

GRIEVANCE POLICY-Public Housing

The Housing Authority of the City of Erie (HACE) has put a grievance procedure in place through which residents of public housing are provided an opportunity to grieve any HACE action or failure to act involving the lease or HACE policies which adversely affect their rights, duties, welfare, or status.

The grievance procedure will be available for review at all HACE offices, on the HACE website at www.hace.org and will be incorporated by reference in the Public Housing tenant lease.

STATEMENT OF PURPOSE AND SCOPE

This Policy applies to HACE's public housing program. It sets forth the requirements, standards and criteria for a grievance procedure to assure that a HACE public housing tenant is afforded due process if the tenant disputes within the requirements of this policy any HACE action or failure to act involving the tenant's lease with HACE or HACE regulations which adversely affect the individual tenant's rights, duties, welfare or status.

APPLICABILITY

Potential grievances will address most aspects of HACE's operation. However, there are some situations for which the grievance procedure is not applicable.

The grievance procedure is applicable only to individual tenant issues relating to HACE. It is not applicable to disputes between tenants not involving HACE. Class grievances are not subject to the grievance procedure and the grievance procedure is not to be used as a forum for initiating or negotiating policy changes of HACE.

HACE may evict a tenant through the state/local judicial eviction procedures without providing the opportunity for a hearing under this grievance procedure in certain circumstances described below:

1. Any activity, not just criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or HACE employees;
2. Any drug-related criminal activity on or off HACE premises; or
3. Any drug or alcohol abuse that interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.

DEFINITIONS

There are several terms used in this grievance policy, which take on specific meanings:

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

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- **Complainant** – any tenant whose grievance is presented to the Housing Authority or at the project management office.
- **Elements of Due Process** – an eviction action or 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;
 - 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 written decision on the merits.
- **Hearing Officer/Panel** – a person/panel selected in accordance with HUD regulations to hear grievances and render a decision with respect thereto.
- **Tenant** – the adult person (or persons) (other than a live-in aide)
 - Who resides in the unit, and who executed the lease with the Housing Authority as lessee of the dwelling unit, or, if no such person now resides in the unit,
 - Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit.

SELECTION OF HEARING OFFICER

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

PROCEDURES

HACE's grievance procedure, which is described in more detail below, will generally include (a) written notice of adverse decision, (b) informal settlement meeting with property manager, and (c) grievance hearing before grievance officer.

1. An adverse decision will be conveyed in writing, advising the tenant of the right to request an informal settlement meeting, and include a form for requesting an informal settlement meeting.

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- a. A tenant will have 10 days from the date of the letter to request an informal settlement meeting with the Manager.
2. An initial informal settlement meeting with the Manager.
 - a. The informal settlement meeting should take place within 7 days of the date the tenant's request is received.
 - b. The informal settlement meeting will typically take place in the Manager's office or by conference call.
 - c. After the informal settlement meeting, a written summary will be prepared within 10 business days.
 - d. A copy of the written summary will be given to the tenant and one retained in HACE's tenant's file.
 - e. The written summary will specify the names of the participants, date(s) of the meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore and specify the procedures by which a hearing may be obtained if the complainant is not satisfied.
 - f. After receiving the written summary, the tenant may submit a written request for a grievance hearing to HACE within 10 business days after receipt of the summary of discussion.
 1. A request for grievance hearing must be in writing and specify:
 - a. The reason for the grievance; and
 - b. The action or relief sought.
3. If the complainant does not request a grievance hearing in writing, then HACE's disposition of the grievance will become final.
4. If a tenant does request a grievance hearing in writing, then the following procedure will be followed:
 - a. Before the hearing:
 1. HACE will confirm that the informal settlement meeting took place or determine whether there is good cause why it did not take place.

NOTE: If the informal settlement meeting did not take place, the tenant is not entitled to a grievance hearing.
 2. If the requirements related to informal hearing and written request are satisfied, then HACE will promptly schedule a grievance hearing.

