

By Ms. Graham of Cambridge, petition of Sandra Graham, Michael W. Morrissey, Kevin P. Blanchette, Salvatore F. DiMasi, Thomas M. Gallagher and Charles F. Flaherty for legislation to establish procedures for rent increases in housing financed by the Massachusetts Housing Finance Agency. Housing and Urban Development.

The Commonwealth of Massachusetts

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

AN ACT TO ESTABLISH PROCEDURES FOR RENT INCREASES IN MHFA HOUSING.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to establish fair and open procedures
3 for rent increases in housing financed by the Massachusetts Hous-
4 ing Finance Agency, therefore this act is hereby declared to be an
5 emergency law, necessary for the immediate preservation of the
6 public peace, health, safety, and convenience.

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. Section 1 of chapter 708 of the acts of 1966, as
2 most recently amended by section 6 of chapter 789 of the acts of
3 1981 is hereby amended by inserting after subsection (i) the follow-
4 ing subsections: —

5 (j) "utilities" shall mean water, electricity, and heating, refriger-
6 ation and cooking fuels.

7 (k) "rent increase" shall mean adjustments or changes in
8 MHFA-approved rents.

9 (l) "utility transfer" shall mean the transfer to the residents of
10 responsibility for the payment of one or more utilities.

11 (m) "other adjustment" shall mean any change, including a
12 change in the regulatory or finance arrangements between the

13 mortgagor and the MHFA, other than a rent increase or utility
14 transfer, which will lead to increased shelter costs to residents.

1 SECTION 2. Section 6 of said chapter 708, as most recently
2 amended by section 7 of chapter 632 of the acts of 1979, is hereby
3 amended by inserting at the end thereof the following subsec-
4 tions: —

5 (d) The following requirements shall apply to reviews and
6 increases of MHFA-approved rents, to utility transfers, and to
7 other adjustments, except that for developments 100% of whose
8 units are subsidized under Section 8 of the United States Housing
9 Act, these requirements shall not apply to rent increases: —

10 (1) MHFA shall, after notice and public hearing pursuant to
11 section 2 of chapter thirty A, promulgate standards for the rents to
12 be charged in developments financed under this act. Rent increases
13 shall be approved only if the mortgagor establishes that the
14 increase is required because of an unavoidable increase in operat-
15 ing costs since the last rent increase or in an unavoidable increase
16 in debt service. MHFA shall, in the same manner, promulgate
17 standards for the approval of utility transfers and standards for the
18 approval of other adjustments. Utility transfers shall not be
19 approved unless the building's equipment and system for the
20 affected utility are certified to be free of defects by an agency
21 having powers of inspection relative to such equipment and system
22 and, in the case of transfer of the heat utility, the building is
23 certified to be weathertight by an agency having powers of inspec-
24 tion relative to the condition of residential premises. Judicial
25 review of these MHFA standards, or of the sufficiency of the
26 reasons for their adoption as an emergency regulation, may be had
27 by tenants or other affected persons for declaratory relief in the
28 manner and to the extent provided under chapter two hundred and
29 thirty-one A.

30 (2) A decision by MHFA to approve a rent adjustment, utility
31 transfer, or other adjustment that is subject to this subsection (d)
32 shall be stated in writing and shall include findings with respect to
33 the standards required by and set forth in paragraph (d)(1), above.

34 (3) Judicial review of the agency decision shall be available to
35 tenants or other affected persons and the court shall utilize the
36 standards of review set forth in section 14 of chapter 30A, provided

37 however, that no stay of an increase in the rent that the tenants to
38 the mortgagor shall be issued prior to the trial court's determina-
39 tion on the merits of the case.

1 SECTION 3. Section 3 of said chapter 708, as most recently
2 amended by section 8 of chapter 789 of the acts of 1981, is hereby
3 amended by striking out the last sentence of the first paragraph
4 and inserting in the place thereof the following two sentences: —
5 The MHFA shall not be subject to the provisions of chapter thirty
6 A of the General Laws except as specifically provided. The MHFA
7 shall be subject to the open meeting provisions of sections 11A and
8 11A½ of said chapter thirty A.

The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, on the subject of the land in question.

The land in question was originally owned by the United States Government and was transferred to the State of California by the Act of March 3, 1850, known as the "Act to provide for the disposal of the public lands in California." The land was then sold to the State of California by the Act of March 3, 1850, known as the "Act to provide for the disposal of the public lands in California."

The land in question was then sold to the State of California by the Act of March 3, 1850, known as the "Act to provide for the disposal of the public lands in California." The land was then sold to the State of California by the Act of March 3, 1850, known as the "Act to provide for the disposal of the public lands in California."

The land in question was then sold to the State of California by the Act of March 3, 1850, known as the "Act to provide for the disposal of the public lands in California." The land was then sold to the State of California by the Act of March 3, 1850, known as the "Act to provide for the disposal of the public lands in California."

The land in question was then sold to the State of California by the Act of March 3, 1850, known as the "Act to provide for the disposal of the public lands in California." The land was then sold to the State of California by the Act of March 3, 1850, known as the "Act to provide for the disposal of the public lands in California."

The land in question was then sold to the State of California by the Act of March 3, 1850, known as the "Act to provide for the disposal of the public lands in California." The land was then sold to the State of California by the Act of March 3, 1850, known as the "Act to provide for the disposal of the public lands in California."