

# **Tenant Participation in the Modernization of State Public Housing**

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**How to Effectively Participate in the Modernization Process**  
A Guide for State-Aided Public Housing Tenants in Massachusetts

May 9, 2008

Produced by the Massachusetts Union of Public Housing Tenants  
and the Massachusetts Law Reform Institute

**Date of publication**

May 9, 2008

**Credits**

This publication has been a joint effort sponsored by the Massachusetts Union of Public Housing Tenants and the Massachusetts Law Reform Institute. We thank the Department of Housing and Community Development for their comments on this booklet, most especially Melanie Loveland-Hale, Maura Hamilton, and Ray Friedan. We also wish to acknowledge the following individuals for their contributions: Jack Cooper, Margarita Morales, Susan Bonner, Bill King, Portia Gray, and Annette Duke. MassNAHRO is currently reviewing these materials.

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# Introduction

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If you live in public housing, you have a right and are encouraged to participate in efforts to modernize your development.

This booklet is for tenants who live in state-aided public housing. It has information to help you understand the modernization process and how you can participate.

To find out whether you live in state or federal public housing, ask the manager of your housing development.

# Mod Money

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## 1. What is modernization?

In general, modernization (“mod” for short) means replacement of deteriorated building components or systems in public housing. It can mean:

- Replacing roofs, windows, or elevators,
- Fixing foundations,
- Updating kitchens and bathrooms,
- Installing more efficient systems like heating or electric,
- Replacing expired building components (an expired building component refers to parts of the building, like roofs or boilers, that are beyond their useful life), or
- Adding new components or systems where required by current housing or building codes.

Changes to management rules or practices are generally not required with modernization, but may occur if necessary. For example, if tenant parking were affected by the modernization project, a policy regarding assigned parking might be necessary.

## 2. Why should tenants care about modernization?

Modernization of public housing protects quality of life for tenants by maintaining the condition of the buildings themselves. Limited funding available to do modernization means that housing authorities must make difficult decisions about what systems need to be replaced first. Tenants should be involved and participate in those decisions.

Also, tenants may be affected by the kind of modernization work that is planned and the schedule for performing that work. By participating in the modernization process and communicating with the housing authority about both ongoing and future modernization projects, tenants will ensure that they are well informed and be able to convey their concerns and ideas to the authority.

## 3. What money is available to modernize state public housing?

Housing authorities may use their own funds, or may apply for funds to modernize state public housing from the Massachusetts Department of Housing and Community Development (DHCD). Housing authorities inform DHCD about their modernization needs either when DHCD announces that funding is available or when specific, critical health, safety, or energy needs arise.<sup>1</sup> Ultimately, it is the Governor and the State

Legislature that determine how much money is available each year for the modernization of state-aided public housing.

## **4. When are modernization funds available?**

DHCD announces when modernization funding is available. Housing authorities must notify local tenant organizations (LTOs) when DHCD announces funding rounds.<sup>2</sup> Announcements about funding are also available on the Department of Housing and Community Development website at:

[www.mass.gov/dhcd](http://www.mass.gov/dhcd)

Housing authorities can also apply to DHCD for emergency assistance to make badly needed repairs. Emergency funding is available to repair defects which present health and safety issues that require immediate repair. Because of the need to respond to these situations quickly and efficiently, DHCD maintains funds for emergency repairs that cannot wait for a new cycle of competitive funding rounds.

## **5. Are there rules for the state modernization process?**

Yes. There are rules that set out procedures for the modernization of state public housing. These regulations (sometimes called “mod regulations”) are in the Code of Massachusetts Regulations (CMR for short).<sup>3</sup> They spell out a number of things including specific tenant participation requirements for the modernization process. In this booklet, the endnotes will give you the specific sections where these rules appear. We also include a copy of the full text of the state modernization regulations at the end of the booklet.

# Application Process

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## 6. Can tenants be involved in the modernization process?

Yes, in fact, state rules require that housing authorities involve tenants in the modernization of state public housing.<sup>4</sup> When housing authorities apply for modernization funds they must outline specific plans in their funding application for tenant participation in the modernization process. DHCD formally monitors tenant involvement when it reviews funding applications (see Question 15).

