

# HOUSE . . . . . No. 5685

By Mr. Royal L. Bolling, Sr., of Boston, petition of Royal L. Bolling, Sr., Melvin H. King, Bill Owens and Royal L. Bolling, Jr., that certain cities and towns be authorized to establish neighborhood service areas for the purpose of providing certain governmental services. Local Affairs.

## The Commonwealth of Massachusetts

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

AN ACT TO AUTHORIZE CERTAIN CITIES AND TOWNS TO ESTABLISH NEIGHBORHOOD SERVICE AREAS TO UNDERTAKE CERTAIN GOVERNMENT SERVICES.

*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. The General Laws are hereby amended by in-  
2 serting after chapter 44 the following chapter: —

### CHAPTER 44A.

#### Neighborhood Service Areas.

5 *Section 1.* It is hereby declared to be the policy of the  
6 commonwealth to encourage citizen involvement in government  
7 at the neighborhood level in urban areas by permitting limited  
8 self-government through the establishment of neighborhood  
9 councils as legal entities of the cities and towns.

10 *Section 2.* As used herein the following words shall have the  
11 following meanings: — “city” or “town” means any municipality  
12 of more than seventy-five thousand population, as determined by  
13 the latest official census.

14 “Neighborhood service area” means an area within a city or  
15 town which, if approved by the municipality, may exercise  
16 limited powers of local self-government.

17 “Council” means a neighborhood service area council created

18 pursuant to section ten of this act to govern a neighborhood  
19 service area.

20 “Duly advertised” means with public notice in at least one  
21 newspaper of general circulation in the affected neighborhood  
22 service area at least thirty days prior to any public hearing and at  
23 least twice thereafter.

24 *Section 3.* The governing body of any city or town may esta-  
25 blish within its borders one or more neighborhood service areas  
26 to undertake in whole or in part governmental services or func-  
27 tions that the city or town is authorized to undertake.

28 *Section 4.* (a) For the purposes of defining potential neigh-  
29 borhood service areas and establishing boundaries for voter peti-  
30 tion, as described in section seven, each city or town governing  
31 body shall hold duly advertised public hearings in potential  
32 neighborhood service areas. The various local public agencies and  
33 private non-profit community organizations and groups in each  
34 such area shall be notified of said meetings. Following the meet-  
35 ings, the governing body of each city and town shall prepare a  
36 map which divides the municipality into neighborhood service  
37 areas. A copy of the minutes of the hearings together with the  
38 map shall be filed with the department of community affairs.

39 (b) Upon request, the department of community affairs shall  
40 provide technical assistance to the city or town governing body  
41 in holding hearings and setting boundaries as required by this act.

42 *Section 5.* In determining the neighborhood service area  
43 boundaries, the city or town governing body shall take into con-  
44 sideration the following criteria:

45 (a) the extent to which the area constitutes a neighborhood  
46 with common concerns and capacity for local neighborhood initi-  
47 ative, leadership, and decision-making with respect to city or  
48 town government;

49 (b) the existence of natural service boundaries for the conduct  
50 of governmental functions;

51 (c) population density, distribution, and growth within a  
52 neighborhood service area to assure that its boundaries reflect the  
53 most effective territory for local participation and control. Under  
54 no circumstances shall a neighborhood service area contain less  
55 than five thousand inhabitants or more than fifteen percent of  
56 the municipality's population within its boundaries or twenty  
57 thousand inhabitants, whichever is larger;

58 (d) compatibility of the proposed boundaries with existing  
59 municipal electoral boundaries; and

60 (e) such other matters as might affect the establishment of  
61 boundaries and services which would provide for more meaning-  
62 ful citizen participation in city or town government.

