

HOUSE No. 4316

House bill No. 4306, as changed by the committee on Bills in the Third Reading, and as amended and passed to be engrossed by the House. July 16, 2014.

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Fourteen
—————

An Act relative to local housing authorities.

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. The first paragraph of section 5 of said chapter 121B, as so appearing, is
7 hereby amended by adding the following sentence:- Every member shall be a fiduciary of the
8 housing authority.

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

11 SECTION 4. Said section 5 of said chapter 121B, as so appearing, is hereby further
12 amended by striking out, in lines 12 and 13 the words “, and the one receiving the next highest
13 number of votes shall serve for one year”.

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, but no more than 5 names to the board of selectmen who shall make the selection

21 from among the names 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 a 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 housing authority shall notify in writing the department, the tenant
31 organizations and the board of selectmen specified herein within 10 working days after the
32 vacancy occurs. The board of selectmen shall make an appointment within a reasonable time after
33 the expiration of 60 days after said notice. The department may grant a waiver of this
34 requirement if a tenant has been elected pursuant to this section.

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 members on the following laws and topics:
42 (1) the open meeting law established pursuant to sections 18 to 25, inclusive of chapter 30A; (2)
43 the public records law established pursuant to chapter 66; (3) the conflict of interest law
44 established pursuant to chapter 268A ; (4) the uniform procurement act established pursuant to
45 chapter 30B;, (5) state finance provisions established pursuant to chapter 29; (6) fraud
46 prevention; (7) fiduciary responsibilities; (8) fair housing laws; and (9) tenant occupancy and
47 tenant participation policies; (7) fiduciary responsibilities; and, (8) the laws prohibiting
48 discrimination in publicly assisted housing established pursuant to Chapter 151B; section 4.6
49 through 4.7B, inclusive provided, that the department may include any other topics relevant to
50 proper management of a housing or redevelopment authority. The department may consult with
51 the attorney general and the inspector general in developing training programs on the duties of
52 housing authority members.

53 The department shall provide independent technical assistance training to tenant
54 members. The department shall develop said training with the goal of enabling tenant members
55 and tenant members of local tenant organizations to participate fully in the oversight of the
56 housing authority's operation and capital planning. The department may permit tenants who are
57 not members to attend technical assistance training.

58 Once appointed, all members shall complete the training program, as developed by the
59 department, within 90 days of assuming the member’s position. Members shall complete a
60 training program every 2 years. A member who does not complete the training program within
61 the required time frame may be subject to removal proceedings pursuant to section 6.

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

64 Section 7A The department shall promulgate guidelines for contracts to be executed by
65 the housing authority and an executive director. The department shall have the authority to
66 review all contracts between the housing authorities and executive directors, and all terms for
67 payments or monetary remuneration relevant to state payments, and may strike any provisions
68 that do not conform with said guidelines.

69 SECTION 8. Said chapter 121B is hereby further amended by inserting after section 26A
70 the following 2 sections:-

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

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

81 (c) The monitoring program and assessment standards established by the department
82 under this section shall be developed and implemented by the department in consultation with
83 representatives of housing authorities, municipal officials, public housing residents and public
84 housing industry professional organizations. At a minimum, the department shall include
85 assessment standards for: (i) executive director and senior staff training; (ii) board member
86 training; (iii) senior staff certification in public procurement procedures; (iv) budget
87 management; (v) minimum experience and education requirements to be used when hiring new
88 executive directors; (vi) maintenance and repair of existing units; (vii) procedure and timeline for
89 vacant unit turnover; (viii) capital project planning; (ix) resident services, including job training
90 initiatives and family self-sufficiency programming; and (x) participation in the capital
91 assistance team program established by section 26C.

92 (d) The department shall establish guidelines for designating a housing authority as
93 “chronically poor performing” under the monitoring program. The department shall develop