If you have a local tenant organization (LTO), the regulations give you more opportunities to participate in the modernization process than if there is no LTO. Having a well organized LTO and meaningful participation by tenants is also beneficial to the administration of public housing in many ways beyond the modernization process. Building a cooperative working relationship—while it takes time—can benefit both the housing authority and residents.

If you do not have an LTO and you want to start one, contact the Mass. Union of Public Housing Tenants at 617-825-9750 for help in establishing an LTO. Also, talk to your housing authority and ask for its assistance in forming an LTO.

## 7. What does the modernization process involve and when can tenants start to participate?

**Before** a housing authority applies for modernization funds for your development, it must notify the LTO of the availability of modernization funds for the housing authority. It must also notify residents that you have opportunity to participate in the modernization process.<sup>5</sup> The reason is the housing authority must involve the LTO in determining **what needs and priorities should be included in the authority's application for modernization funds.**<sup>6</sup>

Be sure to notify the LHA of how to contact your LTO to ensure that you are contacted before the housing authority applies for modernization funding. It is the LTOs responsibility to keep the housing authority updated of any changes in the LTO contact information.

## **8. Does the housing authority have to meet with tenants?**

Yes. The rules require that the housing authority schedule a meeting with tenants to:

- Explain the modernization program,
- Review the application process,
- Answer tenants' questions about the process, and
- Consider tenants' input on needs and priorities.

The meeting must be at a time when the maximum number of tenants should be able to attend. The housing authority must work cooperatively with an LTO to set up such a meeting. The housing authority must also post a notice of the meeting in a clearly visible place in the central office and in each development.<sup>7</sup>

Even when there is no LTO, the housing authority is encouraged to schedule this meeting so that tenants, preferably the largest number, will have an opportunity to learn about the modernization process and give their view of the needs and priorities.

## **9. How can tenants and housing authorities make this meeting work?**

It is important that both tenants and the housing authority be organized and prepared for this first meeting about modernization. The goal is for tenants to learn about the modernization process and be able to help the housing authority identify what you feel the priorities should be. It is also an opportunity for tenants to ask questions, and tenants should ask as many questions as necessary to understand the modernization process.

While state regulations require only one meeting between the authority and the tenants, more than one meeting may be necessary to ensure that both the housing authority and tenants understand the range of needs in a development and go through a meaningful process to set priorities, especially when the issues are complex.

It may also be helpful to have a person who is neither a resident nor housing authority staff facilitate the first meeting to help both tenants and housing authority staff voice their ideas and concerns, flag issues that they think are important, and develop a plan with the goal of addressing priority needs.

Good communication is critical between the authority and the LTO to deal with the many issues that come up during the modernization process. If it becomes clear after the first meeting that tenants have more questions, concerns or ideas, tenants should ask the housing authority to set up a follow-up meeting and have a representative from your LTO work with the housing authority to set up a clear agenda for that meeting.

For more about priority setting processes, contact the Mass. Union of Public Housing Tenants by calling 617-825-9750.

## **10. How can tenants and housing authorities make this a regular part of communication?**

If you have an LTO and it is well organized, this meeting will not be the first time that tenants and the housing authority have discussed work items and priorities for modernization. Residents should include a discussion of building conditions and capital needs as part of the regular communications between the LTO and the housing authority. This will help the housing authority, which is constantly monitoring the conditions of buildings and grounds to identify what should be fixed first in order to most effectively use the funds available from the state.

Regular communication is critical for both the housing authority and the LTO to achieve the common goal of maintaining the property for the benefit of the tenants.

## **11. Should tenants expect that their priorities will be included in the final application for modernization funds?**

A housing authority must consider tenants' input. It must also incorporate some or all of such needs and priorities in a funding application if the housing authority decides that those particular needs and priorities are "consistent with sound management."<sup>8</sup> If a housing authority decides that what tenants view as a needs is not consistent with sound management, it does not have to include the tenants' priorities in its the final application for funding.

