



GRIEVANCE PROCEDURES POLICY
FOR PUBLIC HOUSING AND SECTION 8 PROPERTIES OWNED BY
CENTRAL TEXAS HOUSING CONSORTIUM OF TEMPLE, TEXAS

1. PURPOSE AND SCOPE

The purpose of these procedures and requirements is to set forth the requirements, standards and criteria for residents of Public Housing and Section 8 Programs of the Central Texas Housing Consortium (CTHC), Temple, Texas, to be afforded an opportunity for a hearing. A hearing may be held if the resident disputes within a reasonable time any CTHC action or failure to act involving the resident's lease with CTHC or regulations which adversely affect the individual resident's rights, duties, welfare or status. The grievance procedure provided herein shall be incorporated in each individual resident's lease.

2. APPLICABILITY

- A. This grievance procedure shall be applicable to all individual grievances of residents of Public Housing and Section 8 Programs of CTHC defined herein under the hearing-definitions.
- B. This grievance procedure shall not be applicable to disputes between residents not involving CTHC, class grievances, or to any property owned by CTHC other than Public Housing and Section 8 Programs. This grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group of residents and CTHC's Board of Commissioners.

3. DEFINITIONS

The following definitions are applicable to the grievance procedures and requirements herein.

- A. Resident shall mean the adult person (or persons) other than a live-in aide:
 - (1) who resides in the unit and who executed the lease with CTHC as lessee of the dwelling unit or, if no such person now resides in the unit
 - (2) who resides in the unit and, who is the remaining head of household of the resident family residing in the dwelling unit.
- B. "Grievance" shall mean any dispute which a resident may have with respect to CTHC action or failure to act in accordance with the individual resident's lease or CTHC regulations which adversely affect the individual resident's rights, duties, welfare or status except an eviction or termination of tenancy based upon:
 - (1) any activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of CTHC, or
 - (2) any violent or drug related criminal activity on or off CTHC premises, or



(3) any activity that resulted in felony conviction of a household member.

C. “Complainant” shall mean any resident whose grievance is presented to the CTHC in accordance with the paragraphs headed “Informal Settlement of Grievance” and “Procedures to Obtain a Formal Hearing” herein.

D. “Hearing Officer” shall be the Executive Director or an appointed designee.

E. “Public Housing” Housing which is governed by an Annual Contributions Contract.

F. “Section 8 Programs” is Housing with project based Section 8 New Construction or Section 8 Moderate Rehabilitation Assistance.

4. INFORMAL SETTLEMENT OF GRIEVANCE

Any grievance shall be personally presented, either orally or in writing, (no telephone calls accepted) to the CTHC office of the property in which the complainant resides so that the grievance may be discussed informally and settled without a hearing at the date and time designated in the Notification of Lease Termination. A summary of such discussion shall be prepared within five (5) calendar days of the date of discussion and one copy shall be given to the resident and one copy retained in the resident’s file. The summary shall specify:

A. The names of the participants;

B. Date and time of meetings;

C. Nature of the complaint and proposed disposition of the complaint and specific reasons therefore;

D. Public Housing only: The procedure by which a formal hearing may be obtained if the complainant is not satisfied.

5. PROCEDURE TO OBTAIN A FORMAL HEARING: PUBLIC HOUSING ONLY

A. Request for Formal Hearing – The complainant shall submit a written request for a hearing to the CTHC office of the property in which the complainant resides within seven (7) calendar days of the postmark on the envelope in which informal summary discussion was mailed pursuant to paragraph 4 above. The written request shall specify:

(1) The reason for the grievance; and

(2) The action or relief sought.

B. Failure to Request a Hearing – If the complainant does not request a hearing in accordance with paragraph 5A, then CTHC’s disposition of the grievance under “The Informal Settlement of Grievance” shall become final. Failure to request a hearing shall not constitute a waiver by the complainant of their rights thereafter to contest CTHC’s action in disposing of the complaint in an appropriate judicial proceeding.



