

EXECUTIVE SUMMARY

TITLE: Appointment- Great Barrington Housing Authority (GBHA)

BACKGROUND: In 2014 the Massachusetts Legislature voted to amend Chapter 121B of the General Laws that govern housing authority membership. That amendment revised section 5 of the statute and added a new section 5A using language which suggests that one member of a housing authority be a tenant chosen by an "election" conducted among all of the authority's tenants. In particular section 5A states:

The Department (of Housing and Community Development/DHCD) shall promulgate regulations establishing election procedures for tenants to elect a tenant as a member of the housing authority in the town... The department shall provide regulations creating waiver of this section if federal law requires the town to maintain a tenant member as 1 of the 5 members or if a tenant has been elected under section 5.

However, as of the date of this executive summary, the DHCD has not adopted any such regulations and has not issued any formal guidance as to how to carry out such an election.

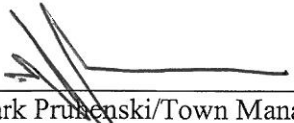
FISCAL IMPACT: N/A

RECOMMENDATION: After consulting with Undersecretary Chan of the DHCD, the DHCD attorney, and our own legal counsel, the unanimous advice provided was to fill this vacant seat as soon as possible, and that without regulations in place, no requirement currently exists for this seat to be held by a tenant. In addition, if and when regulations are drafted and passed by the department, we would qualify for a waiver as long as we have at least one (1) tenant elected under section 5 (by town election).

The Town Manager recommends the Selectboard and the Great Barrington Housing Authority, in joint session, consider appointing one interested applicant to fill this vacant seat as soon as possible so that a full board can represent and serve our tenants residing in GBHA units.

PREPARED BY:

DATE:



Mark Pruhenski/Town Manager

11/03/2019