

RESIDENT GRIEVANCE POLICY

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1. PURPOSE AND GOVERNING LAW

The purpose of this grievance procedure is to set forth the requirements, standards and criteria to assure that the Tenants of the Housing Authority of the City of Los Angeles (hereinafter referred to as the "Authority") public housing program are afforded an opportunity for a grievance hearing in accordance with federal law and regulation as codified in 24 CFR 966 Subpart B.

2. APPLICABILITY

This grievance procedure shall be applicable to all individual Grievances between a Tenant and the Authority except:

- A. Grievances between Tenants not involving the Authority; or
- B. Class Grievances (The grievance procedure is not intended as a forum for initiating or negotiating policy changes with the Authority); or
- C. Any nuisance activity that threatens the health, safety, or right to peaceful enjoyment of the Authority's public housing premises by other residents or employees of the Authority; or
- D. Any violent or drug related criminal activity on or off such premises; or
- E. Any issue that has been previously decided in another proceeding; or
- F. Any Grievance that is not filed and maintained in accordance with this grievance procedure.
- G. Any Grievance that a Tenant has previously submitted to a court of law for resolution, or
- H. Any Grievance that a Tenant submits to a court of law before the rendering of a decision by a Hearing Officer.

3. DEFINITIONS

The following definitions are applicable to the Grievance Procedure:

- A. **"Authority's Formal Representative"** shall mean the person designated by the Director of the Authority's public housing program to represent the Authority at a Formal Hearing.

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- B. **“Excess Utilities Charges”** shall have the same meaning as set forth in the *Rental Agreement*.
- C. **“Formal Hearing”** shall mean the procedure before a Hearing Officer.
- D. **“Grievance”** shall mean any dispute which a Tenant may have regarding an Authority action or failure to act in accordance with that Tenant's individual Rental Agreement or an Authority regulation that adversely affect one of his/her individual rights, duties, welfare or status.
- E. **“Grievance Administrator”** shall mean the administrator of the Formal Hearings process.
- F. **“Hearing Officer”** shall mean a person selected in accordance with Grievance Procedures to conduct a Formal Hearing Grievances and render a decision with respect thereto.
- G. **“Household Member”** shall have the same meaning as set forth in the Rental Agreement.
- H. **“Informal Conference”** shall mean the informal conference held between an aggrieved Tenant and the Site Manager for the purposes of resolving a Grievance.
- I. **“Manager’s Decision”** shall mean the written results of an Informal Conference regarding the Tenant’s Grievance made in accordance with 5(E).
- J. **“Other Charges”** shall have the same meaning as set forth in the *Rental Agreement*.
- K. **“Rental Agreement”** shall mean the public housing rental agreement or lease by which the Tenant occupies a public housing dwelling.
- L. **“Resident”** shall have the same meaning as set forth in the Rental Agreement.
- M. **“Resident Organization”** includes a resident management corporation or resident advisory council.
- N. **“Retrorent”** shall have the same meaning as set forth in the *Rental Agreement*.
- O. **“Site Manager”** shall mean the Authority’s housing manager that

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supervises the development or site where the Tenant resides.

- P. “**Tenant**” shall mean a Resident or, if no such person resides in the dwelling, an adult Household Member.
- Q. “**Tenant’s Formal Representative**” shall mean the person designated by the Tenant to represent the Tenant at a Formal Hearing.

4. REASONABLE ACCOMMODATIONS

The Authority shall provide reasonable accommodations to Tenants with disabilities such as providing qualified sign language interpreters, readers, and selecting accessible locations. If the Tenant is visually impaired, any notice that is required under this procedure will be in an accessible format.

5. INFORMAL CONFERENCE

- A. The purpose of an Informal Conference is to provide both a Tenant and the Authority with an opportunity to discuss and settle a Grievance without the need for a Formal Hearing.
- B. A Tenant shall be required to request for an Informal Conference from the Site Manager.
- C. All written requests for an Informal Conference must be made within five (5) calendar days of the service of any written notice of an adverse action to be taken by the Authority or, if not a Grievance based on a written notice of an adverse action, within thirty (30) calendar days of the date the Tenant first has actual or constructive notice of the Authority’s action or failure to act.
- D. Within a reasonable time after the Tenant requests an Informal Conference, not to exceed fourteen (14) calendar days, the Tenant will be provided with an opportunity to personally present his/her Grievance, either orally or in writing, to the Site Manager or a supervisor of the Site Manager.
- E. After conducting the Informal Conference, the person who heard the Tenant’s Grievance shall prepare a written Manager’s Decision regarding the Informal Conference. The Manager’s Decision shall specify:
- (1) The date of the meeting;
 - (2) The names of the participants;

