A STUDY OF THE PERFORMANCE OF
THE DEPARTMENT OF COMMUNITY AFFAIRS

by

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ABSTRACT

The Massachusetts Department of Community Affairs (DCA) has been the target of growing criticism during the three years of its existence. Much of the criticism has been concerned with the DCA's administration of the Commonwealth's housing programs. Housing is the DCA's largest and most measurable program responsibility. The local housing authorities have criticized the DCA for its inefficiency, its failure to set clear guidelines and policies and its failure to provide the housing authorities with sufficient technical and financial support. The tenants in state-assisted public housing have attacked the DCA for failing to force the housing authorities to improve management policies, to do away with oppressive regulations and to improve the conditions, physical and social, of state-assisted housing. Other liberal groups have echoed the tenants' complaints and urged the DCA to take a more forceful and prominent role in using the programs and powers available to the DCA in meeting the housing needs of the Commonwealth's low income citizens.

This thesis details the performance of the DCA with respect to two housing programs--the state public housing modernization program and the rent ceilings for the elderly act. Both cases are traced throughout their histories, including the legislative process and passage, the interim period in which the regulations and procedures by the programs were to be implemented were established and the implementation of the programs until July, 1971. The thesis examines the performance of the DCA in initiating and supporting legislation, internal management structure and policies, staff characteristics and capabilities, and leadership characteristics and strategy, as manifested in the two cases studied. The thesis identifies inadequacies in the above areas and attempts to evaluate whether these inadequacies are restricted to the particular cases or are department-wide.

The concluding section contains recommendations for changes which seem indicated by the findings of the thesis, if the DCA is to become a more capable, energetic source of action in responding to the housing--and other--needs of the people of the Commonwealth.

Thesis Supervisor: Justin Gray, Lecturer, Department of Urban Studies and Planning, Massachusetts Institute of Technology
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ASSUMPTIONS

1. That the legislative mandate presented the DCA, especially in the area of low income housing, is one of enormous potential and urgency. The DCA was established:

   ... to: mobilize the human, physical and financial resources available to combat poverty and provide economic training and open housing opportunity; ... cooperate with and render advice and counsel to local, commonwealth and federal agencies; ... encourage and assist communities in the development, renewal and rehabilitation of their physical environment; ... fund and advance programs of open and adequate housing for all citizens of the commonwealth. ... ¹

   In the recodification of the housing and urban renewal laws in 1969, it was declared that "a public exigency exists which makes the clearance of substandard or decadent areas and the provision of housing for persons of low income a necessity."²

2. That in order to fulfill the above mandate at least three elements are necessary:

   A) strong, visible leadership committed to responding to the needs and aspirations of the low income citizens of the Commonwealth;

   B) staff committed to the same goals;

¹Chapter 23B, Section 3 of the General Laws.

²Chapter 121B, Section 25 of the General Laws.
that the DCA function well as a bureaucracy which demands that the DCA display the following characteristics:

1) efficiency in its organizational structure, i.e., that policy, procedures, divisions of responsibilities, hierarchy and amount of specialization, etc. all help the DCA achieve its stated goals;
2) predictability;
3) impartiality;
4) speed—the last three all relate to the need for clear written statements of policy, procedures, etc. Thus, it is important that rules and regulations be formulated which enable client groups to demand a specified level of performance from the bureaucracy.

That the two cases described in this study provide typical examples of the DCA's efforts in providing open and adequate housing for the Commonwealth's citizens. This assumption is supported by almost all of those interviewed including those interviewed within the DCA.

That the performance of the DCA in housing may be judged within the frame of reference provided by the previous three

These characteristics of good bureaucracy are based in large part upon the original discussion of the technical advantages of bureaucratic administration by Max Weber, From Max Weber: Essays in Sociology, translated and edited by H. H. Gerth and C. W. Mills, 1958, pp. 214-216.
assumptions. The two cases by themselves present a limited view of the DCA and do not contain much of the information eventually gathered regarding the general personnel situation, the organization and roles within the Department, relations with the Legislature and administrative strategy. (Unfortunately, much of the specific information obtained within the DCA on these subjects was put off the record by those interviewed and cannot be reported.) The two cases support the findings in these areas but they are not sufficient evidence by themselves to logically draw the broader conclusions generated by the total volume of information collected.
INTRODUCTION

Background

The Department of Community Affairs (DCA) was created in 1968 in a reorganization of state agencies meant to rationalize and accelerate the housing, renewal, planning and anti-poverty functions of state government. The rhetoric surrounding the birth of the new department was expansive and the legislation establishing it did in fact give the new structure a broad mandate and far-reaching responsibilities. Indeed, the lists of objectives, duties and powers in the areas of poverty, economic training, discrimination, planning renewal and rehabilitation, housing, the environment and conservation resources are somewhat staggering.¹

In the new department, twelve state agencies were combined into three divisions: the Division of Community Development, incorporating the housing and renewal programs of the Commonwealth,²

¹Section 3 of Chapter 23B of the General Laws.

²The Division of Community Development, presently headed by Deputy Commissioner E. William Richardson, administers all of the Commonwealth's housing programs. These include the Veterans Housing Program (Chapter 200 of the Acts of 1948) for low income families, the Chapter 667 Program (of the Acts of 1954), of housing for the elderly which for the past fifteen years has been the only state program which has been utilized by the local housing authorities to construct more housing, the "scattered site" low income housing program for large families (Chapter 705 of the Acts of 1966) which has failed to build any new family units despite the authorization of 37.5 million dollars for the program, and the state rental assistance program (Chapter 707 of the Acts of 1966).
the Division of Community Services, incorporating the planning
review and technical service functions; and the Division of Social
and Economic Opportunity, incorporating the anti-poverty efforts
of the Commonwealth. The main impetus for this consolidation came
from those who perceived a need for strengthening the state housing
agency and coordinating its activities with related agencies more
effectively. This had been attempted before. In 1964 the State
Housing Board, whose sole function was to administer programs used
by local housing authorities, became one of five divisions within
the Department of Commerce and Development (Economic Development,
Tourism, Housing, Urban Renewal and Planning). In this environment,
however, Housing was relegated to a minor role behind the more
profitable interests of Economic Development and Tourism. The only
consistent competence among the housing agencies had been in the
Bureau of Relocation which built up a constituency of its own and
which laid down adequate guidelines for relocation. However, the
Bureau alone lacked the political power needed to carry out the
comprehensive relocation efforts it believed were necessary. Under
the reorganization into the DCA, it was hoped, the DCA would develop
the necessary stature and political clout. The framers of the
legislation and their supporters hoped that the change would bring in
competent staffs, committed to attaining the goal of "safe and decent
and sanitary housing" for all citizens of the Commonwealth. They

1A frequently stated goal of the enabling legislation setting
up the state's housing programs--e.g., Section 25, Chapter 121B of the
General Laws of Massachusetts.
also hoped that the DCA would become an effective advocate for the poor within state government.¹

However, the creation of the DCA was not without serious conflicts which have left their mark. First, not all of those who were to be assigned as staff members of the DCA were happy with the consolidation, because it threatened to remove the obscurity and consequent lack of public scrutiny and pressure which had been the case while the Division of Housing was buried in the Department of Commerce and Development. This hostility towards the new structure was certain to affect the productivity and morale of the DCA. Second, while new descriptions of purpose, powers, areas of concern and the like flow generously through the rhetoric of reorganization, funding and staff authorizations for the new Department were not increased. Third, and most important perhaps, was the apparent fear of the legislative leadership that the new Department would be a patronage windfall for the Republican governor.² Because of this the DCA was securely integrated into the civil service system and the ability of the Department to employ professionals outside of that system was decisively restricted by a clause in the legislation which offers

¹Governor Volpe even used similar phrases in pushing for his DCA bill. The Boston Globe, March 31, 1968, p. 1.

²Governor Volpe and the Democratic leadership in the Legislature both claimed the credit for drafting the bill, The Boston Globe, March 31, 1968, p. 1. The caustic exchange that followed helped to strengthen the subsequent reactions by the Democratic leadership.
a striking example of the Legislature's ambivalent attitude toward the DCA:  

In addition to deputy commissioners and directors of bureaus, the commissioner may appoint, with the approval of the governor, and may remove, an executive assistant, a chief counsel, and experts on urban affairs, public information, and intergovernmental relations, to serve in the office of the commissioner and such other officers, experts and assistants as he may deem necessary to carry out the work of the department; provided, however, that the total number of appointments to be made under this paragraph shall not exceed two.  

While the consequences of the early conflicts involved in the birth of the DCA are still being felt to some extent, it seems clear that the Department's performance during the past three years cannot be fully explained by the factors mentioned above and deserves a more detailed analysis. This performance has been described as that of "a 98 pound weakling, starved by the Legislature and scorned by many it is supposed to serve." The DCA has been the target of increasing criticism from many sources but especially from those legislators, public housing tenants and other citizens who want the DCA to be a vigorous, effective agency capable and willing to measure up to the expectations of its legislative mandate. 

\[1\] It is even unclear how many members of the Legislature really supported the DCA's formation. The legislation was hurried through the General Court in the final hours before prorogation with very few people aware that it was happening. 

\[2\] Section 8, Chapter 23B of the General Laws of Massachusetts.  

\[3\] John Bok, Citizens Housing and Planning Association, as quoted by The Boston Globe, July 6, 1969, p. 29.
Purpose and Methodology of Study

The purpose of this study is to document and analyze the DCA's performance in view of the constraints, opportunities and responsibilities presented by its legislative mandate and by the crucial societal needs which prompted the DCA's creation. It was probable from the beginning that the DCA would have difficulty improving existing programs. Opportunities for effective departmental activity would seem most present in the initiation and administration of new programs. Therefore, this report is based upon case studies of the DCA's performance in the creation and implementation of the rent ceilings for the elderly act and the state modernization program. ¹ Both of these programs were enacted during the summer of 1970 and they provide good examples and insights into the DCA's operations.

During the course of the study more than forty persons who have been involved in these two programs were interviewed. Included in this group are the writers of the legislation, legislators, DCA staff, members of the Governor's staff, public housing tenants and representatives of groups such as the Massachusetts Conference on Human Rights, Citizens Housing and Planning Association, the Massachusetts Legislative Council for Older Americans and local housing authority officials. A questionnaire was also mailed to the over two hundred local housing authorities throughout the Commonwealth. Approximately fifty responses were received and provided

¹Chapters 853 and 694 of the Acts of 1970 respectively.
much useful information, especially with respect to the problems of the smaller housing authorities which were not represented in the personal interviews.

The most startling characteristic of all of the interviews has been the uniformity of opinion of those outside of the DCA regarding the DCA's overall competence and performance. No one in this group thought the DCA was doing an adequate job and most rated the Department's performance poor or worse. Even within the DCA there are those who readily admit that a complex of problems exist which prevents the DCA from operating effectively. Those interviewed were also in agreement that the two programs under investigation provide good examples of the DCA's operations and that the problems which beset the housing division permeate the entire DCA.

Recommendations

The final section of this study consists of recommendations for changes within the DCA which the study's findings and analysis indicate are needed to improve the DCA's operations if the DCA is to be a strong, effective agency in responding to social and physical needs of the Commonwealth's low-income citizens.
THE STATE PUBLIC HOUSING MODERNIZATION PROGRAM

The Law

Chapter 694 of the Massachusetts Acts of 1970 is entitled "an act providing for the modernization and renovation of existing public housing projects, and authorizing the Commonwealth to borrow money to provide state grants for such projects." It is a relatively brief and concise statute. Sections 1 and 2 authorize the Department of Community Affairs to allocate $15 million—not more than $5 million in any one fiscal year—for the "renovation, remodeling, reconstruction, repair, landscaping and improvement" of any existing state-assisted housing projects. Section 1 also stipulates that the modernization program be implemented "in accordance with rules and regulations promulgated by the Department." Sections 3 and 4 set forth and authorize the financing arrangements by which the Commonwealth is to make the state grants available for modernization.1

The Legislative History of Modernization

The original impetus for the state modernization program came from the federal modernization program and the woeful condition of many of the state-assisted housing projects, some of which were

1See Appendix A for a copy of Chapter 694, Acts of 1970.
so badly deteriorated that they could not meet the standards of the State Sanitary Code. The federal program, passed in 1967 and instituted in 1968, provided for the expenditure of federal funds through the local housing authorities for the renovation and modernization of deteriorating federally-subsidized housing projects. Detailed rules and regulations were issued for the implementation of the program which required that tenants be involved in the modernization process and the improvement of management policies.

