

The Commonwealth of Massachusetts

Executive Department
State House, Boston 02133, June 11, 1970.

To the Honorable Senate and House of Representatives:

The attached legislation is primarily technical in nature and designed to remedy certain omissions in our law pertaining to housing and urban renewal. While technical, the legislation is nevertheless of important consequence to those whom it affects.

Appendix A would amend our relocation statutes and prohibit the attachment by trustee process or otherwise of any payments made to a family for the purpose of relocation assistance. Relocation payments are intended to ease the hardship caused when the home of a family is taken by eminent domain. It does not comport with public policy to allow these funds expended for a public purpose to be directed to private ends. Appendix A is consistent with the so-called homestead provisions of our law which safeguard certain minimum assets from attachment. Appendix A also provides that relocation payments shall not be considered income for the purpose of determining eligibility for public housing.

Appendix B is intended to provide statutory assurance that Massachusetts Historical Commission will receive notice whenever a public hearing on an urban renewal plan is held. This notice will enable the Commission to more effectively fulfill its responsibilities of preserving the important historical landmarks of the Commonwealth. Appendix B will restore a legal right formerly enjoyed by the Commission.

Appendix C is intended to facilitate private financing of low cost housing developments. Certain ambiguities and inconsistencies in our housing law have resulted in reluctance and even unwillingness on the part of private investors to invest in state sponsored housing development. Appendix C will clarify the ambiguities and eliminate the inconsistencies. The effect of Appendix C will be the elimination of restrictions on elderly housing construction, the elimination of contradictory statutory provisions relating to housing rehabilitation projects and a clarification of the law pertaining to federal turnkey developments.

In addition, I respectfully call your attention to an important bill now pending in the legislative process. S. 568 has passed the Senate and is now before the House for third reading. The purpose of the bill is to give district courts equity powers to permit them to efficiently resolve landlord-tenant controversies and related disputes. Enhancing the capacity of the Judiciary to deal effectively with housing matters is of primary importance. Other approaches to this objective have not met with legislative approval. I therefore recommend the enactment of this legislation.

I urge your consideration and approval of the accompanying legislation and Senate Bill 568.

Respectfully submitted,

FRANCIS W. SARGENT
Acting Governor.

APPENDIX A

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT EXCLUDING RELOCATION PAYMENTS FROM ATTACHMENT AND PROVIDING THAT SUCH PAYMENTS WILL NOT BE CONSIDERED INCOME FOR CERTAIN PURPOSES.

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 7 of chapter 79A of the General Laws as most recently
2 amended by section 3 of chapter 759 of the acts of 1968 is
3 hereby amended by adding at the end thereof, the following new
4 paragraphs. —

5 Relocation payments granted under the provisions of this
6 chapter shall not be subject to attachment by trustee process or
7 otherwise, nor shall they be subject to be taken on execution or
8 other process.

9 Payments received under this chapter shall not be considered as
10 income for such purposes as establishing eligibility or the extent
11 of eligibility of any person or family for publicly-sponsored
12 housing or public assistance programs including, without limit-
13 ation, state and federal assistance to veterans.

APPENDIX B

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT PROVIDING FOR NOTICE OF URBAN RENEWAL PROJECTS TO
BE SENT TO THE MASSACHUSETTS HISTORICAL COMMISSION.

*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 48 of chapter 121B of the General Laws, as inserted by
2 chapter 751 of the acts of 1969, is hereby amended by adding at
3 the end of the first paragraph thereof the following sentence: —
4 Whenever a public hearing on an urban renewal plan is held,
5 notice thereof shall be sent to the Massachusetts Historical
6 Commission together with a map indicating the area to be
7 renewed.

APPENDIX C

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT RELATING TO THE PROVISION OF LOW RENT HOUSING PROJECTS.

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 31 of chapter 121B of the General Laws, as inserted by
2 chapter 751 of the acts of 1969, is hereby amended by deleting
3 the second paragraph and subparagraph (a) thereof and inserting
4 the following in lieu thereof: —

5 In addition, the provisions of subparagraphs (a) and (b) shall
6 apply to all projects except those as to which a contract between
7 the federal government and a housing authority is in effect at the
8 time of the approval of the project by the department, and those
9 involving the reconstruction, remodeling or repair of existing
10 buildings: —

11 (a) Projects involving the purchase or acquisition of the right to
12 use completed dwelling units which have been recently con-
13 structed, whether condominium units, individual buildings part of
14 a larger development, or a portion of the units in a multi-family
15 development, shall be approved by the department only after it
16 makes the following determinations: (i) the number of units
17 involved, other than units specifically to be used for elderly
18 persons of low income, does not exceed the following limits: in a
19 building or development containing one to twelve units, no limit;
20 in a building or development containing thirteen to thirty units,
21 twelve units; and in a building or development containing
22 thirty-one or more units, forty per cent of the total units; and (ii)
23 the housing authority has made adequate arrangements for the

24 maintenance and operations of the units, either through use of its
25 own personnel or by contract with the owner or manager of the
26 other units in the development.