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- (3) The nature of the Grievance;
 - (4) The Authority's response to the Grievance;
 - (5) The proposed disposition of the Grievance and there specific reasons therefor; and
 - (6) A brief statement of the procedure the Tenant must follow in order to obtain a Formal Hearing should the Tenant be dissatisfied with the Manager's Decision.
- F. The Manager's Decision will be mailed, first class mail, proof of mailing required, within thirty (30) calendar days of the date of the Informal Conference. In addition to the Manager's Decision, the mailing shall include (i) a Tenant Request For a Formal Hearing, a copy of which is attached hereto as Exhibit 202:12A to this Grievance Procedure.
- G. Failure to timely request or attend an Informal Conference shall be deemed a waiver of the Tenant's right to proceed under the Grievance Procedure. However, such waiver shall not affect any other rights or remedies the Tenant may have under the law.
6. FORMAL HEARINGS
- A. The purpose of a Formal Hearing is to provide a Tenant with an opportunity to have his/her Grievance resolved by the Authority when dissatisfied with the Manager's Decision.
- B. A Tenant must complete the Informal Conference procedure before requesting a Formal Hearing.
- C. Time, Place and Manner of Requesting a Formal Hearing
- (1). In order to obtain a Formal Hearing regarding the Tenant's Grievance, the Tenant shall timely submit a completed Tenant Request For A Formal Hearing, which shall:
 - a. Specify the nature of the Grievance;
 - b. The action or relief sought;
 - c. The need and type of interpreter services, if any; and

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- d. The need and nature of any reasonable accommodation, if the Tenant is disabled and desires an accommodation.
- (2). A Tenant Request for a Formal Hearing shall be submitted to the Authority by certified mail, return receipt requested, within ten (10) days following the mailing of the Manager's Decision. The Tenant Request For A Formal Hearing shall be addressed to the Authority's Director of public housing, at the central administrative offices of the Authority, ATTN: Grievance Administrator.
- (3). Failure to timely request a Formal Hearing shall be deemed a waiver of the Tenant's right to proceed under the Grievance Procedure. However, such waiver shall not affect any other rights or remedies the Tenant may have under the law.
- (4). The Grievance Administrator shall reject any Tenant Request For a Formal Hearing not made in accordance with the Grievance Procedure or involve matters excluded from the Grievance Procedure. In either event, the Tenant shall be notified in writing of the rejection and the reasons therefore.

D. Escrow Deposits

- (1). Except as hereinafter excluded, before a formal grievance hearing is scheduled in any Grievance involving a monetary obligation under the terms of the *Rental Agreement*, the Tenant shall deposit with the Authority an amount equal to the amount of rent due and payable as of the first of the month preceding the month which gave rise to the Grievance. Each month thereafter, on or before the first, the Tenant shall deposit the same amount of money with the Authority until the Grievance is concluded. Neither the deposit nor the acceptance of such monetary obligations shall act as a waiver or otherwise affect either parties' claims in any future court action.
- (2). The Director of the Authority's public housing program shall waive the escrow requirements for households who pay the minimum rent (24 CFR 5.630) or whose welfare income is imputed (24 CFR 5.615). Unless waived in writing, the failure to make required escrow payments shall be deemed a waiver of the Tenant's right to a proceed under the Grievance Procedure. However, such waiver shall not affect any other rights or remedies the tenant may have under law.

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E. Exclusions from Escrow Deposits

Escrow deposits shall not be required for disputes arising from Excess Utilities Charges, Other Charges, Retrorent, or that portion of tenant rent attributable from imputed welfare income.

