

HOUSE No. 1362

The Commonwealth of Massachusetts

PRESENTED BY:

Samantha Montaño

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 to secure housing for returning citizens.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>1/13/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/31/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/2/2023</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>3/31/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>5/3/2023</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>5/3/2023</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>7/11/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>7/11/2023</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>10/7/2023</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/7/2024</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>2/7/2024</i>

HOUSE No. 1362

By Representative Montañó of Boston, a petition (accompanied by bill, House, No. 1362) of Samantha Montañó, Lindsay N. Sabadosa and Mindy Domb that the Department of Housing and Community Development provide for programs, policies, guidelines, priorities and preferences for the housing of formerly incarcerated persons reentering communities. Housing.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act to secure housing for returning citizens.

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 16I of chapter 6A of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after the word “secretary”, in line 30, the
3 following words:- and (iv) costs associated with the reentry and formerly incarcerated persons
4 program established in section 31 of chapter 23B.

5 SECTION 2. Chapter 23B of the General Laws is hereby amended by adding the
6 following section:-

7 Section 31. (a) There shall be a reentry and formerly incarcerated persons program
8 administered by the department. The department shall be the central coordinating agency for the
9 program. The department, in coordination with the department of correction, the office of
10 probation, and the parole board shall help incarcerated people: (i) understand housing options
11 before and after their release; (ii) find pathways to both short-term and permanent housing; and

12 (iii) receive financial supports, such as housing vouchers, from the state. For the purposes of this
13 section the term “understand housing options” shall include: (i) an ongoing effort by the
14 department to evaluate and ensure such understanding; (ii) the department’s establishment of
15 tools for instruction of such understanding; and (iii) evaluating outcomes in the understanding of
16 housing options for incarcerated people. Such tools and evaluations shall include oral and written
17 surveys, and setting guidelines and goals for measurable success based on the frame of reference
18 of a formerly incarcerated person.

19 The department shall partner with established community-based organizations with a
20 record of working with reentry of incarcerated and formerly incarcerated persons to assist with
21 positive outcomes and impacts. Such community-based organizations should prioritize including
22 affected populations, such as formerly incarcerated persons and their families, in the leadership
23 of their organization.

24 The department, in coordination with other relevant state agencies, shall provide for
25 housing, supportive programs, and oversight of housing formerly incarcerated persons in any
26 housing receiving funds administered by any state agency or regulated by the department. The
27 department shall develop and implement outcome-based measurements for the success of such
28 housing, supportive programs, and oversight.

29 (b) For any funds administered by the department, any state agency, or any state authority
30 for the purposes of providing for affordable housing, the department shall review the
31 implementation of the program and the expenditure of funds, including tax expenditures, for the
32 program no less than annually. The department’s review shall include, but not be limited to:

33 (i) The number and demographic data of persons served by the program;

34 (ii) The compliance of each beneficiary of state funds for the purposes of the program
35 and the state funds received regarding the preferences for persons served by the program; and

36 (iii) Any opportunities to improve the effectiveness of the program in meeting its
37 purposes, intent or goals based on feedback and data gathered from formerly incarcerated
38 persons, persons currently experiencing housing instability related to former incarceration, and
39 community-based organizations, staff participants, and partner agencies that serve such persons.

40 (c) Annually, the department shall submit a report of its review of the program, including
41 but not limited to, the program’s impacts and outcomes to the joint committee on housing and
42 the joint committee on community development and small businesses and the clerks of the house
43 of representatives and the senate.

44 SECTION 3. Subsection (a) of section 3 of chapter 23G of the General Laws is hereby
45 amended by adding the following clause:-

46 (36) to provide for and assist any agency or authority of the commonwealth in providing
47 housing opportunities for incarcerated persons about to be released from a correctional facility
48 and for formerly incarcerated persons.

49 SECTION 4. Section 19 of said chapter 23G is hereby amended by inserting after the
50 word “housing”, in line 29, the following words:- ; provided that, such housing project assisted
51 by the agency shall include a priority and preference for incarcerated persons about to be
52 released from a correctional facility and for formerly incarcerated persons.

53 SECTION 5. Subsection (b) of section 60 of chapter 40 of the General Laws, as
54 appearing in the 2020 Official Edition, is hereby amended by inserting after the word “AMI”, in

55 lines 121 and 125, the following words:- provided that, for any housing units assisted under this
56 section, there shall be a priority for housing incarcerated persons about to be released from a
57 correctional facility and for formerly incarcerated persons.

58 SECTION 6. Subsection (c) of section 60B of chapter 40 of the General Laws, as
59 appearing in the 2020 Official Edition, is hereby amended by inserting after the word
60 “agreement”, in line 80, the following words:- provided that, for any residential units constructed
61 under this section, there shall be a priority for housing incarcerated persons about to be released
62 from a correctional facility and for formerly incarcerated persons.

63 SECTION 7. Section 20 of chapter 40B of the General Laws, as appearing in the 2020
64 Official Edition, is hereby amended by inserting after the word “affected”, in line 25, the
65 following words:- provided however, that the regional need shall include affordable housing for
66 reentry housing for low and moderate-income incarcerated persons about to be released from a
67 correctional facility and for formerly incarcerated persons.

68 SECTION 8. Section 4 of chapter 40H of the General Laws, as appearing in the 2020
69 Official Edition, is hereby amended by inserting after clause (g) the following clause:-

70 (g^{1/2}) to provide for and assist any CDC, state agency or state authority in providing
71 housing opportunities for incarcerated persons about to be released from a correctional facility
72 and for formerly incarcerated persons.

73 SECTION 9. Clause (i) of the first paragraph of section 5 of said chapter 40H, as so
74 appearing, is hereby amended by inserting after the word “housing”, in line 24, the following
75 words:- ; provided that, such project shall include a priority and preference for incarcerated
76 persons about to be released from a correctional facility and for formerly incarcerated persons.

