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## 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

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## 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)
<b>For Applicants</b>					
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
<b>For Tenants/Participants</b>					
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

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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

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<b>Other dispute requirements (outside scope of CFR “Grievance Procedures”)</b>					
<b>For Applicants</b>					
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**

<b>HCV</b> (982.552 - 555)	<b>PH</b> (966.50 - 57)	<b>MF</b> (4350.3 & Lease)
<b>Applicants</b>		
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
<b>Tenants/Participants</b>		
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

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<p>(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)</p>		<p>(informal meeting to discuss)</p>
<p>A determination of the family unit size under the PHA subsidy standards.</p> <p>(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)</p>		<p>Proposed termination of assistance or tenancy</p> <p>(request meeting with landlord within 10-days)</p>
<p>A determination to terminate assistance for a participant family because of the family's action or failure to act</p> <p>(opportunity for an informal hearing)</p>		
<p>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</p> <p>(opportunity for an informal hearing)</p>		

<b>NON-APPLICABLE REASONS</b>		
<b>HCV</b> (982.554 & 982.555)	<b>PH</b> (966.50 - 57)	<b>MF</b> (4350.3 & Lease)
<b>Applicants</b>		
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.		
<b>Tenants/Participants</b>		
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		

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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



