

# **Monsignor Powers Tenant Task Force Bylaws**

**Date submitted:** \_\_\_\_\_

## BY LAWS FOR THE MONSIGNOR POWERS ELDERLY APARTMENTS

### ARTICLE I: Monsignor Powers Elderly Apartments, 120 L St., South Boston, MA 02127

Section 1 Name: Monsignor Powers Elderly Apartments Task Force

Section 2 Principal Location: The principal location of the Monsignor Powers Elderly Apartments shall be within the Boston Housing Authority's Monsignor Powers Elderly Apartments public housing development. The Monsignor Powers Elderly Apartments Task Force may change the principal location, which will be effective upon a certificate of the change being filed with the Boston Housing Authority.

Section 3 Purpose: The purpose of the Monsignor Powers Elderly Apartments Task Force is to empower public housing residents at the Boston Housing Authority's Monsignor Powers Elderly Apartments Task Force public housing development to fully participate in decisions affecting them involving the Boston Housing Authority (BHA) or other agencies, to educate residents regarding their rights and responsibilities, and to enhance economic opportunities and self-sufficiency for all residents.

Section 4 Fiscal Year:

### ARTICLE II: Monsignor Powers Elderly Apartments Task Force, Officers'

Section 1 Tenants

Definition of Tenants: The Tenants of the Monsignor Powers Elderly Apartments Task Force shall consist of the residents of the Monsignor Powers Elderly Apartments public housing development of the BHA who have voting rights.

Voting Rights of Tenants: The Tenants shall have rights to elect or recall the members of the Monsignor Powers Elderly Apartments Task Force (as described in Article III below), to adopt and revise By-Laws, and to take such other steps as may be necessary to achieve the purpose of the Monsignor Powers Elderly Apartments Task Force. The Tenants shall have the right to participate in the Task Force and its committees. Voting rights will be vested in all residents of Monsignor Powers Elderly Apartments development who are 18 years of age or older, or who are emancipated minors who are leaseholders in such development, as listed on BHA leases or Tenant Status Review (TSR) reports. Residents who have vacated the development will no longer have voting rights, except in instances where the developments are undergoing redevelopment and residents of the Monsignor Powers Elderly Apartments Task Force must temporarily relocate off site, but have rights to permanently relocate back to the development. Voting rights can only be exercised by persons present at a Tenants meeting; there shall be no voting by proxy. Each member shall only have one vote.

Meetings: There shall be one Residents meeting a month. At this monthly meeting, members will receive monthly financial reports, and other information as specified by the Monsignor Powers Elderly Apartments Task Force. The purpose of these meetings will be to inform residents on matters of general interest, including the solicitation of input regarding BHA maintenance, modernization efforts, and revisions in BHA policies. Additional meetings of the Tenants may be called by the President of the Monsignor Powers Elderly Apartments Task Force (or, in the President absence, the Vice-President), by three (3) Officers' of the Monsignor Powers Elderly Apartments Task Force, or on a written request of ten percent (10%) or more of the Tenants. Written notice concerning such meetings and the proposed agenda items for such meetings shall be provided to all resident households at least five (5) days in advance of the Tenants meetings. Items for the agenda of the Tenants meeting may be added by advance written request of 3 or more Tenants. An annual report shall be prepared and presented by the Monsignor Powers Elderly Apartments Task Force. There must be a quorum of at least ten (10) tenants before any action can be taken at a Tenants meeting.

Section 2 Monsignor Powers Elderly Apartments Task Force Officers'

- 2.1 Number of Officers': The Monsignor Powers Elderly Apartments Task Force shall consist of five (5) Officers'.
- 2.2 Requirement of Officers' for the Task Force at Monsignor Powers Elderly Apartments: All Officers' shall be active tenants of the Monsignor Powers Elderly Apartments Task Force. If a Task Force Officer' no longer has voting rights as a tenant of the Task Force due to vacating the development (see Section 1.2 above), he or she shall resign or be removed from the Monsignor Powers Elderly Apartments Task Force.
- 2.3 Election and Term of Officers': Each Officer' of the Task Force shall be elected by the Tenants at the Election meeting of the Task Force, as described in Article III below, and shall hold office for a two (2) year term, unless the Officer' resigns, is removed for good cause by the Task Force, or is recalled by the Tenants. The out-going Task Force shall serve for a short period after the election of its successors (but in no case more than one month after the election) in order to wrap up and transition business to the new Monsignor Powers Elderly Apartments Task Force.
- 2.4 Attendance of Meetings and Participation in Committees: Officers' of the Task Force are required to attend meetings of the Task Force and tenants/management to actively participate on at least one committee.
- 2.5 Quorum: Quorum for meetings of the Monsignor Powers' Elderly Apartments Task Force is three (3) Officers. However, if the Task Force is voting on whether

to remove an Officer' for good cause, to fill a vacancy on the Monsignor Powers Elderly Apartments Task Force, or to recommend amendments to the By-Laws, the quorum for such a meeting shall be five (5) Officers'. (All tenants should be notified to attend these special meetings).

