

PUBLIC NOTICE

This Public Notice is to inform you that the Cheyenne Housing Authority Board of Commissioners has approved opening the Public Comment Period for a proposed revision to and clarification of CHA's Grievance Policies. A Grievance Policy specific to each housing program is proposed, including:

- Updates to the Public Housing Admissions & Continuing Occupancy Policy, Chapter 14 Grievances and Appeals
- A new Grievance Policy for the McGowen Place Apartments, Golden Meadows Townhomes, and WRAP houses
- A new Grievance Policy for Indian Hills Manor and Pine Bluffs Senior Housing

The proposed revision and proposed new policies are available for review on the Cheyenne Housing Authority website at www.cheyennehousing.org or at the Cheyenne Housing Authority's offices at the following locations.

- 3304 Sheridan Street, Cheyenne, Wyoming
- 1265 North 3rd Street, Laramie, Wyoming

Comments on the proposed revision and new Grievance Policies are to be submitted in writing (US Mail, email, or hand delivered) to the Cheyenne Housing Authority before 12 NOON Tuesday June 2, 2026 to:

Gregory Hancock

Executive Director

Hand delivered to 3304 Sheridan Street, Cheyenne, WY 82009

US Mailed to PO Box 20046, Cheyenne, WY 82003

Emailed to ghancock@cheyennehousing.org

Chapter 14

GRIEVANCES AND APPEALS

INTRODUCTION

This chapter discusses grievances and appeals pertaining to PHA actions or failures to act that adversely affect public housing applicants or residents. The policies are discussed in the following three parts:

Part I: Informal Hearings for Public Housing Applicants. This part outlines the requirements and procedures for informal hearings for public housing applicants.

Part II: Informal Hearings with Regard to Noncitizens. This part discusses informal hearings regarding citizenship status and where they differ from the requirements for general applicant and tenant grievances.

Part III: Grievance Procedures for Public Housing Residents. This part outlines the requirements and procedures for handling grievances for public housing residents.

~~Note that this chapter is not the PHA's grievance procedure. The grievance procedure is a document separate from the ACOP. This chapter of the ACOP provides the policies that drive the grievance procedure.~~

PART I: INFORMAL HEARINGS FOR PUBLIC HOUSING APPLICANTS

14-I.A. OVERVIEW

When the PHA makes a decision that has a negative impact on an applicant family, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an informal hearing. HUD regulations do not provide a structure for or requirements regarding informal hearings for applicants (except with regard to citizenship status, to be covered in Part II). This part discusses the PHA policies necessary to respond to applicant appeals through the informal hearing process.

14-I.B. INFORMAL HEARING PROCESS [24 CFR 960.208(a) and PH Occ GB, p. 58]

Informal hearings are provided for public housing applicants. An applicant is someone who has applied for admission to the public housing program, but is not yet a tenant in the program. Informal hearings are intended to provide a means for an applicant to dispute a determination of ineligibility for admission to a project [24 CFR 960.208(a)]. Applicants to public housing are not entitled to the same hearing process afforded tenants under the PHA grievance procedures [24 CFR 966.53(a) and PH Occ GB, p. 58].

Informal hearings provide applicants the opportunity to review the reasons for denial of admission and to present evidence to refute the grounds for denial.

Use of Informal Hearing Process

While the PHA must offer the opportunity of an informal hearing to applicants who have been determined as ineligible for admission, the PHA could make the informal hearing process available to applicants who wish to dispute other PHA actions that adversely affect them.

CHA Policy

The CHA will only offer informal hearings to applicants for the purpose of disputing denials of admission.

Notice of Denial [24 CFR 960.208(a)]

The PHA must give an applicant prompt notice of a decision denying eligibility for admission. The notice must contain a brief statement of the reasons for the PHA decision, and must also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing.

When denying eligibility for admission, the PHA must provide the family a notice of VAWA rights (form HUD-5380) as well as the HUD VAWA self-certification form (form HUD-5382) in accordance with the Violence against Women Reauthorization Act of 2013, and as outlined in 16-VII.C. The notice and self-certification form must accompany the written notification of the denial of eligibility determination.

Prior to notification of denial based on information obtained from criminal or sex offender registration records, the family, in some cases, must be given the opportunity to dispute the information in those records which would be the basis of the denial. See Section 3-III.G for details concerning this requirement.

