

**FLINT AREA CONSOLIDATED HOUSING AUTHORITY  
GRIEVANCE PROCEDURE**

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**SCOPE:** This policy applies only to residents of federally-subsidized public housing operated by the Flint Area Consolidated Housing Authority (FACHA).

It does not apply to:

1. Applicants for Flint Area Consolidated Housing Authority;
2. Guests of residents and live-in aides;

**POLICY:** The Housing Authority shall direct its best efforts toward resolving resident grievances at the lowest possible level of the Housing Authority's organizational structure, while providing residents an opportunity for a fair and impartial hearing where resolution of grievances at the staff level is not possible. This policy shall be part of the Flint Area Consolidated Housing Authority's public housing dwelling lease by reference. The policy shall meet the regulatory requirements set forth in 24 CFR 966.50-57.

A grievance is any dispute a resident may have with the respect to FACHA action or failure to act in accordance with the lease or regulations that adversely affects the individual resident's rights, duties, welfare or status. The grievance policy is applicable only to individual resident issues relating to FACHA. It shall not be applicable to disputes between residents that do not involve the Housing Authority or to class grievances, and shall not be used as means of initiating or negotiating Housing Authority policy changes subject to the Housing Authority Board of Commissioner's approval.

The Housing Authority shall provide an opportunity for a fair and impartial hearing of the grievance provided that the grievance hearing request is made in a timely manner. If no request is made or if a request is not made in a timely manner as defined below, the resident shall be deemed to have waived his or her right to a grievance hearing under this policy.

**1.0 RIGHT TO A HEARING**

Upon the filing of a written request as provided in these procedures, a resident shall be entitled to a hearing before a Hearing Officer.

**2.0 PROCEDURES PRIOR TO A HEARING**

Any grievance shall be promptly and personally presented in writing to the Flint Area Consolidated Housing Authority office so that the grievance may be discussed informally and settled without a hearing. A summary of such discussion shall be prepared within fourteen (14) calendar days and one copy shall be given to the resident and one retained in the Authority's resident file. The summary shall specify the names of the participants, dates of the meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and shall specify the procedures by which a hearing under these procedures may be obtained if the resident is not satisfied.

**3.0 PROCEDURES TO OBTAIN A HEARING**

**3.1 REQUEST FOR HEARING**

The resident shall submit a written request for a hearing to the Authority within fourteen (14) calendar days from the date of the mailing of the summary of the discussion pursuant to section 2.0. The written request shall specify:

- A. The reasons for the grievance; and
- B. The action or relief sought.

**3.2 SELECTION OF A HEARING OFFICER (24 CFR 966.5(b))**

A grievance hearing shall be conducted by an impartial person appointed by the Flint Area Consolidated Housing Authority other than a person who made or approved the action under review or a subordinate of such person.

**3.3 FAILURE TO REQUEST A HEARING**

If a resident does not request a hearing in accordance within fourteen (14) calendar days then the Flint Area Consolidated Housing Authority's disposition of the grievance shall become final. However, failure to request a hearing does not constitute a waiver by the resident of the right thereafter to contest the Flint Area Consolidated Housing Authority's action in disposing of the complaint in an appropriate judicial proceeding.

**3.4 HEARING PREREQUISITE**

All grievances shall be promptly presented in writing pursuant to the informal procedure prior to a hearing. However, if the resident can show good cause why there was failure to proceed to the Hearing Officer the provisions of this section may be waived by the Hearing Officer.

**3.5 ESCROW DEPOSIT (24 CFR 966.5(E))**

Before a hearing is scheduled in any grievance involving the amount of rent and other charges as defined in the lease which the Flint Area Consolidated Housing Authority claims is due, the resident shall pay to the Flint Area Consolidated Housing Authority an amount equal to the amount of rent and other charges due and payable as of the first of the month preceding the month in which the act or failure to act took place. After the first deposit, the family must deposit the same amount monthly until the grievance is resolved by decision of the hearing officer. Failure to make the escrow deposit terminates the grievance procedure, but does not waive the tenant's right to contest the action in an appropriate judicial proceeding. Amounts deposited into the escrow account shall not be considered as acceptance of money for rent during the period in which the grievance is pending.

