

RPP comments and responses draft as of May 31, 2023

## Resident Empowerment including Resident Participation Policy

Comment: In general: The title has been changed from “Tenant Participation Policy” to “Resident Participation Policy” to reflect that BHA generally uses the term “Residents”, rather than “Tenants”. In addition, the draft picks up on some suggestions that GBLS made during last year’s Annual Plan process where more time was needed for BHA to consider possible edits (such as making clear that this also applies to Mixed Finance sites which may no longer be “public housing” per se, but in which BHA still has substantial oversight and involvement through a Ground Lease).

Response: The document now makes it clear that the RPP applies to mixed-finance site resident participation as well.

Comment: Section 1 (Introduction): Makes clear, in the next to the last paragraph, that this applies not only to BHA but to “BHA instrumentalities”, i.e., where BHA still has formal control of an ownership entity (for example, as at Lower Mills or Patricia White). A new paragraph is added making clear that the policy also applies to the BHA subsidized units at a Mixed Finance site that was a former BHA public housing site. It also makes clear that where the term “BHA” is used at various places and the site is a Mixed Finance Development, the private owner/manager would carry out the same duties that BHA would as manager under the Policy. I would recommend, in the 3rd line of the last paragraph, to add the word “operated” after “originally”.

Response: BHA has made that change.

Comment: Section 2 (Definitions): This includes new definitions of BHA Instrumentality and Mixed Finance Development, and in the term “Development”, notes that this could involve Mixed Finance, RAD, or other subsidy conversion. I’d note that the definition of “LTO Member” also include temporary relocatees, but I can’t remember if the last sentence is new, i.e., that a temporary relocatee may only be a member of one LTO at a time. Even if this is not new, I think we should discuss that more. It may be that a resident would want to both participate in the events happening at the place where they are currently living, but also in decisions involving the site from which they are relocated (such as any changes that could affect the Right to Return).

Response: BHA has made this change: a temporary relocatee can be the member of more than one LTO but a member of only one LTO Board.

Comment: Section 3 (The Role of the LTO): 3.3: While this is not new, the 14-day time frame to request translation assistance may not be realistic; moreover, if BHA is initiating a process (such as where it wants to inform residents about some new program/policy), the language access burden should not be on the LTO.

Response: It is not BHA's intention to place the burden on the LTO for translation/interpretation in situations where BHA is initiating a new process related to a new program or policy and will clarify that in the policy. The 14-day time frame is recommended and BHA often provides translation or interpretation with shorter lead times, although depending on what that time frame is, it can sometimes be challenging or not possible to accommodate the request.

Comment: 3.5: Personally Identifying Information. Here again, I'm not sure this is new, but we may want to think about this some more. It may help to add that if a person is running for an LTO Board position, certain personal identifying information (the person's name and possibly the address) would be needed for election functions. Similarly, an Election Committee may need to verify that nomination signatures are coming from households at the site, and there is the cross-checking with management to verify that candidates are in "good standing" in order to be able to run. In addition, if a person is elected or appointed to a Board, it may be that the name would be listed on the BHA website. It may be that while addresses, email contact, etc., are not shared for the public, LTO members would have a legitimate interest in knowing, how do I contact the Board if I want to bring a matter to their attention (if each Board has an email address and a physical office space where mail is regularly checked, that may be an answer). Since the document here refers to this being "optional", and some of this may not be optional if a person is running for a Board position, this is worth some discussion.

Response: The names of LTO Board members and candidates and Election Committee members can be shared. Other personally identifiable information can only be provided with the consent of the person whose information is being shared.

Comment: Section 4.0 (The Role of the BHA): It may help to add something here to make clear what BHA's role is in a Mixed Finance site. Thus, while Section 1.0 of the policy says that the private owner/manager would take on the same duties that BHA would have had as manager for a site, this doesn't mean that BHA drops out entirely. The Mixed Finance Tenant Participation Memorandum of Agreement makes clear that there remains recourse open to the BHA if there are issues that the LTO (or residents interested in forming an LTO) cannot resolve with the private owner/manager. It may help to spell out that at such sites, LTOs should have periodic meetings both with the private manager/owner and the BHA.

Response: BHA added a section stating that owners of Mixed-Finance Developments will be primarily responsible for resident participation, and the BHA will retain oversight.

Comment: Section 5.0 (Formation of the LTO): While there are edits here, I think the content is pretty much the same, and I have no comments.

