

# **HOUSING AUTHORITY OF PADUCAH GRIEVANCE PROCEDURE**

Adopted August 21, 2014  
Resolution 738-14



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## **GRIEVANCE PROCEDURE TIMELINE**

- **Notice to Tenant – at least 10 calendar days before proposed action.**
- **Tenant has 5 calendar days to submit a Request for Grievance Hearing after receiving the Notice. (If PHA’s inaction is the basis for a grievance, the tenant may also submit a Request for Grievance Hearing).**
- **An informal settlement meeting will be held within 10 calendar days of the Request (and may be held when the Request for Grievance is submitted).**
- **PHA informal settlement Summary & Decision will be sent out within 5 business days of the informal settlement meeting (or hand delivered at the meeting).**
- **Tenant must return the Summary & Decision within 5 calendar days (of the date of mailing or hand-delivery) if not satisfied with the PHA decision, and confirm that a hearing is requested (can do at the meeting).**
- **If the tenant does not sign and return the Summary & Decision within calendar 5 days, that decision by PHA will be the final disposition.**
- **If a hearing is requested, a hearing is to take place within 20 calendar days (with at least 10 calendar days’ notice).**
- **The Grievance Hearing Officer shall file a decision within 15 business days of the date of the hearing.**
- **If the tenant is not satisfied with the decision, an appeal may be filed in State Court.**

## **I. Grievances**

PHA's grievance procedure is for resolving disputes between a tenant and PHA because of either an action that PHA did or that it failed to do (under the lease or under PHA's regulations), which will have an "adverse" impact on the tenant's rights, duties, welfare or status. This includes lease termination, eviction, adding charges for maintenance or repair, not scheduling timely repairs, or transferring to another unit. It is not for disputes between tenants, for class grievances, or for dealing with issues between tenants or tenant groups and the PHA Board of Commissioners, personal injury, property damage or challenging PHA policies. 24 CFR §§ 966.51, 966.53.

Under the grievance process: 1) after the tenant receives a Notice from PHA of a planned action regarding the tenant (or, if the dispute is over a lack of action by PHA, it may be done without receiving a Notice); 2) the tenant must submit a Grievance Hearing Request form; 3) then, there is an informal settlement meeting; 4) if the tenant is not satisfied with the decision that PHA makes after that meeting, the tenant must *confirm* the request for a grievance hearing (by signing and returning the Summary & Decision form); 5) a grievance hearing will then be held; and 6) the tenant may proceed in court if not satisfied with the decision after the grievance hearing.

The grievance hearing is intended to quickly and informally settle certain disputes and protect the due process rights of the tenant. However, participation in the grievance process does not alter any rights that the tenant may have to appropriate judicial proceedings— either instead of or after a grievance hearing. Unless ordered by the court, PHA does not pay for a tenant's court costs or attorney's fees.

## **II. Notice to the Tenant of a Planned Adverse Action**

Written Notice from PHA must be hand-delivered or sent by first-class mail to the address that the property manager has on file for the tenant who executed the lease

and resides in the unit *or* to the remaining head of household. *See*, Section 6 of the HAP Handbook and 24 CFR § 966.4(k)(1)(i); 24 CFR § 966.53 (Definition of “Tenant.”). This must be done at least ten (10) calendar days before the proposed action (*a sample notice is attached to this Procedure as Attachment “A”*).<sup>2</sup> The Notice will explain:

1. the proposed action by PHA (such as lease termination);
2. the reason for the action, with factual detail and legal citation;
3. who may dispute the action; and
4. how and where to present a dispute/ grievance;
5. the availability of assistance from the tenant council; and
6. procedures for requesting a grievance hearing after an informal settlement conference.

If the tenant files a grievance, the adverse action in the Notice will not be carried out until the grievance process has been completed. 24 CFR§ 966.4(e)(8)(B).

### **III. Who May Present a Grievance**

A grievance may be presented by a tenant who executed the lease and resides in the unit *or* by the remaining head of household of the tenant family living in the unit (the person submitting a grievance will be referred to as the “complainant.”). *See*, 24 CFR § 966.53(f).

### **IV. Not Included in the Grievance Process**

The grievance procedure is *not* available for certain disputes and they must be dealt with in the courts if the tenant contests the action. These include:

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

If a grievance is requested, but it is for a dispute of one of the 3 types noted above, the complainant will receive a letter from PHA denying a grievance hearing. 24 CFR§ 966.51(a)(2)(i).

