

SENATE No. 3140

The Commonwealth of Massachusetts

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

SENATE, November 17, 2022.

The committee on Senate Rules, to whom was referred the House Bill 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 (House, No. 4772),- reports, recommending that the matter be placed in the Orders of the Day for the next session with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 3140.

For the committee,
Joan B. Lovely

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1 SECTION 1. Chapter 956 of the acts of 1973 is hereby amended by striking out section 1,
2 as amended by section 1 of chapter 236 of the acts of 1997, and inserting in place thereof the
3 following 2 sections:-

4 Section 1. For the purposes of this act, the following words shall have the following
5 meanings unless the context clearly requires otherwise:

6 “Appointing authorities”, the executive committee of the Franklin regional council of
7 governments and the department of housing and community development.

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

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

11 “Committee”, the executive committee of the Franklin regional council of governments.

12 “County”, the county of Franklin.

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

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

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

19 Section 1A. There shall be in the county a public body politic and corporate to be known
20 as the Franklin county regional housing and redevelopment authority. The authority shall be
21 managed, controlled and governed by a board containing 7 members. A simple majority of
22 members present shall constitute a quorum; provided, however, that, notwithstanding any general
23 or special law, rule or regulation to the contrary, members participating remotely shall be
24 considered present and in attendance for all purposes, including for determining a quorum. The
25 committee shall appoint 5 board members, 1 of whom shall be appointed for an initial term of 2
26 years, 2 of whom shall be appointed for initial terms of 4 years and 2 of whom shall be appointed
27 for initial terms of 5 years, and the department shall appoint 2 members for an initial term of 3
28 years. Thereafter, upon the expiration of a member’s initial term, a successor member shall be
29 appointed by the appropriate appointing authority for a term of 5 years; provided, however, that a
30 member shall continue to serve until the appointment of the member’s successor.

31 One of the members appointed by the committee shall be a tenant member who shall be
32 nominated by a tenant organization. A tenant organization shall submit to the committee a list of
33 not less than 2 and not more than 5 names, from which the committee shall appoint the tenant
34 member. If there is no tenant organization, the authority shall immediately post notices
35 throughout the common areas of the authority’s properties and provide each household with

36 notice of the opportunity to be appointed to the board as the tenant member. Any person who
37 wishes to be considered for such appointment shall submit their name to the committee within 30
38 calendar days after the posting of the notices. If there are no tenant member candidates identified
39 within the 30-day period who are willing and able to serve, the committee shall appoint a
40 member of its own choosing to the authority.

41 The appointing authorities shall ensure that appointees have the expertise necessary to
42 effectively run a public housing authority. The appointing authorities shall, to the extent possible,
43 select members proportionately from the towns in which the authority operates; provided,
44 however, that there shall be not less than 2 members representing the town of Shelburne; and
45 provided further, that if there are no persons from the town of Shelburne interested in serving as
46 members, then the appointing authorities may select members from any town within the county.

47 The committee or the department may remove or suspend members in the same manner
48 as provided for removal by the mayor and city council in a city or by a board of selectmen in a
49 town in accordance with section 6 of chapter 121B of the General Laws. A member who ceases
50 to be a resident of the county shall, on the effective date of the member's change of address, no
51 longer serve on the committee.

52 The committee shall forthwith file a certificate with the department and a duplicate
53 certificate with the state secretary of any appointment, resignation or removal of a member of the
54 authority. If the state secretary finds that the authority has been organized and the members
55 thereof appointed according to law, the secretary shall issue a certificate of organization of the
56 authority and such certificate shall be conclusive evidence of the lawful organization of the
57 authority and of the appointment of the members thereof.

58 SECTION 2. Notwithstanding any general or special law to the contrary and subject to
59 the approval of the department of housing and community development, the Shelburne housing
60 authority shall be merged with and become a part of the Franklin county regional housing and
61 redevelopment authority. The Shelburne housing authority shall retain such authority as may be
62 necessary to complete the transfer of its assets to the Franklin county regional housing and
63 redevelopment authority. The clerk of the town of Shelburne shall immediately provide a copy of
64 this act to the state secretary.

65 SECTION 3. The Shelburne housing authority shall transfer all of its obligations and all
66 of its real and personal property, all funds of the housing authority and any other assets in its
67 possession to the Franklin county regional housing and redevelopment authority.

68 The Franklin county regional housing and redevelopment authority shall execute and
69 deliver a certification, referencing this act, to the Franklin county register of deeds who shall
70 record the same and make a marginal reference to all applicable deeds for real property
71 heretofore owned by the Shelburne housing authority as provided in summary format by the
72 Franklin county regional housing and redevelopment authority. The Franklin county regional
73 housing and redevelopment authority shall deliver the certificate and a copy of this act to the
74 registry district of the land court of the county or district in which any real property of the
75 Shelburne housing authority is located for the purpose of issuing a certificate of title to the
76 Franklin county regional housing and redevelopment authority for any registered land heretofore
77 owned by the Shelburne housing authority.

78 SECTION 4. Notwithstanding any general or special law to the contrary, upon the
79 effective date of the transfer of all personal and real property, funds and any other assets

80 pursuant to section 3, all remaining powers and duties held by the Shelburne housing authority
81 shall vest in the Franklin county regional housing and redevelopment authority.

82 SECTION 5. On the effective date of this act, the Shelburne housing authority shall
83 immediately transfer all files, legal and financial records and other materials belonging to the
84 Shelburne housing authority to the Franklin county regional housing and redevelopment
85 authority, including any such items held by consultants or legal counsel on behalf of the
86 Shelburne housing authority.

87 SECTION 6. Upon completion of the transfers pursuant to sections 3 and 5, the terms of
88 all members of the Shelburne housing authority and terms of all members of the Franklin county
89 regional housing and redevelopment authority shall terminate and new members shall be
90 appointed to the Franklin county regional housing and redevelopment authority pursuant to
91 section 1A of chapter 956 of the acts of 1973.

92 SECTION 7. Nothing in this act shall affect the legal existence of the Franklin county
93 regional housing and redevelopment authority and the Franklin county regional housing and
94 redevelopment authority shall retain all of the powers, privileges and obligations granted to it
95 under section 3A of chapter 121B of the General Laws and chapter 956 of the acts of 1973.

96 SECTION 8. If any provision of this act conflicts with any general or special law, the
97 provisions of this act shall control.

98 SECTION 9. This act shall take effect upon its passage.