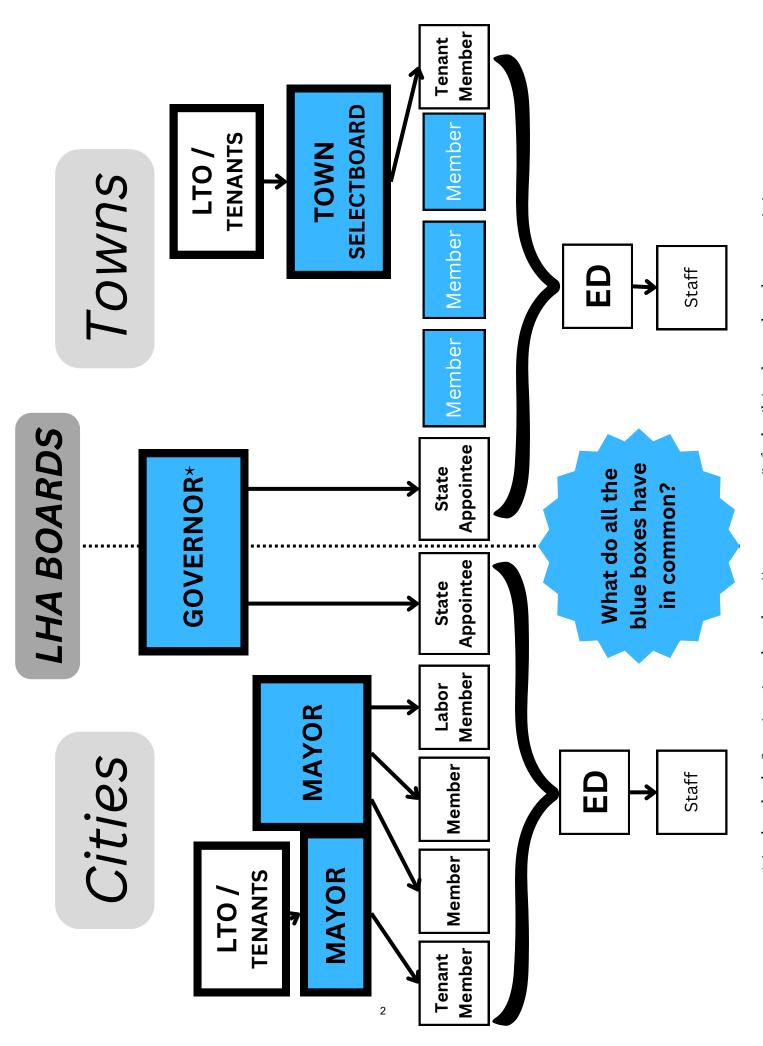


Addressing Issues and Being Heard: Working with LHA Boards

Fall 2025 Convention

Enclosed:

- LHA Board Structures in Towns and Cities (includes State Appointee Nomination Link)
- Information for Local Tenant Organizations Use the Blueprint for Change
- Information for Individual Tenants Use the Chain of Command
- PHN 2022-05: Guidance to LTO Officers who also serve as Housing Authority Board Members and Tenant Board Members
- > PHN 2021-01: Changes Pertaining to Town Appointed Tenant Board Members outlines the appointment process for tenant members
- Mass Union's Recommended LHA Board Nomination Process



