

Boston Housing Authority Resident Advisory Board (BHA RAB) External Notes 6-8-23

Meeting held at Urban Edge (hybrid)

Minutes from May meeting OK'd, with correction on attendance for internal notes.

1/ BHA Over-Income Policy—Gloria Meneses of BHA presented on this and had both handouts and slides that were shared on Zoom. She explained that in 2016, as part of federal legislation called HOTMA, BHA and other housing authorities are required to make a number of changes. HUD has finally issued regulations that will be implemented by Jan. 2024, and BHA will be coming up with a number of policy revisions for assets & rent calculation later. However, HOTMA required that housing authorities with federal public housing take action sooner to implement an over-income policy. HUD started this a number of years ago, and BHA gave notices to over-income tenants in 2019. Some of this was then suspended during the pandemic in 2020-2021. But now HUD issued a final notice in March, 2023 and is requiring housing authorities to implement the over-income policy as soon as possible. For BHA, this requires an amendment to the PHA Plan. BHA is in the comment period on this change. There is a public hearing on 6/13 at 6 p.m. (on Zoom), and BHA will take written comments up to June 30th.

HUD requires PHAs to give over-income tenants three notices. There is a first one when a recertification shows that the tenant has income of more than 120% of the area median income. If the next annual recertification also shows this, the tenant gets a notice that if the 3rd annual recertification also shows the family over-income, the over-income rule will apply. Finally, if in the 3rd recertification, the family is over-income, there is a notice that the tenant will no longer be regarded as a public housing tenant. At that point, PHAs have two choices --

- They can let the over-income tenants stay and pay a market rent. A new lease is required, and the tenant would also be responsible for utilities and will not have rights to participate in a resident council or LTO, etc., and HUD will not provide subsidy for the unit; or
- They can terminate the tenancy within six months from when the household has been deemed to have been over-income for 24 consecutive months.

BHA had initially thought it would allow over-income tenants to stay and pay market rent, and it said so in a 2019 notice. However, because HUD has revised what's required, this is far more complicated, and BHA is proposing to terminate tenancies after six months from when the household has been deemed to have been over-income for 24 consecutive months and all 3 required notices have been issued to the resident. In the meantime, the tenant would pay the same rent, and if the tenant says after the six months, it would go through the court eviction process. Gloria also noted that if an over-income family's income dropped within the 2-year period, it was removed from over-income status, and would only be subject to the rule if over-income for 2 consecutive years again. However, after 2 years of being over-income, it's not possible to change back if income later drops.

Some questions came up. A RAB member asked, if the person stayed and it was market and mixed finance, who got the market rent (BHA or the Mixed Finance owner)? Gloria clarified that this was not a choice left up to the tenant or the Mixed Finance owner—it was up to BHA or the PHA to implement either option, the household would not be able to choose whether to have market rent or to terminate tenancy, once the policy its implemented it would be done the same throughout. The resident mentioned the implementation of the over-income at Orient Heights. It was clarified that this was just a federal public housing rule. State public housing rules are different, as are Section 8 rules. Another RAB member asked if public hearings would always be on Zoom. Mac McCreight from GBLS said that is the case for 6/13, but BHA could answer if in-person hearings may return for the regular process in the fall. Mac questioned how this would be applied to tenants who had already been over-income for 2 years and who thought they might be able to stay and pay. Gloria said it was BHA's position (and they had checked with General Counsel) that because the requirements of what was in the notices was new, and there would otherwise be a due process issue, this should only apply prospectively--i.e., it wouldn't matter if a family was over-income for 2 years already, and this would take effect 2 years after the BHA policy is finalized and the first over-income notice is issued. BHA also thought that to act otherwise would raise issues with the Housing Court. Mac wasn't sure if HUD would accept this approach. Gloria also clarified that so far there are 2 families who have been above the cut-off for 2 years (with incomes of over \$180,000- \$200,000), and 2 more that might be coming to the end of the 24-month period.

