

GLASSBORO HOUSING AUTHORITY

GRIEVANCE POLICY

Revised: October 2005

GLASSBORO HOUSING AUTHORITY GRIEVANCE POLICY

The Authority grievance procedures shall be applicable to all individual disputes which a tenant may have with respect to Authority action or failure to act in accordance with the tenant's lease or Authority regulations which adversely affect the tenant's rights, duties, welfare or status.

1. Right To A Hearing:

Upon presenting an oral or written request, provided herein, a complainant shall be entitled to a hearing before the Hearing Officer or Hearing Panel.

2. Applicability:

A. The GHA grievance procedure shall be applicable to all individual grievances between the Authority and the resident.

B. The GHA grievance procedure shall not be applicable to disputes between residents not involving Housing Authority employees, policies or regulations, or to class grievances. The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of residents and the Housing Authority's Board of Commissioners.

C. The grievance procedures are not applicable if the dispute involves the use of the Authority's "One Strike and You're Out Policy".

3. Requirements: These regulations shall be included in, or incorporated by reference, in all resident dwelling leases.

4. Definitions: For the purpose of this grievance procedure, the following definitions are applicable:

A. "GRIEVANCE" shall mean any dispute which a resident may have with respect to GHA action or failure to act in accordance with the individual resident's lease or GHA regulations which adversely affect the individual resident's rights, duties, welfare or status.

B. "COMPLAINT" shall mean any resident whose grievance is presented to the GHA management office.

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- C. "ELEMENTS OF DUE PROCESS" shall mean 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 resident of the grounds for terminating the tenancy and for eviction;
 - Right of the resident to be represented by counsel;
 - Opportunity for the resident to refute the evidence presented by the GHA 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.
- D. "HEARING OFFICER" shall mean a person selected, in accordance with Section 6 of this document, to hear grievances and render a decision with respect thereto.
- E. "HEARING PANEL" shall mean a panel selected, in accordance with Section 6 of this document, to hear grievances and render a decision with respect thereto.
- F. "RESIDENT" shall mean the adult person(s) (other than a live-in aide):
- Who resides in the unit, and who executed (signed) the lease with the GHA 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 resident family residing in the unit.
- G. "RESIDENT ORGANIZATION" includes a resident/management corporation.
5. Informal Settlement of Grievance: Any grievance shall be personally presented, either orally or in writing, to the GHA office or to the project office in which the complainant resides so that the grievance may be discussed informally and settled without a hearing. A summary of such discussion shall be prepared within a reasonable time. One copy shall be given to the resident and one retained in the resident's file. The summary shall specify the names of the participants, dates of meetings, the nature of the proposed disposition of the complaint and the specific reasons therefore, and shall specify the procedures by which a hearing may be obtained if the complainant is not satisfied.

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6. Procedure to Obtain A Hearing:

- A. Request of Hearing - The complainant shall submit a written request for a hearing to the office or the project office within five (5) days after receipt of the Summary of Informal Discussion.

The written request shall specify:

- The reasons for the grievance, and
- The action the lessee sought.

- B. Selection of Hearing Officer or Hearing Panel - Grievances shall be presented before a hearing officer or hearing panel. A hearing officer or panel shall be selected as follows:

(1) The hearing officer or hearing panel shall be an impartial person selected by the Housing Authority and can not be the person(s) who made or approved the Authority's action under review. The hearing officer(s) may, otherwise, be an officer or employee of the Housing Authority.

(2) The Authority shall consult with the resident organization before appointment of the hearing officer or panel members. Any comment or recommendation submitted by the resident organization shall be considered by the Authority before the appointment.

- C. Failure to Request a Hearing - If a complainant does not request a hearing in accordance with Section A, GHA's disposition of the grievance shall become final; provided, that failure to request a hearing shall not constitute a waiver by the complainant of his/her right thereafter to contest GHA's action in disposing of the complaint in an appropriate judicial proceeding.

- D. Hearing Prerequisite - All grievances shall be personally presented either orally or in writing pursuant to the informal procedure as a condition precedent to a hearing under this section; provided, that if the complainant shall show good cause why he/she failed to proceed in accordance with Section 5 of this document to the hearing officer the provisions of this subsection may be waived by the hearing officer.

- E. Escrow Deposit - Before a hearing is scheduled in any grievance involving the amount of rent GHA claims is due, the complainant shall pay to the Authority an amount equal to the amount of the rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. The complainant shall thereafter deposit the same amount of the monthly rent in an escrow account until the complaint is resolved by

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the decision of the hearing officer or hearing panel. These requirements may be waived by GHA in extenuating circumstances. Unless so waived, the failure to make payments shall result in a termination of the grievance procedure; provided, that failure to make payment shall not constitute a waiver of any rights the complainant may have to contest GHA's disposition of his/her grievance in any appropriate judicial proceeding.

