

By Mr. King of Boston, petition (accompanied by bill, House, No. 3527) of Melvin H. King and Doris Bunte to authorize cities and towns to establish neighborhood service areas for the purpose of undertaking certain government services. Local Affairs.

The Commonwealth of Massachusetts

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

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
2 inserting 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 at
7 the neighborhood level in urban areas by permitting limited self-
8 government through the establishment of neighborhood councils
9 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 of
12 more than seventy-five thousand population, as determined by the
13 latest official census.

14 “Neighborhood service area” means an area within a city or
15 town which, if approved by the municipality, may exercise limited
16 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 service
19 area.

20 “Duly advertised” means with public notice given 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 establish
25 within its borders one or more neighborhood service areas to
26 undertake in whole or in part governmental services or functions
27 that the city or town is authorized to undertake.

28 *Section 4.* (a) For the purposes of defining potential
29 neighborhood service areas and establishing boundaries for voter
30 petition, 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
35 meetings, 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 map
38 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 in
41 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
44 consideration the following criteria:

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

49 (b) the existence of natural service boundaries for the conduct of
50 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 the
56 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 meaningful
62 citizen participation in city or town government.

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

72 *Section 7.* Within thirty days following the public hearing, a
73 referendum concerning the acceptance of a neighborhood service
74 area and of the proposed boundaries shall be submitted to the
75 area's registered voters. A majority vote shall constitute approval.
76 Within thirty days following the referendum, the city or town
77 governing body shall approve or disapprove the establishment of
78 the requested neighborhood service area. Failure to act shall be
79 deemed to constitute approval. If disapproved, the city or town
80 governing body must state its reasons in writing. Failure of the
81 petition or referendum, or failure of the city or town governing
82 body to approve the establishment of the neighborhood service
83 area shall not preclude the possibility of future petition.

84 *Section 8.* The city or town governing body pursuant to a
85 petition signed by at least ten percent of registered voters living
86 within the neighborhood service area, may enlarge, diminish, or
87 otherwise alter the boundaries of any existing neighborhood
88 service area following the procedures set forth in section seven (b),
89 (c), and (d), except that said referendum must secure a majority
90 vote in areas affected by proposed boundary changes.

91 *Section 9.* A city or town governing body, after a duly advertised
92 public hearing, may dissolve a neighborhood service area pursuant
93 to a petition signed by at least ten percent of registered voters in the
94 neighborhood service area and a majority vote for dissolution in
95 the resulting referendum.

96 *Section 10.* (a) The neighborhood council shall consist of
97 between nine and fifteen members, except that if no petition
98 approved pursuant to section seven specified the number, then it
99 shall consist of eleven members. The term of office of each member

100 shall be two years, and members shall serve until their successors
101 are elected and qualified.

102 (b) Council members shall be elected at large by the voters of the
103 neighborhood service area or in part by districts established by
104 petition pursuant to section seven. If no petition approved
105 pursuant to section seven delineates districts, then all of the council
106 shall be elected at large. Neighborhood service area council
107 elections shall be held at the same time as provided by law for
108 holding municipal general elections, except that a special election
109 may be held for the initial establishment of the council. In the case
110 of a special election, councillors shall hold office only until the next
111 regular municipal election. Council members shall be registered
112 voters of the neighborhood service area.

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

116 *Section 11.* A neighborhood council may exercise any powers
117 and perform any functions within the neighborhood service area
118 authorized by the city or town governing body. This may include
119 but is not limited to:

120 (a) Advisory or delegated substantive authority, or both, with
121 respect to such programs as urban renewal, relocation, public
122 housing, planning and zoning, and other physical development
123 programs; crime prevention and juvenile delinquency programs;
124 health services, code inspection; recreation; education; and
125 manpower training.

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

130 *Section 12.* (a) The city or town governing body shall annually
131 provide a sum of money which is adequate to support the
132 maintenance of programs and services to be operated by the
133 neighborhood council. In appropriating funds for this purpose, the
134 governing body shall take into consideration the neighborhood
135 service area council's estimates of the fiscal resources necessary to
136 effectively operate such functions, programs and services.

137 (b) The neighborhood council shall have the legal right to
138 contract with federal, state, and private agencies and receive funds

139 for the administration of any functions, programs, and services,
140 except as may be expressly prohibited by the city or town
141 governing body.

142 *Section 13.* (a) Members of a council shall receive no compen-
143 sation but may receive reimbursement of actual and necessary
144 travel and other expenses incurred in the performance of official
145 duties, up to a maximum of five hundred dollars in any one
146 calendar year.

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

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

150 (d) A majority of the members of a council shall constitute a
151 quorum for the transaction of business. Each member shall have
152 one vote.

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

155 (b) Upon request by the council, the department of community
156 affairs shall provide continuing staff assistance to each
157 neighborhood service area council established under this act, such
158 assistance to be provided during, but not limited to, the first year of
159 said council's operation.

160 *Section 15.* The council shall make an annual report of its
161 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 by
3 section 3 of chapter 505 of the acts of 1969, and inserting in place
4 thereof the following section: —

5 *Section 1A.* Except as otherwise provided, the word "district"
6 as used in this chapter shall mean a fire, water, sewer, water
7 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
10 aforementioned functions, whether established under General
11 Law or special act.

1 SECTION 3. If any clause, sentence, paragraph, section or part
2 of this act shall be adjudged by any court of competent jurisdiction
3 to be invalid, such judgment shall not affect, impair or invalidate

4 the remainder thereof, but shall be confined in its operation to the
5 clause, sentence, paragraph, section or part thereof directly
6 involved in the controversy in which such judgment shall have been
7 rendered.

