

HOUSE No. 4211

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 23, 2014.

The committee on Housing to whom were referred the message from His Excellency the Governor recommending legislation relative to regionalizing housing authorities (accompanied by bill, House, No. 44), and the petition (accompanied by bill, Senate, No. 592) of Harriette L. Chandler, Denise Provost and Gale D. Candaras for legislation relative to a public housing innovation program, petition (accompanied by bill, Senate, No. 612) of Marc R. Pacheco, Anne M. Gobi, Michael R. Knapik, Michael F. Rush and other members of the General Court for legislation to further enhance efficiency and accountability of operations at local housing authorities, petition (accompanied by bill, House, No. 1094) of John J. Binienda and others for legislation to further enhance efficiency and accountability of operations at local housing authorities, petition (accompanied by bill, House, No. 1102) of Nick Collins relative to operations at local housing authorities, petition (accompanied by bill, House, No. 1120) of Kevin G. Honan relative to development of local housing authority surplus land, petition (accompanied by bill, House, No. 1145) of Dennis A. Rosa and others relative to operations at local housing authorities, and petition (accompanied by bill, House, No. 1146) of Jeffrey Sánchez and others relative to public housing innovation program, reports recommending that the accompanying order (House, No. 4211) ought to be adopted.

For the committee,

KEVIN G. HONAN.

HOUSE No. 4211

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to local housing authority reform.

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 1 of chapter 121B of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by inserting after the definition of “Substandard area” the
3 following definition:-

4 “Tenant member”, a member of the board of the housing authority who is directly
5 assisted by that housing authority pursuant to this chapter.

6 SECTION 2. Section 5 of said chapter 121B, as so appearing, is hereby amended by
7 striking out, in line 8, the word “four” and inserting in place thereof the following figure:- 3.

8 SECTION 3. Said section 5 of said chapter 121B, as so appearing, is hereby further
9 amended by striking out, in line 12, the words “, and the one receiving the next highest number
10 of votes shall serve for one year”.

11 SECTION 4. Said section 5 of said chapter 121B, as so appearing, is hereby amended by
12 inserting after the fifth paragraph, the following paragraph:-

13 In a city or town, every member shall be a fiduciary of the housing authority.

14 SECTION 5. Said section 5 of said chapter 121B, as so appearing, is hereby further
15 amended by adding the following paragraph:-

16 The department shall promulgate regulations establishing election procedures for tenants’
17 organizations to elect the tenant member in a town. If a tenant organization holds an election in
18 compliance with the department’s regulations, the board of selectmen shall appoint the tenant
19 elected as a member. Alternatively, a tenants’ organization may submit a list which contains not
20 less than 2 or more than 5 names to the board of selectmen who shall make the selection from

21 among the names so submitted; provided, however, that, where no public housing units are
22 owned and operated by the housing authority and no such units are owned and operated on
23 behalf of the housing authority, the board of selectmen shall appoint any tenant of the housing
24 authority from lists submitted in accordance with this section. If no tenants' organization is
25 established or if no list of names is submitted within 60 days after a vacancy occurs, the board of
26 selectmen shall solicit applications from tenants and shall appoint any tenant of its choosing to
27 the authority. The department shall notify in writing tenant organizations and the board of
28 selectmen as specified herein not less than 90 days prior to the expiration of the term of a tenant
29 member. Whenever a vacancy occurs in the term of a tenant member for any reason other than
30 the expiration of a term, the department shall notify in writing the tenant organizations and the
31 board of selectmen specified herein within 10 working days after the vacancy occurs. The board
32 of selectmen shall make an appointment within a reasonable time after the expiration of 60 days
33 after said notice. The department may grant a waiver of this requirement if a tenant has been
34 elected under section 5 of this chapter.

35 SECTION 6. Said chapter 121B, is hereby further amended by inserting after section 5
36 the following section:-

37 Section 5A. The department shall establish and implement a comprehensive training
38 program for members. The training program shall be developed by the department in
39 consultation with representatives of local housing authorities, municipal officials, public housing
40 residents, public housing industry professional organizations, and relevant state agencies.

