

Cheyenne Housing Authority

GRIEVANCE POLICIES

Housing Choice Voucher

Public Housing

Multifamily

Other Properties

Adopted July 16, 2020

TABLE OF CONTENTS

Policy Directory by Program/Property	3
Is the Dispute Subject To the Grievance Policy?	4
Housing Choice Voucher Grievance Policy Flowchart	5
Housing Choice Voucher Grievance Policy Timeline	6
Housing Choice Voucher Grievance Policy	7
1.0 Overview	7
2.0 Informal Reviews	7
2.1 <i>Decisions Subject to Informal Review</i>	7
2.2 <i>Scheduling an Informal Review</i>	7
2.3 <i>Informal Review Procedures</i>	8
2.4 <i>Informal Review Decision</i>	8
3.0 Informal Hearings for Participants	9
3.1 <i>Decisions Subject to Informal Hearing</i>	9
4.0 Informal Hearing Procedures	9
4.1 <i>Notice to the Family</i>	9
4.2 <i>Scheduling an Informal Hearing</i>	10
4.3 <i>Pre-Hearing Right to Discovery</i>	10
4.4 <i>Participant's Right to Bring Counsel</i>	11
4.5 <i>Informal Hearing Officer</i>	11
4.6 <i>Attendance at the Informal Hearing</i>	11
4.7 <i>Conduct at Hearings</i>	11
4.8 <i>Evidence</i>	11
4.9 <i>Hearing Officer's Decision</i>	12
4.10 <i>PHA Notice of Final Decision</i>	13
5.0 Hearing and Appeal Provisions for Noncitizens	13
5.1 <i>Notice of Denial or Termination of Assistance</i>	13
5.2 <i>USCIS Appeal Process</i>	14
5.3 <i>Informal Hearing Procedures for Applicants</i>	15
5.4 <i>Representation and Interpretive Services</i>	15
5.5 <i>Recording of the Hearing</i>	16
5.6 <i>Hearing Decision</i>	16
5.7 <i>Informal Hearing Procedures for Residents</i>	16
5.8 <i>Retention of Documents</i>	16
Public Housing Grievance Policy Flowchart	17
Public Housing Grievance Process Timeline	18
Public Housing Grievance Policy	19
1.0 Purpose and Scope	19
2.0 Definitions	19
3.0 Informal Settlement Meeting	21

4.0 Obtaining a Hearing	21
4.1 Request for Hearing	21
4.2 Selection of a Hearing Officer	21
4.3 Failure to Request or Appear at a Hearing	21
4.4 Scheduling of Hearings	21
4.5 Rescheduling of Hearings.	22
5.0 Policies Governing the Hearing	22
6.0 Informal Hearing Policies for Denial of Assistance on the Basis of Ineligible Immigration Status	23
7.0 Decision of the Hearing Officer	24
8.0 Grievance Policy for Applicants	24
Multi-Family Grievance Policy Flowchart	26
Multi-Family Grievance Process Timeline	27
Multi-Family Grievance Policy	28
1.0 Purpose and Scope	28
2.0 Definitions	28
3.0 Obtaining a Meeting	29
3.1 Request for a Meeting	29
3.2 Selection of a Meeting Officer	29
3.3 Failure to Request or Appear to a Meeting	29
3.4 Scheduling of Meetings	29
3.5 Rescheduling of Meetings	30
4.0 Informal Hearing Policies for Denial of Assistance on the Basis of Ineligible Immigration Status.	30
5.0 Grievance Policy for Applicants	30
Other Properties Grievance Policy	32
Appendix #1	33
Staff Responsibilities by Program	40

POLICY DIRECTORY BY PROGRAM/PROPERTY

Property/Program	Applicable Policy
HCV Program applicants/participants.....	HCV
Burke HighRise.....	Public Housing
Stanfield Manor.....	Public Housing
Storey Blvd Apts.....	Public Housing
Jackson Street Apts.....	Public Housing
Clear Creek Apts in Buffalo.....	Public Housing
Single Family Homes.....	Public Housing
Pine Bluffs.....	Public Housing
Indian Hills Manor.....	Multi-family
Foxcrest II.....	Other properties
McGowen Place.....	Other properties
Golden Meadows.....	Other properties
WRAP Houses.....	Other properties
College Houses.....	Other properties
Weaver Rd Apts.....	Other properties
Pattison Ave Apts.....	Other properties

Adopted July 16, 2020

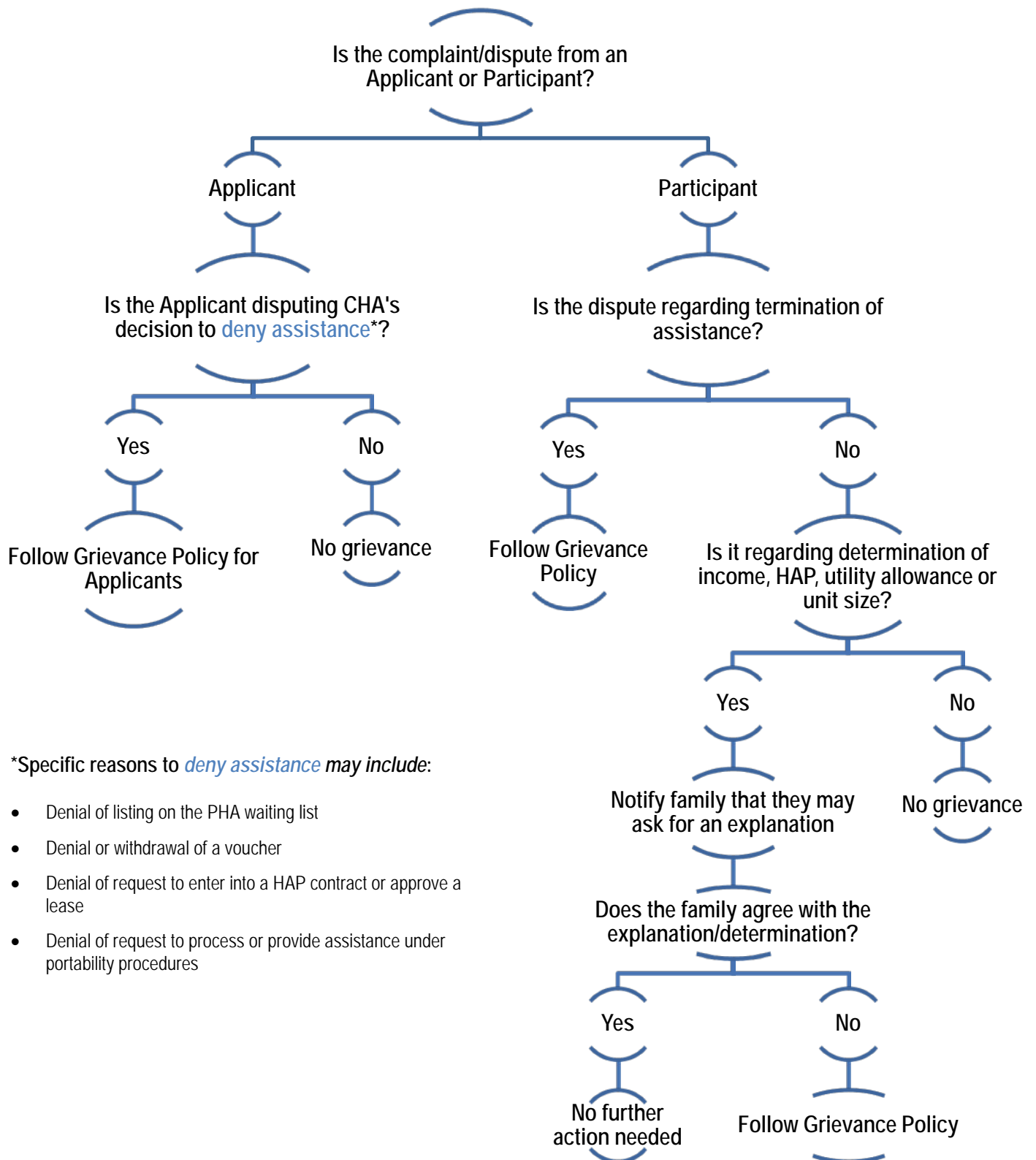
IS THE DISPUTE SUBJECT TO THE GRIEVANCE POLICY?

