

STATE REGULATIONS

6.09: LTO and Resident Participation

(1) Purpose. Participation by residents of public housing, including representation on LHA governing boards and through effective Local Tenant Organizations (LTOs), is beneficial to the administration of public housing. Cooperative working relationships enhance housing programs and benefit both LHAs and residents. The purpose of 760 CMR 6.09 is to encourage the formation of representative organizations and to provide all residents the opportunity to be heard on and participate in matters affecting the interests of the residents. Each LHA shall comply with 760 CMR 6.09 and any additional written guidance issued by the Department.

(2) LTO Recognition.

(a) Recognition Requirements for LTOs. The LHA shall encourage and assist public housing tenants and adult household members (referred to in 760 CMR 6.00 as “residents”) to form one or more Resident Associations with democratically elected officers to represent the residents in dealing with the LHA on matters which affect their rights, status, duties, welfare, or other interests. Once formed, a Resident Association may, but is not required to, submit a written request to the LHA to recognize the Association as the official LTO representing a specific group of residents for a five year term. In order to be recognized as an LTO, an Association shall demonstrate that:

1. Persons Represented. The Association is and will be representative of one of the following groups: all residents of LHA operated public housing city-wide, town-wide, neighborhood-wide, or program-wide (all of which may include tenants in federally subsidized housing); all residents in state-aided family housing; all residents in state-aided elderly/handicapped housing; or all residents in a particular state-aided development or in public housing operated on behalf of an LHA which is not owned or managed by the LHA.
2. Participation by Residents. The Association does not and will not impose any unreasonable restriction on participation by any resident whom it represents.
3. Purpose of Representation. The purpose of the Association is to provide representation for residents in matters which affect their rights, status, duties,

or other common interests, and to seek and maintain a courteous working relationship with the LHA.

4. Notices. The Association provides the residents whom it represents with sufficient notice of its activities. Any notice required to be given by an LTO to the residents will be sufficient if given at least seven calendar days before the event and if posted in prominent locations in the development lobby or community room and in the LHA's Office(s). More notice, including notices delivered by flyers, mail or email, is encouraged. In an emergency, such as in response to an emergency board meeting called by the LHA or in other situations in which it is not possible to give seven days' notice, notice will be sufficient if given 48 hours before the event.

5. Written Rules or By-laws. The Association is and will be governed by written rules or by-laws which may be changed only by a majority vote of a quorum of residents as defined by the Association's by-laws who are present at a meeting after notice was given of the time, date, location, and purpose.

6. Meetings. Regular meetings open to attendance by residents are required to be held and are held at least twice per year at times and places that are reasonably convenient to residents, that notice will be given of these meetings, and that residents have reasonable opportunity to make known their views on matters of common interest at the meetings.

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7. Board. The Association's Board Members are elected from residents whom the Association represents. The Association's by-laws shall establish a procedure for the election of the Association's officers, who may be elected by the Board or by all of the residents whom the Association represents.

8. Elections. Elections of Board Members are required to be held and are held on a regular basis at least once every three years pursuant to a fair election procedure which shall impose no unnecessary restrictions on residents desiring to run for the Board and which shall entitle every represented resident to vote after notice of the time and place of the election, and; that each election shall be supervised by a disinterested person or organization with experience in supervising elections who shall provide the LHA with a certificate attesting to the fairness of the election.

9. Recall Elections. Recall elections may be held to unseat and replace an LTO Board Member at any time but only upon written request which specifies the reason for the recall election and which is signed by one or more residents in at least two households or 10% or more of the households represented, whichever is greater. Recall elections must be held in accordance with the requirements of 760 CMR 6.09(2)(a)8.

10. Board Vacancies. The Association's by-laws establish a process for special elections or other procedures for filling vacancies that may occur on its Board between regular elections.

11. Budgets. The Association has a proposed budget which will be adopted annually after discussion with members at meeting(s) held for the purpose and that an annual statement of income and expenditures from all funding sources will be provided to its members.