There are at least three versions of how and why the original legislation for the state public housing modernization program came about:

1) Edward Power, present Director of Property Management Services of the DCA, stated that in 1967 his management section was always being blamed for management problems, some of which were caused by lack of funds for physical repairs which were needed. Therefore, his section submitted a bill for such funds but nothing happened to it in the 1968 legislative session. In the fall of 1968 similar legislation to provide funds for such modernization was again submitted. The next summer the legislation passed the House, but died in the Senate where Senator Burke opposed it. The DCA bill was filed again, according to Power and other DCA sources, for the 1970 legislative session, and it passed. Several DCA staff members

\[1\] Interview with Edward Power, May 12, 1971.
claim to have lobbied vigorously for the bill. An investigation of the legislative documents of these years fails to support these statements. No modernization legislation was filed for the 1968 session and, although several modernization bills were submitted for the 1969 session, no DCA-authored bill was filed. This view of the DCA as an active participant and originator of the legislation is supported to various degrees by other DCA staff members who, looking back, are apparently able to suppress the fact that, as one Republican state senator put it, "the DCA has always been the tail of the kite on housing programs." Unfortunately, the DCA did not initiate the legislative process in the case of modernization and was not the leader in its passage.

2) Representative Thomas McGee of Lynn, members of the Lynn Housing Authority and some members of the DCA saw the beginning of the modernization legislation from a more practical standpoint. Representative McGee was acutely aware of the badly deteriorated conditions of the two state-assisted public housing projects in his district, Memorial Park-Chestnut Street and America Park. He even suggested that the best thing that could be done for the America Part Project was to level it--with adequate provision for relocation and new housing. In 1967 America Park's heating system was falling apart and in need of replacement. The Commissioner of the State Division of Housing twice promised a grant of $1 million for the replacement and modernization of America Park's heating system.
The Lynn Housing Authority immediately, in 1967, purchased a new gas boiler system for $235,000, the contract for which the Commissioner signed. The promise of $1 million rapidly shrunk to $250,000, and the Commissioner intended to provide this amount from the $37.5 million appropriated for the state Chapter 705 Low Income Housing Program passed in 1966. After the new system was well on its way to completion, a legal ruling prohibited Chapter 705 funds from being used for existing public housing. The Lynn Housing Authority, as of July, 1971, has received no money from the state to pay for its new boiler system. The DCA's lack of action on this matter is an example of the kind of failure which has frustrated and alienated many housing authorities.

When this situation developed in 1968, Representative McGee filed a bill to provide funds for the unpaid heating system bill. When this failed, he submitted a more general bill which simply stated: "The Commonwealth shall reimburse each housing authority for any sums expended by it for the purpose of making major repairs to or rehabilitating any buildings under its control." McGee and the Lynn Housing Authority believe that funds from the state modernization program will be used to pay for America Park's heating system and that Lynn's $235,000 debt was the major impetus

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1 House 2633 of the Legislative Documents of 1969.
and reason for the present modernization program.¹

3) A third perception of origin of the modernization program is held by members of various groups committed to improving the housing situation in Massachusetts. Citizens Housing and Planning Association (CHPA) and the Massachusetts Conference on Human Rights (MCHR) were the most prominent of these groups. This was basically the same group of people which had worked for the organization of the DCA with the hope that the reorganization would strengthen the Commonwealth's housing efforts. Thus, they were aware of the deplorable condition of much of the state-assisted housing and saw the federal modernization program as a useful model not only because it provided funds for physical modernization but also because it called for tenant participation in the program and the improvement of management policies.

There was also growing pressure on the part of the tenants for a state modernization program. Tenants in state-assisted projects had participated in formulating the federal modernization program and they were becoming increasingly disturbed that their own projects were not being improved.² The CHPA-MCHR group viewed the organization


²This was particularly true in Cambridge, Boston and other cities which had both federal and state-assisted projects in serious need of repair.
and involvement of tenants as the best method of making the public housing programs more responsive to the needs of the people living in public housing. The legislation they drafted made explicit provision that local housing authorities must establish programs of tenant participation in the planning of modernization projects, community service programs, and community facilities and in the establishment and amendment of management, rental and occupancy policies. These improvements in social conditions and management policies were referred to as "non-physical modernization."

Representative McGee's bill and the CHPA-MCHR bill, filed by Representative Robert H. Quinn of Boston, were combined by the Committee on Urban Affairs and the bill reported out by that committee essentially contained the language of the Quinn bill. This bill went to the House Ways and Means Committee, which reported out a bill which passed the House towards the end of the 1969 legislative session. This bill, however, did not contain any of the provisions for tenant participation and non-physical modernization. It also decreased the level of funding authorized to $5 million, of which no more than $1 million could be spent in any one year. This bill went to the Senate and never emerged from the Senate Ways and Means Committee.

1 H 2638 of the Legislative Documents of 1969.
2 H 5193 of the Legislative Documents of 1969.
3 H 5579 of the Legislative Documents of 1969.
During the fall of 1969, a number of modernization bills were filed for the 1970 legislative session. At this time the Subcommittee on Housing of the Urban Affairs Committee, chaired by Representative David Liederman, was drafting a comprehensive package of housing legislation which was designated H 5000. One of the legislative proposals included in the package was a state public housing modernization program which contained language almost identical to that of the 1969 Quinn bill, including the $15 million authorization. Another was the elderly rent ceilings bill discussed in the next section.

On April 8, 1970, the Urban Affairs Committee held a public hearing on a wide range of housing bills. The main subject, however, was the H 5000 report and legislative package. More than 600 public housing tenants joined other citizens, public officials, legislators and Governor Sargent in voicing their support for the committee's public housing report. The major negative comment was that some of the bills "don't go far enough." Tenants spoke in favor of more tenant participation in the proposed modernization program, a stronger bill for security in the projects and lower rent ceilings on the elderly.

1These did not include a DCA-authored bill.


3The Boston Globe, April 9, 1970, p. 5.
rent ceiling bill. Housing Day, 1970, as it was proclaimed by Governor Sargent, was an impressive start to what many hoped would be a housing year in the Legislature.

Much time and energy went into organizing and making a success of the April 8th hearing. Most of this work was done by CHPA according to many of those who participated. No one interviewed thought that the DCA had been the main actor in organizing the public hearing and many of them voiced the same concern that jobs which should be performed by the DCA only get done when a group such as CHPA takes the initiative and does them. This is not to say that the DCA did not put in an appearance. Commissioner Charkoudian spoke briefly in support of H 5000 and the Governor's message regarding the Massachusetts Housing Finance Agency and sat with the Committee on Urban Affairs during the rest of the testimony. However, the Commissioner's message, like the DCA's legislative efforts in general, cannot be described as particularly effective. His comments on the proposed legislation in H 5000 required one paragraph, and the necessity of the modernization program received an entire sentence--

1 The Boston Globe, April 9, 1970, p. 5.

2 Groups which were represented at the hearing included the Massachusetts Alliance of Public Housing Tenants, Massachusetts Association of Housing Authorities, Massachusetts Legislative Council for Older Americans, MCHR and CHPA.

3 Comments of this type were very common during the interviews, especially when discussing the DCA's performance with respect to the Legislature.

4 H 5186 of the Legislative Documents of 1970.
more than any other H 5000 legislative proposal.\footnote{Remarks of Leon Charkoudian, Commissioner of the DCA, before the Joint Committee on Urban Affairs, April 8, 1970.} It is not surprising that the newspaper accounts following the hearing mentioned almost all of the groups present except for the DCA.

During the month following the public hearing, the Urban Affairs Committee redrafted its legislative package on low-income housing and the modernization proposal was reported out with the non-physical modernization section strengthened slightly.\footnote{H 5700 of the Legislative Documents of 1970.} The housing package next went to the House Ways and Means Committee where the package was broken into two bills\footnote{H 5853 and H 5854 of the Legislative Documents of 1970.} and partially redrafted. The modernization bill's financing arrangements were slightly changed, although the total amount authorized remained $15 million. The non-physical modernization sections were further clarified to require the DCA to promulgate\footnote{The term "promulgate" will be used to refer to the formal issuance of rules and regulations as required by the law. The need for this technical language because of the DCA's tendency to use such distinctions to side-step their responsibility in the area of rules and regulations.} rules and regulations which would among other things include a contract with an elected advisory board of tenants to provide tenant participation in (1) the planning and implementation of modernization projects, (2) the establishment and amendment of rental and occupancy policies and procedures, (3) the planning of

\begin{itemize}
  \item Remarks of Leon Charkoudian, Commissioner of the DCA, before the Joint Committee on Urban Affairs, April 8, 1970.
  \item H 5700 of the Legislative Documents of 1970.
  \item H 5853 and H 5854 of the Legislative Documents of 1970.
  \item The term "promulgate" will be used to refer to the formal issuance of rules and regulations as required by the law. The need for this technical language because of the DCA's tendency to use such distinctions to side-step their responsibility in the area of rules and regulations.
\end{itemize}
community facilities and (4) "the implementation of the general principle of encouraging housing authorities to undertake a mutual commitment to cooperative action and trust with tenant organizations in order to provide a decent home in a suitable living environment for persons of low income." Compliance with these regulations would be required before a housing authority could receive modernization funds.¹

The above version was the highwater mark for the proposed program and the rest of the legislative process saw a dilution of the bill's impact. On the House floor the tenant participation provisions were whittled down to include only the formation of a tenant advisory board, which the housing authority was required to meet with "at least four times each year . . . for advice and consultation in the areas of planning, renovation, remodeling, repairs and improvements, rental and occupancy policies and the planning of community facilities."²

This version passed the House and went to the Senate Ways and Means Committee whose powerful chairman, Senator Burke, broke up the housing package into individual bills and excised the clauses relating to tenant participation and non-physical modernization. In the House-Senate Conference held to resolve the differences in the two bills, it appears that the sterilized version of the Senate

¹H 5853, Section 8, Legislative Documents of 1970.
²H 5876, Sections 2 and 6, Legislative Documents of 1970.
held sway. Supporters of the House bill recognized the fact that the session was nearing its close and it was likely that, if they did not concur with the Senate bill, Senator Burke's opposition would be enough to delay the bill to its death. Thus, what emerged was essentially a straight financing document with none of the goals, standards, tenant involvement and changes in management policies that the House bill had called for.  

This path through the Legislature was the work of several actors. In the House, Representatives McGee and Liederman were most responsible for its passage. In the Senate, Senators Oliver Ames and John J. Moakley, worked energetically for its passage. These men were assisted by the efforts of the MCHR-CHPA group, the Governor's office and others. The DCA appeared—usually in the persons of Commissioner Charkoudian and Herb King, the chief accountant in the Division of Community Development—when called upon, but did little else to support the modernization bill and its spokesmen were particularly ambivalent about tenant participation. Some of the legislators supporting the bill feel that certain key members of the DCA staff were in active opposition to these clauses and some of the other legislative proposals which were originally part of the H 5000 package. When Senator Burke struck the tenant participation clauses, 1

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2 Senator Moakley grew up in public housing and was thus well acquainted with and sympathetic to the aspirations of tenants for more involvement in the decisions which affect them.
participation clauses, however, the DCA, at the urging of Representative Liederman and others, did agree verbally and in a letter from Deputy Commissioner Richardson that the modernizations rules and regulations would "require tenant participation in the expenditure of any funds which became available."¹

The Writing of Modernization Rules and Regulations

When the Massachusetts Conference on Human Rights (MCHR) approached the DCA and offered its help in drafting the rules and regulations for the modernization program, the DCA said they welcomed the help. At an initial meeting Commissioner Charkoudian confirmed the DCA's willingness and need for the input of interested groups and suggested that the MCHR group submit a proposed draft of the rules and regulations. By this time, Reverend Edward Blackman of MCHR was already forming a group called the Ad Hoc Committee on Modernization.² The Ad Hoc Committee met several times during September to prepare their proposal for the rules and regulations.

¹Letter from E. William Richardson to Edward O'Neill, then chairman of the Massachusetts Alliance of Public Housing Tenants, August 11, 1970.

²Reverend Blackman brought together several tenant groups and interested persons as the Ad Hoc Committee on Modernization. In September, 1970, he and other Ad Hoc Committee members sent letters to tenants organizations throughout the state asking their participation. Particularly active groups included those from Lowell, Lynn, Somerville and South Boston. Throughout the process, Mike Fadden, lawyer for the Ad Hoc Committee, provided the technical skills necessary to translate the group's priorities into formal proposals.
On October 5 they met with Deputy Commissioner Richardson to present and discuss their draft.