- 2.6 Filling of Vacancies of Task Force Officers': If a vacancy occurs in the Monsignor Powers Elderly Apartments Task Force prior to the next scheduled election, such vacancy shall be filled by the Task Force. The Task Force shall give written notice of such vacancy to the Tenants and give the Tenants a reasonable period of time (but not to exceed two (2) weeks to submit names for consideration for appointment to the Task Force. The Officer' so appointed shall hold office only until the next election. Reasonably prompt written notice shall be given to the Tenants and to the BHA of any vacancy caused by resignation or removal of an Officer' and the name and address of the person appointed by the Monsignor Powers Elderly Apartments Task Force to fill the vacancy.
- 2.7 Resignation: Any Officer' may resign from the position by delivering a letter of resignation to the President (or, if the person resigning is the President, the Vice-President). Such resignation shall be effective upon receipt and acceptance of the letter by the Monsignor Powers Apartments Task Force and notification to the BHA.
- 2.8 Removal for Good Cause: Any Officer' of the Task Force may be removed from office for good cause at any time by the Tenants at any meeting by a majority vote of the tenants present at such meetings. The following shall constitute good cause: (1) Absence from three (3) Task Force meetings without excuse; (2) Violating the confidentiality of residents; (3) Accepting a paid position with the BHA or a contracted management company at the Monsignor Powers Elderly Apartments development, or a paid position with the BHA in a policy-making or supervisory position, provided however, a Task Force Officers' participation in a BHA advisory capacity, such as on the Monitoring Committee or the BHA Resident Advisory Board, shall not require the Task Force Officer' to resign or be removed from office; (4) Misusing the organization's office or name; (5) Failure to resign after losing tenant-ship in the Task Force, as described in Sections 1.2 and 2.2 above; or (6) Any breach of the Task Force Officers' duty of loyalty to the Task Force or its tenants; (7) For acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, or (8) For any transaction from which the Task Force Officer' derived an improper personal benefit. Any action on removal must be preceded by written notice to all tenants of the Monsignor Powers Elderly Apartments Task Force, at least one week in advance of the meeting, stating that the issue of removal shall be considered at that meeting, and stating the grounds for removal.
- 2.9 Meetings of the Task Force: The Task Force shall meet once a month at a regular time and place which shall be posted and made generally known to the Tenants.

Special meetings may be called by the President (or in the President absence, the Vice-President), or by written request of two (2) Officers' to the Secretary. Generally, Task Force meetings shall be open to the Tenants, but the Tenants shall not have voting rights at such Task Force meetings. The Monsignor Powers Elderly Apartments Task Force can, however, call an executive session and close the meeting (or a portion of such meeting) to all but the members of the Task Force by a vote of three (3) Task Force Officers'. Written agendas for the Task Force meeting shall be prepared and provided in advance to all Task Force Officers' and shall be posted at the meeting place where the Task Force shall meet, and shall be made available to the Tenants upon request. Each member of the Task Force shall have one vote, and a member must be present at the meeting in order to determine quorum and to vote; there shall be no voting by proxy or phone.

2.10 Duties: The Task Force shall develop and carry out the policies and programs of the Monsignor Powers Elderly Apartments Task Force. They shall establish the committees for the Monsignor Powers Elderly Apartments Task Force and coordinate their work. They shall report regularly to the members of the Task Force. They shall represent the interests of the Tenants before the BHA and other groups and agencies. The Monsignor Powers Elderly Apartments Task Force shall administer any funds received by the Monsignor Powers Elderly Apartments Task Force responsibly and for the benefit of the Tenants, consistent with the Monsignor Powers Elderly Apartments purpose.

2.11 Powers: The Task Force shall have the following powers:

- (A) Election and removal of Officers';
- (B) Filling of vacancies on the Monsignor Powers Elderly Apartments Task Force;
- (C) Removal of Task Force Officers' for good cause;
- (D) Authorization of expenditures;
- (E) Employment of persons as necessary to achieve the Task Force purpose;
- (F) Receiving funds for the use of the Task Force and the Tenants;
- (G) Establishment of a bank account;
- (H) Establishment and revision of committee structure;
- (I) Acting on behalf of the Tenants in matters involving the BHA and regulatory agencies.