CHA Policy

~~The Informal Hearing Process for Public Housing Applicants will be conducted as stated in CHA's Grievance Policy.~~

The applicant must submit, orally or in writing a request for a hearing to CHA **within (15) fifteen business days** from the date of the mailing of the denial letter. Upon applicant's compliance with this section, the Hearing Officer shall **within (15) fifteen business days** schedule and convene a hearing. A written notification specifying the time and place of the hearing ~~and the procedures governing the hearing~~ shall be sent 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 reason for denial were clearly stated in the notice;
- Whether the reasons for denial are supported by facts and CHA Policy;
- Whether the 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 (15) fifteen 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 of the application, If the Hearing Officer upholds the denial, the applicant will not be admitted.

Reasonable Accommodation for Persons with Disabilities [24 CFR 966.7]

Persons with disabilities may request reasonable accommodations to participate in the informal hearing process and the PHA must consider such accommodations. The PHA must also consider reasonable accommodation requests pertaining to the reasons for denial if related to the person's disability. See Chapter 2 for more detail pertaining to reasonable accommodation requests.

PART II: INFORMAL HEARINGS WITH REGARD TO NONCITIZENS

14-II.A. 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. These special hearings are referred to in the regulations as informal hearings, but the requirements for such hearings are different from the informal hearings used to deny applicants for reasons other than immigration status.

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.

Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

As discussed in Chapters 3 and 13, the notice of denial or termination of assistance for noncitizens must advise the family of any of the following that apply:

- 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 tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That 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.
- That 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.

United States Citizenship and Immigration Services 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 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 proof of mailing.

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.

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, an applicant family may request that the PHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the PHA notice of denial, or within 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, at a reasonable time in advance of the hearing, any documents in the possession of the PHA 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.

CHA Policy

The family will be allowed to copy any documents related to the hearing ~~at a cost of \$.25 per page.~~ **as described in section 8 of the Public Records Rule.** The family must request discovery of CHA 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.

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 request an interpreter. The PHA is obligated to provide a competent interpreter, free of charge, upon request. The family may also or instead provide its own interpreter, at the expense of the family.

Recording of the Hearing [24 CFR 966.56 (e)]

The Complainant or the PHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript.

CHA Policy

~~The CHA will not provide a transcript of an audio taped informal hearing. The CHA will neither arrange for nor provide a transcript for any party who records an informal hearing.~~

Hearing Decision

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

**(This timeframe for USCIS hearings is regulatory and must remain 14 calendar days)*

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

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, a resident family may request that the PHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the PHA notice of termination, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for resident families whose tenancy is being terminated based on immigration status is the same as for any grievance under the grievance procedures for resident families found in Part III below

PART III: GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS

14-III.A. REQUIREMENTS [24 CFR 966.52]

PHAs must have a grievance procedure in place through which residents of public housing are provided an opportunity to grieve any PHA action or failure to act involving the lease or PHA policies which adversely affect their rights, duties, welfare, or status. The PHA must not only meet the minimal procedural due process requirements provided under the regulations but must also meet any additional requirements imposed by local, state or federal law.

The PHA grievance procedure must be included in, or incorporated by reference in, the lease.

The PHA must provide at least 30 days' notice to tenants and resident organizations setting forth proposed changes in the PHA grievance procedure and provide an opportunity to present written comments. Comments submitted must be considered by the PHA before adoption of any changes to the grievance procedure by the PHA.

The PHA must furnish a copy of the grievance procedure to each tenant and to resident organizations.

14-III.B. DEFINITIONS [24 CFR 966.53; 24 CFR 966.51(a)(2)(i)]

There are several terms used by HUD with regard to public housing grievance procedures, which take on specific meanings different from their common usage. These terms are as follows:

- **Grievance** – 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
- **Complainant** – any tenant whose grievance is presented to the PHA or at the project management office
- **Due Process Determination** – a determination by HUD that law of the jurisdiction requires that the tenant must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit
- **Expedited Grievance** – a procedure established by the PHA for any grievance or termination that involves:
 - Any criminal activity that threatens the health, safety, or right to peaceful enjoyment or the PHA's public housing premises by other residents or employees of the PHA; or
 - Any drug-related criminal activity on or off the premises
- **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
 - 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

- **Hearing Officer** – an impartial person or selected by the PHA, other than the person who made or approved the decision under review, or a subordinate of that person. The individual or individuals do not need legal training.
- **Tenant** – the adult person (or persons) (other than a live-in aide)
 - Who resides in the unit, and who executed the lease with the PHA 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
- **Resident Organization** – includes a resident management corporation

14-III.C. APPLICABILITY [24 CFR 966.51]

Grievances could potentially address most aspects of a PHA'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 the PHA. It is not applicable to disputes between tenants not involving the PHA. 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 the PHA.

