

HOUSE No. 3775

The Commonwealth of Massachusetts

PRESENTED BY:

Michelle L. Ciccolo and Cindy F. Friedman

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 reorganizing the Lexington Housing Assistance Board, Inc.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>1/9/2023</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>1/9/2023</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/27/2023</i>

HOUSE No. 3775

By Representative Ciccolo of Lexington and Senator Friedman, a joint petition (subject to Joint Rule 9) of Michelle L. Ciccolo, Cindy F. Friedman and Michael J. Barrett (by vote of the town) for legislation to reorganize the Lexington Housing Assistance Board, Inc. in the town of Lexington. Housing. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act reorganizing the Lexington Housing Assistance Board, Inc.

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1 SECTION 1: Chapter 521 of the Acts of 1983 shall be repealed and replaced in its
2 entirety with the following:

3 SECTION 1. There is hereby established an independent, nonprofit housing corporation
4 to be known as the Lexington Housing Assistance Board, Inc. or "LexHAB".

5 SECTION 2. LexHAB shall be governed by a board of directors referred to in this act as
6 the board. The board shall consist of not less than five and not more than nine members. Each
7 member of the board shall be a resident of the Town of Lexington at the time of initial
8 appointment and shall serve for a three-year term. Terms shall be staggered such that the term of
9 no more than 40% of the board members shall expire in any one year.

10 Appointments to the board shall be made annually on or before June 30 by the members
11 of the board then sitting, subject to confirmation by the Lexington select board. Members shall

12 serve until their successors are appointed and qualified. Continuing members may act despite a
13 vacancy or vacancies in said board and, for thjs purpose, shall be deemed to constitute a full
14 board. A vacancy in the board, however occurring, may be filled by vote of the board for the
15 remainder of the unexpired portion of the term. The members of the "Lexington Housing
16 Assistance Board, Inc." established pursuant to Chapter 521 of the Acts of 1983 in office as of
17 the effective date of this Act shall constitute the board for purposes hereof for the remainder of
18 their unexpired terms.

19

20 SECTION 3. Members of the board shall not receive compensation for the performance
21 of their duties under this act, but each member may be reimbursed by LexHAB for expenses
22 incurred in the performance of the member's duties.

23 SECTION 4. The board shall exercise its powers and perform its duties for the purpose of
24 investigating and implementing alternatives for the provision of and providing affordable
25 housing for persons of low, moderate, and middle income, and others whose needs may be
26 identified from time to time, in the town of Lexington. The powers and duties of the board shall
27 be alternative and supplemental to, and not in limitation of, the powers and duties of the
28 Lexington Housing Authority established pursuant to chapter one hundred and twenty-one B of
29 the General Laws.

30 SECTION 5. Operation ofLexHab shall be independent of the Lexington select board and
31 the lown manager.

32 SECTION 6. The board shall have the powers and privileges conferred by paragraphs

33 (a) to (i), inclusive, and paragraph (k) of section nine of chapter one hundred and fifty-six
34 B of the General Laws, and the following powers, provided that no such power shall be exercised
35 in a manner inconsistent with this act or any general or special law, or to carry on any activity
36 which is not in furtherance of the purposes set forth in this act:

37 (a) to adopt, amend and repeal by-laws for the regulation and conduct of its business
38 including but not limited to the call and conduct of its meetings, the number of members which
39 shall constitute a quorum and the mode of voting by proxy;

40 (b) to elect a chairperson and vice-chairperson, each of whom shall be members of
41 said board, and a secretary and a treasurer, who need not be members of the board, and who may
42 be the same person. The treasurer shall give bond for the faithful performance of their duties in
43 form and amount approved and fixed by the board, the cost of which bond shall be paid from
44 funds of the board. The chairperson and, in their absence, the vice-chairperson shall chair
45 meetings of the board. The secretary shall be the custodian of all books, documents, and papers
46 filed with the board and of the minute book or journal of the board; to make and execute all
47 contracts and all other instruments necessary or convenient for the exercise of its powers and
48 functions;

49 (c) to acquire or lease, by purchase or otherwise, and to own, hold and use, on such
50 terms and conditions and in such manner as it may deem proper, and to exchange, grant options
51 on, sell, transfer, convey, assign, lease, pledge, mortgage, encumber, grant liens on and security
52 interests in, or otherwise dispose of, on such terms and conditions as it may deem proper, real,
53 personal or mixed real and personal property or any interest, easements or rights in that property,
54 and any assets or revenues of the board, as may be necessary or appropriate to carry out its

55 purposes, it being understood that the board's right to acquire or sell town-owned real estate may
56 also be subject to authorization by town meeting vote in accordance with other applicable laws;

57 (d) to enter into agreements or other transactions with the commonwealth, the town
58 of Lexington or any other political subdivision or public instrumentality thereof, the United
59 States government, or any federal, state, or other governmental agency;

60

61 (e) to borrow money and to execute notes therefor, to hold mortgages, and to invest
62 any funds held in reserve funds, or any funds not required for immediate disbursement in such
63 investments as may be lawful for fiduciaries in the commonwealth. The board shall have no
64 stock;

