

Role of DHCD, LHA Boards, and LTOs

Presented by the Department of Housing and Community
Development

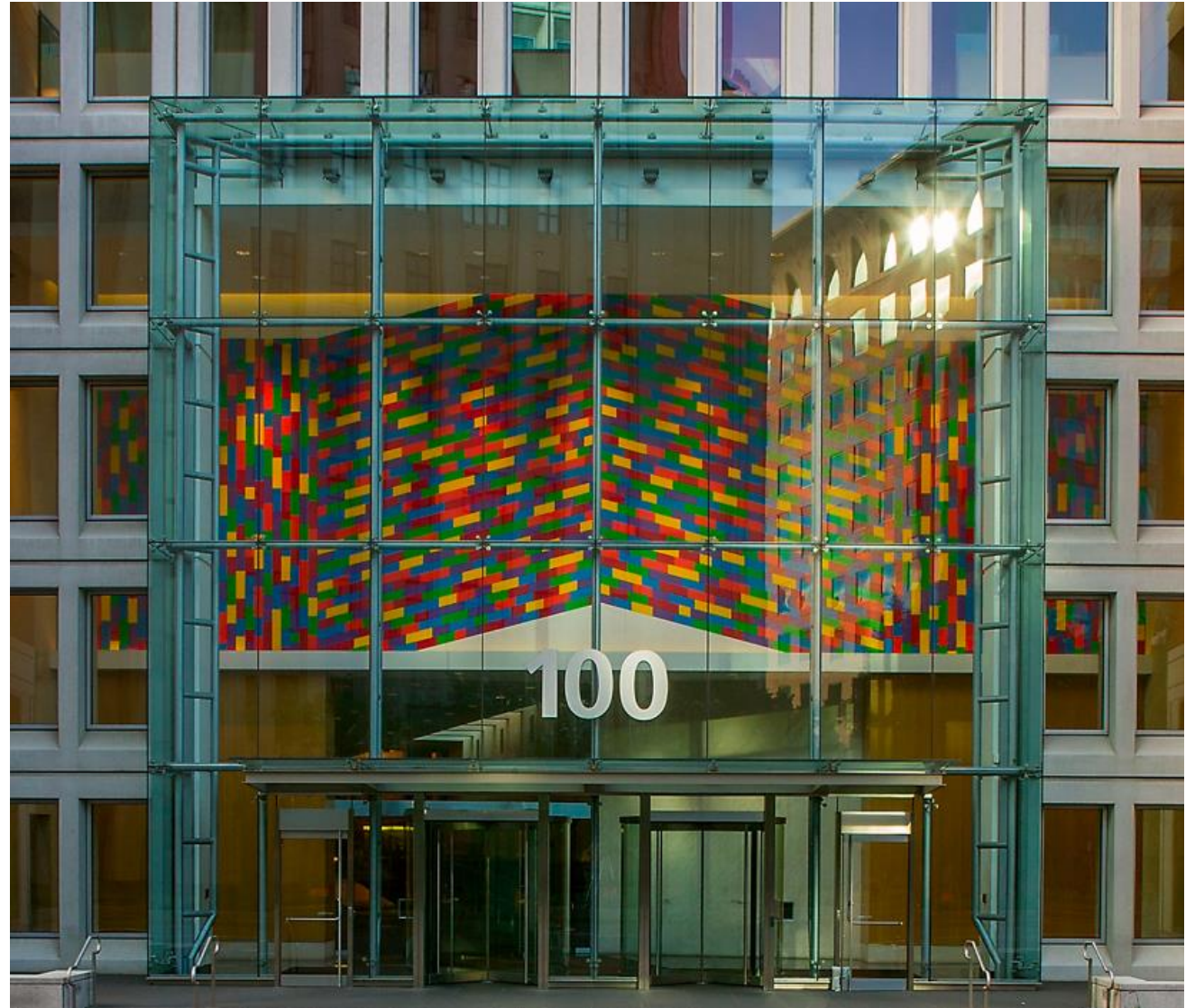
Welcome & Introductions

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Agenda

- What is DHCD?
- What is an LHA Board?
- What is DHCD's relationship with LHAs?
- What is an LHA Executive Director?
- What is DHCD's relationship with Executive Directors?
- What is an LTO?
- What is DHCD's relationship with LTOs?
- LHA Board Members who are Tenants or LTO Members
- Questions

What is DHCD?

