



# Sample Resident Council and Housing Authority Memorandum of Understanding



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**Note:** HUD strongly recommends that housing authorities and resident councils consult their own lawyers before signing any legal document, including this sample Agreement. Your state laws or other factors may affect this agreement. 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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# CREATING A MEMORANDUM OF UNDERSTANDING WITH YOUR HOUSING AUTHORITY

**A Memorandum of Understanding (or MOU, for short) is a written agreement between two parties.** In the case of public housing, an MOU is a legal agreement between a resident council and a housing authority. An MOU spells out a common understanding of the working relationship between a resident council and a housing authority. It clarifies what kind of support a housing authority will provide a resident group and creates meaningful ways for residents to participate in improving their community and making decisions related to the housing authority's plans, policies, and procedures.

According to HUD rules, housing authorities with 250 units or more must have a Memorandum of Understanding with the resident council that describes their partnership. This MOU must be updated at least every three years. HUD regulations allow housing authorities with fewer than 250 units the option of participating in activities related to supporting a resident council. They are not required to enter into an MOU with the resident council but are encouraged to do so ([24 CFR 964.18\(b\)](#)).

You can use the [sample MOU](#) in this document as a starting point. If you try something and it doesn't work, remember you can re-negotiate with the housing authority.



*In this guide we use the term “Resident Council” but you might call your group of residents who work together to improve the community a tenant council, tenant association, resident association, or tenant/resident organization or another name.*

## Having an MOU is important for a number of reasons:

- **It's required when the PHA has more than 250 units.** HUD regulations say that the housing authority and the resident council need a written agreement that details “the elements of their partnership agreement and it shall be updated at least once every three (3) years.” (24 CFR 964.18(a)(10))
- **It provides clarity.** An MOU ensures that the Resident Council and the housing authority are on the same page with regards to regulations, responsibilities, and any agreements. An MOU:
  - » Ensures that the housing authority is aware of its responsibilities to involve residents in shaping housing authority policies.
  - » Gives residents the opportunity to think through and define how to meaningfully participate in decisions related to the housing authority plans and their housing.
- **It provides accountability.** The MOU helps the housing authority and resident council work together and makes sure both groups will meet their responsibilities under HUD regulations. It can be helpful to specifically spell out what provisions mean.
  - » For example, instead of saying “meet regularly” include how many times the groups will meet.
  - » Or, instead of just noting that the PHA will share documents, include how much notice the Resident Council will have to review the documents, and which documents will be shared.

- **It provides stability and continuity.** Putting agreements in writing ensures that they are there to refer to at any time and when needed. If the specific people involved change, for example a new president of the resident council is elected or staff at the housing authority changes, they will have the agreement to refer to.

### Public Housing Residents Right to Organize

All housing authorities, regardless of size, are required to:

- Permit residents to organize. This means the housing authority cannot stop your resident council from meeting, putting up flyers, or holding events.
- Recognize the first “duly elected resident council” as the sole representative of the residents and not officially recognize a competing resident council.
  - » However, to stay recognized as the proper representative of residents, the resident council needs to remain democratic—that means regularly holding elections and not discriminating against any residents.
- Provide guidance to residents, when requested, in establishing and maintaining a resident council.
- Provide the resident council with information concerning the PHA policies on resident participation in management.

Additionally, among other requirements, housing authorities with more than 250 units of public housing are required to:

- Provide a duly recognized resident council office space and meeting facilities, free of charge, preferably within the development it represents.
- Negotiate with the resident council on all uses of community space for meetings, recreation and social services and other resident participation activities, if requested.
- Ensure open communication and frequent meetings between PHA management and resident councils and encourage the formation of joint PHA management-resident committees to work on issues and planning.
- Provide training. Specifically, “in collaboration with the resident councils, [the housing authority] shall assume the lead role for assuring maximum opportunities for skills training for public housing residents. To the extent possible, the training resources should be local to ensure maximum benefit and on-going access” (24 CFR 964.105).



### **Federal rules for public housing:**

*You can find public housing regulations in the Code of Federal Regulations (CFR).*

*Most rules related to tenant 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.*

### **24 CFR 964.18**

*includes the regulations related to MOUs.*

# Negotiating an MOU with the housing authority

**The resident council should create the first draft of the MOU.** This will let the resident council internally determine priorities and what processes they would like to propose. Use the Sample MOU to give **you** ideas about what to include in the MOU. A good MOU is very detailed so it will likely make sense to have a committee draft it but it is important to get resident input throughout the process. A thorough process for creating the first MOU will likely take at least a few months.



*For ideas on how to engage residents and get resident input see [Guide 2: Engaging Residents and Representing Resident Interests](#).*

- **Get resident input:** what issues are most important, how do residents want to work with the housing authority, and, if they have experience with a resident council, what worked or did not work.
- **Create an MOU working group:** This small group of residents will create a draft MOU, consult with the resident council, and negotiate with the housing authority
- **Get support:** Ask an attorney with experience working with resident councils to review your draft for clarity, legal issues, and to ensure nothing is missing. Contact your local Legal Aid office, state pro bono bar association, or a community organization that provides tenant organizing or other support to renters. You may also get support from another resident council that has successfully negotiated an MOU.



*For more ideas, see [Guide 6: Partnering with Local and Community Organizations](#).*

- **Resident input (again):** Bring the proposed draft back to the resident council for review and to get input on issues that involve the full group.
- **Send the MOU to the housing authority** and request a meeting to discuss the MOU and how to implement it. Give the housing authority time to respond but follow-up if you do not get a response in a few weeks.
- **Prepare to negotiate:** A couple working group members should prepare to present the MOU and rationale behind it. One member should plan to take notes. Invite a lawyer or tenant advocate to support you. Think about what areas you would be willing to compromise on and which areas are not negotiable. If you reach an impasse, a supporting organization or third party may be able to support with prioritization or negotiations.



## Negotiating an MOU

Get resident input



Create an MOU working group



Get support



Resident input (again)



Send the MOU to the housing authority



Prepare to negotiate



Meet with the housing authority



Decide on compromises with the full resident council



Agree on a final draft in a resident council meeting



Celebrate!



- **Meet with the housing authority:** You may need to negotiate the MOU with the housing authority. Start with the resident council's goals around working with the housing authority. Go paragraph by paragraph and note areas of agreement, disagreement, and compromise proposals. Set up a next meeting to either begin your working relationship or to continue negotiating.
- **Decide on compromises with the full resident council:** Bring back any compromise proposals to the full group for a decision.
- **Agree on a final draft in a resident council meeting** and have the President, and any other Officers, sign.
- **Celebrate:** announce that the resident council and housing authority have an agreement that will allow the organization to be involved in more decisions on issues impacting residents' lives.



## Tips for the MOU

- For the first MOU, you may want to focus on starting a working relationship with the PHA by specifying a meeting schedule. You can always renegotiate or add more specifics as the relationship progresses.
- Make sure the agreement will work in the real world and that both parties are on the same page about what each item means. Think about what specific points will look like and be sure to include any specifics that will be needed to make sure the item actually happens.
  - » **For example**, rather than saying that the PHA and resident council will “meet regularly,” spell out how often the groups will meet and in what months the meetings will take place. “Meetings between the PHA and Resident Council Board of Directors will take place quarterly in January, April, July, October.”
- For items that may have a cost, spell out who will pay.
  - » The MOU can spell out how many trainings a year the housing authority will provide or specific trainings that the housing authority will pay for.
    - **For example**, “Housing authority staff will provide two trainings per year to resident council board members.” Or “\$\_\_\_\_\_ per year from tenant participation funds allotted to the housing authority will be used to provide training for the resident council.”
  - » The MOU states that an arbitrator will be used to resolve disputes. The MOU should specify who will find a volunteer arbitrator or will pay for an arbitrator.
    - **For example**, “The housing authority will seek an arbitrator who will provide in-kind assistance. If a pro bono (free) arbitrator cannot be found, the housing authority may pay for an arbitrator using their tenant participation funds.”

## Jurisdiction-wide Resident Councils

This Sample MOU is most useful for an individual resident council. A jurisdiction-wide resident council, which represents residents across multiple properties, can also negotiate an MOU (see [24 CFR part 964.105](#), Role of the jurisdiction-wide resident council).

**Note:** HUD strongly recommends that housing authorities and resident councils consult their own lawyers before signing any legal document, including this sample Agreement. Your state laws or other factors may affect this agreement. Local bar associations, law schools, or legal aid societies may be able to help.