63 *Section 6.* Within ninety days of the filing date established  
64 by section four, the city or town governing body shall provide  
65 for duly advertised public hearings in each of the proposed neigh-  
66 borhood service areas. At such hearings, the city or town govern-  
67 ing body shall explain the purpose of delineating neighborhood  
68 service areas, and the rights of citizens to petition for the esta-  
69 blishment of neighborhood service areas as described in this  
70 chapter. A written record of such hearings shall be submitted to  
71 the department of community affairs.

72 *Section 7.* (a) If a petition requesting the establishment of a  
73 neighborhood service area is signed by at least ten percent of the  
74 registered voters within the neighborhood service area boundary,  
75 it shall be submitted to the city or town governing body. Such  
76 petition may specify the number of members of the neighbor-  
77 hood council within the provisions of section ten, and may pro-  
78 vide for no more than two-thirds of the members to be elected  
79 from districts. If a petition provides for such districts, said peti-  
80 tion shall delineate districts of equal population based upon  
81 census data provided in census tract form by the city or town  
82 governing body.

83 (b) The department of community affairs shall provide tech-  
84 nical assistance upon request to neighborhood residents involved  
85 in drawing up said petition.

86 (c) The petition shall be submitted to the city or town clerk  
87 who shall within fifteen days of receipt thereof certify that there  
88 exists a sufficient number of signatures. Upon verification of the  
89 signatures thereon, the city or town governing body, within  
90 thirty days following verification, shall hold a duly advertised  
91 public hearing on the question of whether or not the requested  
92 neighborhood service area shall be established. A hearing may be  
93 adjourned from time to time, but shall be completed within sixty  
94 days of its commencement. A written record of said hearing shall  
95 be submitted to the department of community affairs.

96 (d) Within thirty days following the public hearing, a referen-  
97 dum concerning the acceptance of neighborhood service area

98 government and of the proposed boundaries shall be submitted  
99 to the area's registered voters. A majority vote shall constitute  
100 approval.

101 (e) Within thirty days following the referendum, the city or  
102 town governing body shall approve or disapprove the establish-  
103 ment of the requested neighborhood service area. Failure to act  
104 shall be deemed to constitute approval. If disapproved, the city  
105 or town governing body must state its reasons in writing.

106 (f) Failure of the petition or referendum, or failure of the city  
107 or town governing body to approve the establishment of the  
108 neighborhood service area shall not preclude the possibility of  
109 future petition.

110 *Section 8.* The city or town governing body pursuant to a  
111 petition signed by at least ten percent of registered voters living  
112 within the neighborhood service area, may enlarge, diminish, or  
113 otherwise alter the boundaries of any existing neighborhood ser-  
114 vice area following the procedures set forth in section seven (b),  
115 (c), and (d), except that said referendum must secure a majority  
116 vote in areas affected by proposed boundary changes.

117 *Section 9.* A city or town governing body, after a duly adver-  
118 tised public hearing, may dissolve a neighborhood service area  
119 pursuant to a petition signed by at least ten percent of registered  
120 voters in the neighborhood service area and a majority vote for  
121 dissolution in the resulting referendum.

122 *Section 10.* (a) The neighborhood council shall consist of  
123 between nine and fifteen members, except that if no petition  
124 approved pursuant to section seven specified the number, then it  
125 shall consist of eleven members. The term of office of each mem-  
126 ber shall be two years, and members shall serve until their suc-  
127 cessors are elected and qualified.

128 (b) Council members shall be elected at large by the voters of  
129 the neighborhood service area or in part by districts established  
130 by petition pursuant to section seven. If no petition approved  
131 pursuant to section seven delineates districts, then all of the  
132 council shall be elected at large. Neighborhood service area coun-  
133 cil elections shall be held at the same time as provided by law for  
134 holding municipal general elections, except that a special election  
135 may be held for the initial establishment of the council. In the  
136 case of a special election, councillors shall hold office only until  
137 the next regular municipal election. Council members shall be

138 registered voters of the neighborhood service area.

139 (c) In the event of a vacancy, the council shall appoint the  
140 losing candidate who had the highest number of votes in the  
141 previous election.

