

Town of Lexington
Motion
2022-3 Special Town Meeting

ARTICLE 14

LEXHAB REORGANIZATION

MOTION: That the Select Board be authorized to petition the Massachusetts General Court to enact legislation in substantially the form below, and further that the Select Board be authorized to approve amendments to said legislation before its enactment by the General Court that are within the scope of the general objectives of this motion:

AN ACT REORGANIZING THE LEXINGTON HOUSING ASSISTANCE BOARD, INC.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1: Chapter 521 of the Acts of 1983 shall be repealed and replaced in its entirety with the following:

SECTION 1. There is hereby established an independent, nonprofit housing corporation to be known as the Lexington Housing Assistance Board, Inc. or "LexHAB".

SECTION 2. LexHAB shall be governed by a board of directors referred to in this act as the board. The board shall consist of not less than five and not more than nine members. Each member of the board shall be a resident of the Town of Lexington at the time of initial appointment and shall serve for a three year term. Terms shall be staggered such that the term of no more than 40% of the board members shall expire in any one year. Appointments to the board shall be made annually on or before June 30 by the members of the board then sitting, subject to confirmation by the Lexington select board. Members shall serve until their successors are appointed and qualified. Continuing members may act despite a vacancy or vacancies in said board and, for this purpose, shall be deemed to constitute a full board. A vacancy in the board, however occurring, may be filled by vote of the board for the remainder of the unexpired portion of the term. The members of the "Lexington Housing Assistance Board, Inc." established pursuant to Chapter 521 of the Acts of 1983 in office as of the effective date of this Act shall constitute the board for purposes hereof for the remainder of their unexpired terms.

SECTION 3. Members of the board shall not receive compensation for the performance of their duties under this act, but each member may be reimbursed by LexHAB for expenses incurred in the performance of the member's duties.

SECTION 4. The board shall exercise its powers and perform its duties for the purpose of investigating and implementing alternatives for the provision of and providing affordable housing for persons of low, moderate and middle income, and others whose needs may be identified from time to time, in the town of Lexington. The powers and duties of the board shall be alternative and supplemental to, and not in limitation of, the powers and duties of the Lexington Housing Authority established pursuant to chapter one hundred and twenty-one B of the General Laws.

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SECTION 5. Operation of LexHab shall be independent of the Lexington select board and the town manager.

SECTION 6. The board shall have the powers and privileges conferred by paragraphs (a) to (i), inclusive, and paragraph (k) of section nine of chapter one hundred and fifty-six B of the General Laws, and the following powers, provided that no such power shall be exercised in a manner inconsistent with this act or any general or special law, or to carry on any activity which is not in furtherance of the purposes set forth in this act:

- (a) to adopt, amend and repeal by-laws for the regulation and conduct of its business including but not limited to the call and conduct of its meetings, the number of members which shall constitute a quorum and the mode of voting by proxy;
- (b) to elect a chairperson and vice-chairperson, each of whom shall be members of said board, and a secretary and a treasurer, who need not be members of the board, and who may be the same person. The treasurer shall give bond for the faithful performance of their duties in form and amount approved and fixed by the board, the cost of which bond shall be paid from funds of the board. The chairperson and, in their absence, the vice-chairperson shall chair meetings of the board. The secretary shall be the custodian of all books, documents and papers filed with the board and of the minute book or journal of the board; to make and execute all contracts and all other instruments necessary or convenient for the exercise of its powers and functions;
- (c) to acquire or lease, by purchase or otherwise, and to own, hold and use, on such terms and conditions and in such manner as it may deem proper, and to exchange, grant options on, sell, transfer, convey, assign, lease, pledge, mortgage, encumber, grant liens on and security interests in, or otherwise dispose of, on such terms and conditions as it may deem proper, real, personal or mixed real and personal property or any interest, easements or rights in that property, and any assets or revenues of the board, as may be necessary or appropriate to carry out its purposes, it being understood that the board's right to acquire or sell town-owned real estate may also be subject to authorization by town meeting vote in accordance with other applicable laws;
- (d) to enter into agreements or other transactions with the commonwealth, the town of Lexington or any other political subdivision or public instrumentality thereof, the United States government or any federal, state or other governmental agency;
- (e) to borrow money and to execute notes therefor, to hold mortgages, and to invest any funds held in reserve funds, or any funds not required for immediate disbursement in such investments as may be lawful for fiduciaries in the commonwealth. The board shall have no stock;
- (f) to enter into contracts or agreements with, and to employ from time to time contractors, architects, engineers, consultants, attorneys, accountants, construction, financial and other experts, superintendents, managers and such other agents and employees as may be necessary in its judgment and to fix their compensation. Notwithstanding any general or special law to the contrary, the