# Sample Resident Council and Housing Authority Memorandum of Understanding

Date: \_\_\_\_\_ (enter date)

This Memorandum entered into between the \_\_\_\_\_  
(name of the housing authority), which will be referred to as the “PHA” in this document, and the  
\_\_\_\_\_ (name of the resident council)  
which will be referred to as the “Resident Council.”

## The Resident Council is committed to:

- Improving the quality of life in our community.
- Working to improve the conditions of the property, services available to residents, and to further the goals of the residents.
- Maintaining a functioning resident council which complies with all HUD regulations to be a legitimate resident council and to fully comply with the Resident Council Bylaws and any other governing documents.
- Representing all of the residents in the community without discrimination, and remaining democratic in its decision-making.

## The PHA:

- Recognizes the Resident Council as the sole representative of the residents it purports to represent, and support its resident participation activities.
- Supports the Resident Council in taking responsibility for its community.
- Supports active resident participation in decisions affecting their quality of life and community.
- Commits to negotiating respectfully and in good faith with the Resident Council about issues of concern to the residents.

This document is built on the agreement that both parties will work to foster a mutually respectful and productive relationship and formalizes the working relationship by setting out the agreed upon responsibilities of both parties.

## Responsibilities

### The PHA shall:

1. Recognize the duly elected Resident Council as the sole representative of the residents who reside in the \_\_\_\_\_ (name of the property/ properties).
2. Recognize the residents right to organize in accordance with **24 CFR part 964.18** including:
  - a. Permit residents to organize. This means permitting the resident council to meet, conduct outreach including putting up flyers, and holding events.
  - b. Provide guidance to residents, when requested, in establishing and maintaining a resident council.
  - c. Provide the resident council with information concerning the PHA policies on resident participation in management.
  - d. Provide office and meeting space.

- 3.** Permit the Resident Council maximum feasible participation in decisions and changes affecting the lives of \_\_\_\_\_ (name of the property/ properties) residents (24 CFR 964.135).
- 4.** Make available to the Resident Council information which the PHA has in its possession which will help the Resident Council in performing its responsibilities under this agreement. This information will be provided proactively by the PHA, and will also be available by request. Shared information is including, but not limited, to:
  - a.** access to relevant documents, such as proposed policies and plans, correspondence between the housing authority and HUD,
  - b.** minutes from board meetings, and
  - c.** contracts with bidders.
- 5.** Require that the property manager inform all new residents that there is an active Resident Council and let them know where they can find information on upcoming meetings (bulletin board, newsletter, flyer, etc).
- 6.** Not interfere with the internal affairs of the Resident Council unless they are in violation of HUD rules and regulations or PHA policies and procedures.
- 7.** Meet regularly with the Resident Council \_\_\_\_\_ (choose the frequency of meetings: as needed, at least annually, 2 / 3 / 4 times per year) to discuss issues of concern and interest to both parties, including meetings on particular issues with the relevant PHA staff members (i.e. meeting with security on issues of public safety). (24 CFR 964.18)
- 8.** Form joint committees with the Resident Council as needed. (24 CFR 964.18)
- 9.** Involve residents in the overall policy development and direction of public housing operations (24 CFR 964.135) including providing notice of proposed policy changes and meeting with the Resident Council before changing major policies in order to get residents' input and shape decisions.
- 10.** Provide information to and consult with the Resident Council and respond to feedback regarding budget requests, modernization plans, and other major proposals (24 CFR 964.135).
- 11.** Provide training to the Resident Council, upon request, to ensure that the Board and Members have the skills and information to fully carry out their responsibilities including developing and implementing federal programs that affect public housing (CFR 24 964.18).
- 12.** Email the Resident Council with notices of PHA job openings that can be posted on the Resident Council bulletin board or otherwise shared with residents.
- 13.** Promptly respond to and act on all recommendations made to the PHA by the Resident Council. A response shall be considered "prompt" if it is received within \_\_\_\_\_ days (recommended 30).
  - a.** The PHA shall notify the Council of its decisions and the reason or reasons which led the PHA to reach said decision.
  - b.** The PHA agrees to provide written responses to written comments that a resident group makes about any change in policy.
- 14.** Provide space for Resident Council meetings, including providing the resident council private office space, a telephone, a meeting room, access to the internet, and repair services for office equipment (24 CFR 964.18)