F. Formal Hearing Setting, Continuances and Failure to Appear

- (1). The Grievance Administrator will set a date for the Formal Hearing within thirty (30) calendar days of receipt of a request made in accordance with the Grievance Procedure.
- (2). A Notice of Formal Hearing shall be sent first class mail not less than fourteen (14) calendar days before the date of the Formal Hearing to the Tenant, or if represented, the Tenant's Formal Representative, and the Housing Authority's Formal Representative. Such notice shall state the date, time and place for the Formal Hearing.
- (3). Continuances may be granted:
 - a. Only by a written agreement between the Authority's Formal Representative and the Tenant, or the Tenant's Formal Representative, received by the Grievance Administrator at least five (5) calendar days before the scheduled Formal Hearing; or
 - b. By agreement of the Authority's Formal Representative and the Tenant, or the Tenant's Formal Representative, at the time of the Formal Hearing; or
 - c. Upon a showing of good cause to the Hearing Officer at the time of the Formal Hearing; but, in no event may the Hearing Officer continue the Formal Hearing more than (i) five (5) calendar days where the Tenant fails to appear at the time of the Formal Hearing.
- (4). If the Tenant fails to appear at the time of the Formal Hearing, the Hearing Officer may either continue the case, as set forth above, or deem the Tenant's failure to appear as a waiver of the Tenant's right to a Formal Hearing. However, such waiver shall not affect any other rights or remedies the Tenant may have under the law.

G. Exchange of Evidence

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Not sooner than the Tenant's request for a Formal Hearing is made and no later than ten (10) business days before the Formal Hearing, both the Tenant or the Tenant's Formal Representative and the Authority's Formal Representative may request of the other, in writing, copies of all relevant documents and regulations intended to be used by the other at the time of the Formal Hearing. The cost of such copies shall be at the expense of the requestor. The Tenant's right to request documents, as set forth above, shall be in addition to the right that the Tenant has to obtain, upon timely request, copies of any and all documents that are within the tenant file the Authority keeps with respect to the Tenant.

H. Rules Governing the Hearing

The following rules shall govern the hearing:

- (1). The Formal Hearing shall be set before a Hearing Officer selected in accordance with the Grievance Procedure (see Section 7C). The Manager's Decision and a completed Tenant Request For a Formal Hearing shall serve as the pleadings, to frame the issues, before the Hearing Officer.
- (2). The Tenant has the right to a private hearing unless the Tenant requests a public hearing.
- (3). Documents not provided in accordance the Grievance Procedure may not be presented at the time of Formal Hearing.
- (4). The Tenant has the right to be represented by counsel or other persons chosen by the Tenant to present evidence and arguments on his/her behalf. Counsel, the individual who held the Informal Conference with the Tenant, or by some other person approved by the Director of the Authority's public housing program, may represent the Authority.
- (5). The Tenant has the right to present evidence and arguments in support of his/her Grievance, to controvert evidence relied upon by the Authority and to confront and cross-examine all witnesses upon whose testimony or information the Authority relies.
- (6). The Hearing Officer shall conduct the hearing informally. Oral and documentary evidence pertinent to the facts and issues raised by the complaint may be received as evidence without regard to admissibility under the rules of evidence which apply to judicial

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proceedings.

- (7). Testimony shall be given under oath. The Hearing Officer will administer oaths.
- (8). The Hearing Officer shall hear all the testimony and accept the records, reports, documents and materials into evidence as submitted by the Tenant and the Authority. The Hearing Officer shall evaluate and give weight to the evidence to the extent of its relevance. The Hearing Officer shall have the right to examine any persons testifying and evidence submitted at the hearing. If a party or witness refuses to answer or comply with a request by the Hearing Officer for the opportunity to examine the evidence, the Hearing Officer may disregard the testimony of that person or that evidence.
- (9). The Grievance Administrator must electronically record the Formal Hearing and either the Authority or the Tenant may request to have a written transcript of the proceedings prepared at its expense.
- (10). The Hearing Officer shall require all individuals at the Formal Hearing to adhere to orderly conduct. Failure to comply with the direction of the Hearing Officer may result in the disorderly party being excluded from the hearing.
- (11). The parties to the grievance may stipulate to any or all factual allegations. Where all factual allegations are agreed, the Hearing Officer may make a decision without holding a hearing.
- (12). The Hearing Officer may make a decision without holding a hearing if the Hearing Officer determines that the issue has been decided in a previous grievance hearing.
- (13). A settlement may be reached at any time, provided such settlement is not contrary to law, regulation or a contract between the Authority and HUD.

I. The Decision

- (1). The Hearing Officer shall prepare a written decision. Such decision shall be:
 - a. Made within thirty (30) calendar days of the conclusion of the Formal Hearing;

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- b. State the reasons for the decision and the evidence relied upon (the Hearing Officer may only consider testimony and evidence presented at the time of the hearing);
 - c. Dated and signed by the Hearing Officer who presided over the Formal Hearing; and
 - d. Delivered to the Grievance Administrator who shall, within ten (10) calendar days thereafter, mail a copy to the Tenant, or the Tenant's representative, and deliver a copy to the Director of the Authority's public housing program.
- (2). If the Hearing Officer is unable to reach a decision within the time allowed, the relief sought by the Tenant shall be granted.

