



Guide to Creating Public Housing Resident Council Bylaws



Table of Contents

HUD Guidelines for Resident Council Bylaws and Customizing your Bylaws	4
Official Recognition as a Duly-Elected Resident Council	4
ARTICLE I: NAME	5
ARTICLE II: PURPOSE	5
ARTICLE III: MEMBERSHIP	6
ARTICLE IV: MEMBERSHIP MEETINGS	7
ARTICLE V: BOARD OF DIRECTORS	9
ARTICLE VI: ELECTIONS OF THE BOARD OF DIRECTORS	10
ARTICLE VII: OFFICERS	12
ARTICLE X: BYLAWS	12

Note: HUD recommends that resident councils consult their own lawyers when creating Bylaws. Local bar associations, law schools, or legal aid societies may be able to help.



This document is part of the **Public Housing Resident Organizing and Participation Toolkit**. The full toolkit includes topical guides, customizable resident council documents and forms, tools related to tenant participation funds, and case studies of resident organizations around the country. To see the full toolkit go to: <https://www.hudexchange.info/programs/public-housing/resident-toolkit/>

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This guide is meant to help you understand the Sample Bylaws and create Bylaws that will work well for your Resident Council.

Having a resident council provides a structure to work with your neighbors and improve your community. There are many benefits to organizing a resident council—you will get to know your neighbors, can bring services and programs to the community, can work with property management to improve your homes, and can work with security to create a safer community. A resident council must be democratic and represent everyone at the property. A democratic resident council seeks to include everyone in decision making by ensuring all residents are aware of meetings and agenda items, by making decisions through a transparent and inclusive process, and by holding fair and open elections. Representing everyone means that all communities are taken into account and that your processes support everyone's participation. This could be done by having an accessible space, providing interpretation, and providing childcare.



For more information and ideas on what public housing resident councils around the country are doing, see the [Resident Council and Housing Authority Case Studies](#).

Having written bylaws helps a resident council operate transparently and democratically. Bylaws are an organization's operating manual. In this case, the organization is a resident council. The Bylaws set out how the organization operates, the responsibilities of the leaders (the Board of Directors) of the organization, and the rights and responsibilities of the Members.

These Bylaws often provide a rule for how the organization will operate. Your resident council may also want to adopt Procedures that give more detail on the steps to make that happen.

- For example, the Bylaws may say that the organization will meet 6 times a year. The procedures will explain which months the meetings will take place, how outreach for the meetings will be conducted, who will chair the meetings, and other procedures.



See the [Sample Resident Council Procedures](#) which are designed to accompany these Bylaws.



In this guide we use the term “Resident Council” but you might call your group of residents a tenant council, tenant association, resident association, or tenant/resident organization.



Federal rules for public housing: *You can find public housing regulations in the Code of Federal Regulations (CFR). Most rules related to resident organizing and participation are in Title 24, Housing and Urban Development, Part 964, Tenant Participation and Tenant Opportunities in Public Housing.*

*When you see a reference to **24 CFR 964** that is a reference to the section of the CFR that contains relevant regulations, a specific subsection may also be included.*

HUD Guidelines for Resident Council Bylaws and Customizing your Bylaws

HUD encourages residents to form resident councils and has certain requirements for resident councils to be recognized by the housing authority (PHA—Public Housing Authority) and receive tenant participation funds. HUD refers to resident councils that comply with these rules as duly-elected resident councils. These Sample Bylaws comply with HUD requirements for public housing resident councils (found at **24 CFR part 964**). However, many of the suggestions in these bylaws can be modified to fit your organization. This guide will help you understand the Sample Bylaws and how to customize them to fit your resident council.

HUD requires bylaws (or other written procedures) to include the following:

- Provide for residents to be elected to the governing board (Board of Directors) by the voting members at least once every three (3) years.
- Provide for the recall of the resident board by the voting membership through a petition or other expression and sets the minimum percentage of voting membership who must be in agreement in order to hold a recall election as at least 10 percent (the Bylaws may include a higher percentage).
- Have a governing board (referred to here as a Board of Directors) that is democratically elected by the voting membership with at least five (5) elected board members.
- Define the voting membership as “heads of households (any age) and other residents at least 18 years of age or older and whose name appears on a lease for the unit in the public housing that the resident council represents.”