If HUD has issued a due process determination, a PHA may exclude from the PHA grievance procedure any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the PHA;
- Any violent or drug-related criminal activity on or off such premises; or
- Any criminal activity that resulted in felony conviction of a household member

In states without due process determinations, PHAs must grant opportunity for grievance hearings for all lease terminations, regardless of cause, with the following exception: PHAs may use expedited grievance procedures for the excluded categories listed above. These expedited grievance procedures are described in Section 14-III.E. below.

If HUD has issued a due process determination, the PHA may evict through the state/local judicial eviction procedures. In this case, the PHA is not required to provide the opportunity for a hearing under the PHA's grievance procedure as described above.

CHA Policy

The CHA is located in a HUD-declared due process state. Therefore, the CHA will not offer grievance hearings for lease terminations involving criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the CHA, for violent or drug-related criminal activity on or off the premises, or for any criminal activity that resulted in felony conviction of a household member.

See Chapter 13 for related policies on the content of termination notices.

14-III.D. INFORMAL SETTLEMENT OF GRIEVANCE [24 CFR 966.54]

HUD regulations state that any grievance must be personally presented, either orally or in writing, to the PHA office or to the office of the housing development in which the complainant resides so that the grievance may be discussed informally and settled without a hearing.

CHA Policy

The CHA will accept requests for an informal settlement of a grievance either orally or in writing (including emailed requests), to the CHA **within (15) fifteen business days** of the grievable event. Upon notification, CHA will schedule and convene an informal settlement meeting **within (15) fifteen business days** and confirm such meeting in writing to the tenant.

CHA has the sole discretion to determine if the informal settlement will be conducted remotely by phone conference or other electronic method. The CHA will consider other reasonable requests for a remote informal settlement on a case by case basis.

The informal settlement meeting with CHA will only be rescheduled for good cause. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the person requesting the grievance meeting. Requests to reschedule an informal settlement with CHA, must be made **(1) one business day prior** to the meeting date and time. At its discretion, CHA may request documentation verifying "good cause." If CHA approves the postponement, the CHA will confirm by sending an updated written notification with a new date and time. The informal settlement will only be rescheduled one time.

If the tenant does not appear at the scheduled date and time, and was unable to reschedule the informal settlement in advance due to the nature of the conflict, the tenant must contact the CHA **within (1) one business day** after the scheduled informal settlement date and time. The CHA will reschedule the informal settlement only if the tenant can show good cause for failure to appear.

HUD regulations require that a summary of such discussion will be prepared within a reasonable time and one copy will be given to the tenant and one retained in the PHA's tenant file.

The summary must specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and will specify the procedures by which a hearing may be obtained if the complainant is not satisfied.

For PHAs who have the option to establish an expedited grievance procedure, and who exercise this option, the informal settlement of grievances is not applicable to those grievances for which the expedited grievance procedure applies.

14-III.E. PROCEDURES TO OBTAIN A HEARING

Scheduling of Hearings [24 CFR 966.56(a)]

If the complainant has complied with all requirements for requesting a hearing as described above, a hearing must be scheduled by the hearing officer promptly for a time and place reasonably convenient to both the complainant and the PHA. A written notification specifying the time, place and the procedures governing the hearing must be delivered to the complainant and the appropriate PHA official.

CHA Policy

~~Refer to CHA's Grievance Policy for scheduling and rescheduling a meeting.~~

Tenant shall submit a request for a hearing to CHA **within (15) fifteen business days** from the date of the informal settlement meeting summary. The request shall be presented orally or in writing and shall specify:

- Reason for the grievance; and
- Action or relief sought

If the tenant does not request a hearing in accordance with this section, the CHA's disposition of the grievance under the informal settlement process will become final. However, failure to request a hearing does not constitute a waiver by the complainant of the right to contest the CHA's action in disposing of the complaint in an appropriate judicial proceeding.

Upon tenant's compliance with this section, the Hearing Officer shall, **within (15) fifteen business days** 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 the procedures governing the hearing shall be sent to the tenant and the appropriate agency official.

