

HOUSE No. 5733

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 19, 1986.

The committee on Housing and Urban Development, to whom was referred so much of the recommendations of the Executive Office of Communities and Development (House, No. 33) as relates to the Commonwealth's rental assistance program (accompanied by bill, House, No. 38), reports recommending that the accompanying bill (House, No. 5733) ought to pass.

For the committee,

KEVIN W. FITZGERALD.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE COMMONWEALTH RENTAL ASSISTANCE PROGRAM.

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 121B of the General Laws is hereby amended by
2 striking out section 43, as most recently amended by section 12
3 of chapter 574 of the acts of 1983, and inserting in place thereof
4 the following: Section 43. In addition to its other powers and for
5 the purpose of implementing a program of rental assistance a
6 housing authority may enter into contracts to rent or lease or to
7 otherwise provide financial assistance to dwelling units or such
8 other housing units subject to regulations promulgated by the
9 department of community affairs not inconsistent with the
10 standards required for dwelling units for periods of not more than
11 fifteen years. Any such contract or lease shall contain a provision
12 conditioning the obligations of the housing authority thereunder
13 upon the certification by the housing authority that such
14 dwelling unit or said other housing units are in compliance with
15 the provisions of the minimum standards for fitness for human
16 habitation set forth in the state sanitary code. No housing
17 authority shall enter into any such contract or lease until (a) the
18 housing authority has adopted a scale of maximum rents,
19 including specified utility charges, payable by the authority for
20 housing units of various types under such contracts or leases and
21 the department has approved such scale as being consistent with
22 the purposes of the rental assistance program, (b) the housing
23 authority has determined that an adequate supply of the type of
24 housing to be contracted for or leased is not presently available
25 in the low-rent housing projects located within the city or town,
26 and (c) the housing authority has determined that the rent payable
27 under the contract or lease is not in excess of rents payable for
28 similar types of housing units within the city or town. A housing
29 authority shall, in order to encourage the construction and
30 remodeling of dwelling units or such other housing units endeavor

31 to contract for or lease units recently constructed, reconstructed
32 or remodeled but may enter into contracts or leases for other units.

33 A housing authority which, as a lessee or tenant, enters into
34 a lease or rental agreement with a cooperative corporation or
35 other legal entity which is the owner of a cooperative project may
36 require that any tenant occupying the leased premises with the
37 consent of the authority shall have all the rights of a member
38 corporation.

39 If a resident of a city or town is eligible for rental assistance
40 and locates or occupies a standard dwelling unit or said other
41 housing unit other than the one receiving financial assistance or
42 leased by the local housing authority and if said dwelling unit or
43 said other housing unit and the rental thereof is reasonable and
44 acceptable to said housing authority in accordance with this
45 section, and if the owner of said unit is willing to enter into a
46 contract or lease agreement with said authority, said authority
47 shall within thirty days of application to it by said resident execute
48 a contract or lease for occupancy of said unit for not more than
49 five years by said resident under the guidelines of the rental
50 assistance program as established by the department. All housing
51 authorities shall make application to the department of
52 community affairs for funds with which to participate in the rental
53 assistance program. The department may directly enter into
54 contracts to rent or lease or otherwise provide financial assistance
55 and exercise all other rights and duties of housing authorities
56 under the rental assistance program in cities or towns where no
57 local housing authority exists or where the department finds that
58 the local housing authority has not carried out the provisions of the
59 rental assistance program.

60 The department of community affairs is hereby authorized and
61 directed to allocate funds appropriated for the state rental
62 assistance program to eligible within developments financed by
63 the Massachusetts Housing Finance Agency, hereinafter known
64 as MHFA, pursuant to the provisions of sections twenty-five to
65 twenty-seven, inclusive, of chapter twenty-three B.

66 The department is hereby authorized to provide funds
67 appropriated for the state rental assistance program to a limited
68 equity cooperative corporation on behalf of an owner who, but
69 for such ownership, is eligible to participate as a tenant in a
70 program of rental assistance.