These requirements are found in **24 CFR 964.115**.

Official Recognition as a Duly-Elected Resident Council

Resident Councils that follow these requirements “shall [be] officially recognized a duly elected resident council as the sole representative of the residents” by the PHA and HUD (24 CFR 964.18). Further, “In no event shall HUD or a [P]HA recognize a competing resident council once a duly elected resident council has been established. Any funding of resident activities and resident input into decisions concerning public housing operations shall be made only through the officially recognized resident council.” (24 CFR 964.18). For this reason, it is important for there to be only one resident council that represents a property and that resident council follow HUD guidelines in order to be recognized.



Terms to know

Members: the people who make up your resident council and who the resident council represents. This is generally all of the residents at the property or properties making up the resident council who are adults or the heads of the household.

Board members: Also called the executive committee. These are elected leaders of the resident council. The Board Members are responsible for running the organization.

Officers: Officers hold positions on the Board. The most common Officer positions are President, Vice President, Secretary, and Treasurer.

ARTICLE I: NAME

1. Name: You can use the name of your public housing community, or you can get creative! Remember, once you choose a name you should use it consistently and it may be difficult to change.

ARTICLE II: PURPOSE

Name of Property: The resident council represents everyone at a public housing property or at a combination of properties, including scattered sites. There can only be one recognized resident council at a property.

(These Sample Bylaws are designed for a resident council that represents a specific property or properties. Residents can also organize a *jurisdiction-wide resident council* that represents residents across multiple properties within your PHA.)

Purpose: Why do you want to create a resident council? The Resident Council may remove any of these points that do not feel relevant to your group. Since this list does not include every purpose you will not lose the right to do something that is not on the list, as long as it does not conflict with a purpose that is stated. However, you will likely want to keep all of these and add any other points that are important to your group. For example, you could add as a purpose, “create partnerships with outside organizations to further the mission of the organization” if that is important to your resident council.



Consider:

- What activities are required or promoted by HUD? These are recommended for inclusion to ensure the Resident Council stays aware of the requirements.
 - » HUD regulations describes that the role of the resident council, “is to improve the quality of life and resident satisfaction and participate in self-help initiatives to enable residents to create a positive living environment for families living in public housing” and that, “Resident councils may actively participate through a working partnership with the [P]HA to advise and assist in all aspects of public housing operations” (24 CFR 964.100). These roles can be understood to be the primary purposes of resident councils.
 - » Resident councils should support resident involvement in the PHA. HUD regulations describe that “Residents shall be actively involved in a [P]HA’s decision-making process and give advice on matters such as modernization, security, maintenance, resident screening and selection, and recreation” HUD further states that residents should be involved in management operations as well as in the “overall policy development and direction of Public Housing operations” (24 CFR 964.135).
 - » The PHA shall “ensure open communication and frequent meetings between [P]HA management and resident councils” and management-resident committees are that work on issues and planning are encouraged (24 CFR 964.18, applies only when the PHA has 250 or more units of public housing).
 - » The “resident council shall hold frequent meetings with the residents to ensure that residents have input, and are aware and actively involved in [P]HA management-resident council decisions and activities” (24 CFR 964.18, applies only when the PHA has 250 or more units of public housing).

- » The PHA and resident council should have a Memorandum of Understanding “detailing their partnership which is updated at least once every three (3) years” (24 CFR 964.18, applies only when the PHA has 250 or more units of public housing)
- » Resident councils “may form partnerships with outside organizations, provided that such relationships are complementary to the resident council in its duty to represent the residents, and provided that such outside organizations do not become the governing entity of the resident council” (24 CFR 964.117)
- **Are the purposes listed broad enough to include any future activities or issues you may want to undertake?**

ARTICLE III: MEMBERSHIP

1. Members: HUD regulations require the bylaws to include a statement that defines membership as all residents who are at least 18 years of age or the head of the household (of any age) whose name appears on a lease for a unit in the represented property (24 CFR part 964.125).

The regulations also permit the organization to *establish additional criteria that are non-discriminatory and do not infringe on rights of other residents in the development*. Any additional criteria must be stated in the bylaws (24 CFR part 964.125).

