) be a regional housing authority under
242 section 3A ; (ii) 3 of the participating housing authorities shall have no fewer than 7 participating
243 communities and portfolios of no fewer than 750 state-aided public housing units. 1 of the four
244 authorities shall have a portfolio of between 250 and 700 state aided public housing units and no
245 fewer than 10 participating communities. In selecting participating authorities, the department
246 shall establish criteria that provides for representation of housing authorities having various
247 characteristics, including housing authorities serving urban, suburban and rural areas, and
248 housing authorities in various geographical regions throughout the commonwealth. Provided
249 further, the department shall create a position within the department to provide assistance to
250 housing authorities during the process of becoming a regional housing authority under section
251 3A .

252 (3) The department shall require program applicants to describe how tenants may be
253 provided with independent technical assistance sufficient to allow them meaningful and
254 informed input and shall encourage applications that demonstrate, create, or seek to achieve, with
255 respect to public housing: (i) innovative models for the redevelopment and repair of public
256 housing including for the elderly and frail elderly; (ii) innovative models for improved
257 management; (iii) coordination among several housing authorities; (iv) economic efficiencies;
258 and (v) expansion of economic opportunities for tenants and the commonwealth. Additionally,
259 the department shall encourage applications that achieve the development of affordable housing.

260 (4) The department shall act on the application within 90 days of its submission and shall
261 approve applications that meet the criteria established by the director, up to the number
262 established by this section. The department and the participating housing authority shall enter
263 into a program participation agreement summarizing the terms of participation, voluntary
264 withdrawal, and termination for material default and a timetable for achieving objectives of the
265 program. The initial term of participation shall be 10 years, which shall be extended in whole or
266 in part by the department so long as: (i) the housing authority has made satisfactory progress
267 toward its goals; (ii) the extension will meet the original objectives of the program; and (iii) the
268 housing authority has not received a negative evaluation pursuant to subsection (n).

269 (5) Upon expiration, withdrawal or termination of an agreement, the department shall
270 work cooperatively with the housing authority in a transition process. The transition process
271 may provide for retention of elements of the program implemented during participation
272 including, but not limited to, contractual agreements with third parties that contain terms that
273 extend beyond the term of participation that were referenced in the program participation
274 agreement, approved annual plan or approved annual report.

275 (c) The department, subject to appropriation, shall disburse all funding for a participating
276 housing authority or regional housing authority on a predictable schedule to permit and

277 encourage planning and efficiency by the housing authority. Further, the department shall
278 increase the regional housing authority's annual operating subsidy by providing an additional
279 subsidy which is equal to 20 percent of the regional housing authority's budget annually.

280 (d) The sections of this which conflict with the powers granted under this section or
281 substantially restrict a housing authority's ability to achieve the goals specified in its application
282 or plan shall not apply to a housing authority or regional housing authority approved by the
283 department to participate in the public housing initiative program to the extent the department
284 determines it is necessary, and except for the provisions in subsection (g).

285 (e) Regional housing authorities participating in the program shall, in addition to those
286 powers conferred in this chapter , have the following powers:

287 (1) to combine all forms of assistance received from the commonwealth and other
288 sources, including, but not limited to public housing operating subsidies appropriated by the
289 commonwealth through a general appropriations act and public housing modernization funds
290 authorized by the commonwealth to be funded through the sale of general obligation bonds,
291 other funds or grants; provided that, a housing authority shall not receive diminished assistance
292 by virtue of participation in the program under this section;

293 (2) to establish a reasonable rent policy, which shall be included in the annual plan
294 required by subsection (i), that shall: (A) provide for rents that are affordable to tenants
295 throughout the term of the program; (B) be designed to provide incentives to improved
296 employment and training and self-sufficiency by participating families; (C) include transition
297 and hardship provisions; (D) include in the transition period a limit on rent increases in any 1
298 year related solely to the change in the rent policy to no more than 10 per cent for the duration of
299 the transition period; (E) provide a rent cap for tenant households at or below 50 per cent of area
300 median income, adjusted for family size, of not more than the maximum tenant rental payments
301 including, if applicable, minimum rents permitted by section 32 ; and (F) provide a rent cap for
302 elderly and handicapped persons of low income of not more than the maximum tenant rental
303 payments including, if applicable, minimum rents permitted by said section 32 and subsection
304 (e) of section 40 ;

305 (3) to establish, and include as part of the annual plan required by subsection (h), local
306 methods of tenant or homeowner selection; provided that, the method is fair, objective, public
307 and does not discriminate against any applicant based on any protected category in chapter 151B
308 or any other fair housing laws or department policies and provides admissions preferences for
309 homeless households, veterans and victims of domestic violence;

310 (4) to create efficient, fair and open procurement policies for supplies, services, and real
311 property, designed to reduce costs and to meet local need, which shall be included in the annual
312 plan required by subsection (i);

313 (5) To participate in a mixed public-private affordable housing development or create any
314 legal entities or instrumentalities necessary to participate in mixed public private affordable
315 housing development designed to rehabilitate, repair, replace, or develop, affordable housing,
316 including public housing developments and projects developed pursuant to sections 26, 34, and
317 40 of chapter 121B of the general laws.