Unfortunately, there is no single definition of what sound management means, and this can lead to differences of opinion regarding priorities. However, when using the standard of sound management the housing authority must weigh tenant priorities against the condition of the properties and necessary repairs must take priority. For example, sound management demands that 20 year old furnaces be replaced before the authority seeks funding to renovate the community room. Another example of sound management is the decision to make repairing a leaking roof a priority over replacing worn carpets.

If the housing authority does not include the tenants' priorities in a modernization application, ask to meet with the authority to discuss the priorities it did select. The LTO should also send the housing authority a letter and ask it to respond in writing as to why the priorities identified by tenants did not meet the standard of sound management as determined by the authority. In your letter clearly outline why tenants feel that the needs and priorities you have identified should be viewed as sound management and a higher priority than what the housing authority wants to fund.

## **12. Can tenants review the authority's application before it is submitted?**

Yes. One week before submitting an application to DHCD, the housing authority must provide the LTO with a copy of the draft application. If there is no LTO, the housing authority must post a notice within one week of submitting its application advising "interested tenants" where they can review the draft.<sup>9</sup>

If there is no LTO, the rules only require that housing authorities post notice. But you may request that the LHA include tenants, who express an interest, in the process. If there is no LTO for your development and you are interested in the modernization process, write your housing authority a letter explaining that you are interested and would like to receive notice if and when it applies for modernization funds. Send a copy of your letter to the Housing Management Specialist at DHCD. You can find out who the Housing Management Specialist is for your authority by asking your LHA or calling DHCD at (617) 573-1211.

## **13. Does a housing authority have to make changes in its draft application?**

After an LTO or interested tenants review the draft application, the regulations say that the housing authority must make any "appropriate changes." If you feel that a change should be made in the application, you should request the change in writing and include reasons why you think it is appropriate. The regulation does not define the meaning of "appropriate changes." However, the same standard of "sound management" principles discussed in **Question 11**, would guide the authority's decision as to what changes to the modernization application would be appropriate.

## **14. What if the tenant organization and housing authority disagree on priorities?**

If a tenant organization and a housing authority differ on priorities or inclusion of items in the final application, a housing authority must ask the tenant organization for a letter which should include a description of the differences. The housing authority must attach a copy of the LTO's letter to the application.

## **15. How does DHCD know that tenants have participated?**

The housing authority must request that the chair of the LTO or a representative of the tenants sign its application for modernization funds so that DHCD knows that tenants have participated in the process.<sup>10</sup> If tenants have participated and ultimately disagree with the housing authority's final application, you can submit a written letter of the disagreement to DHCD—even if you sign the application. In this instance, the LTO should sign the application and reference the attached LTO letter in which the LTO sets out its differences with the authority.

If there is no tenant organization or tenant representative's signature or a letter from the tenant organization, a housing authority must include a statement establishing a good reason for this omission with its application to DHCD.<sup>11</sup>

## **16. How do I find out whether my housing authority was awarded funds?**

If a housing authority is awarded funds for a modernization project by DHCD, it must notify the chair or a designated representative of each affected tenant organization of the award. If you are an LTO chair or authorized representative of the LTO, work with your housing authority to send out a notice to all tenants about the award of funds in order to reach the broadest tenant audience.

The housing authority must also make a copy of the signed Contract for Financial Assistance (CFA) between DHCD and the housing authority available to the LTO upon request by the tenant organization.<sup>12</sup>

If there is no recognized LTO, the authority is encouraged to post a notice of the award in its central office and, if practical, in each affected development.

# Construction Process

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## **17. When a modernization job is advertised, can tenants have input?**

Yes. Before hiring a contractor to make repairs or do renovations, a housing authority must put the project out for bid. This means that contractors must bid on the job.

Competitive bidding is required by law for a proposed project involving the construction, reconstruction, installation, demolition, maintenance or repair of any buildings owned and operated by a housing authority. A housing authority must advertise for bids in order to obtain the lowest contract price from eligible and responsible contractors through an open and honest competitive process.