94 these guidelines in consultation with representatives of local housing authorities, municipal
95 officials, public housing residents and public housing industry professional organizations. If a
96 housing authority is designated as a chronically poor performing authority, the department shall
97 also have the power to terminate the employment of the executive director and appoint a chief
98 administrative and financial officer, hereinafter referred to as the CAFO, who shall be
99 responsible for the overall administration of the housing authority. The department shall appoint
100 the CAFO for a term of not more than 3 years. The CAFO shall be appointed solely on the basis
101 of administrative and executive qualifications and shall be a person especially fitted by
102 education, training and experience to perform the duties of the office. The CAFO shall not be
103 required to be a resident of the same municipality as the housing authority to be administered or
104 the commonwealth. The powers and duties of the CAFO shall include the following: (i)
105 coordinating, administering and supervising of all financial services and activities; (ii)
106 implementing and maintaining uniform systems, controls and procedures for all financial
107 activities; (iii) reviewing all proposed contracts and obligations; (iv) reviewing the spending plan
108 for each department; (v) evaluating the housing authority's current annual plan under section
109 28A and implementing a written plan to meet the department's assessment standards established
110 pursuant to this section, including, but not limited to, merging with another housing authority or
111 regional housing authority. Annually, on or before March 30, the CAFO shall submit a 4-year
112 financial plan and a 5-year capital plan to the department that includes all capital needs of the
113 housing authority. (e) The Department shall promulgate regulations requiring all housing
114 authorities to post on the wall of the community center for each of its developments the names,
115 addresses, phone numbers, email addresses, or other means of contact for all members and senior
116 staff, and maintain a website that shall display the same information.

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

129 (b) Housing authorities with 500 or fewer state-aided units shall participate in the
130 program. The department may grant a waiver of this requirement; provided, that a housing
131 authority can demonstrate satisfactory performance under the assessment standards of section
132 26B.

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

138 (d) Each capital assistance team shall have a director to be hired by the host housing
139 authority in consultation with the department. The director shall hire project management and
140 capital planning staff to work directly with housing authorities to provide the technical assistance
141 described; provided, however, that no staff member shall individually oversee more than 2,500
142 units on a permanent basis.

143 (e) An advisory board shall be created for each capital assistance team, which shall
144 consist of 11 members. The host housing authority shall appoint 1 of its own board members to
145 the advisory board; the department shall promulgate regulations establishing election procedures
146 for the selection of the remaining 10 members. The department shall limit eligibility for election
147 to members of participating housing authorities in the region. The advisory board shall meet on a
148 quarterly basis with the capital assistance team director, host housing authority director and the
149 director of the department, or a designee and shall discuss issues of program performance and
150 coordination.

151 SECTION 9. Said chapter 121B is hereby further amended by inserting after section 28
152 the following section:-

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

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

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

166 SECTION 10. The first paragraph of section 29 of said chapter 121B, as appearing in the
167 2012 Official Edition, is hereby amended by striking out the first sentence and inserting in place
168 thereof the following 5 sentences:- The members of a housing authority shall annually, at a time

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

190 SECTION 11. Section 34 of said chapter 121B, as so appearing, is hereby amended by
191 striking out the eighth paragraph.

192 SECTION 12. Said section 34 of chapter 121B, as so appearing, is hereby further
193 amended by striking out, in lines 208 to 209, the words "by the state auditor or".

194 SECTION 13. Said chapter 121B is hereby further amended by inserting after section
195 38B the following 2 sections:-

196 Section 38C. The department shall establish and implement a program for the purpose of
197 conducting annual surveys of public housing residents. The department shall develop the annual
198 survey in conjunction with stakeholders, including public housing residents. The survey shall be
199 conducted by the department and shall preserve the anonymity of the residents. The survey shall
200 be conducted in languages which reflect the tenants in residing in the housing authorities and the
201 survey respondents shall be allowed to respond in their native language. The survey shall
202 include, at a minimum, questions about maintenance and repair of units, housing authority
203 communication to residents, resident participation in housing authority governance, resident
204 safety and resident services, such as job training programs. The department shall establish
205 procedures to conduct physical inspections of a representative sample of units in conjunction
206 with the survey; provided further, that the results of the survey shall be used to evaluate the

207 housing authority's performance under section 26B. Local housing authorities shall have the
208 right to respond to the results of the surveys in writing within 60 days of the results being
209 transmitted to the local housing authority by the department.

210 Section 38D. (a) As used in this section, the following words shall, unless the context
211 clearly requires otherwise, have the following meanings:-

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

216 "Affordable housing development", a development of new or rehabilitated affordable
217 housing, which may include market-rate housing if such market-rate housing is reasonably
218 necessary for the financial feasibility of construction or operation of the affordable housing.

219 "Extremely low income household", a household with a gross income at or less than 30
220 per cent of area median household income as most recently determined by the United States
221 Department of Housing and Urban Development, adjusted for household size; provided further,
222 that "low or moderate income household" shall mean persons and households earning less than
223 150 per cent of Nantucket or Dukes county median household income as reported from time to
224 time by the United States Department of Housing and Urban Development.

225 "Housing authority", a housing authority established pursuant to section 3.

226 "Low or moderate income household", a household with gross income at or less than 80
227 per cent of area median household income as most recently determined by the United States
228 Department of Housing and Urban Development, adjusted for household size.

