

# Massachusetts Public Housing Redevelopment Residents' Bill of Rights

*The Massachusetts Union of Public Housing Tenants has worked with its members to create this Public Housing Redevelopment Bill of Rights. The purpose of this Bill of Rights is to articulate principles about how public housing should be protected, preserved, and expanded in Massachusetts. Mass Union also urges policy makers and other stakeholders to adopt these principles as new programs, guidelines, and projects emerge.*

*The full document includes endnotes to laws and existing programs, as well as specific redevelopment documents that residents, with their partners, have had input into. This Bill of Rights is a living document and the Mass Union of Public Housing Tenants shall continue to incorporate feedback from residents and supporters.*

*Whereas* public housing residents experience firsthand what is happening in their communities and work to strengthen their neighborhoods, stand up for safe and decent housing, and help other residents get the support they need;

*Whereas* there are 45,000 state and 35,000 federal **public** housing apartments in Massachusetts built with **public** dollars and on **publicly** owned land;

*Whereas* Massachusetts state public housing needs approximately \$2 billion in capital repairs to keep properties from becoming unsafe, and \$49 billion in capital repairs is needed nationally for federal public housing;

*Whereas* some housing authorities have the capacity to redevelop public housing and others do not;

*Whereas*, Regional Capital Assistance Teams are helping small authorities in Massachusetts make capital repairs in order to comply with health codes;

*Whereas* partnerships between housing authorities and private entities are happening in different ways, including the demolition of existing housing and the construction of replacement housing;

*Whereas* the state's waiting list for public housing has grown to over 152,000 households, with over 99,000 applications from families and 69,000 applications from elders and people with disabilities, **we need an ambitious plan to redevelop and expand housing for extremely low-income people;**<sup>1</sup>

**We urge policy makers at the state and federal level to support the following principles to preserve and redevelop public housing so that it will result in housing that is permanently affordable to very low-income individuals, families, seniors, and people with disabilities:**

## **Article 1**

### **Preserve resident protections**

As public housing is redeveloped, if the ownership of public housing transfers to a new owner, public housing protections must also be transferred.

The Commonwealth's public investment and the rights that have been provided to public housing residents and applicants must not be lost. A new owner – whether it is a non-profit or a for-profit organization - must be required to provide the same rights that residents and applicants had in units that were built with public dollars.

These rights must provide rent, lease, relocation, the right to return, grievance, transfer, resident participation, discrimination, preference in hiring, privacy, and tenant selection protections.<sup>2</sup>

There must be protections that this housing stay permanently affordable in **perpetuity** for low-income people.<sup>3</sup>

Affordable shall mean affordable to low-income households as currently provided in public housing regulations.<sup>4</sup> Affordable shall also mean that the rent is capped as currently provided by public housing law.<sup>5</sup>

In short, the rights and protections currently applicable to federal and state public housing residents and applicants must continue after the redevelopment of public housing regardless of the ownership entity, except where certain redevelopment programs may require specific modification of these protections.<sup>6</sup>

## **Article 2**

### **Enforcing resident protections**

Residents must have the right to enforce tenant and affordability protections as a party to the contract.

These protections must be written into letters of assurance at the beginning of the redevelopment to guide the housing authority, the developer, and the tenant association in decisions throughout the redevelopment process.<sup>7</sup>

These protections must also be set forth in plans, contracts, development agreements, and leases.<sup>8</sup> There must be clear consequences or penalties if terms are violated.

Residents of the redeveloped property must also be provided with the right to enforce agreements to ensure that affordable housing and tenant protections between a housing authority and developer remain in place for all current and future residents.<sup>9</sup>

As mixed-finance public housing programs and laws are established, the Massachusetts Department of Housing and Community Development (DHCD) and the U.S. Department of Housing and Urban Development (HUD) should be required to issue regulations and guidance as needed and have the authority to enforce these regulations.

## **Article 3**

### **Enforcing tenant participation requirements**

Tenants in both current and redeveloped public housing need more effective paths to enforce tenant participation rights.