15. Monitor the Resident Council election process and establish appeal procedures pursuant to HUD requirements (24 CFR 964.125).
16. Provide tenant participation funds to the Resident Council to support its operations as well as training on the law, skills, and organizational issues, as allocated in the PHA operating budget and required by HUD. The PHA agrees to provide accounting assistance, as needed, to help the group develop its capacity to manage funds. (24 CFR 964.115)

**The Resident Council shall:**

1. Ensure that all eligible residents of \_\_\_\_\_ (name of the property/properties) are entitled to participate in all activities of the Resident Council (24 CFR 964.115).
2. Adopt written bylaws and procedures for the Resident Council as required by HUD (24 CFR 964.115).
3. Create informational materials related to the Resident Council for new residents. This may include a copy of the meeting schedule and organizational Bylaws.
4. Elect a governing board that is democratically chosen by the voting membership in a fair election (24 CFR 964.115).
5. Meet regularly as a Resident Council, at least \_\_\_\_\_ times per year (the number mandated in the Bylaws), to ensure residents are aware of and can be actively involved in PHA management decisions and activities and that the needs and desires of the residents are incorporated into community plans (24 CFR 964.118).
6. Meet regularly with the PHA \_\_\_\_\_ (choose the frequency of meetings: as needed, at least annually, 2 / 3 / 4 times per year) to discuss issues of concern and interest to both parties and to give reasonable notice and invite appropriate PHA staff on particular issues (i.e. meeting with security on issues of public safety) (24 CFR 964.118).
7. Require independent third-party oversight of election and recall procedures. Provide at least 30 days notice for Resident Council elections and permit the PHA to monitor the election process (24 CFR 964.130).
8. Establish and maintain records and accounting procedures mutually agreeable to the PHA and the Council.
9. Complete and submit the following to the PHA prior to receipt of tenant participation funds:
  - a. signed assurance that all expenditures will be lawful and promote the successful operation of the property (See the **Sample Resident Council and PHA Tenant Participation Funds Agreement**) (24 CFR 964.150),
  - b. annual budget request,
  - c. annual financial report, and
  - d. approved annual budget.
10. Permit the PHA to inspect and audit the Resident Council's finances (24 CFR 964.150).

## Length of Agreement

This agreement shall be in effect from the time of acceptance by both parties until it is revised. The agreement shall be revised no less than every 3 years.

The Resident Council has accepted this Agreement by reading it at a Resident Council meeting and having it approved by the membership. The agreement was read and approved on \_\_\_\_\_  
(date) by the \_\_\_\_\_ (name of the Resident Council).

Signatures

\_\_\_\_\_  
Housing Authority representative: (Name, Title)

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Resident Council representative: (Name, Title)

\_\_\_\_\_

Date: \_\_\_\_\_

## Optional sections

The above sample MOU is provided to assist the Resident Council in developing a comprehensive agreement with the housing authority. Both parties are encouraged to update the above sections to better suit the PHA and Resident Council needs and to develop additional provisions that are mutually agreeable. The optional sections below are provided as additional provisions to consider for inclusion.

### **The PHA shall:**

- Provide the Resident Council an automatic place on the housing authority's governing board meetings agenda and will provide the Resident Council with agendas and handouts for the meeting at least \_\_\_\_\_ days (suggested 3 business days) in advance of the meeting.
- Determine resident interest in participating in activities involving their community, including management of specific functions of the property. Provide the Resident Council with information concerning the PHA's policies on resident participation in management. (24 CFR 964.18)
- Work with the Resident Council on developing economic opportunities for residents.
- Provide space for a Resident Council representative on hiring committees for key PHA staff. Key staff shall include staff in management roles directly related to public housing, including security, as well as senior agency staff including the executive director.
- Involve interested residents and officers of the Resident Council in all phases of the budget process through education and direct participation. (24 CFR 964.135)

## **Resolution of disputes**

If the housing authority and resident council have a dispute that cannot be resolved, both agree to go through arbitration and abide by decisions of an independent arbitrator.

## **Term of the agreement**

An annual reading of this document at a Resident Council meeting shall be done to determine any need for revision. After at most three (3) years in effect, the Resident Council will negotiate a renewed MOU with the PHA.

## Addenda

Your Resident Council may want to attach "addenda" to the MOU. For example, you may want to include a form for the use of the common space, or a list of meeting dates.