2/ Resident Participation Policy—Lydia Agro and Sahar Lawrence from BHA spoke to this. They noted that in the fall of 2022, as part of the PHA Plan process, BHA had proposed amendments to its Tenant Participation Policy (and would change the name to the Resident Participation Policy (RPP)). Because there needed to be more discussion, BHA held off on submitting anything to HUD then, and it had further meetings with resident leaders in February 2023 and took additional comments. BHA has now finalized the Policy and is submitting it to HUD. Lydia said it was fine for people to continue to identify things to revise in the policy, but BHA wanted to get these changes implemented. The revised RPP was sent out with the RAB packet, and Sahar shared a summary of changes made, which include provisions for local tenant organizations (LTOs) to use Tenant Participation Funds (TPFs) or other sources of LTO income (such as laundry funds, etc.) to cover LTO election costs as well as any stipends to help with elections, Board, or community meetings.

A RAB member raised a concern about her development. She said she didn't have an issue about LTOs being required to reimburse BHA if funds improperly used, but that there should be some grievance procedure to resolve disputes about whether the LTO had done what was reasonable, and they were in limbo. Lydia agreed that the situation at this site was complicated, particularly given turn-over by the Mixed Finance staff, and BHA would address this separately with the LTO.

3/ Budget Committee—Budget Committee chair and Treasurer presented on this, and summarized what current balances were. Unfortunately the Bank of America bank statement was not available at the time of the Budget Committee meeting (and wasn't in the RAB packet)

A RAB member made a motion which was seconded that the RAB should have a more detailed itemized financial statement, including showing what specifically the bank card was used for. Concetta noted that she did have a template of a financial report when she was Treasurer, and could share this. This motion passed by a vote of 8 ayes, 7 nays, and 2 abstentions.

The Treasurer noted that an appointment was being set up with a Bank of America branch near Fields Corner on June 21st for the signatories on the checking account to remove the former Treasurer's name and to also not have his name on the bank card (one RAB member, who is on leave but is a signatory, would also need to be present for this). There was discussion about how the RAB office was now clean & had a plant (authorized by Budget Committee) and inviting people to come to BHA office at 52 Chauncy Street to look at it.

4/ What Does the RAB Mean To You?--A RAB Chair introduced this topic, but said people should NOT discuss this tonight, but think of this as homework to bring back to the next RAB meeting.

5/ Networking BBQ—The Budget Committee chair & Treasurer reported on this. The Orchard Garden Boys & Girls Club said it had availability for Saturday, 8/19 or Saturday, 9/2 for this and was willing to waive any fee because of a deceased RAB member's past role with the RAB. It was noted that a lot of LTOs have their Unity Days on that August date and the other date is Labor Day weekend—so it was suggested checking to see about availability for a Saturday in September after Labor Day. Several RAB members volunteered to assist with planning of this. There had been a suggestion of having RAB and the Resident Empowerment Coalition (REC) team up on this.

6/ RAB Election Update—Sahar noted that there were 2 bids submitted in conjunction for the RAB elections, and they had been rejected as either noncompliant (certain forms not submitted) or excessive cost. BHA anticipates sending out new Requests for Quotes soon.

7/ Officer Training and Whether to Have Officer Elections in July—Fred Gomes from BHA noted that BHA was looking into doing an Officer Training for June 14 (location and whether in person, Zoom, or hybrid to be worked out), that John Kane from BHA & Mac had worked on materials and could assist, and this was primarily for 2 vice-chairs in their new roles. Mac noted that this related to the prior item--i.e., earlier it had been thought to hold off on officer elections, which normally take place every July (one-year term), because there might be RAB elections soon and people might only serve a short term. However, if it's not known when RAB elections will be done, it might make sense to do RAB officer elections in July, and hold off on the Officer Training so it was available after the Officer Elections (as provided in bylaws). There was a motion made & seconded to have Officer Elections in July, which passed by a vote of 7 ayes, 6 nays, and 3 abstentions. Based on this, Officer Training will be done after the Officer Elections.

8/ RAB T Shirts—As was mentioned at last RAB meeting, people thought it was a good idea to purchase T Shirts for the RAB that could be worn at special events (people who attend conventions often see other residents doing this for their locations). Logos were shared and people provided feedback on preferences to a RAB Chair.

9/ NARSAAH Conference—It was noted that there was a NARSAAH Conference in New Orleans, and the plan would be to send 6 people who would fly down on Sept. 11 and back on Sept. 16 (conference goes from 9/12 through 9/15). People were polled, and 6 attendees were identified with a 7th as a back-up traveler in case someone had to drop out. (One RAB member had also expressed interest but needs to resolve a “bad standing” issue before she is free to attend—believe Budget Committee will be following up on that to resolve for future.)

Evaluation –Got some things done.