## V. Informal Settlement Meeting – Needed Before a Hearing

If the tenant wishes to dispute the action in the Notice, the tenant must **submit a Request for a Grievance Hearing to the property manager within fourteen (5) calendar days, if for lease termination for non-payment of rent or threats to health or safety, otherwise**, from the date that the notice was hand-delivered or sent (*a sample grievance hearing request form is attached to this Procedure as Attachment “B”*). 24 CFR §§ 966.54; 966.55(d); 42 U.S.C. §§ 1437d(k)(2).

The property manager shall provide a complainant with the Grievance Procedure Timeline at the time that a grievance is filed and provide the complainant with a copy of the grievance filed.

Before the tenant can have a grievance hearing, **the property manager is responsible for holding and the tenant must participate in an informal settlement meeting**, in which PHA will try and resolve the issue. *See*, 24 CFR§ 966.54. If not satisfied with the decision of PHA after that meeting, the complainant (a tenant is referred to as “complainant” after filing a grievance) **must sign and return a *confirmation of the request for a grievance hearing*, on the Summary & Decision** from the informal meeting, before a grievance hearing will be held. 24 CFR § 966.55(a).

The informal settlement meeting may take place when the grievance is presented to the property manager and may simply be a discussion between the property manager and the complainant. Or the meeting will be scheduled within ten (10) calendar days, if more convenient, if another department is responsible for the activity being grieved or for some other reason. **In order to obtain a grievance hearing, the complainant *must* participate in this informal settlement meeting, or show good cause for the meeting not occurring.** See, 24 CFR § 966.55(d).

After the informal settlement meeting, PHA will prepare a written Summary & Decision (*a sample is attached to this Procedure as Attachment "C"*), which can be done at the same time the grievance is received and discussed and given immediately to the complainant or it can be hand-delivered or sent by first-class mail to the address that the property manager has on file, within five (5) business days of the meeting. A copy of this Summary & Decision will also be kept in the complainant's file. 24 CFR § 966.54.

The *complainant must sign and return the Summary & Decision* within ten (5) days, if not satisfied with the decision and a grievance hearing is still requested. It also can be signed immediately after the informal settlement meeting and given to the property manager.

## **VI. Confirmation of Request for a Grievance Hearing**

If the complainant has had an informal settlement meeting, but is not satisfied with PHA's proposed resolution and wants to have a grievance hearing, then he or she ***must sign the Summary & Decision to indicate that a hearing is desired and return that to the property manager within (10) calendar days*** of the date of mailing or hand-delivery of the Summary & Decision. See, 24 CFR § 966.55(a). This can be done at the time of the settlement meeting.

The property manager is then responsible for:

- 1) completing a one page form (*a sample form is attached as Attachment D*, which PHA may revise as administratively appropriate), in response to the confirmation of the request for a grievance hearing, and
- 2) forwarding that, with the Request for a Grievance Hearing, to the PHA hearing coordinator. It is the responsibility of the property manager to do this immediately, as the timeline for PHA's response starts as of when the property manager receives the complainant's confirmation that a grievance hearing is still sought, by signature on the Summary & Decision. If PHA intends to use this form at the hearing or present it to the hearing officer, it must be shared with the complainant in advance.

**If the complainant does not sign and return the Summary & Decision within ten (10) calendar days, indicating that a hearing is sought, the decision in PHA's Summary & Decision will be PHA's final disposition of the dispute, although the complainant may proceed in court to contest the PHA decision. 24 CFR § 966.55(a,c-d).**

Under the federal regulations, in certain circumstances an escrow deposit is required for rent disputes before a grievance hearing may be scheduled. 24 CFR § 966.55(e)(1-2).