318 (6) to create partnerships or consortia with other public or private entities for the
319 operation, financing, or development of any program otherwise authorized by law;

320 (7) to acquire any property to carry out its purposes, and to dispose of any property of the
321 local housing authority without repayment of bonds to the commonwealth notwithstanding any
322 provision of this chapter to the contrary, unless otherwise required by law or contract, provided
323 that the proceeds of any such disposition must be applied to acquisition, operation, development,
324 rehabilitation, or repair of public or affordable housing consistent with the limitations on use of
325 proceeds in clause (E) of subsection (g); and

326 (8) to enter into energy services contracts in accordance with section 11C of chapter 25A
327 for a period of up to 20 years.

328 (f) Projects pursuant to this section may include a mix of extremely low income
329 households, low or moderate income households, and market-rate housing, and may utilize any
330 available source of rental subsidy or financial assistance; provided that operating subsidies
331 appropriated by the legislature and bond funds authorized by the legislature for the benefit of low
332 rent housing projects operated pursuant to sections 32 and 40 shall not be used to fund capital or
333 operating costs other than those for the redevelopment, repair and operation, including services
334 benefitting the tenants, of such housing.

335 (g) Notwithstanding the provisions of subsection (d), the local housing authority shall:

336 (1) comply with the provisions of section 12 , related to wages, labor requirements, and
337 Social Security;

338 (2) comply with the provisions of section 29 , related to wage rates and collective
339 bargaining;

340 (3) to retain the same number of public housing units as existed before participation in
341 this program to the greatest extent possible shall; (A) provide for full tenant participation,
342 including public hearing, on adoption or material amendment of its annual plan as required under
343 subsection (i); (B) provide for a tenant lease and grievance procedure substantially similar to that
344 in effect prior to entry into the program under this section; (C) provide that evictions shall be
345 only for good cause; (D) assure that housing assisted under the program in this chapter is decent,
346 safe and sanitary, and that, excepting any market-rate housing, the housing is deed restricted to
347 occupancy by extremely-low, very low, or low and moderate-income households at affordable

348 rents or sales prices, in perpetuity or for such other term as may be approved by the department,
349 consistent with funding sources; and (E) assure that proceeds from the disposition of public
350 housing and funds generated from new affordable and market housing created to replace public
351 housing, unless restricted to a particular use, shall be allocated to the reconstruction,
352 rehabilitation, or repair of public housing developments;

353 (4) assure that if a participating housing authority redevelops its public housing units, all
354 households residing in the units at the time of planned redevelopment shall receive relocation
355 assistance, if eligible, under this chapter or other applicable statutes. Said households shall have
356 the right to return to the redeveloped public housing, unless such household is determined to be
357 in unlawful occupancy prior to the approval of the housing authority's application, has materially
358 breached the lease agreement or has been evicted for cause, under applicable law subject to units
359 of the appropriate size and requirements being available. Such households shall have priority for
360 placement over new applicants;

361 (5) comply with chapter 334 of the acts of 2006;

362 and

363 (6) comply with the audit requirements of section 29.

364 (h) Each housing authority participating in the program under this section shall prepare
365 an annual plan. Tenants assisted by the housing authority and the wider community shall be
366 provided with adequate notice and opportunities to participate in the development and
367 preparation of the plan. Said tenants shall be provided an opportunity to comment and make
368 recommendations on the plan which shall include not less than 1 public hearing held at a time
369 and location that the participating housing authority reasonably believes will facilitate attendance
370 by, and input from, tenants.

371 The annual plan shall:

372 (1) state the housing authority's goals and objectives under the program for its fiscal year;

373 (2) describe the housing authority's proposed use of assistance for activities under the
374 program for the fiscal year;

375 (3) describe how the housing authority will achieve the repair and redevelopment of
376 public housing;

377 (4) state the housing authority's proposed income mix for its housing portfolio of: (A)
378 extremely low income households; (B) very low income households; (C) low or moderate
379 income households; and (D) market rate housing;

380 (5) explain how the housing authority's proposed activities will meet its goals and
381 objectives;

382 (6) include appropriate budgets and financial statements; and

383 (7) describe the tenant participation procedure and what independent technical assistance
384 will be made available to tenants.

385 Any plan submitted pursuant to subsection (i) shall be deemed approved unless the
386 department, within 60 days of submission, issues a written disapproval. The department shall
387 disapprove the plan if the department reasonably determines, based on information contained in
388 the plan or other reliable information available to the department, that the plan does not comply
389 with the provisions of this section or other applicable law or cannot reasonably be expected to
390 achieve the purposes set out in this section. The housing authority shall notify tenants of such
391 approval or disapproval.