Expedited Grievance Procedure [24 CFR 966.52(a)]

The PHA may establish an expedited grievance procedure for any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the PHA;
- Any drug-related criminal activity on or near such premises; or
- Any criminal activity that resulted in felony conviction of a household member.

In such expedited grievances, the informal settlement of grievances as discussed in 14-III.D is not applicable.

The PHA may adopt special procedures concerning expedited hearings, including provisions for expedited notice or scheduling, or provisions for expedited decision on the grievance.

CHA Policy

The CHA will not offer expedited grievance procedures.

14-III.F. SELECTION OF HEARING OFFICER [24 CFR 966.53(e)]

The grievance hearing must 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. The PHA must describe their policies for selection of a hearing officer in their lease.

CHA Policy

CHA grievance hearings will be conducted by a single hearing officer and not a panel and will be appointed by the Executive Director or designee.

PHAs must describe their policies for selection of a hearing officer in their lease forms. Changes to the public housing lease are subject to a 30-day comment period [24 CFR 966.4].

14-III.G. REMOTE HEARINGS

The PHA has the option to conduct hearings remotely. The PHA's essential responsibility is to ensure hearings meet the requirements of due process and comply with HUD regulations. Therefore, all PHA policies and processes for remote hearings will be conducted in accordance with due process requirements and in compliance with HUD regulations.

CHA Policy

CHA has sole discretion to determine if the informal hearing will be conducted remotely by phone conference or other electronic method. The CHA will consider other reasonable requests for a remote grievance meeting on a case-by case basis.

14-III.H. PROCEDURES GOVERNING THE HEARING [24 CFR 966.56]

Rights of Complainant [24 CFR 966.56(b)]

The complainant will be afforded a fair hearing. This includes:

- The opportunity to examine before the grievance hearing any PHA documents, including records and regulations that are directly relevant to the hearing. The tenant must be allowed to copy any such document at the tenant's expense. If the PHA does not make the document available for examination upon request by the complainant, the PHA may not rely on such document at the grievance hearing.

CHA Policy

The tenant will be allowed to copy any documents related to the hearing ~~at a cost of \$.25 per page~~ as described in section 8 of the Public Records Rule.

The family must request discovery of CHA documents **no later than 12:00 p.m. on the business day prior to the scheduled hearing date**. If the hearing will be conducted remotely; the CHA will compile a hearing packet consisting of all documents the CHA intends to produce at the informal hearing. Upon request, the CHA will mail copies of the hearing packet to the family, the family's representatives, if any, ~~at least three days before~~ **prior to** the scheduled remote informal hearing. The original hearing packet will be in the possession of the CHA representative and retained by the CHA.

Documents will be shared electronically whenever possible. There will be no charge for documents emailed by the CHA.

- The right to be represented by counsel or other person chosen to represent the tenant, and to have such person make statements on the tenant's behalf.
- The right to a private hearing unless the complainant requests a public hearing.
- The right to present evidence and arguments in support of the tenant's complaint, to controvert evidence relied on by the PHA or project management, and to confront and cross-examine all witnesses upon whose testimony or information the PHA or project management relies.
- A decision based solely and exclusively upon the facts presented at the hearing.

Failure to Appear [24 CFR 966.56(c)]

If the complainant or the PHA fails to appear at a scheduled hearing, the hearing officer may make a determination to postpone the hearing for no more than five business days or may make a determination that the party has waived his/her right to a hearing. Both the complainant and the PHA must be notified of the determination by the hearing officer: Provided, that a determination that the complainant has waived his/her right to a hearing will not constitute a waiver of any right the complainant may have to contest the PHA's disposition of the grievance in an appropriate judicial proceeding.

There may be times when a complainant does not appear due to unforeseen circumstances which are out of their control and are no fault of their own.

CHA Policy

See CHA's Grievance Policy

The tenant may request to reschedule the 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 the hearing must be made orally or in writing **at least (1) one business day prior to the hearing date**. At its discretion, CHA may request documentation of "good cause" prior to rescheduling the hearing. The Informal Hearing will only be rescheduled one time.

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 the CHA **within (1) one business day after the scheduled hearing time**. The CHA will reschedule the hearing only if the tenant can show good cause for failure to appear.

General Procedures [24 CFR 966.56(d), (e)]

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the PHA must sustain the burden of justifying the PHA action or failure to act against which the complaint is directed [24 CFR 966.56(d)].