## **VII. Grievance Hearing**

If the complainant is entitled to a grievance hearing, the **PHA hearing coordinator** will contact the complainant, PHA, the hearing officer and an Assistant Hearing Officer, if designated and agreed to by the complainant, for scheduling purposes, then:

1. **schedule** a grievance hearing at a reasonably convenient time that is not more than twenty (20) calendar days from the date that PHA receives the signed confirmation on the Summary & Decision of the request for a grievance



hearing, unless the parties and the hearing officer agree in writing to an extension (*see* 24 CFR § 966.55(f));

2. **send written notification of the hearing** to the complainant, with a copy to PHA (*a sample “Notification of a Grievance Hearing” is attached to this Procedure as Attachment “E”*), – with at least ten (10) calendar days’ notice to the parties of the hearing date (*see* 24 CFR § 966.55(f));
3. **provide the opportunity for an exchange of documents**, if requested, for both sides to see any documents that will be presented to the hearing officer, at least three (3) business days before the hearing, and send all identified documents for use at the hearing to the hearing officer (*see* 24 CFR § 966.56(b)(1)); and
4. **obtain the names of any witnesses** at least three (3) business days in advance of the hearing. Failure to provide the name of a prospective witness will result in the person *not* being able to testify, unless the hearing officer, in the interests of fairness, allows for the presentation of testimony.

The hearing will be held before an impartial hearing officer and Assistant Hearing Officer, if designated and agreed to by the complainant, selected pursuant to this policy. A hearing officer may make a decision without a hearing, if it is determined that the same issue was previously decided in another proceeding. 24 CFR § 966.56(c).

Neither party may engage in *ex parte* communications with the hearing officer, which means communications about the merits or substance of the grievance, unless the other side has notice and a chance to participate. There can be no “side conversations” with the hearing officer about the case, either from the complainant, PHA or any representative of those parties. *To avoid even the appearance of such communications before, during or after the hearing, the parties should communicate with the hearing*

*coordinator for scheduling matters and not e-mail or call the hearing officer, unless the other party is simultaneously included in the e-mail or the call.*

**The following rules govern the grievance hearing**

*(See, generally, 24 CFR §966.56):*

1. The complainant must show that the dispute is one that is appropriate for a grievance hearing, but thereafter, PHA must justify its position by a preponderance (“more likely than not”) of the evidence.
2. Both PHA and the complainant shall have the opportunity, upon request, to look at any records that are directly relevant to the hearing and/or that will be presented at the hearing, *which opportunity shall be made at least three (3) business days in advance of the scheduled hearing*, either at PHA offices or at the office of the property manager, unless the hearing officer allows a shorter time for meaningful review by both parties.
3. PHA and the complainant shall have the opportunity to copy relevant records at their own expense and PHA may set a duplication fee not to exceed that set by the Housing Authority’s Open Records Policy.
4. Any records for which a party made a written request for inspection, but which was not provided to the other party, may not be used at the hearing, unless the hearing officer decides to allow the evidence as a matter of fairness in exceptional circumstances and may also allow for a continuance.
5. PHA and the complainant shall receive from the hearing coordinator a briefing packet of relevant documents related to the hearing, at least three (3) business days in advance of the hearing.

6. The complainant, at the complainant's expense, has the right to be represented by counsel or by any other representative selected by the complainant, including a representative from the tenant council who is acting as an advocate for the complainant – however, the complainant must also be present at the hearing.
7. The complainant has the right to a private hearing, unless the complainant requests a public hearing and the hearing officer agrees. However, either PHA or the complainant may make arrangements in advance and at their own expense, to have the hearing transcribed and any interested party may purchase a copy of the transcript. Otherwise, no recordings, photographs or videotaping of the proceedings are allowed without the permission of the hearing officer.
8. The complainant shall have the right to present relevant evidence and arguments in support of the complainant's dispute/grievance, to challenge evidence relied upon by PHA or property management and to confront witnesses.
9. The rules of evidence at the hearing are not the same as those in a judicial proceeding; hearsay may be admitted but may not be the sole basis for a decision; and testimony shall be given under oath administered by the hearing officer, averring that the information shall be true and correct to the best knowledge of the person presenting the evidence, under penalty of perjury.
10. The complainant has the right to a reasonable accommodation, upon request, for persons with disabilities to participate in the hearing, which may include qualified sign language interpreters, readers, accessible locations, or attendants.
11. If needed and requested, PHA will arrange for a qualified interpreter; if the complainant wishes to have a different interpreter, the complainant may arrange for one at the complainant's expense.

