

## GRIEVANCE PROCEDURES

### Definitions

**Grievance.** Any dispute which a tenant may have with respect to a Housing Authority action or failure to act in accordance with the individual tenant's lease or PHA regulations which adversely affect the individual tenant's rights, duties, welfare, or status.

**Complainant.** Any tenant whose grievance is presented to the PHA or at the site/management office informally or as part of the informal meeting process.

**Hearing Officer/Hearing Panel.** A person or persons selected in accordance with this grievance procedure to hear grievances and render a decision with respect thereto.

**Tenant.** A lessee or the remaining head of household of any tenant family residing in housing accommodations owned or leased by the PHA.

**Elements of Due Process.** An eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:

- Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction;
- Opportunity for the tenant to examine all relevant documents, records, and regulations of the PHA prior to the trial for the purpose of preparing a defense;
- Right of the tenant to be represented by counsel;
- Opportunity for the tenant to refute the evidence presented by the PHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have;
- A decision on the merits of the case.

### Applicability

This Grievance Procedure applies to all individual grievances, except any grievance concerning a termination of tenancy or eviction that involves:

### Failure to Request a Formal Hearing

If the complainant does not request a formal hearing within **10** calendar days, s/he waives his/her right to a hearing and the PHA's proposed disposition of the grievance will become final. This section in no way constitutes a waiver of the complainant's right to contest the PHA's disposition in an appropriate judicial proceeding.

### Formal Hearing

After exhausting the informal conference procedures as outlined above, and after requesting a formal hearing as outlined, a complainant shall be entitled to a formal hearing.

**The head of household or other adult household member must attend the hearing.**

**If rescheduling of the hearing is necessary, the hearing must be rescheduled at least 24 hours in advance of the scheduled hearing time or the complainant waives their right to a hearing.**

**If the complainant fails to appear within 15 minutes of the scheduled time, the complainant waives their right to a hearing.**

The PHA will provide reasonable accommodation for persons with disabilities to participate in the hearing. The PHA must be notified at the time the meeting or hearing is scheduled if special accommodations are required.

### Selection of a Hearing Officer

A grievance hearing shall be conducted by an impartial person or persons appointed by the PHA other than the person who made or approved the PHA action under review, or a subordinate of such person.