

**BY LAWS FOR THE FOLEY ELDERLY APARTMENTS TENANT TASK FORCE**

**ARTICLE I: Foley Elderly Apartments. 199 H Street, South Boston, MA 02127**

Section 1     Name: Foley Elderly Apartments Tenant Task Force.

Section 2     Principal Location: The principal location of the Foley Elderly Apartments shall be within the Boston Housing Authority's Foley Apartments public housing development. The Task Force may change the principal location, which will be effective upon a certificate of the change being filed with the Elderly/Disabled Housing Program.

Section 3     Purpose: The purpose of the Task Force is to empower public housing residents at the Boston Housing Authority's Foley Elderly Apartments public housing development to fully participate in decisions affecting them involving the Boston Housing Authority (BHA) or other agencies, to educate residents regarding their rights and responsibilities, and to enhance economic opportunities and self-sufficiency for all residents.

Section 4     Fiscal Year:

**ARTICLE II: Foley Apartments Tenants Task Force, Officers'.**

Section 1     Tenants

Definition of Tenants: The Tenants of the Task Force shall consist of the residents of the Foley Elderly Apartments public housing development of the BHA who have voting rights.

Voting Rights of Tenants: The Tenants shall have rights to elect or recall the members of the Foley Elderly Apartments Task Force (as described in Article III below), to adopt and revise By-Laws, and to take such other steps as may be necessary to achieve the purpose of the Foley Elderly Apartments Task Force. The Tenants shall have the right to participate in the Foley Elderly Apartments Task Force and its committees. Voting rights will be vested in all residents of Foley Elderly Apartments development who are 18 years of age or older, or who are emancipated minors who are leaseholders in such development, as listed on BHA leases or Tenant Status Review (TSR) reports. Residents who have vacated the development will no longer have voting rights, except in instances where the developments are undergoing redevelopment and tenants of the Foley Elderly Apartments must temporarily relocate off site, but have rights to permanently relocate back to the development. Voting rights can only be exercised by persons present at a Tenants meeting; there shall be no voting by proxy. Each member shall only have one vote.

Meetings: There shall be at least one Resident meeting a month. At this monthly meeting, members will receive monthly financial reports, and other information as specified by the Foley Elderly Apartments Task Force. The purpose of these meetings will be to inform residents on matters of general interest, including the solicitation of input regarding BHA maintenance, modernization efforts, and revisions in BHA policies. Additional meetings of the Foley Elderly Apartments Task Force may be called by the President of the Task Force (or, in the President's absence, the Vice-President), by three (3) members of the Foley Elderly Apartments Task Force, or on a written request of ten percent (10%) or more of the Residents. Written notice concerning such meeting and the proposed agenda items for such meetings shall be provided to all resident households at least five (5) days in advance of the Residents of Foley Elderly Apartments meetings. Items for the agenda of the Residents of Foley Elderly Apartments meeting may be added by advance written request of 3 or more members of the Task Force. An annual report shall be prepared and presented by the Foley Elderly Apartments Task Force. There must be a quorum of at least ten (10) Tenants before any action can be taken at a Tenants meeting.

Section 2 Foley Elderly Apartments Task Force Officers'

- 2.1 Number of Officers': The Foley Elderly Apartments Task Force shall consist of five (5) Officers'
- 2.2 Requirement of Officers' for the Task Force at Foley Elderly Apartments: All Task Force Officers' shall be active residents of the Task Force. If a Task Force Officer no longer has voting rights as a member of the Task Force due to vacating the development (see Section 1.2 above), he or she shall resign or be removed from the Foley Elderly Apartments Task Force.
- 2.3 Election and Term of Officers': Each Officer' of the Foley Elderly Apartments Task Force shall be elected by the Residents at the Election meeting of the Foley Elderly Apartments Task Force, as described in Article III below, and shall hold office for a two year term, unless the Officer resigns, is removed for good cause by the Foley Elderly Apartments Task Force, or is recalled by the Tenants. The out-going Task Force shall serve for a short period after the election of its successors (but in no case more than one month after the election) in order to wrap up and transition business to the new Officers'.
- 2.4 Attendance of Meetings and Participation in Committees: Tenants of the Foley Apts. Task Force are required to attend meetings of the Task Force and tenants and the Foley Apartments management and to actively participate on at least one committee.
- 2.5 Quorum: Quorum for meetings of the Foley Apts. Task Force is three (3) tenants. However, if the Task Force is voting on whether to remove a Officer'

for good cause, to fill a vacancy on the Foley Apartments Task Force, or to recommend amendments to the By-Laws, the quorum for such a meeting shall be five (5) tenants.

