

## GRIEVANCES

It shall be the general policy of the Owner to receive complaints from public housing residents who may feel that their rights, duties, welfare or status have been adversely affected by the Owner's action or failure to act. Grievance is defined as any dispute with respect to the Owner's action or failure to act in accordance with lease requirements, application of regulations, policies or procedures.

The Owner shall provide reasonable accommodations for Residents with disabilities to participate in both informal and formal grievance hearings.

Subject to the Horner Court Orders, the Owner shall provide at least 30 days notice to tenants and resident organizations setting forth proposed changes to this grievance policy and provide an opportunity to submit written comments on the proposed changes. The Owner shall consider all written comments before the finalization of any changes to this grievance policy.

In accordance with applicable federal regulations, this grievance procedure shall be applicable to all individual grievances between Tenant and the Owner with the following two **exceptions**:

- A. This grievance procedure is **not applicable** to disputes between Tenants not involving Owner, or to class grievances involving groups of Tenants. Also, this grievance procedure is not intended as a forum for initiating or negotiating policy changes between Tenants, or groups of tenants and Owner.
- B. Owner has elected that this grievance procedure shall **not be applicable** to any termination of tenancy or eviction that involves:
  - i. Any criminal activity that threatens the health, safety or right of peaceful enjoyment of the premises of other residents or employees of Henry Horner Homes Phase IIC, or
  - ii. Any drug related criminal activity on or near such premises.

In cases involving these criminal activities, the Owner may evict the occupants of the dwelling unit through a judicial eviction without following the grievance procedure outlined in this document.

### **I. HEARINGS**

A three (3) member panel will be selected to hear grievances (when needed). The panel will consist of:

- A. One (1) public housing resident selected by the HRC;

- B. One (1) Owner representative selected by the Owner; and
- C. One (1) outside representative selected from an agreed upon pool of applicants that is updated annually and mutually acceptable to the HRC and Owner. The initial pool of applicants shall be identified prior to the first tenancy at the development through negotiations between the HRC and Owner.

There shall be no relative of the complainant on the panel which hears the complaint nor shall any CHA employee or employee of the Owner whose duties and responsibilities involve them in any way with the grievance at issue sit as a member of the Hearing Panel for that particular hearing.

## **II. PROCEDURES**

### **Step 1: Request for an informal discussion of grievance.**

A request for an informal discussion of the grievance must be presented personally, either orally or in writing, to the Site Manager's office. The request may be simply stated, but shall specify 1) the reason for the grievance; and 2) the action requested. The Owner shall provide to the Tenant a dated receipt of the request for an informal discussion and a copy will be placed in the Tenant's file. In the case of an eviction action, the grievance must be submitted within ten (10) days of the action or failure to act (which is the basis for the grievance). In the case of a non-eviction action, the grievance must be submitted within thirty (30) days of the action or failure to act (which is the basis for the grievance). The Site Manager, or designated Owner representative, shall schedule a meeting with the Resident within five (5) days of the request to informally discuss the grievance and attempt to settle the grievance without a formal grievance hearing. A written response outlining the final position of the Owner shall be provided to the complainant within five (5) days of the informal discussion. This notice shall include a form for the Tenant to request a formal grievance hearing.

### **Step 2: Request for a formal grievance hearing.**

- A. If the complainant is not satisfied with the response or the proposed disposition of his/her complaint, or protests his/her proposed eviction, they may request a hearing. This request must be in writing, presented personally to the Site Manager's office within seven (7) days of receipt of the Owner's disposition of the informal meeting, and will be date stamped. The request may be simply stated, but shall specify 1) the reason for the grievance; and 2) the action requested. The Owner shall provide to the Tenant a dated receipt of the request for a grievance hearing and a copy will be placed in the Tenant's file. No tenancy shall terminate or, with respect to non-eviction grievances, no adverse action taken until after the

formal grievance hearing and determination by the hearing panel or until the time for the Tenant to request a grievance hearing has expired.

1. If the dispute is over rent which Owner claims is due, the complainant shall deposit with Owner an amount equal to one month's rent as stipulated in the Tenant's most recent 50058 form. This amount will be placed in escrow pending the settlement of the dispute. If the complainant fails to do this, he/she will waive their right to a hearing.
  2. Such failure shall not constitute a waiver of complainant's right to thereafter contest Owner's disposition of his grievance in an appropriate judicial proceeding.
- B. The complainant will be entitled to a fair hearing and may be represented by counsel or other representative. The hearing shall be private, unless the complainant requests a public meeting. Prior to the hearing, the complainant may examine all documents, records, and regulations of the Owner that are relevant to the grievance. The request for such records and documents must be made at least 72 hours before the scheduled hearing.
1. Any document not made available, at least twenty-four (24) hours prior to the hearing, after it is specifically requested, may not be relied upon by Owner at the hearing.
  2. The Owner or Complainant 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
- C. The procedure of the grievance hearing shall be
1. All parties involved shall be notified, in writing, of the time and place of the hearing within seven (7) days of the request for a hearing. The grievance hearing must be held within fourteen 14 days of the request for a grievance hearing;
  2. The three (3) members of the hearing panel shall elect a chairperson who will conduct the hearing and also be responsible to send the appropriate parties the written decision of the panel;
  3. Owner shall present its case to the hearing panel by, but not limited to, presenting documents, witnesses, and any other types of evidence;
  4. The complainant may then present evidence and arguments in support of their complaint, controvert evidence relied on by Owner and confront and cross-examine all witnesses on whose testimony or information Owner relies;
  5. Owner may likewise cross-examine witness and present evidence;
  6. The members of the Hearing Panel may question either party for clarification; and

7. After Owner and the complainant have presented all facts, the chairperson shall end the hearing and dismiss everyone except those on the Hearing Panel. Members of the Hearing Panel shall sequester themselves and make a decision on the complaint. A majority vote of the Panel shall be required for any decision by the panel.
- D. If Owner or complainant fails to appear at a hearing, the hearing panel may make a determination to postpone the hearing for no more than five (5) business days or may make a determination that the party has waived their rights to a grievance hearing.
  - E. If the complainant does not request a hearing within the period set forth in subsection A and B above, he/she shall waive their right to the hearing and Management's proposed disposition of the grievance will become final. This shall not; however, constitute a waiver of the complainant's right therefore to contest Owner's disposition of his/or her grievance in an appropriate judicial proceeding.

### **III. DECISIONS**

The decision of the hearing panel will be based upon facts presented at the hearing, and upon applicable Owner and HUD regulations. The decision may not be inconsistent with State law or the United States Housing Act of 1937, as amended, HUD regulations and requirements promulgated, or the Annual Contributions Contract.

- A. The hearing panel chairperson shall prepare a written decision and place in the mail to the complainant and Owner within five (5) working days of the conclusion of the hearing, including a statement of findings and conclusions, and make available their file to Owner for documentation. Copies of the decision shall also be mailed or delivered to the parties and/or their representatives.
- B. If the decision is in favor of the complainant, Owner shall promptly take action to carry out the decision or refrain from any action prohibited by such decision.
- C. If the decision is in favor of Owner, Owner shall be free to pursue its remedies.