229 "Market-rate housing", homeownership or rental housing which is not restricted to
230 occupancy by low or moderate income households. Market-rate housing may be made available
231 for occupancy by households without regard to income, and it may also include housing subject
232 to maximum income limits to be occupied by households with gross income greater than 80 per
233 cent but not more than 150 per cent of the area median household income as most recently
234 determined by the United States Department of Housing and Urban Development, adjusted for
235 household size.

236 "Program", the regional public housing innovation program under this section.

237 "Public housing", state-assisted housing developed through funds provided under chapter
238 200 of the acts of 1948, chapter 667 of the acts of 1956, chapter 705 of the acts of 1966, chapter
239 689 of the acts of 1974 and chapter 167 of the acts of 1987.

240 "Regional housing authority", a housing authority established pursuant to section 3A.

241 “Very low income household”, a household with a gross income at or less than 50 per
242 cent but greater than 30 per cent of area median household income as most recently determined
243 by the United States Department of Housing and Urban Development, adjusted for household
244 size.

245 (b)(1) A regional housing authority may apply to the department for approval to
246 participate in the program. Participation shall be limited to applicants that have the ability to
247 plan and carry out activities under the program, as evidenced by prior performance in the
248 operation and maintenance of public housing, demonstrate a need to redevelop and repair
249 occupied and vacant public housing units and other appropriate factors as determined by the
250 director of the department.

251 (2) The department may determine the housing authorities participating in the program;
252 provided that, the total number of authorities may not exceed 4 authorities. To be eligible to
253 participate in the program, a housing authority shall be a regional housing authority under
254 section 3A; 3 of the participating housing authorities shall have no fewer than 7 participating
255 communities and portfolios of no fewer than 750 state-aided public housing units; And 1 of the 4
256 authorities shall have a portfolio of between 250 and 700 state-aided public housing units and no
257 fewer than 10 participating communities; and (iii) nothing in this section shall prohibit
258 participation by an otherwise eligible housing authority on Nantucket Island or Martha’s
259 Vineyard. In selecting participating authorities, the department shall establish criteria that
260 provides for representation of housing authorities having various characteristics, including
261 housing authorities serving urban, suburban and rural areas, and housing authorities in various
262 geographical regions throughout the commonwealth; provided, however, that the department
263 shall create a position within the department to provide assistance to housing authorities during
264 the process of becoming a regional housing authority under section 3A.

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

273 (4) The department shall act on the application within 90 days of its submission and shall
274 approve applications that meet the criteria established by the director, up to the number
275 established by this section. The department and the participating housing authority shall enter
276 into a program participation agreement summarizing the terms of participation, voluntary
277 withdrawal and termination for material default and a timetable for achieving objectives of the
278 program. The initial term of participation shall be 10 years, which shall be extended in whole or

279 in part by the department so long as: (i) the housing authority has made satisfactory progress
280 toward its goals; (ii) the extension will meet the original objectives of the program; and (iii) the
281 housing authority has not received a negative evaluation pursuant to subsection (n).

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

288 (c) The department, subject to appropriation, shall disburse all funding for a participating
289 housing authority or regional housing authority on a predictable schedule to permit and
290 encourage planning and efficiency by the housing authority. Further, the department shall
291 increase participating regional housing authorities annual operating subsidy by providing an
292 additional subsidy which is equal to 20 percent of the regional housing authority's annual budget
293 for elderly and family state public housing, minus the cost of utilities .

294 (d) The sections of this chapter which conflict with the powers granted under this section
295 or substantially restrict a housing authority's ability to achieve the goals specified in its
296 application or plan shall not apply to a housing authority or regional housing authority approved
297 by the department to participate in the public housing innovation program, sos called, to the
298 extent the department determines it is necessary, except for the provisions in subsection (g).

299 (e) Regional housing authorities participating in the program shall, in addition to those
300 powers conferred in this chapter, have the following powers:

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

307 (2) to establish a reasonable rent policy, which shall be included in the annual plan
308 required by subsection (i), that shall: (A) provide for rents that are affordable to tenants
309 throughout the term of the program; (B) be designed to provide incentives to improved
310 employment and training and self-sufficiency by participating families; (C) include transition
311 and hardship provisions; (D) include in the transition period a limit on rent increases in any 1
312 year related solely to the change in the rent policy to no more than 10 per cent for the duration of
313 the transition period; ((E) provide a rent cap for tenant households at or below 50 per cent of area
314 median income, adjusted for family size, of not more than the maximum tenant rental payments
315 including, if applicable, minimum rents, permitted by section 32 ; and (F) provide a rent cap for

