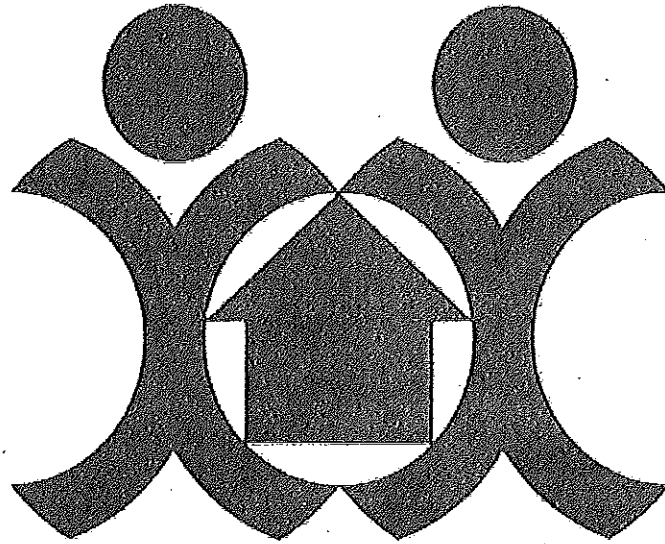


Boston Housing Authority



Public Housing Tenant Participation Policy 5-16-07



Public Housing Tenant Participation Policy
(Approved 5-16-07)

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1. Preamble

Whereas, the successful management by the Boston Housing Authority (the "BHA") of its local public housing developments requires participation and cooperation from all BHA tenants in the overall mission and operation of public housing in order to create a positive living environment.

Whereas, the existence and recognition of viable, representative, and democratic local tenant organizations ("LTOs") is critical for achieving participation and cooperation from BHA tenants, consistent with sound management practices and concerns for the general welfare.

Whereas, in furtherance of tenant participation in matters involving BHA tenants in general, the BHA shall work whenever possible with tenants organized as LTOs or organizing and seeking recognition as LTOs, rather than with individual tenants.

Whereas, the form and extent of tenant participation including resident management is a decision to be made jointly by LTOs, resident management corporations, and the BHA.

NOW THEREFORE, the BHA establishes a policy, set forth herein (the "Policy"), to define the rights and responsibilities regarding participation of BHA tenants and their LTOs in the management of BHA developments.

2. Definitions

BHA: Boston Housing Authority.

BHA Agency Plan: Annual and five-year plans describing the operations and activities of the BHA, subject to HUD approval.

BHA Central Office: The central office of the BHA located at 52 Chauncy Street, Boston, Massachusetts 02111.

BHA Monitoring Committee: A committee established pursuant to Chapter 88 of the Acts of 1989 (the BHA Enabling Act) in order to monitor management indicators and review and approve BHA budgets, annual modernization applications, and certain demolition/disposition agreements.

Development: A building, a portion of a building, or a group of buildings containing public housing units administered by the BHA.

Development Manager: A property manager of a Development.

DHCD: Massachusetts Department of Housing and Community Development.

Federal Development: A Development receiving federal operating subsidies.

HUD: U.S. Department of Housing and Urban Development.

LTO: Local Tenant Organization.

LTO Board: The Board of Directors of the LTO.

LTO Member: Public Housing Tenants of a Development represented by a LTO, as further defined in Section 6.6.1.

Recognition Package: A package of form documents provided by the BHA that an LTO must complete and submit to the BHA for recognition and annual compliance.

Policy: The Tenant Participation Policy contained herein.

Public Housing: Housing units receiving operating subsidies and subject to federal and State public housing regulations.

RAB: Resident Advisory Board, a City-wide board composed of elected residents from various Developments and Section 8 participants to advise the BHA on the development of the BHA Agency Plan.

RMC: Resident Management Corporation, a corporation established by residents of a Development to manage the Development.

State Development: A Development receiving state operating subsidies.

Tenants/Residents: The persons legally residing in BHA Public Housing units.

TPF: Tenant Participation Funds, federal and state appropriated funds pursuant to the federal and State regulations.

3. Application of this Policy and Compliance with Laws

3.1 This Policy applies to all Federal and State Developments unless otherwise specified.

3.2 This Policy complies with federal and State tenant participation requirements, the BHA Agency Plan, and all applicable laws, rules, regulations, and policies. With respect to Federal Developments, in the event of conflict with this Policy, the Federal Regulations shall take precedence. With respect to State Developments, in the event of conflict with this Policy, the State regulations shall take precedence.

3.3 All LTO and tenant participation activities shall comply with the BHA's Civil Rights requirements, as defined in the BHA's Civil Rights Protection Plan.

THE GENERAL ROLES OF THE LTO AND THE BHA

4. The Role of the LTO

4.1 The LTO shall seek to improve the quality of life and tenant satisfaction and enable tenants to create a positive living environment for families living in Public Housing, free from harassment and discrimination on the basis of race, color, national origin, religion, sex, sexual orientation, age, genetic information, ancestry, marital status, veteran status or being a member of the U.S. armed forces, familial status, source of income, and disability.

4.2 LTOs may actively participate in the management of Public Housing. In particular, LTOs may advise the BHA on the following matters: redevelopment, modernization, security, maintenance, tenant screening and selection, community services, recreation, the budgetary process, and the adoption or amendment of rules affecting the rights, status, duties, or welfare of tenants.

5. The Role of the BHA

5.1 The BHA shall have ultimate responsibility for management operations, yet it shall encourage and facilitate strong tenant participation in its operations through the LTOs, the RAB, and the BHA Monitoring Committee.

5.2 The BHA shall recognize a duly elected LTO as the sole representative of the tenants it represents, and shall support its tenant participation activities in accordance with the federal and State regulations and this Policy.

5.3 The BHA shall encourage tenants in their organizing activities. The BHA shall not seek to evict tenants or take reprisal against tenants for organizing, joining, or participating in the activities of an LTO.

5.4 If a Development has no recognized LTO, the BHA may consult with interested tenants in the Development. In addition, the BHA shall provide notices to individual tenants as required by law.