- 2.6 Filling of Vacancies: If a vacancy occurs in the Foley Apartments Task Force prior to the next scheduled election, such vacancy shall be filled by the Foley Apartments Task Force. The Foley Apartments Task Force shall give written notice of such vacancy to the Tenants and give the Tenants a reasonable period of time (but not to exceed four (4) weeks) to submit names for consideration for appointment to the Task Force. The Officer' so appointed shall hold office only until the next election. Reasonably prompt written notice shall be given to the Tenants and to the BHA of any vacancy caused by resignation or removal of an Officer and the name and address of the person appointed by the Foley Apartments Task Force to fill the vacancy.
- 2.7 Resignation: A Task Force Officer' may resign from the position by delivering a letter of resignation to the President (or, if the person resigning is the President, the Vice-President). Such resignation shall be effective upon receipt and acceptance of the letter by the Foley Apartments Task Force.
- 2.8 Removal for Good Cause: Any member of the Foley Apartments Task Force may be removed from office for good cause at any time by the Foley Apartments Task Force at any meeting by a majority vote of the Tenants present at such meeting. The following shall constitute good cause: (1) Absence from three Task Force meetings without excuse; (2) Violating the confidentiality of residents; (3) Accepting a paid position with the BHA or a contracted management company at the Foley Apartments Elderly development, or a paid position with the BHA in a policy-making or supervisory position, provided however, a Task Force Officer's participation in a BHA advisory capacity, such as on the Monitoring Committee or the BHA Resident Advisory Board, shall not require the Task Force Officer to resign or be removed from office; (4) Misusing the organization's office or name; (5) Failure to resign after losing tenant-ship in the Foley Apartments, as described in Sections 1.2 and 2.2 above; or (6) Any breach of the Task Force Officer's duty of loyalty to the Foley Apartments or its tenants; (7) For acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, or (8) For any transaction from which the Task Force Officer' derived an improper personal benefit. Any action on removal must be preceded by written notice to all tenants of the Foley Apartments Task Force, at least one week in advance of the meeting, stating that the issue of removal shall be considered at that meeting, and stating the grounds for removal.
- 2.9 Meetings of the Foley Apartments Task Force: The Foley Apartments Task Force shall meet at least once a month at a regular time and place which shall be posted and made generally known to the Tenants. Special meetings may be called by the President (or in the President absence, the Vice-President), or by written request

of two (2) Task Force Officers' to the Secretary. Generally, Foley Apartments Task Force meetings shall be open to the Tenants, but the Tenants shall have voting rights at such Foley Apartments Task Force meetings. The Foley Apartments Task Force can, however, call an executive session and close the meeting (or a portion of such meeting) to all but the tenants of the Foley Apartments Task Force by a vote of three (3) Task Force Officers'. Written agendas for the Foley Apartments Task Force meeting shall be prepared and provided in advance to all Task Force Officers' shall be posted at the meeting place where the Task Force shall meet, and shall be made available to the Tenants upon request. Each Resident of the Foley Apartments Task Force shall have one vote, and a tenant must be present at the meeting in order to determine quorum and to vote; there shall be no voting by proxy or phone.

2.10 Duties: The Foley Apartments Task Force shall develop and carry out the policies and programs of the Foley Apartments. They shall establish the committees for the Foley Apartments and coordinate their work. They shall report regularly to the tenants of the organization. They shall represent the interests of the Tenants before the BHA and other groups and agencies. The Foley Apartments Task Force shall administer any funds received by the Foley Apartments responsibly and for the benefit of the Tenants, consistent with the Foley Apartments purpose.

2.11 Powers: The Foley Apartments Task Force shall have the following powers:

- (A) Election and removal of Officers;
- (B) Filling of vacancies on the Foley Apartments Task Force;
- (C) Removal of Task Force Officers' for good cause;
- (D) Authorization of expenditures;
- (E) Employment of persons as necessary to achieve the Foley Apartments purpose;
- (F) Receiving funds for the use of the Foley Apartments and the Tenants;
- (G) Establishment of a bank account;
- (H) Establishment and revision of committee structure;
- (I) Acting on behalf of the Tenants in matters involving the BHA and regulatory agencies.