142 *Section 11.* A neighborhood council may exercise any  
143 powers and perform any functions within the neighborhood ser-  
144 vice area authorized by the city or town governing body. This  
145 may include but is not limited to:

146 (a) Advisory or delegated substantive authority, or both, with  
147 respect to such programs as urban renewal, relocation, public  
148 housing, planning and zoning, and other physical development  
149 programs; crime prevention and juvenile delinquency programs;  
150 health services, code inspection; recreation; education; and man-  
151 power training.

152 (b) Self-help projects, such as supplemental refuse collection,  
153 beautification, minor street and sidewalk repair, establishment  
154 and maintenance of neighborhood community centers, cultural  
155 activities, recreation, and housing rehabilitation and sale.

156 *Section 12.* (a) The city or town governing body shall  
157 annually provide a sum of money which is adequate to support  
158 the maintenance of programs and services to be operated by the  
159 neighborhood council. In appropriating funds for this purpose,  
160 the governing body shall take into consideration the neighbor-  
161 hood service area council's estimates of the fiscal resources  
162 necessary to effectively operate such functions, programs and  
163 services.

164 (b) The neighborhood council shall have the legal right to  
165 contract with federal, state, and private agencies and receive  
166 funds for the administration of any functions, programs, and  
167 services, except as may be expressly prohibited by the city or  
168 town governing body.

169 *Section 13.* (a) Members of a council shall receive no com-  
170 pensation but may receive reimbursement of actual and necessary  
171 travel and other expenses incurred in the performance of official  
172 duties, up to a maximum of five hundred dollars in any one  
173 calendar year.

174 (b) All meetings of a council shall be open to the public.

175 (c) A council shall adopt by-laws providing for the conduct  
176 of its business and the selection of a presiding officer and other  
177 officers.

178 (d) A majority of the members of a council shall constitute a  
179 quorum for the transaction of business. Each member shall have  
180 one vote.

181 *Section 14.* (a) The council may employ staff and consult  
182 and retain experts as it deems necessary.

183 (b) Upon request by the council, the department of com-  
184 munity affairs shall provide continuing staff assistance to each  
185 neighborhood service area council established under this act, such  
186 assistance to be provided during, but not limited to, the first year  
187 of said council's operation.

188 *Section 15.* The council shall make an annual report of its  
189 activities to the city or town governing body.

1 SECTION 2. Chapter 40 of the General Laws is hereby  
2 amended by striking out section 1A, as most recently amended  
3 by section 3 of chapter 505 of the acts of 1969, and inserting in  
4 place thereof the following section: –

5 *Section 1A.* Except as otherwise provided, the word “dis-  
6 trict” as used in this chapter shall mean a fire, water, sewer,  
7 water pollution abatement, refuse disposal, light, or improvement  
8 district, neighborhood service area, or any other district however  
9 named, formed for the purpose of carrying out any of the afore-  
10 mentioned functions, whether established under general law or  
11 special act.

1 SECTION 3. If any clause, sentence, paragraph, section or  
2 part of this act shall be adjudged by any court of competent  
3 jurisdiction to be invalid, such judgment shall not affect, impair  
4 or invalidate the remainder thereof, but shall be confined in its  
5 operation to the clause, sentence, paragraph, section or part  
6 thereof directly involved in the controversy in which such judg-  
7 ment shall have been rendered.



The first part of the report is devoted to a general survey of the work done during the year. It is followed by a detailed account of the various projects undertaken, and a summary of the results obtained.

The second part of the report deals with the financial statement for the year. It shows the total income and expenditure, and a comparison with the budget for the year.

The third part of the report contains a list of the names of the members of the committee, and a list of the names of the donors of the various projects. It also contains a list of the names of the persons who have been elected to the various offices of the committee.

The fourth part of the report is a list of the names of the persons who have been elected to the various offices of the committee. It also contains a list of the names of the persons who have been elected to the various offices of the committee.

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