



Commonwealth of Massachusetts  
**DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT**

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

## **Public Housing Notice 2020-34**

To: All Local Housing Authority (LHA) Executive Directors  
From: Ben Stone, Associate Director, Division of Public Housing  
Re: Guidance on Regulations Regarding Family Members of LHA Board Members & Employees  
Date: November 2, 2020

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This purpose of this Public Housing Notice is to reiterate the need for LHAs to avoid any appearance of impropriety or conflict of interest in tenant selection, particularly in cases where the applicant for housing or employment is related to an LHA Board Member or employee. This notice refers LHAs to the relevant regulations and appropriate procedures to follow in these cases. We remind LHAs that as public employees we all must avoid even the *appearance* of impropriety and that LHAs should disclose any potential conflicts to DHCD as soon as known.

The housing and employment applicants who are considered to be related to LHA Board members and staff that are addressed by this PHN are identified by 760 CMR 4.01 as “Immediate Family” which is defined as: “A person, his or her spouse and their parents, grandparents, children, grandchildren, brothers, and sisters, including in-laws.”

### **Tenant Selection**

The DHCD Code of Conduct regulation at [760 CMR 4.03\(2\)\(g\)](#) provides as follows:

(g) Admission or Transfer of an LHA Board Member, Employee, or Family Member as a Tenant.

Whenever any LHA board member, any administrative or supervisory employee or any member of the immediate family of such a board member or employee seeks admission as a tenant or seeks admission as a participant in a program administered by the LHA or seeks a transfer to a different unit, all necessary information shall be forwarded to the Department, which shall make the decision on the requested admission or transfer in accordance with applicable procedures.

Pursuant to this regulation, an LHA shall **immediately** notify its DHCD Housing Management Specialist (HMS) as soon as it comes to the attention of LHA staff that an applicant who is related to an LHA Board member or an LHA administrative or supervisory employee has been pulled on a list for a vacancy at the LHA in CHAMP. The HMS will require the LHA to forward all documentation related to the application, and all decisions concerning the application, including priority and preference determination, eligibility determination, and appropriate unit size eligibility, will be made by the HMS and communicated to the LHA in writing.

In general, and in addition to above, LHA employees should recuse themselves from involvement with a relative’s application. This includes recusing themselves from any communications regarding the

application and any review of documentation for housing priority, preference, and eligibility. In smaller LHAs where tenant selection is done by only one person, please contact your HMS as to how to proceed. <sup>2</sup>

Upon the expiration of the ten day waiting period but before making an offer of housing to any such applicant, the HMS will also review the pull list upon which the applicant appears, and in the event that there are applicants who are ranked higher on the list than that applicant, the HMS will also review those applicants to determine whether the LHA decisions concerning those applications have been made correctly and fairly.

### **Hiring**

The DHCD Code of Conduct regulation at [760 CMR 4.03\(2\)\(d&e\)](#) provides as follows:

(d) Ineligibility of Family Members for Employment. No member of the immediate family of an LHA board member or of an administrative or supervisory employee shall be eligible for employment in any capacity at the LHA without the prior written approval of the Department. The Department may in its discretion approve employment of such immediate family member provided that there has been compliance with all pertinent hiring standards and procedures, the individual is qualified for the position, and the appointment has not been influenced by any consideration other than merit.

(e) Restrictions on Supervision by Family Members. No LHA employee shall hold a position in which he or she directly or indirectly would supervise a member of his or her immediate family.

Pursuant to this regulation, an LHA shall **immediately** notify its HMS as soon as it comes to the attention of LHA staff that an individual who is related to an LHA Board member or an LHA administrative or supervisory employee has applied for a job. The LHA should provide all relevant hiring materials, including records of interviews and resumes of competing applicants. DHCD will approve or disapprove this hiring in writing.

Any questions regarding this Public Housing Notice should be directed to the DHCD HMS for your LHA.