Housing Choice Voucher	YES		NO	
	Applicant	Participant	Applicant	Participant
	<ul style="list-style-type: none"> Denial of assistance <ul style="list-style-type: none"> Deny listing on wait list Deny or withdraw voucher Refuse to enter HAP contract or approve a lease Refuse to process or provide assistance under portability procedures 	<ul style="list-style-type: none"> Termination of assistance Income determination HAP calculation Utility allowance determination Unit size determination Termination of FSS contract; withholding supportive services; proposing forfeiture of family's escrow account 	<ul style="list-style-type: none"> Discretionary admin decisions Policy issues or class grievances Unit size determination Extension of voucher denied Approval of tenancy denied Unit does not meet HQS Any other reason not specifically listed under "Yes" column (i.e. removal from waiting list for non-response) 	<ul style="list-style-type: none"> Discretionary admin decisions Policy issues or class grievances Utility allowance schedule Extension of voucher denied Approval of tenancy denied Unit does not meet HQS Exercising or not exercising any right or remedy against the owner

PUBLIC HOUSING	YES		NO	
	Applicant	Tenant	Applicant	Tenant
	<ul style="list-style-type: none"> Ineligible for admission 	<ul style="list-style-type: none"> Any dispute which a tenant may have with respect to PHA 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, except as identified in "No" column. 	<ul style="list-style-type: none"> Any reason not specifically listed under "Yes" column (i.e. removal from waiting list for non-response) 	<ul style="list-style-type: none"> Disputes between tenants or class grievances Policy issues Termination of tenancy or eviction that involves <ul style="list-style-type: none"> (A) Criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff; (B) Violent or drug-related criminal activity; or (C) Criminal activity that resulted in felony conviction of a household member.

MULTI-FAMILY & OTHER	YES		NO	
	Applicant	Tenant	Applicant	Tenant
	<ul style="list-style-type: none"> Denied for the following <ul style="list-style-type: none"> Ineligible for admission Unable to verify SSNs Does not complete consent and/or release of information forms Family size/characteristics not appropriate for available unit Citizenship status not declared Does not meet screening criteria 	<ul style="list-style-type: none"> Termination of tenancy Termination of assistance Rent change Amount deducted from security deposit after move-out 	<ul style="list-style-type: none"> Any reason not specifically listed under "Yes" column (i.e. removal from waiting list for non-response) 	<ul style="list-style-type: none"> Any reason not specifically listed under "Yes" column

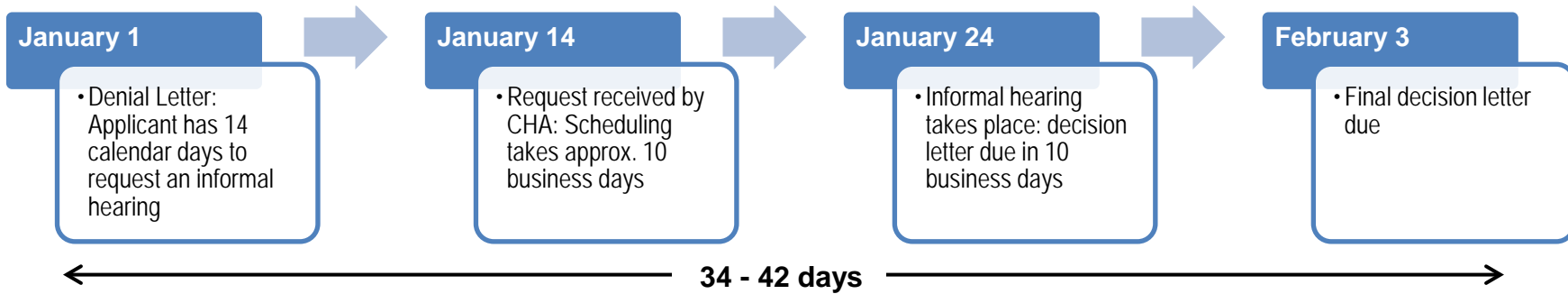
HOUSING CHOICE VOUCHER GRIEVANCE POLICY FLOWCHART



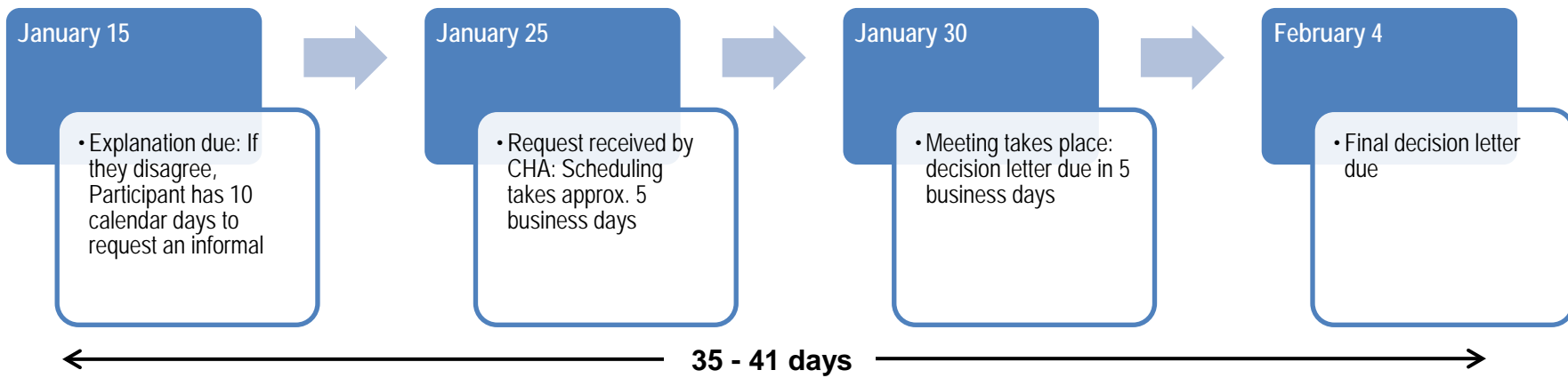
Note: Grievance Policies regarding noncitizenship status are excluded from this chart

Adopted July 16, 2020

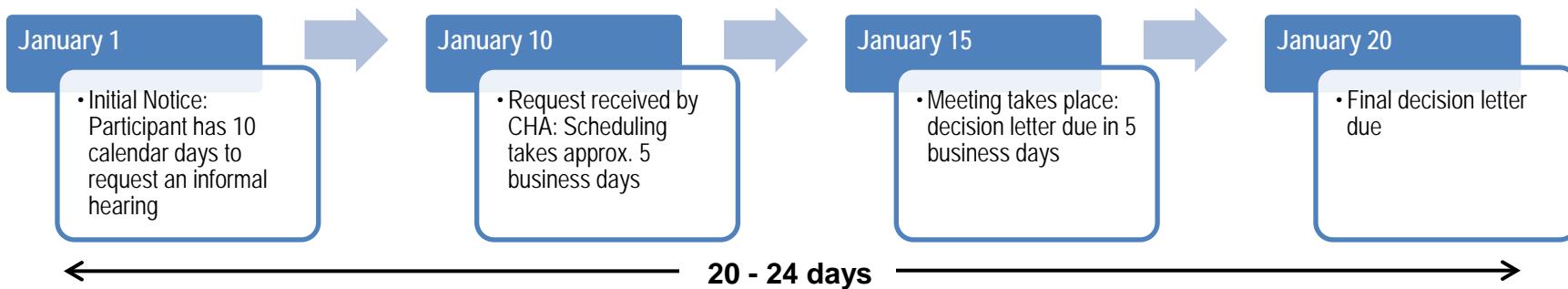
For Applicants



For Participants (regarding income, utility allowance or unit size)



For Participants (regarding termination of assistance)



HOUSING CHOICE VOUCHER GRIEVANCE POLICY

Please refer to flowchart and timeline on pages 5 & 6

1.0 OVERVIEW

Both applicants and participants have the right to disagree with, and appeal, certain decisions of the PHA that may adversely affect them. PHA decisions that may be appealed by applicants and participants are discussed in this section.

The process for applicant appeals of PHA decisions is called the “informal review.” For participants (or applicants denied admission because of citizenship issues), the appeal process is called an “informal hearing.” PHAs are required to include informal review procedures for applicants and informal hearing procedures for participants in their Administrative Plans [24 CFR 982.54(d)(12) and (13)].

2.0 INFORMAL REVIEWS FOR APPLICANTS

Informal reviews are provided for program applicants. An applicant is someone that has applied for admission to the program, but is not yet a participant in the program. Informal reviews are intended to provide a “minimum hearing requirement” [24 CFR 982.554], and need not be as elaborate as informal hearing requirements [*Federal Register* 60, no. 127 (3 July 1995): 34690].

