

HOUSE No. 1744

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 15, 1946.

The committee on Mercantile Affairs, to whom was referred so much of the Governor's Address (Senate, No. 1) as relates to the creation of the Emergency Housing Board (page 14), report (in part) the accompanying bill (House, No. 1744).

For the committee,

DANIEL F. SULLIVAN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Six.

AN ACT TO PROVIDE HOUSING FOR VETERANS OF WORLD WAR II.

1 *Whereas*, An acute shortage of housing exists in
2 many of the cities and towns of the commonwealth
3 and on account of such shortage many veterans of
4 World War II are unable to obtain shelter for them-
5 selves and their families, and this shortage is likely to
6 continue for a substantial period of time; and inability
7 to obtain adequate shelter will cause suffering and
8 disease among such veterans and their families unless
9 such shortage is relieved, therefore this act is declared
10 to be an emergency law, necessary for the immediate
11 preservation of the public health and convenience.

*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 thirteen of the acts of nine-
2 teen hundred and forty-six is hereby repealed, but
3 nothing in this act shall affect the validity of any action
4 taken under authority of said chapter thirteen prior
5 to the effective date of this act.

1 SECTION 2. It is hereby declared that an acute
2 shortage of housing exists in many of the cities and
3 towns of the commonwealth; that on account of such

4 shortage many veterans of World War II are unable
5 to obtain shelter for themselves and their families
6 regardless of their ability to pay for such shelter;
7 that on account of the extent of the deficiency in
8 housing and the difficulty in obtaining building mate-
9 rials it is likely that this shortage will continue for a
10 substantial period; that on this account a time of
11 public exigency, emergency and distress now exists so
12 that the providing of shelter is a public function; and
13 each city or town in which such shortage exists is
14 hereby authorized to provide shelter for such of its
15 inhabitants as are veterans of said war in the manner
16 hereinafter designated for a period of five years from
17 the date when this act becomes operative unless the
18 general court shall previously determine that the
19 time of public exigency, emergency and distress has
20 ended, which period is hereinafter referred to as the
21 present emergency.

1 SECTION 3. In this act, unless the context other-
2 wise requires, the following words shall have the
3 following meanings:

4 *Veteran.* — A man or woman who served in the
5 army or navy of the United States at any time on or
6 after December seventh, nineteen hundred and forty-
7 one and before the conclusion of World War II and
8 has been separated therefrom under conditions other
9 than dishonorable. The term shall also include the
10 widow or the mother of a man who so served and who
11 died while in such service and the wife of a man who is
12 still serving in said army or navy.

13 *Take by Eminent Domain.* — Take by eminent do-
14 main under chapter seventy-nine or chapter eighty A

15 of the General Laws either a fee or rights less ex-
16 tensive than a fee either with respect to the interest
17 taken or the duration of such rights or both.

18 *Dwelling Unit.* — A house, apartment, suite of
19 rooms or room, occupied or designed or available for
20 occupancy as a place of abode by one person, or by
21 two or more persons closely related by blood or
22 marriage living together as a family.

1 SECTION 4. During the present emergency a city
2 or town may raise, appropriate and expend money
3 and take such other action as is suitable and neces-
4 sary for the purpose of providing shelter for veterans
5 who are inhabitants of such city or town by any or
6 all of the following methods:

7 (a) By establishing an information centre in which
8 the dwelling units in such city or town available for
9 veterans will be listed and veterans will be advised
10 and assisted in establishing contact with the persons
11 in charge of the selling or rental of such dwelling
12 units and in determining whether a dwelling unit
13 offered to a veteran is suitable for him at the price or
14 rental charged.

15 (b) By causing an investigation and survey to be
16 made for the purpose of determining the probable
17 requirements for dwelling units at the time of such
18 investigation and survey and in the succeeding years
19 of veterans and other persons who are inhabitants of
20 such city or town, the number of unoccupied dwelling
21 units in such city or town that are available for
22 occupancy or that may be made available for occu-
23 pancy, and the number of additional dwelling units,
24 if any, that will be required to meet such require-
25 ments, for both temporary and permanent occupation,

26 and, if a deficiency in available dwelling units is found
27 to exist, of recommending means for overcoming
28 such deficiency.

29 (c) By purchasing, leasing or acquiring by gift, or
30 by taking by eminent domain, buildings or portions
31 of buildings available or which may be made avail-
32 able for dwelling units for veterans and, if necessary,
33 altering, reconstructing, rehabilitating, repairing and
34 remodelling such buildings or portions thereof so as
35 to provide the greatest number of suitable dwelling
36 units reasonably possible, and renting such dwelling
37 units to veterans at reasonable rates; provided, that
38 no building or portion of a building occupied as a
39 dwelling unit shall be taken by eminent domain.