FORMATION AND RECOGNITION OF THE LTO

6. Formation and By-Laws of LTO

6.1 If a Development has no recognized LTO, and the tenants in the Development wish to establish an LTO, they shall prepare a petition to the BHA signed by the number of potential eligible LTO Members of the Development required by the LTO's By-laws, if any, or if there is no such By-law provision, then the recommended number of the lower of 25 or 10% (but in no event fewer than 10) of the potential eligible LTO Members of the Development. Upon receipt of the petition, the BHA shall provide guidance and assistance in the establishment and recognition of an LTO. The potential LTO Members may also seek guidance and advice from other qualified agencies.

6.2 The LTO shall organize and operate as a separate association or entity. Nothing shall preclude the LTO from exercising its rights as an independent organization.

6.3 The LTO shall open and maintain its own fiscal records and its own bank account at a FDIC or comparable state-insured financial institution. The LTO shall not use the BHA's tax identification and exemption number or other corporate or tax identifying names, numbers, or characteristics.

6.4 The BHA may monitor an LTO's finances involving any BHA funds at any time.

6.5 The LTO may form partnerships with outside organizations, provided that such relationships are complementary to the LTO in its duty to represent the tenants, and provided that such outside organizations do not become the governing entity of the LTO.

6.6 The LTO shall adopt By-laws in accordance with this Policy, which shall include the following provisions:

6.6.1 An LTO Member shall be any member of a public housing household who is a designated head of household of any age, or a member of a public housing household at least 18 years of age or older whose name is on the lease of a unit in the Development(s) that the LTO represents, and who meets the requirements of the By-laws. The LTO may establish additional criteria that are non-discriminatory and do not infringe on rights of tenants in the Development. There shall be no membership fee.

6.6.2 The LTO shall hold Development-wide meetings at least twice per year with the tenants of the entire Development to ensure that tenants have input and are aware and actively involved in Development decisions and activities. Meetings shall be held with reasonable advance notice at times and places that are reasonably convenient and wheelchair accessible, if available at the Development. The LTO shall provide interpretative services as needed, if funds are available. Meetings shall be open only to LTO Members, and LTO Members shall have reasonable opportunity to participate and make their views known. An LTO Member may invite BHA staff members and other non-LTO Members to attend.

6.6.3 The By-laws may be approved or amended only by a majority vote of the LTO Members present at a Development-wide meeting at which there is a quorum and for which there was reasonable advance written notice, including prominent posting at the Development of the time, date, and purpose of the meeting.

6.6.4 The LTO shall make the By-laws available to tenants upon request.

6.6.5 The By-laws shall define the number of LTO Board members required for a quorum of the LTO Board and the number of LTO Members required for a quorum of the LTO.

6.6.6 The By-laws shall contain procedures for the formation of the LTO Board, the removal of an LTO Board member, and the filling of a vacancy on the LTO Board in accordance with this Policy.

6.6.7 The By-laws shall contain procedures for regular and recall elections in accordance with this Policy (Article 8). Such procedures described in the By-laws may include the number of signatures of LTO Members required for nominations.

6.6.8 The By-laws shall comply with all other applicable laws and policies.

6.7 The LTO shall adopt a dispute resolution process for internal LTO disputes. This resolution process may involve the BHA and its Office of Civil Rights or other qualified agency as a resource to assist in the dispute resolution.

7. Formation and Role of the LTO Board

7.1 The LTO Members shall democratically elect the LTO Board.

7.2 Any LTO Member who meets the requirements described in the By-laws and is in good standing with the BHA may seek office and serve on the LTO Board.

7.3 The LTO shall make good faith efforts to achieve reasonable representation on the LTO Board on the basis of race, color, national origin, religion, gender, sexual orientation, age, familial status, and disability in the Development that it represents. Furthermore, the LTO shall make good faith efforts to achieve reasonable representation on the LTO Board of residents from all geographic areas of the Development that it represents.

7.4 The LTO shall establish procedures for elections and recall of the LTO Board in accordance with this Policy.

7.5 The LTO Board shall, at a minimum, consist of five elected LTO Board members. The LTO may establish staggered terms and term limits for LTO Board members, subject to the requirement of elections at least every three years.

7.6 The LTO Board shall make reasonable efforts to fill any vacancy on the LTO Board. Reasonable efforts may include additional elections, notice requesting nominations from LTO Members, or LTO Board appointments until the next election.

7.7 The LTO shall have, at a minimum, the following officers: President, Treasurer, and Secretary. The LTO may also have additional officers, as needed, including vice president and alternates. These officers shall be LTO Board members. The basic duties of these officers shall be as follows:

7.7.1 The President shall exercise general management of the LTO;

7.7.2 The Treasurer shall exercise general management of all financial affairs of the LTO;

7.7.3 The Secretary shall maintain all LTO records, including minutes and votes;

7.7.4 An LTO officer shall not act contrary to a position taken by a LTO Board vote.

7.8 The LTO Board shall hold frequent meetings (recommended monthly). Meetings shall be held with reasonable advance notice to LTO Members at times and places that are reasonably convenient and wheelchair accessible, if available at the Development. The LTO shall provide interpretative services as needed, if funds are available. Meetings shall be open to LTO Members, and they shall have reasonable opportunity to participate. The LTO Board may decide to close the meeting or go into executive

session to discuss confidential matters, including but not limited to the physical or mental condition of an LTO Member, discipline or dismissal of an LTO employee, security, and litigation.

8. Election Procedures

8.1 The LTO shall hold elections of the LTO Board pursuant to this Policy on a regular basis, but at least once every three years. Election procedures shall impose no unnecessary restrictions on candidates desiring to run for office, and shall entitle LTO Members to an opportunity to vote after reasonable notice of the time and place of the election.

8.2 The LTO shall adopt and issue election and recall procedures in their By-laws. The procedures shall include requirements such as qualifications to run for office, frequency of elections, and procedures for recall. The procedures shall also include other requirements, including but not limited to nomination procedures, number of available LTO Board positions, and time frames. The LTO may also adopt term limits, if desired.

8.3 Prior to each regular or recall election, the LTO Board shall establish and select an Election Committee (recommended minimum of three members) comprised of LTO Members who are not candidates and/or volunteers who are not LTO Members, and shall seek inclusion on the basis of race, color, national origin, religion, gender, sexual orientation, age, familial status, and disability. The Election Committee shall implement and conduct all LTO election activities as well as ensure the LTO's compliance with all election requirements. The LTO shall not have elections if no Election Committee is established.

8.4 Prior to recognition of a not yet recognized LTO, a group of potential LTO Members may establish and select an Election Committee to hold elections.

8.5 Prior to commencing elections, the Election Committee shall inform the BHA.

8.6 The Election Committee shall choose an independent third party to observe elections and provide advice as needed. Independent third parties shall be defined as established organizations with relevant experience in overseeing elections, and may include but are not limited to election boards, commissions, community groups, and nonprofit organizations. Upon request by the LTO, the BHA may offer assistance to the Election Committee in choosing an independent third party.

8.7 Nominations Procedure

8.7.1 At least thirty (30) days in advance of the nomination deadline, the Election Committee shall deliver initial notice of the election to each occupied unit in the Development. The Election Committee shall post such notices in every Development hallway, Development Management office, and LTO office at least

thirty (30) days prior to the nomination deadline.

8.7.1.1 The initial notice shall include a description of the election procedures, eligibility requirements for candidates, and dates of the nomination deadline and the election, and shall have nomination forms attached. The initial notice shall provide clear instructions regarding the attached nomination forms, including who is an eligible candidate, how the nomination forms are to be completed, and where and when they are to be filed.

8.7.1.2 To ensure that the initial notice solicits the broadest possible attention of LTO Members and encourages their participation in the electoral process, the Election Committee shall translate such initial notice from English into the most appropriate languages for the Development's population. If the Election Committee needs assistance with translation, the Election Committee may request assistance from the Development Manager, recommended at least 14 days prior to the date set for the initial notice, and the BHA shall provide such assistance, subject to the BHA having available funding. If such a request is not made to the Development Manager by this recommended deadline, the BHA may still provide such assistance if possible, but the Election Committee or the LTO Board shall remain solely responsible for the translation and distribution of these materials.

8.7.2 The recommended number of LTO Members whose signature is required in support of a nomination to the LTO Board is the lower of 25 LTO Members or 10% (but in no event fewer than 10) of the LTO Members at the Development, or such other number that the LTO states in its By-laws.

8.7.3 Nomination forms shall be available to LTO Members at both the LTO office and the Development Management office. LTO Members may sign more than one nomination form.

8.7.4 After the nomination deadline, the BHA through its Development Manager shall have five working days to review and certify to the Election Committee that the signatures of the LTO Members on the nomination papers for each candidate represent names of legal occupants of the Development. The BHA shall not certify that the signatures are authentic. If a sufficient number of signatures are not certified, the candidate shall be disqualified from the election.

8.7.5 The BHA shall also certify that the candidates are LTO Members as defined in Section 6.6.1 and eligible to run for the LTO Board pursuant to Section 7.2.

8.7.6 The LTO shall maintain the certified nomination papers in its files for three years.

8.8 Election Procedures

8.8.1 After the signatures on the nomination papers have been certified, the Election Committee shall notify LTO members of the nominations via notices with each candidate's name and address listed. The Election Committee shall post such notices in the Development Management office, the LTO office, and other usual posting locations at least thirty (30) days prior to the election.

8.8.2 The Election Committee shall conduct a range of activities to encourage resident participation in the election, including holding candidates' nights and posting notices to remind residents at least one week before the election.

8.8.3 Candidates for the LTO Board may post and advertise their candidacy in the Development Management office, the LTO office, and other usual posting locations.

8.8.4 Polling stations shall be located in an area of adequate size to provide voters a sufficient level of privacy to mark ballots. The Election Committee shall provide a secured ballot box at each voting station, and shall verify each voter's eligibility as an LTO Member. Upon request by the Election Committee, the Development Manager shall supply a list of legal tenants and their addresses for this purpose.

8.8.5 No candidate for election shall be allowed in the voting station other than to cast his/her own ballot. No candidate or his/her supporters shall conduct any campaign activities within twenty (20) feet of the polling station.

8.8.6 The Election Committee shall provide notice to LTO Members of election results within three (3) calendar days. Notice shall be deemed sufficient by visibly posting the results, including the number of votes cast for each candidate, at both the LTO and Development Management offices.

8.8.7 The LTO Board shall provide written notice to the BHA of the election results, including the number of votes cast for each candidate, within ten (10) working days.

8.8.8 After an election, the independent third parties shall provide the BHA with a certificate attesting to the fairness of the election. The independent third parties shall provide such a certificate within ten (10) working days on such form and attachments as the BHA directs.

8.8.9 The LTO Board shall meet within five (5) working days of the election in order to select its officers in accordance with the LTO by-laws.

8.9 Recall Elections

8.9.1 Any LTO Member may initiate a petition for a recall election. The LTO shall conduct a recall election to remove one or more LTO Board members upon petition of at least 10% of the LTO Members.

8.9.2 A recall petition shall have a clearly stated reason for the recall typed at the top of each page of the petition.

8.9.3 A recall petition shall be submitted to the LTO Board, which shall submit it to the BHA to review and certify that the signatures on the recall petition represent names of legal occupants of the Development, but not that the signatures are authentic. Upon receipt of the certification of signatures on the recall petition, the LTO Board shall establish and select an Election Committee.

8.9.4 Recall elections shall not be held more than once a year for each office.

8.9.5 To the extent applicable, recall elections shall follow regular election procedures unless otherwise provided in this section of the Policy.

