



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

Charles D. Baker, Governor ◆ Karyn E. Polito, Lieutenant Governor ◆ Chrystal Komegay, Undersecretary

Public Housing Notice 2017-04

To: Local Housing Authorities
From: Sarah Glassman, Associate Director, Division of Public Housing & Rental Assistance
Re: Local Housing Authority Board Member Elections
Date: January 31, 2017

DHCD has received a number of questions about how to fill vacant seats on town local housing authority (LHA) boards in the absence of regulations and guidelines for electing a tenant-elected board member. Since the regulations establishing the procedures for tenant elections have not yet been promulgated, towns may not elect new members in town elections, but they may fill a seat left vacant by a formerly elected member as follows:

- 1) For LHA boards that currently have 4 elected members, and one elected seat is expiring**, towns should allow the member whose term expired to sit as a “holdover member” until they hear otherwise from DHCD via Public Housing Administration Notice. The new law does not allow a 4th board member to be elected by the voters of a town, but the member who is currently filling the seat that is expiring can serve until a new member is qualified under the new regulations.
- 2) When a board member vacates a previously town elected seat for any reason other than expiration of a term** (such as removal, resignation, or death), towns may allow the seat to remain vacant **or** may fill the vacant seat on a temporary basis in accordance with c. 121B, §5, which allows the Board of Selectman and the remaining LHA Board Members to vote to appoint a person to fill a vacancy in an LHA Board as set out in c. 41, §11. While the person appointed may be a tenant of the LHA, it is not required. The person who is appointed under this section may serve until the expiration of the term for that seat or until a new member is qualified under the new regulations, whichever comes first.

Background

Chapter 235 “An Act Relative to Local Housing Authorities,” codified at General Laws. c. 121B, Section 5A, requires DHCD to “promulgate regulations establishing election procedures for tenants to elect a tenant member of the housing authority in the town and regulations establishing appointment by the board of selectmen to the town if no election may be held.”

In November of 2016, DHCD held public hearings to receive comments on the regulations; with many strong and valuable recommendations made at the hearing, DHCD revised the regulations and sent a new draft to the Executive Office of Administration and Finance (EOAF) for review and approval. When EOAF approves the regulations regarding tenant elections, DHCD will communicate with all housing authorities about next steps via PHN.

We are hopeful we will be able to promulgate the regulations this late spring. If you have additional questions, please reach out to Cate at Cate.Mingoya@state.ma.us or 617.573.1190.