### Section 3 Officers

3.1 Election of Officers and Responsibilities: The following Officers' shall be elected by the Foley Apartments Task Force from among themselves at their first meeting following their election by the Tenants:

- (A) President: The President shall chair all meetings of the Foley Apartments Task Force, preside over Tenants meetings, represent the Tenants and the Foley Apartments Task Force, sign all correspondence on behalf of the Foley Apartments (except as the Foley Apartments Task Force may otherwise

designate), and exercise general supervision and control of the affairs of the Foley Apartments. The President shall have the normal power to vote in the Foley Apartments Task Force and the Tenants and to make or second a motion.

(B) Vice-President: The Vice-President shall perform the duties of the President when the President is absent or unable to perform his/her duties.

(C) Secretary: The Secretary shall record and maintain minutes of all Foley Apartments Task Force and Tenants meetings and shall insure that proper notice of Task Force meetings and Resident meetings is given. The Secretary shall also function as the Clerk of the Foley Apartments under the terms of any Articles of Organization. In the absence of the Secretary, a temporary secretary may be elected to record the minutes of the meeting concerned.

(D) Treasurer: The Treasurer shall have general charge of all financial affairs of the Foley Apartments. The Treasurer shall ensure accurate recordkeeping with respect to the Foley Apartments and the Task Force financial affairs, and shall sign off on checks authorized by the Foley Apartments Task Force. The Treasurer shall provide regular financial reports to the Foley Apartments Task Force and to the Tenants on the Foley Apartments financial affairs. All checks issued by the Foley Apartments shall have, in addition to that of the Treasurer, the signatures of at least the President (or, in the President absence, the Vice-President) or Secretary.

(E) Alternate: The Alternate is to attend all Task Force/Residents meetings to stand in for any of the elected offices. The Alternate shall educate themselves on the roles and responsibilities of the other elected Offices' of the Task Force.

3.2 Term of Office; Resignation, Removal from Office, and Filling of Vacancies: The Officers' term of office shall be the same as the Foley Apartments Task Force. An Officer' may resign by giving written notice to all other tenants of the Foley Apartments Task Force. The Foley Apartments Task Force may also remove any Officer' for good cause by a majority vote. "Good cause" shall be defined in the same manner as in Article II, Section 2.8 of these By-Laws. The Task Force shall fill any vacancies in Officer' positions from the tenants of the Foley Apartments Task Force. The resignation or removal of an Officer' shall not be deemed to also be a resignation or removal from the Foley Apartments Task Force unless this is stated in the resignation, or the Task Force decision. Any Officer' who resigns or is removed from Office shall have the responsibility to turn over any of the Task Force records and accounts to the Foley Apartments Task Force. Reasonably prompt written notice shall be given to the Tenants and to the BHA of any vacancy caused by resignation or removal of an Officer' and the name and address of the person appointed by the Foley Apartments Task Force to fill the vacancy.

**ARTICLE III: Election of the Foley Apartments Task Force by the Tenants; Recall**

Elections Every Two Years; Eligibility to Serve on the Foley Apartments Task Force:

Elections shall be held every two (2) years for the Foley Apartments Task Force. All residents in good standing shall be eligible to serve as members of the Foley Apartments Task Force, so long as they are not employed by the BHA in a policy-making or supervisory position and are not employed by the BHA or a contracted management company at the Foley Apartments development.

Election Committee: The Foley Apartments Task Force shall establish an Election Committee to assist the Foley Apartments in conducting its election of the Foley Apartments Task Force. No person who will be a candidate for the Foley Apartments Task Force may be a member of this committee. The committee shall consist of residents, and can include third-party volunteers who do not reside at the development. The Election Committee shall implement and oversee all election activities as well as ensure the Foley Apartments compliance with all relevant election requirements, including those provided by the BHA's policy, "Participation of Recognized Local Tenant Organizations in the Administration of Boston Housing Authority Local Developments."

Notice of Election Procedures: The Election Committee, working in conjunction with the Foley Apartments Task Force, shall ensure that all voting member households will be given written notice at least seventy-two (72) days in advance of the election of the election procedures. The notice will be delivered to each occupied unit of the development and shall include a description of the election procedures, eligibility requirements, deadline for submission of nominations and for the election, and a copy of nomination papers. To ensure the notice solicits the broadest possible attention of residents and encourages their participation in the electoral process, such notices shall be translated from English into at least the three most appropriate languages for the developments' population. The BHA shall, upon request of the President to the manager of the development, provide copies of these translated materials and assist in their distribution to each resident household. Such a request must be made to the manager forty-five (45) days prior to the initial election notice, to give the BHA sufficient time to prepare such materials. The Election Committee and the Foley Apartments Task Force shall ensure that these time frames for translation of materials are met where necessary to ensure broad participation. The notice of election procedures shall provide clear instructions where nomination papers may be obtained, who is an eligible candidate, and how the nomination form is to be completed, where and when it is to be filed, and the number of residents whose signature is required in support of the nomination. Nomination papers, in addition to being attached to the initial notice, must also be available to residents at both the Foley Apartments office at 199 H Street and the BHA management office.

