

HOUSING AUTHORITY OF  
THE CITY OF BELLEVUE  
GRIEVANCE POLICY

*RESOLUTION # 162*

*ADOPTED December 21, 1999*

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## GRIEVANCE PROCEDURE

### I. PURPOSE AND SCOPE

This Grievance Procedure sets forth the requirements, standards, and criteria established to assure the tenants of the Bellevue Housing Authority (the Authority) an opportunity for a Hearing if he or she disputes any Housing Authority action or failure to act involving the tenants' lease or Housing Authority regulations which adversely affect the individual tenant's rights, duties, welfare or status.

### II. APPLICABILITY

- A. This procedure applies to all grievances between individual tenants and the Housing Authority as defined in Section 3A below.
- B. This Grievance Procedure does not apply to:
  - 1. Disputes between tenants in which the Authority is not involved.
  - 2. Any changes in Authority policies and procedures. This procedure is not intended as a forum for initiating or negotiating policy changes between a tenant or group of tenants and the Authority.
  - 3. Class grievances.
  - 4. Termination of tenancy or eviction that involves:
    - a. Any criminal or other activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other tenants or employees of the Authority; OR
    - b. Any drug-related criminal activity on or off the premises.

### III. DEFINITIONS

For the purpose of this Grievance Procedure, the following definitions apply:

- A. Grievance - Any disagreement which a tenant may have with respect to Housing Authority action or failure to act in accordance with the individual's lease or Housing Authority regulations which

adversely affects the individual tenant's rights, duties, welfare or status.

- B. Complainant - Any tenant whose grievance is presented to the Hearing Authority in accordance with Section 4 and 5 of this procedure.
- C. Elements of Due Process - Legal proceedings carried out in accordance with established rules. Any eviction or termination proceeding requires:
  - 1. Adequate notice to the tenant of the grounds for terminating his or her lease and for eviction.
    - a. The Housing Authority shall give three (3) days written notice of termination if the termination is caused by the tenant's failure to pay rent.
    - b. The Housing Authority shall give three (3) days written notice of termination if there is a threat to the health or safety of other tenants or employees of the authority.
    - c. The Housing Authority shall give thirty (30) days written notice of termination in all other cases.
  - 2. The right of the tenant to be represented by legal counsel.
  - 3. The opportunity for the tenant to disagree with the evidence presented by the Authority including the right to confront and cross-examine witnesses and to present any affirmative legal or fair defense which the tenant may have. The tenant may examine (and make copies of at the tenant's own expense) all relevant documents, records, policies, and regulations of the Housing Authority prior to the hearing for the purpose of preparing a defense.
  - 4. A decision on the merits.
  - 5. A person with disabilities shall be provided reasonable accommodation to the extent necessary to provide the person with the opportunity to participate in a grievance hearing.
- D. Hearing Officer - a person selected to hear grievances and make a decision.
- E. Hearing Panel - A panel selected to hear grievances and to make a decision.

F. Tenant - shall mean the adult person (or persons) other than a live-in aide who:

1. Resides in the unit, and who executed the lease with the Authority as lessee of the dwelling unit, or, if no such person now resides in the unit.

2. Resides in the unit, and is a remaining member of the tenant family residing in the dwelling unit.

G. Resident organization - Includes Resident Councils and Resident Management Corporations.

H. Informal Settlement - Meeting held with complainant and the Authority in an attempt to resolve the grievance before going to a formal grievance hearing.

I. Summary of Discussion - Result of Informal hearing giving detailed information in writing of the major points discussed in the informal hearing and the Authority's decision on the complaint.

J. Escrow - Money held by a third person fiduciary as a good faith promise until a determination is made on what to do with the money. The escrow amount can be deposited into a bank account or held by an uninterested; independent third party with the equivalent security and accountability as a bank account.

K. Waiver - The release of a right or claim.

L. Trial De Nova - The right to a new trial.

#### IV. INFORMAL SETTLEMENT OF GRIEVANCE

A. Any business shall be personally presented, either orally or in writing, within five (5) business days after the grievance event to the Authority office of the project in which the complainant (also referred to as "tenant") resides so that the grievance may be discussed informally and settled without a Hearing. The PHA must schedule the informal meeting within (10) business days of receipt of the grievance.

B. The Housing Authority must, within a reasonable time and not to exceed thirty (30) days after the informal discussion, provide a written summary of the discussion of the meeting discussion and send it to the tenant by Registered or Certified Mail or deliver it personally with assigned receipt obtained from the tenant. A copy will be retained in the tenant's file. The summary will specify:

1. Names of the participants.

2. Date of the discussion.

3. Nature of proposed disposition.
4. Specific reason for proposed disposition of the grievance.
5. Procedures by which a Hearing may be obtained if the tenant is not satisfied.
6. That the tenant has five (5) business days from the date of the summary of the discussion to request a hearing.

- C. Before a tenant can request a Hearing by a Hearing Officer the grievance must be submitted first for an informal meeting.
- D. If the tenant can show good cause why he or she has failed to follow the procedure for informal meeting to the Hearing Officer, the informal meeting may be waived by the Hearing Officer.

V. PROCEDURE TO OBTAIN A HEARING

- A. If the tenant is dissatisfied with the final results of the informal meeting, he or she must submit a written request to the Housing authority or to the project office within five (5) business days after the receipt of the summary of the discussion pursuant to Section 4. The written request for a formal hearing must specify the reasons(s) for the grievance and the action of relief sought.
- B. Selection of hearing officer. Grievances shall be presented before a hearing officer. The hearing officer shall be an impartial person appointed by the PHA.