Bidding documents are generally prepared by an architect or engineer and describe what the modernization job entails in detail. These are called specifications, or ‘specs’. The housing authority must explain the bidding documents to any interested tenants, listen to their comments, and incorporate any comments the LHA finds appropriate.<sup>13</sup>

## **18. Once a contractor has been hired, what happens?**

After the housing authority has hired a contractor, it must inform each affected LTO about:

- Who has been hired,
- The terms of the construction contract and a description of these terms,
- The proposed construction scheduled, and
- Where and when key documents relating to the project are available for inspection and how to review them.

The housing authority must also invite a representative of each affected LTO to attend pre-construction meetings.<sup>14</sup> Pre-construction meeting can be somewhat technical and focus on the details of the modernization plan, the proposed schedule and alternatives.

## **19. What role can a tenant coordinator play?**

DHCD may require that one or more tenant coordinators be hired for certain jobs. A tenant coordinator is not the tenants' representative, but is more of a liaison between the housing authority, the contractor, and tenants. The rules state that the housing authority shall use a tenant coordinator to speed up construction that affects tenants. For example, the tenant coordinator may work with tenants, the authority, and the contractor to ensure that temporary relocation of tenants during construction occurs on schedule, and that tenants have the information and assistance they need to make the process go smoothly.

## **20. Can tenants have input into who will be the tenant coordinator?**

Although the housing authority hires a tenant coordinator, it must select a tenant coordinator from a list of names of tenants compiled and submitted by the LTO to the housing authority. The tenant organization must make this list the basis of applications which it reviews, approves of, and ranks.

If a housing authority passes over any of the tenants ranked by the LTO, the housing authority must explain its selection to the tenant organization. If there is disagreement between the housing authority and LTO, DHCD will mediate the dispute if it is brought to its attention in writing by the LTO or the housing authority.<sup>15</sup>

## **21. Who can I contact at DHCD to find out more about modernization?**

Within DHCD, the Bureau of Housing Management has oversight of housing authority activities as they relate to state regulations. The Bureau of Public Housing Development and Construction is responsible for modernization contracts for existing public housing.

You can contact the Housing Management Specialist for your housing authority by asking the housing authority for the name and information of its specialist; or by calling the Department of Housing and Community Development directly at (617)573-1211 and requesting to speak to the Housing Management Specialist assigned to your community.

# State Regulations

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What follows is a copy of the regulations governing the operation of modernization state-aided public housing. These are only some of the regulations that affect state-aided public housing. An official copy is available at the following outlets:

- Your housing authority central office.
- The DHCD website [www.dhcd.gov](http://www.dhcd.gov)
- State House Bookstore at:

Secretary of the Commonwealth  
State Bookstore  
State House, Room 116  
Boston, MA 02133

Telephone: (617) 727-2834

Fax: (617) 973-4858

Email: [bookstore@sec.state.ma.us](mailto:bookstore@sec.state.ma.us)

## **760 CMR 11.00: MODERNIZATION AND DEVELOPMENT OF STATE-AIDED PUBLIC HOUSING**

- 11.01: Purpose and Applicability
- 11.02: Application for Funds and Site Selection
- 11.03: Designer Selection
- 11.04: Design
- 11.05: Bidding
- 11.06: Allocation of Funding
- 11.07: Construction
- 11.08: Completion
- 11.09: Grant Close-Out
- 11.10: Tenant Participation in Modernization Projects
- 11.11: Waiver by Director of Housing and Community Development

### **11.01: Purpose and Applicability.**

- (1) The purpose of 760 CMR 11.00 is to set forth the procedures governing the modernization and development of housing funded by the Department of Housing and Community Development (hereinafter referred to as the "Department") through grants to a local housing authority (hereinafter called the "LHA").
- (2) 760 CMR 11.00 shall be effective on November 1, 1996. 760 CMR 11.00 replaces prior regulations appearing at 760 CMR 10.00 (modernization) and 760 CMR 11.00 (development).
- (3) Unless otherwise noted, 760 CMR 11.00 applies to both the modernization and development of public housing funded by the Department.