 $^{\star} \, Apply \, to \, be \, the \, State \, Appointee \, here: \, https://www.mass.gov/info-details/apply-to-a-board-or-commission \, apply to \, be \, the \, State \, Appointee \, here: \, https://www.mass.gov/info-details/apply-to-a-board-or-commission \, apply to \, be \, the \, State \, Appointee \, here: \, https://www.mass.gov/info-details/apply-to-a-board-or-commission \, apply to \, be \, the \, State \, Appointee \, here: \, https://www.mass.gov/info-details/apply-to-a-board-or-commission \, apply to \, be \, the \, State \, Appointee \, here: \, https://www.mass.gov/info-details/apply-to-a-board-or-commission \, apply to \, be \, the \, State \, Appointee \, here: \, https://www.mass.gov/info-details/apply-to-a-board-or-commission \, apply to \, be \, the \, State \, Apply to \, be \, the \, State \, Apply to \, be \, the \, State \, Apply to \, be \, the \, State \, Apply to \, be \, the \, State \, Apply to \, be \, the \, State \, Apply to \, be \, the \, State \, Apply to \, be \, the \, State \, Apply to \, be \, the \, State \, Apply to \, be \, the \, State \, Apply to \, be \, the \, State \, Apply to \, be \, the \, State \, Apply to \, be \, the \, State \, Apply to \, be \, the \, State \, Apply to \, be \, the \, Apply to \,$

Information for Local Tenant Organizations Use the Blueprint for Change

The Blueprint for Change

See our training packet for more information about these five steps.

- 1. Identify the Widely and Deeply Felt Issues
- 2. Meet with Residents and Conduct the Dot Exercise
- 3. Prep to meet with the Executive Director
- 4. Meet with the Executive Director
- 5. Report Back through the Newsletter

In some cases, your Executive Director may not be able to solve your issues. Some decisions are made by the "boss" of the ED, which is the Housing Authority Board. The LHA Board does the following:

- > Sets the Annual Plan for your LHA, including the budget and capital improvement plan
- Adopts policies, such as the pet, parking and grievance policy
- ➤ Hires, supervises and (if need be) fires the Executive Director

Regulations:

760 CMR 6.09(3)(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.

Information for Individual Tenants Use the Chain of Command

Individual tenants can also bring issues before the board – but note that they should be "common issues," not individual problems, unless you are appealing a grievance decision. See the Chain of Command below.

Chain of Command - for Individual Issues

Use this process for an individual problem, such as a single broken appliance or rent miscalculation.

- 1. Submit a Work Order (if applicable)
- 2. Talk to the LTO or other residents
- 3. Talk to Administrative Staff at the Housing Authority
- 4. Talk to the Executive Director
- 5. Use the Grievance Process
- 6. Appeal the decision before the Housing Authority Board
- 7. (sometimes) Appeal to EOHLC or HUD

Speaking to the Board about Common Issues

Speak at board meetings about common issues, such as problems in the common areas, or when everyone is experiencing a shared problem, like mold or pests.

Regulations:

760 CMR 6.09(4)(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.



Commonwealth of Massachusetts DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

Charles D. Baker, Governor

Karyn E. Polito, Lieutenant Governor

Jennifer Maddox Undersecretary

Public Housing Notice 2021-01

To: Local Housing Authorities & Officials of Massachusetts Towns

From: Ben Stone, Director, Division of Public Housing

Date: February 11, 2021

Re: Changes Pertaining to Town Appointed Tenant Board Members

On January 14, 2021, Governor Baker signed Chapter 358 of the Acts of 2020, "An Act Enabling Partnerships for Growth" into law. Sections 70-72 and 88-91 of this law makes changes to Chapter 121B, §1, §5 and §5A regarding Tenant Board Members in Towns by providing for one member appointed by the Governor, three members elected by the Town, and one "tenant board member" to be appointed by the Town.

This notice does not apply to LHA Boards in cities, which already have a provision for City Appointed Board Members. This notice also does not apply to regional housing authority Boards.