12. Children are not appropriate interpreters for a grievance hearing and generally should not be brought to the hearing.
13. Any safety or security concerns regarding the hearing should be presented to the PHA hearing coordinator or property manager in advance of the scheduled hearing.
14. All those involved in the hearing must behave in an orderly manner. Failure to comply with the directions of the hearing officer to maintain order may result in exclusion from the proceedings or in a decision against the disorderly party.
15. There may be a reasonable continuance of the scheduled hearing for good cause, which determination shall be in the discretion of the hearing officer and will include any unavoidable conflict that seriously affects the health, safety or welfare of the family, a critical witness for PHA or the complainant, or the hearing officer.
16. If either party fails to appear within fifteen (15) minutes of the scheduled time for the hearing, the hearing officer may make a determination to postpone the hearing for a period not to exceed five business days or may make a determination that the party has waived his right to a hearing and so notify both parties. Failure by a previously non-appearing party to attend the re-scheduled hearing will result in a decision that the non-appearing party has waived his right to a hearing. Written notice will be sent to both parties. A decision regarding waiver of any right to a grievance hearing due to non-appearance by the tenant does not impact the tenant's right to contest PHA's disposition of the grievance in an appropriate judicial proceeding.
17. In exceptional cases, at the discretion of the hearing officer and with the consent of both parties, a hearing may be conducted with one party appearing by telephone or other means that does not involve the individual's physical presence. A hearing officer may make a decision without a hearing, if it is determined that the same

issue was previously decided in another proceeding. 24 CFR § 966.56(c).

18. The hearing shall be conducted by an impartial hearing officer and a written decision shall be based solely and exclusively on the facts presented at the hearing.

### **VIII. Selection of Hearing Officer** (*See*, 24 CFR § 966.55)

All grievance hearings shall be conducted by an impartial person appointed by the PHA after consultation with tenant council, in the manner described below:

1. PHA shall nominate a slate of one or more impartial persons to sit as hearing officers. Such persons may include, but will not necessarily be limited to, staff members or other responsible and qualified persons, with an appropriate legal background, such as an attorney or paralegal, in the community. Both in-house and outside counsel are eligible to sit as hearing officers, but PHA staff members who handle lease enforcement or property management issues are not eligible. No person shall be listed as a hearing officer unless such person has consented to the appointment.
2. The slate of potential nominees shall be submitted to all PHA tenant council members for written comments, which shall be sent to PHA within fifteen (15) business days. PHA shall consider written comments from tenant councils before the appointments are made. Objection to the appointment of a hearing officer must be considered, but it is not dispositive. On final appointment, the person(s) appointed and the tenant council shall be informed in writing.

### **IX. Decision by Hearing Officer**

The hearing officer shall prepare and distribute a written decision, with an explanation of the reasons for the decision (a sample is attached to this Procedure as Attachment "F"), within fifteen (15) business days of the hearing. 24 CFR § 966.57(a).

The decision shall be binding on PHA, unless:

- the Board of Commissioners determines within a reasonable time and promptly informs complainant that: 1) the complaint was not one that was appropriate for a grievance procedure; or 2) the decision of the hearing officer is contrary to applicable law, regulations or the requirements of any annual contract between HUD and the PHA. 24 CFR § 966.57(b) or
- there is a significant procedural or administrative error that is demonstrated to the hearing officer by written request for reconsideration from either party, within three (3) business days of the date of the decision, in which case the hearing officer has two (2) business days to re-issue the decision.

If the decision is against the complainant, the complainant still retains any rights he or she may have to judicial remedies. 24 CFR § 966.57(c).

## **X. Role of Resident Leadership in the Grievance Hearing Process**

The resident leadership may have two roles in the grievance hearing process:

- 1) a role as educator and advocate for complainants and tenants, and
- 2) a role as an impartial Assistant Hearing Officer. These roles are distinct and must not overlap.

These roles are distinct and must not overlap.