- DHCD is an agency of the Commonwealth of Massachusetts
 - It is located within the larger Executive Office of Housing and Community Development
- Agency tasked with general oversight of housing in Massachusetts
 - “The Department of Housing and Community Development, through its community and business partners, provides affordable housing options, financial assistance, and other support to Massachusetts communities. We oversee different types of assistance and funding for consumers, businesses, and non-profit partners.”
- State-aided public housing is one of many programs DHCD oversees
 - Division of Public Housing



Commonwealth of
Massachusetts



Executive Office of Housing and
Economic Development



Department of Housing
and Community
Development



Division of Public Housing

What is an LHA Board?

- All LHAs are “bodies corporate and politic” and are governed and controlled by five member LHA Boards.
- Boards are responsible for, among other things:
 - establishing LHA policy in accordance with the law, regulation, and guidance;
 - ensuring all financial and legal obligations of the LHA are met;
 - establishing annual operating and capital budgets;
 - overseeing all aspects of LHA employment;
 - certifying the LHA’s annual budget;
 - holding and attending regular meetings; and
 - ensuring the integrity and professionalism of the LHA.

What is DHCD's relationship with LHAs?

- Funding
 - Provide LHAs with funding through Contracts for Financial Assistance, which outline rules and requirements for LHA spending
- Regulations and Sub-regulatory Guidance
 - Authority: M.G.L. c. 121B
 - Regulations at 760 CMR 4.00, 5.00, 6.00, 8.00, 11.00, etc.
 - Sub-regulatory guidance in form of [Public Housing Notices](#)
 - Other sub-regulatory guidance

What is an LHA Executive Director?

- The LHA Executive Director is responsible for hiring LHA staff, executing LHA goals, policies, and programs, and overseeing the day-to-day operations of the LHA.
- LHA Executive Directors are responsible for, among other things:
 - implementing LHA policy;
 - Implementing DHCD and HUD regulations and guidance;
 - all aspects of employment for staff following LHA Personnel Policy;
 - carrying out the day-to-day activities of the LHA to support and service the needs of residents; and
 - ensuring the maintenance and, as applicable, modernization of public housing units.

What is DHCD's relationship with LHA Executive Directors?

- Establish guidelines for:
 - Hiring LHA Executive Directors;
 - Executive Director Contracts;
 - Executive Director Salaries.
- The Executive Director is an employee of the LHA, not DHCD. Therefore, LHAs, and not DHCD, hire Executive Directors, in accordance with the law and DHCD guidelines, provide direction to the Executive Director, in accordance with state law, regulations, and guidance, and supervise and evaluate the performance of an Executive Director.
- There is NO direct legal relationship between an Executive Director and DHCD.

What is a Local Tenant Organization?

- 760 CMR 6.09(2):
 - The LHA shall encourage and assist public housing tenants and adult household members ... to form one or more Resident Associations with democratically elected officers to represent the residents in dealing with the LHA on matters which affect their rights, status, duties, welfare, or other interests. Once formed, a Resident Association may, but is not required to, submit a written request to the LHA to recognize the Association as the official LTO representing a specific group of residents for a five year term.
- Governed by written rules or by-laws.
- Represents specific, unique group of residents.
- Holds regular meetings.
- LTOs entitled to participate in certain matters:
 - quarterly meetings with LHA Executive Director and/or Board;
 - Any matter affecting “rights, status, duties, or welfare of residents”;
 - Annual Plans;
 - Modernization Programs; and
 - Hiring.

What is DHCD's relationship with LTO?

- Very limited.
- 760 CMR 6.09(2)(h):
 - If a Resident Association is dissatisfied with a decision of the LHA concerning the grant or denial of recognition of an LTO, or its decision as to whether to seek Department revocation of recognition of an LTO, the Association may, within 30 days ... request in writing that the Department review the LHA's decision.
- Once an LTO is recognized, only DHCD may revoke recognition.

LHA Board Members who are Tenants or LTO Members

- ALL Board members, whether or not tenants or LTO Members, are subject to the Massachusetts State Ethics Law, M.G.L. c. 268A.
- Tenant Board Members
 - Prohibited from participating in LHA Board decisions affecting the individual's personal interest or financial interest.
- LTO Board Members
 - Prohibited from acting on behalf of the LTO before the LHA.
 - Prohibited from participating as a Board member on any matter directly involving the LTO.
 - Prohibited from contacting the LHA or appearing at any LHA meeting on behalf of the LTO.
- See [PHN 2022-05](#) for more information.

Questions?