Table of Contents

Section 1. Overview	
Table 1. Key dates	
Section 2. Eligibility	
Section 3. Scope of Tenant Board Member's Participation	
Section 4. What should LHAs do after law is enacted?	4
Section 5. How is the Town Appointed Tenant Member Seat on the LHA Board to be identified? Where there is a vacant seat on the effective date	
Where there is no vacant seat on the effective date	5
Figure 1. Identifying Town Appointed Tenant Board Member Seat Section 6. What is the term of the Town Appointed Tenant Board Member Seat?	
Section 7. How will the Town Appointed Tenant Board Member Seat be filled?	
Where there is a vacant seat on the effective date	

Where there is no vacant seat on the effective date	
Section 8. Waivers	
Waiver Type 1	9
Waiver Type 2	1(
Section 9. Tracking Town Appointed Tenant Board Members	1(
Section 10. Attachments	11

Section 1. Overview

Briefly, the law, which becomes effective on May 15, 2021, which is 120 days after its January 14, 2021 enactment, requires Towns to appoint a tenant member to a Local Housing Authority (LHA) Board from a list of names submitted to the Town by a recognized Local Tenant Organization (LTO). If there is no LTO, then the LHA is required to notify its public housing residents of the opportunity to submit their names to the Town for consideration for appointment. Where federal law as found in 42 U.S.C. 1437 and the regulation at 24 CFR Part 964, requires that a tenant in a federal housing program be on the LHA Board, preference is given to tenants in federal housing programs. LHAs with federally funded programs should consult with HUD if they are unclear whether they must have a federal tenant on the Board. Where there is no list of tenants submitted to the Town for appointment, the Town may appoint any tenant or adult authorized household member. Where the LHA has no public housing units, a participant in a rental assistance program administered by the LHA may be appointed.¹

In accordance with prior DHCD guidance, many Towns only held elections for 3 seats on the LHA Board after Chapter 235 of the Acts of 2014 became effective, reducing the number of elected Board seats in towns to 3. The seat that would have been up for election but was left vacant after the effective date of Chapter 235 of the Acts of 2014 (November 6, 2014) will be the Town Appointed Tenant Board Member Seat.

Note that this legislation does not affect the seat of the state appointed LHA Board Member.

Table 1. Key dates

01/14/2021	Enactment date	LHAs and Towns begin the process of
		determining which seat will be the
		Town Appointed Tenant Board Member
		Seat and filling the seat
05/15/2021	Effective date (120 days after	If there is a vacancy on the board on this
	enactment date)	date, that seat will be the Town
		Appointed Tenant Board Member Seat
		(see Section 5)
07/14/2021	Key date for determining which seat	If there was no vacancy on the board on
	on the LHA Board will be the Tenant	the effective date, the elected seat with
	Member Seat (60 days after effective	the first term to expire after this date
	date)	will be the Town Appointed Tenant
		Board Member Seat, unless another seat
		has become vacant since the effective
		date (see Section 5)
08/13/2021	Town Appointed Tenant Board	See Section 7 for details on filling the
	Member should be seated (90 days	seat
	after effective date)	

¹ If an LHA has no public housing units OR rental assistance units, it may request a waiver (Waiver Type 2) from this requirement from DHCD.

Section 2. Eligibility

The Tenant Board member may be a tenant or an authorized adult household member residing in public housing in the Town or an authorized adult member of household participating in a rental assistance program administered by the LHA in the Town (all those eligible for Tenant Board member seat will be referred to in this document as "tenant").

Tenants of state-aided Section 8 New Construction/Substantial Rehabilitation public housing developments that are owned by an LHA are eligible to be appointed by the Town to the Tenant Board Member seat. Other participants of project based or mobile rental assistance programs that are not administered by the LHA are not eligible to be appointed to the Tenant Board Member seat by the Town.

Section 3. Scope of Tenant Board Member's Participation

The Town Appointed Tenant Board Member is a full member of the LHA's governing Board with all of the rights and responsibilities of an LHA Board member. A Tenant Board member must be allowed to take part in any and all decisions related to the administration, operation, and management of all LHA programs, except to the extent that it would affect their "personal interest" as proscribed by the DHCD regulation at 760 CMR 4.03(4). Tenant Board Members are not required to be identified as such on the LHA website or web page that is required by 760 CMR 4.02(1)(a), and, upon request of the Tenant Board Member, the LHA should remove any such identification of the Tenant Board Member.