The Ad Hoc Committee's draft—based in large part on the example of the federal modernization program's rules and regulations—was founded on the premise that "the state public housing modernization program is designed to produce a total upgrading, both physically and socially, of Massachusetts' state-aided public housing projects."¹ The draft called for full tenant involvement in the modernization process and for a broad interpretation of "improvement" as used in the modernization legislation "to encompass beneficial changes in management practices and management-tenant relations."² Non-physical modernization was defined as "a thorough re-examination and up-dating of all management policies and practices . . ." including " . . . the terms and conditions of tenant occupancy, the formal lease, collective bargaining procedures, resident grievance procedures and tenant selection regulations."³

Other significant provisions included: a provision to extend the non-physical modernization requirements to all housing authorities, a clause prohibiting the expenditure of modernization funds for non-current expenses—e.g., the Lynn heating system bill, and provision

² Ibid.
³ Ibid., p. 5.
for the submission of a modernization application by tenants if their housing authority fails to do so. 1

Richardson told the Ad Hoc Committee that he wanted to study the draft before making any substantive response and that he would circulate the draft to others interested in modernization. 2 Subsequently, the DCA sent the draft to all the housing authorities prior to any DCA response in favor of the concepts contained in the draft. This course of action invited the opposition of the housing authorities who in general were against the tenant control contained in the draft. The Boston Housing Authority was the only authority to support the draft. Julius Bernstein, Chairman of the BHA, in a letter to Richardson wrote:

On the whole . . . we find the rules and regulations excellent. They incorporate what we have found to be the most essential ingredient of a modernization program: tenant control in planning and channeling the funds. We urge you not to compromise this principle for any expediency, for on it rests the real value of a modernization program. 3

Within the DCA the reaction was also generally negative. As one top staff member remarked, the draft was "anathema to people here," because of the control given to tenants.

On October 22, Deputy Commissioner Richardson met with the leadership of the Massachusetts Association of Housing Authorities

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1Ibid., pp. 4, 5, 9, 10.

2Minutes of October 5, 1970, Ad Hoc Committee-Richardson meeting as recorded by the Ad Hoc Committee.

3Letter from Julius Bernstein to E. William Richardson, October 15, 1970.
to discuss, among other things, the modernization program. At this meeting Richardson said that, in his opinion, modernization priorities should be: (1) repair of exteriors, and (2) interior repairs. No mention was made of tenant participation or non-physical modernization. Richardson said he would welcome suggestions from the Association on the modernization regulations. One of the housing authority officials in attendance at this meeting claims that this was the first time the DCA had ever asked the local housing authorities for their opinion, and it happened then because the DCA needed an ally in opposing the pressures being exerted by the tenant groups.

Three days before the state elections, the Ad Hoc Committee and Commissioner Charkoudian were to meet. Charkoudian failed to appear. Frank Morris, the DCA's hearings officer—who had filled in for Charkoudian on short notice—was pleasant and sympathetic to the tenants' positions, but he had no authority to act and was seldom included in the meetings that followed. After the meeting, the Ad Hoc Committee informed the Governor's Office of its intention to hold a press conference on election eve, presenting their contention that they were unable to receive any firm answers to their proposals, and asked that the Governor's Office intervene.

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1 Minutes of October 22, 1970, Massachusetts Association of Housing Authorities—Richardson meeting as recorded by the Massachusetts Association of Housing Authorities.

2 John Daly, 1970 President of the Massachusetts Association of Housing Authorities, in interview of June 9, 1971.
In the next two days, Al Kramer, Assistant to the Governor on Urban Affairs, promised to intervene and offered full support to the Ad Hoc Committee's draft. The pre-election press conference was cancelled and Kramer began coming to and chairing the meetings of the DCA and the Ad Hoc Committee. By this time the DCA and the Ad Hoc Committee had exchanged several drafts and counter-drafts. At a meeting on November 9, the Ad Hoc Committee, Charkoudian and Kramer discussed the October 23 draft of the DCA and the October 29 draft of the Ad Hoc Committee. The Ad Hoc Committee enumerated their understanding of the agreements reached during the meeting in a letter to Charkoudian consisting of eight detailed points:

1. That modernization not be seen as a general reform of tenant-management relations.

2. That the DCA intends to redefine tenant-management relations by means of the rules and regulations towards the goal of full tenant participation.

3. That progress in non-physical modernization would be required prior to the approval of a modernization proposal.

4. That all authorities notify and explain to tenants the modernization program.

5. That there would be full tenant involvement throughout the modernization process.

6. That a Tenant Advisory Committee would be appointed to assist the DCA in implementing the program.

7. That modernization funds would go to meet the most critical needs.
8. That it would be undesirable to use modernization funds for anything other than the actual renovation of buildings.\(^1\)

Charkoudian in answering this letter stated that the eight points did not reflect his understanding of the November 9 meeting. However, he did not give a clear statement of the DCA's position.

The DCA and the Ad Hoc Committee exchanged the next set of drafts on November 29. In the DCA's version, wording had been changed, some provisions eliminated and others added, including one that gave funding priority to physical modernization proposals over those concerned with non-physical modernization. The Ad Hoc Committee, in its draft, added several items to its list of non-physical improvements--security deposits, tenant employment by the housing authorities, and community services--which were to be the subject of review by the tenants and the authorities. A provision for the Tenant Advisory Committee discussed in the November 9 meeting was included.

During this period the Massachusetts Association of Housing Authorities was beginning to organize itself around the modernization issue. They were in "complete disagreement" with the Ad Hoc Committee's first draft.\(^2\) The Association called an "emergency meeting" for November 27 of all housing authority executive directors to discuss.

\(^1\)Letter from the Ad Hoc Committee to Commissioner Charkoudian, November 24, 1970.

\(^2\)John Daly, interview of June 9, 1971.
the possible consequences of the "non-physical modernization program." Ed Blackman of the Ad Hoc Committee attended this meeting and it was decided that the Ad Hoc Committee and the Association of Housing Authorities should meet to attempt to develop a draft of the modernization rules and regulations which both groups could support.

The December 9 meeting in Revere was attended by the Ad Hoc Committee, representatives of the housing authorities and two DCA staff members who did not take part in the discussions. The meeting brought into focus the contrasting positions held with respect to modernization by the different participants. The Ad Hoc Committee strongly maintained that non-physical modernization was a critical necessity for state-assisted public housing and that a modernization program without it would be wasted money. The housing authority officials all opposed this position, but were split in the intensity of their opposition. Carl Hyman of the Revere Housing Authority represented those that believed non-physical modernization simply did not belong in the modernization program and that the modernization money was meant to improve buildings. John Daly of Malden presented a more moderate viewpoint, agreeing that the participation of tenants was desirable, but arguing that the

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1Memo to "Housing Authority Executive Directors," undated.

2Thomas Shea, Director of Management Services and Edward Power, Director of Property Management Services.
modernization should not be tied to too much social reform. Mr. Daly also made the thought-provoking comment that, if Commissioner Charkoudian really desired non-physical modernization to be part of the rules and regulations, he could issue a directive to that effect. The meeting was adjourned after four hours with the conflicts essentially unresolved.¹ A second meeting of the same groups was scheduled for December 14, postponed and then abandoned.

After the Revere meeting, the housing authorities prepared their own draft proposal. According to John Daly, this draft was essentially the final document with a few minor changes.² The Ad Hoc Committee continued to meet with the DCA and Kramer, with Kramer exerting consistent pressure on the DCA to respond to the Ad Hoc Committee's proposals with firm, clear statements. Kramer, according to sources in his office, thought the basic positions of the parties not that different and that the details were the problem. This may be true in that a major problem seemed to be prodding the DCA to make concrete commitments on specific points.

This pattern was continued in the January 11 meeting of the Ad Hoc Committee, Kramer and Charkoudian which was held to discuss the new drafts presented by the DCA and the Ad Hoc Committee. The meeting, again chaired by Kramer, began with the Ad Hoc Committee

¹Comments and positions based on minutes of the Revere meeting as recorded by the Ad Hoc Committee.

²John Daly, interview of June 9, 1971.
criticizing the DCA's draft for its elimination of the sections on non-physical modernization, the Tenant Advisory Committee and the provision prohibiting the payments of debts with modernization funds. These sections, particularly the first two, they considered the heart of the previous draft. Commissioner Charkoudian stated that he agreed with the need for tenant participation, but that since the housing authorities opposed it, his strategy was to bring about tenant involvement in easy stages. He stated further that the physical needs were so pressing that non-physical progress could not be required prior to first year funding. This plan was elaborated by Kramer. He stated that non-physical modernization plans would be required in the first year modernization proposals and non-physical progress would be required for second year funding. A second result of the meeting was that a modernization advisory committee would be formed of five tenants from the Massachusetts Alliance of Public Housing Tenants, five housing authority officials and five "general" members.  

The agreement by the DCA that all second year modernization funding "will be contingent upon the substantial accomplishment in the area of non-physical modernization" is not taken too seriously by at least several of the DCA staff involved in modernization. One

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1 Minutes of Ad Hoc Committee-Kramer-Charkoudian meeting, January 11, 1971, as recorded by the Ad Hoc Committee.

of these staff members remarked that the clause was included simply to relieve the pressure being exerted by the tenants' groups and that the DCA really didn't feel much obligation or hope in enforcing or making it work. Deputy Commissioner Richardson stated that it was unrealistic to expect much progress because of all the DCA's problems and because the DCA does not have enough leverage, including the modernization program, to make it happen. With such a low level of expectations to begin with, it seems likely that Mr. Richardson's predictions will prove true.

On January 15 the DCA circulated another draft which the Ad Hoc Committee responded to with a list of suggested changes. These were discussed at a meeting of the Ad Hoc Committee, Charkoudian and Kramer on January 25. However, none of the Ad Hoc Committee's suggestions were incorporated into the DCA draft used at the public hearing held on February 17, 1971, to discuss the proposed rules and regulations.

On the eve of the public hearing, the Ad Hoc Committee and Al Kramer met to discuss the stance the Ad Hoc Committee should take the next day. Kramer urged the Ad Hoc Committee to support the rules and regulations as they stood, as being a reasonable compromise and a good start towards the tenants' ultimate goals. There was disagreement among the Ad Hoc Committee about how correct this position was. Nevertheless, the group decided to support the.

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1E. William Richardson, interview of May 24, 1971.
rules and regulations as they were, because not much change was likely at that point and the most productive course appeared to them to work for the strongest possible interpretation and implementation of those clauses remaining which provided for tenant participation and non-physical modernization. At the public hearing the next day, however, the dissatisfaction of the tenants and their supporters was readily apparent and the differing perceptions of what tenant participation should mean came out in strong statements by both sides.¹ A wide variety of persons spoke in support of the tenants' positions. Representative Liederman, in a strongly-worded statement, called for changes in the regulations, which he termed "woefully inadequate." He stated most clearly the issue which was at the root of the negotiations of the previous five and one-half months:

Those of us responsible for housing low income families have consistently refused to do what was necessary. In 1971 tenant involvement means tenant control, not participation. The staff is responsible to the tenants for the management of the development.²

Mrs. Norma Beit phrased the position of the Massachusetts League of Women Voters in support of the tenants more gently. She asserted that "tenants should be fully represented in all the issues that

¹Sitting on the Hearing Committee were Deputy Commissioner Richardson; Frank Morris, Hearings Officer; Edward Power, Director of Property Management Services; and Murray Corman, General Counsel.

²Statement of Davis S. Liederman to the DCA, February 17, 1971.
affect their lives."¹ She reiterated the tenant recommendations, especially noting the "crucial" importance of non-physical modernization. Mrs. Sandra Winneberger, of the Ad Hoc Committee and the Memorial Park–Chestnut Street Project in Lynn, directed her statement more directly at the performance of the DCA. First outlining all the compromises the Ad Hoc Committee had made, she gave her views on the attitudes and actions of the DCA towards the tenants:

Personally, as a member of the Ad Hoc Committee, I saw DCA officials pick apart and constantly try to destroy any real tenant involvement in decision making, especially in the social modernization sections of our proposed regulations. It was truly a lesson in political "buckpassing" and ball games to watch DCA and the Housing Authority Executive Directors trying to squash recommendations put forth by the Ad Hoc Committee. Some executive directors, on the one hand, told tenants they had already been promised such-and-such an amount for modernization by DCA, while DCA told the Ad Hoc Committee that no money had been promised. There was the pre-state election "niceness" lavished on the Ad Hoc Committee with DCA listening, making concessions and being ever so polite. However, as usual, two days after the election our draft was rejected as being too "liberal", i.e., giving tenants too much power.

