

HOUSE No. 4772

The Commonwealth of Massachusetts

PRESENTED BY:

Natalie M. Blais and Joanne M. Comerford

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 merging the Shelburne Housing Authority with and into the Franklin County Regional Housing and Redevelopment Authority and restructuring the Franklin County Regional Housing and Redevelopment Authority members.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>3/31/2022</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/31/2022</i>

HOUSE No. 4772

By Representative Blais of Sunderland and Senator Comerford, a joint petition (subject to Joint Rule 12) of Natalie M. Blais and Joanne M. Comerford relative to merging the Shelburne Housing Authority with and into the Franklin County Regional Housing and Redevelopment Authority and restructuring the Franklin County Regional Housing and Redevelopment Authority members. Housing.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act merging the Shelburne Housing Authority with and into the Franklin County Regional Housing and Redevelopment Authority and restructuring the Franklin County Regional Housing and Redevelopment Authority members.

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. (a) Notwithstanding any general or special law or regulation or guideline to
2 the contrary, the Shelburne housing authority is hereby merged with and into the Franklin county
3 regional housing and redevelopment authority, with approval from the department of housing
4 and community development. Upon the passage of this act, the Shelburne housing authority shall
5 cease operations as an independent entity.

6 (b) Subject to chapter 121B of the General Laws, the Shelburne housing authority’s
7 separate legal existence shall be terminated immediately, and it shall not be continued as a body
8 corporate after the effective date of this act, except as needed to retitle assets in the name of the
9 Franklin county regional housing and redevelopment authority. The clerk of the town of
10 Shelburne shall forthwith provide a copy of this act to the state secretary.

11 SECTION 2. Chapter 956 of the acts of 1973 is hereby amended by striking out section 1
12 and inserting in place thereof the following 2 sections:-

13 SECTION 1. For the purposes of this act, the following terms shall, unless the context
14 clearly requires otherwise, have the following meanings:-

15 “Appointing authorities”, the Franklin county regional council of governments’ executive
16 committee and the department of housing and community development.

17 “Authority”, the Franklin county regional housing and redevelopment authority.

18 “Board”, the managing board of the Franklin county regional housing and redevelopment
19 authority.

20 “Committee”, the Franklin county regional council of governments’ executive
21 committee.

22 “County”, Franklin county.

23 “Department”, the department of housing and community development.

24 “Tenant member”, a board member who is an inhabitant of a unit owned or managed by
25 the Franklin county regional housing and redevelopment authority.

26 “Tenant organization”, an organization of tenants of a unit owned or managed by the
27 Franklin county regional housing and redevelopment authority, which is recognized by the
28 authority.

29 SECTION 1A. There shall be in the county a public body politic and corporate known as
30 the Franklin county regional housing and redevelopment authority. The authority shall be

31 managed, controlled and governed by a board containing 7 members, of which a simple majority
32 shall constitute a quorum. The committee shall appoint 5 board members. The committee shall
33 appoint 1 member for an initial term of 2 years, 2 members for an initial term of 4 years and 2
34 members for an initial term of 5 years. The department shall appoint 2 members for an initial
35 term of 3 years.

36 One of the members appointed by the committee shall be a tenant member. A tenant
37 organization shall submit to the committee a list of not less than 2 and not more than 5 names,
38 from which the committee shall appoint the tenant member. If there is no tenant organization, the
39 authority shall immediately post notices throughout the common areas of the authority's
40 properties and provide each household with notice of the opportunity to be appointed to the
41 board, and any person who wishes to be considered for such appointment shall submit their name
42 to the committee within 30 calendar days thereafter. If there are no tenant member candidates
43 provided within such 30 days, the committee shall appoint a member of its own choosing to the
44 authority.

45 The appointing authorities shall ensure that appointees have the expertise necessary to
46 effectively run a public housing authority. The appointing authorities shall, to the extent possible,
47 select members proportionately from the towns in which the authority operates, provided there
48 are not less than 2 members representing Shelburne, but should there not be available or
49 interested members from Shelburne then the appointing authorities may select members from
50 any town within the county. Following the expiration of the terms of the initial members, the
51 appointing authorities shall appoint their successors in the same manner for terms of 5 years
52 from the expiration of the terms of the original appointees.