Section 4. What Should LHAs do Now that Law is Enacted?

LHAs should immediately communicate the following information to the Town:²

- Contact information for all LTO(s).
- Any federal requirement that a federal tenant sit on the LHA Board.
- Any waivers applied for and/or received from DHCD which would postpone a Town appointment to the Tenant Board Member Seat for up to one year (see Section 8. Waivers).
- All information required to identify Tenant Board Member seat, including any vacant seats, and projected expiring seats.

LHAs should immediately inform LTO(s) regarding:

- Any waiver received from DHCD which would postpone a Town appointment to the Tenant Board Member Seat for one year due to current tenant on Board (see Section 8. Waivers, Waiver Type 1 below).
- If the Board has a vacant seat, the date by which the LTO(s) may submit a list of eligible Tenant Board Members to the Town in the event that DHCD does not grant a waiver.

If there is no LTO, LHA should immediately communicate with all residents regarding:

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² See Attachment A. for example letter.

- Any waiver received from DHCD which would postpone a Town appointment to the Tenant Board Member Seat for one year due to current tenant on Board (see Section 8. Waivers, Waiver Type 1 below).
- If no waiver and Board has a vacant seat, the tenants' opportunity to submit their names to the Town for consideration of appointment.

Section 5. How is the Town Appointed Tenant Member Seat on the LHA Board to be identified?

Where there is a vacant seat on the effective date (May 15, 2021)

If, on May 15, 2021, an LHA has three or fewer elected Board members, a vacant seat will become the Town Appointed Tenant Board Member Seat. The fact that a seat is or was occupied by a holdover or a temporary appointment is not considered in making the determination as to which seat is the Tenant Board Member Seat; such seats are considered to be vacant for the purposes of this determination.

In the event that there is more than one elected seat that is vacant, the Town Appointed Tenant Board Member Seat will be the seat that was vacated first (the oldest date).³

Where there is no vacant seat on the effective date (May 15, 2021)

In Towns that have 4 elected Board members on May 15, 2021, the elected seat having the first term to expire after July 14, 2021 shall be the Town Appointed Tenant Board Member Seat, unless another seat becomes vacant before such date, in which case the first seat that becomes vacant before such date shall be the Town Appointed Tenant Board Member Seat.

If an LHA tenant whose term is expiring currently occupies the seat that will become the Town Appointed Tenant Board Member Seat, that fact is not considered in making the determination as to which seat is the Town Appointed Tenant Board Member Seat. The LHA tenant whose term is expiring may be eligible for appointment to the Town Appointed Tenant Board Member Seat as described below.⁴

³ In the unlikely event that more than one vacancy occurred on the exact same day, the Town Appointed Tenant Member Seat will be the seat corresponding to the earliest date on which the member who occupied it was sworn in.

⁴ In the unlikely event that more than one term expires on the same day after July 14, 2021, the Tenant Board Member Seat will be the seat corresponding to the earliest date on which the member who occupied it was sworn in. In the unlikely event that more than one seat becomes vacant on the same day, the Tenant Member Seat will be the seat corresponding to the earliest date on which the member who occupied it was sworn in.

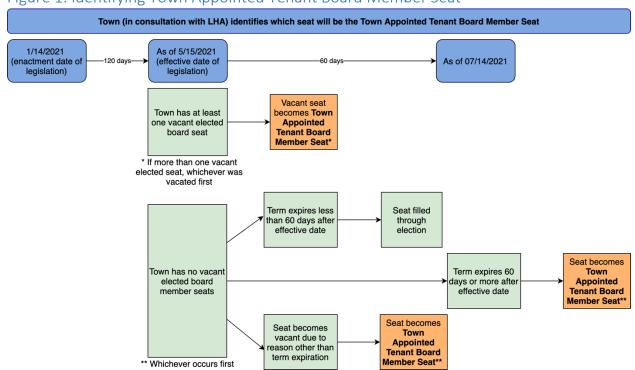


Figure 1. Identifying Town Appointed Tenant Board Member Seat

Section 6. What is the term of the Town Appointed Tenant Board Member Seat?