Response: Thank you.

Comment: Section 6.0 (Formation of the LTO Board): 6.2: I think this is revised, and uses the term “compliance with the lease” as opposed to good standing, and also says that BHA can provide guidance from time to time as to what this means. This is an improvement on the current policy, as: (a) lease compliant is the HUD term, and “good standing” can be interpreted in a lot of ways; (b) it gives some flexibility for guidance to change. (I’d note that current guidance provides that a tenant is considered lease compliant, even if there had been a private conference notice, start of a court process, etc., if the tenant has entered into an agreement in or out of court and is complying with that.)

Response: Agreed.

Comment: 6.4: While I don’t think anything needs to be in the Policy on this, I’d note that LTOs may differ about the process for selection of LTO Officers (this is addressed a bit further below). In most cases, LTOs elect a Board, and then the Board meets to designate which persons will take on which Officer role. However, in a few cases, LTO bylaws provide that the members directly elect the Board members to particular Officer positions.

Response: Agreed.

Comment: 6.5: This provision on LTO Budgets and review of them with the community was not in the Policy previously, but makes sense.

Response: Agreed; this was added in response to the larger LTO community reporting that they feel they are not always informed of the spending plans for their site.

Comment: Section 7.0 (Meetings): It may make sense to add “LTO Board” before “Meetings” here, to distinguish these from the Community Meetings of all LTO Members that the Policy requires occur at least twice a year (and which LTO bylaws may require occur more frequently).

Response: BHA has made the change.

Comment: 7.3: I believe some of this language is new but it is consistent with what came up in comments in 2020-2021, to recognize the circumstances in which the LTO Board might choose to invite non-LTO members, and particularly private owners/managers in the Mixed Finance setting, as well as relocation consultants, legal advocates assisting the organization, or other consultants.

Response: Agreed.

Comment: 7.4: I believe this is new, and it refers to the LTO Secretary keeping and sharing certain information which can be utilized by the BHA Resident Capacity Program as part of its regular review of LTO compliance (as a condition of LTO funding from the BHA). I would ask that LTOs review this carefully.

Response: Agreed.

Comment: Section 8.0 (Alternative Meeting Formats): This was added to the Policy in early 2021 to recognize the use of Zoom and other means for remote access and participation, both during the pandemic and as might be desirable post-pandemic.

Response: Agreed.

Comment: 8.1: This is new, and specifically provides that for now, LTOs don't need to revise their bylaws to utilize various remote access mechanisms to conduct meetings, do votes, etc., but that at some future date when the pandemic is over, the BHA will require revision to bylaws to specify which mechanisms may be used and set a compliance date. It may be better to say that BHA may issue guidance on this, and allow PHAs to continue to utilize the options here. Otherwise, there may be a major issue about having to contact each/every LTO to see if bylaws are revised, and recruit significant assistance for LTOs to revise bylaws. This is worth further discussion.

Response: LTOs may continue to follow this alternative meeting format without a change to their By-laws, though they may need to do a formal amendment process. BHA may issue guidance in the future.

Comment: 8.2: I believe this language is similar to what was adopted in 2021. I'd note that, for RAB calls, sometimes some individuals may have tech issues where they could not be heard, but they were able to record their vote (or thoughts on an issue) through typing into chat, and that has been counted.

Response: Agreed.

Comment: 8.3: I believe this is new, but it makes sense—to provide for use of a hybrid option, where the LTO has the capacity to do it, and where a request for it has been made a certain amount of time in advance (suggested here as three days in advance).

Response: Agreed.

Comment: 8.4: I believe this is new, and focuses on LTOs exploring funding options for virtual attendance, etc. BHA may want to supplement this with any assistance that the Resident Capacity Program may be able to provide, such as the partnership with the Boston Public Library.

Response: Agreed; BHA will continue to support the LTOs with increasing their digital/virtual capacity as partnerships and funding allow.

Comment: 8.5: I believe this is new, and focuses on LTO Boards being Zoom or remote hosts. Here again, it may be helpful to supplement this by referring to assistance that the Resident Capacity Program or other institutions can offer, particularly in tech training.

Response: It is BHA's intention to continue to provide such assistance through partnerships and funding, if available..

Comment: 8.6: I believe this is new, and is referring to participants using their own devices, to there being no charge for participation, and for certain identity information to be required so there can be an accurate record of attendance, and at times to require advance registration with identity information. All of this makes sense to avoid zoom-bombing. Here again, it may make sense to add language about Resident Capacity Program assisting individuals to help them participate (such as getting them information about the Boston Public Library program or other efforts to reduce the digital divide).

