

**HOUSING AUTHORITY OF THE CITY OF THE CITY OF PUEBLO
RESIDENT GRIEVANCE PROCEDURES**

A. INTRODUCTION

1. PURPOSE:

To establish a procedure affording each Resident an opportunity for a hearing on a grievance in accordance with the requirements, standards and criteria of 24 CFR, Subpart B, Paragraph 966.

2. APPLICABILITY:

This procedure shall apply to each Resident whose lease is with the Housing Authority. It shall not apply to grievances concerning an eviction or termination of tenancy based upon a resident's creation or maintenance of a threat to the health or safety of other residents or Housing Authority employees. It shall not apply to disputes between Residents not involving the Housing Authority or to class grievances. It is not intended as a forum for initiating or negotiating policy changes between group or groups or residents and the Housing Authority's Board of Commissioners. These procedures shall not apply to Section 8 Leased Housing Program participants or to applicants of any Housing Authority Program.

3. GENERAL:

This procedure will address all grievances with respect to the Housing Authority's action or failure to act in accordance with the Resident's lease (except as herein provided) or Housing Authority regulations.

4. DEFINITIONS:

For the purpose of the procedures, the following definitions will apply:

- a. "Grievance" shall mean any dispute which a Resident may have with respect to the Housing Authority's action or failure to act in accordance with the individual Resident's lease or Housing Authority regulations which adversely affect the individual Resident's rights, duties, welfare or status. Except as herein provided.
- b. "Complaint" shall mean any Resident whose grievance is presented to the Housing Authority or at a Development Manager's Office.
- c. "Hearing Officer" shall mean a person selected to hear a grievance and render a decision with respect thereto.
- d. "Resident" shall mean any Lessee or Head of Household of any Resident family.

B. PROCEDURES TO OBTAIN AN INFORMAL CONFERENCE

1. PRESENTATION OF A GRIEVANCE:

A grievance, as provided, the Housing Manager will conduct an Informal Conference with the complainant, within five (5) days, so that the grievance may be discussed informally and, when possible, resolved without a Formal Hearing. Upon completion, the Manager will prepare and give the Resident a copy of a Summary of the Informal Conference. Instructions for obtaining a Formal Grievance Hearing will also be given to the Resident at this time.

C. PROCEDURES TO OBTAIN A FORMAL GRIEVANCE HEARING

1. REQUEST FOR A HEARING

The Resident must submit a written request for a hearing to the PHA or the Housing Office within five (5) business days after receipt of the summary of the Informal Conference.

2. FORMAL HEARING



Upon Resident's compliance with paragraph 1 of this section, a hearing will be scheduled promptly by the Hearing Officer for a time and place reasonable and convenient to both the Resident and the PHA. A written notification specifying the time, place and the procedures governing the hearing, will be delivered to the Resident and the appropriate PHA official.

D. FAILURE TO REQUEST OR APPEAR FOR A HEARING

1. If the Resident does not request a hearing in accordance with Paragraph B. 1, the PHA's disposition of the grievance shall become final.
2. If the Resident does not appear for a scheduled Informal Conference, the PHA's disposition of the grievance shall become final.
3. If the Resident does not appear for a scheduled Formal Hearing, the Resident will forfeit the right to a Formal Hearing and the PHA's disposition of the grievance shall become final.

PROCEDURES GOVERNING THE FORMAL HEARING

The Hearing shall be held before a Hearing Officer. The Complainant shall be afforded:

1. The opportunity to examine before the hearing and at the expense of the complainant, to copy all documents, records and regulations of the Housing Authority that are relevant to the hearing. Any document not so made available after request therefore by the Complainant may not be relied on by the Housing Authority at the Hearing;
2. The right to be represented by counsel or other person chosen as his or her representative;
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 his or her complaint, to controvert evidence relied on by the Housing Authority or Development Management, and to confront and cross-examine all witnesses on whose testimony or information the Housing Authority or Development Management relies; and
5. A decision based solely and exclusively upon the facts presented at the Hearing.
6. The Hearing Officer may render a decision without proceeding with the Hearing if the Hearing Officer determines that the issue has been previously decided in another proceeding.
7. If the complainant or the Housing Authority fails to appear at scheduled Hearing, the Housing Officer may make a determination to postpone the Hearing for not to exceed five business days or may make a determination that the party has waived his right to a hearing. Both the complainant and the Housing Authority shall be notified of the Determination by the Hearing Officer, PROVIDED that a determination that the complainant has waived his right to a Hearing shall not constitute a waiver of any right the complainant may have to contest the Housing Authority's disposition of the grievance in an appropriate judicial proceeding.
8. At the Hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the Housing Authority must sustain the burden of justifying the Housing Authority's action or failure to act against which the complainant is directed.

9. The Hearing shall be conducted informally by the Hearing Officer and by oral or documentary evidence pertinent to the facts and issues raised by the complainant may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The Hearing Officer shall require the Housing 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 to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denying of the relief sought, as appropriate.

10. The Complainant or the Housing Authority 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.