8.9.6 Resulting vacancies in the LTO Board shall be filled pursuant to the LTO's by-laws.

9. BHA Recognition of LTO

9.1 In seeking BHA recognition, an LTO shall complete and submit to the BHA a Recognition Package, which shall include the following documents and information:

9.1.1 The LTO By-laws and/or corporate documents.

9.1.2 An acknowledgment of receipt of this Policy, in a form determined by the BHA, and a Memorandum of Understanding between the BHA and the LTO, indicating that the LTO agrees to the terms of this Policy.

9.1.3 Copies of the LTO's election plan, completed nomination forms, and the names and addresses of the members of the Election Committee.

9.1.4 The date of the most recent LTO Board election and the number of votes cast for each candidate.

9.1.5 The names and addresses of all LTO Board members and the date(s) of their election to the LTO Board, and what offices they hold on the LTO Board.

9.1.6 A certificate of independent third parties that the election was conducted in accordance with this Policy.

9.1.7 A description of LTO activity, if any, including, but not limited to, efforts achieving reasonable representation and participation of residents reflecting

diversity in race, ethnicity, age, disability, and geographic areas in the Development.

9.1.8 Copies of outreach and informational materials in all languages used.

9.1.9 The dates of all LTO Board and Development-wide meetings held within the past twelve months, if any.

9.1.10 Financial and other records or information that the BHA requests, if any.

9.2 The LTO's Recognition Package (described above), including the LTO's By-laws, shall demonstrate the following:

9.2.1 The LTO represents the tenants living in the Development in matters affecting the rights, status, duties or other common interests of such tenants, and it maintains a cooperative working relationship with the BHA.

9.2.2 The LTO does not impose unreasonable restrictions on participation by the tenants it represents.

9.2.3 The LTO has adopted By-laws and election procedures in accordance with this Policy and applicable laws and regulations.

9.2.4 The LTO has held elections in accordance with this Policy.

9.3 Within 30 days of the BHA's receipt of the LTO's Recognition Package, the BHA shall review the LTO's Recognition Package and determine whether to grant recognition to the LTO complying with this Policy. If the BHA grants recognition to the LTO, the BHA and the LTO shall enter into a tenant participation agreement, minimally a counter-signed recognition letter.

9.4 Denial of Recognition. If the BHA determines that the LTO has not complied with all requirements in this Policy, the BHA shall deny recognition of the LTO. The BHA shall notify the persons who submitted the Recognition Package in writing within 30 days of the BHA's receipt of the recognition package. The notice shall specify the reasons for non-compliance, and shall give the LTO 30 days from the date of mailing of the notice of non-compliance to achieve compliance. If the LTO provides no or an unsatisfactory response, the BHA shall deny recognition or grant provisional recognition (as described below), and send written notice to the persons who submitted the Recognition Package. The BHA shall post notices in public places, including but not limited to the Development management office, to inform the tenants of the BHA's action with respect to recognition. After denial of recognition, the LTO may restart the recognition process or follow the Dispute Resolution Process described below in Article 20.

9.5 Conditional Recognition. Upon written request by an unrecognized LTO or pursuant to the BHA's initiative, the BHA may at its sole discretion grant conditional recognition

for such period as it deems acceptable. The request from the unrecognized LTO shall set forth a plan and timeline to achieve compliance. The BHA may adopt or modify this plan or timeline as part of the conditional recognition.

9.6 The BHA shall recognize only one LTO per Development. In no event shall the BHA recognize a competing LTO once an LTO has been recognized.

9.7 If two or more associations at a Development are seeking recognition as the LTO, the BHA shall encourage the competing associations to cooperate. If the associations cannot agree, the BHA shall recognize the association that the BHA determines will best represent the tenants, considering the relevant circumstances, including the following:

9.7.1 The number of tenants participating in the association's elections;

9.7.2 The number of tenants participating in the association's meetings;

9.7.3 The association's efforts to encourage tenant participation;

9.7.4 The association's governance procedures;

9.7.5 The association's compliance with the recognition requirements;

9.7.6 The association's history of recognition efforts.

9.8 The BHA shall mail its written determination to the competing associations, recognizing one as the LTO and denying recognition to the other association(s), with an explanation. The BHA shall post notices in public places, including but not limited to the Development management office, to inform the tenants of the BHA's action with respect to recognition.

9.9 Annual Compliance and Ongoing Recognition. LTOs shall demonstrate annual compliance with recognition requirements by submitting the BHA-required documents to the BHA within 30 days of fiscal year-end, including but not limited to the following:

9.9.1 Any amendments to the LTO By-laws or corporate documents, and documentation demonstrating the process used for such amendments.

9.9.2 Financial Reports with respect to BHA-provided funds, in a form that the BHA requires. The BHA may, upon request, review the records and receipts for expenditures at any time during the year. LTO Board members shall sign and receive copies of such reports.

9.9.3 The names and addresses of all LTO Board members and the date(s) of their election to the LTO Board, and what offices they hold on the LTO Board.

9.9.4 The dates and records of all LTO Board meetings and Development-wide meetings held within the past twelve months, such as sign-in sheets, agendas, minutes, votes, etc.

9.10 Revoking Recognition. The BHA may revoke recognition of an LTO at any time in the event of any of the following:

9.10.1 The LTO's material failure to follow its By-laws, this Policy (including annual compliance and ongoing recognition requirements), or applicable laws;

9.10.2 The LTO's failure to use funding, space, or supplies provided by the BHA in accordance with BHA, state, or federal requirements;

9.10.3 The LTO's failure to hold regular meetings open to tenants;

9.10.4 The LTO's failure to hold elections in accordance with this Policy;

9.10.5 The LTO's participation in activities that the BHA has found to be motivated by bias on the basis of race, color, national origin, religion, sex, sexual orientation, age, genetic information, ancestry, marital status, veteran status or being a member of the U.S. armed forces, familial status, or disability.