1. In order to ensure that all tenants are familiar with the grievance procedures, which safeguard their due process and other rights, PHA shall work with the tenant council, upon request, to train tenant council representatives.
2. Those tenant council representatives are to be available to assist complainants with preparing grievances and going through the grievance process. The Notice of a Planned Adverse Action (*see Sample in Attachment "A"*); the Grievance Form (*see Sample in Attachment "B"*) and the Summary & Decision of Informal Settlement Meeting (*Attachment "C"*), all explain the possibility of obtaining information from the tenant council regarding the grievance.
3. The tenant council shall provide the Property Manager with contact information for its designated grievance representatives and the Property Managers shall provide such information upon request from a tenant/complainant.
4. Separate and distinct from tenant council advocates for complainants, the Resident Advisory Board may select up to five Assistant Hearing Officers, under a procedure to be determined by the Resident Advisory Board, with input from the Office of General Council Hearing Officer supervisor, who shall have the following duties and qualifications:
  - a. Assistant Hearing Officers shall serve without compensation, be impartial and agree to maintain the confidentiality of the hearings;
  - b. PHA will provide grievance procedure training to Assistant Hearing Officers;
  - c. The hearing coordinator will establish a regular schedule for hearings and will select one Assistant Hearing Officer, in random order, for participation in the hearings, unless the Hearing Officer and Resident Advisory Board decide on a different manner of selection;

- d. The Assistant Hearing Officer will only participate in hearings where the complainant agrees, in writing, to such participation;
- e. The decision from a grievance hearing will be made by the Hearing Officer, after consideration of timely verbal or written input from an Assistant Hearing Officer;
- f. The Assistant Hearing Officer may prepare an Assistant Hearing Officer Advisory Decision, in substantially the same format as the Grievance Hearing Decision. This will be included in the file, if submitted to the Hearing Officer within seven business days of the date of the hearing, but is not part of the record and not transmitted to the complainant;
- g. If no Assistant Hearing Officer is available on a regularly scheduled day for grievance hearings, the hearings will be held without the participation of an Assistant Hearing Officer;
- h. Assistant Hearing Officers will disqualify themselves from hearing grievances that involve personal friends, other residents of developments in which they work or reside or grievances in which they have a personal interest.

## **XI. Retention of Grievance Hearing Decisions and Access**

Decisions of hearing officers and related records shall be retained by PHA in the tenant's file for the term of the tenancy.



ATTACHMENT "A"

PHA GRIEVANCE PROCESS FOR PUBLIC HOUSING

**SAMPLE: NOTICE OF ADVERSE ACTION**

*(To be sent at least 10 calendar days before the proposed action)*

I. This is to advise you that the following action will be taken against you (if for an eviction or Lease termination, an "Eviction Fact Sheet" or "Notice of Lease Termination" will be attached to this Notice).

II. The reason for the action is as follows [*including who, what, when, where, and why, in terms of the action – and the relevant regulatory, statutory, lease or other reference*]:

III. If you wish to challenge this action, you have **five (5) calendar days** from \_\_\_\_\_ [*date*], to see your property manager and file a Request for a Grievance Hearing. PHA will then try and resolve the dispute through an informal discussion or meeting, before any grievance hearing can be scheduled.

IV. **You may obtain a copy of PHA's Grievance Procedure from the property manager**, which procedure details the process for dispute and when this process is appropriate.

V. **Your tenant council may assist you in responding to this Notice** and you may obtain further information from your resident council representative. If you do not know who this is, your Property Manager can provide contact information. The timeline for filing a Request for a Grievance Hearing, in paragraph III, above, applies regardless of whether you seek assistance from your tenant council.

VI. **A copy of the Grievance Procedure Timeline is included with this Notice.**

*To be filled out by PHA:*

I \_\_\_\_\_ [your name] hereby attest that I either hand-delivered \_\_\_\_\_  
[check if appropriate] *or* sent by first class mail \_\_\_\_\_ [check if appropriate], to  
\_\_\_\_\_ [name of person receiving the Notice] at the following address:

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

Signature: \_\_\_\_\_

***[Include VAWA, LEP and reasonable accommodation language in the Notice].***

ATTACHMENT "B"

**PHA GRIEVANCE PROCESS FOR PUBLIC HOUSING  
GRIEVANCE HEARING REQUEST FORM**

This information must be submitted to the Property Manager or Office within five (5) calendar days of the date that the Notice was either mailed or hand-delivered (the date is on the Notice). The information is available in an alternative format upon request and can be translated if required.

Your tenant council may assist you in preparing this Form and you may obtain further information from your resident council representative. If you do not know who this is, your Property Manager can provide contact information. The timelines for submission of this form apply regardless of whether you seek assistance from your tenant council.