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board shall be exempt from the provisions of chapters 30, 30B, and 149 of the general laws or as otherwise authorized by law;

- (g) to receive and hold funds, including any funds that may from time to time be appropriated by the town of Lexington in furtherance of the board's public purpose, pursuant to section nine hereof, property, labor and other things of value from any source, public or private, by gift, grant, bequest, loan or otherwise, either absolutely or in trust, and to expend or utilize the same on behalf of the board for any of its purposes or to act as an agent or conduit in administering or disbursing funds or financial or other aid from any source;
- (h) to appear in its own behalf before boards, commissions, departments or other agencies of government, municipal, state or federal;
- (i) to procure insurance against any loss in connection with the property or activities of said board, in such amounts, and from such insurers as it may deem necessary or desirable, and to indemnify its members or agents if and to the extent specified from time to time in the by-laws of said board and subject to and in the manner provided in section six of chapter one hundred and eighty of the General Laws;
- (k) to formulate, carry out or monitor plans for projects involving the acquisition or operation of housing facilities of any kind or nature, and to construct, reconstruct, renovate, expand, extend, improve, repair, remodel, equip, furnish, maintain, manage and operate such facilities;
- (l) to fix and revise from time to time, and to charge and collect rates, fees, rentals and other charges and sales prices for or in connection with the use, occupancy or other disposition of any housing facility or other property or portion thereof under its ownership or control;
- (m) to establish, impose, grant or amend, by deed, lease or any other means or method, and to hold the benefit of, monitor, exercise and enforce lawful restrictions on the rental, sale, resale, use or occupancy of housing facilities or other property under its ownership or control, or other facilities or property designated by the select board, or restrictions with respect to the income of owners, tenants or occupants of such housing facilities or other property, or options and rights of first refusal with respect to such facilities or property, and to waive, release or discharge any such rights or restrictions, but the foregoing shall not apply to any town-owned real estate or facilities except upon the vote of the town meeting or as otherwise allowed by law;
- (n) to enter into, perform or monitor agreements or other transactions with contractors, developers, brokers or other real estate professionals or any other person relating to the providing of affordable housing for persons of low and moderate income in the town;
- (o) to establish policies and procedures for and to implement programs, and to do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act.

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SECTION 7. The board may delegate to any committee or member of the board any action which the board is empowered to do or make. The board may be a partner in any business enterprise which the board would have power to conduct by itself.

SECTION 8. Notwithstanding the provisions of any general or special law to the contrary, the income, assets and activities of the board shall be exempt from all taxes and assessments and the board shall not be subject to any of the provisions of chapter sixty-three of the General Laws or to any taxes based upon or measured by property or income imposed by the commonwealth or by any political subdivision thereof. The board is authorized and empowered to enter into an agreement or agreements with the assessor of the town of Lexington, with the approval of the select board, wherein said board shall undertake to make annual payments to the town in lieu of taxes, in connection with any real property acquired and owned by the board, the amounts of such payments to be reasonable sums stipulated in such agreement or agreements or determined in accordance with a reasonable formula so stipulated.

SECTION 9. The town of Lexington may appropriate other funds for the carrying out by said board of its purposes as set forth herein. Any appropriation therefor may be raised by the town by taxation. At least annually, the board shall cause independent audits to be made of the books and records of the board. The board shall make an annual report of its activities and operations to the select board of the town of Lexington.

SECTION 10. All personal and real assets and liabilities of the "Lexington Housing Assistance Board, Inc." established pursuant to Chapter 521 of the Acts of 1983 shall be deemed transferred to the board and title to all such property and all such rights shall vest in the board automatically without the need for further action or instrument.

SECTION 11. In the event that the board shall be dissolved in accordance with law at any time, all property and interests therein, assets and rights of said board existing at such time shall be transferred to the town of Lexington, or to a qualified non-profit housing development corporation designated by the town of Lexington, and title to all such property and all such rights shall vest in the town of Lexington automatically without the need for further action or instrument, and the town of Lexington shall, to the maximum extent permitted by law, and acting by and through its Select Board, assume, hold and exercise the powers and duties of said board set forth herein with respect to such property and rights so transferred to said town.

SECTION 12. The provisions of this act are severable and if any of its provisions shall be held invalid in any circumstance, such invalidity shall not affect any other provisions or circumstances.

SECTION 2. This act shall take effect upon its passage.
(Revised 10/20/2022)