- F. Scheduling of Hearings - Upon complainant's compliance with paragraph A, D and E of this section, a hearing shall be scheduled by the hearing officer or panel promptly for a time and place reasonably convenient to both the complainant and THA. A written notification specifying the time, place, and the procedures governing the hearing shall be delivered to the complainant and appropriate THA official.
- G. Accommodation of Persons with Disabilities - Housing Authority will provide reasonable accommodations to persons with disabilities to allow for participation in the hearing. Reasonable accommodations may include qualified sign language, interpreters, readers, accessible locations or attendants. Visually impaired residents will receive any notice(s) in an accessible format.

7. Procedures Governing the Hearing:

- A. The hearing shall be held before a hearing officer or hearing panel as appropriate.
- B. The complainant shall be offered a fair hearing which shall include:
 - (1) The opportunity to examine, before the grievance hearing, any documents, including records and regulations that are directly relevant to the hearing. The complainant shall be allowed to copy any such document at his/her expense. Documents not made available to the complainant can not be permitted as evidence at the grievance hearing;
 - (2) The right to be represented by counsel or other person chosen as the complainant's representative, and to have such person make statements on the complainant's behalf;
 - (3) The right to a private hearing unless the complainant requests a public hearing;
 - (4) The right to present evidence and arguments in support of the complaint, to controvert evidence relied on by the GHA or project management, and to confront and cross-examine all witnesses upon whose testimony or information the GHA or project management relies; and
 - (5) A decision based solely upon the facts presented at the hearing.
- C. The hearing officer or panel may render a decision without proceeding

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with the hearing. If the hearing officer or panel determines that the issue has been previously decided in another proceeding.

- D. If the complainant or GHA fails to appear at a scheduled hearing, the hearing officer or panel may make a determination to postpone the hearing for not to exceed five (5) business days or may make a determination that the party has waived his/her right to a hearing. Both the complainant and the Authority shall be notified of the determination by the hearing officer or panel; provided, that a determination of any right the complainant may have to contest GHA's disposition of the grievance in an appropriate judicial proceeding.
 - E. At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter, GHA must sustain the burden of justifying the Authority's action or failure to act against the complaint is directed.
 - F. The hearing shall be conducted informally by the hearing officer or hearing panel, and oral and documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The hearing officer or panel shall require the Authority, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer or panel to obtain order may result in exclusion from the proceedings or in a decision adverse to the interest of the disorderly party and granting or denial of the relief sought as appropriate.
 - G. The complainant or GHA 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.
8. Decision of the Hearing Officer or Hearing Panel:
- A. The hearing officer or hearing panel shall prepare a written decision, together with the reasons therefore, within a reasonable time after the hearing. A copy of the decision shall be sent to the complainant and GHA. GHA shall retain a copy of the decision in the resident's file. A copy of such decision, with all names and identifying references deleted, shall also be maintained on file by the Authority and made available for inspection by a prospective complainant, his representatives, or by the hearing officer or panel.
 - B. The decision of the hearing officer or panel shall be binding on the Authority which shall take all actions or refrain from any actions necessary to carry out the decision, unless the GHA Board of

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Commissioners determines within a reasonable time, and promptly notifies the complainant of its determination that:

- (1) The grievance does not concern GHA action or failure to act in accordance with or involving the complainant's lease on GHA regulations which adversely affect the complainant's rights, duties, welfare, or status; or
- (2) The decision of the hearing officer or panel is contrary to applicable Federal, State or Local law, HUD regulations or requirements of the Annual Contributions Contract between HUD and the Authority.

C. A decision by the hearing officer, hearing panel, or Board of Commissioners in favor of the GHA, or which denies the lessee requested by the complainant in whole or in part, shall not constitute a waiver of nor affect, in any manner review in any judicial proceedings, which may thereafter be brought in the matter.

9. GHA Eviction Actions: The Housing Authority shall provide the resident a reasonable opportunity to examine, at the resident's request, before a grievance hearing or court trial concerning a termination of tenancy or eviction, any documents, including records and regulations, in the Authority's possession and which are directly relevant to the termination of tenancy or eviction. The resident shall be allowed to copy any such documents at his/her expense. If the GHA does not make documents available for examination upon request by the resident, the Authority may not proceed with the eviction.

A "Notice to Vacate" must be in writing and specify that if the resident fails to leave the premises within the applicable statutory period or on the termination date stated in the "Notice of Termination", whichever is later, appropriate action will be brought against him/her, and he/she will be required to pay court costs.