

**INSTRUCTIONS FOR DISCLOSURE BY STATE, COUNTY OR
MUNICIPAL EMPLOYEE AS REQUIRED BY G. L. c. 268A, § 20(b)**

FINANCIAL INTEREST IN A MUNICIPAL CONTRACT

The conflict of interest law does not prohibit municipal employees from applying for and renting or purchasing a unit restricted by the BPDA while continuing to be a City employee, provided that the City employee complies with the following restrictions.

BPDA-restricted units are subject to contracts such as Affordable Housing Agreements (AHAs), Affordable Rental Housing Agreements and Restrictions (ARHARs), Land Disposition Agreements (LDAs), land lease agreement restrictions, or other similar types of covenants. These contracts for income restrictions, which also restrict rental and purchase prices, can be obtained from the restricted Unit's landlord or seller and some are available for view at the Suffolk County Registry of Deeds.

WHEN TO USE THIS DISCLOSURE FORM

City employee or immediate family member of a City employee

Section 20. Section 20 of the conflict of interest law prohibits a municipal employee from having a direct or indirect financial interest in a contract made by a municipal agency in which the municipality is an interested party unless an exemption applies. An issue arises under this section for households applying for a unit subject to a BPDA income restriction in which at least one household member is a City employee. To do so, the City employee will need an exemption. Most applicants for BPDA-restricted units may be eligible for the § 20(b) exemption. To use that exemption, the City employee must be able to satisfy all of the following requirements.

First, as a City employee, the applicant may not be employed by the contracting agency which is the BPDA. Second, the applicant's employing City of Boston municipal department may not regulate the activities of the BPDA. Third, as a City employee, the applicant may not participate in or have official responsibility for any of the activities of the BPDA. Fourth, the opportunity to rent the Unit and participate in the BPDA program must be publicly advertised. Finally, if a City employee rents or purchases a BPDA-restricted unit, they must complete and file a § 20(b) exemption form with the City Clerk as a City employee disclosing their financial interest in the BPDA income restricted Unit. A § 20(b) exemption form is available from the Commission's website [[linked here](#)]. If the City employee is unable to satisfy any of the § 20(b) requirements, they should contact the Massachusetts State Ethics Commission for further advice about potential availability of another exemption.

Section 17. Section 17 of the conflict of interest law prohibits a municipal employee from acting as agent or attorney (even if unpaid) for anyone other than the City, in connection with any particular matter in which the City is a party or has a direct and substantial interest. Acting as an agent means acting as a spokesperson, negotiating, signing documents and submitting applications. As to the application process and rental or purchase of the BPDA-restricted Unit, the City employee may not act as an agent for anyone else in the applicant household. For example, the City employee may not sign another household member's name on any application materials for the Unit or negotiate the rental of the Unit on their behalf. However, pursuant to an exemption in § 17, the City employee may act as an agent of their other household members in such matters if it is not in connection with a matter in which they have participated as a City employee or a matter which is the subject of their official responsibility in that position, and they obtain written approval to do so from their appointing authority as a City employee. To avoid any potential issues under § 17 or the need for an exemption, applicants should represent themselves in the application and rental process or, in the alternative, the non-City-employee household member may act as the agent for their household in such matters because they are not a City employee. For more information about the restrictions in § 17, see *Advisory 88-01 – Municipal Employees Acting as Agent* which is available on the Commission's website.

Section 23. Section 23(b)(2)(ii) of the conflict of interest law prohibits a municipal employee from using their official position to secure unwarranted privileges or exemptions of substantial value (\$50) for himself or others. Under this section, the Commission has consistently prohibited municipal employees from using their municipal titles, municipal time and municipal resources to promote a private interest. Section 23(b)(2)(ii) will prohibit the City employee from using their position to obtain special benefits for themselves or their household. For example, the City employee may not use their City position to have any of the requirements for the restricted Unit's rental or ownership process or the applicable BPDA program waived.

For any advice about their own conduct, municipal employees may contact the Commission directly by telephone or in writing.

FILING THE DISCLOSURE

Complete the disclosure below. If you are a non-elected public employee, file the disclosure with your appointing authority. After you file the disclosure, you do not need authorization from your appointing authority before you perform your official duties. If you are an elected public employee, file the disclosure in a public manner as instructed at the bottom of the disclosure below.

If you need advice about completing the disclosure, please call the Attorney of the Day at (617) 371-9500 or e-mail the State Ethics Commission at requestadvice@massmail.state.ma.us.