2.1 DECISIONS SUBJECT TO INFORMAL REVIEW

The PHA will offer an informal review to applicants for whom assistance is being denied. Denial of assistance includes:

- Denial of listing on the PHA waiting list;
- denial or withdrawal of a voucher;
- denial of request to enter into a HAP contract or approve a lease;
- denial of request to process or provide assistance under portability procedures.

2.2 SCHEDULING AN INFORMAL REVIEW

A request for an informal review can be made, orally or in writing, to the PHA by the close of the business day no later than ten (10) calendar days from the date of the PHA’s notice of denial of assistance.

Upon the Applicant's compliance with this section the Hearing Officer shall, within five (5) business days, make its best efforts to convene an informal review for a time and place reasonably convenient to both the tenant and the PHA.

2.3 *INFORMAL REVIEW PROCEDURES [24 CFR 982.554(b)]*

The informal review must be conducted by a person other than the person that made or approved the decision under review or a subordinate of the person that made or approved the decision.

The applicant must be provided an opportunity to present written or oral objections to the decision of the PHA.

2.4 *INFORMAL REVIEW DECISION [24 CFR 982.554(b)]*

In rendering a decision, the PHA will evaluate the following matters:

- Whether or not the grounds for denial were stated factually in the notice to the family.
- Validity of grounds for denial: If the grounds for denial are not specified in the regulations or policy, then the decision to deny assistance will be overturned.
- Validity of evidence: The PHA will evaluate whether the facts presented prove the grounds for denial of assistance. If the facts prove that there are grounds for denial and the denial is required by HUD, the PHA will uphold the decision to deny assistance. If the facts prove the grounds for denial, and the denial is discretionary, the PHA will consider the recommendation of the person conducting the informal review in making the final decision.

The PHA will notify the applicant of the final decision in writing, including a statement explaining the reason(s) for the decision. The notice will be mailed within ten (10) business days of the informal review to the applicant and his or her representative. A copy of the decision letter will be kept in applicant's file.

If the decision to deny is overturned as a result of the informal review, processing for admission will resume.

If the family fails to appear for their informal review, the denial of admission will stand and the family will be so notified.

3.0 INFORMAL HEARINGS FOR PARTICIPANTS [24 CFR 982.555]

PHAs must offer an informal hearing for certain PHA determinations relating to the individual circumstances of a participant family. A participant is defined as a family that has been admitted to the PHA's HCV program and is currently assisted in the program. The purpose of the informal hearing is to consider whether the PHA's decision related to the family's circumstances are in accordance with the law, HUD regulations and PHA policies.

The PHA is not permitted to terminate a family's assistance until after the time allowed to request an informal hearing has elapsed, and after any requested hearing has been completed. Termination of assistance for a participant may include any or all of the following:

- Denial of request to enter into a HAP contract or approve a lease
- Termination of housing assistance payments under an outstanding HAP contract
- Denial of request to process or provide assistance under portability procedures

3.1 DECISIONS SUBJECT TO INFORMAL HEARING

Circumstances for which the PHA must give a participant family an opportunity for an informal hearing are as follows:

- Determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment
- Determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule
- Determination of the family unit size under the PHA's subsidy standards
- Determination to terminate assistance for a participant family because of the family's actions or failure to act
- Determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules
- Determination to terminate a family's Family Self Sufficiency contract, withhold supportive services, or propose forfeiture of the family's escrow account [24 CFR 984.303(i)]

The PHA will offer participants the opportunity for an informal hearing as required by the regulations listed above.

4.0 INFORMAL HEARING PROCEDURES

4.1 NOTICE TO THE FAMILY [24 CFR 982.555(c)]

When the PHA makes a decision subject to informal hearing procedures, the PHA must inform the family of its right to an informal hearing at the same time it informs the family of the PHA's decision.

For decisions related to the family's annual or adjusted income, HAP calculation, determination of the appropriate utility allowance, and determination of the family unit size, the PHA must notify the family that they may ask for an explanation of the basis of the determination. If the family does not agree with the decision, they will have ten (10) calendar days to request an informal hearing.

For decisions related to the termination of the family's assistance, the notice must contain a brief statement of the reasons for the decision, a statement that if the family does not agree with the decision the family may request an informal hearing on the decision, and a statement of the deadline by which the family can request an informal hearing.

4.2 SCHEDULING AN INFORMAL HEARING [24 CFR 982.555(d)]

A request for an informal hearing can be made orally or in writing to the PHA by the close of the business day, no later than ten (10) calendar days from the date of the PHA's notice to terminate assistance.

Upon the Participant's compliance with this section the Hearing Officer shall, within five (5) business days make its best effort to convene a hearing at a time and place reasonably convenient to both the Participant and the PHA.

The family may request to reschedule a hearing for good cause or if needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. Requests to reschedule a hearing must be made orally or in writing 24 hours prior to the hearing date. At its discretion, the PHA may request documentation of the "good cause" prior to rescheduling the hearing.

If the family does not appear at the scheduled time, and was unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact the PHA within 24 hours of the scheduled hearing time, excluding weekends and holidays. The PHA will reschedule the hearing only if the family can show good cause for the failure to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

4.3 PRE-HEARING RIGHT TO DISCOVERY [24 CFR 982.555(e)]

Participants and the PHA are permitted pre-hearing discovery rights. The family must be given the opportunity to examine before the hearing any PHA documents that are directly relevant to the hearing. The family must be allowed to copy any such documents at their own expense. If the PHA does not make the family-requested documents available for examination by the family, the PHA may not rely on those documents at the hearing.

The PHA hearing procedures may provide that the PHA must be given the opportunity to examine at the PHA offices before the hearing, any family documents that are directly relevant to the hearing. The PHA must be allowed to copy any such document at the PHA's expense. If the family does not make the PHA-requested documents available for examination by the PHA, the family may not rely on those documents at the hearing.

For the purpose of informal hearings, *documents* include records and regulations.

The family will be allowed to copy any documents related to the hearing at a cost consistent with the CHA Public Records Rules. The family must request discovery of PHA documents no later than 12:00 p.m. on the business day prior to the scheduled hearing date.

4.4 PARTICIPANT'S RIGHT TO BRING COUNSEL [24 CFR 982.555(e)(3)]

At its own expense, the family may be represented by a lawyer or other representative at the informal hearing.

4.5 INFORMAL HEARING OFFICER [24 CFR 982.555(e)(4)]

Informal hearings will be conducted by a person or persons approved by the PHA, other than the person who made or approved the decision or a subordinate of the person who made or approved the decision.

The PHA has designated the following to serve as hearing officers:

- *Executive Director or designee*

4.6 ATTENDANCE AT THE INFORMAL HEARING

Hearings may be attended by a hearing officer and the following applicable persons:

- A PHA representative(s) and any witnesses for the PHA
- The participant and any witnesses for the participant
- The participant's counsel or other representative
- Any other person approved by the PHA as a reasonable accommodation for a person with a disability

4.7 CONDUCT AT HEARINGS

The Hearing Officer will manage the order of business and ensure that hearings are conducted in a professional and businesslike manner. Attendees are expected to comply with all hearing procedures established by the Hearing Officer and guidelines for conduct. Any person demonstrating disruptive, abusive or otherwise inappropriate behavior will be excused from the hearing at the discretion of the Hearing Officer.

4.8 EVIDENCE [24 CFR 982.555(e)(5)]

The PHA and the family must be given the opportunity to present evidence and question any witnesses. In general, all evidence is admissible at an informal hearing. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

- **Oral evidence:** the testimony of witnesses
- **Documentary evidence:** a writing which is relevant to the case, for example, a letter written to the PHA. Writings include all forms of recorded communication or representation, including letters, words, pictures, sounds, videotapes or symbols or combinations thereof.
- **Demonstrative evidence:** Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.
- **Real evidence:** A tangible item relating directly to the case.

Hearsay Evidence is evidence of a statement made other than by a witness while testifying at the hearing and offered to prove the truth of the matter. Even though evidence, including hearsay, is generally admissible, hearsay evidence alone cannot be used as the sole basis for the Hearing Officer's decision.

4.9 HEARING OFFICER'S DECISION [24 CFR 982.555(e)(6)]

The person that conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing. A copy of the hearing must be furnished promptly to the family.