### Section 3 Officers'

3.1 Election of Officers' and Responsibilities: The following Officers' shall be elected by the Task Force from among themselves at their first meeting following their election by the Tenants:

(A) President: The President shall chair all meetings of the Monsignor Powers Elderly Apartments Task Force, preside over Tenants meetings, represent the Tenants and the Task Force, sign all correspondence on behalf of the Task Force (except as the Task Force may otherwise designate), and exercise general supervision and control of the affairs of the Task Force. The President shall have the normal power to vote in the Task Force and to make or second a motion.

(B) Vice-President: The Vice-President shall perform the duties of the President when the President is absent or unable to perform his/her duties.

(C) Secretary: The Secretary shall record and maintain minutes of all Task Force and Tenants meetings and shall insure that proper notice of Task Force meetings and Tenants meetings is given. The Secretary shall also function as the Clerk of the Task Force under the terms of these By-Laws. In the absence of the Secretary, a temporary secretary may be elected to record the minutes of the meeting concerned.

(D) Treasurer: The Treasurer shall have general charge of all financial affairs of the Task Force. The Treasurer shall ensure accurate recordkeeping with respect to the Task Force financial affairs, and shall sign off on checks authorized by the Task Force. The Treasurer shall provide regular financial reports to the Task Force and post reports for the Residents to see. All checks issued by the Monsignor Powers Elderly Apartments Task Force shall have, in addition to that of the Treasurer, the signatures of at least the President (or, in the President absence, the Vice-President) or Secretary.

(E) Alternate: The Alternate is to attend all Task Force/Residents meetings and to stand in for any of the elected Officers'. The Alternate shall educate themselves on the roles and responsibilities of the elected Officers' of the Task Force.

3.2 Term of Office, Resignation, Removal from Office, and Filling of Vacancies: The Officers' term of office shall be the same as the Task Force. An Officer' may resign by giving written notice to all other members of the Task Force. The Task Force may also remove any Officer' for good cause by a majority vote. "Good cause" shall be defined in the same manner as in Article II, Section 2.8 of these By-Laws. The Tenants shall fill any vacancies for Officers' positions from the tenants of the Monsignor Powers Elderly Apartments Task Force. The resignation or removal of an Officer' shall not be deemed to also be a resignation or removal from the Task Force unless this is stated in the resignation, or the Tenants decision. Any Officer' who resigns or is removed from Office shall have the responsibility to turn over any of the Task Force records and accounts to the Task Force. Reasonably prompt written notice shall be given to the Tenants and to the BHA of any vacancy caused by resignation or removal of an Officer' and the name and address of the person appointed by the Task Force to fill the vacancy.

**ARTICLE III: Election of the Task Force by the Tenants; Recall**

Elections Every Two Years; Eligibility to Serve on the Task Force: Elections shall be held every two (2) years for the Monsignor Powers Apartments Task Force. All tenants shall be eligible to serve as members of the Monsignor Powers Elderly Apartments Task Force, so long as they are not employed by the BHA in a policy-making or supervisory position and are not employed by the BHA or a contracted management company at the Monsignor Powers Elderly Apartments Task Force development.

Election Committee: The Task Force shall establish an Election Committee to assist the Task Force in conducting its election of the Task Force. No person who will be a candidate for the Task Force may be a member of this committee. The committee shall consist of residents, and can include third-party volunteers who do not reside at the development. The Election Committee shall implement and oversee all election activities as well as ensure the Task Force compliance with all relevant election requirements, including those provided by the BHA's policy, "Participation of Recognized Local Tenant Organizations in the Administration of Boston Housing Authority Local Developments."

Notice of Election Procedures: The Election Committee, working in conjunction with the Monsignor Powers Elderly Apartments Task Force, shall ensure that all voting member households will be given written notice at least seventy-two (72) days in advance of the election of the election procedures. The notice will be delivered to each occupied unit of the development and shall include a description of the election procedures, eligibility requirements, deadline for submission of nominations and for the election, and a copy of nomination papers. To ensure the notice solicits the broadest possible attention of residents and encourages their participation in the electoral process, such notices shall be translated from English into at least the three most appropriate languages for the development population. The BHA shall, upon request of the President to the manager of the development, provide copies of these translated materials and assist in their distribution to each household. Such a request must be made to the manager forty-five (45) days prior to the initial election notice, to give the BHA sufficient time to prepare such materials. The Election Committee and the Monsignor Powers Elderly Apartments Task Force shall ensure that these time frames for translation of materials are met where necessary to ensure broad participation. The notice of election procedures shall provide clear instructions where nomination papers may be obtained, who is an eligible candidate, and how the nomination form is to be completed, where and when it is to be filed, and the number of residents whose signature is required in support of the nomination. Nomination papers, in addition to being attached to the initial notice, must also be available to residents at both the Monsignor Powers Elderly Apartments office at 120 L Street and the BHA management office.

