

HOUSE No. 4981

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin G. Honan and Joseph A. Boncore

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 relative to local housing authority board member elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>

HOUSE No. 4981

By Representative Honan of Boston and Senator Boncore, a joint petition (subject to Joint Rule 12) of Kevin G. Honan, Joseph A. Boncore and others relative to the election of board members of local housing authorities. Housing.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to local housing authority board member elections.

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

2 Section 1 of chapter 121B of the General Laws, as so appearing, is hereby amended by
3 striking the definition of “Tenant Member” and inserting in its place the following: -

4 A member of the board of the housing authority who shall be one of the following (a) a
5 tenant who has signed a lease for a public housing unit owned and operated by the housing
6 authority, (b) a tenant in a public housing unit owned and operated on behalf of a housing
7 authority, (c) a participant in a rental assistance program administered by the housing authority,
8 or (d) is an adult over the age of 18 years old authorized to reside in the unit of either (a),(b) or
9 (c).

10 SECTION 2

11 Section 5 of Chapter 121B is hereby amended by inserting after the second paragraph the
12 following new paragraph: -

13 In a town, four members of a redevelopment authority that is not a housing authority shall
14 be elected by the town; provided, that of the members originally elected at an annual town
15 meeting, the one receiving the highest number of votes shall serve for five years, the one
16 receiving the next highest number of votes, for four years, the one receiving the next highest
17 number of votes, for two years, and the one receiving the next highest number for one year;
18 provided that upon the initial organization of a redevelopment authority that is not a housing
19 authority, if a town so votes at an annual or special town meeting called for the purpose, four
20 members of such an authority shall be appointed forthwith by the selectmen to serve only until
21 the qualification of their successors, who shall be elected at the next annual town meeting as
22 provided above.

23 SECTION 3

24 Section 5 of Chapter 121B is hereby amended by striking the third paragraph and
25 inserting in place thereof the following two paragraphs:

26 Notwithstanding Section 20 of Chapter 43B or any other general or special law to the
27 contrary, in a town, one member of a housing authority shall be a tenant member appointed by
28 the town and 3 members shall be elected by the town; provided, that of the members originally
29 elected at an annual town meeting, the one receiving the highest number of votes shall serve for
30 five years, the one receiving the next highest number of votes, for four years and the one
31 receiving the next highest number of votes, for two years; provided, that in order to reduce the
32 number of elected members from 4 to 3 where there are 4 elected members on the effective date

33 of this legislation, the seat that has expired or the next seat to expire or become vacant shall be
34 filled by the appointed tenant member unless a waiver allowing the appointment of a person who
35 is not eligible to be a tenant member has been granted by the department pursuant to Section 5A
36 of Chapter 121B; and provided, that upon the initial organization of a housing authority if a town
37 so votes at an annual or special town meeting called for the purpose, three members of such an
38 authority shall be appointed forthwith by the selectmen to serve only until the qualification of
39 their successors, who shall be elected at the next annual town meeting as provided above.

40 Within 90 days of the effective date of this act, a tenant where applicable, shall be
41 appointed by the town from lists of names submitted by any duly recognized tenants'
42 organization in the town. A tenants' organization may submit a list which contains not less than
43 two nor more than five names to the town who shall make their selection from among the names
44 so submitted; provided that if there is no tenants' organization the housing authority shall
45 immediately post notices throughout common areas of the authority and provide each household
46 with notice alerting tenants of the opportunity to be appointed to the housing authority board and
47 to submit their name within thirty days to the town clerk. Such notice shall include contact
48 information for the town clerk and for independent technical training programs available
49 pursuant to Section 5B of Chapter 121B. The town shall appoint the tenant member from this
50 list, provided that where federal law requires the town to maintain a member who is a federally
51 subsidized tenant, such federally subsidized tenant shall be given preference for the appointment.
52 In the event there are no public housing units that are owned and operated by the local housing
53 authority and no such units are owned and operated on behalf of the local housing authority, the
54 town shall appoint any person meeting the eligibility requirements of "tenant member" as
55 defined in Section 1 of Chapter 121B. If no list of names is submitted within sixty days after a

56 vacancy occurs, the town shall appoint any tenant of their choosing to the authority. The town
57 shall notify in writing tenant organizations as specified herein not less than ninety days prior to
58 the expiration of the term of a tenant member. Whenever a vacancy occurs in the term of a tenant
59 member for any reason other than the expiration of a term, the town shall notify in writing the
60 tenant organizations specified herein within ten working days after the vacancy occurs. The town
61 shall make an appointment within a reasonable time after the expiration of sixty days after said
62 notice.

63 SECTION 4

64 Section 5A of Chapter 121B of the General Laws, as added by Chapter 235 of the Acts of
65 2014, is hereby amended by striking said section and inserting in place thereof the following
66 paragraphs:-

67 Section 5A: Waivers by the department

68 On the effective date of this legislation, a housing authority may request a waiver of the
69 requirement to appoint a tenant member to a housing authority board if a person who is eligible
70 to be a tenant member under the definition in Section 1 of this chapter is currently serving as
71 either an elected member or a member appointed to fill a vacancy by the town under Section 5 of
72 Chapter 121B. The waiver shall be for one year and may be renewed for successive one-year
73 periods until the expiration of such member's current term or such member vacates the seat upon
74 which the town shall appoint a tenant member pursuant to Section 5 of Chapter 121B.

75 A housing authority may request a waiver of the requirement to appoint a tenant member
76 to a housing authority board if the department determines that a housing authority provided
77 notice pursuant to Section 5 of Chapter 121B and there is no person who is eligible and willing

78 to be a tenant member on the board. The waiver shall be for one year and may be renewed by the
79 department. A housing authority shall submit a written statement to the department about why a
80 waiver is needed and document the steps it took to educate tenants about the right of a tenant to
81 serve on a housing authority board; such steps must include the housing authority meeting with
82 the local tenant organization. Prior to issuing a waiver the department must, in addition to
83 reviewing the written statement, determine that the housing authority provided notice pursuant to
84 Section 5 of Chapter 121B.

85 If the department grants a waiver, it shall notify the housing authority and the town that a
86 person other than a person who is eligible to be a tenant member may be appointed to the tenant
87 member seat on the board for a one-year period. The housing authority must notify tenant
88 organizations of this waiver and post the waiver throughout common areas of the authority.

89 SECTION 5

90 Any votes taken by a housing authority or town between August 6, 2014 and the effective
91 date of this legislation are hereby validated, confirmed and ratified in all respects,
92 notwithstanding the number of elected members.