In rendering a decision, the Hearing Officer will consider the following matters:

- **PHA Notice to the Family:** The Hearing Officer will determine if reasons for the PHA's decision are factually stated in the Notice.
- **Discovery:** The Hearing Officer will determine if the PHA and the family were given the opportunity to examine any relevant documents in accordance with PHA policy.
- **PHA Evidence to Support the PHA Decision:** The evidence consists of the facts presented. The Hearing Officer will evaluate the facts to determine if they support the PHA's conclusion.

- **Validity of Grounds for Termination of Assistance (when applicable):** The Hearing Officer will determine if the termination of assistance is based on the grounds specified in the HUD regulations and PHA policies. If the grounds for termination are not specified in the regulations or in compliance with PHA policies, then the decision of the PHA will be overturned.

The Hearing Officer will issue a written decision to the family and the PHA no later than five (5) business days after the hearing.

4.10 PHA Notice of Final Decision [24 CFR 982.555(f)]

The PHA is not bound by the decision of the Hearing Officer for matters in which

- the PHA is not required to provide an opportunity for a hearing,
- decisions that exceed the authority of the Hearing Officer,
- decisions that conflict with or contradict HUD regulations or requirements, or
- decisions otherwise contrary to federal, state, or local laws.

If the PHA determines it is not bound by the Hearing Officer's decision in accordance with HUD regulations, the PHA must promptly notify the family of the PHA's determination and the reason for the determination by mailing a "Notice of Final Decision" with the Hearing Officer's report to the participant and to their representative.

5.0 HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. Applicants denied assistance due to immigration status are entitled to an informal hearing, not an informal review.

Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while the PHA hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the PHA informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

5.1 NOTICE OF DENIAL OR TERMINATION OF ASSISTANCE

[24 CFR 5.514(d)]

The notice of denial or termination of assistance for noncitizens must advise the family that:

- Financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance.
- In the case of a participant, the criteria and procedures for obtaining relief are under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- The family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- The family has a right to request an informal hearing with the PHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal.
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

5.2 USCIS APPEAL PROCESS [24 CFR 5.514(e)]

When the PHA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, the PHA must notify the family of the results of the USCIS verification. The family will have thirty (30) days from the date of the notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS. The family must provide the PHA with a copy of the written request for appeal and the proof of mailing.

PHA Policy

The PHA will notify the family in writing of the results of the USCIS secondary verification within 10 business days of receiving the results.

The family must provide the PHA with a copy of the written request for appeal and proof of mailing within ten (10) business days of sending the request to the USCIS.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to the PHA, of its decision. When the USCIS notifies the PHA of the decision, the PHA must notify the family of its right to request an informal hearing.

PHA Policy

The PHA will send written notice to the family of its right to request an informal hearing within ten (10) business days of receiving notice of the USCIS decision regarding the family's immigration status.

5.3 INFORMAL HEARING PROCEDURES FOR APPLICANTS [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, the family may request that the PHA provide a hearing. The request for a hearing must be made either within thirty (30) days of receipt of the PHA notice of denial, or within thirty (30) days of receipt of the USCIS appeal decision.

The informal hearing procedures for applicant families are described below.

- **Informal Hearing Officer**

The PHA must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

- **Evidence**

The family must be provided the opportunity to examine and copy, at the family's expense and at a reasonable time in advance of the hearing, any documents in the PHA's possession pertaining to the family's eligibility status or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

PHA Policy

The family will be allowed to copy any documents related to the hearing at a cost consistent with the CHA's Public Records Rules. The family must request discovery of PHA documents no later than 12:00 p.m. on the business day prior to the hearing.

The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by the PHA, and to confront and cross-examine all witnesses on whose testimony or information the PHA relies.

5.4 REPRESENTATION AND INTERPRETIVE SERVICES

The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to arrange for an interpreter to attend the hearing, at the expense of the family or the PHA, as may be agreed upon by the two parties.

5.5 RECORDING OF THE HEARING

The family is entitled to have the hearing recorded by audiotape. The PHA may, but is not required to provide a transcript of the hearing.

PHA Policy

The PHA will not provide a transcript of an audio taped hearing.

5.6 HEARING DECISION

The PHA must provide the family with a written final decision, based solely on the facts presented at the hearing, within fourteen (14) calendar days of the date of the informal hearing. The decision must state the basis for the decision.

5.7 INFORMAL HEARING PROCEDURES FOR RESIDENTS [24 CFR 5.514(f)]

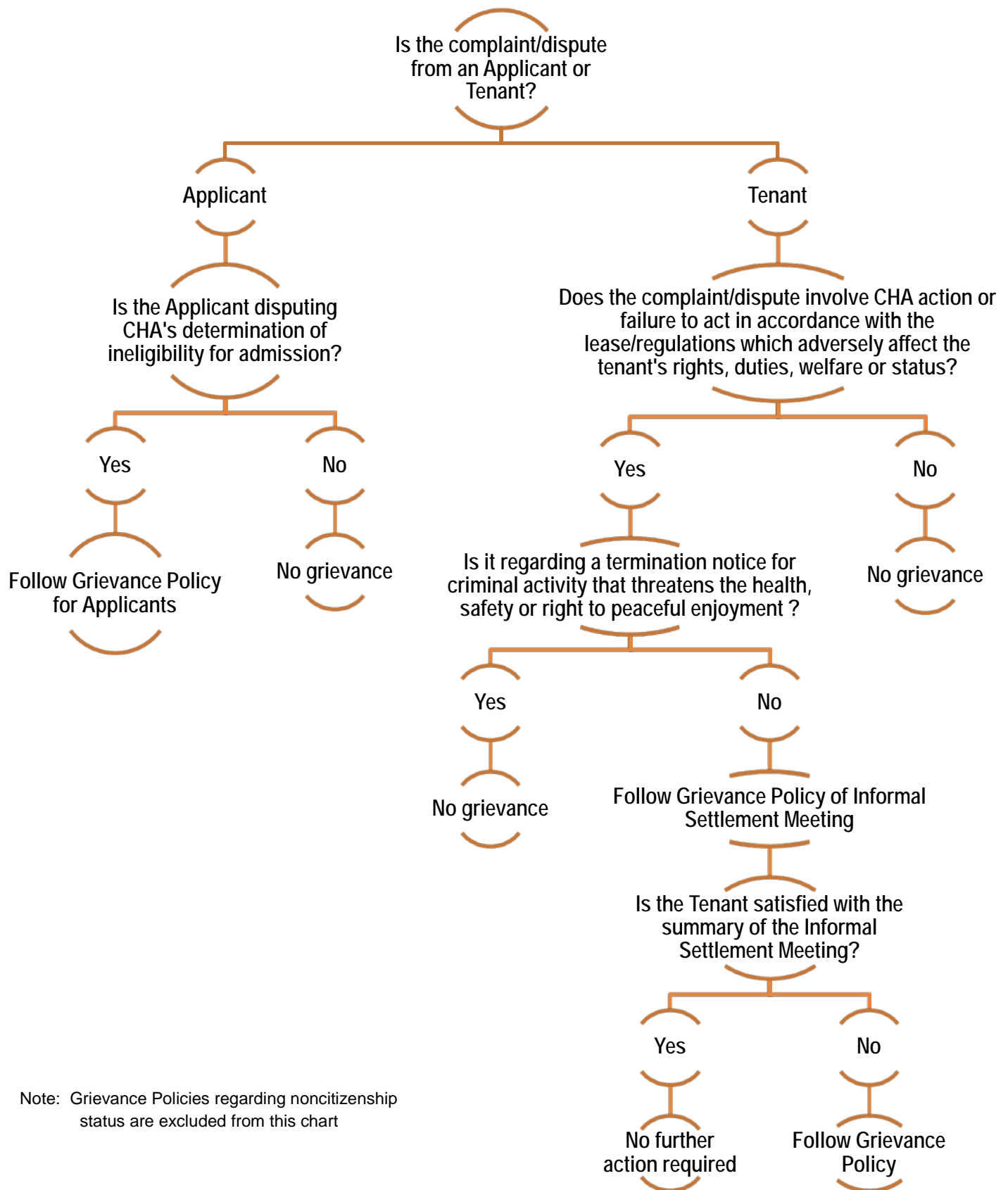
After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, the family may request that the PHA provide a hearing. The request for a hearing must be made either within thirty (30) days of receipt of the PHA notice of termination, or within thirty (30) days of receipt of the USCIS appeal decision. For the informal hearing procedures that apply to participant families whose assistance is being terminated based on immigration status, see Section 3.0.

5.8 RETENTION OF DOCUMENTS [24 CFR 5.514(h)]

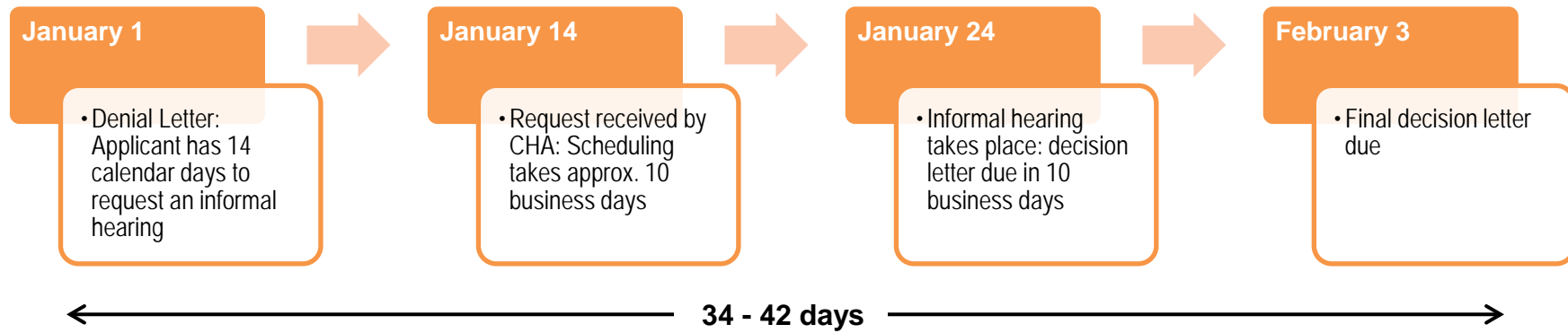
The PHA must retain for a minimum of 5 years the following documents that may have been submitted to the PHA by the family, or provided to the PHA as part of the USCIS appeal or the PHA informal hearing process:

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

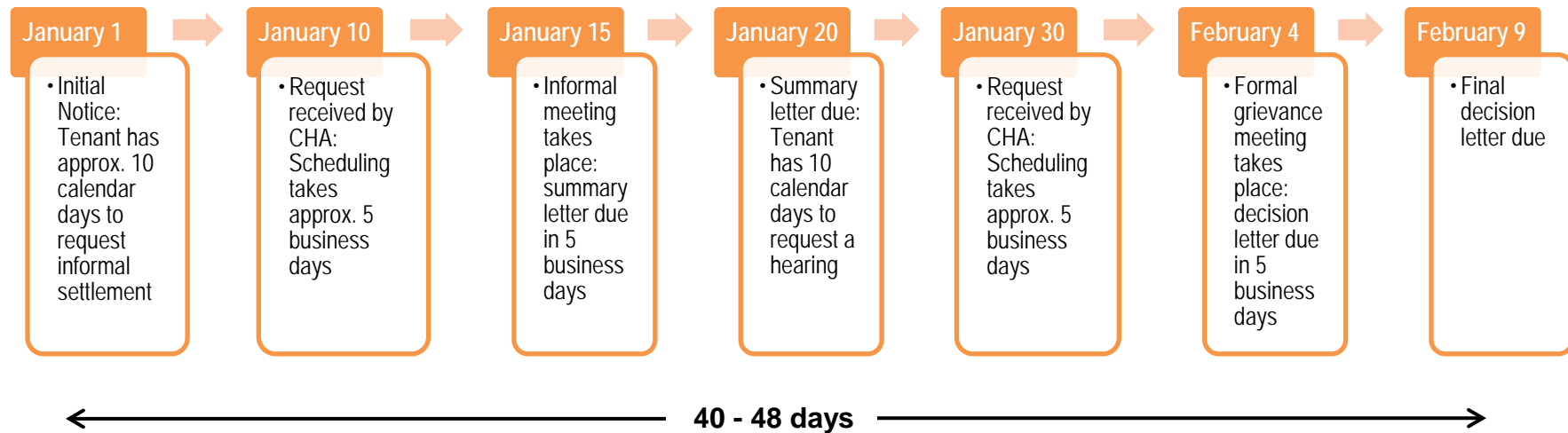
PUBLIC HOUSING GRIEVANCE POLICY FLOWCHART



For Applicants



For Tenants



PUBLIC HOUSING GRIEVANCE POLICY

Please refer to flowchart and timeline on pages 17 & 18

1.0 PURPOSE AND SCOPE

To set forth the requirements, standards and criteria to assure that a Tenant is afforded an opportunity for a hearing if the tenant disputes within a reasonable time any Housing Authority act or failure to act involving the tenant's lease with the Housing Authority or involving Housing Authority regulations which adversely affect the individual tenant's rights, duties, welfare or status.

The following are issues that cannot be addressed through these grievance policies:

- Disputes between tenants not involving the Housing Authority or class grievances
- Changes to the Housing Authority procedures or policies
- Terminations based on:
 - Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other tenants or employees of the Housing Authority;
 - Any violent or drug-related criminal activity on or off the premises; or
 - Criminal activity that resulted in a felony conviction of the Lessee or a Household Member

This grievance policy is incorporated into the lease by reference thereto, and is, therefore, binding upon both the Tenant and the Cheyenne Housing Authority (CHA).

2.0 DEFINITIONS

For the purpose of this Grievance Policy, the following definitions are applicable:

- **"Grievance"** shall mean any dispute which a tenant may have with respect to the CHA's act or failure to act in accordance with the individual tenant's lease or Authority regulations which adversely affect the individual tenant's rights, duties, welfare or status. Grievance does not include any dispute a tenant may have with CHA concerning a termination of tenancy or eviction that involves any criminal activity that threatens the

health, safety, or right to peaceful enjoyment of CHA's public housing premises by other tenants or employees of CHA; or any violent or drug-related criminal activity on or off such premises; or any activity resulting in a felony conviction. Nor shall this process apply to disputes between tenants not involving the CHA or to class grievances.

- **"Complainant"** shall mean any tenant whose grievance is presented to the CHA in accordance with this policy.
- **"Elements of Due Process"** shall mean 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;
 - Right of the tenant to be represented by counsel;
 - Opportunity for the tenant to refute the evidence presented by CHA including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense which the tenant may have; and
 - A decision on the merits.
- **"Hearing Officer"** shall mean a person selected in accordance with these policies to hear grievances and render a decision with respect thereto.
- **"Tenant"** shall mean the adult person (or persons) other than a live-in aide that:
 - Resides in the unit and executed the lease with the CHA as lessee of the premises, or, if no such person now resides in the premises
 - Resides in the unit and is the remaining head of household of the tenant family residing in the unit.
- **"Tenant Organization"** includes a tenant management corporation.
- **"Promptly"** shall mean within the time period indicated in a notice from CHA of a proposed action which would provide the basis for a grievance.

3.0 INFORMAL SETTLEMENT MEETING

Any grievance shall be promptly presented orally or in writing to the CHA office so the grievance may be discussed informally and settled without a hearing. Upon notification, CHA will make its best effort to schedule and convene an informal settlement meeting within five (5) business days. A summary of such discussion shall be prepared within five (5) business days and one copy shall be given to the tenant and one retained in CHA's tenant file. The summary shall specify the names of the participants, meeting date(s), the nature of the proposed disposition of the complaint and the specific reasons therefor, and shall specify the procedures by which a hearing under these policies may be obtained if the tenant is not satisfied.

4.0 OBTAINING A HEARING

4.1 REQUEST FOR HEARING

The tenant shall submit a request for a hearing to CHA within ten (10) calendar days from the date of the informal settlement meeting summary. The request shall be presented orally or in writing and shall specify:

- Reasons for the grievance; and
- Action or relief sought.

4.2 SELECTION OF A HEARING OFFICER

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

4.3 FAILURE TO REQUEST OR APPEAR AT A HEARING

If the tenant does not request or appear at a hearing in accordance with this section, then the CHA's disposition of the grievance under section 3.0 shall become final. However, failure to request or appear at a hearing does not constitute a waiver by the tenant of the right thereafter to contest the CHA's action in an appropriate judicial proceeding.

