

SENATE No. 2890

Senate, July 24, 2024 -- Text of the Senate amendment (Senator Friedman) to the House Bill reorganizing the Lexington Housing Assistance Board, Inc. (House, No. 3775).

The Commonwealth of Massachusetts

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

1 SECTION 1. Chapter 521 of the acts of 1983 is hereby repealed.

2 SECTION 2. There shall be an independent, nonprofit housing corporation to be known
3 as the Lexington Housing Assistance Board, Inc. or "LexHAB".

4 SECTION 3. LexHAB shall be governed by a board of directors, which shall consist of
5 not less than 5 and not more than 9 members. Each member of the board shall be a resident of
6 the town of Lexington at the time of initial appointment and shall serve for a 3-year term. Terms
7 shall be staggered such that the term of not more than 40 per cent of the board members shall
8 expire in any 1 year.

9 Appointments to the board shall be made annually not later than June 30 by the members
10 of the board then sitting, subject to confirmation by the Lexington select board. Members shall
11 serve until their successors are appointed and qualified. Continuing members may act despite a
12 vacancy or vacancies in the board and, for this purpose, shall be deemed to constitute a full
13 board. A vacancy in the board, however occurring, may be filled by vote of the board for the
14 remainder of the unexpired portion of the term.

15 SECTION 4. Members of the board shall not receive compensation for the performance
16 of their duties under this act, but each member may be reimbursed by LexHAB for expenses
17 incurred in the performance of the member's duties.

18 SECTION 5. The board shall exercise its powers and perform its duties for the purposes
19 of the creation and preservation of affordable housing in the town of Lexington, including for the
20 benefit of low and moderate income households and for the funding of community housing, as
21 defined in chapter 44B of the General Laws and affordable housing or community housing as
22 defined in the General Laws or in applicable regulations of the commonwealth. The powers and
23 duties of the board shall be alternative and supplemental to, and not in limitation of, the powers
24 and duties of the Lexington housing authority established pursuant to chapter 121B of the
25 General Laws.

26 SECTION 6. The operation of LexHab shall be independent of the Lexington select
27 board and town manager, except as expressly provided for in section 10.

28 SECTION 7. The board shall have the powers and privileges conferred by clauses (a) to
29 (i), inclusive, and clause (k) of section 9 of chapter 156B of the General Laws and the following
30 powers; provided, however, that no such power shall be exercised in a manner inconsistent with
31 this act or any general or special law or to carry on any activity which is not in furtherance of the
32 purposes set forth in this act:

33 (i) to adopt, amend and repeal by-laws for the regulation and conduct of its business,
34 including, but not limited to, the call and conduct of its meetings, the number of members that
35 shall constitute a quorum and the mode of voting by proxy;

36 (ii) to elect a chair and vice-chair from the membership of the board and a secretary
37 and a treasurer, who shall not be required to be members of the board and who may be the same
38 person; provided, however, that the treasurer shall give bond for the faithful performance of the
39 treasurer's duties in form and amount approved and fixed by the board, the cost of which bond
40 shall be paid from funds of the board; provided further, that the chair or, in the chair's absence,
41 the vice-chair, shall chair meetings of the board; and provided further, that the secretary shall be
42 the custodian of all books, documents and papers filed with the board and of the minute book or
43 journal of the board;

44 (iii) to make and execute all contracts and all other instruments necessary or
45 convenient for the exercise of its powers and functions;

46 (iv) to acquire or lease, by purchase or otherwise, and to own, hold and use, on such
47 terms and conditions and in such manner as it may deem proper, and to exchange, grant options
48 on, sell, transfer, convey, assign, lease, pledge, mortgage, encumber, grant liens on and security
49 interests in, or otherwise dispose of, on such terms and conditions as it may deem proper, real,
50 personal or mixed real and personal property or any interest, easements or rights in that property,
51 and any assets or revenues of the board, as may be necessary or appropriate to carry out its
52 purposes; provided, however, that the board's right to acquire or sell town-owned real estate may
53 also be subject to authorization by town meeting vote in accordance with other applicable laws;

54 (v) to enter into agreements or other transactions with the commonwealth, the town
55 of Lexington or any other political subdivision or public instrumentality thereof, the United
56 States government or any federal, state or other governmental agency;

57 (vi) to borrow money and to execute notes therefor, to hold mortgages and to invest
58 any funds held in reserve funds or any funds not required for immediate disbursement in such
59 investments as may be lawful for fiduciaries in the commonwealth; provided, however, that the
60 board shall have no stock;

61 (vii) to enter into contracts or agreements with and to employ from time to time
62 contractors, architects, engineers, consultants, attorneys, accountants, construction, financial and
63 other experts, superintendents, managers and such other agents and employees as may be
64 necessary in its judgment and to fix their compensation; provided, however, that notwithstanding
65 any general or special law to the contrary, the board shall be exempt from chapters 30, 30B and
66 149 of the General Laws;