316 elderly and handicapped persons of low income of not more than the maximum tenant rental
317 payments including, if applicable, minimum rents, permitted by said section 32 and subsection
318 (e) of section 40 ; (3) to establish, and include as part of the annual plan required by
319 subsection (h), local methods of tenant or homeowner selection; provided that, the method is fair,
320 objective, public and does not discriminate against any applicant based on any protected category
321 in chapter 151B or violate any other fair housing laws or department policies and provides
322 admissions preferences for homeless households, veterans and victims of domestic violence;

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

326 (5) to participate in a mixed public-private affordable housing development or create any
327 legal entities or instrumentalities necessary to participate in mixed public private affordable
328 housing development designed to rehabilitate, repair, replace or develop affordable housing,
329 including public housing developments and projects developed pursuant to sections 26, 34 and
330 40.

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

333 (7) to acquire any property to carry out its purposes, and to dispose of any property of the
334 local housing authority without repayment of bonds to the commonwealth notwithstanding any
335 provision of this chapter to the contrary, unless otherwise required by law or contract; provided,
336 that the proceeds of any such disposition shall be applied to acquisition, operation, development,
337 rehabilitation or repair of public or affordable housing consistent with the limitations on use of
338 proceeds in clause (E) of subsection (g); and

339 (8) to enter into energy services contracts in accordance with section 11C of chapter 25A
340 for a period of up to 20 years.

341 (f) Projects pursuant to this section may include a mix of extremely low income
342 households, low or moderate income households and market-rate housing, and may utilize any
343 available source of rental subsidy or financial assistance; provided, that operating subsidies
344 appropriated by the legislature and bond funds authorized by the legislature for the benefit of low
345 rent housing projects operated pursuant to sections 32 and 40 shall not be used to fund capital or
346 operating costs other than those for the redevelopment, repair and operation, including services
347 benefitting the tenants, of such housing.

348 (g) Notwithstanding the provisions of subsection (d), the local housing authority shall:

349 (1) comply with the provisions of section 12, related to wages, labor requirements and the
350 Social Security Act;

351 (2) comply with the provisions of section 29 , related to wage rates and collective
352 bargaining;

353 (3) to retain the same number of public housing units as existed before participation in
354 this program to the greatest extent possible, shall: (A) provide for full tenant participation,
355 including public hearing, on adoption or material amendment of its annual plan as required under
356 subsection (h); (B) provide for a tenant lease and grievance procedure substantially similar to
357 that in effect prior to entry into the program under this section; (C) provide that evictions shall be
358 only for good cause; (D) assure that housing assisted under the program in this chapter is decent,
359 safe and sanitary, and that, excepting any market-rate housing, the housing is deed restricted to
360 occupancy by extremely low, very low, or low and moderate income households at affordable
361 rents or sales prices, in perpetuity or for such other term as may be approved by the department,
362 consistent with funding sources; and (E) assure that proceeds from the disposition of public
363 housing and funds generated from new affordable and market housing created to replace public
364 housing, unless restricted to a particular use, shall be allocated to the reconstruction,
365 rehabilitation or repair of public housing developments;

366 (4) assure that if a participating housing authority redevelops its public housing units, all
367 households residing in the units at the time of planned redevelopment shall receive relocation
368 assistance, if eligible, under this chapter or other applicable statutes. Said households shall have
369 the right to return to the redeveloped public housing, unless such household is determined to be
370 in unlawful occupancy prior to the approval of the housing authority's application, has materially
371 breached the lease agreement or has been evicted for cause, under applicable law, subject to units
372 of the appropriate size and requirements being available. Such households shall have priority for
373 placement over new applicants;

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

375 (6) comply with the audit requirements of section 29.

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

383 The annual plan shall:

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

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

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

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

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

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

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

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

404 (i) In place of all other planning and reporting requirements of the department, each
405 housing authority participating in the program under this chapter shall submit to the department
406 annually a single annual report, in a form and at a time specified by the department. The annual
407 report shall be the primary means by which the housing authority shall be required to provide
408 information to the department, to tenants and the public on the activities assisted under this
409 section during a fiscal year, unless the department has reason to believe that the housing
410 authority has violated the terms of the program.

411 Each annual report shall:

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

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

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

418 (4) include a certification by the housing authority that it has prepared an annual plan that
419 was prepared in accordance with subsection (h);

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

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

425 (7) include other information as may be required by the department pursuant to
426 subsection (k) to determine the effectiveness of the program.

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

432 (k) Each housing authority shall keep such records as the department may prescribe as
433 reasonably necessary to document the amount of funds and the disposition of funds under this
434 program, to ensure compliance with the requirements of this section, and to measure
435 performance.