Response: See above response. Devices are no longer available through the BPL program, although several thousand BHA residents participated in that program and received devices. BHA continues to partner and utilize existing funding to support digital equity through a variety of mechanisms for both resident boards and residents in BHA housing.

Comment: 8.7: I believe this is new, and it refers to recording. It notes that any recording that is in BHA's hands would be regarded as a public record. Language should be added that if there is objection to recording, there should be no recording. Moreover, there should be no improper use of a recording—for example, selection of portions of a recording which might otherwise misrepresent the entire context of what occurred in a meeting. This is one of the primary reasons that consent has been denied. There should also be no surreptitious recording of a call where Zoom recording has not been authorized by the participants as this would be a clear violation of state law.

Response: BHA has added language addressing this comment.

Comment: 8.8: I believe similar language was in the 2021 amendment, but this may be more refined (discussing following public health protocols on masking, social distancing, etc., during pandemic or other public health emergencies related to meetings, campaigning, events, etc.)

Response: Agreed.

Comment: 8.9: This is new, and goes along with the idea in 8.1 that alternative mechanisms described in this section will drop out post-pandemic and then there would be a checklist for the Resident Capacity Program to work with LTOs on what they want to keep. Again, as with the bylaw provision in 8.1, I would recommend retaining flexibility and avoiding situations where there has to be a lot of monitoring and potentially significant resources devoted to avoid compliance problems.

Response: Agreed. This section is consistent with the comment and the revised Section 8.1.

Comment: Section 9.0 (Pre-Election Procedures): 9.3: I think there may be some new language here saying: (a) no elections unless there is an Election Committee; and (b) clarifying that Election Committee members can sign nomination papers and can vote in elections, but otherwise are not participating in the election other than in their Election Committee role. That clarifying language (if it's new) is fine.

Response: Thank you for this comment. Some of the clarifying language is new and was added based on questions/confusion on this point from LTO boards.

Comment: 9.6: It may be that the language here about providing information to those who don't have internet access (where relying on on-line postings) is new—looks fine.

Response: Thank you.

Comment: Section 10.0 (Nominations Procedure): 10.1: It may be that no language is needed in the Policy, but in the forms that the Election Committee uses, it should be recognized that most LTO bylaws just have people nominate for the Board (and then the Board selects the Officers from among the Board members), but at a few sites (aware of this at West Ninth Street and Amory Street) the LTO members may be nominating and electing particular Officers. Templates would need to be modified accordingly.

Response: Thank you. BHA added language to Section 10.1 addressing this comment. The BHA will revisit the form so that it accurately describes the process at the site for which an election is being held.

Comment: Section 11.0 (Election Procedures): 11.1: This catches the issue about the persons running either for a Board position or a particular Officer position, depending on whether the LTO Members or the Board selects the Officers (see discussion above)--small typo. Section 10.0 doesn't say the same on nomination papers, and it should (see comment above).

Response: See above response.

Comment: 11.6: I'm unsure if this is new language (it might have been part of what was done in 2020-2021), and it covers options for mail-in, electronic, or telephone voting, as long as there is a means to insure that it is accurate, confidential, and eliminates the potential for double-voting. This all seems fine, but it should be recognized that this may be complex and require some specific skills & expertise in having successfully done similar work elsewhere.

Response: Agreed.

Comment: 11.10: I think the language here about the 5 working days to select Officers after a Board is elected may be new—whether it is or not, this may be overly strict, and it may help to allow more time to do this.

Response: BHA changed this to three weeks.

Comment: 12.0 (Recall Process): I think this is largely unchanged, and is required by HUD regulations. I'm not aware of it being utilized any time recently.

Response: Agreed.

Comment: Section 13.0 (By Laws of LTO): I think this is unchanged from the last revision. I'd note that while the Policy has had, in Section 13.2, a provision about internal dispute resolution, I'm not aware of any model ever being developed, and it may be helpful for the Resident Capacity Program to help develop a model that LTOs can adapt. I don't know if BHA would want to add any provisions for members/officers/Board members to repay funds improperly spent (in order to continue to serve on an LTO) or for compliance with the BHA's Anti-Harassment Policy. (For example, if a LTO Board member has been barred from interactions with a BHA staff member because of violations of the Anti-Harassment Policy, it may make it very difficult for the individual to effectively carry out their role.)