40 (d) By purchasing, leasing or acquiring by gift or
41 by taking by eminent domain one or more tracts of
42 land which are entirely or almost entirely unoccupied
43 by buildings, preparing such tracts for occupancy as
44 herein provided, and permitting veterans to occupy
45 such tracts with dwelling units of a temporary nature,
46 such as portable or pre-fabricated houses, cabins,
47 huts or trailers; or by itself providing such dwelling
48 units of a temporary nature by causing them to be
49 constructed or by acquiring them through purchase,
50 lease, gift or grant wherever they may be found,
51 causing them to be transported to the tracts so ac-
52 quired and to be set up and made ready for occupancy.
53 Dwelling units of a temporary nature when provided
54 by a city or town may consist of separate apartments
55 in a building designed to contain two or more dwelling
56 units. Reasonable rates shall be charged for occu-
57 pancy of land, buildings or other structures under
58 this paragraph.

59 (e) By using any real estate, which it has acquired

60 by foreclosure of tax titles or in any other way and
61 which is not devoted to and required by any other
62 public use, for any of the purposes set forth in para-
63 graphs (c) and (d) of this section.

1 SECTION 5. The board of appeals from the decisions
2 of the inspector of buildings of a city or town, if it
3 finds that buildings or other structures constructed or
4 assembled under the provisions of paragraph (d) of
5 section four, or altered, reconstructed, rehabilitated,
6 repaired or remodelled under the provisions of para-
7 graph (c) of said section, may be occupied and used
8 as therein provided without endangering the safety
9 of the occupants or injuriously affecting the best
10 interests of the city or town although the provisions
11 of all of the statutes, ordinances, by-laws and regula-
12 tions relating to town planning, the subdivision and
13 use of land, the construction, repair, maintenance and
14 use of buildings may not be complied with, may au-
15 thorize, under such conditions as it may impose, a
16 variance from the requirements of such statutes,
17 ordinances, by-laws and regulations. The proceed-
18 ings before a board of appeals under this section shall
19 be summary, and shall not be governed by section
20 thirty of chapter forty of the General Laws and the
21 determination of the board shall be final. In any city
22 or town in which there is no such board of appeals, the
23 mayor of the city or the selectmen of the town may
24 appoint a board of appeals, which shall have all of the
25 powers of a board of appeals under this section. The
26 board of health of such city or town, if it finds that
27 the attendant sanitary conditions are such that the
28 buildings and structures may be occupied as pro-
29 vided in paragraph (c) or paragraph (d) of section

30 four without endangering the health of the public or
31 of the occupants of such buildings although all of the
32 statutes, ordinances, by-laws and regulations relating
33 to the protection of the public health may not be
34 complied with, may authorize, under such conditions
35 as it may impose, a variance from the requirements of
36 such statutes, ordinances, by-laws and regulations.
37 Within six months after the termination of the present
38 emergency all of such buildings and structures which
39 do not comply with the provisions of all of such stat-
40 utes, ordinances, by-laws and regulations shall be
41 destroyed or removed, or remodelled in such a way
42 as to comply with all of such statutes, ordinances,
43 by-laws and regulations, and any subdivision or use
44 of land which does not so comply shall be unlawful
45 and shall be discontinued.

1 SECTION 6. Subject to the provisions of section
2 seven, a city or town may also during the present emer-
3 gency, raise, appropriate and expend money and take
4 such other action as is suitable and necessary for the
5 purpose of providing shelter for veterans who are
6 inhabitants of such city or town, by purchasing or
7 acquiring by gift or by taking by eminent domain
8 one or more tracts of land of sufficient size for a hous-
9 ing development, or by using any such tract to which
10 it holds title and which is not devoted to and required
11 by any other public use, subdividing such tracts into
12 parcels of adequate size for house lots, laying out and
13 providing or causing to be provided ways, public and
14 private, and other public utilities for the use of the
15 development, to such extent as it deems necessary or
16 advisable, and either —

17 (1) Selling such parcels to veterans at reasonable

18 rates on conditions requiring in each case the erection within a specified time of a single or two family residence thereon for the occupancy in whole or in part of the veteran purchasing the same.

22 (2) Selling parcels to corporations and individuals generally, on condition that the purchaser agree to erect a single or two family residence on each such parcel within a specified time, and offer to sell such residence to a veteran at a reasonable rate or to rent such residence to one or to two veterans, as the case may be, at reasonable rates.

29 (3) Constructing single or two family residences on such parcels, suitable for dwelling units for veterans, and renting such dwelling units to veterans at reasonable rates; provided, that as soon as may be after the termination of the present emergency, as defined in section two, and in no event later than one year after such termination, such residences shall be offered for sale at the fair market value thereof and disposed of as rapidly as is consistent with sound business judgment.