67 (viii) to receive and hold: (a) funds, including any funds that may from time to time be
68 appropriated by the town of Lexington in furtherance of the board's public purpose pursuant to
69 section 9; (b) property; (c) labor; and (d) other things of value from any source, public or private,
70 by gift, grant, bequest, loan or otherwise, either absolutely or in trust, and to expend or utilize the
71 same on behalf of the board for any of its purposes or to act as an agent or conduit in
72 administering or disbursing funds or financial or other aid from any source;

73 (ix) to appear on its own behalf before boards, commissions, departments or other
74 agencies of municipal, state or federal government;

75 (x) to procure insurance against any loss in connection with the property or activities
76 of the board in such amounts and from such insurers, as it may deem necessary or desirable, and
77 to indemnify its members or agents if and to the extent specified from time to time in the by-laws

78 of the board and subject to and in the manner provided in section 6 of chapter 180 of the General
79 Laws;

80 (xi) to formulate, carry out or monitor plans for projects involving the acquisition or
81 operation of housing facilities of any kind or nature and to construct, reconstruct, renovate,
82 expand, extend, improve, repair, remodel, equip, furnish, maintain, manage and operate such
83 facilities;

84 (xii) to fix and revise, from time to time, and to charge and collect rates, fees, rentals
85 and other charges and sales prices for or in connection with the use, occupancy or other
86 disposition of any housing facility or other property or portion thereof under its ownership or
87 control;

88 (xiii) to establish, impose, grant or amend, by deed, lease or any other means or
89 method, and to hold the benefit of, monitor, exercise and enforce: (a) lawful restrictions on the
90 rental, sale, resale, use or occupancy of housing facilities or other property under its ownership
91 or control or other facilities or property designated by the select board; (b) lawful restrictions
92 with respect to the income of owners, tenants or occupants of such housing facilities or other
93 property; or (c) options and rights of first refusal with respect to such facilities or property, and
94 to waive, release or discharge any such rights or restrictions; provided, however, that the
95 foregoing shall not apply to any town-owned real estate or facilities except upon the vote of the
96 town meeting or as otherwise allowed by law;

97 (xiv) to enter into, perform or monitor agreements or other transactions with
98 contractors, developers, brokers or other real estate professionals or any other person relating to
99 the providing of affordable housing for persons of low and moderate income in the town; and

100 (xv) to establish policies and procedures for and to implement programs and to do any
101 and all things necessary or convenient to carry out its purposes and exercise the powers
102 conferred by this act.

103 SECTION 8. The board may delegate to any committee or member of the board any
104 action which the board is empowered to take. The board may be a partner in any business
105 enterprise that the board would have power to conduct by itself.

106 SECTION 9. Notwithstanding any general or special law to the contrary, the income,
107 assets and activities of the board shall be exempt from all taxes and assessments and the board
108 shall not be subject to any of the provisions of chapter 63 of the General Laws or to any taxes
109 based upon or measured by property or income imposed by the commonwealth or by any
110 political subdivision thereof. The board may enter into an agreement with the assessor of the
111 town of Lexington, with the approval of the select board, wherein the board shall undertake to
112 make annual payments to the town in lieu of taxes, in connection with any real property acquired
113 and owned by the board, the amounts of such payments to be reasonable sums stipulated in such
114 agreement or determined in accordance with a reasonable formula so stipulated.

115 SECTION 10. The town of Lexington may appropriate other funds for the carrying out
116 by the board of its purposes as set forth herein. Any appropriation therefore may be raised by the
117 town by taxation. Not less than annually, the board shall cause independent audits to be made of
118 the books and records of the board; provided, however, that the town of Lexington may review
119 such annual audit to ensure that LexHAB's expenditures are consistent with the purposes
120 established under section 4; and provided further, that if the town, in its sole discretion,
121 determines that LexHAB's expenditures are inconsistent with said purposes, the town shall not

122 make further appropriations to fund LexHAB's operations and may request reimbursement of
123 any misused appropriated funds. The board shall make an annual report of its activities and
124 operations to the select board of the town of Lexington.

125 SECTION 11. All personal and real assets and liabilities of the Lexington Housing
126 Assistance Board, Inc. established pursuant to chapter 521 of the acts of 1983 shall be deemed
127 transferred to the board, and title to all such property and all such rights shall vest in the board
128 automatically without the need for further action or instrument.

129 SECTION 12. If the board is dissolved in accordance with law at any time, all property
130 and interests therein, assets and rights of the board existing at such time shall be transferred to
131 the town of Lexington or to a qualified non-profit housing development corporation designated
132 by the town of Lexington and title to all such property and all such rights shall vest in the town
133 of Lexington automatically without the need for further action or instrument and the town of
134 Lexington shall, to the maximum extent permitted by law, and acting by and through its select
135 board, assume, hold and exercise the powers and duties of the board set forth herein with respect
136 to such property and rights so transferred to the town.

137 SECTION 13. The members of the Lexington Housing Assistance Board, Inc. established
138 pursuant to chapter 521 of the acts of 1983 in office as of the effective date of this act shall
139 constitute the board for the purposes of this act for the remainder of their unexpired terms.

140 SECTION 14. This act shall take effect upon its passage.