

# HOUSE . . . . . No. 2416

By Mr. Buckley of Abington, petition of John R. Buckley for legislation to provide for the election of tenants to housing authorities. Urban Affairs.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

### AN ACT PROVIDING FOR THE ELECTION OF TENANTS TO 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 Chapter 121 B of the General Laws is hereby amended by  
2 striking out Section 5, as inserted by Chapter 751 of the Acts of  
3 1969, and inserting in lieu thereof the following new section: —  
4 *Section 5.* Membership; appointment; election; term of  
5 office. Every housing and redevelopment authority shall be  
6 managed, controlled and governed by five members, appointed or  
7 elected as provided in this section, of whom three shall constitute  
8 a quorum.

9 In a city or town, one member of a housing or redevelopment  
10 authority shall be appointed by the department for an initial  
11 term of three years. In a city, one of the five members of a  
12 housing authority shall be a representative of organized labor.

13 In a city, four members of a housing or redevelopment  
14 authority shall be appointed by the mayor subject to confirma-  
15 tion by the city council; provided, that, the members shall be  
16 appointed to serve for initial terms of one, two, four and five  
17 years, respectively; provided further however, that in the case of  
18 a housing authority the first mayoral appointment which expires  
19 one hundred and eighty days or after the initial occupancy of the  
20 first project shall be filled by a tenant elected by the tenants of  
21 the housing project in accordance with procedures established by  
22 the housing authority for that purpose.

23 In a town, four members shall be elected by the town;  
24 provided, that of the members originally elected at an annual  
25 town meeting, the one receiving the highest number of votes shall  
26 serve for five years, the one receiving the next highest number of  
27 votes, for four years, the one receiving the next highest number  
28 of votes, for two years, and the one receiving the next highest  
29 number of votes shall serve for one year; provided, that upon the  
30 initial organization of a housing or redevelopment authority, if a  
31 town so votes at an annual or special town meeting called for that  
32 purpose, four members of such an authority shall be appointed  
33 forthwith by the selectmen to serve only until the qualification  
34 of their successors, who shall be elected at the next annual town  
35 meeting as provided above; and provided further that in the case  
36 of a housing authority the term which first expires of said elected  
37 members one hundred and eighty days or after the initial  
38 occupancy of the first project shall be filled by a tenant elected  
39 by the tenants of the housing project in accordance with  
40 procedures established by the housing authority for that purpose.

41 In cities and towns which have established housing authorities  
42 prior to the passage of this act, a tenant shall be elected in the  
43 manner prescribed above to the first term, whether appointed by  
44 the mayor or elected by the town, which expires one hundred  
45 and eighty days or more after said passage; provided, however,  
46 that in the case of a city, if the said term is the one filled by an  
47 appointed representative of organized labor, then the election of  
48 a tenant shall occur when the next term expires.

49 Thereafter, as the term of a member of any housing or  
50 redevelopment authority expires, his successor shall be appointed  
51 or elected, in the same manner and by the same body, for a term  
52 of five years from such expiration. Membership in a housing or  
53 redevelopment authority shall be restricted to residents of the  
54 city or town.

55 Vacancies, other than by reason of expiration of terms, shall  
56 be filled for the balance of the unexpired term, in the same  
57 manner and by the same body, except elected members in towns  
58 whose terms shall be filled in accordance with the provisions of  
59 section eleven of chapter forty-one. Every member, unless sooner  
60 removed, shall serve until the qualification of his successor.

61 As soon as possible after the qualifications of the members of  
62 a housing or redevelopment authority the city or town clerk, as  
63 the case may be, shall file a certificate of such appointment, or of  
64 such appointment and election, as the case may be, with the  
65 department, and a duplicate thereof, in either case, in the office  
66 of the state secretary. If the state secretary finds that the housing  
67 or redevelopment authority has been organized according to law,  
68 he shall issue to it a certificate of organization and such  
69 certificate shall be conclusive evidence of the lawful organization  
70 of the authority and of the election or appointment of the  
71 members thereof.

72 Whenever the membership of an authority is changed by  
73 appointment, election, resignation or removal, a certificate and  
74 duplicate certificate to that effect shall be promptly so filed. A  
75 certificate so filed shall be conclusive evidence of the change in  
76 membership of the authority referred to therein.