The Town Appointed Tenant Board Member is appointed to a term of 5 years. Appointments made to fill a vacant seat where the vacancy exists for a reason other than term expiration will be for the remainder of the unexpired term.

Section 7. How will the Town Appointed Tenant Board Member Seat be filled?

LHAs shall provide all necessary information for identification of seat to Town based on criteria above.⁵

Where there is a vacant seat on the effective date (May 15, 2021)

With an LTO(s).

• As noted above, LHAs should provide the Town with contact information for LTO(s) promptly following the passage of the Act.

• Town must give written notice of the vacancy to the LTO(s) at least 10 business days after May 15, 2021.

 $^{^{5}}$ See Attachments B. – E. for example notices.

- Town provides written notice to all LTO(s) that within 60 calendar days each LTO(s) may submit to the Town a list of 2 to 5 names of tenants who are eligible for appointment to the Town Appointed Tenant Board Member seat.
- If the Town does not receive a list from the LTO(s) within 60 days of the notice to LTOs of the vacancy, then the Town may appoint any eligible tenant who has indicated a willingness to serve of its choosing to the Town Appointed Tenant Board Member Seat.
- The Town is required to make the appointment within 60 days after the deadline for LTOs to provide a list of eligible tenants.
- If there is no person who is eligible and willing to serve as the Town Appointed Tenant Board Member then the LHA may seek a waiver from DHCD of the requirement that the Town appoint a tenant (see Section 8. Waivers).

No LTO(s).

- LHA sends written notices to each public housing tenant household and posts notices in common areas informing residents that if they wish to be considered for the Town Appointed Tenant Board Member seat, they must submit their names to the Town Clerk within 30 days. The notices must include contact information for the Town Clerk, as well as information about training programs available to Tenant Board Members.
- If the Town does not receive any names from tenants within 30 days of the notices to residents, then the Town may appoint any eligible tenant of its choosing to the Town Appointed Tenant Board Member seat.
- The Town is required to make an appointment within 30 days after the deadline for tenants to submit names.
- If there is no person who is eligible and willing to serve as the Town Appointed Tenant Board Member then the LHA may seek a waiver from DHCD of the requirement that the Town appoint a tenant (see Section 8. Waivers).

Where there is no vacant seat on the effective date (May 15, 2021) With an LTO(s).

- The Town is required to give the LTO(s) at least ninety days' written notice of the upcoming expiration of the term of the seat that is to become the Town Appointed Tenant Board Member Seat. If a vacancy occurs in the seat to become the Town Appointed Tenant Board Member Seat for some reason other than the expiration of a term, then the Town is required to give LTOs at least 10 business days written notice that the vacancy has occurred.
- Town follows procedures for "With an LTO(s)" listed above.

No LTO(s).

- LHA gives notice immediately after unexpected vacancies and at least 30 days before vacancies due to term expiration.
- LHA follows procedures for "No LTO(s)" listed above.

Filling Tenant Board Member Seat LHA has Yes an LTO? Reason for Reason for vacancy? vacancy? Unexpected Unexpected Expected Expected (reason other (reason other (term expiring) (term expiring) than term expiring) than term expiring) LHA posts notices in common LHA immediately posts notices Town gives notice to areas and provides each Town gives notice to LTO(s) 90 in common areas and provides LTO(s) no more than household with a notice 30 days or more before vacancy each household with a notice 10 days after vacancy days or more before vacancy LTO(s) submits 2-5 names to Town Clerk Tenants submit their names to Town within 60 days after notice Clerk within 30 days after notice Names Names Yes Yes submitted? submitted? Town reviews No candidates No Candidate found eligible and willing? Yes Town makes Town appoints appointment within candidate within 30 30 days (no LTO) or days (no LTO) or within 60 days (with LTO)* within 60 (with LTO)* Town makes Town makes appointment appointment within 60 within 30 days* days*