4.4 SCHEDULING OF HEARINGS

Upon the tenant's compliance with this section the Hearing Officer shall, within five (5) business days make its best effort to convene a hearing at a time and place reasonably convenient to both the tenant and the CHA. A written notification specifying the time, place and

procedures governing the hearing shall be delivered to the tenant and the appropriate agency official.

4.5 RESCHEDULING HEARINGS

The tenant may request to reschedule a hearing for good cause. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. Requests to reschedule a hearing must be made orally or in writing 24 hours prior to the hearing date. At its discretion, CHA may request documentation of the “good cause” prior to rescheduling the hearing.

If the tenant does not appear at the scheduled time, and was unable to reschedule the hearing in advance due to the nature of the conflict, the tenant must contact CHA within 24 hours after the scheduled hearing time, excluding weekends and holidays. The CHA will reschedule the hearing only if the tenant can show good cause for the failure to appear.

5.0 POLICIES GOVERNING THE HEARING

The tenant shall be afforded a fair hearing, which shall include:

- The opportunity to examine prior to the grievance hearing any Authority documents, including records and regulations that are directly relevant to the hearing. The tenant shall be provided a copy of any such document at the tenant's expense. If the CHA does not make the tenant-requested documents available for examination by the tenant, the CHA may not rely on those documents at the grievance hearing.
- The PHA hearing procedures may provide that the PHA must be given the opportunity to examine at the PHA offices before the hearing, any family documents that are directly relevant to the hearing. The PHA must be allowed to copy any such document at the PHA's expense. If the family does not make the PHA-requested documents available for examination by the PHA, the family may not rely on those documents at the hearing.
- The right to be represented by counsel or other person chosen as the tenant's representative and to have such person make statements on the tenant's behalf;
- The right to a private hearing unless the tenant requests a public hearing;

- The right to present evidence and arguments in support of the tenant's complaint, to controvert evidence relied on by CHA and to confront and cross examine all witnesses upon whose testimony or information the CHA; and
- A decision based solely and exclusively upon the facts presented at the hearing.

The Hearing Officer may render a decision without holding a hearing if the Hearing Officer determines that the issue has been previously decided at another hearing.

If either the tenant or CHA fails to appear at a scheduled hearing, the Hearing Officer may postpone the hearing for up to five (5) business days or may determine that the missing party has waived their right to a hearing. Both the CHA and the tenant shall be notified of the Hearing Officer's decision. This decision shall not waive a tenant's right to contest the disposition of the grievance in an appropriate judicial proceeding.

The following accommodation will be made for persons with disabilities:

- The CHA shall provide reasonable accommodations for persons with disabilities to participate in the hearing. Reasonable accommodations may include qualified sign language interpreters, readers, accessible locations, and attendants.
- If the tenant is visually impaired, any notice to the tenant required by these policies must be in an accessible format.

The CHA will comply with HUD's "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" issued on January 22, 2007.

6.0 INFORMAL HEARING POLICIES FOR DENIAL OF ASSISTANCE ON THE BASIS OF INELIGIBLE IMMIGRATION STATUS

The participant family may request that the CHA provide an informal hearing after the family has notification of the Immigration and Naturalization Service (INS) decision on appeal, or in lieu of request of appeal to the INS. The participant family must make this request within 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 days of receipt of the INS appeal decision.

7.0 DECISION OF THE HEARING OFFICER

The Hearing Officer shall make its best effort to prepare a written decision, together with the reasons therefor, within five (5) business days, but no later than ten (10) business days after the hearing. A copy of the decision shall be sent to the tenant and the CHA. CHA shall retain a copy of the decision in the tenant's folder. The CHA will maintain a log of all hearing decisions and make that log available upon request for inspection by a prospective complainant, his or her representative, or the Hearing Officer.

The decision of the Hearing Officer shall be binding on the CHA. The CHA shall take all actions, or refrain from any actions, necessary to carry out the decision unless the CHA's Board of Commissioners determines within a reasonable time, and promptly notifies the complainant of its determination, that:

- The grievance does not concern CHA's action or failure to act in accordance with or involving the tenant's lease or Authority regulations which adversely affect the tenant's rights, duties, welfare or status;
- The decision of the Hearing Officer is contrary to applicable Federal, State, or local law, Authority regulations, or requirements of the Annual Contributions Contract between CHA and the U.S. Department of Housing and Urban Development.

A decision by the Hearing Officer or Board of Commissioners in favor of the CHA or which denies the relief requested by the tenant in whole or in part shall not constitute a waiver of, nor affect in any manner whatsoever, any rights the tenant may have to a trial de novo or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

8.0 GRIEVANCE POLICY FOR APPLICANTS

A person or family that has applied for admission to public housing and determined ineligible for admission may request an informal hearing to contest the determination of ineligibility.

The purpose of the informal hearing is to permit the applicant to fully understand the reasons for the denial, present evidence and arguments in support of the applicant and present mitigating circumstances to explain past events or behavior.

The applicant shall submit, orally or in writing, a request for a hearing to CHA within fourteen (14) calendar days from the date of the mailing of the denial letter.

Upon the applicant's compliance with this section the Hearing Officer shall, within ten (10) business days, make its best effort to schedule and convene a hearing at a time and place

reasonably convenient to both the applicant and the CHA. A written notification specifying the time, place and the policies governing the hearing shall be delivered to the applicant and the appropriate agency official.

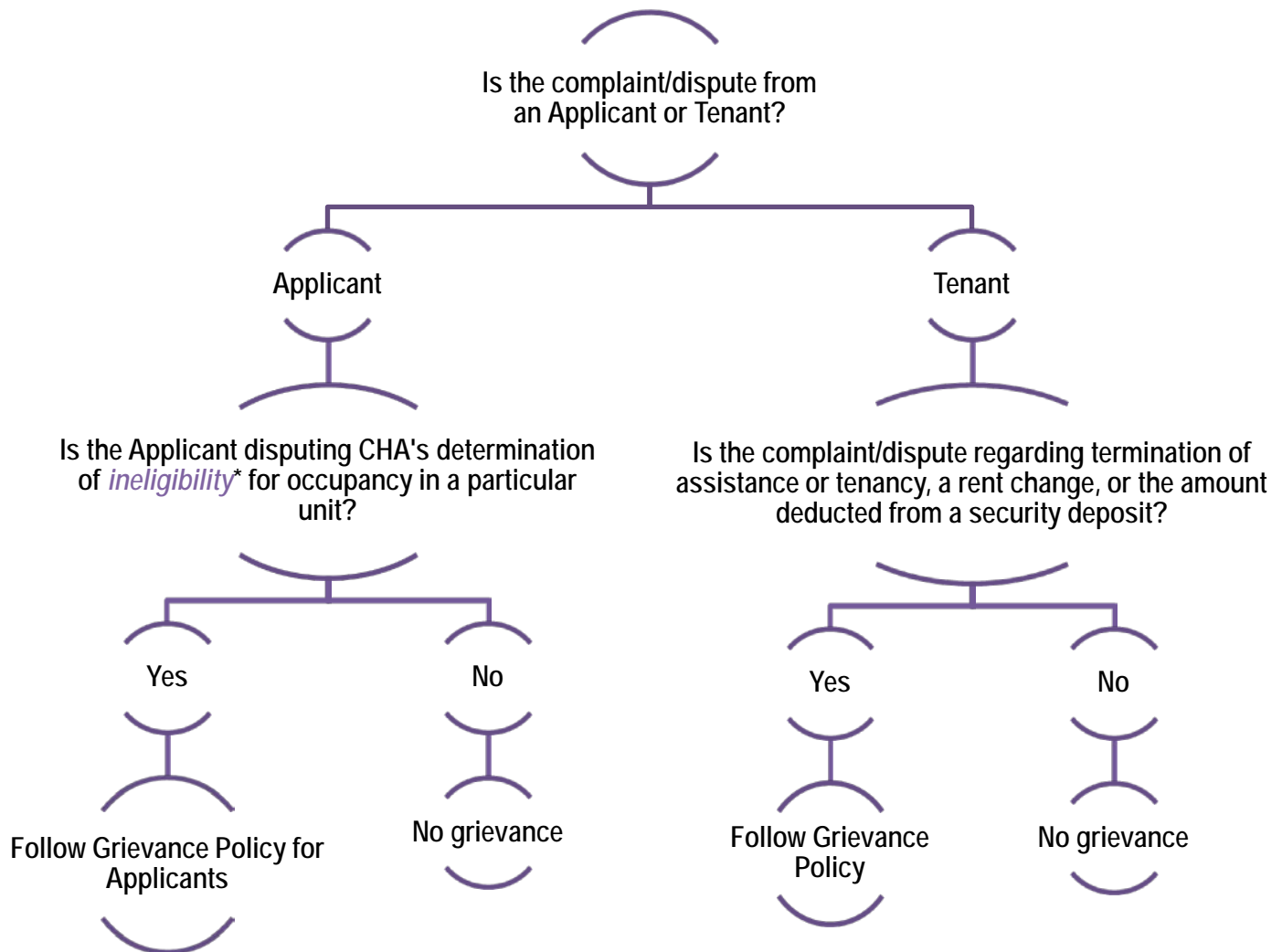
The Hearing Officer will consider the following factors in deciding whether to uphold or overturn the denial of admission:

- Whether or not the reasons for denial were clearly stated in the notice;
- Whether the reasons for denial are supported by facts and CHA policy; and
- Whether information of mitigation submitted by the applicant justifies approving the application.

