Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

# PHN 2024-02

**To:** All Local Housing Authority (LHA) Executive Directors
**From:** Ben Stone, Director, Division of Public Housing & Rental Assistance
**Re:** Requirement to consult residents when entering into Management Agreements
**Date:** January 18, 2024

**Need to Know:** LHAs must consult with LTOs or, where there is no LTO, residents when entering into a Management Agreement with another LHA. This applies to both the Owner LHA and the Management Agent.

LHAs should start by engaging and consulting tenants when considering a management agreement with another authority. Resident participation in major LHA decisions benefits the authority and its residents and is required by state regulations.

This notice reminds LHAs that, pursuant to 760 CMR 6.09(3)(g), "whenever an LHA proposes to adopt or amend a rule or policy which will affect the rights, status, duties or welfare of residents… the LHA shall first seek [an] LTO's advice and include the proposal as an agenda item for discussion at a meeting between the LHA and LTO".

If an LHA does not have a recognized LTO, 760 CMR 6.09(4) states that the LHA:

> "shall provide all affected residents, whether or not represented by an LTO, with notice and an opportunity to comment on matters generally involving their rights, status, duties, or welfare."

EOHLC interprets matters involving rights, status, duties, or welfare of LHA residents to include instances where two LHAs intend to enter into a Management Agreement under which one LHA (the "Owner LHA") will be managed by another LHA (the "Management Agent LHA").

This resident participation requirement also applies to proposed mergers between two or more LHAs.

## LHAs with a Recognized LTO(s)

Before entering into any Management Agreement or merger, the Owner LHA or Management Agent (as applicable) must seek advice from their respective LTO(s) and include the Management Agreement proposal as an agenda item for discussion at a meeting. The LHA must schedule this meeting with at least ten (10) working days' notice.

Like other tenant participation requirements, the LHA must consult with the LTO and must consider any feedback or objections before proceeding.

**LHAs Without a Recognized LTO:**

When an Owner LHA or Management Agent LHA does not have a recognized LTO, the Owner LHA or Management Agent LHA must provide all affected residents with notice of its intent and an opportunity to comment prior to the Owner LHA or Management Agent LHA entering into a Management Agreement.

**Exceptions:**

These notice and consultation requirements do not apply to emergency management[1] contracts with terms six months or less but would apply to any extension.

[1] Emergency Management Contracts apply when the owner LHA has no acting Executive Director or management contract.