... The real victory is when tenants in public housing make their own decision about the policies that affect their lives.²

Testifying from a much different point of view were the local housing authority officials. One executive director stated their basic position most succinctly: "We know better than the

¹Statement of Mrs. Norma Beit, Massachusetts League of Women Voters, to the DCA, February 17, 1971.

²Statement of Mrs. Sandra Winneberger to the DCA, February 17, 1971.
tenants know what they want, when they want it and should be consulted, and therefore we feel that the rules and regulations should be submitted.\textsuperscript{1}

After the hearing the DCA had thirty days in which to officially publish the final set of rules and regulations for the state modernization program. The final document was almost identical to the DCA's January 15\textsuperscript{2} draft except for a few minor changes in wording. None of the Ad Hoc Committee's suggested modifications were included, except for two minor changes in wording.

\textbf{The Implementation of the Modernization Act}

About a week following the formal promulgation of the rules and regulations on March 16, 1971, copies were supposed to be mailed to the local housing authorities. Many authorities did receive their copies by the end of March. A number of authorities, however, did not receive the final set until April or May, and one authority reported receiving their copy June 15th.\textsuperscript{2}

Initially, at least, there was some confusion as to whom in the Department was going to have the responsibility of administering

\textsuperscript{1}The Housing Authority Executive Director, as quoted in the DCA transcript of the public hearing, February 17, 1971.

\textsuperscript{2}Of forty-three authorities responding to the survey conducted as part of this thesis (see Appendix B), eighteen did not know when they had received the regulations, eleven said before April 1st, seven reported them in April, four said May or June and three local housing authorities answered January 1971.
the program. Thomas Shea, early in April, said that he would be in charge of administering the modernization funds; Ed Power was eventually put in charge, at least nominally; and Richardson said that he would personally handle the applications and make the decisions.

The regulations required that:

... not later than thirty (30) days after the adoption of these regulations, all authorities shall notify all of the tenants aged eighteen (18) or above in all projects, by letters sent by regular mail, of the existence of the Modernization Program, its purpose and its importance to the tenants. 3

After sending the rules and regulations out, there were no follow-up communiques or systematic inquiries to try to ascertain whether or not this provision had been complied with. Indeed no procedures or efforts were made to make sure all the authorities had received the rules and regulations. The basic stance taken was exclusively one of responding to the applications, questions or complaints of the local housing authorities and tenants. Richardson and Power agreed that there was not any reason to check on the authorities' progress and that they should not take an active role in helping the tenant organizations submit their own applications in cases in which the local housing authority did not abide by the regulations.

1 Director of the Management Section of the Bureau of Management and Accounting Services.

2 Interview with Thomas Shea, April 6, 1971.

3 Regulations, Section 4A, page 3.
It is interesting to note here that there was no evidence of any contact or communication with the Division of Social and Economic Opportunity personnel who saw themselves as representing the tenants or with SEOO which had been organizing tenants.

Confusion also arose from the desire by Richardson and Power that each local housing authority submit only one modernization application for all its projects rather than a separate proposal by each project because it would simplify the DCA's problem of allocating the scarce funds among the plentiful applications. Power interpreted the rules and regulations to call for this despite the clear provision that "Separate proposals shall be submitted for each housing project for which the authority wishes to request physical modernization funds."¹

Deadlines were promised but never issued for applications for the first year. The idea was that a date would be set and all applications in by this date would be considered for funding at that time. The absence of deadlines did not mean that the applications were to be serviced on a first-come-first-serve basis. There was no clear policy developed one way or the other. What emerged in the absence of any clear policy on how the applications were to be handled or what criteria were to be used in funding proposals was a more informal process of responding to the applications. The applications

¹Rules and Regulations, Section 4B, page 5.
were checked to see if they appeared in order, an inspection of the project would be scheduled to confirm the need and cost estimates and then a decision would be made on how much of the proposal would be funded. Criteria and funding priorities still remained vague and unwritten and no standards were set with respect to the processing of applications.

Chapter 694 Analysis

The case of the state modernization program provides a good view of the DCA's operations, attitudes and problems and the kinds of issues which determine the Department's overall performance.

(1) Capability: First, there are serious limitations to the DCA's capabilities. Commissioner Charkoudian acknowledged this fact early in the regulations struggle when he admitted that the DCA had no experience or knowledgeability of how to write rules and regulations. The DCA's almost total inability to promulgate rational rules and regulations for any of their programs lends credence to Charkoudian's assertion. Further examples of these limitations manifested themselves in various ways throughout the modernization process: An inability and reluctance to be a forceful and effective advocate for modernization during its legislative history. The DCA lobbyist remarked recently that we (DCA) did not have "too much to say about anything that went through the Legislature last year." In implementing the program, conflicting interpretations of the regulations are still being given by DCA staff members to the housing authorities and
tenants requesting help in preparing their applications. Perhaps the most startling index of some of the problems within the DCA is the fact that to date, more than four months after the promulgation of the modernization regulations, Richardson and his staff still have not developed any policy or criteria for dividing up the modernization appropriations. It is agreed by everyone that these funds are inadequate to meet the modernization needs of all the state-assisted housing projects. Given that the applications for modernization funds have already exceeded the three year limit of $15 million, it would seem impossible to implement the program in a rational and just manner without some policy guidelines establishing funding priorities.

(2) Attitude and Staff Commitment: The modernization experience provides some insight into the attitudes of DCA staff members toward tenants and their commitment to housing goals. The charges of many of the tenants that members of the staff are anti-poor people or just anti-people, unfortunately, seem to be well-founded. Very few of the DCA personnel interviewed within Richardson's division seemed particularly sympathetic or understanding towards the problems of poor people. Indeed some were overtly hostile in this regard. Examples of the results of these attitudes are not hard to find. The DCA person charged with the actual drafting of the modernization regulations never attended any of the meetings with the tenants and did not see any reason why this might be helpful—after all it was a
legal problem. The director of management services still does not understand what non-physical modernization means. Several of the DCA staff were quite cynical about the clause requiring "substantial accomplishment in the area of non-physical modernization." They simply considered it empty rhetoric put in to quiet the tenants.

(3) Leadership: Modernization illustrates well the low level of energy, lack of direction and bureaucratic conservatism which results from a "low profile" approach to policy-making in an agency such as the DCA. In modernization, non-physical modernization and tenant participation provided issues over which the two obvious client groups of the Department, the housing authorities and the public housing tenants, were basically split. Although the DCA leadership proclaimed approval of the tenants' goals, they were unwilling and/or unable to pursue them competently and aggressively. This almost assured that the status quo—which the housing authorities and many persons within the DCA supported—would continue. The second case studied and reports of other similar instances where a lack of leadership was evident indicate that this is not atypical. It may be noted that this often works to the detriment of the housing authorities, as in the elderly rent ceiling case. Thus the DCA has managed to alienate all of the groups and people who should be their constituents except for those very small or reactionary housing

1 An obvious exception to this statement was the Boston Housing Authority's support of the tenants' positions.
authorities which are committed only to the maintaining of the status quo.

The modernization case is unique, however, in that there were prolonged negotiations prior to issuing the regulations. This is perhaps the most adequate index of the usual low level of performance within the DCA when considered from the point of view of the enormous amounts of energy and time—given by the Ad Hoc Committee and others—necessary to pressure the DCA into promulgating the regulations. The absence of formal regulations in every other housing program provides evidence for the assertion that the DCA only produces when forced to. The causes of this low level of performance and commitment appear to be a mutually reinforcing set of factors, some of which have been mentioned above. Since these are essentially identical to the causal factors operative in the elderly rent ceiling case, they both will be discussed together in Section 6.
THE ELDERLY RENT CEILINGS ACT

The Law

Chapter 853 of the Massachusetts Acts of 1970 provides that "no elderly person of low income shall be required to pay more than twenty percent of his or her income without utilities or twenty-five percent with utilities for rent for dwelling units" in any of the state-assisted housing programs. It also states that "any deficiency in the budget of a housing authority caused by such reduced rental shall be reimbursed by the Commonwealth" on the basis of the tenant's rent, the prorated cost of operating that unit and provision for a full operating reserve. 1

The Legislative History of Chapter 853

The early history of Chapter 853 was much less complicated and obscure than the origins of the modernization act. It is clear that Chapter 853 was drafted because of two major factors. First, the federal legislation known as the Brooke Amendment had been passed in 1968, setting a twenty-five percent limit on the proportion of income any tenant is required to pay in federally-assisted housing. This provided an obvious model for the Massachusetts housing programs. Second, the group who were preparing the 5000 housing

1See Appendix A for a copy of Chapter 853.
package for the Joint Committee on Urban Affairs put out a questionnaire to elderly tenants in state-assisted housing during the fall of 1969. The data collected from these questionnaires indicated that many elderly tenants often paid as high as fifty percent of their income for rent.¹

A bill to alleviate this situation was drafted by Alex Covel, then with the Massachusetts Law Reform Institution, William Shaevel, who was on Senator Moakley's staff and was the only full time staff person working on the H 5000 report, and a member of the Boston Housing Authority. These three men very definitely perceived the Booke Amendment and its implementation as a model from which Massachusetts could profit. There was also some feeling that the H 5000 package would benefit from the inclusion of this bill. At least a few of those involved at this point believed that the bill would be very attractive politically and would, by its inclusion, increase the political marketability of the whole H 5000 package.

In preparing the bill the drafters also followed the example of the Brooke Amendment in keeping the language clear and quite brief. Indeed, only two problems arose during the drafting. First, there was some debate over what the percentages of income should be. In the original version a thirty percent figure was used, but this was eventually lowered to the present formula which

¹H 5000, p. 19. As the subcommittee noted, this situation forces these elderly citizens "to skimp on food, clothing, transportaion, medical care and recreation."
passed the Legislature intact. Second, the final two sentences dealing with how the housing authorities would be reimbursed by the Commonwealth were included to try to insure that the costs of the bill would not fall on the housing authorities, many of which were already in serious financial difficulty.

During this period the DCA's role is difficult to ascertain. It is certain, however, that throughout the legislative process they did not like or support the bill. Unlike the modernization bill, the DCA makes no claim to authorship. Publicly, Commissioner Charkoudian announced support for the H 5000 package at the April 8, 1970 public hearing. However, he did not even mention specifically the elderly rent ceiling bill and part of his remarks seem to contradict its presence in the package. Less publicly, it appears that some actions were taken within the DCA aimed at thwarting the bill's passage. Several bills were designed to substitute Chapter 853 out of existence, but they were unsuccessful. According to the informants, DCA staff members attempted to lobby against the bill, especially while it was before the House Ways and Means Committee. Once the bill emerged from House Ways and Means Committee, however, the DCA apparently had very little to do with Chapter 853 until after its passage. As one DCA staff member said "the bill went through the Legislature unscathed, untouched and unwanted" by the DCA.

1Leon Charkoudian, April 8, 1970, public hearing.
During the legislative process the bill was supported and guided through the Legislature by a coalition of legislators, housing groups such as Citizens Housing and Planning Association, MCHR, elderly groups such as Golden Age Council of Greater Boston, and the Massachusetts Legislative Council for Older Americans and some help from the Governor's Office. Representatives of these groups who were interviewed all made the same points: they felt the DCA, rather than leading the way in supporting housing legislation, did not even support the efforts of other groups doing so. They pronounced this a typical performance by the Department.

An indication of the feebleness of the DCA's legislative efforts, even in the cases of bills which it truly supports, is the fact that the DCA lobbyist has failed to establish a relationship with or even to contact Frank Manning, who is the head of the Massachusetts Legislative Council for Older Americans and one of the most respected spokesmen for the elderly in the Commonwealth. One legislator stated in an interview that the DCA "is more frequently present at the State House in opposition to measures than when it comes to pushing for what should be their bills."

Nevertheless, the bill passed the House as part of the housing package, successfully survived the Senate and was signed by the Governor on the last day of August, 1970.
Implementation

The enactment of Chapter 853 posed several problems, most of which centered around the issue of what the actual financial arrangements with housing authorities should be. Early in September, a member of the Boston Housing Authority suggested to the DCA which areas needed definition and clarification, and urged that the Department publish guidelines for the program by October 15 to give the housing authorities adequate time to prepare for the effective implementation date of December 1.

Early in November an undated memo was received by many of the housing authorities which caused some dismay. The memo read:

TO : All Housing Authorities
FROM : E. William Richardson, Deputy Commissioner
SUBJECT: Regulations for Elderly Rents

In compliance with Chapter 853 of the Acts of 1970, the following regulations shall be followed:

1. A re-examination of income of all elderly tenants residing in state-aided projects shall be conducted prior to December 1, 1970.