Response: BHA has added an internal dispute resolution in Section 27. The BHA addressed the other suggestions in Section 14. 10.

Comment: Section 14 (BHA Recognition of LTO): 14.1: The reference to a specific Recognition Packet here may be new. The language here provides flexibility for a changed packet without requiring an amendment.

Response: Thank you; the reference to a recognition packet is not new.

Comment: 14.4: I believe the reference here to either restarting the recognition process in Section 14 or using the Dispute Resolution Process in Section 27 may be new. I think having both paths is a good idea—in some cases, starting over may be the easiest things, but in other cases, the LTO may feel that there has just been a misunderstanding over compliance efforts worth review at a higher level.



Response: Agreed.

Comment: 14.9: While I think the reference to an Annual Compliance packet is new (as well as the requirement, indicated above, for LTO Secretary to keep records that would be relevant to this), the types of documentation listed here is similar to that in the current Policy.

Response: Thank you. The BHA appreciates this comment.

Comment: 14.10.1: I think that while some of the language here about the specific bases under which BHA could revoke recognition may be new (not being open and transparent with communications, or acting in a manner which is biased against a protected group), the additional language makes sense. I don't know if BHA would want to add, failure to reimburse the BHA for improperly spent funds, or to cure any violation of the BHA Anti-Harassment Policy (such as by replacing an Officer who would have to regularly interact with BHA staff if a particular officer has engaged in improper harassment).

Response: BHA added failure to reimburse the BHA for improperly spent funds, or failure to cure any violation of the BHA Anti-Harassment Policy.

Comment: Section 15.0 (Meetings with BHA): I believe this is fairly unchanged. As discussed above, for Mixed Finance developments, you would not want the provision in Section 1.0 to be read that a meeting with the private owner/manager is always a substitute for a meeting with the BHA—while it may replace the role of the meeting with the BHA site manager, there is still value to the LTO keeping regular channels of communication open directly with BHA leadership such as through an annual meeting.

Response: Agreed; BHA added language in Section 15.2 that the BHA Administrator or designee will meet with LTOs at Mixed-Finance Developments.

Comment: Section 16 (Providing Information and Training to LTO): I believe this is unchanged, although should check for the language in Section 16.4 (which talks about possibly pulling In other entities to assist with diversity-related team building or entrepreneurship, etc.) Language seems fine.

Response: Thank you.

Comment: Section 17 (Use of BHA Property): I believe much of this is substantially unchanged. While 17.4 discusses a written agreement about use of space, this may in fact be addressed in the Memorandum of Agreement between the BHA and the LTO (i.e., in the past, the MOA has often covered LTO funding, recognition, and space).

Response: Yes, the written agreement referred to in 17.4 is the Memorandum of Agreement.

Comment: 17.6: This discusses telephone service, and should perhaps be updated to provide that BHA will provide a computer and internet access without charge under reasonable guidelines to be established by BHA. It may be that this would involve laptops/tablets, but then such devices should not be regarded as belonging to LTO Board Members or other LTO members, but are for the use of the LTO, either within the LTO office or as may be required for tenant participation purposes, and this would intersect with some of the language in Section 8.0.

Response: BHA did purchase and provide computers for LTO Boards with available funding and is additionally engaged in wiring developments to provide free internet in common area and task force office spaces at developments. This work is ongoing but is dependent on funding that was previously not available prior to the pandemic. BHA cannot commit to more than is required by the regulations.

Comment: 17.7: I'd note the language here about distribution of literature, not creating litter, and not authorizing distribution of material by non-LTO members or groups. This apparently is not new, but may be worth some discussion. Some issues arose about this at Lenox Street when we were doing house rules, and it would be important that any approval by site management not be unreasonably withheld. For example, there may be a group like City Life/Vida Urbana or Mass. Alliance of HUD Tenants getting information out about a HUD policy change or a need to contact Federal or state lawmakers where it would be important to get resident response (such as happened with sequestration in 2013). There may be voter registration efforts which are not directly done by the LTO but which the LTO supports. On the other hand, if information was being distributed that was false and inflammatory, or would needlessly scare/mislead tenants (something that has come up at some sites), that obviously would be a concern.

Response: LTO Board members are authorized to distribute literature. BHA does not want third parties to distribute literature on BHA property without BHA permission.