41 The department shall provide instructions to the members on the following general laws,
42 as amended from time to time, and topics: (1) sections 18 to 25, inclusive of chapter 30A the
43 open meetings law; (2) chapter 66, the public records law; (3) chapter 268A, the conflict of
44 interest law; (4) chapter 30B, the uniform procurement act, (5) chapter 29, the state budgetary
45 process; (6) fraud prevention; and (7) fiduciary responsibilities; provided, that the department
46 may include any other topics relevant to proper management of a housing or redevelopment
47 authority.

48 The department shall provide independent technical assistance training to tenant
49 members. The department shall design the training with the goal of enabling tenant members to
50 fully participate in the oversight of the housing authority's operation and capital planning. The
51 department may permit tenants who are not members to attend technical assistance training.

52 The attorney general, the inspector general, or another relevant state agency may provide
53 a portion of the training so long as it relevant to their enforcement authority.

54 Once appointed, all members shall complete training within 90 days of assuming his or
55 her position as a member. All members shall complete the training once every 2 years for the
56 remainder of his or her term as a member. A member who does not complete the training within
57 the required time frame may be subject to removal proceedings pursuant to section 6.

58 SECTION 7. Said chapter 121B is hereby further amended by inserting after section 7 the
59 following section:-

60 Section 7A. The department shall promulgate guidelines for contracts between the
61 housing authority members and an executive director. The department may strike language
62 outside said guidelines. The department shall review all terms for payment or monetary
63 remuneration relevant to state payments shall be subject to approval of the department.

64 SECTION 8. Said chapter 121B is hereby further amended by inserting after section 26A
65 of the following 4 sections:-

66 Section 26B. (a) A housing authority shall participate in the performance-based
67 monitoring program as established by the department in accordance with this section.

68 (b) The department shall establish and implement the performance-based monitoring
69 program and develop and provide uniform assessment standards for evaluating housing authority
70 operations. The assessment standards may incorporate public housing industry standards and
71 measures and federal monitoring standards as applicable. The monitoring program and
72 assessment standards established by the department shall be structured so as to enable the
73 department to identify housing authorities that are failing to meet minimum standards and to
74 develop and implement corrective action plans and targeted assistance by the department to
75 improve performance to a satisfactory level.

76 (c) The monitoring program and assessment standards established by the department
77 under this section shall be developed and implemented by the department in consultation with
78 representatives of housing authorities, municipal officials, public housing residents and public
79 housing industry professional organizations. At a minimum, the department shall include
80 assessment standards for: (1) executive director and senior staff training; (2) board member
81 training; (3) senior staff certification in public procurement procedures; (4) budget management;
82 (5) minimum experience and education requirements to be used when hiring new executive
83 directors; (6) maintenance and repair of existing units; (7) procedure and timeline for vacant unit
84 turnover; (8) capital project planning; 9) resident services, including job training initiatives and
85 family self-sufficiency programming; and (10) participation in the capital assistance team
86 program established by section __.

87 (d) The department shall establish guidelines for designating a housing authority as
88 “chronically poor performing” under the monitoring program. The department shall develop
89 these guidelines in consultation with representatives of local housing authorities, municipal
90 officials, public housing residents and public housing industry professional organizations.
91 Provided further, if a housing authority is designated as a chronically poor performing authority,
92 the department shall also have the power to appoint a chief administrative and financial officer,
93 herein after referred to the CAFO, who shall be responsible for the overall administration of the
94 housing authority. The department shall appoint the CAFO for a term of not more than 3 years.

95 The CAFO shall be appointed solely on the basis of administrative and executive qualifications
96 and shall be a person especially fitted by education, training and experience to perform the duties
97 of the office. The CAFO need not be a resident of the city or the commonwealth. The powers and
98 duties of the CAFO shall include the following: (1) coordinating, administering, and supervising
99 of all financial services and activities; (2) implementing and maintaining uniform systems,
100 controls, and procedures for all financial activities; (3) reviewing all proposed contracts and
101 obligations; (4) reviewing the spending plan for each department; (5) evaluating the housing
102 authority's current annual plan under section 28A of this chapter and implementing a written
103 plan to meet the department's assessment standards under section 26B of this chapter, including,
104 but not limited to merging with another housing authority or regional housing authority.
105 Annually, not later than March 30, the CAFO shall submit a 4-year financial plan and a 5-year
106 capital plan to the department that includes all capital needs of the housing authority.