VI. FAILURE TO REQUEST A HEARING

If the tenant does not request a Hearing within five(5) business days following the date of the summary of the informal meeting:

- A. The Housing Authority's disposition of the grievance under Section 4 as stated in the summary of the discussion becomes final and effective at the close of business on the fifth business day following the date of the summary of the discussion.
- B. The failure to request a hearing does not waive the tenant's right to contest the Housing Authority's decision in an appropriate judicial proceeding.

VII. HEARING INVOLVING AMOUNT OF RENT - ESCROW ACCOUNT

Before a hearing can be scheduled for a grievance involving the amount of rent as defined in the lease, the tenant must:

- A. Pay the Authority the full amount of rent, calculated by the Authority, which was due on the first of the month preceding the month in which the grievance occurred; and
- B. Deposit this same amount of rent due into an escrow account every month until the complaint is resolved by the hearing officer's decision.

If the tenant fails to comply with A and B above, the grievance process will be terminated. Failure to follow A and B above, however, does not waive any of the tenant's rights to contest the Authority's disposition of the grievance in an appropriate judicial proceeding.

The requirements described in Section 7 of this Grievance Procedure may be waived by the Housing Authority in extenuating circumstances.

#### VIII. SCHEDULE OF HEARINGS

If the tenant has met the informal meeting requirements, properly requested a formal hearing (and made any necessary rental payments to the Authority or to an escrow account (when applicable), then the following will take place:

- A. A hearing will be scheduled by the hearing officer within fourteen (14) days of the date the PHA receives the Request for the Hearing.
- B. The hearing will be scheduled for a time and place reasonably convenient to both the complainant and the Housing Authority. The written notification will be delivered to the tenant and appropriate Authority officials, by registered or Certified mail, or delivered promptly with a signed receipt notice.
- C. The written notification will specify:
  - 1. Time of hearing.
  - 2. Place of hearing.
  - 3. Procedures governing the hearing.

#### IX. FAILURE TO APPEAR AT THE HEARING

- A. If the tenant fails to appear at the hearing, the hearing officer may make a determination to postpone the hearing for a period not to exceed five (5) business days, or may make a determination that the non-appearing party has waived the right to a hearing.
- B. The tenant and the Housing Authority will both be notified in writing of this determination by the hearing officer within a reasonable time.

C. Failure of the tenant to appear at the hearing and a determination that he or she has waived the right to a hearing does not waive the tenant's right to argue the case in an appropriate judicial proceeding.

X. PROCEDURES GOVERNING HEARING

A. The Hearing shall be held before the hearing officer.

B. The tenant shall be afforded a fair hearing, 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 tenant shall be allowed to copy any documents at his or her own expense. Any document requested but not made available to the tenant for examination may not be relied on by the Housing Authority during the hearing.
2. The right to be represented by counsel or other person chosen as his or her representative and to have this person make statements on the tenant's behalf.
3. The right to a private hearing unless the tenant requests a public hearing.
4. The right to present evidence and arguments in support of his or her complaint, to object to irrelevant evidence and request that such evidence be excluded, and to confront and cross-examine all witnesses on whose testimony or information the Authority or project management relies, and
5. A decision based solely and exclusively upon the facts presented at the hearing.

C. The hearing officer may render a decision without holding the hearing if the hearing officer determines that the issue has been previously decided in another proceeding.

D. At the hearing, the tenant must first show that he or she is entitled to the relief sought after which the Authority must justify the action or failure to act as cited in the complaint.

E. The hearing shall be conducted informally by the hearing officer and oral or documentary evidence pertinent to the facts and issues mentioned in the complaint may be received without regard to admissibility under the rule of evidence applicable in judicial proceedings.



- F. The hearing officer shall require the Authority, the tenant, tenant's counsel and other participants or spectator to conduct themselves in an orderly fashion.
- G. Failure to comply with the hearing officer's call for order may result in removal of the offending person from the proceedings, termination of the hearing, or the entry of judgment by default against the offending person.
- H. The tenant or the Authority may arrange in advance, and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested person may purchase a copy of the transcript.
- I. Accommodation of Persons with Disabilities
  - 1. The Housing Authority will take steps to insure that reasonable accommodation for persons with disabilities is provided so that participation in any hearing is possible. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations or attendants
  - 2. If the tenant is visually impaired any notice which is required under this Grievance Procedures must be in an accessible format.

## XI. DECISION OF HEARING OFFICER

- A. The hearing officer will prepare a written decision, including an explanation of the reasons for the decision, within a reasonable time after the hearing.
- B. A copy of the decision will be sent to the tenant and the Authority at the same time. The Authority shall retain a copy of the decision in the tenant's folder.
- C. A copy of the decision, with all names and identifying references deleted, will also be maintained on file by the Authority and made available for inspection by a prospective tenant, his or her representative or the hearing officer.

- D. The decision of the hearing officer will be binding on the Authority which will take all actions, or refrain from any actions, necessary to carry out the decision unless the Housing Authority Board of Commissioners determines within a reasonable time, and promptly notifies the complainant of his/her determination, that:
1. The grievance does not concern any act or failure to act on the part of the Authority involving the tenant's lease or Authority regulations which adversely affect the tenant's rights, duties, welfare or status; or
  2. The decision of the hearing officer is contrary to applicable Federal, State and/or Local law, HUD regulations or requirements of the Annual Contributions Contract between the Department of Housing and Urban Development and the Housing Authority.
- E. A decision by the hearing officers or Housing Authority Board of Commissioners favor of the Authority, or which denies the relief requested by the tenant in whole or in part, does not waive or affect any rights the tenant may have to a trial de nova or judicial review in any judicial proceedings, which may be filed in the future.