### **11.02: Application for Funds and Site Selection**

- (1) Application (Modernization). The LHA shall inform the Department of the LHA's modernization needs on forms prescribed by the Department, either at specific funding rounds announced by the Department or as critical safety and energy needs arise.
  - (a) The LHA shall involve tenants of state aided housing in decisions related to the application for modernization funds in accordance with 760 CMR 11.10.
  - (b) Each modernization application shall contain a narrative statement outlining specific plans for tenant participation in the modernization process.
- (2) Application (Development). The LHA shall submit to the Department an application proposal that responds to all aspects of the Request for Proposals circulated by the Department.
  - (a) The application shall include cooperation agreements between the LHA and the municipality to the extent requested in the Request for Proposals.
  - (b) When required by the provisions of St. 1954, c. 667, as amended, the LHA shall secure town meeting authorization to apply for such funding. Such approval shall be consistent with the Department's written guidelines and should not be specific as to site or number of units.
- (3) Site Selection (Development). The LHA shall select sites in accordance with the Department's site selection guidelines.

### **11.03: Designer Selection**

- (1) Designer Selection. The LHA shall solicit applications from designers (as defined by M.G.L. c. 7) and follow the selection and interview process in accordance with M.G.L. c. 7 and the Department's exemption, as applicable to local housing authorities.
- (2) Tenant Interview (Modernization). The LHA shall invite a representative of the tenant organization to participate in the interview of the finalist(s) for designer.
- (3) Contract for Designer Services. Upon written approval of the selection of designer by the Department, the LHA and designer shall execute a contract for designer services in the form prescribed by the Department.
  - (a) The LHA shall not modify or amend this contract without the prior written concurrence of the Department.
  - (b) This contract shall not be valid until approved in writing by the Department.
  - (c) The LHA shall make periodic payments to the designer as provided by the contract subject to the approval of the Department.

### **11.04: Design**

- (1) Consistency with Department Procedures and Budget. Each project shall be developed in accordance with the Department's procedures and within the budget established by the Department for the project.
- (2) Consistency with Department Design and Materials Criteria. The LHA shall not approve of any design or materials that deviate from the Department's design and materials criteria without the prior written approval of the Department.
- (3) Consultation on the Scope of Work with the Department. The designer and LHA shall discuss with the Department, on a preliminary basis, the scope of the work prior to the preparation of plans and specifications.
- (4) Authorization to Prepare Construction Documents. The designer shall not prepare construction documents without the prior written authorization of the Department. Such authorization shall not take place until all local approvals shall have been secured unless otherwise authorized by the Department.
- (5) Approval of Plans, Specifications, and the Construction Documents. All plans and specifications and the construction documents shall be reviewed and approved by the Department prior to the LHA's advertising for bids by the LHA.
- (6) Comprehensive Permit (Development). Upon request of the Department, the LHA shall apply for a comprehensive permit under the provisions of M.G.L. c. 40B if deemed necessary by the Department for construction of the project. The LHA shall diligently pursue any such application.

### **11.05: Bidding**

- (1) Statutory and Regulatory Compliance in Bidding. Bidding and approval of bidders shall be in accordance with the Massachusetts General Laws, the regulations of the Division of Capital Planning and Operations, and the Department's directives. The LHA shall:
  - (a) Notify the Department immediately regarding any formal bid award protest filed with the Division of Fair Labor and Business Practices in the Office of the Attorney General.
  - (b) Forward all bid documents, including sub bids, the three low general bids and a bid summary to the Department for its review and approval.

(2) Rejection of Bids. The LHA shall reject any bidder whose bid price exceeds the budget established for the project unless the Department shall have given prior written authorization for acceptance of the bid. The LHA shall reject any or all bids when requested in writing by the Department to do so.

(3) Owner-Contractor Agreement. Upon written authorization by the Department, the LHA shall execute an owner-contractor agreement in the form prescribed by the Department. The Agreement shall not be valid until endorsed with the Department's written approval. The LHA shall not:

(a) modify or amend the agreement without prior written concurrence of the Department.

(b) permit the contractor to proceed with the work until authorized in writing by the Department.

(4) Tenant Participation (Modernization). The LHA shall involve tenants of state aided housing in planning modernization projects in accordance with 760 CMR 11.10.

#### **11.06 Allocation of Funds**

The LHA shall:

(1) Excess Reserve (Modernization). Use excess operating reserves and capital reserves, if available, before receipt and expenditure of modernization funds for modernization projects.

