

SENATE No. 777

The Commonwealth of Massachusetts

PRESENTED BY:

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:	
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/28/2019</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	<i>1/29/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/30/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/30/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/31/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/31/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/31/2019</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>1/31/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>2/1/2019</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>3/5/2019</i>

SENATE No. 777

By Mr. Boncore, a petition (accompanied by bill, Senate, No. 777) of Joseph A. Boncore, Kevin G. Honan, Mike Connolly, Viriato M. deMacedo and other members of the General Court for legislation relative to the election of board members of local housing authorities. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4981 OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

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

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

9 SECTION 2. Section 5 of Chapter 121B is hereby amended by inserting after the second
10 paragraph the following new paragraph:-

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

21 SECTION 3. Section 5 of Chapter 121B is hereby amended by striking the third
22 paragraph and inserting in place thereof the following two paragraphs:-

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

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

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

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

SECTION 4. Section 5A of Chapter 121B of the General Laws, as added by Chapter 235 of the Acts of 2014, is hereby amended by striking said section and inserting in place thereof the following paragraphs:-

Section 5A: Waivers by the department

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

A housing authority may request a waiver of the requirement to appoint a tenant member to a housing authority board if the department determines that a housing authority provided notice pursuant to Section 5 of Chapter 121B and there is no person who is eligible and willing to be a tenant member on the board. The waiver shall be for one year and may be renewed by the department. A housing authority shall submit a written statement to the department about why a

waiver is needed and document the steps it took to educate tenants about the right of a tenant to serve on a housing authority board; such steps must include the housing authority meeting with the local tenant organization. Prior to issuing a waiver the department must, in addition to reviewing the written statement, determine that the housing authority provided notice pursuant to Section 5 of Chapter 121B.

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

SECTION 5. Any votes taken by a housing authority or town between August 6, 2014 and the effective date of this legislation are hereby validated, confirmed and ratified in all respects, notwithstanding the number of elected members.