9.11 The BHA shall provide first a warning to the LTO that it is considering revoking recognition of the LTO. The warning shall provide reasons for revocation and measures for the LTO to take to cure its deficiency. If the LTO does not cure the deficiency within 45 days of the mailing of such warning, the BHA may revoke recognition of the LTO, but the BHA in its sole discretion may extend this time period. The LTO may request a meeting with the BHA prior to revocation. If the BHA revokes recognition of the LTO, the BHA shall notify the LTO Board in writing, and shall post notices in public places, including but not limited to the Development management office, to inform the tenants of the BHA's revocation of recognition. In case of an LTO in a State Development, the BHA may request DHCD to revoke recognition of the LTO.

9.12 In the event the LTO fails to comply with BHA, State, or federal requirements, or the BHA revokes recognition of the LTO, the BHA may withhold funds from the LTO and/or require the LTO to return funds already disbursed for the year in which recognition was revoked.

BHA ASSISTANCE TO LTO

10. Meetings

10.1 In an effort to promote communication between the BHA and the LTO, the BHA Development Manager or designee shall meet on a regular basis (recommended

quarterly) with the LTO Board, or if there is no recognized LTO, then with tenants interested in forming an LTO.

10.2 The BHA Development Manager or designee shall meet with the entire LTO of a Development (recommended twice a year). Such Development-wide meetings shall be open to LTO Members and BHA staff. Such meetings shall be open to others only by invitation of BHA staff or an LTO Member, but only LTO Members may vote. Such meetings shall be held in places that are wheelchair accessible, if available at the Development. The BHA shall provide interpretative services as needed, if funds are available.

10.3 The BHA Administrator or designee and the LTO shall meet regularly (recommended once a year) in such time, place, and manner as the BHA Administrator deems appropriate. Such meetings may be held jointly with other LTOs, and shall be open only to LTO Members, BHA staff, and others by invitation of BHA staff or an LTO Member. Such meetings shall be held in places that are wheelchair accessible. The BHA shall provide interpretative services as needed.

10.4 The BHA shall give written notice by hand or first class mail to the LTO Board Chair of the date, time, and place of such meetings as described in above sub-section 10.3 at least ten working days in advance. Either the BHA or the LTO Board Chair or their designees may propose an agenda item for a meeting by giving oral, electronic, or written notice by hand to the other at least two days in advance of the meeting. If neither the BHA nor the LTO Board proposes an agenda item for the meeting, the BHA or the LTO Board may cancel the meeting with advance oral, electronic, or written notice to the other.

10.5 The BHA shall provide ten days advance written notice to LTOs of BHA Monitoring Committee meetings scheduled to discuss common interests of tenants, but not individual grievances.

11. Providing Information and Training

11.1 Upon request by tenants or an LTO, the BHA shall provide appropriate guidance and information to tenants to assist them in establishing and maintaining a recognized LTO. The BHA shall provide the tenants or any LTO with information concerning the BHA's policies on tenant participation in management, including the BHA's Agency Plan.

11.2 Upon request by tenants or an LTO, the BHA shall provide information and train the LTO Board members and other tenants in the Development regarding the following matters:

11.2.1 the development and implementation of current and proposed HUD and DHCD policies and programs;

11.2.2 the BHA's capital and operating budgetary process.

11.3 The BHA may also provide training in the following areas:

- 11.3.1 community organization and leadership training;
- 11.3.2 organizational development and capacity building for LTOs;
- 11.3.3 diversity-related team-building;
- 11.3.4 public housing policies, programs, rights, and responsibilities;
- 11.3.5 business entrepreneurial training, planning, and job skills;
- 11.3.6 civil rights policies and procedures.

11.4 To the extent possible, the BHA shall utilize local training resources to ensure the ongoing accessibility and availability of persons to provide training and technical assistance. Possible training resources may include:

- 11.4.1 tenant organizations;
- 11.4.2 housing authorities;
- 11.4.3 local community colleges and vocational schools;
- 11.4.4 HUD and other federal agencies; and
- 11.4.5 local public, private, and nonprofit organizations.

11.5 The BHA shall collaborate with LTOs and support tenant initiatives to obtain better access to educational and employment opportunities for families in public housing, as funding availability permits.

12. Use of BHA Property

12.1 Upon request by an LTO, the BHA shall provide it with wheelchair-accessible office and tenant activity space, as available, free of charge, preferably within the Development it represents. If no community or rental space is available for offices, the BHA shall consider a request to approve a vacant unit for this non-dwelling use on a case-by-case basis. The BHA shall provide space to the LTO without significant cost or inconvenience to the BHA, so long as such space is not reasonably necessary for the BHA's other needs. The BHA shall solely determine the feasibility and appropriate size of the space after consultation with the LTO and in relationship to comparable LTO spaces.

12.2 The LTO shall use BHA-provided space only for permitted tenant participation activities. The LTO does not have the authority on its own to permit other individuals or groups to use BHA-provided space, regardless of whether or not there is a charge or no charge for the space. Nevertheless, the LTO may request the BHA Development Manager to approve the use of BHA-provided space for use by an outside group or individual in accordance with laws and BHA policies on such use.

12.3 The LTO shall maintain such space in a clean and safe condition. The BHA shall not provide any cleaning inside the LTO space.

12.4 The BHA shall pay the monthly invoice for a single line of local telephone service. Such telephone service shall be used only for local calls concerning representation of the tenants.

12.5 The BHA and the LTO shall sign an agreement regarding such space.

12.6 If the BHA and the LTO are unable to reach agreement regarding such space, they may follow the Dispute Resolution Process in Article 20 of this Policy.

12.7 The BHA recognizes the right of tenants to distribute and post tenant-related literature and information to other tenants on BHA property. The BHA shall grant LTO Board members, or if no LTO, then tenants interested in forming an LTO, access to Developments to distribute or post tenant-related literature, flyers, and other written communications or to make in-person contact with tenants, in such places and manner as determined by the Development Manager. The LTO shall ensure that distribution of flyers and other materials does not result in litter or other maintenance issues. No non-LTO Members or groups shall distribute or post literature without the permission of the Development Manager.