The hearing is conducted informally by the hearing officer. The PHA and the tenant must be given the opportunity to present oral or documentary evidence pertinent to the facts and issues raised by the complaint, and to question any witnesses.

The complainant or the PHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript [24 CFR 966.56(e)].

Accommodations of Persons with Disabilities [24 CFR 966.56(f)]

The PHA must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants.

If the tenant is visually impaired, any notice to the tenant which is required in the grievance process must be in an accessible format.

See Chapter 2 for a thorough discussion of the PHA's responsibilities pertaining to reasonable accommodation.

Limited English Proficiency (24 CFR 966.56(g))

The PHA must comply with HUD's LEP Final Rule in providing language services throughout the grievance process.

14-III.I. DECISION OF THE HEARING OFFICER [24 CFR 966.57]

The hearing officer must issue a written decision, stating the reasons for the decision, within a reasonable time after the hearing. 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 decision must be sent to the complainant and the PHA. The PHA must retain a copy of the decision in the tenant's folder. A log of all hearing officer decisions must also be maintained by the PHA and made available for inspection by a prospective complainant, his/her representative, or the hearing officer [24 CFR 966.57(a)].

CHA Policy

See ~~CHA's Grievance~~
~~policy~~

The hearing officer shall prepare a written decision, together with the reasons thereof, **within (15) fifteen business days** after 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.

Final Decision [24 CFR 966.57(b)]

The decision of the hearing officer is binding on the PHA which must take the action, or refrain from taking the action cited in the decision unless the PHA Board of Commissioners determines within a reasonable time, and notifies the complainant that:

- The grievance does not concern PHA action or failure to act in accordance with or involving the complainant's lease on PHA policies which adversely affect the complainant's rights, duties, welfare, or status; or
- The decision of the hearing officer is contrary to federal, state, or local law, HUD regulations or requirements of the annual contributions contract between HUD and the PHA

A decision by the hearing officer or Board of Commissioners in favor of the PHA or which denies the relief requested by the complainant in whole or in part must not constitute a waiver of any rights, nor effect in any manner whatever, any rights the complainant may have to a subsequent trial or judicial review in court [24 CFR 966.57(c)].

Cheyenne Housing Authority
Grievance Policy and Grievance Procedures
McGowen (Foxcrest Elderly), Golden Meadows and WRAP Houses

The purpose of this grievance policy and grievance procedures is to provide residents and prospective residents with a fair, prompt and consistent process to understand the reasons for application denial, lease termination, or maintenance charges; present evidence and arguments in support of their position; and to offer mitigating information explaining past events or behavior.

PURPOSE:

The family may request a meeting with a Cheyenne Housing Authority (CHA) designated representative for the following reasons:

- Program eligibility determinations, including whether the information submitted by the applicant supports approval under applicable policy and program regulations
- Terminations of tenancy and lease
- Maintenance charges

These grievance policies and grievance procedures do not apply in the following circumstances:

- Disputes between tenants not involving the CHA or class grievances.
- Is not intended as a forum for initiating or negotiating policy changes between a group or groups of tenants and the CHA's Board of Commissioners.
- CHA will exclude from this policy and these procedures any grievance concerning a termination of tenancy or eviction that involves:
 - Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the CHA;
 - Any violent or drug-related criminal activity on or off such premises; or
 - Any criminal activity that resulted in felony conviction of a household member.

INFORMAL COMPLAINTS

Tenants are encouraged to first raise concerns informally by:

- Speaking with their assigned housing specialist, or
- Submitting a written or verbal request for an informal meeting

REQUEST FOR A MEETING:

A request for a grievance meeting with CHA must be submitted in writing within **15 business days** of the mailing date of the application denial, lease termination letter, or maintenance charge.

Upon receipt of the written request, CHA shall within **15 business days** to schedule and convene a grievance meeting. A written notification specifying the time and place will be mailed to the applicant/tenant.

CHA has sole discretion to determine if the grievance meeting will be conducted remotely by phone conference or other electronic method. The CHA will consider other reasonable requests for a remote grievance meeting on a case-by-case basis.

RESCHEDULING THE GRIEVANCE MEETING

The grievance meeting with CHA will only be re-scheduled for good cause. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the person requesting the grievance meeting. Requests to reschedule a grievance meeting with CHA, must be made **at least (1) one business day prior to the meeting date and time**. At its discretion, CHA may request documentation verifying "good cause." If CHA approves the postponement, the CHA will confirm by sending an updated written notification with a new date and time. The grievance meeting will only be rescheduled one time.