For tenants to be strong partners throughout the development process it is important that local tenant organizations have good by-laws that clearly state their responsibilities to the tenant community.<sup>10</sup>

Tenant organizations should also have memorandum of understanding with the housing authority and new partners that set out the terms of resident participation.<sup>11</sup> Such terms should cover funding, office space, and meeting space. Memorandums should clarify how often tenant associations and owners and housing authorities meet. Memorandums should also provide dispute resolution procedures that provide clear paths to resolving conflicts between the tenant organization and the housing authority and new partners.<sup>12</sup>

There also needs to be a stronger uniform statewide system to enforce tenant participation regulations in both public housing and redeveloped public housing. For this reason, we propose that the state have an Arbitrator which tenants can elect to use to hear disputes specifically about tenant participation. Such disputes may involve elections, community space, funding for local tenant organizations, and enforcing requirements that housing authorities and owners regularly meet with tenants and tenant groups on capital and yearly plans. An arbitrator should be independent and after hearing from tenants, housing authorities, developers, and other stakeholders, have the authority to make a written enforceable decision.<sup>13</sup>

## **Article 4**

### **Tenant informed development**

If the housing authority starts to contemplate redevelopment it should **immediately** start to educate tenants about the development's needs, the development process, and development options. Such meetings must include information about what happens to residents' current rights.

During redevelopment, housing authorities must hold **multiple** open forums and briefings to allow tenants to discuss plans, provide input, and make decisions about the redevelopment process, especially about relocation planning. A memorandum of understanding and other development documents should make these types of tenant participation processes clear.

The resident community must be involved in developing outreach and education strategies because different strategies will be needed for different places.<sup>14</sup> It is not acceptable that only a few tenants show up at meeting and that this be considered resident input. The housing authority and entity involved in the development must develop strategies to get input from a majority of the resident community and should document that a majority of tenants have been involved throughout the redevelopment process.

The housing authority and entity involved in redevelopment must consider residents' concerns regarding needs and priorities and incorporate some or all of these needs and priorities into plans if they are consistent with sound management and development.<sup>15</sup>

Discussions with tenants must continue throughout and after redevelopment and through all phases of redevelopment, especially as new partners come into the process.

## **Article 5**

### **Access to information**

Throughout the redevelopment process, housing authorities and developers must give advance and multiple notices to tenants about meetings so that they can participate. Notice must be at least 7 days in advance of a meeting; unless it is an emergency meeting, then at least 48 hours' notice shall be provided.<sup>16</sup>

Notices and redevelopment documents and materials must be translated into languages spoken by residents and interpreters must be provided at meetings.<sup>17</sup>

All relevant documents and information must be made available to tenants and their advocates sufficiently before meetings so that documents can be reviewed.<sup>18</sup>

Redevelopment can be complicated and confusing for residents and the process can involve uncertainty. Effective and frequent communication with residents must be required. In addition, after redevelopment, the ownership entity should operate similar to the housing authority governing board, at least in terms of access to meeting agendas and minutes and opportunity to attend and speak at governing board meetings.

## **Article 6**

### **Notice of rights**

After redevelopment tenants' rights must be included in an Admissions and Continued Occupancy Policy (if applicable) and in leases and lease addendums, which should be written in clear readable terms that are in plain language and translated. Tenants' rights should also be posted online.

In developing occupancy policies and leases a housing authority and the new owner shall consult with residents and local tenant organizations and give them an opportunity to comment and provide input prior to a lease being approved.<sup>19</sup> A summary of all substantive comments received by the housing authority and new owner with their responses to those comments should be posted and publicly available.<sup>20</sup>

Every year the housing authority or new owner must give tenants a copy of the lease and all lease addendums within 7 days of a request – no questions asked. Addendums must include policy changes so that residents understand what policies have changed. This protects both tenants and the entity that owns or manages the property.

Every year, the entity owning or managing redeveloped public housing must provide all tenants in the redeveloped properties with information about their rights so that tenants' rights are not forgotten.

Finally, yearly rent recertification notices, inspections, and other processes should be conducted in ways that are not invasive and do not require residents to provide multiple and duplicative documentation.

