

1 BYLAWS OF THE

2

TENANT COUNCIL

3 ARTICLE I

4 Name, Office, and Agent

5 NAME:

6 The name of this organization is the _____ Tenant Council (hereafter referred to as the
7 "Council).

8 ADDRESS:

9 The address for the transaction of business of the organization shall be established and maintained at a
10 location determined by the Council. Any such location shall be within the community.

11 AGENT:

12 The Council shall name an agent upon whom all communications, notices or judicial papers may be served
13 from time to time, and such agent may be the President.

14 ARTICLE II

15 Purpose

16 The purpose of the Council is to be a representative of and voice for all the tenants of this community The
17 nature of the activities or purpose to be conducted or promoted by the Council include:

18 A. TENANT ADVOCACY AND ORGANIZING

- 19 1. To act to change such rules, regulations, practices or policies of management as are found to be unfair
20 or inequitable to tenants of the community;
21 2. To act to protect the life or property of tenants of the community, all within the framework of
22 existing laws and lawful regulations;
23 3. To act independently or cooperatively with others to inform tenants of their rights and privileges
24 under existing laws – federal, state, or local;
25 4. To cooperate with other tenant councils elsewhere within the State of Delaware and beyond in
26 representing the interests of all tenants.

27 B. GENERAL PROVISIONS

- 28 1. To maintain a viable tenant organization which acts for and on behalf of all the tenants who live in
29 the community;
30 2. To establish such rules and regulations for the operation of its organization,
31 3. To engage the services of competent persons in areas where its own membership lacks the necessary
32 qualifications and to further employ such other persons as may be necessary to carry out the purposes
33 herein defined;
34 4. To receive and accept donations, gifts and real property necessary to carry out the purposes herein
35 defined;

36 C. COMMUNITY IMPROVEMENT

- 37 1. To receive official recognition from management and government as a tenant council pursuant to
38 existing laws and lawful regulations;
39 2. To serve as a means for the tenants to be involved in the property management, maintenance,
40 modernization activities, and social matters affecting their communities;
41 3. To establish a partnership process with management to ensure tenant input and participation in
42 agency operations and direction;
43 4. To act to promote security of tenure in the community, including through tenant self-management
44 and tenant ownership

45 ARTICLE III

46 Membership and Council Board of Directors

47 MEMBERSHIP:

48 Any member of a household whose name is on the lease of a unit in the community is eligible to become

1 a member of the Council. The eligible voting membership shall be limited to designated heads of household
2 (any age) and other members of the household who are 18 years or older whose name appears on the lease
3 of a unit in the community. The Council may establish additional criteria that are nondiscriminatory and
4 do not infringe on the rights of other tenants in the community.

5 **TENANT COUNCIL BOARD:**

6 The Board of Directors of the Council shall have the formal responsibility to manage the affairs of the
7 organization, to conduct its business and to consult with and inform the tenants. To ensure continuity,
8 board members' terms should be overlapping, starting and ending during different years. Special
9 arrangement should be made for the first Board of Directors to provide for these staggered terms of office.

10 **NUMBER:**

11 The Board of Directors of the Council shall consist of not less than five (5) members. Additional board
12 members shall be elected by the members at its discretion.

13 **TERM OF OFFICE:**

14 Members of the Board of Directors shall be elected by the tenants of the community and shall serve for a
15 term of two (2) years. Persons may run for re-election.

16 **QUORUM:**

17 Fifty percent (50%) of the members of the Board of Directors shall constitute a quorum to transact the
18 business for the Council. Polling of the board is a permissible form of quorum when the board is unable to
19 meet and an urgent matter needs to be addressed.

20 **POWERS:**

21 The members of the Board of the Council shall conduct all the business of the Council. The acts, resolutions,
22 or recommendations of all committees shall become effective only upon resolution of the board.

23 **NOTICE OF FAILURE TO PERFORM DUTIES AND REMOVAL:**

24 If a member of the Board of the Council fails or neglects to perform his or her duties in a reasonable manner
25 consistent with the responsibilities of the position or office, said member will be notified in writing by the
26 initiative of any tenant. The notice will include the specific unfulfilled or neglected duties and such other
27 information as will allow the Council to be fully aware of the failure to perform. The relevant removal
28 procedures of these bylaws will be stated in the notice.