Comment: Section 18.0 (Inspection of Documents): I believe this is unchanged, and it is referring to access to BHA documents for LTO members. It may make sense, where the BHA is sharing documents with an LTO Board about policy changes, that it would automatically provide the Board with both on-line links and hard copies, since Board members may not have computer access, may not have ready access

to printers, or the documents may be voluminous and easier for the LTO Board to digest if provided in a hard copy as well as with an electronic link.

Response: BHA will make documents available in hard copy upon request.

Comment: Section 19.0 (Funding Resident Participation Activities): 19.1: Just like the BHA provided a copy of the current Recognition Package but drafted it in such a way as to provide for flexibility for change, BHA may want to do the same here and have two attachments—one would be the standard Memorandum of Agreement, and the other would be the Mixed Finance Memorandum of Agreement (for Mixed Finance sites).

Response: The revised language allows for both types of agreements.

Comment: 19.4: In the discussion of “non-TPF”, it may be helpful to spell out that this may mean Laundry funds (if the LTO has those) and other non-TPF funds (and describe a bit what those may be, such as LTO participation in Predevelopment Funding, and funds/grants/donations raised by the LTO).

Response: BHA expanded this language regarding non-TPF. Non-TPF are defined in Section 19.1.

Comment: 19.5: I believe this language is new in saying: (a) LTO funds are to be used for elections; and (b) one use may be to provide stipends to Election Committee members. I’d note that this may not be limited to TPF funds (although it certainly is a permissible use of TPF funds). It may be helpful to add that if funds are secured from another source but are not under LTO control, it may be permissible to use them to help cover election costs with BHA approval. For example, it may be that a non-profit developer can help cover election costs without turning funds over to the LTO. Or it may be that BHA decides the circumstances are such that it should seek out election vendors with its own resources. It would also be important to discuss with the LTO, in advance of the election cycle, what likely funds may need to be allotted for this, so the LTO can help budget during years when elections occur without running short of funds to carry out other needed resident participation activities.

Response: The HUD guidance on TPF funds recommends that the PHA set aside 10% of the TPF funds for each site for election purposes. BHA has chosen not to do this but does want LTO’s to understand that they have responsibility to pay for elections when possible. BHA agrees this should be discussed with each LTO prior to the election cycle and will plan to do so in order to assist the LTO with budgeting.

Comment: 19.6 through 19.8: This is all new and refers to the use of resident stipends for slightly different purposes. 19.6 discusses providing stipends to residents who are providing services such as babysitting, flyering, or interpretation services that are of benefit to getting good resident participation at meetings; it provides that there will be an “equitable process” for determining this, but does not describe what that process would be. 19.7 discusses providing stipends to LTO Board members as authorized by LTO bylaws to support work they have done (such as involvement with committees or particular assignments), but also provides that this must be part of the LTO annual budget process and cannot be approved retroactively. 19.8 says that the LTO may submit a proposal to BHA review and approval for stipends for Board members. As part of the review, BHA will examine the impact of stipends on the overall LTO budget for other resident participation purposes and whether there is adequate tracking and accounting, of the stipended activities. Stipends are capped for any individual at \$200 per month. One thing to review here is how this differs slightly from what the BHA has authorized at Charlestown, where: (a) the stipend is not limited to Board members, but may be utilized by LTO members who are doing active Committee work; and (b) BHA also consider the availability of non-TPF funds and the stipends might come from a non-TPF source.

Response: The Policy has been updated to allow stipends up to \$200/month.

Comment: 20.0 (BHA Policy Development and Changes): 20.3: I’m not sure if the language here (which would allow the BHA to dispense with an Authority-wide or Development-specific meeting where there is a requirement for a hearing, and to use the hearing in place of the meeting) is new. The two are not necessarily the same. Just to take an example—a number of years ago, the BHA proposed significant changes to its public housing lease. Arguably no law requires a hearing for such changes, although HUD/DHCD regulations would require notice and an opportunity for comment, similar to that provided in 20.2. However, residents have found it helpful to both submit comments and then to request a later meeting about what BHA thought about the comments and to give a chance for a give-and-take (interactive process). The final product is often improved through doing this, but sometimes all that may happen at a public hearing is just “let us know your comments”, as opposed to the back and forth about “why did you do this” and “did you consider doing it this other way—why or why not?” While 20.4 does provide a mechanism for BHA response to comments, allowing for an interactive process--sometimes with negotiated changes—really fosters positive Authority-resident relations and trust-building.