Date: \_\_\_\_\_ Name: \_\_\_\_\_

Client ID: \_\_\_\_\_ Tel Number: \_\_\_\_\_

Unit Address: \_\_\_\_\_

Site Name: \_\_\_\_\_ Unit ID: \_\_\_\_\_

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

-- you may pick one or more, below:

I. LEASE TERMINATION ISSUE:

\_\_\_\_\_  
\_\_\_\_\_

II. MAINTENANCE/REPAIR ISSUE: What is the issue and what steps, if any, have you taken to resolve it (please provide details, such as date and numbers of any service orders): \_\_\_\_\_

\_\_\_\_\_

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III. TRANSFER ISSUE:

- What is the issue/reason for transfer? \_\_\_\_\_  
\_\_\_\_\_;
- When was the transfer requested? \_\_\_\_\_;
- Whom did you ask for the transfer? \_\_\_\_\_;
- Did you complete your transfer package?  No;  Yes; When? \_\_\_\_\_:
- When did you last speak with the Admissions Dep't? \_\_\_\_\_; with whom \_\_\_\_\_ and what did that person tell you \_\_\_\_\_?

IV. RENT CALCULATION AMOUNT ISSUE (*Please note that rent is calculated using federally standardized methods; PHA does not control the amount of your rent.*)

- Have you requested a rent recalculation?  Yes  No;
- Have you met with your manager to perform a rent re-calculation?  Yes  No;
- When was the re-calculation completed \_\_\_\_\_; who did the recalculation \_\_\_\_\_; and amount of the new rent? \_\_\_\_\_
- Why do you believe that the amount of rent due is not appropriately calculated?  
\_\_\_\_\_  
\_\_\_\_\_

V. OTHER ISSUE(s) –  
\_\_\_\_\_  
\_\_\_\_\_

⇒ **Before a grievance hearing will be scheduled, you must participate in an informal settlement conference. If, after that conference, you still want a hearing – YOU MUST SIGN AND RETURN the “Summary & Decision: Informal Settlement Meeting” form within five (5) calendar days to have a grievance hearing.**

⇒ Please provide two possible dates and times in the next 30 calendar days when you would be available for a grievance hearing:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ ; Date: \_\_\_\_\_ Time: \_\_\_\_\_

⇒ If you plan to have an attorney, service agency, or medical provider(s) representing you at the grievance hearing, please include a mailing address and daytime telephone number for each:

\_\_\_\_\_

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

\_\_\_\_\_

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

⇒ **Client Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

FOR USE BY LEGAL DEP'T ONLY: Date request received: \_\_\_\_\_;

Date request appv'd/denied: \_\_\_\_\_; Reason denied (applicable CFR or ACOP section) \_\_\_\_\_; By: \_\_\_\_\_;

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

ATTACHMENT "C"

PHA GRIEVANCE PROCESS FOR PUBLIC HOUSING  
SUMMARY & DECISION OF INFORMAL SETTLEMENT MEETING

*(To be sent by PHA no later than 5 business days after the settlement meeting)*

Date: \_\_\_\_\_

This is a Summary & Decision of the informal settlement meeting that was held on \_\_\_\_\_ (*date*), regarding the grievance/dispute that you presented on \_\_\_\_\_ (*date that grievance was received*). It also has PHA's decision based on that meeting, the reasons for that decision and how to request a hearing, if you do not agree with PHA's decision. **If you do not agree with this decision and wish for a grievance hearing – you must sign and return this form within 5 calendar days (as explained on page 2 of this form). Otherwise, this will be PHA's final disposition and you will not be entitled to a grievance hearing.**

I. NAME AND ADDRESS OF TENANT:

II. SHORT DESCRIPTION OF GRIEVANCE/COMPLAINT:

III. PARTICIPANTS IN THE INFORMAL SETTLEMENT MEETING (with titles and whether present for PHA or for the tenant).

IV. NAME AND TITLE OF PERSON WHO CONDUCTED THE MEETING:

V. PHA's DECISION AND SUPPORTING REASONS:

**WITHDRAWAL OF GRIEVANCE as a result of the Informal Settlement Meeting:**

I hereby agree to withdraw my grievance.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PROCEDURE TO REQUEST A HEARING IF NOT SATISFIED WITH THIS DETERMINATION:**

Within five (5) calendar days of the date of mailing or hand-delivery of this Summary, you must sign and return this document to your property manager, or the decision of PHA will be PHA's final decision and you will not be allowed to have a grievance hearing (although you may proceed in court). A copy of this form, with your signature, shall be provided to you, upon request.