2. The Authorities shall as of December 1, 1970, assume the cost of all utilities (excluding telephone) now being paid by the tenant to the utilities companies.
3. The Authorities shall file with this Department thirty days prior to the beginning of the fiscal year a certified copy of their annual re-examination of income of all elderly persons residing in state-aided projects.

4. In computing a tenant's income the following deduction shall be allowed:

   a. Any continuing medical expense exceeding 5% of the tenant's income.¹

Also received about this time was another undated, unnumbered circular which simply said:

   In compliance with Chapter 853 of the Acts of 1970 commencing December 1, 1970 all rents for state aided elderly projects must be computed as follows:

   20% of income if tenant pays utilities costs.

   25% of income if authority pays utilities costs.²

   These memoranda produced a negative response from all sides. First, the housing authorities conducted their own survey of fourteen housing authorities to try to determine what the costs of Chapter 853 would be since the DCA was taking the position that there was not a great need for such an investigation and they did not have the resources to obtain the data necessary to estimate the

¹Undated, unnumbered memo from DCA in full.

²Undated, unnumbered memo from the DCA captioned "Rent Schedule--667 Projects."
financial impact upon the housing authorities. The housing authorities estimated that the costs of Chapter 853 would approximately equal the present total annual subsidy paid for elderly housing, and requested that regulations be issued which contained workable and adequate reimbursement procedures.

Second, the elderly groups considered the memoranda a "bureaucratic manifesto honeycombed with inefficiency," which did not deal with the central issue of reimbursement. They "bitterly opposed" the directives and also demanded that the DCA publish workable regulations.

Third, two members of the Boston Housing Authority responded with the most detailed and comprehensive analysis of the DCA efforts. This analysis is a rather powerful indictment of the competence and efficiency of the DCA in writing the memoranda. The analysis first comments specifically on each of the four regulations contained in the "Regulations for Elderly Rents" memo:

1. A re-examination of tenants' income is an unnecessary administrative and personal inconvenience because the incomes of elderly tenants are very stable and when they do vary they tend to decrease.

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1 Frank Manning, President of the Legislative Council for Older Americans, interview of June 4, 1971.


3 See above, pp. 44-45.
(2) Chapter 853 does not state or imply that the housing authorities should assume the cost of all utilities. Therefore, although the Department may have the authority to effect such a change, Chapter 853 is not the proper statutory vehicle and, further, the Department should consult with the local housing authorities which have made this move before doing so for all the housing authorities. The regulation would create administrative difficulties, especially in the case of elderly tenants in Chapter 200 housing, because of the need for some housing authorities to apply a different policy to elderly tenants.

(3) Either this re-examination of income is a rephrasing of Regulation #1 and, therefore, redundant or it means that an annual re-examination must take place thirty days prior to the beginning of the fiscal year whether this coincides with the normal practices of each housing authority or not. In at least some local housing authorities this would produce unnecessary administrative difficulties.

(4) Chapter 853 does not say anything regarding medical deductions and it seems unnecessary to create a special definition of income for the implementation of Chapter 853. This is not to say that the DCA does not have the authority to regulate definitions of income on other statutory ground. Secondly, this definition is more restrictive than those promulgated in relation to the Brooke Amendment and those in use by some local housing authorities.
The Boston Housing Authority critique further stated that the second circular issued by the DCA implies by its language that the housing authorities must raise the rents of those elderly who are presently paying below twenty to twenty-five percent of their income. Again, Chapter 853 sets only rent ceiling and the intent of the act is certainly not to raise rents. Also, the reference to twenty percent is apparently a contradiction if read in the context of Regulation #2 above which eliminates the case of the tenant paying for utilities.

The most important criticisms which the Boston Housing Authority analysis makes concern the issues which are not covered in the two memos. First, the regulations provide no information on how the costs of Chapter 853 are to be computed, nor do they explain the method by which the DCA will reimburse the housing authorities for these costs. This has been the crucial problem since Chapter 853 was enacted and continues to be so to date. Secondly, the regulations make no provisions for cases in which late implementation of the act may be necessary.

From the quality of the two memos and the reactions to them, the DCA might have been better off following its more typical course.

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1 See above, p. 45.


3 It was apparent that the lateness of the DCA directives—even without the problems they themselves create—made it very difficult to implement the program by December 1, 1970.
of action with respect to the issuing of rules and regulations and simply remained silent. However, the pressure for regulations by the housing authorities would not allow that. Even more incredible than the shoddiness of the regulations is that useful models existed which easily could have been fitted to Chapter 853. As the Boston Housing Authority critique noted:

DCA unaccountably failed to consult the pertinent experience of HUD, NAHRO or Massachusetts' LHA's in implementing the Brooke Amendment before issuing regulations to implement Chapter 853, although the Brooke Amendment required a much more comprehensive change in rental policy than Chapter 853 intends.¹

The two members of the Boston Housing Authority spent the next weekend, November 14 and 15, writing a proposed set of regulations for Chapter 853 which they submitted to the DCA and also sent out to other housing authorities for comment. Their proposal, of course, attempts to overcome what they believed to be the massive shortcomings of the DCA regulations. There are several obvious differences. First, they define the key terms used in the act and the regulations, especially those of a more technical nature such as "operating cost" and "provision for operating reserve." Second, they make provisions for the cases in which the tenant and the housing authority each pay a portion of the cost of utilities. Third, they make provision for late implementation which was going to be unavoidable given the lateness of the first DCA regulations. Fourth, and most important, they spend three pages (out of eight

¹"Analysis of Regulations for Elderly Rents," p. 1
pages of their proposal) outlining the method of computing the subsidy due the housing authority and the method by which reimbursement would be made with provision for the cases in which Chapter 853 would cause serious and immediate solvency problems.¹ Their draft may not have been without fault, but it is clear that what one would expect to be the DCA's job was performed by outside persons and in this case they produced overall a much better document in two days than the ones the Department took two months to issue.

The DCA reacted in two ways to the reactions of the various groups. First, they were unhappy that the Boston Housing Authority had circulated their own draft of regulations to other housing authorities. One would think that it would be to the DCA's advantage to have this help and discussion among the housing authorities in formulating adequate regulations. However, the reasons for their objections appear to have been that the draft was an unfair criticism of the DCA, that the draft was sent out to other housing authorities as if it were a DCA communiqué (this seems unfounded in that the draft went out in Boston Housing Authority envelopes) and that the DCA's negative reaction was another example of the ill-feeling which apparently exists between the DCA and the Boston Housing Authority.

Second, the DCA responded by issuing a set of directives which were dated December 1, 1970, and which most of the housing authorities received in early December. This set was a vast improvement over those preceding it. It responded to most of the criticisms in the Boston Housing Authority critique and attempted to deal with the problems of elderly tenants receiving Old Age Assistance. However, at least several problems were unresolved. The most important of these was again the glaring absence of any mention of a reimbursement procedure. There were difficulties with the impact of Chapter 853 upon those tenants receiving only part of their income from Old Age Assistance and those receiving welfare payments. There was also some confusion because the previous sets of the DCA regulations or directives had not been rescinded.

One of the interesting points of the December 1 set of guidelines is the first sentence which reads: "In accordance with above captioned subject (rental policy under Chapter 853) the following procedure will be utilized until formal regulations are promulgated." This item was apparently in response to the criticisms which were being made that, although regulations had been sent out, the DCA had held no public hearing on them as is required by the State Administrative Procedure, Chapter 30a, Section 3. The Department's position was and is that the December 1 set and those


2 Ibid.
preceding it are not formal "regulations" but merely "directives" which do not require formal promulgation with a public hearing. This opinion is supported by the DCA's general counsel, though when interviewed in late May, 1971, he did not know any directives or regulations for Chapter 853 existed. It is not supported, however, by the lawyers interviewed outside of the DCA, and it is clear that a public hearing could have been helpful, whatever the legalities, in clearing up some of the mistakes and misunderstandings of the Chapter 853 directives. As of July, 1971, the Department has not promulgated formal regulations for Chapter 853.

Although the housing authorities continued informally to request that the DCA take action on the reimbursement problem, aside from a short memo clarifying the Old Age Assistance procedures,¹ nothing happened at the DCA for approximately four months following the issuance of the December guidelines. During this time almost all of the housing authorities went ahead, despite the absence of any reimbursement procedures, and implemented Chapter 853.² The awareness of the housing authorities of the seriousness of the financial consequences continued to grow, and when it became obvious that nothing was being done about the situation by the DCA, they asked for another meeting with the DCA staff involved. At this April

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²Of those responding to the survey, thirty-six out of thirty-nine had implemented the program.
meeting the housing authorities suggested that a subsidy of $10 per unit per month for the larger authorities and $20 per unit per month for the smaller authorities would be adequate to pay for the program. They arrived at this figure from their own Chapter 853 experiences and from the experience of the Brooke Amendment. Following this meeting, they again heard nothing on the subject from the DCA until the annual meeting of the Massachusetts Association of Housing Authorities. At that gathering Herb King, the Division of Community Development's chief accountant, promised that regulations would be issued by the DCA the following Monday outlining the procedures and timing of reimbursement to the local housing authorities for the costs of the Chapter 853 program. More than two months later the housing authorities are still waiting.

They are also becoming more and more concerned about the costs of the program and the consequences if they are not fully and promptly reimbursed. An indication of the severity of the problem is the response to a survey conducted in June, 1971. More than seventy-five percent of those answering said the program was seriously endangering the solvency of their authority and most of the others were reserving judgement for the present. The survey

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1In answering the question, "Is the cost of the program (853) seriously endangering the solvency of your Authority?", twenty-eight out of the thirty-seven responding local housing authorities said yes. Of the remaining eight, two said they didn't know and the rest either added "not yet" or said they were relying on the promise of adequate reimbursement. An example of the costs of Chapter 853 is Malden, a medium-sized authority. In Malden the program is going to mean approximately $61,000 less revenue per year. Malden's annual payments to the 667 debt service is $68,800. The impact is even more serious on the smaller, newer housing authorities.
also showed that for at least a sizable number of units, the costs to the authority are running over twenty dollars per month, because of the very low income of the elderly tenants involved.

This dramatizes the need for the DCA to accurately determine what the costs of the program are. The DCA's position at this point is interesting. First, the main reason they have not been able to ascertain the costs of Chapter 853, they claim, is the lack of competent staff resources to do the job. Reinforcing this is the continuing dislike for the act. Nevertheless, one top staff member with major responsibility for the program asserted that they had submitted funding requests in both this year's deficiency budget and in the Department's budget for the fiscal year beginning July 1, 1971. These requests, the DCA spokesmen say, were based on the ten dollar per unit per month estimate (approximately $1.6 million per year) and were cut out by the Office of Administration and Finance. However, that office claims never to have received such request. Given this situation, the DCA's claim that they have pushed for Chapter 853 funding on Beacon Hill seems a little weak. Indeed a member of the staff at the Bureau of the Budget said he didn't see how the DCA could reasonably request money for

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1The Governor had publicly committed himself to the Chapter 853 program and, therefore, either the DCA never made the requests or they missed an obvious opportunity to dramatize the lack of funding support given the DCA.
the program because they (DCA) simply did not know how much the program was costing and were not making the effort to find out.

Thus, the question remains. Where are the funds going to come from? The most recent DCA answer is a faint hope that the Legislature will pass a bill now before it which the Division of Community Development personnel describe as their "full debt service bill." Technically the bill is a holdover from the 1970 legislative session and provides a specified increase in the proportion of the debt service the Commonwealth will pay.\(^1\) It would seem logical that a strong effort would be made in behalf of this bill. However, a DCA effort has not been discernible. They have not enlisted the help of the housing authorities and the elderly groups in lobbying for the debt service increase bill even though these groups are obvious and potent allies. The Association of Housing Authorities has taken the initiative in supporting the bill. It appears that the DCA is missing an opportunity in this case to dramatize with a politically attractive program the need for the Legislature to follow through on the programs created with adequate funding.

The debt service increase bill has been a major component of the DCA's argument against Chapter 853. They feel it would be a

\(^1\)App. A H4940, H53(DCA), S88, S261. The DCA sees this as a means of payment for Chapter 853. Many others, however, perceive this bill as necessary to the fundamental viability of the state's housing programs and should not be used to pay for programs such as Chapter 853 and, thereby, leave the local housing authorities in the same financial squeeze as presently exists.
better method than Chapter 853 of accomplishing the same ends. The validity of this position is questionable from a number of perspectives. It is unclear, given the lack of information on the costs of Chapter 853, that even a full debt service bill would equal the impact of Chapter 853 for all the housing authorities. Beyond this, it does not necessarily follow that this relief would be distributed in a manner so that elderly rents would be limited as under Chapter 853. Third, others perceive the debt service increase as necessary to the fundamental viability of the state's housing programs and should not be used to pay for programs such as Chapter 853 and, thereby, leave the housing authorities in the same financial squeeze which presently exists. Fourth, supporters of Chapter 853 suggest the importance of addressing the problem directly and making a clear statement of public policy that no elderly person should be forced to pay more than a reasonable proportion of his or her income for decent housing.