## **Article 7**

### **Tenant Technical Assistance Teams**

Throughout a public housing redevelop process tenants need technical assistance at key moments so that residents can participate in meaningful ways.<sup>21</sup> There should be shared regional Tenant Technical Assistance Response Teams that can provide tenants with help throughout the redeveloped process. Such teams should include an organizer, lawyer, relocation specialist, architect, and/or financial adviser to help tenants discuss proposals, goals, financing, and to review complicated tax credit requirements, options, and documents. To enable residents to have technical assistance, the developer must make a minimum of 3% of the developer's fee available for technical assistance for residents throughout the redevelopment process.

## **Article 8**

### **Expand public housing in the public domain**

When public housing is renovated, there must be 1-for-1 replacement and with permanently and deeply affordable hard units so that the subsidy is not lost. In general, units should be of like-kind, 3 and 4 bedroom apartments should not be replaced with 1 and 2 bedroom apartments.

In addition, because of the great need for more housing for very low-income people, when public housing is redeveloped all opportunities to expand it should be explored. Incentives should be provided to support the use of public housing authority surplus land and other public land to expand public housing that will stay in the public domain and remain permanently affordable for very low-income people.<sup>22</sup> Financial incentives should be provided to enable housing authorities to go beyond 1-for-1 replacement and include minimum requirements for expansion of units permanently affordable to extremely low-income households at 27- 32% of their income.<sup>23</sup>

## **Article 9**

### **Employment opportunities for tenants**

As public housing is redeveloped, housing authorities and developers should explore every avenue with existing and new partners to establish jobs, apprenticeships, and career training programs that will lead to a sustainable income.<sup>24</sup>

Employment opportunities must include tenant coordinators to expedite construction activities affecting residents.<sup>25</sup> Tenant coordinators can be a path to other employment opportunities.

Redevelopment plans should include strengthening or establishing support that includes access to childcare, health and well-being, financial management, and mentoring.<sup>26</sup>

Developers should have economic mobility components that include a combination of resident hiring, scholarships for people who want training and post-secondary education,<sup>27</sup> and apprenticeships associated with construction, painting, maintenance or other positions.<sup>28</sup>

Developers must look for opportunities to negotiate jobs and training with vendors, and should discuss with the housing authority and tenants opportunities for tenants to start businesses that flow from redevelopment and also assist in providing access to start-up support.

Earned income rent protections must be transferred to tenants in redeveloped housing to help them get and keep work and to give them a chance to put money aside and increase their savings.<sup>29</sup>

## **Article 10**

### **Supportive programs**

As public housing is redeveloped the process must offer an opportunity to enhance and create supportive services and programs. Access to health care, child care, after school programs, job training, tenant business incubators, in-home support for seniors and people with disabilities and other new supportive programs should be assessed by the developer with input from tenants. Support is needed to allow seniors to age in place. Service coordinators are needed to connect tenants with support and empowerment activities. Coordinators can resolve problems in ways that prevent and reduce evictions.<sup>30</sup>

Supportive services and programs should be included in redevelop plans. The developer should also budget supportive services over a minimum of 20 years in a stand-alone budget line item and make at least an additional 3% of the developer's fee available for services over time.

## **Article 11**

### **Build and sustain tenant organizations**

Public housing authorities contemplating redevelopment must financially support building and sustaining the capacity of local tenant organizations to represent tenants over the long-term. Tenant participation is a cornerstone to building a healthy community. Well supported, democratic, and informed tenant-led organizations play an essential role in educating the community, polling and surveying residents, facilitating meetings, gathering and relaying resident input and organizing tenants so that their voices can be heard.<sup>31</sup>

Public housing authorities and private owners must be required to provide an additional percentage of the developers' fee in a yearly operating budget to support democratically elected tenant organizations. They must also enter into memorandums of understanding to clarify the details of tenant participation rights and how tenant participation funds can be used, including paying for staffing support for the tenant organization.<sup>32</sup>

## **Article 12**

### **High quality redevelopment**

Redevelopment should result in better housing with high quality, long lasting, energy efficient materials and construction. All public housing units should be intermixed with market-rate units to the maximum extent possible, except if affordable housing funding requires that a property be 100% affordable.<sup>33</sup> Market-rate units and public housing units must be the same quality.

Construction should be conducted in a way that causes minimal disruption for existing residents. Tenants should not be subjected to multiple and frequent inspections before, during, and after the redevelopment process.