(b) Recognition of LTO. Within 90 days of a request from a Resident Association, the LHA shall grant the Association recognition as an LTO for a five year term if:

1. the Association has adopted, implemented and is in compliance with written rules or by-laws which set out the substance of all of the requirements in 760 CMR 6.09(2)(a)1. through 11.;
2. if there is no other currently recognized LTO for the same group of residents which is active (i.e., has held at least two resident meetings during the prior 12 months), and;
3. if there is no other competing Association seeking recognition as LTO for the same group of residents. However, if the existing LTOs form an Umbrella Tenant Organization (which may include a Resident Advisory Board) consisting of representatives from the LTOs that have assumed the rights and duties of the LTOs under 760 CMR 6.09 to them in full or in part, the LHA shall also recognize that Umbrella Tenant Organization.

(c) Notification. An Association granted recognition by the LHA shall be notified in writing that it shall be the official LTO representing that group of residents for a term of five years. An Association refused recognition by the LHA shall be promptly notified in writing of the reasons therefore, and informed of its right to DHCD review pursuant to 760 CMR 6.09(2)(h).

(d) Rules or By-laws. The Association must submit a copy of the Association's written rules or by-laws to the LHA with the Association's request for recognition as an LTO. The LTO shall make available to residents upon their request a copy of the Association's written rules or by-laws. The LHA shall post the Association's rules or by-laws and the contact information of the officers of an LTO on the LHA's website and prominently in

the LHA's offices and in any community center or room serving residents represented by the LTO. The LHA shall also post the effective dates of recognition of the LTO in the same locations. The LTO shall promptly notify the LHA of any change to its by-laws or rules and the results of elections of its officers, and the LHA shall update its website and postings accordingly.

(e) Recognition When There is More than One Association Requesting Recognition. An LHA shall not recognize more than one LTO to represent any of the following groups in state-aided public housing: residents city-wide or town-wide; residents in family housing; residents in elderly/handicapped housing; or residents in a particular development. The LHA may recognize as an LTO a Resident Association which represents one or more than one of these groups so long as the group is not already represented by an LTO. An Association shall not seek recognition as an LTO if the group of residents represented by the Association is already represented by an LTO which is within its five year term of recognition and which has held at least two resident meetings each year since the beginning of that term.

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If two or more Resident Associations are candidates for recognition as LTO for the same group of residents, the LHA shall meet with the competing Associations and encourage them to merge as a single Association. If the competing Associations cannot agree to merge within a reasonable time, the LHA shall recognize the Association which the LHA determines will best represent the residents. In making this determination, the LHA shall consider the evidence of all relevant circumstances, including the following:

1. the Association's compliance with the requirements of 760 CMR 6.09(a)1. through 11.
2. the numbers of residents voting in the Association's previous election(s).
3. the numbers of residents attending the Association's prior meeting(s).
4. the Association's efforts to keep residents informed, to address their concerns, and to encourage their participation.
5. the ease with which residents participate in the Association's activities, including the time and place of meetings, the effectiveness of notice procedures, the procedures governing participation at the meetings, and the inclusiveness of the procedure for nominating and electing Board Members and/or officers.
6. the extent of engagement of the Association in activities that provide representation for residents in matters affecting their rights, status, duties, or other common interests and in activities that seek and maintain a courteous working relationship with the LHA.
7. the LTO's demonstrated ability to represent the interest of all of the residents in the LTO.

The LHA shall promptly mail its written decision which may recognize one of the Associations as LTO for a term of five years and which shall deny recognition of the other(s) with an explanation of its reasons, to each of the competing Associations at the addresses provided by them. The LHA decision shall inform any Resident Association denied recognition that it may seek DHCD review pursuant to section 760 CMR 6.09(2)(h).

(f) Recognition of an LTO after Expiration of Term. The recognition of an LTO by an LHA shall automatically expire five years from the date of the written decision of the LHA that informed the Association of its recognition as LTO. In addition to posting the dates of an LTO's term of recognition on its website and in its offices, the LHA shall notify an LTO in writing that its term is expiring at least 90 days before the expiration date. No sooner than 90 days before the end of an LTO's term, any Resident Association, including the Association that was the formerly recognized LTO, may submit a written request to the LHA for recognition in accordance with 760 CMR 6.09(2). The LHA shall not recognize the current LTO for another term unless it has demonstrated its current compliance with the requirements of 760 CMR 6.09(2)(a)1. through 11. and until after its term has expired. If there are competing Association(s), then the LHA shall select an Association for recognition from among them using the criteria found in 760 CMR 6.09(2)(e). An Association refused recognition by the LHA shall be promptly notified in writing of the reasons therefore, and informed of its right to DHCD review pursuant to 760 CMR 6.09(2)(h).