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3. A scheduling letter will notify the Complainant of the date, time and place for a hearing and advise the tenant that:
 - a. Relevant documents are available for examination.
 - b. Complainant has the right to an attorney or representative.
 - c. Complainant has the right to a private hearing.
 - d. Complainant has the right to present evidence and argument, controvert evidence, and cross-examine all witnesses on whom HACE or the property manager rely.
 - e. The grievance hearing shall be conducted informally.
 - f. Complainant must make a showing that he or she is entitled to relief.
- b. Hearing Procedures:
 - a. If tenant fails to appear, the hearing officer may postpone the hearing or determine that tenant has waived his/her rights.
 - b. If both parties appear, the Hearing Officer will conduct the hearing in a manner that provides for the rights set forth in the preceding section.
- c. After the hearing:
 1. The Hearing Officer will issue a decision based solely and exclusively on the evidence presented at the hearing.
 2. A written decision will state the decision and the reasons for the decision.
 3. The tenant does not waive his right to a trial *de novo* or judicial review by participating in the grievance process.
- d. The Hearing Officer's decision is binding on HACE unless the HACE Board of Directors determines, and notifies the complainant of its determination, that: 1) the grievance does not concern a HACE action or failure to act in accordance with or involving the complainant's lease or HACE regulations, which adversely affect the complainant's rights, duties, welfare or status; or 2) the decision of the hearing officer or hearing panel is contrary to applicable Federal, State or local law, HUD regulations or requirements of the annual contributions contract between HUD and HACE.

NOTICE OF ADVERSE ACTION

Date _____

Resident Name _____

Address _____

- I. This is to advise you that the following action will be taken against you:

- II. The reason for the action is as follows [including who, what, when, where, and why, in terms of the action – and the relevant regulatory, statutory, lease or other reference].
- III. If you challenge this action, you have **ten (10) calendar days** from _____ {date}, to see your manager and ask for an informal meeting. If you are not satisfied with the results of your informal meeting, then you may ask for a Grievance Hearing.
- IV. **You may obtain a copy of PHA’s Grievance policy from the Manager**, which details the process for dispute and when this process is appropriate.

To be filled out by PHA:

I _____ [your name] hereby attest that I either hand-delivered _____ [check if appropriate] or sent by first class mail _____ [check if appropriate], to _____ [name of Tenant] at the following address:

[address to which sent], a copy of this Notice on _____ [date].

Signature: _____

INFORMAL SETTLEMENT MEETING REQUEST FORM

This information must be submitted to the Manager or Office within ten (10) calendar days of the date that the Notice of Adverse Action was either mailed or hand-delivered (the date is on the Notice). This information is available upon request.

Date: _____ Name: _____

Phone Number: _____ Address: _____

Manager: _____ Development: _____

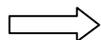


Please explain the reasons for your dispute and what you want HACE to do (or not to do):

LEASE TERMINATION ISSUE:

If you have a disability that could affect your ability to participate at the informal settlement hearing, you have the right to request a reasonable accommodation. Please specify the type of assistance needed:

The hearing coordinator will notify you that: 1) the requested accommodation is granted and will be provided, 2) more information is required, or 3) the request is denied.



Tenant Signature

Date

INFORMAL SETTLEMENT MEETING NOTES

Manager's Name: _____

****Please complete only the sections below that apply:**

Maintenance/Repair Issue(s):

Please summarize when you were first notified of the issue and what steps have been taken to address it, including the dates of any contact with maintenance, Work Order #s and follow-up action: _____

Transfer Issues:

Please summarize when you were first notified of this issue, whether you consider this to be a valid/verifiable request, whether you submitted the transfer request and any comments.

Rent Issues:

When was the last rent recalculation performed? _____

Who conducted the recalculation? _____

What verifiable information was used for the recalculations? _____

If there is a change in the rent amount, what is the old amount? _____ New? _____

Other comments? _____

Other Issues:

Outcome of Meeting:

Manager's Signature: _____ Date: _____

NOTE: If a Notice of Lease Termination has been issued against a tenant for this informal settlement meeting, please attach a copy of the Notice and all supporting documentation.