392 (i) In place of all other planning and reporting requirements of the department, each
393 housing authority participating in the program under this chapter shall submit to the department
394 annually a single annual report, in a form and at a time specified by the department. The annual
395 report shall be the primary means by which the housing authority shall be required to provide
396 information to the department, to tenants and the public on the activities assisted under this
397 section during a fiscal year, unless the department has reason to believe that the housing
398 authority has violated the terms of the program.

399 Each annual report shall:

400 (1) document the housing authority's use of assistance under the program, including
401 appropriate financial statements;

402 (2) describe and analyze the effect of assisted activities in addressing the objectives of
403 this section, including the effect of rent and tenant selection policies;

404 (3) state the previous year's income mix of residents in the housing authority's public
405 housing and affordable housing developments under this program;

406 (4) include a certification by the housing authority that it has prepared an annual plan that
407 was prepared in accordance with subsection (i);

408 (5) describe and document how the housing authority has provided tenants assisted under
409 the program and the wider community with opportunities to participate in the development or
410 material modification of the annual plan, and an opportunity to comment on the annual plan
411 which shall include not less than 1 public hearing;

412 (6) include a report on the annual incomes of persons served in the previous year; and

413 (7) include other information as may be required by the department pursuant to
414 subsection (l) to determine the effectiveness of the program.

415 (j) Any report submitted pursuant to subsection (j) shall be deemed approved unless the
416 department, within 60 days of submission, issues a written disapproval because the department
417 reasonably determines, based on information contained in the report or other reliable information
418 available to the department, that the housing authority is not in compliance with the provisions of
419 this section or other applicable law.

420 (k) Each housing authority shall keep such records as the department may prescribe as
421 reasonably necessary to document the amount of funds and the disposition of funds under this
422 program, to ensure compliance with the requirements of this section, and to measure
423 performance.

424 (l) The department shall have access, for the purpose of audit and examination to any:
425 books; documents; papers; and records that are pertinent to assistance in connection with, and the
426 requirements of, this section; provided however, that reporting shall be conducted solely through
427 the annual report unless the department has reason to believe that the housing authority is not in
428 compliance with its program.

429 (m) The auditor of the commonwealth shall have access for the purpose of audit and
430 examination to any books, documents, papers, and records that are pertinent to assistance in
431 connection with, and the requirements of, this section.

432 (n) Each authority shall be evaluated by an independent evaluator twice during the initial
433 term of participation and periodically thereafter, in accordance with standards adopted by the
434 department, to determine the success of initiatives undertaken under this program in achieving
435 the purposes set forth in this section and the housing authority's plan.

436 (o) The department shall establish a manner in which to post the housing innovations
437 plan, annual report, independent evaluation and other public records pertaining to each housing
438 authority's public housing innovations program established pursuant to this act so that the
439 progress of each public housing innovations program is publicly available and free to access.

440 (p) The department shall establish a 9 member advisory committee whose members shall
441 include the director of the department or the director's designee, 1 representative selected by
442 Citizens' Housing and Planning Association, 1 representative selected by the Massachusetts
443 Chapter of the National Association of Housing and Redevelopment Officials, 1 representative
444 selected by the Massachusetts Union of Public Housing Tenants, 1 representative selected by the
445 Massachusetts Coalition for the Homeless, and 4 additional members chosen by the director of
446 the department to provide advice and recommendations to the department regarding regulations
447 to implement the provisions of this section and to provide ongoing assistance in determining the
448 effectiveness of the program.

449 (q) The department of housing and community development shall adopt regulations
450 implementing the provisions of this section.

451 (r) The department shall annually report to the house and senate committees on ways and
452 means and the joint committee on housing on the participation of housing authorities in the
453 public housing innovation program.

454 SECTION 14. Notwithstanding any general or special law to the contrary, each capital
455 assistance team established by the department of housing and community development pursuant
456 to section 26D of chapter 121B of the General Laws shall complete a survey of all surplus land
457 within 1 year of the effective date of this act. The department shall report the results of the
458 survey to the joint committee on housing within 90 days of the completion of the survey. The
459 capital assistance teams shall use the results of the survey to coordinate communication and
460 resources between local housing authorities and the department for the purpose of encouraging
461 development of the land for new units of affordable housing.

462 SECTION 15. Within 1 year of the effective date of this act, the department of housing
463 and community development shall establish and implement a single statewide centralized wait
464 list for state-aided public housing, after consultation with representatives of local housing
465 authorities, municipal officials, public housing residents and public housing industry professional
466 organizations. Such centralized wait list shall enable public housing applicants to submit a
467 standardized application through a centralized internet website or through any housing authority.
468 An applicant for tenancy in a housing authority, may designate a preference by naming housing
469 authorities; provided however, that no preference shall be required. All housing authorities shall
470 use the centralized wait list for selection of public housing tenants, with all local preferences and
471 other preferences applied as required by law.