107 (e) The department shall promulgate regulations requiring all housing authorities to
108 maintain a website which shall display contact information for members and senior staff.

109 Section 26C. Within one year of the passage of this act, the department shall establish
110 and implement a single statewide centralized wait list for state-aided public housing, after
111 consultation with representatives of local housing authorities, municipal officials, public housing
112 residents and public housing industry professional organizations. Such centralized wait list shall
113 enable public housing applicants to submit a standardized application through a centralized
114 internet website or through any housing authority. An applicant for tenancy in a housing
115 authority, may designate a preference by naming housing authorities; provided however, that no
116 preference shall be required. All housing authorities shall use the centralized wait list for
117 selection of public housing tenants, with all local preferences and other preferences applied as
118 required by law.

119 Section 26D. (a) The department shall establish a program to provide capital planning
120 and technical assistance to housing authorities. The program shall include 3 capital assistance
121 teams, which shall aid housing authority members and executive directors in developing and
122 managing the housing authority's capital program, including: 1) developing a capital plan as
123 required in the housing authority's annual plan under section 26B of this chapter; 2) preparing
124 applications for special capital project funds; 3) implementing capital improvement projects; 4)
125 managing updates to the department's capital planning system; 5) facilitating coordination
126 between housing authorities to ensure efficient use of capital and maintenance funds; and 6)
127 other functions related to capital planning, renovation, and redevelopment as the department
128 deems necessary; provided further, the capital assistance team shall provide services to the
129 housing authority without requiring payment for said services by the housing authority. The
130 capital assistance teams shall be located in regions to be designated by the department.

131 (b) Housing authorities with 500 or fewer state-aided units shall participate in the
132 program. The department may grant a waiver of this requirement, provided that a housing

133 authority can demonstrate satisfactory performance under the assessment standards of section
134 26B.

135 (c) Each capital assistance team shall be located at a host housing authority. Three host
136 housing authorities shall be selected by the department by developing and issuing a request for
137 proposal; provided, further, that the department shall select 1 host housing authority in each of
138 the designated regions. The department shall promulgate regulations to increase the salary of the
139 host housing authority director.

140 (d) Each capital assistance team shall have a director to be hired by the host housing
141 authority in consultation with the department. The director shall hire project management and
142 capital planning staff to work directly with housing authorities to provide the technical assistance
143 described; provided however, no staff member shall individually oversee more than 2,500 units
144 on a permanent basis. (e) An advisory board shall be created for each capital assistance team,
145 which shall be composed of 11 members. The host housing authority shall appoint 1 of its own
146 members to the advisory board; the department shall promulgate regulations establishing election
147 procedures for the selection of the remaining 10 members. The department shall limit eligibility
148 for election to members of participating housing authorities in the region. The advisory board
149 shall meet on a quarterly basis with the capital assistance team director, host housing authority
150 director and the director of the department, or a designee and shall discuss issues of program
151 performance and coordination.

152 SECTION 9. Said chapter 121B, as so appearing, is hereby further amended by inserting
153 after section 28 the following section:-

154 Section 28A. (a) Each housing authority shall submit to the department an annual plan,
155 which states the housing authority's goals and objectives to meet the department's assessment
156 standards under section 26B of this chapter. The annual plan shall include the housing
157 authority's capital improvement plans for the following year and address any deficiencies in
158 meeting applicable performance standards.

159 (b) The housing authority shall make the annual plan available for public review and
160 comment through an annual public hearing. Not later than 45 days before the date of any public
161 hearing the housing shall publish a notice informing the public of the agenda items which shall
162 be covered at the hearing, including, but not limited to: (1) the housing authority's proposed
163 operating budget; (2) the housing authority's proposed capital plan; and (3) the housing
164 authority's specific plan to meet the assessment standards under section 26B.

