SENATE DOCKET, NO. 1305 FILED ON: 1/19/2023

SENATE . . . . . No. 884

The Commonwealth of Massachusetts

PRESENTED BY:

Robyn K. Kennedy

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 create affordable homes for persons with disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Robyn K. Kennedy	*First Worcester*	
Sal N. DiDomenico	*Middlesex and Suffolk*	*2/3/2023*
Jack Patrick Lewis	*7th Middlesex*	*2/7/2023*
Carmine Lawrence Gentile	*13th Middlesex*	*2/8/2023*
James B. Eldridge	*Middlesex and Worcester*	*2/13/2023*
Jacob R. Oliveira	*Hampden, Hampshire and Worcester*	*2/17/2023*
Michael O. Moore	*Second Worcester*	*3/21/2023*
John F. Keenan	*Norfolk and Plymouth*	*3/30/2023*
Lydia Edwards	*Third Suffolk*	*4/27/2023*
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*7/10/2023*
Adam Gomez	*Hampden*	*9/21/2023*
John C. Velis	*Hampden and Hampshire*	*10/4/2023*

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By Ms. Kennedy, a petition (accompanied by bill, Senate, No. 884) of Robyn K. Kennedy, Sal N. DiDomenico, Jack Patrick Lewis, Carmine Lawrence Gentile and other members of the General Court for legislation to create affordable homes for persons with disabilities. Housing.

The Commonwealth of Massachusetts

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

An Act to create affordable homes for persons with disabilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 16 of Chapter 179 of the Acts of 1995, and any associated regulations in 760 C.M.R. 53, are hereby stricken.

SECTION 2. Chapter 121B of the General Laws is hereby amended by adding the following section:

Section 61. (a) The following words whenever used in this section shall, unless a different meaning clearly appears from the context, have the following meanings: —

"Disability", with respect to an individual, a person who has: (i) a physical or mental impairment that substantially limits one or more major life activities of such individual; (ii) a record of such an impairment; or (iii) being regarded as having such an impairment.

(b) The department shall, subject to appropriation, establish and administer through administering agencies, including, but not limited to, local housing authorities and regional

housing agencies, the Alternative Housing Voucher Program to provide rental assistance for low-income persons with disabilities through mobile and project-based vouchers. The program established under this section shall include any voucher supported by budget line-item 7004-9030 as of the effective date of this section. The department shall establish the amounts of the mobile and project-based vouchers so that the appropriation in this item shall not be exceeded by payments for rental assistance and administration. The vouchers shall be in varying dollar amounts set by the department based on considerations including, but not limited to, household size, composition, household income, and geographic location. (c) To be eligible to receive assistance under this section, a household shall have an income that does not exceed 80 percent of the area median income, as determined annually by the U.S. Department of Housing and Urban Development. Further, the head of household must be a person with a disability no younger than 18 years and no older than 62. The department may award mobile vouchers to eligible households occupying project-based units created under this section that shall expire due to nonrenewal of project-based rental assistance contracts. Households shall meet eligibility requirements as required in this section and regulations by the department. (

d) A household that receives assistance under this section shall be required to pay not less than 25 percent of its net income, as defined by regulations issued by the department, for units if utilities are not provided by the unit owner, or not less than 30 percent of its income for units if utilities are provided by the unit owner.

(e) Except as provided under paragraph (f), the payment standard for each size of a dwelling unit in a market area shall not exceed 120 percent of the fair market rent, or Small Area Fair Market Rent as established annually by the U.S. Department of Housing and Urban Development, for the same size of dwelling unit in the same market area and shall be not less

than 110 percent of that fair market rent, except that no administering agency shall be required as a result of a reduction in the fair market rent to reduce the payment standard applied to a household continuing to reside in a unit for which the household was receiving assistance under this section at the time the fair market rent was reduced. The department shall allow administering agencies to request exception payment standards within fair market rental areas subject to criteria and procedures established by the department.

(f) An administering agency may use a payment standard that is greater than 120 percent of the fair market rent as a reasonable accommodation for a person with a disability, but only with the approval of the department. In connection with the use of any increased payment standard established or approved pursuant to either of the preceding sentence as a reasonable accommodation for a person with a disability, the department may not establish additional requirements regarding the amount of adjusted income paid by such person for rent.

(g) Payments for rental assistance under this section may be provided in advance, and shall be authorized to pay for, but not be limited to, the following: (i) the first month of rent; (ii) the last month of rent; (iii) security deposit; and (iv) moving expenses.

(h) The amount of rental assistance voucher payment for an eligible household shall not exceed the rent less the household’s minimum rent obligation.

(i) The department shall promulgate regulations to implement this section. (j) Any unspent funding appropriated for this section through budget line-item 7004-9030 in any fiscal year shall not revert to the General Fund but shall be made available for the purposes of the item in the next fiscal year.