13. Inspection of Documents

13.1 Upon request by an LTO at least 10 days in advance, the BHA shall permit the LTO during regular BHA working hours to inspect at no charge to the LTO written records, policies, and forms, except for personal information that is confidential or not public, in accordance with state public records, laws and the federal Freedom of Information Act. The BHA shall notify the LTO of the physical or online location of documents upon the request for inspection by the LTO.

13.2 The BHA shall make available at its Central Office and, to the extent practicable, at each Development Management office, the applicable BHA, HUD, and DHCD regulations, rules, and policies regarding the rights, status, duties, or welfare of the tenants. Absence of a posting shall not affect the validity or applicability of such rules and policies. Upon request by a tenant, the BHA shall provide a copy of such rules and policies at a reasonable charge.

13.3 Upon request by an LTO, the BHA shall provide one set of copies of documents at no charge, so long as the number of documents is reasonable and they were not copied for the LTO within the past year, or if the documents are available online, refer the LTO to the appropriate online location.

14. Funding Tenant Activities

14.1 The BHA is the administrator of various funds, subject to federal and State regulations and appropriations, including, but not limited to, the following:

- Federal Tenant Participation Funds
- State Tenant Participation Funds
- Laundry/Vending Machine Funds

14.2 In the event the LTO fails to comply with BHA, State, or federal requirements or the terms of an agreement or memorandum of agreement (MOA) between the BHA and the LTO, or the BHA revokes recognition of the LTO, the BHA may withhold funds from the LTO and may require the LTO to return funds already disbursed for the year in which recognition was revoked. The BHA may also determine other steps to take, including but not limited to notifying the HUD Inspector-General.

14.3 The BHA shall determine whether and how much revenue to share with LTOs from laundry and vending machine sources.

14.4 In the event there is no recognized LTO at a Development, the BHA shall determine how to fund tenant participation activities, including the formation of an LTO and other tenant participation activities at the Development as well as BHA support of tenant participation and education. Interested tenants of the Development may submit proposals for the BHA's review.

14.5 In the event of a dispute regarding tenant participation funding in a Federal Development, the parties may follow the Dispute Resolution Process in Article 20 of this Policy (Dispute Resolution).

LTO PARTICIPATION IN BHA OPERATIONS

15. BHA Policy Development and Changes

15.1 The BHA shall submit any proposed BHA policy or significant changes (as defined in the BHA Agency Plan) in a BHA policy that affects tenants of Federal and State Developments to the LTO Boards of all affected Developments, and provide notice of such policy or changes to individual tenants of affected Developments if legally required. In addition, the BHA shall notify LTOs of affected Developments regarding any rule, policy, request for waiver, or budget request requiring DHCD approval.

15.2 An LTO or LTOs or individual tenants shall have at least 30 days to submit written comments on the proposed policy change, unless such change is designated as a response to an emergency situation, in which case the LTO(s) shall submit comments as instructed by the BHA, or unless such policy change is subject to a different statutory

or regulatory comment period, such as 45 days for the BHA's Agency Plan or no comment period at all if the proposed policy change is implementing a federal or State regulation or law. If several Developments are affected, the LTOs of these Developments may submit joint comments.

15.3 Before or after submitting written comments, the LTO(s) or individual tenants may request a meeting with BHA representatives to discuss proposed policy changes or written comments thereon. The BHA shall schedule such meeting promptly. If the Agency Plan or applicable law or regulation requires a hearing, or the BHA schedules an optional hearing, such hearing shall take the place of the meeting described above.

15.4 The BHA shall issue its final policy decision to the LTO(s), including a response to pertinent LTO comments.

15.5 In situations where an LTO does not exist for a Development, the BHA shall submit proposed policy changes to the Development Manager who shall distribute these proposed policy changes to tenants of the Development in a manner determined by the Development Manager. At a minimum, the Development shall post a notice of proposed policy changes at the Development management office during normal working hours in locations readily accessible to residents, and provide such other notice as is legally required.

16. Development Operating Budgets

16.1 The Development Manager shall send by first class mail or hand delivery to the LTO, or if no LTO then to tenants interested in organizing an LTO for the Development, a written request for a meeting with the LTO to discuss draft annual operating budgets for any and all state or federal operating funds related to the Development. Included in the written request shall be a copy of the draft budget to be reviewed and commented on by the LTO. The LTO shall contact the Development Manager to arrange a meeting within ten days of such a request from a Development Manager. If there is no LTO, the Development Manager shall post notice of such a meeting for interested tenants.

16.2 At the meeting with an LTO to discuss the draft budget, the Development Manager shall make a presentation to the LTO with pertinent information and facts, including comparisons between current and previous year's funding and expenses.

16.3 Within two weeks after the date of the meeting to discuss the draft budget, the LTO shall submit to the Development Manager its written comments, including any suggested additions or deletions. Lack of submission of written comments shall indicate acceptance of the draft budget.

16.4 The Development Manager shall submit to the BHA Central Office her/his final budget recommendations, including any recommendations from the LTO that (s)he views as compatible with sound management practices and general concern for tenant

well-being. The Development Manager shall submit as attachments to her/his final budget recommendations the following information:

16.4.1 LTO comments, if any;

16.4.2 A written statement signed by the LTO chair that the LTO has been consulted in the preparation of the local budget recommendations or, if the LTO chair refuses to sign such a statement, an explanation by the Development Manager of the steps taken to consult with the LTO.

16.5 The Development Manager shall submit to the LTO a copy of her/his final budget recommendations, including all attachments, within ten days of submission to the BHA Central Office.

16.6 After BHA approval of the annual budget for the Development, the BHA shall send the LTO a copy of the approved Development budget.

17. Human Resources

17.1 LTO Notification of Job Opportunities at the BHA

17.1.1 Within 30 days of application deadlines, the BHA shall notify LTOs of promotions or hiring of employees whose primary purpose is direct dealings with residents. Such notice shall include a job description, qualification requirements, information regarding salary and fringe benefits, application closing dates, and the person to whom applications are to be directed.

17.1.2 The Development Manager shall post such information at the Development management office during normal working hours in locations readily accessible to residents.

