

**HOUSE . . . . . No. 4981**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kevin G. Honan and Joseph A. Boncore***

*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 local housing authority board member elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>10/15/2018</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>10/18/2018</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>10/23/2018</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>10/26/2018</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>10/25/2018</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>10/23/2018</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>	<i>10/26/2018</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>	<i>10/23/2018</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>10/26/2018</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>10/24/2018</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>10/24/2018</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>10/25/2018</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>10/25/2018</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>	<i>10/25/2018</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>10/25/2018</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>10/30/2018</i>

**HOUSE . . . . . No. 4981**

By Representative Honan of Boston and Senator Boncore, a joint petition (subject to Joint Rule 12) of Kevin G. Honan, Joseph A. Boncore and others relative to the election of board members of local housing authorities. Housing.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act relative to local housing authority board member elections.

*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

2 Section 1 of chapter 121B of the General Laws, as so appearing, is hereby amended by  
3 striking the definition of “Tenant Member” and inserting in its place the following: -

4 A member of the board of the housing authority who shall be one of the following (a) a  
5 tenant who has signed a lease for a public housing unit owned and operated by the housing  
6 authority, (b) a tenant in a public housing unit owned and operated on behalf of a housing  
7 authority, (c) a participant in a rental assistance program administered by the housing authority,  
8 or (d) is an adult over the age of 18 years old authorized to reside in the unit of either (a),(b) or  
9 (c).

10 SECTION 2

11 Section 5 of Chapter 121B is hereby amended by inserting after the second paragraph the  
12 following new paragraph: -

13 In a town, four members of a redevelopment authority that is not a housing authority shall  
14 be elected by the town; provided, that of the members originally elected at an annual town  
15 meeting, the one receiving the highest number of votes shall serve for five years, the one  
16 receiving the next highest number of votes, for four years, the one receiving the next highest  
17 number of votes, for two years, and the one receiving the next highest number for one year;  
18 provided that upon the initial organization of a redevelopment authority that is not a housing  
19 authority, if a town so votes at an annual or special town meeting called for the purpose, four  
20 members of such an authority shall be appointed forthwith by the selectmen to serve only until  
21 the qualification of their successors, who shall be elected at the next annual town meeting as  
22 provided above.

23 SECTION 3

24 Section 5 of Chapter 121B is hereby amended by striking the third paragraph and  
25 inserting in place thereof the following two paragraphs:

26 Notwithstanding Section 20 of Chapter 43B or any other general or special law to the  
27 contrary, in a town, one member of a housing authority shall be a tenant member appointed by  
28 the town and 3 members shall be elected by the town; provided, that of the members originally  
29 elected at an annual town meeting, the one receiving the highest number of votes shall serve for  
30 five years, the one receiving the next highest number of votes, for four years and the one  
31 receiving the next highest number of votes, for two years; provided, that in order to reduce the  
32 number of elected members from 4 to 3 where there are 4 elected members on the effective date

33 of this legislation, the seat that has expired or the next seat to expire or become vacant shall be  
34 filled by the appointed tenant member unless a waiver allowing the appointment of a person who  
35 is not eligible to be a tenant member has been granted by the department pursuant to Section 5A  
36 of Chapter 121B; and provided, that upon the initial organization of a housing authority if a town  
37 so votes at an annual or special town meeting called for the purpose, three members of such an  
38 authority shall be appointed forthwith by the selectmen to serve only until the qualification of  
39 their successors, who shall be elected at the next annual town meeting as provided above.

40           Within 90 days of the effective date of this act, a tenant where applicable, shall be  
41 appointed by the town from lists of names submitted by any duly recognized tenants'  
42 organization in the town. A tenants' organization may submit a list which contains not less than  
43 two nor more than five names to the town who shall make their selection from among the names  
44 so submitted; provided that if there is no tenants' organization the housing authority shall  
45 immediately post notices throughout common areas of the authority and provide each household  
46 with notice alerting tenants of the opportunity to be appointed to the housing authority board and  
47 to submit their name within thirty days to the town clerk. Such notice shall include contact  
48 information for the town clerk and for independent technical training programs available  
49 pursuant to Section 5B of Chapter 121B. The town shall appoint the tenant member from this  
50 list, provided that where federal law requires the town to maintain a member who is a federally  
51 subsidized tenant, such federally subsidized tenant shall be given preference for the appointment.  
52 In the event there are no public housing units that are owned and operated by the local housing  
53 authority and no such units are owned and operated on behalf of the local housing authority, the  
54 town shall appoint any person meeting the eligibility requirements of "tenant member" as  
55 defined in Section 1 of Chapter 121B. If no list of names is submitted within sixty days after a

56 vacancy occurs, the town shall appoint any tenant of their choosing to the authority. The town  
57 shall notify in writing tenant organizations as specified herein not less than ninety days prior to  
58 the expiration of the term of a tenant member. Whenever a vacancy occurs in the term of a tenant  
59 member for any reason other than the expiration of a term, the town shall notify in writing the  
60 tenant organizations specified herein within ten working days after the vacancy occurs. The town  
61 shall make an appointment within a reasonable time after the expiration of sixty days after said  
62 notice.

63 SECTION 4

64 Section 5A of Chapter 121B of the General Laws, as added by Chapter 235 of the Acts of  
65 2014, is hereby amended by striking said section and inserting in place thereof the following  
66 paragraphs:-

67 Section 5A: Waivers by the department

68 On the effective date of this legislation, a housing authority may request a waiver of the  
69 requirement to appoint a tenant member to a housing authority board if a person who is eligible  
70 to be a tenant member under the definition in Section 1 of this chapter is currently serving as  
71 either an elected member or a member appointed to fill a vacancy by the town under Section 5 of  
72 Chapter 121B. The waiver shall be for one year and may be renewed for successive one-year  
73 periods until the expiration of such member's current term or such member vacates the seat upon  
74 which the town shall appoint a tenant member pursuant to Section 5 of Chapter 121B.

75 A housing authority may request a waiver of the requirement to appoint a tenant member  
76 to a housing authority board if the department determines that a housing authority provided  
77 notice pursuant to Section 5 of Chapter 121B and there is no person who is eligible and willing

78 to be a tenant member on the board. The waiver shall be for one year and may be renewed by the  
79 department. A housing authority shall submit a written statement to the department about why a  
80 waiver is needed and document the steps it took to educate tenants about the right of a tenant to  
81 serve on a housing authority board; such steps must include the housing authority meeting with  
82 the local tenant organization. Prior to issuing a waiver the department must, in addition to  
83 reviewing the written statement, determine that the housing authority provided notice pursuant to  
84 Section 5 of Chapter 121B.

85 If the department grants a waiver, it shall notify the housing authority and the town that a  
86 person other than a person who is eligible to be a tenant member may be appointed to the tenant  
87 member seat on the board for a one-year period. The housing authority must notify tenant  
88 organizations of this waiver and post the waiver throughout common areas of the authority.

89 SECTION 5

90 Any votes taken by a housing authority or town between August 6, 2014 and the effective  
91 date of this legislation are hereby validated, confirmed and ratified in all respects,  
92 notwithstanding the number of elected members.