

Bond Case Briefs

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HOUSING - MASSACHUSETTS

Loring Towers Associates ex rel. NHPMN Management, LLC v. Furtick

Appeals Court of Massachusetts, Essex - March 27, 2014 - N.E.3d - 85 Mass.App.Ct. 142

Landlord brought summary process action in District Court Department, Salem Division, against tenant, after Boston Housing Authority (BHA) terminated tenant's section 8 housing assistance benefits and stopped paying subsidized portion of tenant's rent. Tenant filed third-party complaint against BHA, seeking reinstatement of benefits. BHA moved to dismiss third-party complaint. Following transfer, the Housing Court Department denied the motion to dismiss and instead ordered BHA to reinstatement benefits retroactive to date of termination. BHA appealed.

The Appeals Court held that:

- Tenant could be allowed to file third-party complaint against BHA, and
- BHA violated due process in terminating tenant's benefits.

In landlord's summary process action, tenant could be allowed to file third-party complaint against BHA seeking reinstatement of Section 8 housing assistance benefits, under rule permitting a defendant to bring in a third party who is or may be liable to him for all or part of the plaintiff's claim against him, since BHA was potentially liable for contribution for a portion of tenant's rent arrearage; nothing in summary process statute prohibited tenant from filing third-party complaint.

BHA violated tenant's due process rights in terminating his Section 8 housing assistance benefits under the Federal Housing Choice Voucher Program. Termination notice incorrectly stated that decision was final and that there was no further right to appeal, and BHA grievances and appeals administrator denied tenant's request for a late hearing and upheld the termination decision without any hearing officer having made a compelling circumstances evaluation.