

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:

- Any activity, not just criminal activity, that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or PHA staff, or
- Any drug-related criminal activity *on or off* such premises, or

- An applicant or resident is subject to a sex offender registration requirement.

Pre-Hearing Procedures

Informal Meeting Procedures

Any grievance shall be presented orally or in writing to the PHA office or to the housing management office that sent the notice on which the grievance is based. Written grievances must be signed by the complainant. The grievance must be presented within 10 calendar days of **the action or failure to act** which is the basis for the grievance.

If the complainant does not request a meeting as stated above, their right to pursue the matter through the Grievance Procedure is forfeited.

In the event the PHA issues a notice to vacate to the resident, the PHA will automatically schedule an informal meeting and include the date/time in the notice. Unless the notice is a 5 day notice for threat to health and safety.

The purpose of the initial discussion is to discuss and to resolve the grievance without the necessity of a formal hearing. **If rescheduling of the informal meeting is necessary, the informal meeting must be rescheduled at least 24 hours in advance of the scheduled hearing time** or the complainant waives their right to an Informal meeting.

If the complainant fails to appear within 15 minutes of the scheduled time, the complainant waives their right to an informal meeting.

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

Upon request, a summary of this discussion will be given to the complainant by a PHA representative within 10 working days. A copy will be filed in the tenant's file. The summary will include: names of participants, the date of the meeting, and the nature of the discussion.

The SHA Representative will issue a written decision within **10 calendar days** of the informal meeting. This notice will state the reason for the decision and will specify the steps by which a formal hearing can be obtained.

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Dissatisfaction with Informal Conference

If the complainant is dissatisfied with the proposed disposition of the grievance, s/he shall submit a written request for a hearing within **10 calendar days** of the **date of the SHA Representative's written response**.

The request for a hearing must be presented to the PHA's Administrative Office.

The request must specify the reason for the grievance request and the relief sought, and must be signed by the resident.

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 formal 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.