

**SENATE . . . . . No. 777**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Joseph A. Boncore***

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*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>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/28/2019</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	<i>1/29/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/30/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/30/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/31/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/31/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/31/2019</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>1/31/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>2/1/2019</i>

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By Mr. Boncore, a petition (accompanied by bill, Senate, No. 777) of Joseph A. Boncore, Kevin G. Honan, Mike Connolly, Viriato M. deMacedo and other members of the General Court for legislation relative to the election of board members of local housing authorities. Housing.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4981 OF 2017-2018.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

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

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

9           SECTION 2. Section 5 of Chapter 121B is hereby amended by inserting after the second  
10 paragraph the following new paragraph:-

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

21           SECTION 3. Section 5 of Chapter 121B is hereby amended by striking the third  
22 paragraph and inserting in place thereof the following two paragraphs:-

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

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

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

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

60 SECTION 4. Section 5A of Chapter 121B of the General Laws, as added by Chapter 235  
61 of the Acts of 2014, is hereby amended by striking said section and inserting in place thereof the  
62 following paragraphs:-

63 Section 5A: Waivers by the department

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

71 A housing authority may request a waiver of the requirement to appoint a tenant member  
72 to a housing authority board if the department determines that a housing authority provided  
73 notice pursuant to Section 5 of Chapter 121B and there is no person who is eligible and willing  
74 to be a tenant member on the board. The waiver shall be for one year and may be renewed by the  
75 department. A housing authority shall submit a written statement to the department about why a

76 waiver is needed and document the steps it took to educate tenants about the right of a tenant to  
77 serve on a housing authority board; such steps must include the housing authority meeting with  
78 the local tenant organization. Prior to issuing a waiver the department must, in addition to  
79 reviewing the written statement, determine that the housing authority provided notice pursuant to  
80 Section 5 of Chapter 121B.

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

85           SECTION 5. Any votes taken by a housing authority or town between August 6, 2014  
86 and the effective date of this legislation are hereby validated, confirmed and ratified in all  
87 respects, notwithstanding the number of elected members.