K. EFFECT OF DECISION

- (1). The decision of the Hearing Officer shall be binding on the Authority and the Authority shall take all actions, or refrain from actions, necessary to carry out that decision, unless the Housing Authority Board of Commissioners determines and notifies the Tenant within sixty (60) calendar days following the decision that:
- a. The Tenant dispute did not constitute a grievance as defined in this Grievance Procedure; OR,
 - b. The decision is contrary to applicable, law, regulations, or contract between the Housing Authority and HUD.
- (2). A decision by the Hearing Officer or the Authority Board of Commissioners in favor of the Authority or one which denies the relief requested by the Tenant in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, any rights the Tenant may have to pursue an appropriate judicial proceeding thereafter.

7. SELECTION OF A HEARING OFFICER

When a Formal Hearing is required, the Grievance Administrator shall select an impartial Hearing Officer from a list of certified Hearing Officers who:

- a. Neither made nor approved the Authority's action under review, or is a subordinate of such a person described; or

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- b. Does not reside or is employed at the same development as the Tenant.

8. GRIEVANCE ADMINISTRATOR

The Director of the Authority's public housing program, or his or her designee, shall serve as the Grievance Administrator and shall administer all aspects of the Formal Hearing Grievance Procedure. Duties shall include, without limitation:

- a. Receiving Formal Hearing requests;
- b. Setting the date, time and place of Formal Hearings;
- c. Maintaining a list of certified Hearing Officers;
- d. Selecting a certified Hearing Officer for each Formal Hearing;
- e. Providing Notice of Formal Hearing;
- f. Mailing copies of Decisions to all parties;
- g. Issuing subpoenas requiring the attendance of witnesses or the production of books and papers at the request of either the Tenant or the Authority;
- h. Maintaining all documents directly relevant to the Formal Hearing, submitted evidence and the original decision of the Hearing Officer; and
- i. Maintaining copies of all decisions, with all names and identifying references deleted, for the purpose of inspection by prospective Tenants and Hearing Officers.

9. CERTIFICATION PROCEDURE OF HEARING OFFICERS

To be certified as a Hearing Officer, a person:

- a. Must be recommended by the Director of the Authority's public housing program;
- b. Must be selected after consultation with resident organizations and consideration of any comments submitted in response; and
- c. Must have a combination of three years working experience with the

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interpretation, implementation, management and/or application of public housing landlord-tenant rental agreements (i.e. a public housing manager or former manager) or three years working experience as a professional mediator or attorney.

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TENANT REQUEST FOR A FORMAL HEARING

DATE: _____

TO: _____

Tenant's Name

Address

Unit #

City

State

Zip

PLEASE TAKE NOTICE that if you are dissatisfied with the Manager's Decision (delivered herewith) and wish a formal hearing in accordance with the Authority's grievance procedure, you may complete this Tenant Request for a Formal Hearing form and mail it, certified mail, return receipt requested, to The Director of Housing Services, Housing Authority of the City of Los Angeles, 2600 Wilshire Boulevard, Los Angeles CA 90057 : Attn: Grievance Administrator. You must mail this form within (10) days of the mailing of the Manager's Decision to you. Failure to complete and mail this form within ten (10) days will result in waiver of your rights to a formal hearing.

[] Additionally, in order to obtaining a formal hearing, you must establish a rent escrow account with the Housing Authority by including with this form a money order in the amount of \$_____. Additionally, on or before the fifth (5) of every month until your grievance is resolved, you are required to deposit \$ _____, by money order, with the Director of Housing Services. Failure to timely deposit the above amounts with the Director of Housing Services will result in your grievance being dismissed.

[] You are not required to establish a rent escrow account with the Housing Authority at this time.

Pursuant to federal regulation and in accordance with the Housing Authority's grievance procedure, you must set forth below the specific reasons for your grievance and the action or relief you want. Simple statements such as, "I disagree with the decision" will be rejected as nonspecific.

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IF NECESSARY, CONTINUE ON A SEPARATE SHEET OF PAPER

Date: _____ Resident(s) Signature: _____

Address where I desire to receive notices concerning this request and/or the scheduling of the hearing is:
