



**MASSACHUSETTS  
UNION OF PUBLIC  
HOUSING TENANTS**

## Memo

**To:** Eric Shupin and Ben Bryant, Executive Office of Housing and Livable Communities

**From:** Mass Union of Public Housing Tenants

**Date:** September 13, 2023

**Re:** Housing Authority Management Agreements

**Issue:** In 2020, HLC issued a notice with guidelines for management service agreements.<sup>1</sup> While the notice provides guidelines about what HLC needs to have to approve the agreement, there is no requirement that tenants have an opportunity to provide input on proposed management agreements or fee-for-service agreements between housing authorities. Agreements are happening and only after the fact are tenants notified. Because these agreements impact the day-to-day operations of a housing authority, residents must have a clear opportunity to review and provide input on agreements before they are finalized. What follows is proposed language to clarify this and require that tenants be provided with an opportunity for input into an LHA's Fee-for-Service Agreement. This language was drawn from existing statutory and regulatory language regarding tenant participation and we submit this as HLC develops important policies to include in the Bond Bill.

### **Proposed Language to Require Tenant Input into Local Housing Authority Fee-for-Service Agreement:**

For a housing authority that seeks to enter into a fee-for-services agreement to take responsibility for managing another housing authority's day-to-day operations and maintenance, tenants assisted by housing authorities must be provided with opportunities to comment and make recommendations on the agreement, which shall include not less than one meeting with local tenant organizations to review the agreement and one public hearing held at a time and location that will facilitate attendance by and input from tenants; the agreement must be provided to local tenant organizations at least 10 days before a meeting and available for public review at least 45 days before the date of a public hearing, and posted on the website upon being finalized.<sup>2</sup>

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<sup>1</sup> [PHN 2020-40](#).

<sup>2</sup> [1212B, 38D\(g\)\(iii\)\(A\) and \(h\)](#), which applies to the state regional public housing innovation program, provides that a local housing authority shall: "(A) provide for full tenant participation, including public hearings, on adoption or material amendment of its annual plan as required under subsection (h);...." and "(h) Each housing authority participating in this program shall prepare an annual plan. Tenants assisted by the housing authority and the wider community shall be provided with adequate notice and opportunities to participate in the development and preparation of the plan. The tenants shall be provided an opportunity to comment and make recommendations on the plan which shall include not less than 1 public hearing held at a time and location that the participating housing authority reasonably believes will facilitate attendance by and input from tenants."

[121B, 28A](#) applies to tenant participation in the annual plan process with all LHAs and states:

Section 28A. (a) Each housing authority shall submit to the department an annual plan. The annual plan shall state the housing authority's goals and objectives to meet or improve upon the department's performance based review and assessment standards under section 26B. The annual plan shall further include the housing authority's capital

**Questions? Please contact:**

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improvement, maintenance and repair plans for the following year and address deficiencies in meeting applicable performance standards.

(b) The housing authority shall make the annual plan available for public review and comment through an annual public hearing. Not later than 45 days before the date of a public hearing, the housing authority shall publish a notice informing the public of the agenda items which shall be covered at the hearing, including, but not limited to, the housing authority's: (i) proposed operating budget; (ii) proposed capital plan; and (iii) specific plan to meet or improve upon the performance based review and the assessment standards under section 26B.

(c) The department shall promulgate regulations to implement this section.

[760 CMR 6.09\(3\)\(h\)](#) provides:

(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.