- 1.4 Number of Signatures Required for Nominations: Each candidate for the Foley Apartments Task Force must obtain at least twenty (20) signatures from the Residents in order to be eligible as a nominee for the Foley Apartments Task Force. Tenants may sign more than one candidate's nominating papers. Multiple signatures by the same member on a candidate's nomination papers shall be stricken. **(OPTIONAL)**
- 1.5 Period for Nominations; Submissions of Signatures to the BHA for Verification; Certified Papers Remaining on File: Nominations must remain open for a minimum of at least three (3) weeks from the date of the initial election notice. BHA shall verify that the signatures that appear on the nomination papers represent names of legal household tenants eligible to vote in the election; BHA shall not certify if the signatures are authentic. To ensure candidates an opportunity to avoid having their nomination papers rejected for an insufficient number of certifiable names, a preliminary inspection of nomination papers by BHA management shall be conducted fifteen (15) days prior to the end of the nomination period. Those candidates who fail to submit nomination papers on or before this preliminary date do so at risk of being rejected from the election. The certified nomination papers shall be maintained on file with the Election Committee and the Foley Apartments Task Force until the following election. **(Optional) (TBA)**
- 1.6 Encouraging Diversity in Candidate Pool: The Foley Apartments Task Force and the Election Committee shall attempt to achieve reasonable representation on the Foley Apartments Task Force of all racial and ethnic groups and all geographic areas within the Foley Apartments development.
- 1.7 Notice of Nominations; Encouraging Resident Participation: The Election Committee and the Foley Apartments Task Force shall give written notice to all resident households by way of leaflets regarding the certified nominees for the Foley Apartments Task Force. The notices shall display a sample ballot with each candidate's name and address listed. Such notices shall be posted in every hallway, management, and Foley Apartments office at a minimum of thirty (30) days prior to the election. The Election Committee and the Foley Apartments Task Force shall conduct a broad range of activities to encourage resident participation in the election through candidates' nights, providing poster and leaflet materials to candidates for campaign purposes, and/or issuing election reminder notices to residents, consistent with resources available to the Foley Apartments.
- 1.8 Conduct of Election: The Foley Apartments Task Force and the Election Committee shall obtain an impartial third party to monitor the balloting and tabulation processes. At the time of the election, polling stations will be located in an area of adequate size to provide voters a sufficient level of privacy to mark

ballots. A secured ballot box shall be provided at each station, and the Election Committee shall verify each voter's eligibility (based on lease and TSR information provided by BHA). The persons staffing the polling stations and acting as third party observers shall be impartial. No candidate for election may be allowed in the polling station other than to cast his/her own ballot. No campaign activities shall be conducted by any candidate or his/her supporters within twenty (20) feet of the polling station.

- 1.9 Notice of Election Results: Within three (3) days of the election, the Foley Apartments Task Force and the Election Committee shall provide notice to the Residents of the election results by posting the same at both the Foley Apartments office at 199 H Street and at the BHA management office. The Foley Apartments Task Force and the Election Committee shall provide notice to the BHA of the election results within ten (10) working days of the election. The correspondence to BHA shall include a list of all Task Force members elected, their addresses, and a description of election procedures. It shall also include a request for recognition of the new Foley Apartments Task Force and a letter from the new members of the Foley Apartments Task Force, agreeing to abide by arbitration, consistent with the requirements of BHA's policy "Participation of Recognized Local Tenant Organizations in the Administration of Boston Housing Authority Local Developments."
- 2.0 Petition for Recall: The Residents may move to recall one or more members of the Foley Apartments Task Force during the Task Force officers' term of office. In order for the Residents to recall a Task Force Officer', there must be a written petition containing the signatures of at least twenty percent (20%) of the adult household residents of the development. Such recall petition shall have a clearly stated reason for the recall typed at the top of each page of signatures. The reason for recall is not limited to the reasons for removal for good cause stated in Article II, Section 2.8.
- 2.1 Recall Election; Limitation on Further Petitions for Recall Officer': Upon receipt of a recall petition in the proper form and with the proper number of signatures, the Foley Apartments Task Force shall promptly call a meeting of the Residents for the purpose of having a recall election. The notice of the meeting shall state the date, time and place of the meeting, the purpose of the meeting, and the grounds stated for recall in the petition. The recall election need not take the form of the general election provided for above. The Residents shall be free to choose several options for recall, including designation of a particular person to serve as an Officer' in lieu of the Officers' proposed for recall, or granting the Foley Apartments Task Force the discretion to appoint another person as Task Force Officer' for the balance of the term. If the majority of the Residents present at the meeting votes to recall the Officer' shall be recalled. Reasonably prompt written notice shall be given to the Residents and to the BHA of the outcome of any recall election. If the Residents decide not to recall a Task Force Officer', no petition to