- 1.4 Number of signatures Required for Nomination: Each candidate for the Task Force must obtain at least twenty (20) signatures from the tenants in order to be eligible as a nominee for the Task Force. Residents may sign more than one candidate's nominating papers. Multiple signatures by the same resident on a candidate's nomination paper shall be stricken (OPTIONAL).
- 1.5 Period for Nominations; Submission of Signatures to the BHA for Verification; Certified Papers Remaining on File: Nominations must remain open for a minimum of at least three (3) weeks from the date of the initial election notice. BHA shall verify that the signatures that appear on the nomination papers represent names of legal household tenants eligible to vote in the election; BHA shall not certify if the signatures are authentic. To ensure candidates an opportunity to avoid having their nomination papers rejected for an insufficient number of certifiable names, a preliminary inspection of nomination papers by BHA management shall be conducted fifteen (15) days prior to the end of the nomination period. Those candidates who fail to submit nomination papers on or before this preliminary date do so at risk of being rejected from the election. The certified nomination papers shall be maintained on file with the Election Committee and the Monsignor Powers Elderly Apartments Task Force until the following election. (Optional) (TBA).
- 1.6 Encouraging Diversity in Candidate Pool: The Task Force and the Election Committee shall attempt to achieve reasonable representation on the Monsignor Powers Elderly Apartments Task Force of all racial and ethnic groups and all geographic areas within the Monsignor Powers Elderly Apartments development.
- 1.7 Notice of Nominations; Encouraging Resident Participation: The Election Committee and the Task Force shall give written notice to all tenant households by way of leaflets regarding the certified nominees for the Monsignor Powers Elderly Apartments Task Force. The notices shall display a sample ballot with each candidate's name and address listed. Such notices shall be posted in every hallway, management, and Task Force office at a minimum of thirty (30) days prior to the election. The Election Committee and the Task Force shall conduct a broad range of activities to encourage resident participation in the election through candidates' nights, providing poster and leaflet materials to candidates for campaign purposes, and/or issuing election reminder notices to residents, consistent with resources available to the Monsignor Powers Elderly Apartments Task Force.
- 1.8 Conduct of Election: The Task Force and the Election Committee shall obtain an impartial third party to monitor the balloting and tabulation processes. At the time of the election, polling stations will be located in an area of adequate size to provide voters a sufficient level of privacy to mark ballots. A secured ballot box shall be provided at each station, and the Election Committee shall verify each voter's eligibility (based on lease and TSR information provided by BHA). The



persons staffing the polling stations and acting as third party observers shall be impartial. No candidate for election may be allowed in the polling station other than to cast his/her own ballot. No campaign activities shall be conducted by any candidate or his/her supporters within twenty (20) feet of the polling station.

- 1.9 Notice of Election Results: Within three (3) days of the election, the Monsignor Powers Elderly Apartments Task Force and the Election Committee shall provide notice to the Tenants of the election results by posting the same at both the Monsignor Powers Elderly Apartments office at 120 L Street and at the BHA management office. The Task Force and the Election Committee shall provide notice to the BHA of the election results within ten (10) working days of the election. The correspondence to BHA shall include a list of all Task Force members elected, their addresses, and a description of election procedures. It shall also include a request for recognition of the new Monsignor Powers Elderly Apartments Task Force and a letter from the new tenants of the Task Force, agreeing to abide by arbitration, consistent with the requirements of BHA's policy "Participation of Recognized Local Tenant Organizations in the Administration of Boston Housing Authority Local Developments."
- 1.10 Petition for Recall: The Tenants may move to recall one or more members of the Task Force during the Officers' term of office. In order for the Tenants to recall an Officer', there must be a written petition containing the signatures of at least twenty percent (20%) of the adult household tenants of the development. Such recall petition shall have a clearly stated reason for the recall typed at the top of each page of signatures. The reason for recall is not limited to the reasons for removal for good cause stated in Article II, Section 2.8.
- 1.11 Recall Election; Limitation on Further Petitions for Recall of Same Officer': Upon receipt of a recall petition in the proper form and with the proper number of signatures, the Task Force shall promptly call a meeting of the Tenants for the purpose of having a recall election. The notice of the meeting shall state the date, time and place of the meeting, the purpose of the meeting, and the grounds stated for recall in the petition. The recall election need not take the form of the general election provided for above. The Tenants shall be free to choose several options for recall, including designation of a particular person to serve as an Officer' in lieu of the Task Force Officers' proposed for recall, or granting the Task Force the discretion to appoint another person as Officer' for the balance of the term. If the majority of the Tenants present at the meeting votes to recall the Officer', the Officer' shall be recalled. Reasonably prompt written notice shall be given to the Tenants and to the BHA of the outcome of any recall election. If the Tenants decide not to recall an Officer', no petition to recall that same Officer' shall be considered until a 12-month period has lapsed from the submission of the last petition. This shall not, however, be a limitation on the power of the Task Force to remove a Task Force Officer' for "good cause" in accordance with Article II, Section 2.8.

