

# HOUSE . . . . . No. 6066

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## *The Commonwealth of Massachusetts*

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HOUSE OF REPRESENTATIVES, May 17, 1977.

The committee on Local Affairs, to whom was referred so much of the recommendations of the Executive Office of Communities and Development (House, No. 11) as relates to authorizing cities and towns to establish departments of community development (accompanied by bill, House, No. 25), report recommending that the accompanying bill (House, No. 6066) ought to pass [Representative Murray of Cohasset dissenting].

For the committee,

ROBERT A. VIGNEAU.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Seven.

### AN ACT AUTHORIZING CITIES AND TOWNS TO ESTABLISH DEPARTMENTS OF COMMUNITY DEVELOPMENT.

*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. DEPARTMENTS OF COMMUNIT 2 DEVELOPMENT

3 Cities and towns may by ordinance or by-law, or home rule  
4 charter merge any of the following listed agencies, boards,  
5 commissions, department officers, or their functions, power and  
6 duties, in whole or in part, into a local Department of Community  
7 Development. The agencies that may be merged include:  
8 Redevelopment Authority; Planning Department and Board;  
9 Economic Development and Industrial Corporations; and any  
10 other board, department or commission, including municipal  
11 human service agencies, but not including a local housing  
12 authority, authorized to undertake community development  
13 activities which a community deems to be related to community  
14 development.

15 Such merger of agencies may be effectuated through abolishing  
16 such existing agencies, boards or commissions, and transferring  
17 their functions, in whole or in part, or through placing any existing  
18 agency or agencies under the administrative control of the local  
19 Department of Community Development.

20 The Department of Community Development shall be subject to  
21 the supervision of the Community Development Authority  
22 provided for under section 2.

#### 1 SECTION 2. COMMUNITY DEVELOPMENT AUTHORI- 2 TY: POWER, AUTHORITY, RESPONSIBILITIES.

3 The powers, duties and responsibilities of the agencies combined  
4 shall be vested in a community development authority and shall be  
5 exercised in conformity with the provisions contained in the  
6 ordinance/by-law or charter provisions, which shall specify the  
7 powers, functions, duties and responsibilities of the Department of

8 Community Development, and the community development  
9 authority, and the relationships of the two agencies. The  
10 composition of the authority shall consist of multiple membership,  
11 one of the members to be appointed by Secretary of the  
12 Department of Community Affairs. The size, composition, mode  
13 of elections or appointment, term of office of other members of the  
14 authority shall be determined through bylaw, ordinance or charter  
15 provisions.

### 1 SECTION 3. APPOINTMENT OF DIRECTOR.

2 The chief executive or chief administrative officer of the city or  
3 town shall, subject to the provisions of a city or town charter,  
4 appoint a director of community development, who shall be the  
5 executive and administrative head of the Department of  
6 Community Development. The position shall not be subject to  
7 provisions of Chapter 31 of the General Laws, Civil Service.

### 1 SECTION 4. AUTHORITY MEMBERS: RESIDENTS

2 All authority members including the appointee of the Secretary  
3 of the Office of Communities and Development shall be residents  
4 of such community. If the appointee moves from the community  
5 his office shall be deemed vacant and the appointing authority  
6 shall appoint a replacement for the remainder of the term.

### 1 SECTION 5. ASSETS, LIABILITIES AND OBLIGATIONS

2 All books, papers, documents, equipment, lands, interests in  
3 land, buildings facilities, and other property, both personal and  
4 real, which are in the custody of any agency, board of commission,  
5 or which relate to their functions, powers and duties, in whole or in  
6 part, which are transferred to the Department of Community  
7 Development, shall be transferred to such department as of the  
8 effective date of this act.

9 All monies heretofore received from any source by any agency,  
10 board or commission or which relate to their functions, in whole or  
11 in part, transferred to the Department of Community Develop-  
12 ment and remaining unexpended on the date of this act, shall be  
13 transferred to the Department of Community Development as of  
14 the effective date of this act and shall be available for expenditure  
15 by the Department of Community Development.

16 All duly existing contracts, leases, and obligations of any  
17 agency, board or commission or which relate to their functions, in  
18 whole or in part, which are transferred by this act, and which are in  
19 force immediately prior to the effective date of this act, shall be  
20 transferred to the commission as of the effective date of this act. All  
21 petitions, hearings and other proceedings duly brought before, and  
22 all prosecutions and legal and other proceedings duly begun by any  
23 agency, board or commission, which arise from or relate to the  
24 exercise of the powers or duties of said agency, board or  
25 commission and which are pending immediately prior to the  
26 effective date of this act shall continue unabated and remain in  
27 force notwithstanding the passage of this act, and shall be  
28 continued by the Department of Community Development.

29 In addition to performing its functions under this act, the  
30 Department of Community Development may perform any  
31 functions assigned to it under federal law.

#### 1 SECTION 6. TRANSFER OF EMPLOYEES

2 Every person holding a position in a department, authority,  
3 board, or commission which has been abolished shall be  
4 transferred to the Department of Community Development  
5 without reduction in compensation or impairment of Civil Service  
6 rights; and/or retirement, pension rights, seniority, vacation, or  
7 sick leave rights.

#### 1 SECTION 7. APPLICABILITY OF EXISTING LAWS 2 AND REGULATIONS

3 A Department of Community Development shall be subject to  
4 provisions of Chapter 121B of the General Laws relating to  
5 Redevelopment Authorities, so far as is applicable; and shall be  
6 further subject to the rules and regulations of any agency from  
7 which it receives grants or loans.

#### 1 SECTION 8. SEVERABILITY

2 The provisions of this act are severable. If any provision of the  
3 act is held invalid, the other provisions of the act shall not be  
4 affected thereby.