(g) Revocation of Recognition. Once an LTO has been recognized by an LHA, only the Department may revoke such recognition. An LHA may request that the Department revoke recognition of an LTO:

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1. in the event of the LTO's material failure to follow the requirements of 760 CMR 6.09(2)(a)1. through 11.;
2. in the event of the LTO's material failure to follow the provisions of applicable law, including regulations of the Department;
3. in the event of the LTO's substantial misuse of funds, space or supplies provided by the LHA; or
4. for other good cause.

Failure to hold regular meetings open to residents or failure to hold fair elections are examples of good cause for revocation of recognition. At least 30 business days prior to requesting that the Department revoke recognition of an LTO, the LHA shall provide a written warning to the LTO that it is considering requesting revocation of recognition and shall specify the reason(s) in detail. The LHA shall include a description of measures which the LHA deems necessary for the LTO to take to cure the violation.

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If the LHA requests that the Department revoke recognition of an LTO, its request shall be in writing and shall include a detailed specification of the reasons and a copy of its written warning to the LTO. A copy of the LHA's request shall be provided by the LHA to the LTO at the same time that it submits the request to the Department, and the LTO shall have 30 business days within which to file a written opposition to the request with the Department. If the LTO opposes the request, the Department shall determine the facts and, if the Department finds that there has been a material failure to follow the requirements of 760 CMR 6.09(2)(a)1. through 11., or applicable law, or that there has been a substantial misuse of funds, space or supplies, or other good cause, the Department may revoke recognition of the LTO or, if circumstances shall warrant a lesser sanction, may impose a lesser sanction which the Department deems to be appropriate. The decision of the Department shall be in writing and copies shall be provided to the LHA and LTO.

(h) Department Review of the LHA's Decision on Recognition. If a Resident Association is dissatisfied with a decision of the LHA concerning the grant or denial of recognition of an LTO, or its decision as to whether to seek Department revocation of recognition of an LTO, the Association may, within 30 days of the date that the LHA's decision was mailed, request in writing that the Department review the LHA's decision.

Upon receiving a request for review, the Department shall schedule a hearing at the LHA at which the LHA and each Association involved shall be required to appear and to submit evidence in support of their positions. The written decision of the Department may uphold or set aside the LHA's decision and shall explain the reasoning of the Department. The decision shall be mailed to the LHA and each Association involved.

(i) Transitional Rule for Existing LTOs. The recognition of an LTO prior to March 9, 2018 shall continue in full force and effect until March 9, 2023 unless recognition is revoked as provided in 760 CMR 6.09(2)(g).

(3) Terms of LTO Participation. The LHA and each LTO shall negotiate an agreement in writing regarding LTO participation, including the resources that will be provided to the LTO by the LHA and the opportunities granted to the LTO to represent the interests of the residents that it represents on LHA initiatives. The agreement shall be responsive to and reflective of local circumstances. The agreement shall be in effect during the five year term of the LTO's recognition. The agreement may be renewed if the LTO is recognized for additional term(s). Every LTO participation agreement shall contain provisions which provide for the following:

(a) Meetings. The executive director of the LHA, or a designee with authority to speak for the LHA, shall schedule meetings quarterly at convenient times and places with each LTO or its designee(s) separately or jointly. At least one such meeting shall be for the purpose of considering resident proposals for inclusion in the LHA's Annual Plan pursuant to 760 CMR

4.16: *LHA Annual Plans.* Such meetings must comply with the Open Meeting Law (M.G.L. 30A, §§18 through 25) if a quorum of the LHA's Board will be present. At least ten working days before the meeting, the LHA shall notify each affected LTO of the date, time, place and purpose of the meeting, and shall post said notice in a conspicuous place in the LHA's office and in common areas of developments, such as community rooms, and by

hand delivery, mail or email to the LTO Officers. Either the LHA or an LTO may schedule an agenda item for the meeting by giving at least two days advance written notice to the other(s). If no agenda item is so scheduled, the meeting may be canceled by the LHA with advance notice to the LTO(s). Both the LHA and the LTO(s) shall attend the meeting if one or more agenda items have been scheduled.

(b) Availability and Copies of Documents. The LHA shall permit an LTO to inspect all written policies, procedures, rules, regulations, leases, and other forms in use at the LHA. Personal information which is not public shall not be made available. The LTO may request copies of documents subject to inspection, and the LHA shall not charge for these copies so long as the LTO's request for copies is reasonable in number and does not specify documents of which the LHA has recently provided copies to the LTO.