After the hearing, the Hearing Officer will make its decision and by US Mail notify the applicant within ten (10) business days of the close of the hearing.

The Hearing Officer's decision is CHA's final decision on all issues related to the application. If the Hearing Officer overturns the denial, CHA shall resume processing the application. If the Hearing Officer upholds the denial, the applicant will not be admitted.

MULTI-FAMILY GRIEVANCE POLICY FLOWCHART



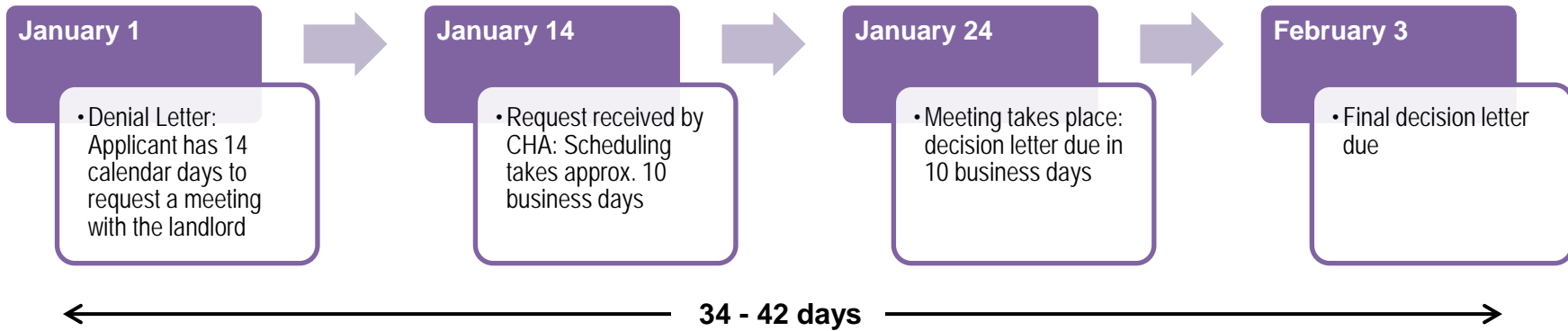
*Specific reasons for *ineligibility* are:

- Failure to disclose and provide verification of SSNs for all household members
- Failure to sign and submit verification consent forms or the Authorization for Release of Information
- Has household characteristics that are not appropriate for the specific type of unit available, or has a family size not appropriate for the unit sizes available
- Includes family members that did not declare citizenship or non-citizenship status, or did not sign a statement electing not to contend noncitizen status
- Does not meet the owner's tenant screening criteria

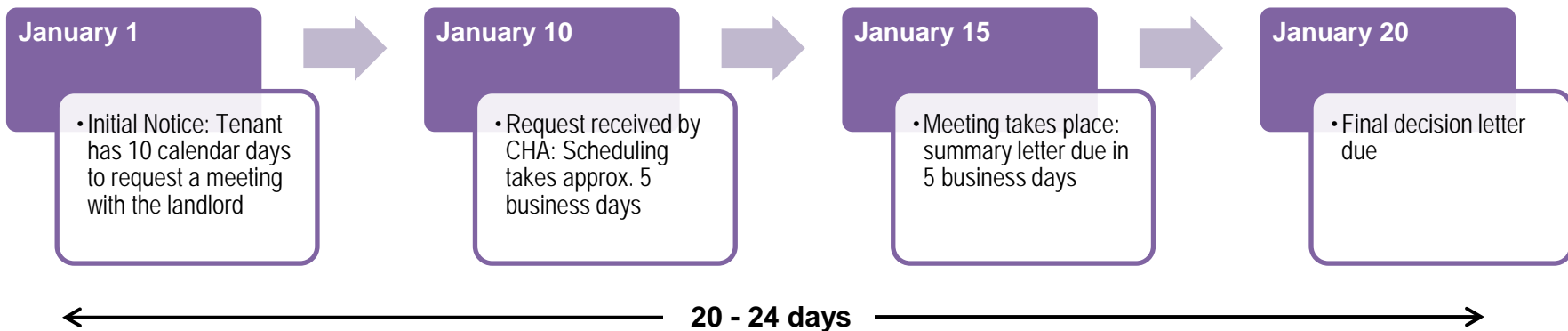
Adopted July 16, 2020

Note: Grievance Policies regarding noncitizenship status are excluded from this chart

For Applicants



For Tenants



Adopted July 16, 2020

MULTI-FAMILY GRIEVANCE PROCESS TIMELINE

MULTI-FAMILY GRIEVANCE POLICY

1.0 PURPOSE AND SCOPE

To set forth the requirements, standards and criteria to assure that a Tenant is afforded an opportunity for a meeting with the Housing Authority if the tenant disputes within a reasonable time any Housing Authority action or failure to act in accordance with the tenant's lease with the Housing Authority.

The following are issues that can be addressed through these grievance policies:

- Contest a termination of tenancy
- Contest a termination of assistance
- Dispute a change in rent
- Dispute amounts deducted from a security deposit

2.0 DEFINITIONS

For the purpose of this Grievance Policy, the following definitions are applicable:

- **"Complainant"** shall mean any tenant whose grievance is presented to the CHA in accordance with this policy.
- **"Landlord"** shall mean a person selected in accordance with these policies to hear grievances and render a decision with respect thereto.
- **"Tenant"** shall mean the adult person (or persons) other than a live-in aide:
 - Who resides in the unit and who executed the lease with the CHA as lessee of the premises, or, if no such person now resides in the premises,

- Who resides in the unit and who is the remaining head of household of the tenant family residing in the unit.
- **"Tenant Organization"** includes a tenant management corporation.
- **"Promptly"** shall mean within the time period indicated in a notice from CHA of a proposed action which would provide the basis for a grievance if the tenant has received a notice of a proposed action from the agency.

3.0 OBTAINING A MEETING

3.1 REQUEST FOR A MEETING

The tenant shall submit a written request for a meeting to CHA within ten (10) calendar days from the date of the notice of proposed action. The written request shall specify:

- The reasons for the grievance; and
- The action or relief sought.

3.2 SELECTION OF A MEETING OFFICER (LANDLORD)

A grievance meeting shall be conducted by an agency official familiar with the tenant lease and proposed action (landlord).

3.3 FAILURE TO REQUEST OR APPEAR TO A MEETING

If the tenant does not request or appear at a meeting in accordance with this section, then the CHA's disposition of the grievance shall become final. However, failure to request or appear at a meeting does not constitute a waiver by the tenant of the right thereafter to contest the CHA's action in disposing of the complaint in an appropriate judicial proceeding.

3.4 SCHEDULING OF MEETINGS

Upon the tenant's compliance with this section the Landlord shall, within five (5) business days make its best efforts to convene a meeting for a time and place reasonably convenient to both the tenant and the CHA.

3.5 RESCHEDULING OF MEETINGS

The tenant may request to reschedule a meeting for good cause. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. Requests to reschedule a meeting must be made in writing prior to the meeting date. At its discretion, CHA may request documentation of the “good cause” prior to rescheduling the meeting.

If the tenant does not appear at the scheduled time, and was unable to reschedule the meeting in advance due to the nature of the conflict, the tenant must contact CHA within 24 hours after the scheduled meeting time, excluding weekends and holidays. The CHA will reschedule the meeting only if the tenant can show good cause for the failure to appear.