Thus, more than seven months after the effective date of Chapter 853: the costs of the program have not been determined, no reimbursement procedures have been formulated, no funds have been distributed to the local housing authorities and little effort has been made or is being made to provide the procedures and money necessary to make the program successful.¹

¹One of the unfortunate and less quantifiable results of this situation has been the hardening of some of the negative attitudes held by some of the local housing authority administrators towards their low income tenants because they seem to the administrators to be putting the authority into, or further into, financial difficulties.
Chapter 853 Analysis

The performance of the DCA with respect to Chapter 853 indicates serious deficiencies within the DCA on at least two levels: personal attitudes and bureaucratic competence. First, and perhaps most important, is the general attitude towards Chapter 853 on the part of top staff members. They ranged from "unalterably opposed" to a more mild phrasing that it was a "faulty bill" which unfortunately survived several attempts to kill it with substitute legislation.

The reasons for this negative attitude are varied. Those most frequently offered in the interviews were basically centered around the DCA's position that funds should have been authorized in the act and that a full debt service act would be a better way of accomplishing the same thing. There was also more than a small dose of defensiveness combined in the above arguments. Apparently, some staff members perceived Chapter 853 as a statement indicting the DCA and the housing authorities for rent-gouging. However, very evident in several interviews with key staff was a philosophical or ideological abhorrence of the effect of the act. They perceived it as one more step towards the

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1See above, pp. 55-56, for a fuller discussion of the full debt service bill arguments. That the funding should have been included within Chapter 853 would have been a most unusual procedure according to all those interviewed outside of the DCA. Personnel at the Bureau of the Budget stated that to do so creates all kinds of practical and technical problems which in the few cases in which it has been tried in recent years has killed those bills. All of these persons thought the problem fairly uncomplicated--the DCA would investigate the costs of the program, determine the funding need and include it in their budget requests for the next fiscal year and, if necessary, in their deficiency budget.
welfare state—rather than as a simple matter of justice that our elderly citizens should not have to pay fifty percent of their small incomes to live in decent housing.

Given this kind of an atmosphere, it is difficult to imagine that the act would be implemented promptly and competently, even in a very efficient and capable bureaucracy. In fact, the hostility towards Chapter 853 tended to magnify the defects within the DCA. At every point during the Chapter 853 experience, the DCA has displayed a high degree of consistency in being unable to make its position prevail in the Legislature, in not meeting deadlines, in producing poorly drafted communiques and, above all, in refusing to determine the costs of Chapter 853 and to formulate reimbursement procedures to make the program workable.

The proximate causes of this litany involve every level of the bureaucracy: sloppy office routines, unskilled and/or unwilling personnel, insufficient resources and a lack of direction and policy. These causes and their sources will be discussed in the next section in conjunction with the essentially identical causal factors operative in the modernization case.

Perhaps the most distressing aspect of this performance is the fact that Chapter 853 presented the DCA with a fairly uncomplicated and straightforward administrative problem. Certainly, compared with other

1E.g., regulations and other communiques were never received by some local housing authorities.
housing legislation such as the modernization program, one would expect its implementation to be relatively easy. Nevertheless, the accomplishments of the DCA to date with respect to Chapter 853 are negative: the Department has not formulated the procedures for reimbursement; they have further alienated one of their client groups, the housing authorities; they do not know which authorities, if any, have not implemented the act as required by the law; and they have provided additional evidence for those who are critical of the DCA's overall operations and who assert that only when outside groups exert substantial pressure is there a significant response from the DCA.
FINDINGS

In the above case studies can be found several common problems which limit the Department's ability to provide adequate housing to the Commonwealth's citizens, particularly those of low income. It is obvious that the delivery and/or management of low income housing is not a simple or easy matter in these times. However, the findings presented below which are present in varying degrees in the two cases investigated restrict even further the ability of the DCA to achieve its legislated goals.

(1) A failure to perform routine office functions promptly and consistently—e.g., failing to send mailings out on time and to everyone on the mailing lists. A significant number of copies of the modernization regulations were received after the first deadlines contained in them had passed.¹ At least a few local housing authorities did not receive the December 1, 1970, set of "directives" on Chapter 853 until a few months after their date of issuance. These do not appear to be isolated incidents in that similar reports abound of other examples such as the mailing of the DCA model lease, the mailing of rental assistance regulations and the not infrequent problems in receiving the Department's "Legislative Alert" bulletin.

(2) A failure to respond with reasonable speed and effectiveness in writing. A common complaint on the part of local housing

¹See above, pp. 33-34.
authorities was that many times the DCA staff would respond helpfully if reached by telephone, but that written responses were often very slow and, as one executive director stated, "since the written word is the one we go by, they (DCA) should be more prompt." Some executive directors also commented that the DCA was inconsistent in processing applications, requests, etc. both in terms of the result and time taken to produce the result. As noted at the outset of the report predictability and speed are necessary components of a well-functioning bureaucracy.²

(3) An inability to formulate rules and regulations for the programs it administers. Commissioner Charkoudian acknowledged this fact early in the drafting of the modernization regulations when he stated that the DCA had no experience or knowledgeable of how to write rules and regulations and, therefore, welcomed the help of outside groups. The fact that the vast majority of the work done on drafting rules and regulations in the past year in Richardson's division has been performed by part-time law school interns supports Charkoudian's assertion.

(4) An absence of enforcement efforts in regard to rules and regulations which exist. To date no actions have been taken to ensure compliance with the modernization regulations. There has not been any...
attempt merely to ask the local housing authorities if they have informed their tenants of the modernization program. ¹ With the Chapter 853 program no efforts have been made to determine which authorities are implementing the program and which ones are doing so properly or improperly. In these two cases, at least, there does not appear to be even a sense that inquiry of this nature is worthwhile or necessary. It seems surprising that no communiques requesting information on the problems of implementing Chapter 853 have been sent out by the DCA on a program more than six months old.

(5) A failure to take the lead in preparing housing legislation. It is clear that in both the cases studied that the DCA did not take the initiative in drafting the bills and this appears to be the case with most of the housing legislation drafted since the DCA's formation.

(6) A failure to routinely consult with tenants and local housing authorities for suggestions, help and legislative support. The modernization program appears to be the only major exception to this statement. In the case of the modernization regulations, it was quite clear to the local housing authority officials that their cooperation was sought to counterbalance the proposals of the Ad Hoc Committee on Modernization. Several executive directors and tenants remarked that they felt they should be consulted not only on rules and regulations, but also regarding the drafting of

¹As required by Section 4(a) of the Modernization Rules and Regulations.
legislation. They all thought such discussion would result in better bills being submitted and also in more support by the tenant groups and the housing authorities when the legislation was being considered by the Legislature. A number of those interviewed believed the failure of the DCA to develop a strong working relationship with its clients had seriously hurt the funding of programs and of the Department itself.

(7) A minimum presence or failure of the DCA in several of the areas mentioned—legislation, regulation, tenant organization—has resulted in the need for the efforts of outside groups to provide drafts of legislation and regulations to make things happen. Another example of this was the public hearing on the H 5000 housing package. This was obviously a chance for the DCA to dramatize the need for better programs and more funding to meet the continuing housing crisis. Instead of the DCA utilizing this opportunity, the job of organizing the hearing was left to be taken up by CHPA.

(8) An absence of continuity of staff servicing particular programs. A complaint from both sides of the modernization regulations struggle was that different DCA staff members were involved at different times during the negotiations. This resulted in confusions and wasted time and energy because the new staff person did not know the history of the meetings, the participants and their positions, etc. At least seven different top staff members, including Charkoudian and Richardson,^1

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^1 Commissioner Charkoudian, Deputy Commissioner Richardson, Thomas Shea, Edward Power, Frank Morris, Herbert King, Murray Corman.
were involved on different occasions. A similar situation arose recently when during a very short period of time four different persons were designated to administer the state rental assistance program in rapid succession. It is certain that such discontinuities of staff responsibilities are very hard on the effective administration of any program not to mention staff morale.

(9) A failure to use the experiences of other programs such as the federal modernization program. DCA officials maintain the federal and state programs are too dissimilar to use the federal (or other states such as Connecticut) program as a model. Why this is so is not made clear. However, while this reasoning may have some validity in particular instances, it is difficult to follow when it is used in cases in which the individual has yet even to study the other program. The law intern who drafted the state modernization regulations for the DCA had not studied the HUD modernization regulations. In the case of Chapter 853, a similar neglect of the Brooke Amendment regulations was evident.

(10) An absence of coordination within the Department—between divisions and even within divisions—and with other agencies. In formulating the modernization regulations no effort was made to involve the Division of Social and Economic Opportunity who saw themselves as the representatives of the tenants. More puzzling is the absence of such efforts in the implementation of the program which would seem to naturally call for the involvement of agencies working with tenant groups in supporting the input of tenants into
the modernization process. This problem apparently exists in other programs. One executive director wrote, "I have found a lack of communication between departments in the DCA office. This is particularly evident to me in trying to execute a 705 program." Given the many aspects of housing issues, it would seem imperative that close cooperation and coordination take place within the DCA and with other agencies in order to make the Commonwealth's housing efforts measure up to their potential.

(11) An absence of internal program policy guidelines and operating procedures. There are no operating procedures for implementing either modernization or Chapter 853. This typical problem is a key factor in the list of findings above. The absence of written, impersonal program policy, procedures, division of responsibilities violates the reality that it is impossible to manage a large bureaucracy well without them. It is necessary from the administrator's point of view, it is essential to a client attempting to deal with the bureaucracy effectively and it is necessary as a matter of public responsibility. The present situation permits—and even encourages, since no clear action priorities are spelled out and no adherence to a work program demanded—buckpassing, inordinate delays with no explanations and discriminatory treatment of cases. It was a frequent comment of those interviewed, supported by more than several experiences of the author, that one receives different answers from different members

1 "DCA Survey" response to Question 28, general comments.
of the staff and, since one is not sure who is really making the decisions in the particular area, one is still unsure of what the real DCA answer is or whether it simply does not exist.

(12) An absence of internal general policy guidelines and operating procedures. A problem congruent with that discussed above (#11) exists on the departmental level. No statement, beyond the legislation, exists of departmental priorities and strategy. There are no work programs, policy guidelines or specific target goals for the three divisions and for the Department as a whole. This is one of the sources of the lack of communication and coordination between the divisions. As above (#11), this also violates the hierarchial nature of bureaucracy in that direction and control flows from the top and without it—or without it clearly stated and in writing—the performance of the bureaucracy depends entirely upon the individual. The table of organization is the only internal structuring that exists and it is a skeleton with no meaning without the work programs, priorities and so on, necessary to tie it together into a working organism. An exception worthy of note here is the Work Program of the SEOO.

(13) An absence of strong, visible leadership. A source of the previous two findings is the adoption of a "low profile" approach to the administration of the DCA. Not only is this the source of much of the confusion and lack of direction within the DCA, but it is also

1 Preparation of the table of organization by Edward Kelly and his staff in the Office of Program Development and Administration consumed some six to nine months.
a self-defeating approach to the problems of low income housing. Such a low-keyed, controversy-avoiding attitude permits the housing problems of the Commonwealth to remain a peripheral issue which can continue to be essentially ignored, alienates the only groups with which the Department could begin to build a significant constituency and erases any possibilities that the DCA might be an educational force in destroying the stereotypes related to low income housing.

A low profile also of necessity connotes no sense of urgency and commitment to responding vigorously to the state's housing needs and this atmosphere is certain to be felt throughout the DCA structure.

(14) An absence of commitment to the legislative mandate, clients' needs and the programs administered on the part of many staff members. This problem reaches into and influences almost all of the findings mentioned above. On the part of many important staff members within the Department there is an underlying hostility (sometimes not even hidden) towards the DCA's announced goals and towards the interests of poor people. As one local housing authority executive director wrote, "Their attitude is generally very negative and primitive." In several different interviews with DCA staff, the person being interviewed digressed into an angry lecture regarding tenants, poor people in general and their supporters. Comments such as "a lot of these people today, all they want is to sit back and have someone wait on them;" "no matter what you give poor people it is never

\(^1\) "DCA Survey" response, Question 28, general comments.
enough;" and that by giving the people that live there control rather than those in positions of authority "we are socializing housing"¹ were not uncommon. It is difficult to imagine these public servants performing up to their potential in administering low income housing programs, especially when no explicit operating or work procedures exist to demand a specified level of performance. These attitudinal problems are not denied by the DCA's leadership; but, in keeping with the low profile approach, little positive effort to overcome these negative attitudes has been made.