436 (l) The department shall have access, for the purpose of audit and examination to any
437 books, documents, papers and records that are pertinent to assistance in connection with, and the
438 requirements of, this section; provided, however, that reporting shall be conducted solely through
439 the annual report unless the department has reason to believe that the housing authority is not in
440 compliance with this program.

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

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

448 (o) The department shall establish a manner in which to post the housing innovations
449 plan, annual report, independent evaluation and other public records pertaining to each housing
450 authority's public housing innovations program established pursuant to this chapter so that the
451 progress of each public housing innovations program is publicly available and free to access.

452 (p) The department shall establish a 9 member advisory committee whose members shall
453 include the director of the department or a designee, 1 representative selected by Citizens'
454 Housing and Planning Association, 1 representative selected by the Massachusetts Chapter of the
455 National Association of Housing and Redevelopment Officials, 1 representative selected by the
456 Massachusetts Union of Public Housing Tenants, 1 representative selected by the Massachusetts
457 Coalition for the Homeless, and 4 additional members chosen by the director of the department
458 to provide advice and recommendations to the department regarding regulations to implement
459 the provisions of this section and to provide ongoing assistance in determining the effectiveness
460 of the program.

461 (q) The department shall adopt regulations implementing the provisions of this section.

462 (r) 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 innovations program, so called.

465 SECTION 14. 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.

473 SECTION 15. Within 1 year of the effective date of this act, the department of housing
474 and community development shall establish and implement a single statewide centralized wait
475 list for state-aided public housing, after consultation with representatives of local housing
476 authorities, municipal officials, public housing residents and public housing industry professional
477 organizations. Such centralized wait list shall enable public housing applicants to submit a
478 standardized application through a centralized internet website or through any housing authority.
479 An applicant for tenancy in a housing authority may designate a preference by naming housing
480 authorities. All housing authorities shall use the centralized wait list for selection of public
481 housing tenants, with all local preferences and other preferences applied as required by law.

482 SECTION 16. There is hereby established a special commission consisting of the
483 undersecretary for housing and community development or designee, who shall serve as chair,
484 the chair of the board of building regulations and standards; the chair of the architectural access
485 board; the western region coordinator for the green communities division of the department of
486 energy resources; the executive director of the Home Builders and Remodelers Association of
487 Western Massachusetts, or a designee; the executive director of the Franklin County Regional
488 Housing and Redevelopment Authority, or a designee; the executive director of Franklin County

489 Home Care Corporation, or a designee; 2 members to be appointed by the governor that are
490 registered architects and reside in either Berkshire, Dukes, Franklin, or Hampshire County; 1
491 member to be appointed by the governor that is a tenant residing in elder public housing, 1
492 member to be appointed by the speaker of the house of representatives; and 1 member to be
493 appointed by the senate president for the purpose of making an investigation and study relative to
494 the feasibility of a pilot program for rural congregate micro-housing, hereinafter referred to as
495 RCMH housing.

496 SECTION 17. Such investigation and study shall include: (1) an evaluation of the current
497 rural congregate elder housing models in Massachusetts, including but not limited to (a) an
498 analysis of the business models and management structures of such housing; (b) an examination
499 of rules and requirements governing design and potential public financing of RCMH housing;
500 and (c) an analysis of the best practices currently in existence for developing net zero energy
501 consumption, LEED-certified congregate elder housing in Massachusetts; and (2) an evaluation
502 of the feasibility of establishing a pilot program for developing congregate micro-housing in four
503 municipalities with populations fewer than 4,000 residents.

504 Said commission shall report to the general court the results of its investigation and
505 study, together with its recommendations and drafts the legislation necessary to carry said
506 recommendations into effect, by filing the same with the clerk of the senate and the clerk of the
507 house of representatives and the house and senate chairs of the committee on substance abuse
508 and mental health on or before January 1, 2013.

509 SECTION 18. Notwithstanding any general or special law or regulation to the contrary, a
510 tenant member in a town shall be selected at the option of the town by one of the following
511 methods as determined by a vote of the town meeting within ninety (90) days of the effective
512 date of this legislation: 1) one of the four members of the board elected by the town pursuant to
513 Chapter 121B, Section 5; or 2) the town may expand the board membership to seven members,
514 one of whom shall be a tenant.

515 SECTION 19. Section 32 of chapter 121B of the General Laws, as appearing in the 2012
516 Official Edition, is hereby amended by adding the following paragraph:-

517 Notwithstanding any general or special law or regulation to the contrary, an applicant for
518 assisted housing under this chapter who is not eligible for federal assisted housing under 42
519 U.S.C. section 1436a shall not displace or be given priority over any applicant who is so eligible.