165 (c) The department shall promulgate regulations to implement the provisions of this
166 section.

167 SECTION 10. Section 29 of said chapter 121B, as so appearing, is hereby amended by
168 striking out the first sentence and inserting in place thereof the following 5 sentences:- The

169 members of a housing authority shall annually, at a time to be determined by the department, file
170 with the department a written report for its last preceding fiscal year. Such report shall be filed in
171 the manner prescribed by the department and shall contain an audited financial statement, an
172 annual plan as provided for pursuant to this chapter and other information as the department may
173 require. Each housing authority shall contract with an external auditor to prepare the audited
174 financial statement; and provided further that the audited financial statement shall be prepared in
175 accordance with such generally accepted accounting principles and reporting practices as may
176 from time to time be prescribed by the American Institute of Certified Public Accountants, or its
177 successor organization. An external auditor shall perform no more than 3 consecutive audits for
178 a housing authority. The department may grant a waiver of this requirement to a housing
179 authority, provided that the housing authority is unsuccessful in procuring bids from multiple
180 external auditors qualified to perform the housing authority's state and federal audit. The report,
181 including the audited financial statement and the annual plan, shall be made available to the
182 public on the department's website, as well as the housing authority's website required under
183 section 26B of this chapter. A member who does not submit the written report as required by the
184 department may be subject to removal proceedings pursuant to section 6 of this chapter.

185 SECTION 11. Said chapter 121B, as so appearing, is hereby further amended by inserting
186 after section 38B the following section:- Section 38C.

187 The department shall establish and implement a program with the purpose of conducting
188 annual surveys of public housing residents. The department shall develop the annual survey in
189 conjunction with stakeholders, including public housing residents. The survey shall be conducted
190 by the department and shall preserve the anonymity of the residents. The survey shall include, at
191 a minimum, questions about maintenance and repair of units, housing authority communication
192 to residents, resident participation in housing authority governance, resident safety, and resident
193 services, such as job training programs. The department shall establish procedures to conduct
194 physical inspections of a representative sample of units in conjunction with the survey, provided
195 further, that the results of the survey shall be used to evaluate the housing authority's
196 performance under section 26B of this Chapter.

197 SECTION 12. (a) Notwithstanding chapter 121B of the General Laws, or any other
198 general or special law to the contrary, there shall be a regional housing innovation program
199 within the department of housing and community development.

200 (b) The following words, whenever used in this section, shall, unless a different meaning
201 clearly appears from the context, have the following meanings:--

202 "Affordable housing", homeownership or rental housing which is restricted to occupancy
203 by low or moderate income households of 1 or more persons and for which the sale price or rents
204 are affordable as defined by the criteria for inclusion in the department's subsidized housing
205 inventory or consistent with funding sources.

206 “Affordable housing development”, a development of new or rehabilitated affordable
207 housing, which may include market-rate housing if such market-rate housing is reasonably
208 necessary for the financial feasibility of construction or operation of the affordable housing.

209 “Department”, department of housing and community development.

210 “Extremely low income household”, a household with a gross income at or less than 30
211 per cent of area median household income as most recently determined by the U.S. Department
212 of Housing and Urban Development, adjusted for household size.

213 “Housing authority”, a housing authority created pursuant to section 3 of chapter 121B of
214 the General Laws.

215 “Low or moderate income household”, a household with gross income at or less than 80
216 per cent of area median household income as most recently determined by the U.S. Department
217 of Housing and Urban Development, adjusted for household size.

218 “Market-rate housing”, homeownership or rental housing which is not restricted to
219 occupancy by low or moderate income households. Market-rate housing may be made available
220 for occupancy by households without regard to income, and it may also include housing subject
221 to maximum income limits to be occupied by households with gross income greater than 80 per
222 cent but not more than 150 per cent of the area median household income as most recently
223 determined by the United States Department of Housing and Urban Development, adjusted for
224 household size.

225 “Program”, the regional public housing innovation program under this section.