If a grievance concerns the denial of a financial hardship exemption from the minimum rent requirement or the effect of welfare benefit reductions in the calculation of family income, the requirement for an escrow deposit is waived.

**3.6 SCHEDULING OF HEARINGS (24 CFR 966.55(f))**

Upon the resident's compliance with this section the Hearing Officer shall promptly schedule a hearing for a time and place reasonably convenient to both the resident and the Flint Area Consolidated Housing Authority. A written notification specifying the time, place and the procedures governing the hearing shall be delivered to the resident and the appropriate agency official.

**4.0 PROCEDURES GOVERNING THE HEARING (24 CFR 966.56)**

The resident shall be afforded a fair hearing, which shall include:

- A. The opportunity to examine before the grievance hearing any Authority documents, including records and regulations that are directly relevant to the hearing. The resident shall be provided a copy of any such document at the resident's expense. If the Housing Authority does not make the document available for examination upon request by the resident, the Housing Authority may not rely on such document at the grievance hearing.
- B. The right to be represented by counsel or other qualified person chosen as the resident's representative and to have such person make statements on the residents behalf;
- C. The right to a private hearing unless the resident requests a public hearing;

- D. The right to present evidence and arguments in support of the resident's complaint, to controvert evidence relied on by the Authority and to confront and cross examine all witnesses upon whose testimony or information the Housing Authority relies; and
- E. A decision based solely and exclusively upon the facts presented at the hearing.

The Hearing Officer may render a decision without holding a hearing if the Hearing Officer determines that the issue has been previously decided at another hearing.

If either the resident or Authority fails to appear at a scheduled hearing, the Hearing Officer may postpone the hearing for up to five business days or determine that the missing party has waived their right to a hearing. Both the Housing Authority and the resident shall be notified of the Hearing Officer's decision. This decision shall not waive a resident's right to contest the disposition of the grievance in an appropriate judicial proceeding.

The following accommodations will be made for persons with disabilities:

- A. The Flint Area Consolidated Housing Authority shall provide reasonable accommodations for persons with disabilities to participate in the hearing. Reasonable accommodations may include qualified sign language interpreters, readers, accessible locations or attendants.
- B. If the resident is visually impaired, any notice to the resident that is required by these procedures must be in an accessible format.

#### **5.0 DECISION OF THE HEARING OFFICER (24 CFR 966.57)**

The Hearing Officer shall prepare a written decision, together with the reasons therefor, within fourteen (14) calendar days after the hearing. A copy of the decision shall be sent to the resident and the Flint Area Consolidated Housing Authority. The Authority shall retain a copy of the decision in the resident's folder. A copy of such decision with all names and identifying references deleted shall also be maintained on file by the Housing Authority and made available for inspection by a prospective complainant, his or her representative, or the Hearing Officer.

The decision of the Hearing Officer shall be final and the Housing Authority shall take no actions inconsistent with the decision unless the Housing Authority's Board of Commissioners determines and promptly notifies the complainant of its determination, that:

- A. The grievance does not concern the Flint Area Consolidated Housing Authority action or failure to act in accordance with or involving the resident's lease or Housing Authority regulations, which adversely affect the resident's rights, duties, welfare, or status; or
- B. The decision of the Hearing Officer is contrary to applicable Federal, State, or local law, Authority regulations, or requirements to the Annual Contributions Contract between the Authority and the U. S. Department of Housing and Urban Development.

A decision by the Hearing Officer or Board of Commissioners in favor of the Flint Area Consolidated Housing Authority or which denies the relief requested by the resident in whole or in part shall not constitute a waiver of any rights the complainant may have to a subsequent trial or judicial review in court.