



Mass Union of Public Housing Tenants
784 Washington Street, Suite 504
Dorchester, MA 02124

January 19, 2024

To: The Joint Housing Committee

Thank you once again for listening to the voices of public housing tenants about the historic Affordable Homes Act. The \$1.6 billion allocated for capital repairs in the state's portfolio is essential to address decades of underfunding and negligence. Public housing is in a state of disrepair. We hear of residents who are placed in hotels because elevators are out of service, leaking roofs, and mold -- just to name a few issues. (See photos below.) The time to invest in public housing is now.

Below please see suggested changes to the Act. In summary:

- **Section 29** removes the need for special legislation from the legislature for two or more Local Housing Authorities to merge and allows mergers to occur by a simple vote of the Local Housing Authorities Boards. The current language does not speak about tenant representation on the new board structure. Mass Union is concerned about the bill's lack of clarity on tenant representation and proposes adding that "there will be at least one resident board member on a board of five people, two resident board members on a board of seven, and three on a board of nine." This language would ensure residents are part of the governing structure of a newly merged organization.
- In **Section 36**, in what may have been an oversight, the bill does **not** state that there shall be no rescreening of current tenants in redeveloped properties. It is important to ensure that this language is added to this bill. No rescreening was part of the original bill, and it is also in the federal statute for redevelopment, we believe it is important to add it into the state's bond bill.

Lastly, we strongly urge the Committee to add Access to Counsel to the bill. This would ensure critical support for our members facing eviction, as well as other tenants across the state. We hope our state will be a leader in this cause.

I want to thank you for your support and for taking the time to read this testimony. Mass Union of Public Housing Tenants was founded by residents for residents of public housing we believe that when residents are able to have a voice in their community, it creates a better living environment. Your support for our proposed changes and for the overall bond bill creates a stronger and healthier community for residents in public housing.

Sincerely,
Sarah Byrnes
Executive Director

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**Regional Housing Authority Merger Provision
in The Affordable Homes Act, H. 4138 (the Housing Bond Bill)**
Recommendations from Mass Union of Public Housing Tenants
and Mass Law Reform Institute and legal services

SECTION 29. Chapter 121B of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out section 3A and inserting in place thereof the following section:-

Section 3A. (a) Any number of cities or towns may, with the approval of their respective municipal officers and of the department, create or disband by a contract subject to the approval of the department a regional housing authority, with all of the powers and obligations of the constituent authorities, to act in the place of the several housing authorities, if any, theretofore existing. Such contract shall set forth the rights, powers and obligations of the regional housing authority within the several cities or towns in which it is to operate. Any unresolved dispute which may arise as to the rights, powers or obligations conferred by such contract shall be referred to the department for resolution.

(b) Notwithstanding the foregoing, or any general or special law to the contrary, 2 or more local housing authorities may, with the approval of their respective boards and of the department, merge to create a regional housing authority, with all the powers and obligations of the constituent authorities theretofore existing—provided that it shall not result in the loss of low rent housing or protections available to tenants pursuant to the provisions of subsidy programs originally applicable to the housing being operated. Such creation of a regional housing authority by merger of two or more local housing authorities shall not require the use of special legislation pursuant to chapter 268A of the General Laws. The department shall issue guidelines for approving mergers of two or more local housing authorities pursuant to this subsection (b). Such guidelines shall include, but not be limited to, provisions for providing all tenants receiving assistance from housing authorities merging with notice and the opportunity for meaningful input prior to merger, provisions for approving board structures of regional housing authorities created pursuant to this subsection which shall ensure that tenant commissioner membership on the board is at least one tenant on a board of five, two tenants on a board of seven, three tenants on a board of nine and is geographically representative of the housing authorities merging. and provisions for the creation and operation of a regional local preference to apply to residents of the cities or towns in which a regional housing authority created pursuant to this subsection is to operate. However, any residency or other local admissions preference may not have the purpose or effect of delaying or otherwise denying admission to a housing program based on the race, color, ethnic origin, gender, religion, disability, sexual orientation or age of any member of an applicant family.

Commented [AD1]: Similar to existing language in Section 36 H.4138, An Act the Affordable Homes Act, it is important to ensure that when housing authorities merge that this does not result in a loss of public housing or a loss of rights to public housing residents.

Commented [AD2]: Meaningful tenant participation is a cornerstone of public housing and it is essential that this section provide a clear path for tenants to having notice and meaningful input into any merger, prior to the merger.

Commented [AD3]: MGL 121B, 5 currently provides that at least 1 tenant be on a board of 5. If housing authorities that merge expand their boards, the law should provide that tenants continue to have fair representation.

Commented [AD4]: It should be clear that any residency or other local admissions preferences not violate fair housing requirements. This language mirrors federal law, see 24 CFR 982.207.