- The Sample Bylaws automatically make everyone living in the property a member. You could instead invite members to *join* the resident council.
- Any additional limitations cannot be based on someone’s identity or beliefs. Membership could be limited, for example, to people who sign a membership card.
- Instead of having the quorum be a percentage of occupied units it could be a percentage or exact number of members.
- It should be easy at a meeting to determine who is a member and can vote.



A **quorum** is the minimum number of members who must be present at meetings in order to conduct business and make decisions.



Consider:

- Will any additional requirement further the goals of the resident council?
 - » For example, having people sign up as members can make it easier to know who the resident council represents but it can also create administrative challenges.
- Will it be clear who is a member and who is able to vote?
 - » For example, if people need to be lease compliant to be a member and vote on regular resident council business it could be difficult to know how many members there are and who qualifies.
- Are there potential conflicts of interest? Should PHA employees be allowed to be members? Should this apply to all PHA employees or just ones in policy and supervisory positions? What are the potential conflicts of interest?

2. Members' Rights: It is recommended that resident councils retain all of the rights in the Sample Bylaws. If the resident council is considering eliminating any of these, they should check first with the HUD regulations. The Resident Council may add additional rights. HUD regulations include the following member rights:

- Nominate Members of the Resident Council to the Board of Directors (24 CFR part 964.130).
- Run for and serve on the Resident Council Board of Directors, as long as the Member is in compliance with the lease (24 CFR part 964.125).
- Vote to elect the Board of Directors (24 CFR part 964.125).
- Participate in the organization's meetings and activities held for Members (24 CFR part 964.18).
- Participate in the recall of a member of the Board of Directors (24 CFR part 964.115).



Consider:

- What types of decisions should the membership be able to make?
- What decisions can be left to the Board?

ARTICLE IV: MEMBERSHIP MEETINGS

1. Number of meetings: HUD regulations state that, "The resident council shall hold frequent meetings with the residents to ensure that residents have input, and are aware and actively involved in [P]HA management-resident council decisions and activities" (24 CFR 964.18). Most effective resident councils meet monthly, though some resident councils may hold a social event instead of a meeting in certain months.

- The number of meetings in the bylaws should be do-able for your resident council. You can always hold more than the minimum number of meetings but if you go below what is called for the group is no longer in compliance with the bylaws.
- If you require too many meetings, it may be difficult to get participation at all the meetings.
- If you require too few meetings, the members may not receive updates and may feel that the board of directors is making all of the decisions without input from members.



Consider:

- How often does the resident council need to meet in order to get work done?
- How often does the resident council need to meet in order to be able to meaningfully participate in decision-making?
- Are there months when it will be difficult to get resident participation (this could be due to weather or holidays)?



Senior buildings often hold resident council meetings during the day. For example, 10 AM on the 1st Tuesday of the month.

Family buildings should hold meetings outside of regular work hours. For example, 6 PM on the 1st Tuesday of the month.

Some resident councils alternate between daytime and evening meetings in order to reach more people.

1. b. Notice: the resident council needs to advertise meetings to members. It is recommended that meetings be held at regular times (so that people will remember them) but also post notices one week in advance. Your resident council procedures will include specifics on how you are reaching members and when you will hold meetings.



Consider:

- What are places in your building(s) where people will see the notices? (entryways, laundry rooms, bulletin boards, etc.)
- In addition to physical notices, do you want to require electronic notices through email, text, or a Facebook page?

1. c. Agenda: It is important that residents know what is on the agenda. If an important topic is discussed or decided, but it was not on the agenda, residents may feel excluded from the decision-making process. Further, seeing items on the agenda that they are interested in will encourage members to attend a meeting.

The Sample Bylaws state that members can add items to the agenda through a written process, so that not only board members, but all members, can decide which topics are important. The Bylaws also give an option for people to suggest an item at a meeting and have people vote on whether they want to discuss it at that meeting or in the future. How you handle creating a meeting agenda is up to your resident council.



Consider:

- How should meeting agendas be shared? (email, paper copies, translations).
- If items are added to the agenda after the original notice is posted, how will members be made aware of the addition?
- What if an important last-minute decision is needed?

3. Attendance: Only members have the *right* to attend meetings. All others, including staff of the housing authority, organizers, facilitators, or government representatives may only attend if invited or if they have a standing place on the agenda.