226 “Public housing”, state-assisted housing developed through funds provided under chapter
227 200 of the acts of 1948, chapter 667 of the acts of 1956, chapter 705 of the acts of 1966, chapter
228 689 of the acts of 1974 and chapter 167 of the acts of 1987.

229 “Regional housing authority”, a housing authority created pursuant to section 3A of
230 chapter 121B of the General Laws.

231 “Very low income household”, a household with a gross income at or less than 50 per
232 cent but greater than 30 per cent of area median household income as most recently determined
233 by the U.S. Department of Housing and Urban Development, adjusted for household size.

234 (c)(1) A regional housing authority may apply to the department for approval to
235 participate in the program. Participation shall be limited to applicants that have the ability to
236 plan and carry out activities under the program, as evidenced by prior performance in the
237 operation and maintenance of public housing, demonstrate a need to redevelop and repair
238 occupied and vacant public housing units, and other appropriate factors as determined by the
239 director of the department.

240 (2) The department may determine the housing authorities participating in the program,
241 provided that, the total number of authorities may not exceed 3 authorities. To be eligible to
242 participate in the program, a housing authority must: (i) be a regional housing authority under
243 section 3A of chapter 121B of the General Laws; (ii) have no fewer than 7 participating
244 communities; (iii) have a portfolio of no fewer than 750 state-aided public housing units. In
245 selecting participating authorities, the department shall establish criteria that provides for
246 representation of housing authorities having various characteristics, including housing authorities
247 serving urban, suburban and rural areas, and housing authorities in various geographical regions
248 throughout the commonwealth. Provided further, the department shall create a position within
249 the department to provide assistance to housing authorities during the process of becoming a
250 regional housing authority under section 3A of chapter 121B of the General Laws.

251 (3) The department shall require program applicants to describe how tenants may be
252 provided with independent technical assistance sufficient to allow them meaningful and
253 informed input and shall encourage applications that demonstrate, create, or seek to achieve, with
254 respect to public housing: (i) innovative models for the redevelopment and repair of public
255 housing including for the elderly and frail elderly; (ii) innovative models for improved
256 management; (iii) coordination among several housing authorities; (iv) economic efficiencies;
257 and (v) expansion of economic opportunities for tenants and the commonwealth. Additionally,
258 the department shall encourage applications that achieve the development of affordable housing.

259 (4) The department shall act on the application within 90 days of its submission and shall
260 approve applications that meet the criteria established by the director, up to the number
261 established by this section. The department and the participating housing authority shall enter
262 into a program participation agreement summarizing the terms of participation, voluntary
263 withdrawal, and termination for material default and a timetable for achieving objectives of the
264 program. The initial term of participation shall be 10 years, which shall be extended in whole or
265 in part by the department so long as: (i) the housing authority has made satisfactory progress
266 toward its goals; (ii) the extension will meet the original objectives of the program; and (iii) the
267 housing authority has not received a negative evaluation pursuant to subsection (o).

268 (5) Upon expiration, withdrawal or termination of an agreement, the department shall
269 work cooperatively with the housing authority in a transition process. The transition process
270 may provide for retention of elements of the program implemented during participation
271 including, but not limited to, contractual agreements with third parties that contain terms that
272 extend beyond the term of participation that were referenced in the program participation
273 agreement, approved annual plan or approved annual report.

274 (d) The department, subject to appropriation, shall disburse all funding for a participating
275 housing authority or regional housing authority on a predictable schedule to permit and
276 encourage planning and efficiency by the housing authority. Further, the department shall

277 increase the regional housing authority's annual operating subsidy by providing an additional
278 subsidy which is equal to 20 percent of the regional housing authority's budget annually.

279 (e) The sections of chapter 121B of the general laws which conflict with the powers
280 granted under this section or substantially restrict a housing authority's ability to achieve the
281 goals specified in its application or plan shall not apply to a housing authority or regional
282 housing authority approved by the department to participate in the public housing initiative
283 program to the extent the department determines it is necessary, and except for the provisions in
284 subsection (h).