(2) Separate Accounts. Keep state modernization and development funds separate from other LHA funds.

(3) Reports. Report, as directed by the Department, on the status of funds received by the LHA, including interest.

(4) Prior Department Approval. Make no payments from state modernization and development funds without the Department's approval.

(5) Tenant Participation (Modernization). The LHA shall involve tenants of state aided housing in matters concerning the allocation of modernization funds in accordance with 760 CMR 11.10.

#### **11.07: Construction**

(1) Project Representative. Where the Department has determined that the services of a project representative are required, the designer shall advertise for, and select a project representative to monitor daily construction activity. Both the project representative and the project representative's compensation shall require approval of the LHA and the Department.

(2) Contract Officer. The LHA shall designate a contract officer whose function shall be to review payment requisitions from the contractor and to approve periodic payments to the contractor.

(3) Contractor Payments. The LHA shall make payments on the payment requisitions following approval by the contract officer and approval by the Department.

(4) Change Orders. The LHA shall consider requests for change orders in accordance with applicable contract provisions, the Department's procedures, and applicable law.

(a) The Contractor shall submit to the designer specification of any changes in the approved project which the Contractor deems necessary.

(b) The designer shall review the Contractor's request and, if the designer deems a change to be necessary or appropriate shall submit a written request for a change order including specification of the reason for the change order to the LHA and the Department.

(c) The LHA shall review each request for a change order and if it determines it to be necessary or appropriate may approve it subject to the approval of the Department.

(d) The LHA shall transmit a certified extract of the LHA's vote approving any change order together with all pertinent documents to the Department which may approve the change order if it deems it to be necessary or appropriate.

(5) Construction Disputes. Construction disputes between the contractor and designer shall be resolved in the manner specified by the owner-contractor contract and any applicable administrative procedures of the Department.

(6) Tenant Participation (Modernization). The LHA shall involve tenants of state aided housing in decisions relating to the construction of modernization projects in accordance with 760 CMR 11.10.

#### **11.08: Completion of a Project**

(1) Acceptance as Substantially Complete. In order for a project to be accepted by the LHA as substantially complete, it must be certified by the designer as being substantially complete in accordance with procedures established by the Department.

(2) Retainage Release. Upon substantial completion in accordance with the owner-contractor agreement, applicable law, and the Department's procedures on contract close-out, the LHA shall release retainage to the Contractor, provided that the LHA, pursuant to advice of the architect, shall reserve sufficient funds for completion of all incomplete and unsatisfactory work, and payment of any direct payment demands and other claims against the contractor.

(3) One Year Inspection. The designer shall inspect the project within one year of substantial completion and shall make a list of all deficiencies. The designer shall forward the list of all deficiencies to the LHA, to the Department, and to the Contractor for prompt remedial action.

#### **11.09: Grant Close-out**

After the close-out of any owner-contractor agreement, the LHA shall return funds remaining for the project to the Department, including accrued interest. The LHA may apply to the Department to undertake additional modernization work with all or part of modernization funds remaining after close-out of the agreement.

#### **11.10: Tenant Participation in Modernization Projects**

(1) Application Procedures. The LHA shall:

(a) Notify each duly recognized tenant organization when funding rounds are announced by the Department and whenever the LHA plans to seek modernization funds to meet a central safety or energy need or needs. The tenant organization shall be involved in determining the needs and priorities to be included in the application. For this purpose the LHA, working in cooperation with the tenant organization shall schedule a meeting at a time and place when the maximum number of tenants should be able to attend. The LHA shall post notice of the scheduled meeting that indicates the date, time and purpose of the meeting in a conspicuous place in the central office and in each project.

(b) Explain the Modernization Program and application procedures when such meetings are held, and shall answer any questions presented by the tenants relating to the modernization process. For this purpose, the LHA's modernization director, or other individual responsible for the modernization proposal, shall be present at the meeting. The LHA shall consider the tenants' input on needs and priorities and incorporate some or all of such needs and priorities in a draft funding application if deemed by the LHA to be consistent with sound management.