Consider:

- What are situations in which management should attend meetings? What is the process for them to attend?
- Is it helpful to always have a representative(s) from the PHA (i.e. management, security) at the meeting? Should management, security, or other PHA staff have a standing place on the agenda?

5. Virtual meetings: This is an optional provision and can be removed. The resident council may want to include a way for some or all meetings to take place virtually.



Consider:

- Will virtual / phone meetings work for your community?
- Will this allow more people to participate? Or will it exclude people?
- Can the Board or another member provide tech support?

8. Voting: The Resident Council may decide if it wants to allow proxy or absentee voting in all cases, or perhaps only if a member cannot vote in person for specific reasons. Allowing absentee or proxy voting does raise logistical issues.

9. Quorum: Quorum refers to how many members must be present in order to conduct business (particularly voting) in a meeting. In the Sample Bylaws, there is no quorum requirement except for certain very important decisions. Quorum for important decisions is optional but highly suggested. You can change the quorum requirement.



Consider:

- Do you want to require a quorum for all decisions?
- Which decisions are very important, and should always require more participation?
- If you set a quorum, how will you calculate it? Is it simple to do at a meeting?
- Even well-attended meetings will not have 100% participation.

ARTICLE V: BOARD OF DIRECTORS

The Board of Directors, is the executive committee of the resident council. It is responsible for coordinating the activities and operations of the Resident Council. While the Board often carries out decisions it is generally the membership that makes the decisions.

1. Number of Board Members: HUD requires at least 5 Board members but you may have more (24 CFR 964.115). An odd number is recommended so that votes do not end in a tie.



Consider:

- Is your property very large? Are there multiple buildings that should be represented?
- Are there different communities that should have representation on the Board?

2. Term: HUD requires that Resident Councils hold elections at least once every three years (24 CFR 964.120). Your resident council can use this schedule or hold elections more often. Staggered terms for Board members are not required but are recommended to ensure that not everyone leaves the Board at one time. The Sample Bylaws recommend having some initial terms that are one year and some that are two years. This will ensure that some Board members with experience stay on the Board. Holding elections every year allows new leadership to come on regularly and the opportunity to engage members through the election process.



Consider:

- Does your resident council have the capacity to run elections every year?
- What would happen if all the Board members were replaced at one time?

3. Responsibilities: The Board is generally responsible for carrying out membership decisions and making day-to-day decisions to manage the organization. It is recommended that certain major decisions be reserved to the entire membership. It is recommended that these important decisions match the ones that require a quorum (in Article IV, Section 9). Having certain decisions that only the members can make is optional.



Consider:

- What issues could come up where it would be important to hear from everyone?
- Are there decisions that are too important for the Board alone to decide?

4. – 6. Board meetings: Like the Resident Council, the Board should work to have regularly scheduled meetings with a public schedule. The Resident Council may decide how much notice is given to members for the Board for meetings and how people are notified.

7. Quorum: It is not required to set a quorum for the Board, but it is recommended that voting require a quorum. In making this decision, consider how many people are on the Board. More than half should be present for a vote.

9. Filling vacancies: Vacancies on the Board can be filled either by the Board, the membership through a special election, or can be left vacant until a general election as long as the Board will have enough members to maintain quorum.



Consider:

- How long will the process take to fill a vacancy through a general election?
- If one Board position is vacant, how will it affect the Board's functioning?

ARTICLE VI: ELECTIONS OF THE BOARD OF DIRECTORS

HUD *requires* that:

- The resident council hold elections at least once every 3 years.
- A third party oversee the elections, and that the PHA be allowed to monitor them.
- All voting members must be given at least **30 days notice** of elections.



Consider:

- What frequency of elections is needed in order to match the Board terms (i.e. if there are one year terms, annual elections are needed)?

For a complete list of the requirements from HUD see Election procedures and standards, [24 CFR 964.130](#). (See the [Sample Resident Council Procedures](#) for more information on the election process.)

2. Board eligibility:

- HUD requires that Board members meet the requirements for Membership and be in compliance with their lease ([24 CFR 964.125\(c\)](#)).
- Lease compliance is not spelled out in HUD regulations. The Sample Bylaws allow people who are in an *ongoing* grievance or court process to still be considered “in compliance.”
 - » For example, someone who has negotiated a payment plan, and is meeting the payment schedule, would be considered in compliance.