4.0 INFORMAL HEARING POLICIES FOR DENIAL OR TERMINATION OF ASSISTANCE ON THE BASIS OF INELIGIBLE IMMIGRATION STATUS

The family may request that the CHA provide for an informal meeting after the family has notification of the Department of Homeland Security (IDHS) decision on appeal, or in lieu of request of appeal to the DHS. The family must make this request within 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 days of receipt of the DHS appeal decision.

5.0 GRIEVANCE POLICY FOR APPLICANTS

A person or family who has applied for admission (the applicant) but has been determined ineligible for admission may request an informal meeting to contest the determination of ineligibility. Reasons for ineligibility include:

- Unable to disclose and provide verification of SSNs for all household members
- Does not sign and submit verification consent forms or the Authorization for Release of Information
- Has household characteristics that are not appropriate for the specific type of unit available at the time, or has a family of a size not appropriate for the unit sizes that are available

- Includes family members who did not declare citizenship or noncitizenship status, or sign a statement electing not to contend noncitizen status
- Does not meet the owner's tenant screening criteria

The purpose of the informal meeting is to permit the applicant to fully understand the reasons for the denial, present evidence and arguments in support of the applicant and present mitigating circumstances in explanation of past events or behavior.

The applicant shall submit, orally or in writing, a written request for a meeting to CHA within fourteen (14) calendar days from the date of the mailing of the denial letter.

Upon the applicant's compliance with this section the Meeting Officer shall, within ten (10) business days, make their best effort to schedule and convene a meeting for a time and place reasonably convenient to both the applicant and the CHA. A written notification specifying the time and place shall be delivered to the applicant and the appropriate agency official.

The Meeting Officer will consider the following factors in deciding whether to uphold or overturn the denial of admission:

- Whether or not the reasons for denial were clearly stated in the notice;
- Whether the reasons for denial are supported by facts and CHA policy; and
- Whether information of mitigation submitted by the applicant justifies approving the application.

After the meeting, the Meeting Officer will decide and notify the applicant by mail, within five (5) business days of the close of the meeting, whether the denial should be upheld or overturned.

The Meeting Officer shall be a member of the owner's staff who was not involved in the initial decision to deny admission or assistance.

OTHER PROPERTIES GRIEVANCE POLICY

1.0 PURPOSE AND SCOPE

Although there are no formal Grievance Policy requirements, the CHA will address concerns within a reasonable amount of time. Please contact your CHA representative for assistance.

Grievance Policy Requirement Comparisons

APPENDIX #1

Grievance Policy Requirements	HCV (982.554 & 982.555)	PH (966.50 - 57)	MF (4350.3 & Lease)	HOME (WCDA Compliance Manual)	Tax Credit (WCDA Compliance Manual)
For Applicants					
Written Notice	Yes (promptly)	Not specified (see “other” section below)	Not specified (see “other” section below)	No Grievance Procedures not required (recommended only)	No Grievance Procedures not required (recommended only)
Right to appeal denial	Yes	Not specified (see “other” section below)	Not specified (see “other” section below)	Not specified	Not specified
Review conducted by any person designated by PHA (not person who made decision or subordinate)	Yes	Not specified	Not specified (see “other” section below)	N/A	N/A
Right to present written and/or oral objections	Yes	Not specified	Not specified	N/A	N/A
Notify applicant of final decision and reasons	Yes	Not specified (see “other” section below)	Not specified (see “other” section below)	N/A	N/A
Noncitizen right to hearing	Yes	Yes	Yes	N/A	N/A
For Tenants/Participants					
Informal Settlement Meeting	No	Yes	No	N/A	N/A
Summary of informal settlement meeting discussion	No	Yes (within a reasonable amount of time)	No	N/A	N/A
Incorporated by reference in lease	No	Yes	Yes (applicable reasons listed in lease)	N/A	N/A
Notice of proposed changes to grievance procedures	Not specified	Yes (30 days)	No	N/A	N/A

Adopted July 16, 2020

Provide copy of procedures	Not specified	Yes	No	N/A	N/A
Written notice of reason for action	Yes (depending on reason)	Yes	No	N/A	N/A
Time to request hearing or meeting	Yes (promptly, depending on reason)	Yes (PHA discretion)	Yes (10-14 days, depending on reason)	N/A	N/A
Independent hearing officer	Yes	Yes	No	N/A	N/A
Right to inspect documents prior to meeting/hearing	Yes	Yes	No	N/A	N/A
Right to present oral evidence	Not specified	Yes	No	N/A	N/A
Right to bring representative	Yes	Yes	No	N/A	N/A
Right to public or private hearing	Not specified	Yes	No	N/A	N/A
Decision based solely on facts/evidence presented at hearing	Not specified	Yes	No	N/A	N/A
Written decision specifying outcome and grounds	Yes (promptly)	Yes (within a reasonable amount of time)	No	N/A	N/A
Log of hearing officer decisions	No	Yes	No	N/A	N/A
Bound by decision	No	Yes (unless overturned by Board for specific/allowable reasons)	Not specified	N/A	N/A
Further appeal right	Judicial proceedings	Judicial proceedings	Not specified	N/A	N/A

Adopted July 16, 2020

Other dispute requirements (outside scope of CFR “Grievance Procedures”)					
For Applicants					
Written Notice	N/A	Yes (promptly) 960.208	Yes (promptly, with specific reasons)	N/A	N/A
Right to appeal denial	N/A	Yes 960.208	Yes (within 14 days)	N/A	N/A
Notify applicant of approximate date of occupancy	N/A	Yes (if determined eligible) 960.208	N/A	N/A	N/A
Notify applicant of final decision and reasons	N/A	N/A	Yes (within 5 days)	N/A	N/A
Reviewed by person who did not made decision or subordinate	N/A	Not specified	Yes	N/A	N/A

APPLICABLE REASONS		
HCV (982.552 - 555)	PH (966.50 - 57)	MF (4350.3 & Lease)
Applicants		
Decision to deny assistance (must include reason)	Determined to be ineligible for admission (opportunity for an informal hearing)	Ineligible for occupancy in a particular unit or property
		Unable to disclose and provide verification of SSNs for all household members
		Does not sign and submit verification consent forms or the Authorization for Release of Information
		Has household characteristics that are not appropriate for the specific type of unit available at the time, or has a family of a size not appropriate for the unit sizes that are available
		Includes family members who did not declare citizenship or noncitizenship status, or sign a statement electing not to contend noncitizen status
		Does not meet the owner's tenant screening criteria
Tenants/Participants		
A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment (notify the family that the family may ask for an explanation of the basis of the PHA determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision)	Any dispute which a tenant may have with respect to PHA 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	Rent change (meet with landlord to discuss)
A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule.		Amounts deducted from Security Deposit

Adopted July 16, 2020

(notify the family that the family may ask for an explanation of the basis of the PHA determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision)		(informal meeting to discuss)
A determination of the family unit size under the PHA subsidy standards. (notify the family that the family may ask for an explanation of the basis of the PHA determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision)		Proposed termination of assistance or tenancy (request meeting with landlord within 10-days)
A determination to terminate assistance for a participant family because of the family's action or failure to act (opportunity for an informal hearing)		
A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules (opportunity for an informal hearing)		

NON-APPLICABLE REASONS		
HCV (982.554 & 982.555)	PH (966.50 - 57)	MF (4350.3 & Lease)
Applicants		
Discretionary administrative determinations		
General policy issues or class grievances		
A determination of the family unit size under the PHA subsidy standards.		
A PHA determination not to approve an extension of the voucher term.		
A PHA determination not to grant approval of the tenancy.		
A PHA determination that a unit selected by the applicant is not in compliance with HQS.		
A PHA determination that the unit is not in accordance with HQS because of the family size or composition.		
Tenants/Participants		
Discretionary administrative determinations by the PHA	Termination of tenancy or eviction that involves: (A) Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the PHA; (B) Any violent or drug-related criminal activity on or off such premises; or (C) Any criminal activity that resulted in felony conviction of a household member.	
General policy issues or class grievances	Disputes between tenants not involving the PHA or to class grievances	
Establishment of the PHA schedule of utility allowances for families in the program	Initiating or negotiating policy changes	
A PHA determination not to approve an extension of the voucher term		

Adopted July 16, 2020

A PHA determination not to approve a unit or tenancy		
A PHA determination that an assisted unit is not in compliance with HQS		
A PHA determination that the unit is not in accordance with HQS because of the family size		
A determination by the PHA to exercise or not to exercise any right or remedy against the owner under a HAP contract		

Staff Responsibilities by Program