¹It was clear that this was viewed as a most undesirable process.
ANALYSIS

The cases and findings presented above suggest that neither the taxpayer nor the person in need of decent housing are receiving what they deserve from the DCA. The DCA's problems in the housing area stem from at least five interrelated and mutually-reinforcing sources:

(1) The task demands highly active, visible and accessible leadership. In a hierarchical bureaucracy direction and control must emanate from the top. The Commissioner's office by its "low-profile" approach has failed to provide such leadership, and by its own definition is an administration of low visibility. Within the DCA no department-wide statements of policy, procedures or goals exist and the three Deputy Commissioners believed themselves to be relatively free to develop their own priorities and work programs. Apparently the only times the Commissioner takes an active part in the decision-making processes are when the Department is subjected to pressure from outside as in the cases of modernization and more recently, the Governor's commitment to use the rental assistance

1There has also been inadequate support and expectations on the part of the Governor's office. This is particularly important in helping the DCA to attain political stature it needs to become more effective.

2The inadequacy of this administrative model in the area of low income housing is discussed on page 67.
program to meet the housing needs of Cape Cod residents.

The separateness of the division increases the problems of communication and coordination, especially in the cases in which the decision develop different and/or conflicting goals and strategies. There is confusion over divisional responsibilities and often very different orientations by the separate divisions with respect to goals and clients. As a senior staff member stated, "The divisions are very separate and people in different divisions don't know what is happening in the other ones or know the people there." An example of this is that Herb King, now administering the rental assistance program does not even know Arthur Kimber who is Director of the State Economic Opportunity Office. In this dispersed environment personalities become the determining factors in whether or not there is coordinated effort made on a particular project.

Another problem is that the Commissioner himself is inaccessible, except to the deputy commissioners and a few of his top aides, not only to the Department's staff but also to groups outside of the Department. The latter group is especially important in determining the DCA's legislative effectiveness. The accessibility of staff to the Commissioner is one aspect of the lack of encouragement and motivation—two items which are very needed by a staff characterized by low morale and productivity. The present Commissioner has never

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1 These problems exist in part because of the organizational structure of the DCA with an arbitrary separation of hardware and software duties.
held a departmental staff meeting, there is little positive reinforcement for a job well done and seldom, if ever, any directives sketching the challenges that face the Department and urging everyone to join the effort to meet them. Of course, without the substance and follow-through provided by departmental policy, procedures, priorities, etc. such directives would be chaff thrown to the wind.

(2) As on the departmental level, there is very little structuring of each division's and each program's goals and operating procedures. Decision-making procedures, division of responsibility, priorities, deadlines or target dates remain unspecified and unwritten. The claim is made that the division is a small, close-knit organization and, therefore, written rules and guidelines would only increase the red tape and further complicate an already difficult process. The Division of Community Development has more than fifty-five staff members and is not a small, close-knit organization. There is a serious lack of intra-divisional communication and it is common to receive three or four different answers to basic questions depending on whom one talks to. This combination makes it very difficult to pin anyone down on anything and for applications to move quickly and smoothly through the division—e.g., Deputy Commissioner Richardson says he and Herb King are handling modernization, several others say Edward Power is in charge and Thomas Shea thinks he is making the decisions though it is difficult to understand why. The absence of clearly defined objectives and written guidelines violates the
assumptions made regarding the characteristics of efficient bureaucracy\(^1\) and denies the reality that one cannot rely upon the personal motivations of a large staff—secure in their positions and not necessarily committed to controversial programs—to perform adequately.

(3) It is evident, and readily admitted by some DCA administrators that a number of problems exist which contribute to the low level of productivity of regular DCA staff. (1) The first of these is a legacy of the creation of the DCA. The Division of Community Development was staffed by persons transferred from the Department of Commerce and Development but, unfortunately, none of those transferred possessed administrative backgrounds and skills. (2) Aggravating this fact, there has been little or no emphasis within the DCA to provide training programs to improve and update staff members' skills and to increase their understanding and sensitivity to the housing needs and issues with which they are confronted in their work. (3) A perennial problem in state government has been low salaries and political appointments and the consequent problem of attracting the best people. With the DCA this problem has been made more of an obstacle by the not uncommon failure of people to get paid on time. There have been instances of new employees not being paid for several pay periods, several

\(^1\)See above, pp. 1-2.
times the whole staff has not been able to cash their checks because of a lack of funds to cover the payroll and at least one new employee finally left after six months of unpaid efforts.

However, the two most important factors in the present personnel situation are (4) the civil service system and (5) staff morale. The defects of the state civil service system have been studied many times.¹ The major problem is the job security possessed by those persons performing poorly and the limited, but not non-existent (as the DCA's leadership claims), negative leverage available to an administrator to demand a high level of productivity on the part of regular staff members. The result is a low level of performance which becomes the standard. One does not have to observe the office routine within the Division of Community Development long before it is quite evident that the energy level is disturbingly low. Given the leadership and personnel problems presented above, it is almost inevitable that the Department's morale is depressed.

(4) Involved in and reinforcing each of the above problem areas is the lack of personal commitment on the part of many staff members to the goals and spirit of the DCA's legislative mandate. These negative attitudes are discussed above in Finding 14. They indicate a pressing need for an intensive training and motivational

¹"The Report of the Special Commission on Civil Service and Public Personnel Administration," June, 1967, H5100, is an excellent introduction to the Massachusetts civil service system. Also see Appendix C for a slightly more detailed discussion of the Division of Community Development and civil service.
program aimed at involving all staff in developing a sense of purpose and commitment. Until this kind of a program is undertaken the notion of the DCA as "an advocate for the poor within state government" will remain hollow rhetoric.

(5) Since the DCA's inception its relationship with the Legislature has been rather poor with both groups doing little to improve the situation. The DCA's lack of initiative and incompetence on Beacon Hill reinforces the Legislature's reluctance to back up its rhetoric and program legislation with sufficient appropriations to a young department which does not have a great amount of political clout and stature. A common complaint made by the DCA is that the Department is suffering from malnutrition because of inadequate staff and program funding. Two points should be made with respect to this problem. First, given the low level of performance manifested by many staff members it is unclear whether or not the staff appropriations are truly inadequate. It may well be that they are inadequate and that both additional staff positions and higher salaries are necessary to do the enormous jobs facing the DCA. However, this has not been demonstrated conclusively and it is this kind of failure to document and present aggressively its arguments which allows the Legislature to rationalize its thrift and ignore the Department's requests for more money. Second, the DCA's inability to receive additional funds is the result of the interaction of three actors: (1) the Governor, who could give more vocal and determined support to the DCA; (2) the Legislature, which--in the absence of substantial
pressure for the DCA's requests—finds it convenient and politically profitable to refuse the Department's increases; and (3) the DCA, which sometimes has not asked for adequate funds—e.g., the Chapter 853 case in which nothing was requested, has not presented itself well and forcefully to the committees and has not built the client support or constituencies needed or engaged in the follow-up lobbying necessary to pass budgets, especially for housing and social action programs. ¹ Whatever the respective shares of blame for the present situation might be, a change for the better will occur when the DCA, with the Governor's support, is able to do away with the Legislature's reluctance by a strong legislative effort which forces the Legislature to either back up its legislation with sufficient dollars or accept the responsibility for its failure to do so.

¹As one legislator who is very much in favor of the DCA's programs stated, the DCA's legislative performance is "so incredibly bad, it's unbelievable."
SUMMARY OF IMPORTANT FINDINGS AND RECOMMENDATIONS

(1) The DCA's leadership has failed to provide the direction, encouragement, control and public commitment which is necessary to make the DCA an effective agency.

**RECOMMENDATION:** That the present "low profile" approach be abandoned and the DCA's leadership forcefully exercise the manifold powers it possesses under the DCA's enabling legislation. The DCA should make strong, public commitments to the goals for which it was created and to implement its present programs vigorously. This will make it possible to mobilize a constituency among users of the programs and to begin to focus public attention and concern upon the desperate needs which the DCA is supposed to service. Thus, the DCA will begin to achieve the stature and political clout it needs to become a responsive and effective agency capable of measuring up to its duties.

(2) The excuse used frequently by the DCA's administrators for the low level of productivity on the part of the staff is that the DCA is frozen into the state civil service system and they cannot do anything about unproductive and/or incompetent personnel. However, as Appendix C indicates, the civil service situation with the DCA is not as impossible as they suggest and there are opportunities for changes which have not been taken advantage of.

**RECOMMENDATION:** That the DCA's leadership use the opportunities existent within the present personnel situation to upgrade staff
productivity and competence. Some staff members are not employed under civil service and may be removed if they fail to perform. Many others are in provisional or temporary positions from which they may be demoted if necessary. These and other procedures exist which should be used to produce a higher level of performance by the staff and to eliminate, or transfer to less critical posts, those employees who are not able or willing to conform to these demands.

(3) In addition to the above problem, there is a critical need to eliminate the lack of direction, confusion and low morale which presently exists among the staff.

RECOMMENDATION: The DCA should formulate and publish explicit policy guidelines, procedures, targeted goals, deadlines, and work programs on the departmental, divisional and program levels which would provide not only guides to action but also provide a standard by which the department's or the division's or the individual's performance could be measured. Also, the leadership of the DCA should undertake an intensive program to upgrade and improve the staff's skills, motivation and commitment to the needs and aspirations of people of low income. A major part of this program should be positive reinforcements including recognition for high levels of performance and the development of an atmosphere in which the civil servants feel needed and are listened to by the DCA's leadership.
(4) As has been noted for the modernization program and the DCA in general, there has been a serious shortage of funds in many areas of the DCA's operations.

**RECOMMENDATION:** Part of the vitalization of the DCA must be increased authorizations for staff and programs. However, these needs cannot be estimated until the changes recommended above at least begin to take place. This will also demonstrate to the Legislature that the increased funds are not going to be wasted by an ineffective and directionless bureaucracy.

(5) As presently constituted, the DCA is an ineffective agent of state government which is unable to implement programs such as modernization and the elderly rent ceilings act with reasonable dispatch and competence.

**RECOMMENDATION:** That, until the changes recommended above take place and the DCA substantially increases its capabilities and performance, no new programs which are to be implemented by the DCA be passed by the Legislature. It is simply wasted and delusional effort to legislate new programs which are not going to be implemented with efficiency and understanding of the social needs they are designed to meet.
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APPENDIX A

Chapter 694

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy

AN ACT providing for the modernization and renovation of existing public housing projects and authorizing the Commonwealth to borrow money to provide state grants for such projects.

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. The department of community affairs is hereby authorized to expend a sum not exceeding fifteen million dollars for the purpose of contracts to be entered into by said department, acting for and on behalf of the commonwealth, with housing authorities established pursuant to section three of chapter one hundred and twenty-one B of the General Laws, or corresponding provisions of earlier laws, for state financial assistance in the form of grants to such authorities for projects undertaken pursuant to clause (i) of section twenty-six of said chapter, added by section two of this act, which grants shall be paid by the commonwealth upon approval and certification by said department to the state comptroller; provided, that the amount expended pursuant to this section during any one fiscal year shall not exceed five million dollars.

SECTION 2. Section 26 of chapter 121B of the General Laws, as appearing in section 1 of chapter 751 of the acts of 1969, is hereby amended by striking out, in lines 40 to 43, inclusive, the words "and (i) To lease, operate and, subject to section thirty-two establish or revise schedules of rents for any project or part thereof undertaken by it" and inserting in place thereof the following:

(i) To lease, operate and, subject to section thirty-two, establish or revise schedules of rents for any project or part thereof undertaken by it; and

(j) To undertake as a separate project the renovation, remodeling, reconstruction, repair, landscaping and improvement of any existing housing project or part thereof assisted by the commonwealth pursuant to section thirty-four or forty-one; provided,
that the plans for each such separate project shall be approved by the department, and each such project shall be undertaken in accordance with rules and regulations promulgated by the department for such projects.

SECTION 3. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purpose of meeting payments as authorized by section one of this act, and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall be not later than June the thirtieth, nineteen hundred and seventy-five. Such notes shall be general obligations of the commonwealth.

