

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, September 19, 1966.

The Honorable KEVIN H. WHITE, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, John A. Volpe, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 706 of the Acts of 1966, entitled "An Act Eliminating Price Discrimination against Massachusetts Consumers of Alcoholic Beverages." and the enactment of which received my approval on September 8, 1966, should take effect forthwith.

Postponement of the operation of this act would defeat its purpose which is to eliminate, as soon as possible, price discriminations presently in effect against Massachusetts consumers of alcoholic beverages.

Sincerely,

JOHN A. VOLPE,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, September 19, 1966.

I, Kevin H. White, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at two o'clock and forty-five minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter seven hundred and six of the acts of nineteen hundred and sixty-six.

KEVIN H. WHITE,
Secretary of the Commonwealth.

Chap. 707. AN ACT PROVIDING A PROGRAM OF RENTAL ASSISTANCE FOR FAMILIES OF LOW INCOME.

Be it enacted, etc., as follows:

SECTION 1. Chapter 121 of the General Laws is hereby amended by striking out section 26I, as most recently amended by section 2 of chapter 654 of the acts of 1955, and inserting in place thereof the following section: —

Section 26I. Designation as Housing Authority Law. This section and the following fifty-six sections shall be known and may be cited as the Housing Authority Law.

SECTION 2. Said chapter 121 is hereby further amended by inserting after section 26JJJ the following three sections: —

PART X.

RENTAL ASSISTANCE PROGRAM.

Section 26KKK. It is hereby declared (a) that there does not now exist within the commonwealth an adequate supply of decent, safe and sanitary dwelling units available at rents which families of low income

can afford without depriving themselves of the other necessities of life, (b) that the elimination of substandard and decadent areas in the commonwealth and the rehousing of the families now in such areas, many of them of low income, in decent, safe and sanitary housing is a public necessity, (c) that experience has demonstrated that the construction of new low-rent housing projects on the large scale required to provide the needed dwelling units would be unduly expensive and would generate undesirable social consequences, (d) that there exists a supply of moderate rental dwelling units within the commonwealth presently under construction or vacant which could be used to house such families of low income as cannot presently afford decent, safe and sanitary housing, provided public funds are available to supplement the portion of their income which they can afford to spend on housing, and (e) a program of rental assistance operated through the housing authorities in the cities and towns would help end the undesirable concentration and segregation of families of low income in separate, concentrated areas of our cities and towns and help give every citizen an equal opportunity to enjoy decent, safe and sanitary housing in a neighborhood of his own choice.

Section 26LLL. In addition to its other powers and for the purpose of implementing a program of rental assistance a housing authority may rent or lease dwelling units for periods of not less than one nor more than five years. Any such lease shall contain a provision conditioning the obligations of the housing authority thereunder upon the prior certification by the board of health of the city or town that such dwelling unit is in compliance with the provisions of the minimum standards of fitness for human habitation set forth in the state sanitary code. No housing authority shall enter into any such lease until (a) the housing authority has adopted a scale of maximum rents (including specified utility charges) payable by the authority for housing units of various types under such leases and the board has approved such scale as being consistent with the purposes of the rental assistance program, (b) the housing authority has determined that an adequate supply of the type of housing to be leased is not presently available in the low-rent housing projects located within the city or town, and (c) the housing authority has determined that the rent payable under the lease is not in excess of rents payable for similar types of housing units within the city or town. A housing authority shall, in order to encourage the construction and remodeling of dwelling units, endeavor to lease units constructed, or recently reconstructed or remodeled but may enter into leases for other units. In no event shall the number of units leased by any housing authority in any one building or development exceed the following limits: in a building or development containing one to three units, no limit; in a building or development containing four to eight units, two units; in a building or development containing nine or more units, one fourth of the total units (rounded up to the highest whole number); in any one block bounded by public ways, twenty per cent of the total units therein contained.

Section 26MMM. *Selection of Tenants: Administration of Leased Units.* The requirements with respect to rentals and tenant selection for low-rent housing projects shall apply to units leased by a housing authority under the rental assistance program, except that (a) as between applicants (who need not be residents of the city or town) equally

in need and eligible for occupancy, preference shall be given in the selection of tenants to the following types of applicants: first to families with four or more minor dependents, then to families displaced by public action, and then to elderly persons of low income as defined in section twenty-six J; (b) rentals payable by selected tenant families shall be determined by a housing authority solely on the basis of such family's ability to pay, and shall be adjusted should such ability change; (c) a housing authority shall release and assign its rights under any lease to the tenant then occupying a dwelling unit under the rental assistance program provided the tenant family so requests, and provided the family demonstrates that it has the financial ability to pay the full rent called for under the lease; and (d) payments to the owner of a dwelling unit leased under the rental assistance program shall be made in the manner determined by the housing authority and agreed to by said owner. Amounts paid on behalf of tenant families under the rental assistance program shall not be considered in determining the amount of welfare or other public assistance payments.

SECTION 3. Funds appropriated for the rental assistance program established by this act, or which may become available therefor from the federal government or any other sources, shall be allocated within the following limits. Cities with over five hundred thousand population at the latest census, not in excess of over fifty per cent of such funds for any one such city; cities and towns with between one hundred thousand and five hundred thousand population, not in excess of twenty per cent of such funds for any one such city or town; and cities and towns under one hundred thousand population, not in excess of ten per cent of such funds for any one such city or town. The division shall allocate funds on the basis of applications therefor from the housing authorities.

SECTION 4. For the purposes of carrying out the program of rental assistance, as provided by this act, the division of housing in the department of commerce and development may expend such sums as may be appropriated therefor, not exceeding one million dollars.

