

**New Rockwell Gardens  
Grievance Procedure for  
Public Housing Tenants**

**A. Introduction**

1. This grievance procedure allows public housing tenants to appeal or contest actions taken or failed to be taken with respect to an individual tenant's lease by East Lake Management Group, Inc. in its capacity as property manager for New Rockwell Gardens ("Management"). Tenants will have the right to request an informal conference and a final formal hearing under this grievance procedure. This grievance procedure complies with 24 CFR 966.50 *et seq.*
2. Tenants will be notified that they have a right to present a grievance even if a tenant has received a notice of termination of tenancy. When Management is required to offer the tenant the opportunity for a grievance hearing, and the tenant has made a timely request for a grievance hearing, the tenancy shall not terminate, even if the notice of lease termination has expired, until the grievance process has been completed. While tenancy will not terminate while a grievance is pending, the legal process required to evict will proceed, where applicable, concurrently with the grievance process.

**B. When a Tenant May File a Grievance**

1. Tenants may request an informal conference with Management to discuss issues, including but not limited to the following:
  - Issues related to rent adjustments
  - Maintenance and repair issues
  - Situations in which Management's failure to act has adversely affected a tenant
  - Charges related to property damage or destruction
  - Transfers to other units
  - Eviction notifications (except as specified below)
2. If a tenant is not satisfied with the outcome of an informal conference, the tenant may request a formal hearing.

**C. When a Tenant May Not File a Grievance**

This grievance procedure shall not be available:

- (a) concerning evictions or terminations of tenancy that involve:
  - (i) any criminal activity that threatens the health, safety or right of peaceful enjoyment of the premises of other residents or Management employees;
  - (ii) any violent or drug-related criminal activity on or off the premises; and
  - (iii) any criminal activity that resulted in a felony conviction of a household member.

- (b) to disputes between individuals not involving Management, or to class grievances; or
- (c) to applicants who are denied admission to New Rockwell Gardens.

**D. The Informal Conference**

1. Requesting an Informal Conference

An informal conference is a meeting at the Management office between a tenant and Management at which the tenant may present his or her concerns, and the tenant and Management will attempt to resolve issues, if possible. Tenants are encouraged to request an informal conference as soon as possible (but no later than the Time Limits For Requesting Hearings specified below) after they experience a problem or believe Management has acted (or failed to act) in a manner that adversely affects them. Tenants must request an informal conference, in writing, addressed to the attention of: Property Manager, New Rockwell Gardens at the Management office. A request for an informal conference shall be submitted on the form attached hereto as Exhibit A, and shall include the date of request, the tenant's name, address and telephone number, the nature of the grievance, the tenant's signature. Management shall sign the request to acknowledge that it was received, and will give a copy to the tenant so the tenant has a record of the request.

2. Scheduling an Informal Conference

Management and the tenant shall agree upon a time for the informal conference which shall be reasonably convenient for both the tenant and Management, but in no event later than five days after the date on which the applicable Time Limit For Requesting Hearings expires. Management will send a letter to the tenant in the form attached hereto as Exhibit B stating the date and time of the informal conference. Tenants may review their file and records that are directly relevant to the grievance, prior to the conference.

3. Informal Conference Summary

Within a reasonable time after the informal conference, Management will send a letter to the tenant in the form attached hereto as Exhibit C, which summarizes the informal conference and includes the date of the conference, the names of the participants, the nature of the tenant's complaint, Management's disposition of the complaint and Management's specific reasons for its decision. Management shall specify in the letter the procedures the tenant needs to follow if the tenant wishes to request a formal hearing.

**E. The Formal Hearing**

1. Requesting a Formal Hearing

- (a) If a tenant does not agree with the outcome of the informal conference, the tenant may request a formal hearing by completing the Formal Hearing Request Form, attached as Exhibit D, within five days of the date of Management's summary of the informal

conference. If a tenant fails to request a formal hearing, the decision of Management from the informal conference shall be binding, provided that a failure to request a formal hearing shall not constitute a waiver of a tenant's right to contest Management's disposition of the grievance in an appropriate judicial proceeding.

(b) When a tenant requests a formal hearing in any grievance involving the amount of rent that is due, the tenant must pay an escrow deposit to Management in the amount of the rent Management states is due and payable as of the first of the month preceding the month in which the tenant's act or failure to act took place, unless the tenant is exempt from the escrow deposit requirement pursuant to 24 CFR 966.55(e)(2).

2. Formal Hearing Procedures

(a) The formal hearing will be scheduled promptly after Management's receipt of the tenant's request for a hearing. Management will send the tenant written notification specifying the time, place and the procedures governing the hearing.

(b) The formal hearing will be conducted by a hearing officer selected by Management with the approval of CHA, which approval shall not be unreasonably withheld.

(c) A tenant may review his or her file and other Management records directly relevant to the grievance prior to the hearing and may copy such documents at the tenant's expense. Either party may request in advance that a transcript be made of the hearing, provided that the party making the request shall pay for the transcript.

(d) At the formal hearing, a tenant has the right to be represented by counsel or other person chosen as the tenant's representative and to have witnesses testify at the hearing on the tenant's behalf. The tenant may present evidence in support of the tenant's grievance and may cross-examine witnesses upon whose testimony Management relies. The hearing officer will consider evidence without regard to admissibility under rules of evidence applicable to judicial proceedings.