285 (f) Regional housing authorities participating in the program shall, in addition to those
286 powers conferred in chapter 121B of the general laws, have the following powers:

287 (1) to combine all forms of assistance received from the commonwealth and other
288 sources, including, but not limited to public housing operating subsidies appropriated by the
289 commonwealth through a general appropriations act and public housing modernization funds
290 authorized by the commonwealth to be funded through the sale of general obligation bonds,
291 other funds or grants; provided that, a housing authority shall not receive diminished assistance
292 by virtue of participation in the program under this section;

293 (2) to establish a reasonable rent policy, which shall be included in the annual plan
294 required by subsection (i), that shall: (A) provide for rents that are affordable to tenants
295 throughout the term of the program; (B) be designed to provide incentives to improved
296 employment and training and self-sufficiency by participating families; (C) include transition
297 and hardship provisions; (D) include in the transition period a limit on rent increases in any 1
298 year related solely to the change in the rent policy to no more than 10 per cent for the duration of
299 the transition period; (E) provide a rent cap for tenant households at or below 50 per cent of area
300 median income, adjusted for family size, of not more than the maximum tenant rental payments
301 including, if applicable, minimum rents permitted by section 32 of chapter 121B of the general
302 laws; and (F) provide a rent cap for elderly and handicapped persons of low income of not more
303 than the maximum tenant rental payments including, if applicable, minimum rents permitted by
304 said section 32 of said chapter 121B and subsection (e) of section 40 of said chapter 121B;

305 (3) to establish, and include as part of the annual plan required by subsection (h), local
306 methods of tenant or homeowner selection; provided that, the method is fair, objective, public
307 and does not discriminate against any applicant based on any protected category in chapter 151B
308 or any other fair housing laws or department policies and provides admissions preferences for
309 homeless households, veterans and victims of domestic violence;

310 (4) to create efficient, fair and open procurement policies for supplies, services, and real
311 property, designed to reduce costs and to meet local need, which shall be included in the annual
312 plan required by subsection (i);

313 (5) To participate in a mixed public/private affordable housing development or create any
314 legal entities or instrumentalities necessary to participate in mixed public private affordable
315 housing development designed to rehabilitate, repair, replace, or develop, affordable housing,
316 including public housing developments and projects developed pursuant to sections 26, 34, and
317 40 of chapter 121B of the general laws.

318 (6) to create partnerships or consortia with other public or private entities for the
319 operation, financing, or development of any program otherwise authorized by law;

320 (7) to acquire any property to carry out its purposes, and to dispose of any property of the
321 local housing authority without repayment of bonds to the commonwealth notwithstanding any
322 provision of chapter 121B of the general laws to the contrary, unless otherwise required by law
323 or contract, provided that the proceeds of any such disposition must be applied to acquisition,
324 operation, development, rehabilitation, or repair of public or affordable housing consistent with
325 the limitations on use of proceeds in clause (E) of subsection (h); and

326 (8) to enter into energy services contracts in accordance with section 11C of chapter 25 of
327 the general laws for a period of up to 20 years.

328 (g) Projects pursuant to this section may include a mix of extremely low income
329 households, low or moderate income households, and market-rate housing, and may utilize any
330 available source of rental subsidy or financial assistance; provided that operating subsidies
331 appropriated by the legislature and bond funds authorized by the legislature for the benefit of low
332 rent housing projects operated pursuant to sections 32 and 40 of chapter 121B of the general laws
333 shall not be used to fund capital or operating costs other than those for the redevelopment, repair
334 and operation, including services benefitting the tenants, of such housing.

