



## HOUSING AUTHORITY OF THE CITY OF PUEBLO, COLORADO SECTION 504 GRIEVANCE PROCEDURE

This procedure shall apply to grievances of the 504 Coordinator's denial regarding a tenant's or household member's request for reasonable accommodation. The purpose of this procedure is to provide prompt and equitable resolution of complaints alleging any discrimination relating to disability, including any action prohibited under Section 504. This grievance procedure is incorporated by references in all tenant dwelling leases and will be furnished to all resident organizations.

### DEFINITIONS

**Grievance:** Any dispute a tenant or household member may have with the Housing Authority concerning the 504 Coordinator's decision regarding the request for a reasonable accommodation.

**Tenant:** The adult person or persons (other than a live-in-aide) who:

- Resides in the unit, and who executed the lease with the Housing Authority as lessee of the dwelling unit, or, if no such person now resides in the unit, OR
- Resides in the unit, and who is the remaining head of the household of the Tenant family residing in the dwelling unit and has been approved by the Housing Authority to remain in the unit.

**Complainant:** Any tenant (as defined above) whose grievance is presented to the 504 Coordinator in accordance with the requirements set for in this procedure.



**Household Member:** Any person or persons (other than a live-in-aid) who resides in the unit and who is listed on the lease.

**Hearing Officer:** A person selected in accordance with 24 C.F.R. § 966.55 and this procedure to hear grievances and render a decision with respect thereto.

### **PROCEDURES FOR FILING A SECTION 504 GRIEVANCE**

Tenants may file complaints to the 504 Coordinator-Mark Martinez- either verbally or in writing at the HACP office at 201 S Victoria Ave, Pueblo, CO 81003 Monday through Friday, 8:00 a.m. to 4:30 p.m. Phone Number (719) 542-6741

TTY (800) 659-2656

### **INFORMAL SETTLEMENT OF A GRIEVANCE**

Any grievance initiated by a Complainant against the Housing Authority must be presented, either orally or in writing, to the 504 Coordinator **within seven (7) days after the grievable event.** The coordinator will investigate the complaint. The Complainant will be contacted by the 504 Coordinator to arrange a mutually convenient time to meet **within seven (7) days after the investigation is complete.** The purpose of this meeting is to settle the grievance without a hearing. An attempt will be made to discuss and settle the grievance to the satisfaction of both parties by explaining why the reasonable accommodation was denied.

The Complainant will then have an opportunity to explain to the 504 Coordinator why he/she believes the request for reasonable accommodation should be reconsidered. The 504 Coordinator may choose to reconsider the Request for Reasonable Accommodation based on new information from the Complainant or uphold the denial. Either the Complainant or a representative must attend the meeting in person.

**Within seven (7) days** following the informal settlement, the 504 Coordinator shall



prepare a summary of the informal settlement, which will be sent to the Complainant via U.S. Mail, in person, or via other mode if requested by the tenant. If mailed, it will be presumed to have been received three (3) days after mailing. One copy shall be retained in the Housing Authority's file. The summary will specify the names of the participants, date of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore.

The summary will also include the procedures for the Complainant to request a formal hearing under this procedure if the Complainant is not satisfied.

### **FORMAL GRIEVANCE HEARING**

If the Complainant is dissatisfied with the decision arrived at in the informal settlement, the Complainant must submit a written request for a hearing to the 504 Coordinator **within seven (7) days from the date of the 504 Coordinator's denial or approval letter.** The Complainant must provide his/her contact information.

If the Complainant requests a hearing in a timely manner, the Housing Authority shall schedule a hearing on the grievance at the earliest time possible for the Complainant, the Housing Authority and the Hearing Officer, **but in no case later than seven (7) business days** after the 504 Coordinator receives the Complainant's request for a hearing.

If the Complainant fails to request a hearing within **seven (7) business days** of the date of the 504 Coordinator's denial or approval letter, the 504 Coordinator's decision becomes final and the Housing Authority is not obligated to offer the Complainant a hearing unless the Complainant can show good cause why he/she failed to proceed in accordance with this procedure.



Any notice required by these rules will be sufficient if delivered in writing to the Complainant personally, or to an adult member of the household who is listed on the lease, or if sent by regular mail, addressed to the Complainant.

### **SELECTION OF THE HEARING OFFICER**

The Hearing Officer shall be appointed by the Housing Authority, and will be an individual specially trained to hear and decide grievances concerning requests for reasonable accommodation.

It is the responsibility of the Housing Authority to notify the Hearing Officer for each case, and to have the Hearing Officer present at the time and place of the hearing.

### **PROCEDURES GOVERNING THE GRIEVANCE HEARING**

The parties shall be entitled to a fair hearing of the grievance before the Hearing Officer that shall include:

- The opportunity to examine before the hearing any Housing Authority documents that are directly relevant to the requested accommodation. The Tenant must provide the Housing Authority with a minimum of three (3) business days' notice to review any documents, and must schedule a mutually agreeable time for the review of such documents. The Tenant shall be allowed to copy any such documents at the Tenant's expense. If the Housing Authority does not make a document available for examination upon request by the Complainant, the Housing Authority may not rely on such document at the grievance hearing.
- The right to be represented by counsel or other person chosen as the



Tenant's representative, and to have such person make statements on the Tenant's behalf.

- The right to a private hearing unless the Complainant requests a public hearing.
- The right to present evidence and arguments in support of the Tenant's position and to controvert evidence relied on by the 504 Coordinator. The parties may bring as a witness anyone they feel will be helpful to them in the hearing process. The Hearing Officer may consider any evidence, so long as it is related to the facts and issues involved in the grievance.
- The Complainant or the Housing Authority may arrange in advance, and at the expense of the party making the arrangement, for a recording or transcript of the hearing. The party making such arrangement must notify the opposing party, in writing, at least 24 business hours before the hearing of such arrangement. Complainants must notify the 504 Coordinator of their intent to record or transcribe the hearing. Any interested party may purchase a copy of such recording or transcript.

The Hearing Officer may render a decision without proceeding with the hearing if he/she determines that the issue has been previously decided in another proceeding.

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 complaint is directed.

The Hearing Officer shall conduct the hearing informally. Oral or 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 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 may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

The Housing Authority will provide reasonable accommodation for persons with disabilities to participate in the hearing. The Complainant must give the Housing Authority written notice of the need for an accommodation at the time the he/she requests a grievance hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the Tenant is visually impaired, any notice to the Tenant that is required under this procedure will be in an accessible format.

## **FAILURE TO ATTEND THE HEARING**

If the Complainant fails to appear at the scheduled hearing, the Hearing Officer may make a determination to re-schedule the hearing, **not to exceed five (5) business days**, or may make a determination that the party has waived his/her right to a hearing, unless mitigating circumstances have arisen.

## **DECISIONS OF THE HEARING OFFICER**

- The decision of the Hearing Officer shall be based only on the facts presented at the hearing, and upon applicable state and local laws and the rules and



regulations of the Housing Authority and the federal government.

- The Hearing Officer shall prepare a written decision, including a statement of findings and conclusions, and the reasons for these conclusions, **within ten (10) business days** after the hearing date. Copies of the decision shall be sent via U.S. Mail to the parties and their representatives by the Housing Authority.
- A copy of the decision shall be maintained on file by the Housing Authority.
- The decision of the Hearing Officer shall be binding on the Housing Authority. The Housing Authority shall take all actions, or refrain from any actions necessary to carry out the decision.