(e) If a tenant fails to appear at a scheduled hearing, the hearing officer may make a determination that the tenant has waived the tenant's right to a hearing, provided that the tenant shall not be deemed to have waived the tenant's right to present the grievance in an appropriate judicial proceeding.

(f) The hearing officer will prepare a written decision in the form of Exhibit E that explains the reasons for the decision and shall send a copy to the tenant and Management within a reasonable time after the hearing.

**F. Time Limits For Requesting Hearings**

- When grieving a notice of termination of tenancy or any other notice received from Management, a tenant must request an informal conference within 5 days of the date of such a notice.
- When filing a grievance unrelated to a notice of termination of tenancy or any other notice received from Management, a tenant must request an informal conference within 7 days of Management's action or failure to act.
- If a tenant is not satisfied with the results of the informal hearing and would like a formal hearing, he or she must request a formal hearing within 5 days of the date of informal hearing decision letter.

DRAFT

**EXHIBIT A**

**NEW ROCKWELL GARDENS**

**REQUEST FOR INFORMAL CONFERENCE:**

**GRIEVANCE PRESENTED**

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

Tenant's Name: \_\_\_\_\_

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

Telephone Number: \_\_\_\_\_

Nature of Grievance: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Requested Relief: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Date Signed

ACKNOWLEDGMENT OF RECEIPT:

\_\_\_\_\_  
East Lake Management Group, Inc.  
Management Agent

\_\_\_\_\_  
Date Signed

EXHIBIT B

NEW ROCKWELL GARDENS  
TENANT NOTIFICATION LETTER

Via Hand Delivery

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dear \_\_\_\_\_

In response to your request, this is a letter notifying you of an appointment for an informal conference. The conference will be held at:

LOCATION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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

TIME: \_\_\_\_\_

It is very important that you attend this conference. If you fail to attend this conference, your grievance will be resolved against you.

Before the conference you have the right to examine tenant records that are directly relevant to the conference. Be sure to bring to the conference all documents you may wish to refer to, as a decision will not be delayed because you do not have documents with you.

We will expect to see you at the time identified above, unless you visit or call the Management office at \_\_\_\_\_ within 2 days of the date of this letter to reschedule the conference. **If you do not call, we will presume you are available at the scheduled time.**

Sincerely,

East Lake Management Group, Inc.  
Management Agent

cc: file

EXHIBIT C

NEW ROCKWELL GARDENS

DETERMINATION LETTER

Via Hand Delivery

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

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

Dear: \_\_\_\_\_

This letter is to inform you of the outcome of your informal conference which took place on \_\_\_\_\_ . The issues at the hearing were:

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

Based on our discussion at your informal conference, it is being recommended that:

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

This decision is based on the following reason(s):

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

**DRAFT for Public Comment – NOT FOR OFFICIAL USE**  
**June 13, 2003 – August 2, 2003**

If you are not satisfied with the outcome of your informal conference, you may request a formal hearing regarding your grievance, which will be considered by a hearing officer. You may do so by submitting a Formal Hearing Request on the enclosed form to the Management office within 5 days of the date of this letter. If a Formal Hearing Request is not received by this time, you will be deemed to have waived your right to a Formal Hearing.

If your grievance deals with the amount of rent that Management states is due, when you request a formal hearing, you must pay a deposit to Management in the amount of \$\_\_\_\_\_, which is the rent Management's records show is due and payable as of the first day of last month. [If the tenant is exempt from this deposit requirement or is required to pay a reduced amount, write N/A or such reduced amount on the line above.]

Sincerely,

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East Lake Management Group, Inc.  
Management Agent



EXHIBIT D

NEW ROCKWELL GARDENS  
FORMAL HEARING REQUEST FORM

I request a Formal Hearing to present the following grievance:

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Requested Relief:

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

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

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

Day Time Phone: \_\_\_\_\_

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Date Signed

ACKNOWLEDGMENT OF RECEIPT:

\_\_\_\_\_  
East Lake Management Group, Inc.  
Management Agent

\_\_\_\_\_  
Date Signed

**EXHIBIT E**

**NEW ROCKWELL GARDENS**

**TENANT GRIEVANCE PROCEEDING: DISPOSITION OF FORMAL HEARING**

Tenant \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ Apt \_\_\_\_\_

Hearing Location \_\_\_\_\_

Address \_\_\_\_\_

Date of Hearing \_\_\_\_\_

Was tenant present? Y/N (circle)

Was tenant represented by counsel? Y/N (circle)

If answered yes:

Name of Counsel \_\_\_\_\_ Address \_\_\_\_\_

Management witnesses and telephone numbers \_\_\_\_\_

\_\_\_\_\_

Tenant witnesses and telephone numbers \_\_\_\_\_

\_\_\_\_\_

Grievance Presented and Evidence \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Findings \_\_\_\_\_

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Disposition \_\_\_\_\_

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\_\_\_\_\_  
Hearing Officer Name

\_\_\_\_\_  
Hearing Officer Signature

DRAFT