SECTION 5. Chapter 144 of the General Laws is hereby amended by striking out section 1, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 1. The provisions of sections ninety-five, ninety-five A, ninety-five B and ninety-five C shall apply to all cities and the other provisions of this chapter shall apply to all cities except Boston which accept it or have accepted corresponding provisions of earlier laws by a vote of the city council with the approval of the mayor.

SECTION 6. Section 94 of said chapter 144, as so appearing, is hereby amended by striking out the second paragraph.

SECTION 7. Said chapter 144 is hereby further amended by striking out section 95, as so appearing, and inserting in place thereof the following section: —

Section 95. Unless otherwise provided in this chapter, every notice or order in relation to a tenement house shall be served ten days before the time for doing the thing in relation to which it is issued. The service of a notice or order as aforesaid shall be made by the delivery of an attested copy in hand to the owner or his agent, or by leaving an attested copy at the last or usual place of abode of the owner or agent.

SECTION 8. Said chapter 144 is hereby further amended by inserting after section 95 the following three sections: —

Section 95A. Any person owning a tenement within the definition of section two of chapter one hundred and forty-four of the General Laws and including tenements within the city of Boston and including rooming houses, who does not reside therein, shall file in writing with the city or town clerk in the city or town where any such structure may be found the name and address of an individual residing in such city or town to be his true and lawful attorney upon whom all lawful processes in any action or proceeding against him may be served. The owner of any such tenement which is posted for a code violation shall forthwith register his true name with the city or town clerk.

Section 95B. If any person fails to comply with the requirements of section ninety-five A he shall be deemed to have appointed said city or town clerk as his agent as above, and service upon any such clerk shall have the same force and effect as service upon such person's duly constituted appointee.

When legal process against any such person is served upon such clerk, a copy of said process shall also forthwith be sent by the plaintiff or his attorney to the defendant at his last known address or to the address last listed for the owner of said premises on the assessors list in said city or town.

Such copy shall be sent by registered mail with return receipt requested. The plaintiff's affidavit of compliance herewith, and the defendant's return receipt, if received by the plaintiff, shall be filed in the court where the case is pending or where the service was issued on or before the return day of the process or within such further time as the court may allow.

Section 95C. "Person", as used in sections ninety-five A and ninety-five B, shall include but not be restricted to any individual, or individuals, as tenants in common, joint tenants, tenants by the entirety or otherwise; any corporation or business trust; any trustee; any partnership; any receiver or trustee in bankruptcy; any tenant having a leasehold interest for a period in excess of ten years; any mortgagee in possession.

SECTION 9. Chapter 145 of the General Laws is hereby amended by striking out section 1, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:—

Section 1. The provisions of sections sixty A, sixty B and sixty C shall apply to all towns and the other provisions of this chapter shall apply to all towns which accept it or have accepted corresponding provisions of earlier laws by a vote of the town at a town meeting.

SECTION 10. Section 59 of said chapter 145, as most recently amended by section 26 of chapter 550 of the acts of 1948, is hereby further amended by striking out the second sentence.

SECTION 11. Said chapter 145 is hereby further amended by striking out section 60, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:—

Section 60. Unless otherwise provided in this chapter, every notice or order in relation to a tenement house shall be served ten days before the time for doing the thing in relation to which it is issued. The service of notices or orders as aforesaid shall be made by the delivery of an attested copy in hand to the owner or his agent, duly registered as provided in section fifty-nine, or by leaving an attested copy at the last or usual place of abode of the owner or agent.

SECTION 12. Said chapter 145 is hereby further amended by inserting after section 60 the following three sections: —

Section 60A. Any person owning a tenement within the definition of section two of chapter one hundred and forty-four of the General Laws and including tenements within the city of Boston and including rooming houses, who does not reside therein, shall file in writing with the city or town clerk in the city or town where any such structure may be found the name and address of an individual residing in such city or town to be his true and lawful attorney upon whom all lawful processes in any action or proceeding against him may be served. The owner of any such tenement which is posted for a code violation shall forthwith register his true name with the city or town clerk.

Section 60B. If any person fails to comply with the requirements of section sixty A he shall be deemed to have appointed said city or town clerk as his agent as above, and service upon any such clerk shall have the same force and effect as service upon such person's duly constituted appointee.

When legal process against any such person is served upon such clerk, a copy of said process shall also forthwith be sent by the plaintiff or his attorney to the defendant at his last known address or to the address last listed for the owner of said premises on the assessors list in said city or town.

Such copy shall be sent by registered mail with return receipt requested. The plaintiff's affidavit of compliance herewith, and the defendant's return receipt, if received by the plaintiff, shall be filed in the court where the case is pending or where the service was issued on or before the return day of the process or within such further time as the court may allow.

Section 60C. "Person", as used in sections sixty A and sixty B, shall include but not be restricted to any individual, or individuals, as tenants in common, joint tenants, tenants by the entirety or otherwise; any corporation or business trust; any trustee; any partnership; any receiver or trustee in bankruptcy; any tenant having a leasehold interest for a period in excess of ten years; any mortgagee in possession.

Approved September 8, 1966.

Chap. 708. AN ACT ESTABLISHING THE MASSACHUSETTS HOUSING FINANCE AGENCY.

Be it enacted, etc., as follows:

SECTION 1. *Definitions.* — As used in this act the following words and terms shall have the following meanings unless a contrary intent is clearly indicated: —

(a) "earned surplus" shall have the same meaning as in generally accepted accounting standards;

(b) "FHA" shall mean the Federal Housing Administration, United States Department of Housing and Urban Development, and any successor to its functions;

(c) "Secretary of housing and urban development" shall mean the principal executive officer of the United States Department of Housing and Urban Development.