77 SECTION 10. Section 1 of chapter 40R of the General Laws, as appearing in the 2020
78 Official Edition, is hereby amended by inserting after the word “rate”, in line 24, the following
79 words:- provided however, that any such housing development shall include a priority for the
80 housing of low and moderate-income incarcerated persons about to be released from a
81 correctional facility and for formerly incarcerated persons in any such development.

82 SECTION 11. Section 6 of chapter 40R of the General Laws, as appearing in the 2020
83 Official Edition, is hereby amended by inserting after the word “housing”, in line 27, the
84 following words:- provided however, that such ordinance or by-law shall include a priority for
85 the housing of low and moderate-income incarcerated persons about to be released from a
86 correctional facility and for formerly incarcerated persons in any such projects.

87 SECTION 12. Subsection (a) of section 4 of chapter 40V of the General Laws, as
88 appearing in the 2020 Official Edition, is hereby amended by inserting after clause (i) the
89 following clause:-

90 (ii) provides that, for any residential units constructed under this chapter, there shall be a
91 priority for housing incarcerated persons about to be released from a correctional facility and for
92 formerly incarcerated persons.

93 SECTION 13. The definition of “Community housing” in section 2 of chapter 44B of the
94 General Laws is hereby amended by adding the following sentence:- Community housing shall
95 include a priority and preference for incarcerated persons about to be released from a
96 correctional facility and for formerly incarcerated persons.

97 SECTION 14. Subsection (s) of section 6 of chapter 62 of the General Laws, as
98 appearing in the 2020 Official Edition, is hereby amended by adding the following paragraph:-

99 (7) In allocating tax credits pursuant to this section or the federal Low Income Housing
100 Tax Credit program of the Tax Reform Act of 1986, the department shall include in its Qualified
101 Allocation Plan a requirement of a priority and preference for all applications for credits for
102 reentry housing opportunities for incarcerated persons about to be released from a correctional
103 facility and for formerly incarcerated persons.

104 SECTION 15. Section 31H of chapter 63 of the General Laws, as so appearing, is hereby
105 amended by adding the following subsection:-

106 (k) In allocating tax credits pursuant to this section or the federal Low-Income Housing
107 Tax Credit program of the Tax Reform Act of 1986, the department shall establish in its
108 Qualified Allocation Plan a requirement of a priority and preference category for all applications
109 for credits for reentry housing opportunities for incarcerated persons about to be released from a
110 correctional facility and for formerly incarcerated persons.

111 SECTION 16. Section 32 of chapter 121B of the General Laws, as appearing in the 2022
112 Official Edition, is hereby amended by inserting after the word “regulations”, in line 144, the
113 following words:- ; and (4) persons released from a correctional facility within the last 2 years.

114 SECTION 17. Subsection (b) of section 3 of chapter 121D of the General Laws is hereby
115 amended by adding the following paragraph:-

116 The fund shall provide for a requirement of a priority and preference category for all
117 applications for any expenditure from the fund, to an organization, for reentry housing
118 opportunities for incarcerated persons about to be released from a correctional facility and for
119 formerly incarcerated persons.

120 SECTION 18. Subsection (a) of chapter 121E of the General Laws, as appearing in the
121 2020 Official Edition, is hereby amended by inserting after the word “individuals”, in line 11, the
122 following words:- and reentry housing opportunities for incarcerated persons about to be released
123 from a correctional facility and for formerly incarcerated persons.

124 SECTION 19. Subsection (a) of section 3 of chapter 121F of the General Laws, as so
125 appearing, is hereby amended by inserting after the word “income” in line 35, the following
126 words:- ; and provided further that for such persons, there shall be a priority for housing
127 incarcerated persons about to be released from a correctional facility and for formerly
128 incarcerated persons.

129 SECTION 20. Section 3 of chapter 121G of the General Laws, as so appearing, is hereby
130 amended by inserting after the word “regulations”, in line 17, the following words:- ; provided
131 that, for any housing units funded under this section, there shall be a priority for housing
132 incarcerated persons about to be released from a correctional facility and for formerly
133 incarcerated persons.

134 SECTION 21. Section 4A of chapter 708 of the acts of 1966 is hereby amended by
135 adding the following paragraph:-

136 (q) Provide for and assist any agency or authority of the commonwealth in providing
137 housing opportunities for incarcerated persons about to be released from a correctional facility
138 and for formerly incarcerated persons.

139 SECTION 22. Section 7 of chapter 708 of the acts of 1966 is hereby amended by adding
140 the following sentence:- Notwithstanding any other provision of this section, tenant selection

141 plans shall include a priority and preference for incarcerated persons about to be released from a
142 correctional facility and for formerly incarcerated persons.

143 SECTION 23. Section 1 of chapter 99 of the acts of 2020 is hereby amended by inserting
144 after the words “with disabilities” the following words:- ; to create reentry housing opportunities
145 for incarcerated persons about to be released from a correctional facility and affordable housing
146 units for formerly incarcerated persons.

147 SECTION 24. Section 2 of chapter 99 of the acts of 2020 is hereby amended in item
148 7004-0058 by adding the following words:- ; provided further, that there shall be a priority for
149 such beneficiaries who are incarcerated persons about to be released from a correctional facility
150 and who are formerly incarcerated persons.

151 SECTION 25. Notwithstanding any general or special law, rule or regulation to the
152 contrary the department, in its capacity as a public housing agency shall, pursuant to section
153 3202 of Public Law 117-7, the American Rescue Plan Act of 2021, implement a priority for
154 emergency housing vouchers for incarcerated persons about to be released from a correctional
155 facility and for formerly incarcerated persons.