Specific attention and input from tenants should be paid to accessibility of units, sound proofing, accessible parking, and creation or preservation of open space. Tenants should have input into designing and upgrading community centers, community gardens, playgrounds, and other community spaces. New systems should include individual central air and climate and heat controls that each resident can control, Wi-Fi, and new technology and smart devices that allow older people and people with disabilities to age in place and feel secure in their homes.

## **Article 13**

### **Trusted Partners**

The housing authority must go through an open process when starting redevelopment to identify trusted and good development partners. Good development partners must have a demonstrated capacity to be team-players, respect the housing authority, respect residents as true partners, and support the mission of public housing and the principles articulated in this Bill of Rights.

ENDNOTES

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- 1 According to DHCD as of November 18, 2019 there were 152,087 applicants on the statewide list for public housing, the Common Housing Application for Massachusetts Public Housing (CHAMP): 99,790 applicants were for family public housing and 69,861 applicants were for housing for elderly and disabled people.
- 2 These rights must be provided in laws, regulations, notices, guidance, handbooks, and other official policies related to public housing.

**DHCD** Public Housing Notice 2019-14 (May 15, 2019), *Draft Developer Request for Proposal for Partnership to Expand Housing Opportunities Program* for mixed-income redevelopment provides in Section II(1)(a) that: "...state-aided public housing units shall remain subject to the requirements of M.G.L. c. 121B and any applicable **regulations or administrative guidance** issued by DHCD ...." (page 3)

See *Cambridge Housing Authority Annual Plan 2019* (Approved by HUD December 10, 2018), which provides that the Cambridge Housing Authority "is committed to keeping all residents in place under the **same tenant protections that exist in the public housing program regardless of the ownership entity** (except where the low-income housing tax credit program requires a different rule)." (page A32)

**State Public Housing:** See *Disposition and Regulatory Agreement for Capen Court* (December 1, 2008) which provides that the definition of "Public Housing Requirements" means the Act and its **implementing regulations in 760 C.M.R. §§ 4.00 et seq., 6.00 et seq., 27.00 et seq. and 47.00 et seq., and DHCD-issued notices, guidelines, handbooks and other official policies** related to the Act or the regulations referenced herein."

**Federal Public Housing:** See *Newtowne Court Resident Relocation and Unit Assignment Policies and Procedures Agreement* (Approved Plan April 8, 2015) which provides that the Cambridge Housing Authority "will operate the RAD PBV apartments at Newtowne Court as family public housing with the **same tenant protections as currently in place for federal public housing....**"

- 3 **DHCD:** Public Housing Notice 2019-14 (May 15, 2019), *Draft Developer Request for Proposal for Partnership to Expand Housing Opportunities Program* for mixed-income redevelopment provides in Section IV that: "The completed Redevelopment Project must provide the same number of public housing units in **perpetuity** as currently exists on the site, serve households of comparable sizes and income levels and those units must remain subject to M.G.L. c. 121B and the state public housing regulations at 760 CMR 4.00 et seq. (page 5)
- 4 **State Public Housing:** See 760 C.M.R. § 4.01 definitions for:
  - "Affordable Housing," which is housing restricted to occupancy by low or moderate income households and for which the sales prices or rents are affordable to such households;
  - "Low or Moderate Income Household," which is a household with gross income at or less than 80% of area median household income as recently determined by the U.S. Department of Housing and Urban Development.
- 5 **State Public Housing:** In state elderly/disabled public housing, rent is capped at 30% of net income or 25% if a tenant pays some or all of their utilities. G.L. c. 121B, § 40(e), 760 C.M.R. § 6.04(1)(a). In state family public housing, rent is capped at 32% of net income if a tenant pays not utilities, 30% if a tenant pays some utilities, and 27% if a tenant pays all utilities. G.L. c. 121B, § 32, 760 C.M.R. § 6.04(1)(b).

**Federal Public Housing:** In federal public housing, tenants generally pay whichever is more: 30% of adjusted income or 10% of annual income. Most tenants pay 30% of adjusted income. 42 U.S.C. § 1437a(a)(1), 24 C.F.R. § 5.628(a).



