

**BOURNE HOUSING AUTHORITY
GRIEVANCE PROCEDURES FOR ROLAND PHINNEY PLACE**

The BHA shall give the tenant an opportunity for a hearing to grieve any BHA action or failure to act involving the lease or BHA policies which adversely affect their rights, duties, welfare or status. A copy of this grievance procedure will be given to every tenant and the tenant will sign a receipt for the grievance procedure.

This grievance procedure is applicable only to individual tenant issues relating to the BHA. It is not applicable to disputes between tenants not involving the BHA or class grievances. This grievance procedure is not to be used as a forum for initiating or negotiating policy changes of the BHA.

The first step in the grievance process will be to attempt an informal settlement. A complainant must personally present a grievance, either orally or in writing, to the BHA office so that the grievance may be discussed informally and settled without a hearing. Grievances will be accepted at the office of the BHA at 871 Shore Rd., Pocasset, MA between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. However, if the tenant can show good cause for failure to proceed with the informal settlement process to the hearing officer, the hearing officer may waive this provision and allow the tenant to move forward with a grievance hearing without an attempt at an informal settlement. If the grievance is not solved through an informal settlement conference, the tenant may file a formal grievance complaint within seven (7) days from the day of the informal conference. The tenant's request for a grievance hearing must specify the reason(s) for the grievance and the action or relief sought. A grievance complaint form will be attached to this procedure. The grievance will be reviewed upon receipt to ensure that the grievance is not a matter excluded from the grievance process.

If the tenant does not request a hearing within the required time frame, the BHA disposition of the grievance under the informal settlement procedure is final. However, failure to request a hearing does not constitute a waiver by the tenant of the right to contest the BHA's action in disposing of the complaint in an appropriate judicial proceeding.

A summary of the discussion at the informal conference will be prepared within five days of the conference date and a copy will be given to the grievant. The summary will specify the names of the participants, the date of the conference, the nature of the decision on the complaint and the specific reasons for the decision and the procedure by which the grievant may obtain a hearing if not satisfied with the decision.

The BHA will schedule a meeting for the grievance hearing within ten (10) days of receiving the grievance complaint form. The tenant will be reasonably cooperative in scheduling the time and date for a hearing.

The tenant will be given the opportunity to examine, before the BHA hearing, any documents that are directly relevant to the hearing. The tenant will be allowed to copy

any such document at a cost of 20 cents per copy. If the BHA does not make the document available for examination on request of the tenant, the BHA may not rely on the document at the hearing.

The BHA must be given the opportunity to examine, at the BHA office and before the hearing, any tenant documents that are directly relevant to the hearing. The BHA must be allowed to copy such document at the BHA's expense. If the tenant does not make the document available for examination on request of the BHA, the tenant may not rely on the document at the hearing.

The term "documents" includes records and regulations. At its own expense, the tenant may be represented by a lawyer or other representative.

The hearing will be conducted by a hearing officer appointed for a seven-year term and designated by the BHA after public notice has been posted for thirty (30) days. The hearing officer will be someone other than the person who made or approved the decision under review or a subordinate of that person. The hearing officer will regulate the conduct of the meeting. The hearing shall be voice recorded.

The BHA and the tenant will be given the opportunity to present evidence and may question any witnesses. Evidence will be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The hearing officer will issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the tenant shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished to the tenant within ten (10) days.

The tenant will be notified in writing when the tenant is eligible for a hearing and that the tenant will have seven (7) days from the notification to request a hearing.

The BHA is not bound by a hearing decision:

1. Concerning a matter for which the BHA is not required to provide an opportunity for an informal hearing or that otherwise exceeds the authority of the hearing officer.
2. Contrary to HUD regulations or requirements or otherwise contrary to federal, state or local law.
3. If the BHA determines that it is not bound by a hearing decision, the BHA must promptly notify the tenant of the determination and of the reasons for the determination.