Response: The process outlined already allows for this type of give-and-take. In particular, Section 20.3 states that residents can request a meeting and BHA is open to meetings and further discussions if that’s what residents want to do on any given policy change.

Comment: Section 21.0 (Development Operating Budgets): I am not sure if this is changed from the prior draft. There is no real process for LTO feedback on a Development’s Operating Budget in the HUD PHA Plan process—unlike the Capital Plan, where there are a list of anticipated work items for the

coming year, there's nothing that advises the LTO, in the federal Annual Plan, here's how much we are planning on spending for extraordinary maintenance at your site. It may be that this exists on the State side, given the greater focus in the State Plan on both the Operating Budget and the Capital Budget.

Response: Agreed – The BHA will seek LTO input on a Development's Operating Budget by meeting with the LTO Board at the same time as the capital planning meetings, or such other meetings are practicable. See new Section 25.

Comment: Section 22.0 (Human Resources): I believe this may be more detailed than the prior draft. I would note given recent experience with DHCD in Chelsea, prior to any LTO submission of candidates to be considered for a position, the LTO may need to have a way of showing that all residents were notified of the opportunity to be considered (such as posting a notice and asking anyone interested to respond within x period).

Response: Thank you.

Comment: Section 23.0 (BHA Contracts): I am not sure that this has changed. It should be noted, in Section 23.2, that LTO involvement in selection of contracts may not be limited to private management and resident services. Thus, BHA has recently involved residents in helping it to decide who to select for relocation consultants, and for vendors to help carry out elections (where BHA has decided that resources additional to those of the LTO are needed for this purpose).

Response: The BHA made this language more general.

Comment: Section 24.0 (Conflicts of Interest): I believe this is unchanged.

Response: Agreed.

Comment: Section 25 (Modernization): 25.1.1: I believe some of this language is new. This discusses both development-specific (or regional) meetings with LTOs to discuss capital priorities as well as an Authority-wide meeting of all federal LTOs prior to starting the Annual Plan process, but provides that this can occur by inviting the LTOs to a RAB meeting. I am not sure if this is happening currently. The RAB certainly has, for the past few years, had a meeting to review the proposed Capital Plan in advance of the PHA Plan 45-day review period, but I don't know if the LTOs were affirmatively invited to the RAB meeting (and advised what they'd need to do if they wanted to register and attend that meeting).

Response: Thank you for this comment and BHA will plan to affirmatively invite the LTOs to RAB meetings for this purpose after discussion with the RAB on this topic.

Comment: 25.1: I would add two important things here: (a) BHA is in the process of doing comprehensive Capital Needs Assessments which are almost complete and which are expected to be completed by December 1, 2022. These should be shared with all federal LTOs and the RAB and remain available to the LTOs/RAB; (b) in addition, it is very difficult for the RAB and LTOs to keep track, over time, about past approved Capital spending that may not yet be obligated or that may not be expended, and of course over time BHA may choose to revise/reprogram (other developments may in the interim have an emergency need, or cost may mean an item needs to be delayed or stretched over phases), etc. Residents may see work at site and wonder what's going on, having forgotten that it was a project authorized 3 years ago which the Authority is only getting to now. It would be good to have a rolling summary, for each site, of everything that they've got outstanding, as well as the projections for future expenditures in the Annual and Five-Year Capital Plan. This could be updated in real-time on BHA's website, but could also be something that would periodically be provided as an update to LTOs.

Response: BHA will continue to review ways to give residents access to more capital improvement information. BHA cannot commit to the specific requests in this comment at this time.

Comment: 25.2.3: Does this in fact match what the current DHCD process is? It would appear, instead, that the BHA follows an approach similar to that which it uses for the federal Capital Plan, where there is a presentation to the RAB done as part of the State Annual Plan with a comprehensive breakout of plans, and likely some prior interaction with LTOs. If so, it may make sense to adopt a similar model, but invite all state LTOs to the meeting with the RAB which will include the discussion of the State capital plan. If, on the other hand, these are all submitted individually by development on schedules specific to that development, then there probably needs to be some coordination between that process and the State Capital Plan process involving the RAB.

Response: The BHA will follow a single process to get resident input at federal and state developments to be consistent and practical.