recall that same Task Force Officer' shall be considered until a 12-month period has lapsed from the submission of the last petition. This shall not, however, be a limitation on the power of the Foley Apartments Task Force to remove a Task Force officer' for "good cause" in accordance with Article II, Section 2.8.

**ARTICLE IV: Committees**

- 1.1 Standing Committees: The Foley Apartments Task Force shall establish standing committees to carry out the goals and objectives of the Foley Apartments. It shall actively recruit the Residents to serve on committees to ensure democratic participation and to further the goals of the Foley Apartments. The standing committees shall report to the Foley Apartments Task Force and to the Residents on their ongoing work.

**ARTICLE V: External Representation**

- 1.4 The Foley Apartments Task Force shall appoint representatives of the Foley Apartments who will serve on other boards and organizations.
- 1.5 Any such representative may be removed for good cause at any time by the Foley Apartments Task Force at any meeting upon the vote of the majority present.

**ARTICLE VI: Personal Liability of Officers and Members of the Foley Apartments Task Force; Conflict of Interest**

Section 1 Personal Liability

The Foley Apartments Task Force shall not have the power to bind the members of the Task Force personally or call upon such members to discharge any debts. The members of the Foley Apartments Task Force and the Officers shall not be held personally liable for any debt, liability or obligation of the Foley Elderly/Disabled Tenant Task Force. This provision, however, shall not eliminate or limit the liability of an Officer or a member of the Foley Apartments Task Force for any breach of the Officer' or Officers' duty of loyalty to the Foley Apartments or its members, for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, or for any transaction from which the Officer or Task Force Officer derived an improper personal benefit.

Section 2 Conflict of Interest

- 2.1 The Conflict of Interest provisions of any state or federal statutes or regulations that apply to public housing or non-profit Foley Elderly/Disabled Tenant Task Force shall be in force with respect to the Foley Apartments, including any decisions to hire personnel or to expend funds. No member of the Foley

Apartments Task Force or tenants of the immediate families of tenants of Foley Apartments Task Force shall be employed by the Task Force.

- 2.2 Gifts, goods, services, and funds provided to the Foley Elderly/Disabled Tenant Task Force. Elderly development must be equitably distributed, and no member of the Foley Apartments Task Force, members of Committees, or tenants of the immediate families of such persons shall benefit from such gifts, goods, services, or funds in a manner disproportionate with the benefits received by the Residents; of Foley Apartments Task Force provided, however, nothing in this provision shall bar members of the Foley Apartments Task Force or committee members from being reimbursed for legitimate expenses that they have incurred while acting on behalf of the Task Force.

## **ARTICLE VII:**

### **Amendment of By-Laws**

- 1.2\_ Procedure for Amendment of By-Laws: The By-Laws may be amended by a majority vote of the Residents of Foley Apartments at a regular or special Residents meeting. Any amendments may be proposed by a majority vote of the Foley Apartments Task Force. The Foley Apartments Task Force shall ensure that written notice is provided to all resident households at the Foley Apartments development at least five (5) days in advance of such meeting. Such notice shall state the date, time and place of such meeting, that it is proposed that the By-Laws be amended, and a summary of the proposed changes in the By-Laws. Residents of the Residents shall be free to propose other changes to the By-Laws at such meeting, but such proposals must be made in writing and shall be read and explained to all persons present at such meeting in advance of being voted upon.
- 1.3\_ Limitation on Certain By-Law Amendments: No By-Law amendment shall be proposed or adopted which would have the effect of disqualifying the Foley Apartments from recognition as a Local Tenant Organization (LTO) under the BHA's policy, "Participation of Recognized Local Tenant Organizations in the Administration of Boston Housing Authority Local Developments", as the same may from time to time be lawfully amended, or applicable lawful HUD or DHCD requirements governing participation of LTOs in the affairs of public housing authorities. No By-Law amendment shall be proposed or adopted which will be contrary to the provisions of G.L. c. 180 as the same apply to non-profit Task Force.

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