I, the tenant (check below, as applicable):

\_\_\_\_\_ do not agree with PHA's decision and wish to have a grievance hearing;

\_\_\_\_\_ wish [OR] do *not* wish \_\_\_\_\_ to have an impartial Assistant Hearing Officer, selected by the Resident Advisory Board, at my hearing who would NOT be acting on my behalf, as my representative or my advocate, but would have the role of providing impartial input to the Hearing Officer making the decision.

\_\_\_\_\_ I understand that I may, at my own expense, have legal counsel represent me at the hearing or have an advocate from the tenant council (not the same as the impartial Assistant Hearing Officer) appear with me and/or assist me with preparing for the hearing.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Phone #: \_\_\_\_\_

Failure to request a hearing does not preclude you from exercising your right to contest PHA's action in an appropriate judicial proceeding.

**FOR PHA USE: If hand delivered:**

**Date** that Summary was hand-delivered to the tenant: \_\_\_\_\_

**Name** of person who hand-delivered the Summary \_\_\_\_\_ and

**Signature of Person who Hand-delivered the Summary** \_\_\_\_\_

OR *If mailed:*

**Date** that Summary was mailed by first-class mail to the tenant: \_\_\_\_\_

**Name** of person who mailed the Summary: \_\_\_\_\_

**Signature of person who mailed the Summary:** \_\_\_\_\_



ATTACHMENT "D"

PROPERTY MANAGER'S NAME: \_\_\_\_\_ Tel. No. \_\_\_\_\_

**I. Maintenance/Repair Issue(s):**

Please summarize when you were first notified of the issue and what steps have been taken to address it, including the dates of any contact with maintenance, Service Order #s and follow-up actions (if applicable, please attach any photos):

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**II. Transfer Issues**

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

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**III. Rent Issues**

When was the last recalculation performed? \_\_\_\_\_

Who conducted the recalculation? \_\_\_\_\_

What verifiable information was used for the recalculations?

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If there is a change in the rent amount, what is the old amount? \_\_\_\_\_

New? \_\_\_\_\_

Other Comments? \_\_\_\_\_

### III. Other Issues

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Property Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

ATTACHMENT "E"

**PHA GRIEVANCE PROCESS FOR PUBLIC HOUSING  
NOTIFICATION OF A GRIEVANCE HEARING**

*(This notice is available in an alternative format if requested and translation is available.)*

You have requested a grievance hearing to decide whether the action by PHA or failure to act regarding you was justified. You have the right to a fair hearing, with a decision by an impartial hearing officer, based only upon the evidence presented at the hearing. PHA shall present evidence and you have the right to respond or show why PHA should act differently.

⇒ You will be contacted by a PHA hearing coordinator to:

- 1) **schedule the grievance hearing** (you will receive written notification and at least ten (10) calendar days' notice);
- 2) **provide an opportunity to review records that you or PHA plan to present at the hearing**, at least three (3) business days before the hearing. You must identify records that you plan to present and you may review your file and have copies of anything relevant to your case, at your own expense. If there is a written request to see a record that a party has identified, but it is not provided before the hearing, the party who refused to provide it may not be able to use it at the hearing, other than in exceptional circumstances;
- 3) **identify any witnesses** that you plan to call at the hearing (this must be done at least three (3) business days before the hearing or they cannot testify); and
- 4) **confirm whether or not you wish to have an impartial Assistant Hearing Officer**, selected by the Resident Advisory Board, at your hearing who would NOT be acting

on your behalf, as your representative or your advocate, but would have the role of providing impartial input to the Hearing Officer who will be making the decision.

- ⇒ Usually, PHA will present its **evidence** first. You may cross examine witnesses. All oral testimony shall be made under oath and under penalty of perjury. After PHA is finished, you may testify and present witnesses who have personal knowledge of the facts of the case to give their testimony and documents that have been shared with PHA in discovery (letters, doctors' reports, receipts, official notices, etc.)
  
- ⇒ **Representation:** At your own expense, you may have an attorney or other appropriate person, including an advocate from your tenant council, represent you at a hearing. If you obtain representation, you must notify the property manager or office at least three (3) business days prior to the hearing.
  