Comment: 25.3.5: It may help to revisit the whole section here about tenant coordinator positions. As I understand it, this is SOLELY a product of DHCD regulations for state public housing, and there is nothing similar in the HUD regulations. There certainly is a concern of avoidance of conflict of interest. However, this really only comes into play where you have the complex LTO involvement in ranking of candidates (such as described in 22.2.2) and where the LTO may have such an influential role in employee selection that there is a danger of insider dealing. Moreover, there can be different

treatment depending on whether a contractor is considered to be under “modernization” or may be part of extraordinary maintenance but a resident coordinator has been hired by a contractor; in that instance, sometimes LTO Board members have been hired. Obviously if it is a situation where the LTO Board has a substantial say in who is selected (such as in the ranking scenario for State modernization discussed in 22.2.2), the bar on self-dealing makes sense, but otherwise, LTO Board members should not be worse off than other BHA residents in being considered for employment, so long as they comply with conflict of interest provisions in not voting on matters that might otherwise be involved with their employment.

Response: We will allow LTO Board members and their families to be tenant coordinators as long as they do not participate in the tenant coordinator selection process or have any other conflict of interest.

Comment: Section 26.0 (Redevelopment through Subsidy Conversion, Demolition, and Disposition): This section is retitled and that’s appropriate.

Response: Thank you.

Comment: 26.1: This is all new and is generally good. In the third paragraph, as drafted, it makes it appear that every subsidy conversion will be to a BHA instrumentality: while that’s true in some cases (for example, Lower Mills or Patricia White), it may not be universally true at other sites (such as at Amory Street and Lenox/Camden Street). There should be revisions to the third paragraph to discuss both BHA instrumentalities and disposition to private owners under BHA Ground Lease arrangements. It may be helpful to mention, in both 26.1 and 26.2, protocols that the BHA has developed so far (Mixed Finance Tenant Participation Memorandum of Agreement, Mixed Finance Grievance Procedure, and the Letter of Assurance), as well as potential future protocols (could either be Mixed Finance Management Protocols or standard elements of a Management Plan), which carry over pieces from the existing BHA public housing lease and practices (such as entering into out of court eviction settlements in many cases).

Response: The BHA added language reflecting that there may be unrelated entities involved in subsidy conversions. Section 26.5 addresses what occurs after redevelopment.

Comment: 26.2: It may be helpful to add, for Demolition/Disposition, about the Right to Return and Letter of Assurance. Some dispositions may be similar to just subsidy conversions and involve minimal disruption (moves within the site while limited rehabilitation work is done); others, however, may involve lengthy periods of relocation and complicated rehousing issues arising from overlapping funding sources and eligibility rules, and this may require consideration of whether households currently

ineligible for a rehousing offer on the redeveloped site under PBV or LIHTC rules can get later offers as their circumstances may change.

Response: Section 26.5 addresses what will happen during and after redevelopment.

Comment: 26.3: The process provisions here are revised—I think this is fine but others may have suggestions.

Response: Thank you.

Comment: 26.4: It may be that some of the language found here about right to return and carry-over of other resident rights would belong in earlier portions of 26.0 (see comments above)--judgment call.

Response: Section 26.5 addresses what will happen during and after redevelopment.

Comment: 26.5: I'd just note the comment I made above—temporarily relocated residents may want to participate both in the site where they are temporarily staying as well as their former site.

Response: See responses above.

Comment: Section 27.0 (Dispute Resolution Process): There are some revisions here (such as referencing the HUD Field and then the HUD national office for disputes about how to apply HUD funding restrictions on TPF funds) but the language seems fine.

Response: Thank you.

Comment: 27.1: With regard to tenant coordinators, see my comments above—I believe that the disputes that would arise only come up where, as provided in DHCD regulations, the LTO Board has done ranking of candidates (see 22.2.2) and the PHA is then not honoring the LTO's ranking among otherwise qualified candidates—and this is far narrower than what may be involved with tenant coordinator positions where there is no such LTO participation/ranking.



Response: BHA clarified the language to address this comment.

Comment: Section 28.0 (BHA Monitoring Committee): I believe this is unchanged.

Response: Thank you.

Comment: Section 29.0 (Resident Advisory Board): This is substantially unchanged.

Response: Thank you.

Comment: Section 30.0 (Resident Empowerment Coalition): I believe this is new, and seems fine.

Response: Thank you.