335 (h) Notwithstanding the provisions of subsection (e), the local housing authority shall:

336 (1) comply with the provisions of section 12 of chapter 121B of the general laws, related
337 to wages, labor requirements, and Social Security;

338 (2) comply with the provisions of section 29 of said chapter 121B, related to wage rates
339 and collective bargaining;

340 (3) to retain the same number of public housing units as existed before participation in
341 this program to the greatest extent possible shall; (A) provide for full tenant participation,
342 including public hearing, on adoption or material amendment of its annual plan as required under
343 subsection (i); (B) provide for a tenant lease and grievance procedure substantially similar to that
344 in effect prior to entry into the program under this section; (C) provide that evictions shall be
345 only for good cause; (D) assure that housing assisted under the program in chapter 121B of the
346 general laws is decent, safe and sanitary, and that, excepting any market-rate housing, the
347 housing is deed restricted to occupancy by extremely-low, very low, or low and moderate-

348 income households at affordable rents or sales prices, in perpetuity or for such other term as may
349 be approved by the department, consistent with funding sources; and (E) assure that proceeds
350 from the disposition of public housing and funds generated from new affordable and market
351 housing created to replace public housing, unless restricted to a particular use, shall be allocated
352 to the reconstruction, rehabilitation, or repair of public housing developments;

353 (4) assure that if a participating housing authority redevelops its public housing units, all
354 households residing in the units at the time of planned redevelopment shall receive relocation
355 assistance, if eligible, under chapter 121B of the general laws or other applicable statutes. Said
356 households shall have the right to return to the redeveloped public housing, unless such
357 household is determined to be in unlawful occupancy prior to the approval of the housing
358 authority's application, has materially breached the lease agreement or has been evicted for
359 cause, under applicable law subject to units of the appropriate size and requirements being
360 available. Such households shall have priority for placement over new applicants;

361 (5) comply with chapter 334 of the acts of 2006;

362 and

363 (6) comply with the audit requirements described in section 29 of chapter 121B of the
364 general laws.

365 (i) Each housing authority participating in the program under this section shall prepare an
366 annual plan. Tenants assisted by the housing authority and the wider community shall be
367 provided with adequate notice and opportunities to participate in the development and
368 preparation of the plan. Said tenants shall be provided an opportunity to comment and make
369 recommendations on the plan which shall include not less than 1 public hearing held at a time
370 and location that the participating housing authority reasonably believes will facilitate attendance
371 by, and input from, tenants.

372 The annual plan shall:

373 (1) state the housing authority's goals and objectives under the program for its fiscal year;

374 (2) describe the housing authority's proposed use of assistance for activities under the
375 program for the fiscal year;

376 (3) describe how the housing authority will achieve the repair and redevelopment of
377 public housing;

378 (4) state the housing authority's proposed income mix for its housing portfolio of: (A)
379 extremely low income households; (B) very low income households; (C) low or moderate
380 income households; and (D) market rate housing;

381 (5) explain how the housing authority's proposed activities will meet its goals and
382 objectives;

383 (6) include appropriate budgets and financial statements; and

384 (7) describe the tenant participation procedure and what independent technical assistance
385 will be made available to tenants.

386 Any plan submitted pursuant to subsection (i) shall be deemed approved unless the
387 department, within 60 days of submission, issues a written disapproval. The department shall
388 disapprove the plan if the department reasonably determines, based on information contained in
389 the plan or other reliable information available to the department, that the plan does not comply
390 with the provisions of this section or other applicable law or cannot reasonably be expected to
391 achieve the purposes set out in this section. The housing authority shall notify tenants of such
392 approval or disapproval.

393 (j) In place of all other planning and reporting requirements of the department, each
394 housing authority participating in the program under this chapter shall submit to the department
395 annually a single annual report, in a form and at a time specified by the department. The annual
396 report shall be the primary means by which the housing authority shall be required to provide
397 information to the department, to tenants and the public on the activities assisted under this
398 section during a fiscal year, unless the department has reason to believe that the housing
399 authority has violated the terms of the program.

400 Each annual report shall:

401 (1) document the housing authority's use of assistance under the program, including
402 appropriate financial statements;

403 (2) describe and analyze the effect of assisted activities in addressing the objectives of
404 this section, including the effect of rent and tenant selection policies;

405 (3) state the previous year's income mix of residents in the housing authority's public
406 housing and affordable housing developments under this program;

407 (4) include a certification by the housing authority that it has prepared an annual plan that
408 was prepared in accordance with subsection (i);

409 (5) describe and document how the housing authority has provided tenants assisted under
410 the program and the wider community with opportunities to participate in the development or
411 material modification of the annual plan, and an opportunity to comment on the annual plan
412 which shall include not less than 1 public hearing;

413 (6) include a report on the annual incomes of persons served in the previous year; and

414 (7) include other information as may be required by the department pursuant to
415 subsection (l) to determine the effectiveness of the program.