- HUD prohibits Board officers from serving as contractors or employees of the PHA in policy-making or supervisory positions (24 CFR 964.145).
- The resident council may decide if someone who was removed from the Board or an Officer position should be able to run again. Some councils allow the person to run again immediately while others prohibit the person from ever running again. These Sample Bylaws suggest 5 years before the person can be on the Board again, no matter the reason they were removed.



Consider:

- How will the resident council ensure members are in compliance with the lease? Is the resident council's definition easy to understand and enforce? (See the [Sample Resident Council Procedures](#) for more information)
- If someone was removed from the Board should they be allowed to join the Board again? Does it matter *why* they were removed (for example for stealing from the resident council?)

3. Process: The details of nomination and voting process may be set by a committee and spelled out in the procedures. This is recommended since these specifics may need to change from year to year.

4. Notice: HUD requires that notice for the election at least thirty (30) days before voting which include information about the eligibility requirements for Board members, the nomination process, and the election process (24 CFR 964.130). Additional notice may be provided as well.



Consider:

- How can your resident council engage as many people as possible in the election process?
- Where and when should notices be provided to maximize participation?

5. Conduct of elections: HUD *requires* that the resident state election procedures in the bylaws. The Board of Directors may establish an Election Committee to assist with conducting elections or recall elections. The election committee may include volunteers from outside the resident council. If a Committee is created, no member of the committee may be a candidate for election.

Many Resident Councils have a 2 month process for elections. The first month is the nomination period with at least 30 days to make nominations and provide information on eligibility, and the election process. The next month candidates can campaign up until the election.



Consider:

- How can you maximize participation through notices, outreach, and accessibility?
- How can the resident council or committee ensure that members understand and trust the voting process?

6. Recall elections: HUD requires that the bylaws include procedures for the recall of Board members (24 CFR 964.130). The request for a recall must be signed by at least ten percent (10%) of the voting membership and state the reasons for the recall request (24 CFR 964.115).

The [Sample Resident Council Procedures](#) suggest “good cause” reasons for removal of a Board member including repeated absences from meetings, violations of the law, or using their board position for personal gain. The resident council may decide what constitutes good cause reasons to remove a board member. In these examples the reasons are included in the procedures.



Consider:

- How difficult should the process be to remove a Board member? (How many signatures should be required?)
- How can you ensure Board members will not be removed for personal reasons such as a disagreement between members?

ARTICLE VII: OFFICERS

2. Election of Officers and Responsibilities: The Resident Council Officers can be elected by the membership or, once a Board is elected the Board members can decide on their positions. Most resident councils have the membership elect representatives to specific officer positions. This way, the candidates identify the position that they would like to hold and can campaign for that position. Other resident councils prefer to decide internally who would be best suited for each position.



Consider:

- Would the Board like to recruit people to run for specific positions?
- Should Board members be able to decide who is best at which position?

3. Positions: The Resident Council may choose Officer positions that are important to the community. The Sample Bylaws list the most common positions—President, Vice-President, Secretary, Treasurer, and Alternate Officers—and their primary responsibilities. However, your resident council may choose other positions such as a Technical Officer to help with virtual meetings, or a Parliamentarian to ensure meeting procedures are followed. The [Sample Resident Council Procedures](#) have additional information on Officer duties and responsibilities.

ARTICLE X: BYLAWS

4. Amendment of the bylaws: The Sample bylaws state that at a properly-noticed meeting (that includes details of the proposed amendments), two-thirds of those present could change the bylaws. There are no special HUD requirements for amendments. Most resident councils choose to have a higher than majority threshold for changes to the bylaws because the bylaws are meant to create a democratic organization and protect member's interests. If a small group were to change the bylaws, they could make the organization less democratic by changing quorum and voting requirements and, for example, allow a small group to make decisions related to a redevelopment project.



Consider:

- How can you ensure that changes are not made to the bylaws to benefit a small group?
- How do you ensure that changes can be made in cases that the bylaws are not working?
For example, if you want to change the number of Board members or a notice requirement.