



Boston Resident Training Institute

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Public Housing Tenants' 964 Rights to Participate



**Are you a member of a
duly elected Local
Tenant Organization?**

Check all that apply

Yes

No

Used to be

If I had the opportunity to

I do not live in public housing

Why is this training important?

It is impossible to function efficiently as an Local Tenant Organization (LTO) without knowing the tenant participation regulations.

We will go through key federal tenant participation regulations.

What is HUD Policy on Tenant Participation?

Federal Regulations State that:

“HUD promotes resident participation and the active involvement of residents in all aspects of a [Housing Authority’s] overall mission and operation. Residents have a right to organize and elect a resident council to represent their interests. As long as proper procedures are followed, the [Housing Authority] shall recognize the duly elected resident council to participate fully through a working relationship with the [Housing Authority]. HUD encourages [Housing Authorities] and residents to work together to foster constructive relationships, particularly through duly-elected resident councils.” (24 CFR § 964.11)

Do residents have the right to organize?

Yes.

Under federal law, residents have the right to organize and elect an LTO.

In Boston, the Tenant Participation Policy also recognizes the right of residents to distribute and post tenant-related literature and information to other tenants on BHA property.

For more information about the Tenant Participation Policy follow this link:

[Boston Tenant Participation Policy](#)

Under Massachusetts law, it is illegal for a housing authority to retaliate against you for organizing, having attended a tenants' meeting, or having joined a tenant group. Your state may also have such a law.

What is Retaliation?

Retaliation could be sending you a rent increase notice or a notice of a major change in your lease. Or it could be trying to evict you.

Unfortunately, despite the fact that retaliation is illegal, it happens. Sometimes when tenants start to organize, housing authority staff feel threatened and have reacted by:

- Playing on differences between people to keep them divided,
- Interfering with or not allowing tenant meetings,
- Withholding information or resources,
- Giving organizers special treatment to try to buy them out,
- Threatening to evict people, and
- Other wrong and abusive behavior.

How to Prepare Yourself

Tenants successfully defend themselves against retaliation by standing together and being prepared. Ways to protect yourself and others include:

- Work in teams,
- Keep communications between tenants strong,
- Never meet with the housing authority alone,
- Put significant communications in writing,
- Keep a paper trail of communications,
- Know your rights,
- Get support from other organizations and groups.

What rights do residents have to participate?

As a resident in public housing, you have a right to participate in the management of your housing in many different ways,

- Residents have the right to organize and elect a Local Tenant Organization (LTO),
- Once democratically elected, an LTO Board has the right to be “recognized” by a housing authority as the official representative of the residents,
- Once recognized, LTOs have the right to request tenant participation funding, office space, and community meeting space,
- Residents have the right to be actively involved in a housing authority’s decision-making process and give advice on matters such as modernization, security, maintenance, operations and other issues.

What other rights do residents have to participate?

- LTOs have the right to open communications and frequent meetings between management and LTOs,
- LTO officers have the right to be involved in the budgetary process,
- LTOs have the right to put together a partnership agreement with a housing authority about the scope of their partnership.

What does it mean to have a recognized LTO?

When a group of leaders is democratically elected by residents in their development, a housing authority must “recognize” these elected leaders as the LTO Board that officially represents residents in the development.

The right to be recognized also means that resident leaders take on certain responsibilities. For an LTO Board to be recognized:

- Proper election procedures must be followed,
- LTOs must have certain paperwork in order (including written rules or by-laws),
- LTO Board must hold regular meetings with all residents in the development,
- LTOs must make sure to follow certain procedures and file regular financial reports so they stay recognized,
- The right to be recognized is an important right because once “recognized” your LTO, your development is entitled to receive tenant participation funding and other resources (office space, meeting space, and telephone service). **But you must ask for these resources.**

Where does it say that residents have a right to participate?

- The primary place where tenant participation rights are spelled out is in regulations. Regulations are rules issued by a government agency.

- For federal public housing, the U.S. Department of Housing and Urban Development (HUD) has tenant participation regulations that can be accessed at the following link:

[24 Code of Federal Regulations 964](#)

Why is it important to elect a local tenant organization?

Under Federal Regulation 964:

- Residents can voice concerns about what is happening in the development,
- LTOs can build a sense of community from the inside,
- People always have greater power to change conditions when working together,
- **A well-organized group of people is hard to ignore.**

What have tenant organizations accomplished?

Tenant organizations have accomplished many important protections for tenants. Tenants who are organized have:

- Improved housing conditions and security,
- Stopped maintenance neglect,
- Brought resources into developments,
- Stopped rude treatment by housing authority employees,
- Commented on changes in leases and grievance procedures.

**What else have tenant
organizations
accomplished?**

What decision-making processes do residents have a right to be involved in?

LTOs may actively participate through a working partnership with the housing authority to advise and assist in all aspects of public housing operation. The “may” means that LTOs need to assert this right.

Regulations say that residents “shall” be actively involved in decision-making processes and be able to give advice on matters such as:

- How maintenance is being done,
- What type of security is necessary,
- What modernization is done to buildings,
- What the yearly budget is for your development.

Does an LTO have the right to partner with the PHA?

Yes. If there is a duly elected resident council, the BHA “shall” work in partnership with it.

According to the regulations:

- LTOs have the right to make joint local decisions with management about the form and extent of resident participation,
- LTOs have the right to make a partnership agreement. This partnership agreement is generally called a Memorandum of Understanding (MOU) or a Memorandum of Agreement (MOA),
- PHA shall ensure open communications and frequent meetings between management and LTOs.

How frequent should meetings between management and the LTO be?

PHA “shall” ensure frequent meetings between management and LTOs. While “Shall” means that PHA must do this, for many reasons such meetings often do not happen.

**Do you meet with your
Development Manager?
If so, how often?**

- Monthly
- Four times a year
- Less than twice a year
- Never

What resources do LTOs have a right to?

Once your LTO is “recognized” by PHA that means that PHA must provide your LTO with support for tenant participation activities. This includes tenant participation funds, office and tenant activity space, as available, and telephone service.

If you don't have a recognized LTO, the PHA is obligated to provide financial support for election-related activities. They cannot, however, conduct your development's election.

Federal Developments: LTOs are entitled to \$25 per occupied unit/per year if a PHA receives its full operating budget. If a PHA does not receive 100% of its operating funds from HUD, the \$25 is apportioned. For example, if a PHA receives 80% of its operating budget from HUD, LTOs will receive 80% of \$25.