29 A removal action is initiated by a petition that: states the specific grounds for the removal in clear and
30 sufficient detail, is signed by adult tenants of at least ten percent (10%) of the occupied units of the
31 community, and is delivered to the Council with copies delivered to the party whose removal is sought.

32 The Council officers shall be removed by a majority vote of all the members of the Council at an election
33 of recall under the supervision of an independent party. All Council officers and members shall be sent
34 notice in writing at least ten days before the recall election. Any officer so removed shall be ineligible to
35 serve as a Council officer for the remainder of said term.

36 **ARTICLE IV**

37 **Elections**

38 **ELECTIONS:**

39 There shall be fair and democratic procedures scheduled and held annually in the community. An Election
40 Committee of the Council may be formed to facilitate the election process.

41 **OVERSIGHT:**

42 The Council shall use an independent third-party to oversee the entire process of any nomination, election,
43 or recall election. At a minimum, the Council may use local election commissions, League of Women Voters,
44 Urban League, etc. for the oversight responsibility.

45 **ELIGIBILITY:**

46 Any qualified voting member of a tenant council who (1) meets the requirements described in the bylaws,
47 (2) is a leaseholder or spouse of a leaseholder at the time of the election, (3) who maintains compliance

1 with the lease, and (4) who is not an employee of management, may seek office and serve on the Board
2 of Directors of the Council.

3 LIST OF VOTERS:

4 The Council shall use a complete list of all the persons entitled to vote, if possible. Proof of residency at time
5 of voting is acceptable.

6 NOTICE OF ELECTION:

7 All voting members of the tenant community shall be given sufficient notice (at least 30 days) for
8 nominations, elections, and recall elections. The general election or recall process shall be held at any time
9 after this period at the discretion of the tenant council. The notice shall include a description of election
10 procedures, eligibility requirements and dates of nomination and election. The Election Committee shall
11 set up further rules and regulations for the conduct of the election to the Council.

12 INDEPENDENT OVERSIGHT:

13 The Council or Election Committee shall invite an qualified third party to monitor the activities of the entire
14 election process, to certified a democratically run election. That party shall establish a procedure to address
15 the failure to conform to minimum standards for a democratically held election process. This includes the
16 possibility of declaring that the election results are not certified.

17 MEMORANDUM OF UNDERSTANDING:

18 The Council shall strive to work with management to develop a sound working partnership. This
19 partnership may be formalized in a memorandum of understanding, setting forth cooperative means of
20 establishing goals and objectives to achieve them.

21 ARTICLE V

22 Distribution Upon Dissolution

23 The assets of the Council in the process of dissolution shall be applied and distributed as follows:

- 24 A. All liabilities and obligations of the Council shall be paid, satisfied and discharged, or adequate
25 provisions shall be made therefore.
26 B. Assets held by the Council upon condition requiring return, transfer and conveyance, which condition
27 occurs by reason of the dissolution shall be returned, transferred or conveyed in accordance with such
28 requirements.
29 C. Assets held for a charitable, religious, eleemosynary, benevolent, educational or similar use, but not held
30 upon a condition requiring their return, transfer or conveyance by reason of the dissolution shall be
31 transferred or conveyed to one or more domestic or foreign corporations, societies or organizations
32 engaged in activities substantially similar to those of the Council, pursuant to a plan of dissolution.

33 ARTICLE VI

34 Amendments

35 These bylaws may be amended or repealed and new bylaws adopted by a majority vote of a quorum of the
36 voting members of the Council, provided that a copy of the proposed change or changes is posted in a
37 conspicuous place at the principal office and submitted to each member at least fourteen (14) days prior to
38 the meeting in which said vote shall be taken.

39 ARTICLE VII

40 Adoption

41 These bylaws shall be adopted and become effective upon the affirmative vote of at least two-thirds (2/3)
42 of the eligible members and upon the signatures of the authorized board membership.

43 Approved and ratified at the membership meeting of the ____ day of _____, _____.