17.1.3 Within 14 days of the BHA's notifying the LTO, the LTO shall send written notice to the BHA of the LTO's interest in participating in the selection of such manager/ employee. Lack of submission of written notice shall indicate acquiescence in the selection process.

17.1.4 The LTO may submit a list of residents for consideration by the BHA for the available position. Such list shall consist of residents whom the LTO has interviewed and found qualified for the available position. The LTO shall rank the qualified residents on the list in order of qualifications.

17.1.5 If the LTO has expressed interest in participating in the selection process, the BHA shall forward to the LTO the names and resumes of all finalists for the position of an employee whose primary purpose is to have direct dealings with residents.

17.1.6 During its participation in the selection process, the LTO may interview the finalists at a time and place determined by the BHA, and submit its recommendation for the employee position in writing within three days of such interviews. The BHA may use its discretion whether to interview or hire candidates whose names were submitted by the LTO.

17.2 Giving Tenant Preferences in Hiring. Where appropriate, the BHA shall give preferences to tenants who are equally qualified as other applicants for permanent and contract positions at the BHA.

17.3 BHA Final Authority in Hiring. In all cases, the BHA shall have final decision-making authority over the selection of all employees. Human resources decisions shall not violate collective bargaining agreements and equal employment laws and practices.

17.4 Outside Contracts

17.4.1 In all requests for proposals, requests for bids, specifications, and similar procurement documents for new construction and modernization work, as well as other outside contracts, the BHA shall require that all contractors use their best efforts to train and employ residents in accordance with, and to the greatest extent possible consistent with, applicable laws, rules, and regulations adopted thereunder.

17.4.2 The BHA may solicit input from LTOs in selecting contractors for private management and resident services.

17.5 Conflict of Interest. LTO Board members shall not serve in a policy making or supervisory position as contractors or employees of the BHA or the BHA's private management agents. They shall also comply with other applicable laws, State and federal regulations, policies, and by-laws regarding conflicts of interest.

18. Modernization

18.1 Capital Planning – Federal Developments

18.1.1 In each Federal Development, a Capital Construction Project Manager, the Development Manager, the LTO (or interested tenants if there is no LTO) shall meet annually to assess and prioritize physical capital needs at the specific Development. The BHA shall then review each Development's needs in developing the BHA's citywide capital plan and citywide priorities. Following development of the citywide capital plan, the BHA shall hold a citywide advance meeting for LTOs to review needs and priorities regarding capital planning and to explain the components of the citywide capital plan. Thereafter, the BHA shall send notice to the LTOs at least 45 days in advance of a public hearing on the BHA Agency Plan. During this 45-day notice period, the LTOs, the RAB, and any

other interested parties may submit written comments to the BHA. The BHA shall prepare a written response addressing any comments, and submit it to HUD.

18.1.2 Should the BHA make a significant change to its Capital Plan, as defined in the Agency Plan, the BHA shall undergo a public process to amend the Agency Plan, including notice to the LTOs of affected Developments.

18.2 Capital Planning – State Developments

18.2.1 In each State Development, the Capital Construction Project Manager, the Development Manager, and the LTO (or interested tenants of the Development if there is no LTO) shall meet at the following times: in conjunction with state funding cycles as they are announced or to seek modernization funds for critical safety, energy or other needs. The purpose of such meeting shall be to prioritize the capital needs at the specific Development. The BHA shall post a notice of such meeting in a conspicuous place in the BHA Central Office and at the Development. The LTO shall have the right to inform the BHA about any critical health, safety, or energy work items that need to be addressed, whether or not a formal funding round for modernization has been announced.

18.2.2 The BHA shall involve the LTO (or interested tenants if there is no LTO) of a Development in decisions related to an application for modernization funds for the Development. Each application shall contain a description of tenant participation in the modernization process. The BHA shall consider and incorporate LTO input into its application, provided such input is consistent with sound management.

18.2.3 The BHA shall provide a copy of the draft application to each duly recognized LTO at least one week prior to submission to DHCD. If there is no LTO at a Development, the BHA shall post a notice regarding the application at the Development at least one week prior to submission, including where interested tenants can review the draft application. The BHA may make changes to the application reflecting the LTO's comments, and shall seek the signature of the LTO assenting to the application. If the LTO and the BHA differ on the application, the BHA shall request a letter from the LTO stating these differences, and attach a copy of the LTO's letter to the application. If there is no LTO or the LTO does not provide comments in a timely manner as determined by the BHA, the BHA shall include a statement establishing good cause for omission of LTO comments.

18.2.4 The BHA shall follow State regulations with respect to State Developments as legally required.

18.3 Implementation – Both Federal and State Developments

18.3.1 During a modernization project, the BHA shall invite typically one, but up to two, representative(s) of an LTO to attend interviews of finalists for designer selection. The BHA shall notify the LTO of the award of designer contracts.

18.3.2 The BHA shall involve the LTO (or interested tenants if there is no LTO) in the planning and design of modernization projects.

18.3.3 The BHA shall notify the LTO of the award of construction contracts and all proposed construction schedules.

18.3.4 The BHA shall invite up to two representatives of an LTO to attend and participate in pre-construction and job meetings.

18.3.5 Tenant coordinators may be required for certain jobs to expedite construction activities affecting tenants. In such cases, the hiring entity (the BHA or a BHA-procured contractor) shall select tenant coordinators on the basis of applications reviewed, approved, and ranked by the LTO, as indicated on a list submitted to the BHA in a timely manner as determined by the BHA. If the BHA or contractor does not select a tenant coordinator from the LTO list, they shall inform the LTO of the reasons. An LTO Board member or a member of his or her household shall not be eligible to receive compensation as a tenant coordinator. In the event of any dispute regarding the selection of a tenant coordinator, the parties may follow the Dispute Resolution Process in Article 20 of this Policy (Dispute Resolution).

18.3.6 The BHA Monitoring Committee shall review the BHA's plans regarding modernization, in accordance with Chapter 88 of the Massachusetts Acts of 1989.

