



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
MARTIN J. WALSH

January 23, 2017

TO THE CITY COUNCIL

Dear Councilors:

I transmit herewith for your approval a home rule petition to the General Court entitled “Petition for a Special Law Re: An Act Relative to Certain Affordable Housing in the South End Section of the City of Boston.”

Through this special act, the Boston Housing Authority seeks to participate in a redevelopment using federal funds to revive the severely distressed West Newton-Rutland-East Springfield public housing development. This redevelopment necessitates certain exemptions from the Commonwealth’s contract procurement and award laws. Although there have been reforms to the state statutes regarding filed sub-bids under Ch. 149, the changes are insufficient to allow the BHA to move forward in a redevelopment effort of this kind. Without passage, the project must adhere to an extremely structured filed sub-bid process, with separate General Contractor and subcontractor selection. These exemptions will not compromise a fair and transparent process as the BHA must still adhere to the stringent regulations of its public funding sources.

The BHA has filed similar legislation for Whittier Street, Orient Heights, Bromley Heath, Mission Main, Orchard Gardens, Maverick Gardens, West Broadway Homes, and Old Colony, Washington Beech, and Franklin Hill family developments. The residents of West Newton-Rutland-East Springfield have been waiting for the same opportunity the above-referenced developments have had. I urge your Honorable Body to support this special act so that we can make this redevelopment effort a reality for them.

Sincerely,

Martin J. Walsh
Mayor of Boston

CITY OF BOSTON
IN CITY COUNCIL

WHEREAS, The Boston Housing Authority seeks to participate in a redevelopment to revive the severely distressed West Newton-Rutland-East Springfield public housing development. This redevelopment necessitates certain exemptions from the Commonwealth's contract procurement and award laws; and

WHEREAS, Participating in the redevelopment will revitalize the development and surrounding community, furthering the aims of the Commonwealth's public housing initiatives; and

WHEREAS, The exemptions will not contravene the legislative intent behind the affected procurement and public contract laws because the additional regulation and public oversight that accompanies the Boston Housing Authority's funding sources minimizes the risk of unfair competition and misuse of taxpayer funds.

NOW THEREFORE BE IT ORDERED,

That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

PETITION FOR A SPECIAL LAW RE: AN ACT RELATIVE TO CERTAIN AFFORDABLE HOUSING IN THE SOUTH END SECTION OF THE CITY OF BOSTON

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. Construction and development activity related to redevelopment by the Boston Housing Authority of the federally-funded West Newton-Rutland-East Springfield public housing project, or any part thereof, shall not be subject to any general or special law related to the procurement and award of contracts for the planning, design, construction management, construction, reconstruction, installation, demolition, maintenance, or repair of buildings by a public agency, but shall be subject to sections 26 to 27H, inclusive, of chapter 149 of the General Laws. Contracts for the construction, reconstruction, alteration, remodeling, or repair of

any publicly owned public works that service this project and would otherwise be subject to section 39M of chapter 30 of the General Laws shall be subject to said section 39M if the redevelopment of the project is funded in part by state or federal government low-income housing tax credit, grant, or loan, or pursuant to the issuance of tax-exempt bonds authorized by general law. A conveyance of the project, whether by leasehold or fee estate, to an urban redevelopment corporation organized under chapter 121A of the General Laws or to a nonprofit state and federally tax-exempt corporation organized for the purpose of revitalizing the project, shall be subject to chapter 30B of the General Laws to the extent that the project is conveyed to an entity that is not owned, controlled, or managed by the Boston Housing Authority on the date of the conveyance.

SECTION 2. This act shall take effect upon its passage.

HEREBY CERTIFY THAT
THE FOREGOING, IF PASSED IN
THE ABOVE FORM, WILL BE IN
ACCORDANCE WITH LAW
BY Eugene L. O'Flaherty
EUGENE L. O'FLAHERTY *anc*
CORPORATION COUNSEL