(c) LTO Funding by the LHA. Upon request the LHA shall fund all LTOs in a city or town at the annual rate of \$6.00 per state-aided public housing unit occupied or available for occupancy by residents represented by such LTO(s) or an annual total of \$500.00 prorated among all such LTO(s), whichever is more. The LHA shall disburse such funds to an LTO pursuant to an approved budget, which provides that funds will be used only for the LTO's

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ordinary and necessary business expenses and authorized activities (excluding social activities) with respect to state-aided housing programs. The LTO shall not make any expenditure of funds received from the LHA except in accordance with such a budget approved by the LHA which approval shall not be unreasonably withheld. The LTO must submit a financial statement to the LHA at the end of the LHA's fiscal year, accounting for all LTO income from the state-aided housing portfolio and all expenditures of such funds in accordance with their approved budget. The next year's LTO funding will not be awarded until such statement has been reviewed and approved by the LHA.

If the LTOs have formed an Umbrella Tenant Organization consisting of delegates from LTOs, the LTOs shall reach an agreement among themselves on how to fund the Umbrella Tenant Organization from their own budgets. No separate additional funds will be granted by the LHA to Umbrella Tenant Organizations.

(d) Office Space. Upon request, an LHA, without charge, shall provide an LTO with a reasonable amount of space suitable for use as an office, which in the LHA's discretion may be shared, if suitable space at the LHA shall be available for such purposes or can reasonably be made available for such purposes without significant cost or inconvenience to the LHA so long as the space is used by the LTO solely for purposes of such representation and is maintained by the LTO in a clean and safe condition and so long as the LTO's need for the space continues and the space is not reasonably necessary for the LHA's other needs.

(e) Telephone Service. Upon presentation of the monthly statement, the LHA shall reimburse an LTO for the minimum cost of basic in-state telephone service so long as the telephone service has been used solely for in-state calls concerning representation of residents in state-aided public housing and for no other purpose, and so long as the LTO's need for in-state telephone service continues and is adequately documented when the LHA so requests.

(f) Meeting Space. Whenever possible, the LHA shall make community space or other appropriate space available for LTO meetings. The LHA and LTO shall cooperate in securing meeting space and in scheduling so that LTO meetings may be held at places and times convenient for the residents.

(g) Consultation between LHA and LTO in Certain Matters. Whenever an LHA proposes to adopt or amend a rule or policy which will affect the rights, status, duties or welfare of residents or to request a waiver of regulatory requirements affecting such rights, status, duties or welfare, the LHA shall first seek the LTO's advice and include the proposal as an agenda item for discussion at a meeting between the LHA and LTO as provided in 760 CMR 6.09(3)(a). The LTO shall also be given reasonable opportunity to appear and make known to the LHA Board any objection to such a rule or policy at an LHA Board meeting. The Board shall consider each such objection before taking any action on the item.

(h) Consultation between LHA and LTO regarding the LHA's Annual Plan. The LHA shall review a draft of its Annual Plan with the LTO at a quarterly meeting before the LHA presents its Annual Plan to the Board. At least 30 business days before the public hearing on the Annual Plan required by 760 CMR 4.16(6), the LHA will post on its website and make available to each LTO a copy of each of the elements of the Plan including, but not limited to, the Capital Improvement Plan (CIP), the Maintenance and Repair Plan, the

Operating Budget, and the Narrative. The LTO shall be given reasonable opportunity to appear at the public hearing and make oral comments to the LHA Board about any opinions or objections it may have regarding the Plan. The LHA shall also accept written or emailed comments from the LTO at least through the date of the public hearing or later as specified by the LHA. The LHA shall consider the LTO's concerns regarding needs and priorities and incorporate some or all of such needs and priorities in the draft plan if deemed by the LHA to be consistent with sound management and shall certify in writing to the Department that it has complied with the tenant participation requirements. The LHA shall draft a written summary of all substantive comments received from the LTO and its response to those comments, and shall attach this summary to its Annual Plan submitted to the Department. If there is no summary of LTO comments attached to the Plan, the LHA shall include a statement of reasons for the omission.