- C. Hearing Prerequisite – All grievances shall be personally presented either orally or in writing pursuant to the informal procedure prescribed in paragraph 4 before a formal hearing. If the complainant shall show good cause why they failed to proceed in accordance with paragraph 5A to the Hearing Officer, the provision of this subsection may be waived.
- D. Escrow Deposit – Before a hearing is scheduled in any grievance involving the amount of rent which CTHC claims is due, the complainant must pay an escrow deposit to the CTHC office of the property in which the complainant resides. The amount is equal to the amount 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 must thereafter deposit the same amount of the rent in an escrow account monthly until the complaint is resolved by the decisions of the Hearing Officer or the designated representative. These requirements may be waived by CTHC in extenuating circumstances. Unless so waived, the failure to make such payments will result in a termination of the grievance procedure provided. ~~that~~ Failure to make payment shall not constitute a waiver of the right the complainant may have to contest the CTHC's disposition of their grievance in an appropriate judicial proceeding.
- E. Scheduling of Hearings – Upon complainant's compliance with paragraph 5A, C, and D above, a hearing will be scheduled promptly by the Hearing Officer or the designated representative for a time and place reasonably convenient to both the complainant and CTHC. A written notification specifying the time, place, and the procedures governing the hearing will be delivered to the complainant.

6. PROCEDURES GOVERNING THE HEARING: PUBLIC HOUSING ONLY

- A. The hearing will be held before the Hearing Officer or the designated representative as scheduled.
- B. The complainant will be afforded a fair hearing providing the basic safeguards of due process which shall include:
 - (1) The opportunity to examine before the hearing any documents including records and regulations that are directly relevant to the hearing. The Complainant may copy all documents, records and regulations of CTHC that are relevant to the hearing at the expense of the complainant. Any document not made available, after requested by the complainant, may not be relied on by CTHC at the hearing;
 - (2) The right to be represented by counsel or other persons chosen as their 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 CTHC, and to confront and cross-examine all witnesses on whose testimony or information that CTHC relies; and
 - (5) A decision based solely and exclusively upon the facts presented at the hearing.



- C. The Hearing Officer or the designated representative may render a decision without proceeding with the hearing if the Hearing Officer or the designated representative determines that the issue has been previously decided in another proceeding.
- D. If the complainant or CTHC fails to appear at a scheduled hearing, the Hearing Officer or the designated representative 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 CTHC shall be notified of the determination by the Hearing Officer or the designated representative. 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 CTHC'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 CTHC must sustain the burden of justifying CTHC's actions or failure to act against which the complaint is directed.
- F. The hearing shall be conducted informally by the Hearing Officer or the designated representative and 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 or the designated representative shall require CTHC, 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 the designated representative 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 denial of the relief sought, as appropriate.
- G. The complainant or CTHC may arrange, in advance and at the expense of the party making the arrangements, for a transcript of the hearing. Any interested party may purchase a copy of such transcript.
- H. CTHC will provide reasonable accommodations for persons with disabilities to participate in the hearing.
- I. CTHC will comply with regulations dealing with Limited English Proficiency.

7. DECISION OF THE HEARING OFFICER OR HIS DESIGNATED REPRESENTATIVE

- A. The Hearing Officer or the designated representative shall prepare a written decision, together with the reasons therefore, within five (5) calendar days after the hearing. A copy of the decision shall be sent to the complainant and a copy will be filed in the complainant's file. CTHC will maintain a log of all hearing officer decisions and make it available for inspection by a prospective complainant, their representative, or the Hearing Officer or designated representative.
- B. The decision of the Hearing Officer or the designated representative shall be binding on CTHC which shall take all actions necessary to carry out the decision unless the CTHC Board of Commissioners determines and notifies the complainant within five (5) calendar days thereafter, that:



- (1) The grievance does not concern CTHC action or failure to act in accordance with or involving the complainant's lease, or CTHC regulations which adversely affect the complainant's rights, duties, welfare or status, or
 - (2) The decision of the Hearing Officer or the designated representative is contrary to applicable Federal, State or Local Law, HUD regulations or requirements of the annual contributions contract between HUD and CTHC.
- C. A decision by the Hearing Officer or the designated representative, or Board of Commissioners in favor of CTHC which denies the relief requested by the complainant in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, any rights the complainant may have to a trial *de novo* or judicial review in any judicial proceedings, which may thereafter be brought in the matter.