

By Mr. DiFruscia of Lawrence, petition of Anthony R. DiFruscia that provision be made for housing low and moderate income families. Urban Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Nine.

AN ACT TO PROVIDE HOUSING FOR LOW AND MODERATE INCOME FAMILIES.

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. It is hereby declared that an acute shortage
2 of low and moderate income housing exists in many of the
3 cities and towns of the commonwealth; that on account of
4 such shortage many families are unable to obtain shelter re-
5 gardless of their ability to pay for such shelter; that on
6 account of the extent of the deficiency in housing it is likely
7 that this shortage will continue for a substantial period;
8 that on this account a time of public exigency, emergency and
9 distress now exists so that the providing of shelter is a public
10 function; and each city or town in which such shortage exists
11 is hereby authorized to provide shelter for such of its in-
12 habitants in the manner hereinafter designated for a period
13 of five years from the date when this act becomes operative
14 unless the general court shall previously determine that the
15 time of public exigency, emergency and distress has ended,
16 which period is hereinafter referred to as the present emer-
17 gency.

1 SECTION 2. *Definitions.*—When used in this act, unless the
2 context otherwise requires, the following words shall have the
3 following meanings:—

4 “Low and moderate income families” means any family
5 which can qualify for public housing under the existing con-

6 tinued occupancy limits established by the local housing
7 authority, or any family whose net income is no more than
8 twenty-five per cent over the existing limits. A city or town
9 that does not have a local housing authority shall use the
10 limits of a housing authority in an adjacent city or town.

11 "Take by eminent domain" means take by eminent do-
12 main under chapter twenty-nine of chapter eighty A of the
13 General Laws either a fee or rights less extensive than a fee
14 either with respect to the interest taken or the duration of
15 such rights or both.

16 "Dwelling Unit" means a single or two family house to
17 be built on separate house lots.

1 SECTION 3. The local housing authority, or where no local
2 authority, the city or town, is hereby authorized to build
3 dwelling units for low and moderate income families. The
4 local housing authority, or city or town, as the case may be,
5 is authorized to take by eminent domain and incur debt for
6 the cost of construction and may issue bonds, each issue to
7 constitute a separate loan, and such loan shall be paid in
8 not more than twenty years from their dates.

9 A city may guarantee the debt by going beyond its debt
10 limit by two and one-half per cent of city evaluation, and
11 a town may guaranty the debt by going beyond its debt limit
12 by five per cent of its evaluation. The commonwealth shall
13 subsidize up to twenty per cent of the cost of construction;
14 provided, that the local housing authority has sold to or
15 offered for sale to the federal government or to private enter-
16 prise all state aided public housing, except housing for the
17 elderly, under its control. The city or town shall hold title
18 to said dwelling units for a period of five years after construc-
19 tion is completed. Said dwelling units shall be rented to low
20 and moderate income families at a reasonable rental.

1 SECTION 4. After the city or town or local housing au-
2 thority has owned said dwelling units for a period of five
3 years, said city or town shall sell such units at a reasonable
4 rate with right of first refusal given to the occupants of such
5 units. Said occupants shall be allowed sixty days to exercise
6 their rights of purchase, and if the rights are not exercised

7 within said period, the city or town shall sell said units on
8 open competitive bids, but only to individuals who intend to
9 occupy, and priority shall be given to those who are in the
10 financial limits already established. An occupant who exer-
11 cises his right of purchase shall receive a mortgage up to
12 ninety per cent of the selling price from the Massachusetts
13 housing finance agency.

1 SECTION 5. No action shall be taken by a city or town
2 unless, upon application by such city or town to the state
3 board of housing, said board determines that an acute short-
4 age of housing exists in such city or town; that this shortage
5 is not being relieved only by action of such city or town.
6 Upon such application by a city or town said board shall hold
7 a public hearing in such city or town at which any inhabitant
8 or other person subject to taxation in such city or town shall
9 have a reasonable opportunity to present facts and arguments
10 in favor of or against the granting of the application. The
11 decision of the board upon the application shall be final.

The first of these is the fact that the law is not a static body of rules, but a living organism which grows and changes with the needs of the community. It is not a mere collection of arbitrary rules, but a system of principles which are based on the fundamental values of the society. The law is not a mere technical science, but a moral science which is concerned with the good of the community. It is not a mere instrument of power, but a system of principles which are based on the fundamental values of the society.

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