Figure 2. Filling Town Appointed Tenant Board Member Seat

^{*}Federal tenant gets preference if applicable

Section 8. Waivers

LHAs may request waivers from DHCD that will temporarily postpone the appointment of the Town Appointed Tenant Board Member pursuant to this legislation. Waivers may be requested by an LHA through an online form found on the DHCD Admin Housing Applications page.⁶ Waivers may be requested under two conditions:

- 1) LHA Board already has a Town elected or appointed Board member who is a member of a tenant household or rental assistance household; or
- 2) No person is eligible and willing to serve as the Town Appointed Tenant Board Member.

Note: Because it is not possible to determine the Town Appointed Board Member seat until the law becomes effective, LHAs should not request waivers from DHCD until at least May 15, 2021.

Waiver Type 1

LHA Board already has a Town elected or appointed Board member who is a member of a tenant or rental assistance household

LHAs may request a waiver where a person who is a tenant or an adult authorized household member residing in a public housing in the Town or a participant of a rental assistance program administered by the LHA is currently serving as an elected member or as a member who was appointed for the remainder of a term by the Town to fill a vacancy. The availability of such waivers is not meant to imply that there may only be one member on the LHA Board who is a tenant, but rather to allow more time for LHAs that already have one or more tenants on the Board to transition to a Town Appointed Tenant Board Member. LHAs are not expected nor required to submit a request for a waiver on these grounds, and a Town is required to appoint Tenant Board Member to an LHA that already has tenant(s) on the Board if an LHA has not received a DHCD waiver to postpone such an appointment.

Waivers granted are valid for one year and may be renewed for one year at a time until the elected or appointed member who is identified in the waiver vacates the seat or until the expiration of that member's term. At that point, the seat becomes the Town Appointed Tenant Board Member Seat and the Town and LHA should follow the appointment process described above.

In order to request a waiver on these grounds, LHA must provide the following information:

- Name of Board Member who is a tenant/rental assistance participant and date that the term of the seat that they occupy expires (end of 5-year term for which person was elected by Town or end of remainder of term if person was appointed by Town to fill vacant seat);
- Certification by the LHA and the tenant/participant that the Board Member is a tenant of the LHA and identification of the housing program in which the tenant/participant is housed;

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⁶ See Attachment F. for additional information.

- Agreement by the tenant/participant and the LHA to notify the Town if the Board Member is no longer a tenant/participant of LHA housing or is no longer a member of the Board.

Waiver Type 2

No person is eligible and willing to serve as the Town Appointed Tenant Board Member

If there is no person who is eligible and willing to serve as the Town Appointed Tenant Board Member after the LHA has given the required notice to its residents of the opportunity to serve, then the LHA may request DHCD to grant a waiver so that the Town may appoint a person other than a person who is eligible as a Tenant Member, who will be appointed to a one-year term.

In order to request a waiver on these grounds, an LHA must provide the following information:

- Written statement of why a waiver is being requested;
 - o Identification of any LTO(s) and their contact information;
 - o Date/time of meetings with all LTO(s) with brief description of meeting content;
 - o LHAs must indicate to DHCD the dates and locations of posting of notices.
- Evidence of notices which may include:
 - Copies of notices posted on the LHA's web page and in the common areas of the LHA:
 - Copies of notices sent to all LHA households of tenants and rental assistance participants;
 - Notices should inform tenants of the opportunity to serve as a Board member, including contact information for the Town Clerk and describe the available technical assistance training programs available to Tenant Board Members.

Prior to granting a waiver DHCD will review the LHA's written statement and determine whether the LHA provided the required notices. Waivers may be only granted for one-year periods, but they may be renewed upon the same showing of need by the LHA.