38 A city or town which sells land under the provisions of paragraphs (2) and (3) shall include in every deed of such land conditions binding upon the purchaser and his representatives and assigns which will require the carrying out of the purpose of this act until after the termination of the present emergency.

44 Nothing in this section shall authorize the subdivision and use of land or the construction, maintenance and use of buildings in any city or town under this section, in violation of any statute, ordinance, by-law or regulation in force in such city or town and in the district in which such land and buildings are located.

1 SECTION 7. No expenditure shall be made by any
2 city or town, in carrying out the provisions of section
3 four, of more than one thousand dollars in any year
4 without the approval of the state board of housing.
5 No action shall be taken by a city or town under sec-
6 tion six unless, upon application by such city or town
7 to the state board of housing, said board determines
8 that an acute shortage of housing exists in such city
9 or town; that veterans are unable to obtain shelter
10 for themselves and their families regardless of their
11 ability to pay for the same; that this shortage is not
12 being relieved by the ordinary operations of private
13 enterprise and that it is unlikely that it will be relieved
14 within a reasonable period of time; and that for such
15 reasons a condition of public exigency, emergency and
16 distress exists in such city or town which can be re-
17 lieved only by action of such city or town under section
18 six. Upon such application by a city or town said
19 board shall hold a public hearing in such city or town
20 at which any inhabitant or other person subject to
21 taxation in such city or town shall have a reasonable
22 opportunity to present facts and arguments in favor
23 of or against the granting of the application. The
24 decision of the board upon the application shall be
25 final.

1 SECTION 8. In carrying out the provisions of this
2 act, any city or town in which a housing authority
3 has been organized under sections twenty-six L and
4 twenty-six M of chapter one hundred and twenty-one
5 of the General Laws shall use such housing authority
6 as its agent, and all moneys appropriated under this
7 act or received by such city or town for the purposes

8 of this act from any source shall be paid to the treas-
9 urer of the authority, and shall be disbursed by him
10 subject to section twenty-six EE of said chapter. In
11 any other city or town the city council, or the town
12 at its annual town meeting or at a special meeting
13 called for the purpose, shall designate the board or
14 officer to carry out the provisions of this act, or may
15 establish a new board or office for the purpose.

1 SECTION 9. The authority, board or officer au-
2 thorized by a city or town to carry out the provisions
3 of this act shall determine in the first instance rea-
4 sonable rates for rents and prices to be charged to
5 veterans under paragraphs (c) and (d) of section four,
6 and under section six, which shall be no higher than
7 the limits imposed by any applicable federal regula-
8 tion. In such determination the cost of the property
9 or services sold, rented or furnished, the price of
10 similar property or services in the open market, the
11 value thereof to the veteran purchasing or renting the
12 same and the ability of veterans generally to pay there-
13 for may all be considered. Unusual factors due to the
14 present emergency itself may be disregarded. The
15 rates fixed shall be the same whether they are to be
16 charged by the city or town or by private individuals
17 and corporations under authority of this act. Any
18 person aggrieved by the determination of reasonable
19 rates under this section, or ten taxable inhabitants of
20 such city or town, may appeal from such determina-
21 tion within ten days after it has been made to the state
22 board of housing; and the decision of such board upon
23 questions of fact shall be final.

1 SECTION 10. A city or town may incur debt to

2 meet expenses necessary for carrying out this act.
3 Each authorized issue shall constitute a separate loan,
4 and such loans shall be paid in not more than five
5 years from their dates, except that loans for the pur-
6 pose of carrying out the provisions of section six shall
7 be paid in not more than fifteen years from their
8 dates. Indebtedness incurred under this act shall be
9 outside the statutory limit and, except as provided
10 herein, be subject to the applicable provisions of chap-
11 ter forty-four of the General Laws, excluding the
12 limitation contained in the first paragraph of section
13 seven thereof; provided, that the total amount of
14 indebtedness under this act outstanding at any one
15 time in any city or town shall not exceed two per cent
16 on the average of the assessors' valuation of its tax-
17 able property for the three preceding years, reduced
18 and otherwise determined as provided in section ten
19 of said chapter forty-four.

1 SECTION 11. A city or town, for the purpose of
2 carrying out any of the provisions of this act may
3 receive grants or gifts from the United States govern-
4 ment, or any federal agency, the commonwealth or
5 any person or corporation, of money, land, buildings,
6 structures, materials, furniture, equipment or other
7 property, or services, and may co-operate with the
8 United States government, or any federal agency,
9 the commonwealth, or any person or corporation, in
10 carrying out the provisions of this act, as a joint
11 enterprise or in any other manner.

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