



## TYNGSBOROUGH HOUSING AUTHORITY GRIEVANCE PROCEDURE

**(1) Appointment of Hearing Officers and Jurisdiction.** This grievance procedure adopted by Tyngsborough Housing Authority (LHA) requires a hearing and determination of a matter subject to the procedure by a single hearing officer. The hearing officer shall be appointed to serve for a term not to exceed seven years and shall serve all residents of state-aided public housing in the city or town and participants in the Massachusetts Rental Voucher Program (MRVP) and the Alternative Housing Voucher Program (AHVP) who hold vouchers administered by the LHA, except for those persons who are subject to an different grievance procedure.

Under this procedure the LHA shall from time to time nominate one or more persons to serve as hearing officer(s) to preside at and conduct hearings and to render prompt and reliable written determinations of matters at issue. The LHA shall notify tenants of its nominees for hearing officer(s) by posting all such nominations on all bulletin boards intended for notices of general interest to tenants. Each nomination shall include a resume of the nominee and the length of the term for which he or she is nominated. Within thirty(30) days after the posting of a nomination (10) or more tenants may disapprove of the nominee by giving signed notice to the LHA. A notice of disapproval shall include the specific reason(s) why such tenants disapproved the nominee. In the absence of disapproval, the nominee shall become a hearing officer upon written acceptance mailed or delivered to the LHA, which shall then post notice thereof.

Each hearing officer shall annually certify to the LHA that he or she is ready, willing and able to serve; failure to so certify within ten (10) days of receipt of a written request by the LHA shall render the hearing officer's position vacant.

**(2) Impartiality of the Hearing Officer.** A hearing officer or a member of his or her family shall not have and shall not appear to have any direct personal or financial interest in the outcome of any matter before him or her. No hearing officer shall be related by blood or marriage to any party or to any person who gives evidence as to facts which are disputed by the parties. No hearing officer may determine matters which directly concern his or her own housing or the housing of a family member or his or her own status or the status of a family member in that housing. Each hearing officer shall determine any matter at issue impartially and objectively on the basis of the evidence and applicable law. Any hearing officer, who shall be or shall appear to be unable to determine any matter impartially and objectively shall remove himself or herself as hearing officer, whether or not he has been requested to do so.

**(3) Removal of the Hearing Officer.** A hearing officer may be permanently removed from office at any time for inefficiency, neglect of duty, willful and material delay of proceedings, bias or partiality. The LHA may remove a hearing officer after notice to the hearing officer and the opportunity for him or her to be heard. In the absence of agreement, the Department may remove a hearing officer for cause upon a request by the LHA. Prior to removing a hearing officer the Department shall require a detailed written specification of the reason(s) for removal and, if it finds the specification to set out good and sufficient cause, shall give the hearing officer, and the LHA the opportunity to be heard. The Department's decision whether to remove a hearing officer shall be in

writing mailed to the hearing officer, and the LHA. If a written specification fails to detail good and sufficient cause for removal, the Department shall deny a request for removal without a hearing.

**4) Appointments of Interim Hearing Officers.** If there shall not be a hearing officer able and willing to serve for one or more pending matters and if use of the appointment process in section (1) of this grievance procedure would likely cause significant delay with potential adverse consequences to either the LHA or the grievant, the LHA may request that an interim hearing officer be named by the Department. Such a request shall be in writing and shall specify the reason for the request. Notice of the request shall be posted and tenants be given a reasonable opportunity to comment to the department about the request. If the Department finds there to be a reasonable need for an interim hearing officer, the Department shall name an interim hearing officer. The Department may name a previously disapproved nominee to serve as interim hearing officer if it finds that the tenants stated reasons for disapproval did not constitute good and sufficient cause for disapproving the nominee.

An interim hearing officer shall have all the powers and duties of a hearing officer and shall serve in the pending matters for which he or she was appointed. An interim hearing officer may be nominated by an LHA to be hearing officer in the manner set out herein.

**(5) Scheduling.** The LHA shall be responsible for scheduling and other administrative matters, including all necessary notices.

**(6) Procedural Provisions.** The provisions of 760 CMR 6.08 (4) are incorporated by reference into this grievance procedure. These provisions include: (a) the provisions regarding the time and method for initiating a grievance; (b) the requirement of a pre-hearing informal settlement conference between grievant and the LHA about the grievance; (c) the provisions regarding the LHA's setting a hearing date and giving notice to grievant; (d) the grievant's right to inspect relevant documents and to secure copies before the grievance hearing; (e) the provisions regarding who may be present at the grievance hearing; (f) the procedural requirements for the conduct of grievance hearings; and (g) the requirements regarding a written decision following the grievance hearing.

Adopted: October 27, 2010

Reviewed 6/2/2021

TO: Melinda Theide, Executive Director  
Tynsborough Housing Authority

From: Lisa Larrabee, Grievance Panel Member

Date: October 25, 2010

RE: Certification of Willingness to Serve as Grievance Panel Member

✓ I hereby accept the grievance panel member appointment.

\_\_\_\_\_ I hereby certify that I continue to be ready, willing and able to serve as a grievance panel member.

Lisa Larrabee  
Signature

10/28/10  
Date

**GRIEVANCE COMPLAINT FORM**

NAME: \_\_\_\_\_  
(Please print Clearly)

ADDRESS: \_\_\_\_\_  
(Include Apartment Number)

COMPLAINT: Please include all the facts that relate to your complaint. Attach additional sheets if necessary.

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Please write down what action you would like the Authority to take to resolve your complaint. Please be as specific as possible.

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\_\_\_\_\_  
(Signature of Complaining Tenant)

\_\_\_\_\_  
(Date)