65 (f) to enter into contracts or agreements with, and to employ from time to time
66 contractors, architects, engineers, consultants, attorneys, accountants, construction, financial and
67 other experts, superintendents, managers, and such other agents and employees as may be
68 necessary in its judgment and to fix their compensation. Notwithstanding any general or special
69 law to the contrary, the board shall be exempt from the provisions of chapters 30, 30B, and 149
70 of the general laws or as otherwise authorized by law;

71

72 (g) to receive and hold funds, including any funds that may from time to time be
73 appropriated by the town of Lexington in furtherance of the board's public purpose, pursuant to
74 section nine hereof, property, labor, and other things of value from any source, public or private,
75 by gift, grant, bequest, loan or otherwise, either absolutely or in trust, and to expend or utilize the

76 same on behalf of the board for any of its purposes or to act as an agent or conduit in
77 administering or disbursing funds or financial or other aid from any source;

78 (h) to appear in its own behalf before boards, commissions, departments or other
79 agencies of government, municipal, state or federal;

80 (i) to procure insurance against any loss in connection with the property or activities
81 of said board, in such amounts, and from such insurers as it may deem necessary or desirable,
82 and to indemnify its members or agents if and to the extent specified from time to time in the by-
83 laws of said board and subject to and in the manner provided in section six of chapter one
84 hundred and eighty of the General Laws;

85 (k) to formulate, carry out or monitor plans for projects involving the acquisition or
86 operation of housing facilities of any kind or nature, and to construct, reconstruct, renovate,
87 expand, extend, improve, repair, remodel, equip, furnish, maintain, manage and operate such
88 facilities;

89 (l) to fix and revise from time to time, and to charge and collect rates, fees, rentals
90 and other charges and sales prices for or in connection with the use, occupancy or other
91 disposition of any housing facility or other property or portion thereof under its ownership or
92 control;

93 (m) to establish, impose, grant, or amend, by deed, lease, or any other means or
94 method, and to hold the benefit of, monitor, exercise, and enforce lawful restrictions on the
95 rental, sale, resale, use or occupancy of housing facilities or other property under its ownership
96 or control, or other facilities or property designated by the select board, or restrictions with
97 respect to the income of owners, tenants or occupants of such housing facilities or other property,

98 or options and rights of first refusal with respect to such facilities or property, and to waive,
99 release or discharge any such rights or restrictions, but the foregoing shall not apply to any town-
100 owned real estate or facilities except upon the vote of the town meeting or as otherwise allowed
101 by law;

102

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

106 (o) to establish policies and procedures for and to implement programs, and to do any
107 and all things necessary or convenient to carry out its purposes and exercise the powers
108 conferred by this act.

109 SECTION 7. The board may delegate to any committee or member of the board any
110 action which the board is empowered to do or make. The board may be a partner in any business
111 enterprise that the board would have power to conduct by itself.

112 SECTION 8. Notwithstanding the provisions of any general or special law to the
113 contrary, the income, assets, and activities of the board shall be exempt from all taxes and
114 assessments and the board shall not be subject to any of the provisions of chapter sixty-three of
115 the General Laws or to any taxes based upon or measured by property or income imposed by the
116 commonwealth or by any political subdivision thereof. The board is authorized and empowered
117 to enter into an agreement or agreements with the assessor of the town of Lexington, with the
118 approval of the select board, wherein said board shall undertake to make annual payments to the
119 town in lieu of taxes, in connection with any real property acquired and owned by the board, the

120 amounts of such payments to be reasonable sums stipulated in such agreement or agreements or
121 determined in accordance with a reasonable formula so stipulated.

122 SECTION 9. The town of Lexington may appropriate other funds for the carrying out by
123 said board of its purposes as set forth herein. Any appropriation therefore may be raised by the
124 town by taxation. At least annually, the board shall cause independent audits to be made of the
125 books and records of the board. The board shall make an annual report of its activities and
126 operations to the select board of the town of Lexington.

127 SECTION 10. All personal and real assets and liabilities of the "Lexington Housing
128 Assistance Board, Inc." established pursuant to Chapter 521 of the Acts of 1983 shall be deemed
129 transferred to the board, and title to all such property and all such rights shall vest in the board
130 automatically without the need for further action or instrument.

131 SECTION 11. In the event that the board shall be dissolved in accordance with law at any
132 time, all property and interests therein, assets, and rights of said board existing at such time shall
133 be transferred to the town of Lexington, or to a qualified non-profit housing development
134 corporation designated by the town of Lexington, and title to all such property and all such rights
135 shall vest in the town of Lexington automatically without the need for further action or
136 instrument, and the town of Lexington shall, to the maximum extent permitted by law, and acting
137 by and through its Select Board, assume, hold and exercise the powers and duties of said board
138 set forth herein with respect to such property and rights so transferred to said town.

139 SECTION 12. The provisions of this act are severable and if any of its provisions shall be
140 held invalid in any circumstance, such invalidity shall not affect any other provisions or
141 circumstances.

SECTION 2. This act shall take effect upon its passage.