If the applicant / tenant does not appear at the scheduled date and time, and was unable to reschedule the grievance meeting in advance due to the nature of the conflict, the applicant/tenant must contact the CHA **within (1) one business day** after the scheduled grievance meeting date and time. The CHA will reschedule the grievance meeting only if the applicant/tenant can show good cause for failure to appear.

GRIEVANCE MEETING DETERMINATION

The CHA will prepare a written decision, together with the reasons thereof, **within 15 business days** after the grievance meeting and send it to the applicant / tenant.

Cheyenne Housing Authority
Grievance Policy and Grievance Procedures
Multifamily Properties
Indian Hills Manor and Pine Bluffs Apartments

The purpose of this grievance policy and grievance procedures is to provide residents and prospective residents with a fair, prompt and consistent process to understand the purpose of the grievance process; present evidence and arguments in support of their position; and to offer mitigating information explaining past events or behavior.

PURPOSE:

The family may request a meeting with a Cheyenne Housing Authority (CHA) designated representative for the following reasons:

- Program eligibility determinations, including whether the information submitted by the applicant supports approval under applicable policy and program regulations/denial of admission
- Rent Determinations
- Recertifications (annual/interim)
- Termination of assistance
- Terminations of tenancy and lease
- Maintenance charges
- Denial or termination of assistance related to citizenship or immigration status*

These grievance policies and grievance procedures do not apply in the following circumstances:

- Disputes between tenants not involving the CHA or class grievances.
- Is not intended as a forum for initiating or negotiating policy changes between a group or groups of tenants and the CHA's Board of Commissioners.
- CHA will exclude from this policy and these procedures any grievance concerning a termination of tenancy or eviction that involves:
 - Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the CHA;
 - Any violent or drug-related criminal activity on or off such premises; or
 - Any criminal activity that resulted in felony conviction of a household member.

INFORMAL COMPLAINTS

Tenants are encouraged to first raise concerns informally by:

- Speaking with their assigned housing specialist, or
- Submitting a written or verbal request for an informal meeting

REQUEST FOR A MEETING:

APPLICANTS

A request for a grievance meeting with CHA must be submitted in writing within **14 (fourteen)** business days** of the mailing date of the application denial.

Upon receipt of the written request, CHA shall within **15 (fifteen) business days** schedule and convene a grievance meeting. A written notification specifying the time and place will be mailed to the applicant.

TENANTS

A request for a grievance meeting with CHA must be submitted in writing within **10 (ten)** business days** of the mailing date of the lease termination letter, maintenance charge or other reason(s) listed in the Purpose.

Upon receipt of the written request, CHA shall within **10 (ten)** business days** schedule and convene a grievance meeting. A written notification specifying the time and place will be mailed to the tenant.

REMOTE HEARINGS FOR APPLICANTS OR TENANTS

CHA has sole discretion to determine if the grievance meeting will be conducted remotely by phone conference or other electronic method. The CHA will consider other reasonable requests for a remote grievance meeting on a case-by-case basis.

RESCHEDULING THE GRIEVANCE MEETING

The grievance meeting with CHA will only be re-scheduled for good cause. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the person requesting the grievance meeting. Requests to reschedule a grievance meeting with CHA, must be made **at least (1) one business day prior to the meeting date and time**. At its discretion, CHA may request documentation verifying "good cause." If CHA approves the postponement, the CHA will confirm by sending an updated written notification with a new date and time. The grievance meeting will only be rescheduled one time.

If the applicant / tenant does not appear at the scheduled date and time, and was unable to reschedule the grievance meeting in advance due to the nature of the conflict, the applicant/tenant must contact the CHA **within (1) one business day** after the scheduled grievance meeting date and time. The CHA will reschedule the grievance meeting only if the applicant/tenant can show good cause for failure to appear.

GRIEVANCE MEETING DETERMINATION

APPLICANTS

The CHA will prepare a written decision, together with the reasons thereof, **within 5 (five)** business days** after the grievance meeting and send it to the applicant.

TENANTS

The CHA will prepare a written decision, together with the reasons thereof, **within 10 (ten)** business days** after the grievance meeting and send it to the tenant.

*The process for appealing determinations for the denial or termination of assistance related to citizenship or immigration status can be found in the U.S. Department of Housing and Urban Development (HUD) Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs.

**Time frame is per Multifamily regulations.