(i) Consultation between LHA and LTO regarding the LHA's Modernization Program. The LHA shall consult with the LTO regarding the projects and initiatives outlined below:

1. All needs and priorities that are identified by the LTO to be considered by the LHA for inclusion in the CIP;
 2. Any planned or ongoing capital projects, including status, schedule, budget and expenditures of such projects, and such consultation shall occur at least quarterly, between CIP submissions;
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3. Any planned applications for, or awards from, any special capital funding programs or initiatives;
4. Any plans by the LHA to seek to become an HHA for a CA Team, or to request a waiver from participating in the Capital Assistance Program established pursuant to 760 CMR 11.08: Capital Assistance Program;
5. Large Projects, as defined in 760 CMR 11.01(4), that will require relocation, unit reconfiguration, demolition or new construction. For these projects, the LHA shall invite an LTO representative to participate in the interview of the finalist(s) for designer and to the schematic design review meeting. Prior to bidding, the designer and the LHA shall solicit and review comments from the LTO on the proposed modernization improvements and incorporate these comments in the bidding documents if deemed appropriate by the LHA. Following award of the construction contract, the LHA shall:

- a. inform each affected LTO of the award, the construction contract, and the proposed construction schedule,
- b. inform each affected LTO that the material documents relating to the modernization project are available in the LHA's office for inspection,
- c. invite an LTO representative to attend pre-construction conferences, and
- d. invite no more than two LTO representatives to attend and observe any regularly scheduled job meeting.

(j) Resident Advisory Boards. LTOs may designate any of their members or officers to sit on a Resident Advisory Board to participate in any of the matters upon which LTO participation is required under 760 CMR 6.09. Where there is no LTO, the LHA may appoint individual residents who agree to participate as volunteers.

(k) Approval by the Department. Promptly after the LHA Board's vote on a rule or policy, a request for waiver, an Annual Plan, a Capital Improvement Plan, or a budget request, for which approval by the Department is necessary, an LTO may communicate an objection or concern to the Department in writing, with a copy to the LHA, and the Department shall consider such objection or concern in determining its action on the matter.

(l) Posting of Rules and Regulations. The LHA shall post and shall keep posted in a conspicuous place in its central office and, if practical, in each development, all rules and policies of the LHA and the regulations of the Department which affect the rights, status, duties or welfare of tenants and their households. If postings are repeatedly removed, destroyed or defaced, the LHA shall take reasonable alternative measures to make the material conveniently available to tenants. Absence of a posting shall not affect the validity or applicability of rules, policies or regulations. Upon request, a tenant shall, without charge, be provided with one copy of an applicable rule, policy or regulation; the LHA may charge a reasonable fee for providing a duplicate copy or copies to the tenant.

(m) Preference for Tenants in LHA Hiring. The LHA shall notify all LTOs whenever a job at the LHA becomes available to outside candidates and is not covered by an applicable internal promotion policy. All such jobs shall also be posted in the LHA's central office. The fact that a candidate is a tenant or household member is a factor to be considered by the LHA in the candidate's favor.

(n) LTO Participation in Hiring. Prior to filling a position (including promotions pursuant to an applicable internal promotion policy) in which the employee to be hired will have direct dealings with the residents, the Executive Director (or the LHA where the employee to be hired is the Executive Director) shall afford each LTO the opportunity to examine resumes of all candidates, to express the LTO's objective view of the qualifications of some or all of the candidates, to recommend one or more of these candidates to be interviewed, to participate in interviews of the candidates who are interviewed, and to make a recommendation about which candidate should be hired. In the event that the Executive Director or the LHA shall choose to conduct a preliminary screening of the resumes of candidates, the LTO(s) shall not have the opportunity to examine resumes of candidates eliminated by such preliminary screening. Without a prior written agreement detailing the specific procedures to be followed, the LTO shall not check a candidate's references, either commercial or personal, contact his or her employers, past or present, independently arrange for an interview of a candidate, or conduct activities which infringe on the candidate's privacy.

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(o) LHA Board Meetings. When the LHA posts notice of Board meetings pursuant to the Open Meeting Law, M.G.L. c. 30A, § 20, it shall simultaneously provide each LTO with notice of all regular and special LHA Board meetings and a copy of the agenda for each such meeting. The agenda for every meeting of the LHA shall provide a reasonable opportunity for the LTO(s) to be heard on agenda items so long as the agenda items directly bear on common rights, duties or interests of tenants and/or household members and are not subject to the grievance procedures established pursuant to 760 CMR 6.08. After each LHA Board Meeting at which the minutes of a prior meeting have been approved, the LHA shall promptly provide copies of the approved minutes to the LTO.