(c) Provide a copy of the draft funding application to each duly recognized tenant organization at least one week prior to submission of the application to the Department. If there is no tenant organization, the LHA shall post a notice within one week of submission advising interested tenants where they can review the draft. The LHA shall make any appropriate changes and shall request that the tenant organization's chairperson or representative of the tenants to sign the application. If the tenant organization and the LHA differ on priorities or inclusion of items in the final application, the LHA shall request a letter from the tenant organization setting out its differences. The LHA shall attach this letter to the application. If there is no tenant organization signature or letter from the tenant organization, the LHA shall include a statement establishing a good cause for the omission..

(2) Allocation of Funds. If awarded funding for a modernization project, the LHA shall notify the chairperson or a representative of each affected tenant organization of the award and make a copy of the contract for financial assistance between the LHA and the Department available upon request by the tenant organization.

(3) Bidding Document Preparation. The LHA shall explain the proposed modernization project to any interested tenants. The consultant and the LHA shall solicit and review comments from the tenants on the proposed modernization improvements and incorporate these comments in the bidding documents if deemed appropriate by the LHA.

(4) Construction. Following award of a contract for a modernization project, the LHA shall:

(a) Inform each affected tenant organization of the award, the construction contract, and the proposed construction schedule.

(b) Inform each affected tenant organization that the material documents relating to the modernization project are available in the LHA's office for inspection.

(c) Attend pre-construction conferences and invite a representative of each affected tenant organization to attend.

(d) Allow no more than two tenant representative observers at any regularly scheduled job meeting.

(5) Tenant Coordinators. The Department may require the services of a tenant coordinator or tenant coordinators for certain jobs. The LHA shall

(a) Select one or more tenant coordinators from a list of tenants, compiled on the basis of applications which have been reviewed, approved, and ranked by the tenant organization. If the LHA desires to pass over any of the ranked tenants, the LHA shall inform the tenant organization of the reasons for disagreement. The Department will mediate any further dispute.

(b) Use the tenant coordinator(s) to expedite construction activities which affect the tenants. The LHA shall pay the tenant coordinator(s) at the rate of one and a half times the prevailing minimum wage. The chairperson of a tenant organization shall be ineligible to receive compensation as a tenant coordinator.

#### **11.11: Waiver by Director of Housing and Community Development**

The Director of the Department may waive in writing any provision of 760 CMR 11.00, not otherwise required by applicable law, for good cause shown by the LHA or the Department upon a determination that a waiver will advance the interests of the state-aided housing program and promote the public benefit.

REGULATORY AUTHORITY 760 CMR 11.00: M.G.L. c. 23B, § 6; c. 121B, § 29.

## Endnotes

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- <sup>1</sup> 760 C.M.R. §11.02(1). Funds to modernize public housing have typically come from the state legislature passing what is called a “bond bill.” If a bond bill is passed, it allows the state government to borrow the amount of funds “authorized.” Usually this amount is spread over a number of years.
- <sup>2</sup> 760 C.M.R. §11.10(1)(a).
- <sup>3</sup> All of the regulations for modernization are in Chapter 760 of the Code of Massachusetts Regulations, Section 11, which is abbreviated as 760 CMR §11.00.
- <sup>4</sup> 760 C.M.R. §11.02(1)(a).
- <sup>5</sup> 760 C.M.R. §11.10(1)(a) and §11.02(1)(a). The rules are not clear about who a housing authority should notify if there is no LTO.
- <sup>6</sup> 760 C.M.R. §11.10(1)(a).
- <sup>7</sup> 760 C.M.R. §11.10(1)(a).
- <sup>8</sup> 760 C.M.R. §11.10(1)(b).
- <sup>9</sup> 760 C.M.R. §11.10(1)(c).
- <sup>10</sup> 760 C.M.R. §11.10(1)(c).
- <sup>11</sup> 760 C.M.R. §11.10(1)(c).
- <sup>12</sup> 760 C.M.R. §11.10(2).
- <sup>13</sup> 760 C.M.R. §11.10(3).
- <sup>14</sup> 760 C.M.R. §11.10(4)(a)(b) and (c).
- <sup>15</sup> 760 C.M.R. §11.10(5).