If DHCD grants a waiver, it shall notify the LHA and the Town that a person other than a person who is eligible to be a tenant member may be appointed to the Town Appointed Tenant Board Member seat for a one-year period. The LHA must notify its LTO(s), if any, of this waiver and post the waiver online and throughout common areas of its developments.

Section 9. Tracking Town Appointed Tenant Board Members

When a Town Appointed Tenant Board Member has started their term, LHAs should record this information in the LHA Board Attendance application by marking the column "Town Tenant Board Member." A Board Member is considered a "Town Appointed Tenant Board Member" after an appointment has been made by the Town of a person who meets the definition of Tenant Member in c. 121B, sec. 1.

Section 10. Attachments

Attachment A. LHA Information to Town

Attachment B. LHA Notice to Tenants

Attachment C. Tenant to Town Clerk

Attachment D. Town to LTO Notice of Vacancy

Attachment E. LTO Names Submitted to Town

Attachment F. Requesting Waivers

Please contact your HMS with any questions regarding this notice.



Commonwealth of Massachusetts

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

Charles D. Baker, Governor ◆ Karyn E. Polito, Lieutenant Governor ◆ Jennifer D. Maddox, Undersecretary

PHN 2022-05

TO: All Local Housing Authorities

FROM: Ben Stone, Director, Division of Public Housing

DATE: February 24, 2022

RE: 760 CMR 4.00 GENERAL ADMINISTRATION OF LOCAL HOUSING AUTHORITIES Guidance to LTO Officers who also serve as Housing Authority Board Members and Tenant Board Members

DHCD regulation at 760 CMR 4.03(4) *Tenant Board Members* provides guidance to tenants of LHAs who also serve on the LHA Board (a "Tenant Board Member"). 760 CMR 4.03(4) prohibits Tenant Board Members from:

- Pursuant to <u>M.G.L. c. 121B</u>, participating in a decision that affects the Tenant Board Member's personal interests; and
- Pursuant to M.G.L. c. 268A, participating in a matter that affects the Tenant Board Member's financial interests.

In some instances, a Tenant Board Member may also be an officer of a Local Tenants' Organization ("LTO"). DHCD regulations provide additional guidance to Tenant Board Members who also serve as officers of LTOs ("LTO Board Member"). 760 CMR 4.03(2)(m) *Limitations on a Board Member Who is an Officer of an LTO*.. prohibits an LTO Board Member from:

- Acting on behalf of the LTO before the LHA;
- Participating as a Board member on any matter directly involving the LTO; and
- Contacting the LHA or appearing at any LHA meeting on behalf of the LTO.

Note that all LHA Board members, whether or not a Tenant Board Member or LTO Board Member, are subject to Massachusetts' State Ethics Law, M.G.L. c. 268A, which governs conduct of public officials and employees.

As noted in 760 CMR 4.03(4)(a): "The Ethics Law should not be read to prevent full and effective participation of a tenant member on an LHA board so long as he or she does not use his or her position to derive some direct personal benefit, financial or otherwise, to the board member (or to a family member or to a business or potential employer described in 760 CMR 4.04(2))." 760 CMR 4.03(4)(c) also



provides assistance in determining when Tenant Board Member or LTO Board Member participation is appropriate:

Determine whether a decision would have a direct or other reasonably foreseeable effect on a personal interest. Would the decision result in some actual benefit to the Tenant Board Member or LTO Board Member or a family member or a business or potential employer, as more particularly described in 760 CMR 4.04(2)? A benefit is something of more than minimal value which the Board member or family member or business or potential employer might receive depending on the Board's vote.

Second: If the answer is yes, the Tenant Board Member or LTO Board Member must abstain, unless the matter is one of general application to all tenants in a housing program.

In instances in which a Tenant Board Member's or LTO Board Member's recusal may impact the Board's ability to obtain a quorum for a vote on that topic, the LHA is encouraged to consult with the Massachusetts State Ethics Commission for possible resolutions.