6 For example, the Low Income Housing Tax Credit program (LIHTC) or a Section 8 program that is being used to redevelopment a property may require specific modifications to resident policies and rights.

7 **State Public Housing:** Letter of Assurance signed by Chelsea Housing Authority, Joseph M. Corcoran Company LLC and the Innes Residents Association (February 12, 2019), made available in English and Spanish.

**Federal Public Housing:** Relocation and Rehousing Rights Letter of Assurance signed by the Boston Housing Authority, Bunker Hill Redevelopment Company LLC, and Charlestown Resident Alliance (September 12, 2019). Translated into Spanish and Chinese.

8 Protections must be set forth in relocation, rehousing and other plans, contracts, development agreements, publicly recorded land use agreements, ground leases, tenant leases, admissions and continued occupancy plans, and other regulatory or operating agreements.

**State Public Housing:** In Chelsea, see General Information Notice (GIN) (July 30, 2019). In Somerville, a DHCD-approved relocation and rehousing plan agreement for the Clarendon Hill is being held in escrow. Because of new designs and timetable, updates will be needed.

**Federal Public Housing:** In Charlestown, see the Request for Proposals for Resident Relocation and Rehousing Services for the Charlestown Development, BHA Job No. 1193-06 (August 2019). The Relocation General Information Notice (GIN), the relocation survey, the ground lease and the Relocation and Rehousing Plan and Agreement are currently being developed for the Bunker Hill Redevelopment Project (federal family), and will be forthcoming when available.

9 **State Public Housing:** See *Disposition and Regulatory Agreement for Capen Court* in Somerville (December 1, 2008) provides:

- In 8.3 that “If an Event of Default remains uncured after expiration of the period of time referenced above, **DHCD, at its option (without liability to any party for failure to do so), may apply to any court, state or federal, for specific performance of this Agreement or an injunction** against any violation of this Agreement, or for such other relief as may be appropriate....” (page 10)
- In 9.2 that “during the Development’s fifteen year (15) year ‘Compliance Period’ as established under Section 42 [of the internal Revenue Code] **any resident of the Development shall be deemed a third party beneficiary of this Agreement with a right to enforce its terms** against the owner and/or the Authority.” (page 10)
- (ii) which allows individuals who meet the income limitation applicable to the building under subsection (g) (**whether prospective, present, or former occupants of the building**) **the right to enforce in any State court** the requirement and prohibitions of clause (i). (page 10)

**State Public Housing:** See also the federal Low Income Housing Tax Credit (LIHTC) at [26 U.S.C. Section 42\(h\)\(6\)\(B\)\(ii\)](#) which provides prospective, present or former occupants of affordable housing the right to enforce, in state court, long-term commitments to provide low-income housing. Pursuant to [760 C.M.R. 54.15](#) the Massachusetts LIHTC must be administered and allocated in accordance with the standards and requirements applicable to the federal LIHTC. One example of this provision being applied is in a *Tax Credit Regulatory Agreement and Declaration of Restrictive Covenants between DHCD and the Briston Arms Preservation Associates Limited Partnership* (Cambridge) (June 26, 2015) in Section 3.2 which states that the

covenants and restrictions set forth “shall bind the Grantor (and the benefits shall insure to DHCD and any past, present or prospective tenant of the Project)....”