**Redevelopment in Public Housing Provision in
The Affordable Homes Act, H. 4138 (the Housing Bond Bill)**
Recommendations from Mass Union of Public Housing Tenants
and Mass Law Reform Institute and legal services

SECTION 36. ~~Said~~ section 34 of said chapter 121B, as so amended, is hereby further amended by adding the following paragraph:-

Notwithstanding any general or special law to the contrary, the tenants of a state-aided or federally-aided public housing project transferred or conveyed pursuant to the fourteenth paragraph of this section and activity related to development, redevelopment, improvements, or preservation (hereafter referred to as "project"), shall maintain rights pursuant to the provisions of the federal, state, and local subsidy programs originally applicable to the project including tenant contribution, lease terms, eviction, right to return, grievance, resident participation, preference in hiring, and privacy rights, except as may be required to secure financing necessary for the feasibility of the project, or to meet associated programmatic eligibility requirements that do not permanently displace existing tenants. Affected tenants shall have after notice to affected tenants with an opportunity to comment on any proposed project. The project shall not be the basis for rescreening of existing tenants or termination or reduction of assistance or eviction of any tenant, and no existing tenant shall be considered a new admission for any purpose, including compliance with any income targeting requirements. Any such project shall have at least the same number of low rent housing units as the number of low rent housing units in the pre-existing project. The requirements under this paragraph shall be implemented through contracts, use agreements, regulations or other means, as determined by the executive office of housing and livable communities, provided that such contracts, use agreements, regulations or other means shall delineate: (i) the roles of the housing authority and other agencies in monitoring and enforcing compliance, including tracking temporary and permanent displacement; (ii) how the housing authority will rehouse tenants so there is no displacement from affordable housing programs operated by the housing authority and (iii) how tenants will be provided with technical assistance to facilitate meaningful input related to the redevelopment of the proposed project. The benefits of any such contracts, use agreements, regulations or other means shall inure to any tenant who occupied a unit within the project at the time of the transfer or conveyance of the project, who shall have the right to enforce the same as third-party beneficiaries. Protections in contracts, use agreements, regulations or other means relating to tenant contribution, lease terms, eviction, grievance, resident participation, preference in hiring, and privacy rights, except as may be required to secure financing necessary for the feasibility of the project, or to meet associated programmatic eligibility requirements, shall inure to both present or future tenants or applicants of the project, who shall have the right to enforce the same as third-party beneficiaries. Nothing in this section is intended to create a separate or new administrative process of appeal or review for any grievance governed by the lease of any tenant. Tenants shall receive adequate notice and have an opportunity for comment on a any project proposed under paragraph fourteen and an opportunity for public comment to be organized by the owners, controlled entities, designated private entities, or public housing authorities responsible for such projects with adequate notice.

Commented [AD5]: Section 36 is similar but not identical to S.857/H.1340 an Act ensuring continued rights for public housing residents, which the Housing Committee heard on 6/26/23. Based on the differences, there are a few clarifications needed. See comments below.

Commented [AD6]: Paragraph 14 of MGL 121B, 34 applies to construction and development activity related to redevelopment of state or federal public housing. The recommended language clarifies that as increased capital dollars flow to housing authorities that "projects" include improvements and preservation which may not rise to the level of redevelopment. This mirrors language in the federal Rental Demonstration Program, which applies to the redevelopment of federal public housing.

Commented [AD7]: The bond bill removed important qualifying language that made programmatic eligibility requirements "subject to clause (ii) in the following paragraph." Clause (ii) provides that housing authorities will rehouse tenants so that there is no displacement. To ensure the intent of clause (ii) remains, language should be added back in clarifying that new programmatic eligibility must not "permanently displace current tenants."

Commented [AD8]: This language is in S.857/H.1340 and important to bring back into the bond bill. It mirrors the federal Rental Housing Demonstration conversion program which provides that tenants will not be rescreened or lose their assistance because of a conversion.

Commented [AD9]: Because the bond bill split these two sentences, this language ensures that all of the language applies in each sentence.

Commented [AD10]: Moved earlier in this sentence to clarify.

Appendix A: Photos From Residents and their Housing



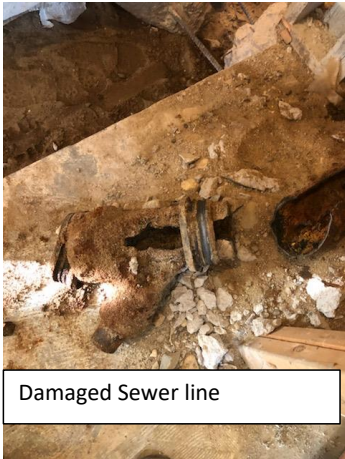
A wall with mold



Mold on walls after they were washed with bleach



Crack in foundation



Damaged Sewer line