



OFFERED BY COUNCILOR ED FLYNN

**CITY OF BOSTON
IN CITY COUNCIL**

IN THE YEAR TWO THOUSAND AND TWENTY-FIVE

ORDER OF COUNCILOR FLYNN

- WHEREAS:** Last week, the Boston City Council Committee on Housing and Community Development held a hearing to discuss the status of the elevators at Boston Housing Authority (BHA) Ruth Barkley Apartments and the US Department of Housing and Urban Development's (HUD) report on Boston Housing Authority; *and*
- WHEREAS:** In the last several years, aging elevators at BHA developments have posed public safety concerns. Residents reported frequent breakdowns, being stuck in elevators, elevators skipping floors, and prolonged periods of disrepair. There are increasing concerns that these conditions violate federal and state laws, including the Americans with Disabilities Act (ADA); *and*
- WHEREAS:** At the hearing, many residents testified that they were not able to get groceries, pick up medications, stay active, go to medical, family and social appointments, and access basic services during prolonged periods of elevator disrepair. They talked about not being able to get upstairs and use the bathroom in time; *and*
- WHEREAS:** Elevator access is essential for our seniors and persons with disabilities. It is imperative that BHA continues to communicate these plans and protocols in a timely manner to residents, and ensure that residents do not continue to miss critical check ups, screenings and appointments; *and*
- WHEREAS:** Moreover, on February 25, 2025, The U.S. Department of Housing and Urban Development Office of Inspector General released a report on the BHA and found that BHA “did not consistently maintain its program units and buildings public housing program units in decent, safe, and sanitary condition and in good repair,” and “did not consistently perform its annual self inspections and correct identified deficiencies in a timely manner; *and*
- WHEREAS:** The audit reported that both public housing units and buildings had deficiencies, and that these deficiencies - categorized into life-threatening and non-life threatening - were not addressed in a timely manner; *and*
- WHEREAS:** It is critical that we discuss the issues at the BHA to see how we can best support their work to ensure that it gets back on track in addressing the deficiencies identified in the HUD report. We must ensure that all units meet HUD’s and BHA’s own requirements

and that our public housing residents live in a safe, decent and sanitary environment with their units and buildings in a state of good repair. Moreover, it is imperative that we seek answers relating to the elevators at Ruth Brakley apartments and BHA developments across the city; *and*

NOW THEREFORE BE IT ORDERED:

That under the provisions of section 17F of Chapter 452 of the Acts of 1948, as amended, and any other applicable provision of law, Her Honor, the Mayor, be, and hereby is, requested to obtain and deliver to the City Council, within one week of the receipt hereof, the following information relative to:

1. Do you agree that elevator access is a life-safety issue under state and federal law (M.G.L. c. 30B § 8, ADA § 35.133)? If so, why hasn't BHA declared an emergency procurement and mobilized multiple vendors concurrently?
2. Residents are projected to wait up to two years for elevator modernization. How is that timeline consistent with the ADA's continuing-duty requirement to maintain accessible features in operable condition?
3. What interim access measures are currently in place — e.g., temporary external lifts, stair-assist devices, trained escorts, or relocation options — for residents trapped during outages?
4. Will you commit to publishing a building-by-building elevator-outage dashboard showing downtime, cause, and target repair date? If not, why?
5. Public records show vendors were unpaid for up to two years, and invoices were only cleared in January — just before the BHA letter to HUD. Why were those invoices not paid earlier, and who authorized the sudden mass payments?
6. Is it true that an on-site manager was directed to hand-deliver old invoices to vendors to bypass the public-records process? Who gave that instruction?
7. Did nonpayment or late payment contribute to the lack of bidders for elevator contracts, and what is BHA doing to restore vendor confidence?
8. How much has BHA spent on “modernization planning” versus actual physical work completed? Please provide a breakdown by vendor, payment date, and percentage of work done.

9. Under ADA Title II and Section 504, BHA must designate and publish an ADA/504 Coordinator and grievance procedure. Who currently fills that role, and where is that information publicly posted?
10. Has BHA conducted a current ADA self-evaluation or transition plan for vertical access barriers, as required by 28 CFR § 35.105 and § 35.150? If not, why not?
11. Has BHA received or is it anticipating any civil-rights complaints or enforcement actions related to Ruth Barkley — ADA, Section 504, or Fair Housing? If yes, please summarize their status.
12. Nine of thirteen AAB complaints remain open. Why hasn't BHA resolved those, and what is your target date for closing them in compliance with 521 CMR?
13. BHA claimed these are isolated maintenance issues. How do you explain the same patterns — elevator failures, infestations, heating outages — appearing across multiple BHA properties?
14. Will you commit to creating a Resident Safety & Accessibility Oversight Panel with direct representation from residents, the Disability Commission, and independent experts?
15. If the City Council designates elevator access as a life-safety emergency, will you commit to implementing emergency procurement and transparent public reporting within 30 days?
16. Does BHA acknowledge that prolonged inaction after notice of discrimination can constitute deliberate indifference under the ADA?
17. Will you commit on record to a timeline for completing all elevator modernizations and to personally reporting quarterly progress to this Council?
18. If HUD or DOJ mandates a consent decree or oversight intervention, will you cooperate fully and make all correspondence and compliance data public?
19. Would you agree with the residents of Ruth Barkley and say their housing is “safe, sanitary, and accessible,” as required by 24 CFR 902?
20. If not, why are they still living in those conditions nearly a year after BHA's first

assurances to this Council that progress was underway?

21. Finally, will you support the Council's request for a formal independent audit of BHA's accessibility compliance and vendor-payment history?
22. Does BHA have any outstanding unpaid invoices to any outside vendor, contractor or city department over 60 days? If so, please provide a copy of the invoice and why it has not been paid.

I hereby request that the Mayor's Office, Boston Planning Department, City of Boston Assessing Department, and other relevant city departments, through the Mayor, provide any and all information that is available regarding this matter.

Filed in City Council: October 22, 2025