- 10 Sample By-Laws for State Public Housing developed by Mass Union at [massunion.org/wp-content/uploads/2019/07/Sample-Bylaws-for-local-tenant-organization.pdf](https://massunion.org/wp-content/uploads/2019/07/Sample-Bylaws-for-local-tenant-organization.pdf).
- 11 **Federal Mixed Finance Public Housing Memorandum of Understanding:** Old Colony Amended and Restated Memorandum of Agreement for Resident Participation in Boston Housing authority-Affiliated Mixed Finance Development.  
**State Public Housing:** Sample state public housing memorandum of understanding (MOU) in *Creating a Memorandum of Understanding: A Know Your Rights Guide for Public Housing Tenants in Massachusetts* at page 29. <https://massunion.org/wp-content/uploads/2018/10/Creating-a-Memorandum-of-Understanding.pdf>. See recent MOU between the Gloucester Housing Authority and the McPherson Park Tenant Association signed in 2019 at [www.ghama.com/default.aspx?action=open&id=563](http://www.ghama.com/default.aspx?action=open&id=563). In *Fall River Housing Joint Tenants Council, Inc. v. Fall River Housing Authority, et al.*, 15 Mass. App. Ct. 992, 448 N.E. 2d 70 (1983) the court found that a memorandum of agreement or understanding between the tenant council and the housing authority was written in a way that made it an enforceable agreement or contract.
- 12 **State and Federal Public Housing:** *Boston Housing Authority Tenant Participation Policy* includes a section on dispute resolution. See most recent policy from June 16, 2007 at <https://www.bostonhousing.org/getmedia/dda728e8-d949-4315-ae50-eea2c11208e2/TenantParticipationPolicy051607.aspx>.
- 13 An Arbitrator is different than a mediator because an arbitrator has the authority to make a decision about the dispute while a mediator helps facilitate the parties arriving at an agreement. We recommend that a special commission be established, with experts on arbitration, to more fully develop a proposal including where an independent arbitrator(s) should be based, what skills are needed, and what procedures and policies should be developed so that disputes can be quickly and cost-effectively resolved, while ensuring that all parties are treated fairly.
- 14 Tenant outreach is a very challenging aspect of development and we recommend that DHCD, with key partners, develop a best practices guide to capture the ideas and lessons that housing authorities, developers, and residents have learned. For example, in developing this Bill of Rights residents said that good outreach involves multiple forums and different types of forums (meetings, yard sales, cake sales); that transportation to and from the event may be needed, that the time of the meeting or event is critical (weekends, nights, etc.); that an independent facilitator can be important to provide a safe space to speak; that having food or a meal helps with turnout; and that small group discussions, surveys, and cell phone announcements can be good ways to get input or the word out about outreach events.
- 15 760 C.M.R. § 6.09(3)(h) provides a basis for this standard: “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....**”  
  
See *Cambridge Housing Authority Annual Plan 2019* (Approved by HUD December 10, 2018), which provides that “In accordance with its standard practice, CHA will continue to **engage residents during the design and construction planning process.**” (page A32)
- 16 This mirrors current notice regulations at 760 C.M.R. § 6.09(4)(b): “Notice and Comments. Unless other applicable notice requirements are specified elsewhere in DHCD regulations, notice to residents under 760 C.M.R. § 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."

17 Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.; Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," 65 Fed. Reg. 50,121 (Aug. 16, 2000); Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons," 72 Fed. Reg. 2732 (Jan. 22, 2007).

18 **Federal Public Housing:** See *Newtowne Court Resident Relocation and Unit Assignment Policies and Procedures Agreement* (April 8, 2015) which requires the Cambridge Housing Authority (CHA) and/or the owner of the Newtowne Court to provide tenant council officers, legal services, the Alliance of Cambridge Tenants with copies of the proposed management agreement and all attachments and the proposed RAD Use Agreement "with **sufficient time** to enable the named parties to meet with CHA, and to submit comments prior to the execution of the Management Agreement and RAD Use Agreement." (page 27)

19 **State public housing:** the Department of Housing and Community Development (DHCD) must approve the lease. Before submitting a lease for approval, a housing authority must consult with tenant organizations. If there is any disagreement between the tenant organization and the housing authority about what is in the lease, the tenant organization may present its position to DHCD. 760 C.M.R. § 6.06(1).

**Federal public housing:** If a housing authority wants to make a change in the lease, it must provide at least 30 days' notice to tenants and resident organizations. The notice must explain the changes and the reasons for them and provide an opportunity to tenants to present written comments. The housing authority must review any comments before adopting a new lease form. 24 C.F.R. § 966.3.

20 **State Public Housing:** The state's new state public housing annual plan process provides that: "A summary of all substantive comments received by the LHA about the Annual Plan and the LHA's responses to those comments." 760 C.M.R. § 4.16(2)(g). This policy should be adopted for leases and policies developed during and after redevelopment to provide accountability and transparency in during the public comment process.

21 **State Public Housing:** The state's Public Housing Innovations Program under 760 C.M.R. § 64.04(1)(f) currently provides that: "Applicants shall describe how residents in State-aided Public Housing will be provided with **independent technical assistance** sufficient to allow them meaningful and informed input in the application and, if selected, in the program implementation process."

