

[H.1340/S. 857](#) Section Analysis

An Act ensuring continued rights for public housing residents

<p>Amends Section 34 of Chapter 121B of the Massachusetts General Laws, which sets guidelines for the state to approve the redevelopment of state-funded public housing. H. 1340/S.857 provide that:</p>	
Paragraph 1:	<p>Tenants in projects transferred by a public housing authority to an affiliated non-profit or private entity for purposes of redevelopment will keep all their rights under federal, state, and local subsidy programs which the tenant held before the transfer.</p> <p>These rights must include provisions originally applicable to the tenants' concerning rents, leases, evictions, grievance procedures, right to return, resident participation, preference in hiring, and privacy rights, except as may be necessary to obtain financing for the feasibility of the project.¹</p> <p>Redevelopment cannot be used as the basis for:</p> <ul style="list-style-type: none">● rescreening existing tenants,● terminating or reducing rental assistance, or● eviction. <p>Redevelopment projects must result in at least the same number of low rent housing apartments as were available before the transfer.</p>
Paragraph 2:	<p>The requirements for projects will be implemented through use agreements, contracts, regulations, or other means, as determined by the department.</p> <p>The requirements must be consistent with all local, state and federal subsidy programs applicable to the project.</p> <p>Projects are required to delineate:</p> <ol style="list-style-type: none">1. the role of the housing authority and other agencies to monitor and enforce compliance, including tracking tenants temporarily or permanently displaced;2. how the housing authority will rehouse tenants so that no tenant is displaced from affordable housing programs operated by the housing authority; and3. how tenants will be provided with technical assistance to allow them meaningful input into the development of the proposed project. <p>Tenants who occupied the project at time of redevelopment, future tenants, and applicants, shall have the right as a third party beneficiary to enforce protections in contracts and agreements related to the redevelopment. This is to ensure that tenant protections between a housing authority and developer remain in place for all current and future residents.</p>

¹ For example, if the Low Income Housing Tax Credit were used to finance the development, certain eligibility restrictions where everyone in the household is a full-time student could be applied, which could impact a household's eligibility. Similarly, if the redevelopment involved a conversion from public housing to Section 8 Project-Based Voucher program, federal public housing flat rent rules would not apply, nor would the federal public housing over-income rules. Legal Services advocates have worked to find solutions to prevent the displacement of families in these situations.

Paragraph 3:

Tenants of a project and the public will be provided with adequate notice and an opportunity to give public comment to the entities responsible for the project.