**ARTICLE IV: Committees**

- 1.1 Standing Committees: The Monsignor Powers Elderly Apartments Task Force shall establish standing committees to carry out the goals and objectives of the Task Force. It shall actively recruit the Tenants to serve on committees to ensure democratic participation and to further the goals of the Task Force. The standing committees shall report to the Task Force and to the Tenants on their ongoing work.

**ARTICLE V: External Representation**

- 1.4 The Task Force shall appoint representatives of the Task Force who will serve on other boards and organizations.
- 1.5 Any such representative may be removed for good cause at any time by the Task Force at any meeting upon the vote of the majority present.

**ARTICLE VI: Personal Liability of Officers' and Members of the Monsignor Powers Elderly Apartments Task Force; Conflict of Interest**

**Section 1 Personal Liability**

The Task Force shall not have the power to bind the tenants of the Task Force personally or call upon such tenants to discharge any debts. The members of the Task Force and the Officers' shall not be held personally liable for any debt, liability or obligation of the Task Force. This provision, however, shall not eliminate or limit the liability of an Officer' or a member of the Task Force for any breach of the Officer' or Officers' duty of loyalty to the Task Force or its members, for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, or for any transaction from which the Officer' or Officers' derived an improper personal benefit.

**Section 2 Conflict of Interest**

- 2.1 The Conflict of Interest provisions of any state or federal statutes or regulations that apply to public housing or non-profit Task Forces shall be in force with respect to the Task Force, including any decisions to hire personnel or to expend funds. No member of the Task Force or members of the immediate families of members of the Task Force shall be employed by the Task Force.
- 2.2 Gifts, goods, services, and funds provided to the Monsignor Powers Elderly Apartments Task Force development must be equitably distributed, and no member of the Task Force, members of Committees, or members of the immediate families of such persons shall benefit from such gifts, goods, services,

or funds in a manner disproportionate with the benefits received by the Tenants; provided, however, nothing in this provision shall bar members of the Task Force or committee members from being reimbursed for legitimate expenses that they have incurred while acting on behalf of the Task Force.

**ARTICLE VII: Amendment of By-Laws**

- 1.2\_ Procedure for Amendment of By-Laws: The By-Laws may be amended by a majority vote of the Tenants at a regular or special Tenants meeting. Any amendments may be proposed by a majority vote of the Task Force. The Task Force shall ensure that written notice is provided to all resident households at the Monsignor Powers Elderly Apartments Task Force developments at least five (5) days in advance of such meeting. Such notice shall state the date, time and place of such meeting, that it is proposed that the By-Laws be amended, and a summary of the proposed changes in the By-Laws. Tenants shall be free to propose other changes to the By-Laws at such meeting, but such proposals must be made in writing and shall be read and explained to all persons present at such meeting in advance of being voted upon.
  
- 1.3\_ Limitation on Certain By-Law Amendments: No By-Law amendment shall be proposed or adopted which would have the effect of disqualifying the Task Force from recognition as a Local Tenant Organization (LTO) under the BHA's policy, "Participation of Recognized Local Tenant Organizations in the Administration of Boston Housing Authority Local Developments", as the same may from time to time be lawfully amended, or applicable lawful HUD or DHCD requirements governing participation of LTOs in the affairs of public housing authorities. No By-Law amendment shall be proposed or adopted which will be contrary to the provisions of G.L. c. 180 as the same apply to non-profit Task Forces.

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