19. Demolition /Disposition

19.1 The BHA shall send written notice to an LTO and the BHA Monitoring Committee of its intention to demolish or dispose of real property containing public housing within a Development, including a description of and a rationale for the proposed action. The BHA shall comply with applicable federal and state requirements and regulations dealing with relocation of displaced tenants.

19.2 Within 30 days of such BHA notice, the LTO may submit written comments, including suggested alternatives. The BHA shall respond to such comments within 30 days. The BHA may also give notice of demolition or disposition to LTOs through the Agency Plan process.

19.3 With respect to federal Developments only, prior to submitting an application to HUD for disposition, the BHA shall make a formal offer for sale of the real property for continued use as low income housing to the duly recognized LTO of the affected

Development under at least as favorable terms and conditions as the BHA would offer to another purchaser, in accordance with 24 CFR 970.13, except under such circumstances as described in 24 CFR 970.13.a.2. The LTO shall have 60 days to develop and submit a proposal to the BHA along with a firm financial commitment for financing the purchase of the property. For guidance on the content and the review of the proposal, please consult 24 CFR 970.13 (e) and (g).

19.4 The application for demolition or disposition to HUD or DHCD shall contain a description of the BHA's consultation with the LTO and the BHA Monitoring Committee along with copies of the LTO's written comments and the BHA's responses. For Federal Developments, the BHA shall also consult with the RAB. In the case of a disposition for Federal Developments only, it shall also contain evidence that the BHA made an offer to purchase to the LTO.

19.5 The BHA Monitoring Committee shall review the BHA's plans regarding demolition and disposition, in accordance with Chapter 88 of the Acts of 1989.

19.6 The BHA shall notify the LTO and the BHA Monitoring Committee that an application for demolition or disposition approval will be submitted to HUD or DHCD and that a copy of the application, including supportive documentation, is available for review during normal working hours. For Federal Developments, the BHA shall also notify the RAB.

19.7 The BHA shall notify the LTO of the outcome of the application for demolition or disposition.

19.8 After demolition or disposition, the LTO shall continue to have a participatory role in the redevelopment process as the representative of LTO Members while such LTO Members have been temporarily relocated.

20. Dispute Resolution Process

There shall be a dispute resolution process only for the following LTO-related matters:

20.1 In a Federal Development, if an unrecognized association or an LTO is dissatisfied with a final decision of the BHA denying or revoking, respectively, recognition as an LTO, by reason including but not limited to the LTO's failure to satisfy minimum election requirements, the BHA or the LTO may, within 30 days of the mailing of the decision, seek third party arbitration from an independent arbitrator, which shall be binding on the BHA and the LTO. Third party arbitrators shall be local and jointly selected. Costs for the third party arbitrators shall come out of the Tenant Participation Funds for the Development. If the parties are unable to select an arbitrator jointly, then the BHA shall select one from the American Association of Arbitrators.

20.2 In a Federal Development, disputes regarding tenant participation funding decisions may be referred to the HUD field office.

20.3 In a State Development, if an unrecognized association or an LTO is dissatisfied with a final decision of the BHA denying or revoking, respectively, recognition as an LTO, the BHA and the LTO shall, within 30 days of the mailing of the decision, make a written request to DHCD to review the BHA's decision. DHCD may uphold or set aside the BHA's decision. The BHA and each LTO or association involved is entitled to submit written argument and documentation. DHCD's decision shall be in writing and mailed to the parties.

20.4 In a Federal Development, if the BHA and the LTO are unable to reach an agreement regarding space provided by the BHA, then the LTO may file an appeal with HUD stating the circumstances of the LTO's negotiations. The BHA shall submit a written response. If no resolution is reached, HUD shall serve notice on both parties that administrative remedies have been exhausted, pursuant to HUD Regulations. After this resolution process is completed, the parties shall be able to pursue other remedies.

20.5 In a State Development, if an LTO is dissatisfied with the BHA's selection of a tenant coordinator in a construction project using State modernization funds, the LTO may make a written request to DHCD to review the BHA's decision and mediate any dispute between the BHA and the LTO. After this resolution process is completed, the parties shall be able to pursue other remedies.

OTHER

21. Role of Resident Management Corporations

The establishment and operation of a Resident Management Corporation (RMC) and the role of an LTO or tenants with respect to such RMC shall be governed by HUD regulation 24 CFR 964.120 and other related regulations.

22. BHA Monitoring Committee

22.1 The nine-member, BHA Monitoring Committee is appointed by the Mayor of Boston to periodically review matters relating to the management and performance of the agency, and to report them to the Mayor. Five members shall be tenants in BHA developments.

22.2 The BHA shall notify LTOs of the opportunity to submit names of potential candidates for the tenant members of the Monitoring Committee.

22.3 The Monitoring Committee reviews the annual federal and state operating budget; the principal annual modernization applications; and all property dispositions and demolitions that would reduce the total number of housing units owned by the housing authority that have not been approved by the Massachusetts Superior Court in the case of Armando Perez v. BHA prior to the enactment of chapter 88 of the Acts of 1989.

22.4 Monitoring Committee members serve a two year term coterminous with City Council members, and shall meet at least four times a year.

23. Resident Advisory Board

23.1 The RAB consists of Federal Development and Section 8 tenants who assist the BHA and make recommendations regarding development of the Agency Plan. The RAB shall reflect the diversity of BHA Public Housing and Section 8 tenants.

23.2 LTO Board members or their representatives shall nominate tenants of Federal Developments as candidates for election to the RAB pursuant to RAB by-laws. LTO Board members or their representatives shall elect the RAB members, with technical assistance from third party advisors. If a Development does not have an LTO, LTOs of other Developments may nominate tenants of the Development without an LTO.

23.3 Through a series of regular meetings, the BHA and the RAB shall review policies, practices, and program goals, including the Five-Year and Annual Plans submitted to HUD. The RAB shall make comments and recommendations regarding such Plans. The BHA shall submit the RAB's comments and recommendations with any Plans the BHA submits to HUD.