- ⇒ **Continuance:** The scheduled hearing may be continued to a later date if there is an unavoidable conflict, such as a health, safety or welfare issue, and this is at the discretion of the hearing officer.
  
- ⇒ **Failure to appear:** If either party is more than fifteen (15) minutes late, the hearing officer may make a determination to postpone the hearing for a time period not to exceed five business days or may make a determination that the party has waived his right to a hearing and so notify both parties. *Failure to appear at a hearing may result in a decision that you have waived your right to a hearing*, although you would still have any rights to proceed in court.
  
- ⇒ **Written transcription of the hearing.** The hearing is private, unless you wish for it to be public. However, either you or PHA may make arrangements in advance and at their own expense, to have the hearing transcribed and any interested party may purchase a copy of the transcript. Otherwise, no recording, photographs or videotaping of the hearing is permitted without the consent of the hearing officer.

- ⇒ **Reasonable Accommodation:** If you have a disability that could affect your ability to participate at the grievance hearing, you have the right to request a reasonable accommodation. You must specify the request before the hearing by contacting the PHA hearing coordinator or the property manager.
  
- ⇒ **Communication Assistance.** If necessary, you may request in advance that PHA provide for an interpreter or mechanical facility to overcome language or other communication disabilities. Children should not be brought as interpreters and generally are not to be brought to the hearing.
  
- ⇒ **Withdrawal of request for hearing.** You may withdraw your hearing request at any time by informing the housing authority, in writing, of your request.
  
- ⇒ **Judicial review:** Hearing decisions shall be final and binding upon all parties unless either party seeks timely judicial review. If the hearing decision is unfavorable to you, you may obtain judicial review of the decision.
  
- ⇒ **Violence Against Women Act (VAWA).** If you are a victim or threatened victim of domestic violence, dating violence, or stalking, you have certain protections under the VAWA, which applies to men as well as women.
  
- ⇒ **Safety or other concerns.** Please contact the PHA hearing coordinator for any concerns related to the grievance hearing at phone number: 270-450-4224.

ATTACHMENT "F"

**Sample Grievance Hearing Decision**

Hearing Date:

PARTIES:

[Name and address of Complainant] REPRESENTATIVES:

[Indicate whether pro se or represented and, if so, by whom, with name and address]

v.

HOUSING AUTHORITY of PADUCAH [name of counsel]

2330 OHIO Street

PADUCAH, KY 42003

**I. PROCEDURAL HISTORY**

On \_\_\_\_\_, PHA notified the tenant of its intended action to \_\_\_\_\_, effective \_\_\_\_\_.

The tenant filed a grievance in a timely manner and participated in an informal settlement conference on \_\_\_\_\_. The decision from that settlement meeting was \_\_\_\_\_. The tenant timely filed a confirmation of the request for a hearing, following receipt of the settlement meeting decision. PHA then scheduled a hearing for \_\_\_\_\_, and gave notice of the hearing to the tenant on \_\_\_\_\_. The parties were provided with an opportunity to review documents identified in advance to be presented at the hearing.

**II. ISSUES**

*[Brief neutral statement of the issues and laws, regulations and/or policies at issue]*

**III. HEARING SUMMARY**

*[Names of witnesses and summary of testimony – include a list of any exhibits admitted into evidence and made part of the hearing record].*

#### IV. FINDINGS OF FACT and APPLICABLE AUTHORITIES

*[Specify the facts found to be true by a preponderance of the evidence presented, any facts of which official notice was taken and the applicable HUD regulations, PHA policies, portions of the lease or ACOP and/or other relevant legal bases for the decision].*

#### V. DECISION

*[State the basis for the decision, what is to occur and what the decision is].*

DATE: \_\_\_\_\_

Name of Grievance Hearing Officer: \_\_\_\_\_

Signature of Grievance Hearing Officer: \_\_\_\_\_

Name of Assistant Hearing Officer: \_\_\_\_\_

On \_\_\_\_\_, a copy of this hearing decision was sent by first class mail, postage prepaid, to the following:

*[name and address of complainant; PHA name and address]*

**\*\*NOTICE TO THE PARTIES:** If the tenant is not satisfied with the decision, an appeal may be filed in the Court of Common Pleas within thirty (30) calendar days of the date of this decision. Failure to file an appeal within the prescribed time may be deemed a waiver of rights.