Comment: Lauren mentioned today the possibility that at some sites where there may be a mix of BHA and non-BHA units, it may be that the LTO would want to keep open the potential to represent non-BHA tenants. I believe that's what was done at Mission Main (granted, it was a small number of units there). Thus, for example, it could be that at Amory Street or at Hailey, at some future date, they might want to have an organization that represents the LIHTC or workforce non-Replacement Units, rather than having different tenant organizations for those other individuals. I think there should be some ability to be flexible on this, as long as there's a way of making sure that the interests of the Replacement tenants are safeguarded and not lost/drowned in a larger organization. (It might not work within a place where there was a mix of market and PBV units, and where the market numbers were greater than the PBV/Replacement numbers. I don't have a detailed proposal on this, but would want to keep flexibility where this is what residents wanted and it appeared to make sense.

Response: This is a matter for continuing discussion and may turn out to be handled differently at different redevelopments.

Comment: Hi All, thank you for this email. After consultation with residents with whom we work we had the following comments:

Thank you for making these changes. They are thoughtful and will positive improvements to the process.

On the LTO Stipend section: We would recommend the following revision/improvement:

Allowance for a Temporary increase/raising of the monthly limit DURING redevelopment and construction periods where significant “extra” work and time is certainly incurred. This is the time period where tenants are under the most stress and time “sensitive” matters are required. It feels both reasonable and necessary in these time defined, limited instances which happen every 15 years or so to compensate the active LTO members for their extraordinary efforts.

We believe \$1,000 per month for the handful of active leader(s) of a given task force is more than fair. Even if some amount has to be reported as income and therefore netted for ~30% to rent, such amount is still deserved. If necessary in the eyes of BHA such incremental amounts can be limited to funding from the project itself and specifically not from any portions otherwise due to BHA or HUD. We believe this improvement to the policy is very important to allow for proper and much needed tenant participation in complex redevelopment, relocation and construction efforts. Without such participation, which grows beyond the normal monthly or weekly meeting requirements of “usual course of business”, the redevelopment efforts will suffer and tenant input will be negatively impacted. By increasing the amounts paid to tenant leaders during such “redevelopment periods” – tenant leaders have the ability to apply their focus and time to this worthy endeavor for the benefit of all fellow tenants.

Response: Thank you for the thoughtful comment. The BHA continues to consider this matter and will continue to discuss with residents.

Comment: 5Y: Goal 4: Strengthen resident capacity-building and quality of life initiatives that help residents meet their own personal goals and that help support vibrant communities. (pp. 12-14)  
Subgoal: Rebuild resident capacity program to support resident empowerment and leadership; improve the efficacy and efficiency of Local Tenant Organizations (LTOs), Resident Empowerment Coalition (REC), and Section 8 Tenants Incorporated (S8TI).  
o Develop metrics to track levels of resident organization and engagement.  
o Revise LTO policy, election procedures, and by-laws; pursue strategies to maximize diversity of participants and their level of participation in LTOs.

There is a lot here. BHA staff should be commended for what’s been accomplished in 2022—completion of the Tenant Empowerment toolkit, holding the first in-person and hybrid Resident Empowerment Conference since the pandemic, and participating in a BHA/GBLS/CLVU presentation to the National Housing Law Project in late October, 2022 about the value of redevelopment collaboration. The work to address the digital divide, in partnership with the Boston Public Library, is very impressive. But there is

also a lot to do. It may help, as BHA has done in the past, to have a spreadsheet and share it with partners about the status of different LTOs and what's necessary to address compliance issues (and what is projected to occur in 2023 and with what strategy). Thus, if a development is now Mixed Finance, or has shifted from public housing to a Section 8 subsidy, the LTO bylaws need to reflect this. Many sites have not had elections for a while (and COVID-related HUD waivers have expired); some LTOs may need to recruit new members to their Boards to meet minimum quorum requirements so that they can take the next steps to do elections (for example, Lenox Street). Discussions may need to happen with private developer partners to get election extensions (such as occurred at Amory Street in 2021). The draft revisions to the Resident Participation Policy (RPP) are generally well-thought out (see GBLS' separate comments) but some areas are likely to require more discussion. Use of an LTO's TPF funds to stipend Election Committee support, while likely necessary, means that there may need to be a discussion of elections and what resources will be required as part of the annual MOA approval. And there cannot simply be reliance on an older generation of public housing resident leaders—there need to be ways to engage and sustain involvement from all generations.

Response: The BHA Resident Empowerment staff has indeed done a great job this year. They will continue to work with LTOs to ensure compliance and thereby increase capacity.