



Pittsfield Housing Authority
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State Public Housing Grievance Policy

1. Purpose

The Pittsfield Housing Authority ("PHA") is committed to providing residents with a fair, prompt, and reliable process for resolving disputes arising from PHA actions or failures to act in accordance with applicable laws, regulations, leases, and policies.

This Grievance Policy is adopted pursuant to **760 CMR 6.08** and applies to residents of Massachusetts State-Aided Public Housing programs administered by PHA.

2. Definitions

Grievance: A dispute concerning a PHA action or failure to act that adversely affects a resident's rights, duties, welfare, or status.

Complainant: A resident who files a grievance under this policy.

Hearing Panel: An impartial panel or hearing officer authorized to hear and decide grievances.

3. Matters Subject to Grievance

Residents may file a grievance concerning, but not limited to:

- Rent determinations;
- Utility charges;
- Maintenance or repair issues;
- Lease enforcement actions;
- Transfer decisions;
- Reasonable accommodation requests;
- Occupancy issues;
- Any other action or failure to act by PHA affecting the resident's tenancy.

4. Matters Not Subject to Grievance

The following matters are not subject to this grievance procedure:

- Changes in federal, state, or local law;
- General policy decisions affecting all residents;
- Matters over which EOHLC or HUD has exclusive jurisdiction;
- Issues that state or federal law require to be decided by a court;
- Criminal proceedings;
- Eviction actions based upon criminal activity, threats to health or safety, or other matters exempted by applicable law;
- Disputes between residents.

Nothing in this policy limits a resident's right to seek relief through any other legal remedy available under law.

5. Informal Settlement Conference

Before filing a formal grievance, a resident is encouraged to discuss the issue with PHA staff.

PHA shall attempt to resolve disputes informally whenever possible.

Participation in informal resolution does not waive the resident's right to file a formal grievance.

6. Filing a Formal Grievance

A resident may submit a written grievance to the Program Manager within **30 calendar days** of the action or event giving rise to the grievance.

The grievance shall include:

- Resident's name and address;
- Description of the issue;
- Date of the action or event;
- Requested remedy; and
- Any supporting documentation.

PHA may assist residents with disabilities or limited English proficiency in preparing grievances.

7. Scheduling the Hearing

- Upon receipt of a grievance, PHA shall:
- Acknowledge receipt of the grievance;
- Determine whether the matter is grievable; and
- Schedule a hearing if appropriate.

The resident shall receive written notice of:

- The date, time, and location of the hearing;
- The issues to be considered;
- The right to review relevant documents;
- The right to present evidence and witnesses; and
- The right to be represented by legal counsel or another representative.

PHA shall provide reasonable accommodations as required by law.

8. Hearing Procedures

A Hearing Officer shall conduct the hearing approved under the Authority's EOHLC-approved grievance procedure.

During the hearing:

- Both parties may present testimony and evidence;
- Witnesses may be called;
- Relevant documents may be introduced;
- The resident may question witnesses;
- Formal rules of evidence shall not apply.

The Hearing Panel or Hearing Officer may exclude irrelevant, repetitive, or immaterial evidence.

9. Resident Rights

- The resident has the right to:
- Examine relevant PHA records before the hearing;
- Be represented by counsel or another representative;
- Present witnesses and evidence;
- Request reasonable accommodations;
- Receive a written decision.

10. Failure to Appear

If the resident fails to appear without good cause, the grievance may be dismissed.

If PHA fails to appear, the hearing may be rescheduled or decided based upon the available evidence.

11. Written Decision

A written decision shall be issued within fourteen (14) days following the hearing, or as soon thereafter as reasonably as possible. The written decision shall include:

- Findings of fact;
- Conclusions based on applicable law, regulations, lease provisions, and policies; and
- The decision and any required corrective action.

The decision shall be binding upon PHA and the resident unless overturned by a court of competent jurisdiction.

12. Retaliation Prohibited

PHA shall not retaliate against any resident for filing a grievance, participating in a grievance hearing, requesting a reasonable accommodation, or exercising any right protected by law.

13. Accessibility

PHA will provide reasonable accommodations, auxiliary aids, language assistance, and other services necessary to ensure meaningful access to this grievance process.

Requests for accommodations should be made as soon as possible, but may be made at any stage of the process.

14. Recordkeeping

PHA shall maintain grievance records, hearing decisions, and related documents in accordance with applicable record retention requirements.