Examples:

The Board is voting on providing office space to the LTO Board Member's LTO. The LTO Board member cannot vote on providing the space as it benefits the LTO Board Member's LTO specifically.

The Board is voting on a rent policy for all tenants that would benefit the LTO Board Member or Tenant Board Member. The LTO Board Member or Tenant Board Member can vote on this measure even though it benefits them financially because it benefits all tenants equally.

The Board is voting on a project to install new cabinets in all units. A subsequent vote will be taken to start the project in Building 1, where the LTO Board Member or Tenant Board Member lives.

The LTO Board Member or Tenant Board Member can participate in the vote to install new cabinets in all units. However, the LTO Board Member or Tenant Board Member cannot participate in the vote to start the project in building 1, the LTO Board Member or Tenant Board Members' building.

The Board is voting to award a plowing contract to a local company. The LTO Board Member's or the Tenant Board Member's brother-in-law works for the plowing company. The LTO Board Member or Tenant Board member cannot participate in the vote.

In summary, an LTO Board Member or Tenant Board Member cannot participate in discussions or votes regarding any matters which will:

- Affect his or her tenancy or housing unit exclusively, or
- Benefit a number of tenancies or housing units, including the LTO Board member or Tenant Board Member's unit, but exclude other similar tenancies or housing units, or.
- Confer a benefit on himself or herself (or a family member or to a business or potential employer) to the exclusion of other potentially eligible tenants.

When in doubt, the LTO Board Member or Tenant Board Member should consult the State Ethics Commission for guidance. An LTO Board Member or Tenant Board Member may contact the State Ethics Commission Attorney for the Day for an advisory opinion by calling (617) 371-9500 or by filling out the State Ethics Commission's Advice Request Form available on the State Ethics Commission's website.

Mass Union's Recommended

LHA BOARD NOMINATION PROCESS

In towns, Massachusetts LTOs have the right to nominate 2-5 tenants to occupy the tenant seat on the LHA board. For background on the tenant seat, <u>please read PHN 2021-01</u>. In order to choose 2-5 people, Mass Union recommends using the following process. We can provide support and technical assistance for LTOs using this process.¹

- 1. Form a Nominating Committee to solicit names to send to the town. An odd number of people should serve on the Committee. Be sure that the LTO board has a quorum and holds a formal vote to form this Committee. This vote can also take place at a community meeting. Either way, be sure there are minutes! Anyone who wants to submit their name to the town for the LHA board should not serve on the Committee or participate in its meetings.
- 2. The Committee should determine:
 - a. How it will conduct outreach (below)
 - b. The nomination deadline
 - c. What requirements it will ask for from nominees, such as resumes or other documents

3. Conduct Outreach

- a. The Committee will notify the community about this opportunity to serve on the LHA board. At minimum, flyers must be posted in common areas.
- b. If possible, the Committee should provide direct notice to tenants by door-knocking or dropping off the flyer at each door.
- c. If the LTO has a newsletter, include it in the newsletter.
- d. Announce this opportunity at meetings.
- e. Ask the LHA to promote this opportunity via their channels. (They do not have to help but you can ask. Note that the LHA should not be involved in this process except at your invitation.)
- f. Use word of mouth and any other avenue you can to spread the word.
- 4. The Nominating Committee will receive applications, which can include background information about candidates.

¹ If your LTO would like to use a different process, Mass Union can provide support only under the following circumstances: 1. You must submit a written description of your process. 2. The process must avoid conflicts of interest, such as having nominees serve on the nominating committee. 3. The process must meet our requirements for transparency and inclusion.

- 5. The Nominating Committee will choose 2-5 names to submit. The Committee may solicit input from the community but is not required to. Mass Union is willing to help facilitate a meeting of the Nominating Committee wherein decisions are being made.
- 6. Once the decision is reached, the Committee will share it with the community in writing. It will then submit the names to the town, along with any supporting documentation.

