

By Mr. Fennell of Lynn, petition of Robert F. Fennell, Thomas M. McGee and other members of the General Court for legislation to further regulate the rental voucher program administered by housing authorities. Housing and Urban Development.

**The Commonwealth of Massachusetts**

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

AN ACT RELATIVE TO THE MASSACHUSETTS RENTAL VOUCHER 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 Notwithstanding the provisions of any general or special law to  
2 the contrary, a housing authority or housing agency may, in addi-  
3 tion to such other reasons as the secretary of communities and  
4 development determines, terminate rental assistance under the  
5 Massachusetts Rental Voucher Program, so-called, because one or  
6 more household members have within five years of the service of  
7 written notice of termination from the housing authority or  
8 housing agency unlawfully manufactured, possessed, sold, or pos-  
9 sessed with intent to distribute a controlled substance as defined  
10 in classes A, B, or C of section thirty-one of chapter ninety-four C  
11 of the General Laws, or engaged in other criminal conduct which  
12 seriously threatened or endangered the health or safety of another  
13 tenant or any other person.

14 A housing authority or housing agency may terminate rental  
15 assistance if the preponderance of evidence indicates that a house-  
16 hold member has engaged in such activity, regardless of whether  
17 the household member has been arrested or convicted.

18 A housing authority or housing agency shall consider all of the  
19 circumstances in each case, including the seriousness of the  
20 offense, the extent of participation by household members, and  
21 the effect that termination would have on household members not  
22 involved in the prescribed activity. Housing authorities or housing  
23 agencies in appropriate cases may permit the remaining members

24 of the household to continue receiving rental assistance and may  
25 impose a condition that household members determined to have  
26 engaged in prescribed activities will not reside in the unit. A  
27 housing authority or housing agency may require a household  
28 member who has engaged in the illegal use of drugs to submit evi-  
29 dence of successful completion of a treatment program and cessa-  
30 tion of illegal drug use as a condition of being allowed to reside in  
31 the unit.

32 The executive office of communities and development shall  
33 promulgate rules and regulations to implement the provisions of  
34 this act including, but not limited to, providing notice to tenants  
35 and an opportunity to be heard by the housing authority or  
36 housing agency.