

By Mr. Segel of Brookline, petition of James Segel that provision be made for chronological listing of applications for admission to public housing. Urban Affairs.

**The Commonwealth of Massachusetts**

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

**AN ACT PROVIDING FOR CHRONOLOGICAL LISTING OF APPLICATIONS FOR ADMISSION TO PUBLIC HOUSING.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 The second paragraph of section 32 of chapter 121B of the  
2 General Laws is hereby amended by striking out clauses (d), (e),  
3 (f) and (g) and inserting in place thereof the following new  
4 clauses (d) through (k): —

5 (d) There shall be no discrimination or segregation; provided  
6 that if the number of qualified applicants for dwelling accommo-  
7 dations exceeds the dwelling units available, preference shall be  
8 given to inhabitants of the city or town in which the project is  
9 located, and to the families who occupied the dwellings  
10 eliminated by demolition, condemnation and effective closing as  
11 part of the project as far as is reasonably practicable without  
12 segregation or discrimination against persons living in other  
13 substandard areas within the same city or town. For all purposes  
14 of this chapter, no person shall because of race, color, creed,  
15 religion, blindness or physical handicap, be subjected to any  
16 discrimination or segregation. No inhabitant of the city or town  
17 or no person employed in the city or town in which the project is  
18 located shall be refused eligibility to a waiting list or occupancy  
19 based solely upon the grounds of a residency prerequisite.

20 (e) All applications for admission to public housing shall be  
21 signed by the applicant and filed at the office of the local

22 housing authority. Upon receipt of each application, said local  
23 housing authority shall stamp said application with a filing  
24 number for the purposes of forming a chronological applicant list  
25 as set forth in clause (h). Each applicant shall receive, upon filing  
26 of said application at the office of the local housing authority, a  
27 receipt from the local housing authority, said receipt to be  
28 stamped with the same filing number as corresponds with the  
29 filing number of said application. Said receipt shall correspond in  
30 form to the requirements set forth in the following clause.

31 (f) A receipt issued by a local housing authority when  
32 application is made shall contain in clear and concise language,  
33 along with the appropriate filing number, each applicant's right  
34 to appeal, and the procedure to be followed on such appeal, as  
35 set forth in clause (i).

36 (g) Each local housing authority shall maintain two applicant  
37 lists, one for low-income housing and one for elderly housing.  
38 The applicant list for low-income housing shall be subdivided by  
39 the number of bedrooms needed.

40 Each list shall be arranged in strict chronological order as  
41 determined by filing numbers, the lowest filing number having  
42 top priority on said list. Every applicant shall have his filing  
43 number added to said list within seven days after filing of said  
44 application. Any applicant subsequently deemed ineligible for  
45 public housing shall have his filing number stricken from the  
46 applicant list and the word "ineligible" shall be written beside  
47 said stricken filing number. Any applicant so determined  
48 ineligible shall have the right to appeal pursuant to clause (i).

49 Each applicant list shall be posted in a conspicuous place in  
50 the office of the local housing authority, or in the town or city  
51 hall, and made available to the public.

52 (h) Upon the availability of housing, top priority shall be  
53 given to the applicant with the lowest filing number. As each top  
54 priority applicant is admitted to public housing, his filing number  
55 shall be stricken from said list, with top priority moving to the  
56 succeeding lowest filing number, with the exceptions as defined  
57 in clause (j).

58 A top priority applicant who is offered public housing shall  
59 have the opportunity to select a unit from a selection of up to

60 three, preferably in as many projects. If the applicant unreason-  
61 ably refuses the housing offered he shall keep his filing number,  
62 but shall be placed at the bottom of the list with the lowest  
63 priority.

64 (I) Each receipt issued to an applicant pursuant to clause (g)  
65 shall contain the following provisions for appeal:

66 (i) Any applicant who is declared ineligible by the housing  
67 authority and has had his filing number stricken from the  
68 applicant list shall within seven days of such action be given a  
69 written explanation by the local housing authority.

70 (ii) An applicant, if dissatisfied, shall have the right to appeal  
71 to the local housing authority within thirty days of receipt of  
72 said explanation.

73 The hearing shall be held pursuant to department regulations,  
74 or, in the absence of such regulation, by the local housing  
75 authority or his designee. At his hearing, said applicant shall have  
76 the right to impartial decision makers; the right to examine all  
77 evidence and witnesses used by the housing authority in  
78 determining its initial decision, he shall also have the right to  
79 bring witnesses on his behalf. The housing authority appeal board  
80 shall give to said applicant within thirty days of the appeal  
81 hearing a written decision including the reasons for its decision.  
82 An applicant, if dissatisfied, shall have the right to appeal to the  
83 commissioner and he shall within twenty days accept or overturn  
84 the decision of the housing authority.

85 (j) Exception to the strict chronological selection rule shall  
86 be allowed only when the local housing authority director makes  
87 a finding of emergency in accordance with rules and regulations  
88 defining emergency as may be promulgated by the local housing  
89 authority and only under the following provisions:

90 (i) All applicants who are by-passed on an applicant list by  
91 another possessing a lower priority filing number shall have the  
92 right to a written explanation from the local housing authority  
93 director which details all the circumstances of said emergency  
94 finding within seven days. All written explanations shall be made  
95 in duplicate, one copy to be placed in the applicant's file at the  
96 housing authority.

97 (ii) Any applicant, if dissatisfied, shall have the right to appeal  
98 to the local authority within thirty days of the receipt of said  
99 explanation.

100 The hearing shall be held pursuant to department regulations,  
101 or, in the absence of such regulations, by the local housing  
102 authority or its designee. At this hearing, said applicant shall have  
103 the right to examine all evidence and witnesses used by the  
104 director in determining his emergency finding, he shall also have  
105 the right to bring witnesses on his own behalf. The housing  
106 authority appeal board shall give to said applicant within thirty  
107 days of the appeal hearing a written decision including the  
108 reasons for its decision. An applicant, if dissatisfied, shall have  
109 the right to appeal to the commissioner and he shall within  
110 twenty days accept or overturn the decision of the housing  
111 authority. Those applicants by-passed for the same reasons and  
112 who wish to appeal shall be heard together.

113 (iii) Said local housing authority director shall keep a file  
114 labelled "emergency admissions" which shall be available along  
115 with all other tenant files, for inspection by the Department of  
116 Community Affairs.

117 (iv) Any family or eligible person who seeks and/or receives  
118 an emergency admission finding pursuant to this clause and  
119 thereby by-passes an applicant or applicants on the applicant list  
120 who have a higher priority filing number shall be classified as an  
121 emergency applicant by the local housing authority director.  
122 Such local housing authority director, upon making such finding  
123 shall maintain all records relevant to the classification of the  
124 emergency applicant in the emergency admissions file. The  
125 commissioner, or his designee, may examine such records upon  
126 request.

127 (k) Any person who is divorced, unmarried, legally separated,  
128 separated, or widowed and meets all other qualifications or  
129 requirements for admission to low-income housing shall not have  
130 his or her application denied acceptance nor shall he or she be  
131 deemed ineligible.

132 All local housing authorities shall ensure that any public  
133 housing admission list or lists being maintained by them on the  
134 effective date of this act conform to the procedures and  
135 requirement established herein.