(4) Additional Resident Participation.

(a) Subject Matter. In addition to the opportunity for residents to participate through LTOs, the LHA shall provide all affected residents, whether or not represented by an LTO, with notice and an opportunity to comment on matters generally involving their rights, status, duties or welfare. Such matters shall include, but not be limited to:

1. the adoption, amendment or repeal of rules or policies regarding the terms of occupancy or use of the development;
2. requests for waivers of regulations;
3. proposed modernization projects undertaken pursuant to 760 CMR 11.00: Modernization and Development of State-aided Public Housing, and;
4. development of the LHA's Annual Plan in accordance with 760 CMR 4.16: LHA Annual Plans.

(b) Notice and Comments. Unless other applicable notice requirements are specified elsewhere in DHCD regulations, notice to residents under 760 CMR 6.09(4) shall be sufficient if given at least seven calendar days before the event and posted on the LHA's website, in prominent locations in development lobbies or community centers or rooms, and in the LHA's office(s). More notice, including notices delivered by mail, flyers or email, is encouraged. The LHA's notices shall inform residents of the items upon which their comments are sought, how to obtain documents that provide details about those items, and how resident comments will be accepted by the LHA. Notice of meetings to accept oral comments from residents will specify the time, date and location of the meetings.

(c) LHA Board Meetings. Residents shall be given notice of all meetings of the LHA Board or substantially equivalent LHA bodies at the same time as notice is required to be given by 760 CMR 6.09(3)(o) and in the manner described in 760 CMR 6.09(4)(b). The agenda for every meeting of the LHA shall provide a reasonable opportunity for residents to be heard on agenda items so long as the agenda items directly bear on common rights, duties or interests of tenants and/or household members and not on grievable matters regarding individual tenants. Matters concerning individual tenants must follow the LHA's Grievance Procedure established pursuant to 760 CMR 6.08.

(d) Resident Preference in Hiring. The LHA shall give notice to residents and to all LTOs whenever a job at the LHA not covered by an applicable internal promotion policy becomes available to outside candidates. All such jobs shall also be posted in the LHA's central office, on the LHA's website, and in each development's community space. The fact that a job candidate is a resident is a factor to be considered by the LHA in the candidate's

favor. In the event that two or more candidates are otherwise equally qualified but one is a tenant or household member, that fact shall entitle the candidate to be considered more qualified than any otherwise equally qualified candidate who is not a tenant or a household member. This preference shall not apply if the effect of applying the preference would be to exacerbate a significant underrepresentation of minorities in the LHA's workforce.

(e) Resident Participation Where There Is No LTO. The LHA shall allow resident participation consistent with good business practices on matters directly affecting residents where there is no LTO. Such resident participation shall include, but not be limited to, reasonable participation of residents in modernization projects similar to that afforded LTOs in 760 CMR 6.09(3)(a). To fulfill its obligations under this section, LHAs shall solicit volunteers to serve as representatives from among interested residents including members of Resident Associations that are not LTOs.

(f) Approval by the Department. Promptly after the Board's vote on a rule or policy, a request for waiver, an Annual Plan, a Capital Improvement Plan, or a budget request, for which approval by the Department is necessary, residents may communicate an objection or concern to the Department in writing, with a copy to the LHA, and the Department shall consider such objection or concern in determining its action on the matter.

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6.10: Waiver Provision

An LHA may submit to the Department for approval a request for waiver from the provisions in 760 CMR 6.00. The LHA shall consult with the LTO(s) prior to submitting any such request to the Department. With any request for waiver the LHA shall submit to the Department a detailed written statement setting out why the waiver is needed and the benefit(s) anticipated from the waiver. The LHA shall provide a copy of the request for waiver with any supporting documentation to the LTO in a matter affecting the rights, status, or duties of residents. Within 30 days, any affected LTO may submit to the Department a detailed written statement why a requested waiver should be denied. The Department, in its discretion may approve a waiver if it determines that good cause exists for the waiver which will likely have significant benefit and will likely serve a public purpose.

REGULATORY AUTHORITY

760 CMR 6.00: M.G.L. c. 23B; c. 121B, §§ 29, and 32, St. 1989, c. 151.