SECTION 4. To meet the expenditures necessary in carrying out the provisions of section one or to refinance notes issued as provided in section three, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of fifteen million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Public Housing Modernization and Renovation Loan, Act of 1970 and shall be on the serial payment plan for such maximum term, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization other than the final year shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rate as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June the thirtieth, nineteen hundred and ninety-five.

House of Representatives, August 12, 1970.
Passed to be enacted, /s/ Thomas W. McGee, Acting Speaker.
In Senate, August 12, 1970.
Passed to be enacted, /s/ Maurice A. Donahue, President.
August 18, 1970.
Approved,

/s/ Francis Sargent
Acting Governor.
CHAPTER 853

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Seventy

AN ACT relative to rent to be paid by elderly persons of low income and providing for reimbursement by the state for any deficiency.

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

Paragraph (e) of section 40 of Chapter 121B of the General Laws is hereby amended by adding the following:

Notwithstanding any provision of law to the contrary, no elderly person of low income shall be required to pay more than twenty per cent of his or her income without utilities or twenty-five per cent with utilities for rent for swelling units in projects or parts of projects constructed or leased or purchased under this Chapter. Any deficiency in the budget of a housing authority caused by such reduced rental shall be reimbursed by the Commonwealth and paid to the housing authority in an amount equal to the difference between the tenant's rent and the prorated cost of operating that unit. The prorated cost of operations shall be computed on the basis of the operating budget of the housing authority as approved by the department with provision for a full operating reserve.
APPENDIX B

June 15, 1971

TO ALL MASS. HOUSING AUTHORITIES

Enclosed is a questionnaire for two programs initiated in the past year.

Your cooperation is requested in completing the questions as this information is essential to us in preparing for the coming year.

Your recommendations are necessary to us to use as guides in proposing amendments to the existing laws or regulations.

I ask that you complete the form immediately and return within five days to:

JOHN R. DALY,
90 PLAINFIELD AVENUE
MALDEN, MA. 02148

All replies will remain confidential.

JOHN R. DALY,

P.S. PLEASE ADD ANY COMMENTS IN ADDITION TO TO ANSWERING QUESTIONS.

Thank you— John R. Daly—
DCA SURVEY

MODERNIZATION--
1. Did you receive a copy of the modernization rules and regulations dated March 16, 1971 from the Department of Community Affairs?  
   ____YES  ____NO

2. If YES, approximately what date did you receive them?  

3. Do you plan to apply for modernization funds?  ____YES  ____NO

4. If NO, why not?

5. If YES, please answer the following:
   A) Have you had the initial meeting with tenants to work out priorities?  ____YES  ____NO
   B) Have you sent in a completed application to the DCA?  ____YES  ____NO
   C) If NO, when do you hope to have it in?  
   D) How much modernization money will you ask for?  
   E) Will this figure completely cover the need?  ____YES  ____NO
   F) If NO, what would you estimate the total need would cost?  

6. Has anyone at the DCA contacted you to offer help in preparing your application or in clarifying the regulations?  ____YES  ____NO

7. If YES, please indicate the nature of these contacts:
   PERSONAL VISITS—many  several  one
   MEMOS OR LETTERS—many  several  one
   PHONE CALLS—many  several  one

8. What problems do you anticipate in implementing the program under these regulations, if any?

9. Did the DCA contact you prior to issuing the regulations for modernization, so that you might have an opportunity to make suggestions for the regulations?  ____YES  ____NO
   A) If YES, what did this contact(s) consist of?
CHAPTER 853—PROVIDING FOR LIMITATIONS ON THE RENTS ELDERLY PERSONS PAY IN STATE-ASSISTED HOUSING

10. Did you receive the 853 regulations dated December 1, 1970?
   ____YES  ____NO

11. If YES, approximately what date did you receive them?

12. Do you consider the reimbursement provisions of the regulations adequate?
   ____YES  ____NO

13. If NO, why not?

14. Have you implemented the program?
   ____YES  ____NO

15. If NO, why not?

16. If YES, please answer the following:
   A) When did you implement the program?
   B) How many of your tenants are affected by 853?
   C) Approximately how much is the program costing you?
   D) Is the cost of the program seriously endangering the solvency of your Authority?
      ____YES  ____NO

17. At what interval do you think the DCA should reimburse you?
    ____a quarter in advance
    ____quarterly
    ____yearly
    ____other: __________________________

18. How much help would you say the DCA has given you with respect to implementing 853?
    ____great deal  ____very little
    ____reasonable amount  ____none

19. Did the DCA contact you prior to issuing the regulations for 853, so that you might have an opportunity to make suggestions for the regulations?
    ____YES  ____NO

20. Comments or suggestions for changes you would like to see in the program:
RENTAL ASSISTANCE--
21. Have you applied to the DCA for Rental Assistance funds?
   ____YES  ____NO

22. If YES, what happened to this application?
   A) ____ application was processed
       ____ application was processed promptly
       ____ delays occurred in processing of application
   B) ____ funds allocated
       ____ status of application unknown
       ____ DCA made major changes, but funds allocated
       ____ other: ______________________

23. Have you received information from the DCA about the state Rental Assistance program?
   ____ YES  ____ NO

24. If YES, what form(s) did this take?
   ____ a copy of the Rental Assistance legislation
   ____ rules and regulations
   ____ memos or letters
   ____ personal visits
   ____ other;

25. If you are participating in the Rental Assistance program, please answer the following:
   A) How many units do you have under the Rental Assistance program?

                   
   B) How many of these units are in newly-constructed moderate or low income housing?

                    
   C) Approximately how many of these units are being rented to elderly tenants?

                    

26. Do you routinely receive notification from the DCA of important legislation of interest to you when it is about to come before the legislature?
   ____ YES  ____ NO

27. Overall, how would you rate the DCA's operations as they concern you?
   ____ very good  ____ good  ____ average  ____ poor  ____ very poor
28. General comments and/or suggestions:

NAME OF HOUSING AUTHORITY—_________________________ DATE—_________________________
Top DCA officials are quick to point to the state civil service system as the protector of incompetent, unproductive and uncommitted staff. They claim that the situation is especially unmanageable within the Division of Community Development for two reasons: (1) because there has been hardly any growth in the number of state-funded staff positions and, therefore, there have not been many opportunities to revitalize the staff with new blood and move aside those who do not perform adequately; and (2) because many of the key staff members have been in state government twenty years or more, moved to their present positions slowly and do not expect to be seriously threatened by transient reformers or administrators. This is true to lesser degrees at all staff levels.

These arguments are open to question from at least three perspectives. First, as mentioned in Section 5, positive efforts to motivate, train and involve staff can increase the commitment and productivity of some staff members. Second, what are known as 03 staff—employees not under civil service—may be removed without hesitation if necessary. Third, in light of the data presented below in Table 1, it appears that the personnel situation of even the Division of Community Development is not totally inflexible. Indeed, at least a few of those individuals specifically mentioned by administrators as unproductive are employed in non-civil

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1 This information was provided by the Civil Service Commission and is a matter of public record. The DCA officials were extremely defensive even about staff members being interviewed and refused to give any hard information regarding the civil service status of specific job positions.
service positions or do not have civil service status according to Civil Service records. Others are employed in temporary positions or under provisional promotions. This evidence indicates that the personnel situation of the DCA is not frozen and that, although the civil service system may present a serious constraint on effective departmental action, in several specific cases the administrators have failed to act when they were not constrained by the civil service system. Whether this is due to incompetence or, as some claim, the political pressures involved is not clear.

What is evident, however, is that this is one more case in which the DCA's leadership has failed to take advantage of the opportunities which exist within the present organizational structure to improve the performance of the Department. There is a particularly crucial need for more research into the nature and extent of these opportunities because of the critical importance of staff in implementing programs and because at present the civil service system is used by DCA administrators to explain the poor performance of the Department claiming there is almost nothing they can do about it.

TABLE 1

Codes used in Columns I and II are as follows:

A Transferred from State Housing Board to Dept. of Commerce & Dev. on August 6, 1964 and classified under Civil Service (Ch. 636, Acts 1964).
B Transferred from Div. of Urban & Industrial Renewal to Dept. of Commerce & Dev. on August 6, 1964 and classified under civil service (Ch. 636).
C Had tenure under General Laws, Chapter 30, Section 9a.
D Had tenure under General Laws, Chapter 121, Section 26s.
E Passed qualifying examination for position.
F Transferred from Div. of Housing in Dept. of Commerce & Dev. to the DCA on November 1, 1968 (Chapter 761, Acts 1968).
G Transferred from Div. of Urban Renewal in Dept. of Commerce & Dev. to the DCA on November 1, 1968 (Chapter 761, Acts 1968).
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<th>COLUMN III</th>
<th>COLUMN IV</th>
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<td>PRESENT POSITION</td>
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<td>IN STATE SERVICE</td>
<td>COMMUNITY AFFAIRS</td>
<td>AND DATE OF APPOINTMENT</td>
<td>TITLE, IF OTHER THAN</td>
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<td>(AND TITLE)</td>
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<td>(Seniority date - Employment in City of Worcester from 1.31.38 to 12.22.60 when he resigned to accept position with State Housing Board) Senior Construction Engineer, Department of Commerce and Development</td>
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<td>Hughes, Marjorie E.</td>
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<td>12.1.70 Provisional Senior Clerk and Stenographer</td>
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<td>Maloney, William F.</td>
<td>AD 10.3.38 (Seniority Date - Employment in City of Cambridge from 10.3.38 to 9.13.41 when he went on leave of absence for defense work and resigned 10.14.45) Principal Construction Engineer, Division of Housing, Department of Commerce and Development</td>
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<td>5.5.70 Principal Construction Engineer, Department of Community Affairs</td>
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<td>May, Donald L.</td>
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<td>ACD 9.22.48 (Seniority Date) Assistant to the Director, Project Development Services, Division of Housing, Department of Commerce and Development</td>
<td>F Same title</td>
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<td>(Seniority Date) Attorney</td>
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<td>(Seniority Date) Assistant Director, Project Development Services, Division of Housing, Department of Commerce and Development</td>
<td>5/5/70</td>
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<td>Returned on list of employees transferred from State Housing Board to Department of Commerce and Development on 8.6.64 as Senior Construction Engineer with a date of temporary employment of 11.25.63. Did not appear for Qualifying Examination and therefore acquired no Civil Service status.</td>
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<td>Rasnick, Hyman</td>
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<td>Scalzilli, Fidelia E.</td>
<td>AD 7.26.48 (Seniority Date) Lease and Occupancy Advisor, Division of Housing, Department of Commerce and Development. F Same title 5.5.70 Change in title to Lease and Occupancy Advisor 11.9.69 Provisional promotion to Supervisor, Lease and Occupancy, Department of Commerce and Development 5.5.70 Change in title to Provisional Housing Specialist, Department of Community Affairs</td>
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<td>Sestito, Lois M.</td>
<td>10.19.69 Provisional Senior Clerk and Stenographer in Community Affairs. Same date and title Same title and date.</td>
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<td>Shaw, Gertrude B.</td>
<td>8.1.44</td>
<td>Temporary Junior Clerk in Industrial Accidents</td>
<td>12.22.68</td>
<td>Provisional Senior Clerk and Typist (Not continuous service from employment in Industrial Accidents)</td>
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<td>Shea, Thomas J.</td>
<td>ACD 3.3.49</td>
<td>Assistant Director, Property Management Services, Department of Commerce and Development</td>
<td>F Same title</td>
<td>5.5.70 Change in title to Management Specialist, Department of Community Affairs</td>
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<td>Skerry, Richard A.</td>
<td>3.13.67</td>
<td>Provisional Assistant Mechanical Engineer in Commerce and Development</td>
<td>F Same title</td>
<td>3.21.71 Provisional Senior Construction Engineer, Department of Community Affairs</td>
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<td>Sutton, Susan B.</td>
<td>8.31.69</td>
<td>Provisional Senior Clerk and Stenographer in Community Affairs</td>
<td>Same date and title</td>
<td>11.30.70 Resigned</td>
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<td>Sylvia, Sylvester</td>
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<td>Employed in non-Civil Service position</td>
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<td>Walsh, Carole M.</td>
<td>11.12.63</td>
<td>Provisional Senior Clerk and Stenographer in Administration and Finance</td>
<td>F Senior Clerk and Stenographer</td>
<td>Senior Clerk and Stenographer 2.25.68 in Commerce and Development</td>
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<td>White, James B.</td>
<td>ACD 8.16.49</td>
<td>Staff Technical Advisor, Division of Housing, Department of Commerce and Development</td>
<td>F Same title</td>
<td>5.5.70 Change in title to Staff Technical Advisor, Department of Community Affairs</td>
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