

HOUSE No. 1358

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 24, 1946.

The committee on Mercantile Affairs, to whom were referred the special report of the State Board of Housing (under Chapter 57 of the Resolves of 1945) relative to providing for a bureau of said board to act in relation to the procurement of homes for war veterans (House, No. 140), and the petition (accompanied by bill, House, No. 280) of George Greene for the establishment by the State Housing Board of a bureau to act in relation to the procurement of homes for veterans, report the accompanying bill (House, No. 1358).

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
6 to continue for a substantial period of time, and
7 inability to obtain adequate shelter will cause suffer-
8 ing and disease among such veterans and their fami-
9 lies unless such shortage is relieved, therefore this
10 act is declared to be an emergency law, necessary for
11 the immediate preservation of the public health and
12 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. 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
4 such shortage many veterans of World War II are
5 unable to obtain shelter for themselves and their
6 families regardless of their ability to pay for such
7 shelter; that on account of the extent of the defi-
8 ciency in housing and the difficulty in obtaining

9 building materials it is likely that this shortage will
10 continue for a substantial period; that on this account
11 a time of public exigency, emergency and distress
12 now exists so that the providing of shelter is a public
13 function; and each city or town in which such short-
14 age exists is hereby authorized to provide shelter for
15 such of its inhabitants as are veterans of said war in
16 the manner hereinafter designated for a period of
17 five years from the date when this act becomes
18 operative unless the general court shall previously
19 determine that the time of public exigency, emer-
20 gency and distress has ended, which period is here-
21 inafter referred to as the present emergency.

1 SECTION 2. 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 of a man who so served and who died while
11 in such service and the wife of a man who is still
12 serving in said army or navy.

13 *Take by Eminent Domain.* — Take by eminent
14 domain under chapter seventy-nine or chapter eighty
15 A 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 3. 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
14 or 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 oc-
22 cupancy 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 occupa-
26 tion, and, if a deficiency in available dwelling units
27 is found to exist, of recommending means for over-
28 coming such deficiency.

29 (c) By purchasing, leasing or acquiring by gift or
30 by taking by eminent domain one or more tracts of
31 land which are entirely or almost entirely unoccupied

32 by buildings, preparing such tracts for occupancy as
33 herein provided, and permitting veterans to occupy
34 such tracts with dwelling units of a temporary nature,
35 such as portable or pre-fabricated houses, cabins,
36 huts or trailers; or by itself providing such dwelling
37 units of a temporary nature by causing them to be
38 constructed or by acquiring them through purchase,
39 lease, gift or grant wherever they may be found,
40 causing them to be transported to the tracts so ac-
41 quired and to be set up and made ready for occu-
42 pancy. Dwelling units of a temporary nature when
43 provided by a city or town may consist of separate
44 apartments in a building designed to contain two or
45 more dwelling units. Reasonable rates shall be
46 charged for occupancy of land, buildings or other
47 structures under this paragraph.

48 (d) By using any real estate, which it has acquired
49 by foreclosure of tax titles or in any other way and
50 which is not devoted to and required by any other
51 public use, for any of the purposes set forth in para-
52 graph (c) of this section.

1 SECTION 4. The board of appeals from the de-
2 cisions of the inspector of buildings of a city or town,
3 if it finds that buildings or other structures con-
4 structed or assembled under the provisions of para-
5 graph (c) of section three may be occupied and used
6 as therein provided without endangering the safety
7 of the occupants or injuriously affecting the best
8 interests of the city or town although the provisions
9 of all of the statutes, ordinances, by-laws and regu-
10 lations relating to town planning, the subdivision
11 and use of land, the construction, repair, maintenance
12 and use of buildings may not be complied with, may

13 authorize, under such conditions as it may impose,
14 a variance from the requirements of such statutes,
15 ordinances, by-laws and regulations. The proceed-
16 ings before a board of appeals under this section shall
17 be summary, and shall not be governed by section
18 thirty of chapter forty of the General Laws and the
19 determination of the board shall be final. In any
20 city or town in which there is no such board of ap-
21 peals, the mayor of the city or the selectmen of the
22 town may appoint a board of appeals, which shall
23 have all of the powers of a board of appeals under
24 this section. The board of health of such city or
25 town, if it finds that the attendant sanitary condi-
26 tions are such that the buildings and structures may
27 be occupied as provided in paragraph (c) of section
28 three without endangering the health of the public
29 or of the occupants of such buildings although all of
30 the statutes, ordinances, by-laws and regulations
31 relating to the protection of the public health may
32 not be complied with, may authorize, under such
33 conditions as it may impose, a variance from the
34 requirements of such statutes, ordinances, by-laws
35 and regulations. Within six months after the termi-
36 nation of the present emergency all of such buildings
37 and structures which do not comply with the pro-
38 visions of all of such statutes, ordinances, by-laws
39 and regulations shall be destroyed or removed, or
40 remodelled in such a way as to comply with all of
41 such statutes, ordinances, by-laws and regulations,
42 and any subdivision or use of land which does not so
43 comply shall be unlawful and shall be discontinued.

1 SECTION 5. 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-
5 one of the General Laws shall use such housing
6 authority as its agent, and all moneys appropriated
7 under this act or received by such city or town for
8 the purposes of this act from any source shall be paid
9 to the treasurer of the authority, and shall be dis-
10 bursed by him subject to section twenty-six EE of
11 said chapter. In any other city or town the city
12 council or the town at its annual town meeting or at
13 a special meeting called for the purpose, shall desig-
14 nate the board or officer to carry out the provisions
15 of this act, or may establish a new board or office
16 for the purpose.

1 SECTION 6. 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 paragraph (c) of section three, which
6 shall be no higher than the limits imposed by any
7 applicable federal regulation. In such determination
8 the cost of the property or services sold, rented or
9 furnished, the price of similar property or services
10 in the open market, the value thereof to the veteran
11 purchasing or renting the same and the ability of
12 veterans generally to pay therefor may all be con-
13 sidered. Unusual factors due to the present emer-
14 gency itself may be disregarded. Any person ag-
15 grieved by the determination of reasonable rates
16 under this section, or ten taxable inhabitants of such
17 city or town, may appeal to the state board of housing
18 from such determination within ten days after it has
19 been made; and the decision of such board upon
20 questions of fact shall be final.

1 SECTION 7. 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
4 loan, and such loans shall be paid in not more than
5 five years from their dates. Indebtedness incurred
6 under this act shall be outside the statutory limit
7 and, except as provided herein, be subject to the
8 applicable provisions of chapter forty-four of the
9 General Laws, excluding the limitation contained in
10 the first paragraph of section seven thereof; pro-
11 vided, that the total amount of indebtedness under
12 this act outstanding at any one time in any city or
13 town shall not exceed one half of one per cent of the
14 assessors' valuation of its taxable property for the
15 three preceding years reduced and otherwise de-
16 termined as provided in section ten of said chapter
17 forty-four.

1 SECTION 8. 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 gov-
4 ernment, or any federal agency, the commonwealth
5 or any person or corporation, of money, land, build-
6 ings, structures, materials, furniture, equipment or
7 other property, or services, and may cooperate with
8 the 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.