53 The committee or the department may remove or suspend members in the same manner
54 as removal by the mayor and city council or board of selectmen in accordance with section 6 of
55 chapter 121B of the General Laws. The appointing authorities shall remove a member who
56 ceases to be a resident of the county upon the date of his change of residence by operation of
57 law. Members participating remotely shall be considered present and in attendance for all
58 purposes, including for purposes of determining a quorum. A member shall serve until the
59 appointment of their successor.

60 The committee shall forthwith file a certificate with the department and a duplicate
61 certificate with the state secretary, of any appointment, resignation or removal of a member of
62 the authority. If the state secretary finds that the authority has been organized and the members
63 thereof appointed according to law, they shall issue to it a certificate of organization, and such
64 certificate shall be conclusive evidence of the lawful organization of the authority and of
65 appointment of the members thereof.

66 SECTION 3. The Shelburne housing authority shall transfer and convey the entirety,
67 without exception, of all monies, personal and real property interests to the Franklin county
68 regional housing and redevelopment authority.

69 The Franklin county regional housing and redevelopment authority shall execute and
70 deliver a certification, in a form suitable for recording, referencing the passage of this act along
71 with a copy of said act, to the Franklin county registry of deeds, who shall accept the same for
72 recording and make a marginal reference thereto upon the record of all applicable deeds for real
73 property heretofore owned by the Shelburne housing authority, as provided in summary format
74 by the Franklin county regional housing and redevelopment authority. The Franklin county

75 regional housing and redevelopment authority shall deliver said certificate and a copy of this act
76 to the registry district of the land court of the county or district in which the real property is
77 located, for the purposes of issuing a certificate of title to the Franklin county regional housing
78 and redevelopment authority for any registered land heretofore owned by the Shelburne housing
79 authority.

80 SECTION 4. Notwithstanding any general or special law or agency regulation or
81 guideline to the contrary, after the effective retitling of all monies, personal property and real
82 property in the name of the Franklin county regional housing and redevelopment authority, as
83 required by this act, all remaining powers and authorities held by the Shelburne housing
84 authority shall hereby vest in the Franklin county regional housing and redevelopment authority.

85 SECTION 5. If at any point after the passage of this act, the town of Shelburne
86 determines that a new housing authority is necessary in the town for any reason, it may vote to
87 organize a new housing authority in accordance with section 3 of chapter 121B of the General
88 Laws.

89 SECTION 6. The Shelburne housing authority shall immediately upon the effective date
90 of this act transfer all files, legal and financial records or other materials belonging to the
91 Shelburne housing authority to the Franklin county regional housing and redevelopment
92 authority, including any such items held by consultants or legal counsel to the Shelburne housing
93 authority, without reservation.

94 SECTION 7. Notwithstanding the provisions of any general or special law or agency
95 regulation or guideline to the contrary, after the Franklin county regional housing and
96 redevelopment authority receives all monies, real property interests and personal property

97 interests, and all files, legal records, financial records and other materials belonging to the
98 Shelburne housing authority, the terms of all members of the Shelburne housing authority shall
99 terminate. Further, the terms of all members of the Franklin county regional housing and
100 redevelopment authority shall terminate, and new members shall be appointed pursuant to
101 section 2 of this act.

102 SECTION 8. For the avoidance of doubt, the General Court affirms that the Franklin
103 county regional housing and redevelopment authority shall be, for all purposes, the successor in
104 interest to the Shelburne housing authority.

105 SECTION 9. For the avoidance of doubt, the legal existence of the Franklin county
106 regional housing and redevelopment authority shall not be affected by the provisions of this act,
107 and it shall retain all the powers, privileges and obligations granted to it under section 3A of
108 chapter 121B of the General laws and chapter 956 of the acts of 1973, as amended.

109 SECTION 10. If any provision of this act conflicts with any provisions of any general or
110 special law, state agency regulations or guidelines, the provisions of this act shall govern.

111 SECTION 11. This act shall take effect upon its passage.