22 As a result of a survey conducted by the RCATs, at 186 RCAT housing authorities there are about 90 parcels on 450 acres of vacant public housing authority owned land and likely more at non-RCAT housing authorities. See DHCD Public Housing Notice 2019-13 announcing Technical Assistance for Vacant Land Development.  
<https://www.mass.gov/files/documents/2019/05/16/2019-13.pdf>

23 A bill before the Massachusetts Legislature, S. 785 and H. 1317 *An Act leveraging additional resources for local housing authorities*, would allow housing authorities to increase the resources available to make needed capital repairs by borrowing money against their future capital grants. Passing this bill is critical to rehabilitating and saving public housing – a source of permanently affordable housing for very low-income tenants.

- 24 While there are state and federal laws that provide public housing tenants with preferences to housing authority jobs, these are not enforced and outcomes have been sporadic. Massachusetts needs a more intentional statewide apprenticeship program for public housing that is not a work requirement bill, but a work opportunity bill to good paying jobs. A bill currently before the Massachusetts Legislature, H.1287, *An Act to establish an apprenticeship program to ready vacant public housing apartments for occupancy*, provides for such a model and would make sure that public housing capital and operating funds translate into training and jobs for tenants. H.1287 would also support the three Regional Capital Assistance Programs with tenant painting and vacant unit preparation crews.
- 25 See 760 C.M.R. § 11.09 which in part provides: “The Department may require that an LHA engage the services of one or more tenant coordinators to expedite construction activities affecting residents for construction projects that involve substantial resident relocation or otherwise have a significant impact on residents for an extended period of time.” 760 C.M.R. § 11.09 (b) also requires that tenant coordinators be paid “at the rate of one and a half times the highest minimum wage (State or Federal) then applicable in the Commonwealth.”
- 26 See Massachusetts Learning, Employment and Asset Program (Mass LEAP) which seeks to provide residents of state-aided public housing developments and/or Massachusetts Rental Voucher Program (MRVP) participants with a set of services needed to support meaningful and sustainable earned income growth. <https://www.mass.gov/service-details/mass-learning-employment-and-asset-program-mass-leap>. See also EMPATH's Bridge to Self-Sufficiency Program. <https://www.empathways.org/approach/bridge-to-self-sufficiency>.
- 27 For example, MassNAHRO has a certification training.
- 28 See **DHCD** Public Housing Notice 2019-14 (May 15, 2019), *Draft Developer Request for Proposal for Partnership to Expand Housing Opportunities Program* for mixed-income redevelopment provides in Section IV(1)(a) *Economic Mobility and Supplier Diversity*: “Projects that include a service component for public housing residents will be scored more competitively in this RFP. A services component should include some combination of **resident hiring and apprenticeships** associate with the construction project as well as ongoing service provisions to residents.” (page 6)
- 29 760 C.M.R. § 6.05(3)(i).
- 30 A bill currently before the Massachusetts Legislature, H. 1279, *An Act relative to housing service coordinators*, would help establish a program for housing service coordinators to assist tenants in many ways.
- 31 **Federal Public Housing**: The redevelopment of Mission Main under the federal HOPE VI program, which is comprised of 535 units of rental housing with a mixture of 83% public housing units and 17% market rent, resulted in the tenant task force receiving 10% of the initial developer fee of \$8,000,000. The task force still receives 10% of the cash flow from the market rate units to sustain the tenant organization. This was part of the Project Agreement and the Regulatory and Operating Agreement.
- 32 See Memorandum of Agreement for Resident Participation in Boston Housing Authority-Affiliated Mixed Finance Developments developed collaboratively by residents and owners to clarify tenant participation protections in mixed finance properties.
- 33 Public Housing Notice 2019-14 (May 15, 2019), *Draft Developer Request for Proposal for Partnership to Expand Housing Opportunities Program* for mixed-income redevelopment provides in Section IV that “Public housing and market rate units must be integrated within the development.” (page 6) A provision requiring this was included in the DRAFT Letter of Assurance for the Bunker Hill Redevelopment project, which is not yet available.