416 (k) Any report submitted pursuant to subsection (j) shall be deemed approved unless the
417 department, within 60 days of submission, issues a written disapproval because the department
418 reasonably determines, based on information contained in the report or other reliable information
419 available to the department, that the housing authority is not in compliance with the provisions of
420 this section or other applicable law.

421 (l) Each housing authority shall keep such records as the department may prescribe as
422 reasonably necessary to document the amount of funds and the disposition of funds under this
423 program, to ensure compliance with the requirements of this section, and to measure
424 performance.

425 (m) The department shall have access, for the purpose of audit and examination to any:
426 books; documents; papers; and records that are pertinent to assistance in connection with, and the
427 requirements of, this section; provided however, that reporting shall be conducted solely through
428 the annual report unless the department has reason to believe that the housing authority is not in
429 compliance with its program.

430 (n) The auditor of the commonwealth shall have access for the purpose of audit and
431 examination to any books, documents, papers, and records that are pertinent to assistance in
432 connection with, and the requirements of, this section.

433 (o) Each authority shall be evaluated by an independent evaluator twice during the initial
434 term of participation and periodically thereafter, in accordance with standards adopted by the
435 department, to determine the success of initiatives undertaken under this program in achieving
436 the purposes set forth in this section and the housing authority's plan.

437 (p) The department shall establish a manner in which to post the housing innovations
438 plan, annual report, independent evaluation and other public records pertaining to each housing
439 authority's public housing innovations program established pursuant to this act so that the
440 progress of each public housing innovations program is publicly available and free to access.

441 (q) The department shall establish a 9 member advisory committee whose members shall
442 include the director of the department or the director's designee, 1 representative selected by
443 Citizens' Housing and Planning Association, 1 representative selected by the Massachusetts
444 Chapter of the National Association of Housing and Redevelopment Officials, 1 representative
445 selected by the Massachusetts Union of Public Housing Tenants, 1 representative selected by the
446 Massachusetts Coalition for the Homeless, and 4 additional members chosen by the director of
447 the department to provide advice and recommendations to the department regarding regulations
448 to implement the provisions of this section and to provide ongoing assistance in determining the
449 effectiveness of the program.

450 (r) The department of housing and community development shall adopt regulations
451 implementing the provisions of this act within 90 days of the effective date of the act. Except for
452 emergency regulations adopted pursuant to section 2 of chapter 30A of the general laws, any
453 such regulation, or any amendment or repeal thereof, shall, after compliance with all applicable
454 provisions of said chapter 30A except section 5, be submitted to the general court. The director
455 of the department shall file any proposed regulation, amendment or repeal with the clerk of the
456 house of representatives, together with a statement that the pertinent provisions of said chapter
457 30A have been complied with and a summary of the regulations in layperson's terms. The clerk
458 shall refer such filing to the joint committee on housing within 5 days of the filing thereof. No
459 such regulation shall take effect until 90 days after it has been so filed; provided, however, that
460 such 90 day period shall not include days when the general court is prohibited by law or rule
461 from meeting in formal session.

462 (s) The department shall annually report to the house and senate committees on ways and
463 means and the joint committee on housing on the participation of housing authorities in the
464 public housing innovation program.

465 SECTION 13. Notwithstanding any general or special law to the contrary, each capital
466 assistance team established by the department of housing and community development pursuant
467 to section 26D of chapter 121B of the General Laws shall complete a survey of all surplus land
468 within 1 year of the effective date of this act. The department shall report the results of the
469 survey to the joint committee on housing within 90 days of the completion of the survey. The
470 capital assistance teams shall use the results of the survey to coordinate communication and
471 resources between local housing authorities and the department for the purpose of encouraging
472 development of the land for new units of affordable housing.