

By Mr. Cohen of Newton, petition of Theodore D. Mann (mayor) and David B. Cohen (with the approval of the mayor and board of aldermen) relative to changing the powers, duties and functions of the Department of Housing Services in the city of Newton and establishing a housing authority for said city. Housing and Urban Development. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT RELATIVE TO CHANGING THE POWERS, DUTIES AND FUNCTIONS OF THE NEWTON DEPARTMENT OF HOUSING SERVICES AND ESTABLISHING A HOUSING AUTHORITY IN THE CITY OF NEWTON.

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

1 Chapter seven hundred and five of the Acts of 1975 shall be
2 amended as follows:

3 Section 1, line 3, sentence number 2 shall be amended to read as
4 follows:

5 “The redevelopment authority [~~the housing authority,~~] and the
6 planning board of the city are hereby abolished.”;

7 Section 7, Paragraph (j), line 4, the words [~~“a municipal depart-
8 ment of housing services established for that purposes in accord-
9 ance with this act.”~~] shall be deleted and replaced with the words
10 “the Newton Housing Authority.”;

11 Section 7, Paragraph (k), line 4, the words [~~“a municipal depart-
12 ment of housing services established for that purpose in accord-
13 ance with this act.”~~] shall be deleted and replaced with the words
14 “the Newton Housing Authority.”;

15 Section 8, Paragraph (a), shall be amended to read as follows:

NOTE: Brackets indicate material that has been stricken from the original material.

Underlining indicates new material to be added to the law.

16 “to have with respect to the authority all of the powers and liabilities
17 of a municipality with respect to an authority or operating
18 agency as defined herein under said chapter one hundred and
19 twenty-one B;”;

20 Section 8, Paragraph (e) shall be deleted in its entirety;

21 Section 8, Paragraph (f) shall be redesignated as paragraph (e);

22 Section 11, sentence numbered 2 shall be deleted, as follows:

23 [“All contractual obligations of the housing authority of the city
24 with respect to rental assistance programs and the maintenance
25 and operation of housing projects shall be assumed by the city, but
26 this provision shall not interfere with the ability of the community
27 development authority of the city to mortgage such projects, to
28 pledge the receipts therefrom or otherwise encumber said projects
29 as security for the financing thereof as provided in said chapter one
30 hundred and twenty-one B.”];

31 Section 11, sentence numbered 3 shall be amended to read as
32 follows:

33 “All other contractual obligations and rights of the housing
34 authority of the city and all [moneys,] real property, furniture,
35 fixtures, supplies and equipment of the housing authority shall [,
36 upon acceptance of this act, be] remain assigned, transferred and
37 delivered to the community development authority of the city and
38 all indebtedness of the housing authority [of the city] unrelated to
39 its functions as established herein shall be assumed by the com-
40 munity development authority of the city.”;

41 Section 12 is deleted in its entirety.

42 The following sections are hereby added to and incorporated
43 into Chapter 705 of the Acts of 1975 as herein amended:

44 Section 12. There shall be established a Newton Housing Au-
45 thority, hereafter called the housing authority, capable of exercis-
46 ing certain powers and functions of a housing authority under
47 chapter one hundred and twenty-one B of the General Laws, as set
48 forth in section 14 below. The Newton Housing Services Depart-
49 ment is hereby abolished. All powers, duties, and functions of the
50 said department are transferred to the housing authority as pro-
51 vided in this act.

52 Section 13. All salaried employees of the said department are
53 hereby transferred to and made employees of the housing authori-
54 ty. Said employees shall not suffer reduction in their rank or

55 compensation, or impairment of their retirement rights, or of their
56 vacation, holiday or sick leave rights or other rights in the position
57 held on the effective date of this act. All employees of the housing
58 authority shall be subject to the provisions of chapter thirty-one of
59 the General Laws only insofar as provided by section 29 of chapter
60 one hundred and twenty-one B of the General Laws. Employees
61 who were employed on the effective date of Chapter 705 of the Acts
62 of 1975 shall not suffer reduction in their rank or compensation or
63 impairment of their retirement rights or of their vacation, holiday
64 or sick leave rights or other rights in the position held on the
65 effective date of Chapter 705 of the Acts of 1975.

66 Section 14. The housing authority shall assume the powers,
67 duties and functions of the said department limited to: (a) the
68 operation, management and maintenance of housing projects as
69 specified in section 32 of chapter one hundred and twenty-one B of
70 the General Laws, and (b) the rental or lease of dwelling units as
71 specified in section 43 of said chapter one hundred and twenty-one
72 B.

73 Section 15. All contractual obligations of the said department
74 shall be assumed by the housing authority. All real property,
75 furniture, fixtures, supplies and equipment which are in the posses-
76 sion of or at the disposal of the said department at the time this act
77 takes effect, shall be transferred to the community development
78 authority.

79 Section 16. This act shall take effect upon its acceptance by a
80 majority of the board of aldermen of the city of those present and
81 voting, and upon a date to be determined by said board of alder-
82 men.

