

IMPERIAL VALLEY HOUSING AUTHORITY GRIEVANCE PROCEDURES

1. **RIGHT TO A HEARING:** It shall be a right of a **tenant** being assisted by the Imperial Valley Housing Authority's (IVHA) Housing Programs to request a grievance hearing, as herein provided.
2. **DEFINITIONS**
 - a. **Complainant** is defined as any Housing Program participant whose rights, duties or status is, or may be, adversely affected by IVHA action or failure to act in accordance with local, State and Federal regulations and HUD Lease Addendum provisions.
 - b. **Grievance** is defined as any dispute with respect to IVHA action or failure to act in accordance local, State and Federal regulations and HUD Lease Addendum provisions.
 - c. **Housing Authority** is defined as being the commission of employees of IVHA.
3. **THE PROCEDURE BY WHICH A HEARING CAN BE OBTAINED**
 - a. If the complainant is dissatisfied with the proposed action of the Housing Authority staff, he/she may submit a written request to the Housing Authority for a hearing. **A reasonable accommodation can be made for those unable to report in writing.** This request shall be made within ten (10) working days of the notice of the action. A hearing officer will be appointed as promptly as possible at a time, date and place reasonably convenient to the complainant and the Housing Authority. The complainant shall be informed in writing.
 - b. If the complainant does not request a hearing within the ten (10) working day time period allowed in subsection (a) above, he/she waives his/her right to a hearing and the Housing Authority's proposed action will become final. This does not constitute a waiver of the complainant's right to contest the Housing Authority's disposition of his/her grievance in a judicial proceeding.
4. **SELECTION OF A HEARING OFFICER** is made by a Housing Manager from a list of potential Hearing Officers maintained at the Housing Authority. This list is made up of persons who work at other agencies in Imperial County who deal with local, State and Federal regulations and other persons who understand the importance of making decisions based on such regulations. This includes, but is not limited to, persons who work at Campesinos Unidos, Inland Fair Housing, IVROP, Center for Family Solutions, School Counselors, Social Services Agencies, Family Resource Center, and local housing managers. The Housing Authority may also use an employee of the Housing Authority provided that the employee, or his/her subordinate, has not been involved in the decision about which the complainant is requesting a hearing.

5. THE HEARING

- a. The parties shall be entitled to a fair hearing observing the minimum requisites of due process before the Hearing Officer and may be represented by counsel (at their own expense) or any other person chosen as a representative, and may examine all evidence to be used at the Hearing and present any affirmative legal or equitable defense available. If an attorney will be present, it is the responsibility of the Tenant to notify the Housing Authority. The Housing Authority may choose to have their attorney present.
- b. The hearing shall be private but this shall not be construed to limit the attendance of persons with a valid interest in the proceedings. If at all possible, hearings shall be scheduled and held within ten (10) working days from the date of the request for a hearing, and shall be held in the place and time convenient for both parties pursuant to written notice specifying the hearing officer, time and place of the hearing.
- c. The complainant, before the hearing, shall have the right to examine, view, and copy all documents, provided that the complainant incurs the costs of making copies, in relation to the hearing as well as the regulations of Imperial Valley Housing Authority which are relevant to the hearing. Any document that has not been submitted to the complainant in accordance with their request shall not be valid by Imperial Valley Housing Authority as evidence during the hearing.
- d. The Housing Authority must be given an opportunity to examine at the IVHA offices before the hearing any documents that are directly relevant to the hearing. Whenever a complainant requests an informal hearing, IVHA will automatically mail a letter to the participant requesting a copy of all documents that the complainant intends to present or utilize at the hearing. The complainant must make the documents available no later than 12:00 pm on the business day prior to the scheduled hearing date.
- e. The complainant may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, IVHA may request documentation of the "good cause" prior to rescheduling the hearing.
- f. If a complainant fails to appear at a hearing, the Hearing Officer may postpone the hearing for (5) working days after the complainant's failure to appear pending notice of the complainant's excuse for failure to appear, or may make a determination that the complainant has waived his/her right to the hearing. The Hearing Officer will wait 15 minutes before declaring that the complainant has failed to appear. Such a determination shall not constitute a waiver of complainant's right to contest the Housing Authority's disposition of his grievance in a judicial proceeding, and upon showing a good cause, any failure or default in attending same may be waived by the Hearing Officer.

- g. At the hearing the complainant must make a case sufficient to demonstrate, if no evidence were presented to rebut complainant's evidence, the faulty negligence, liability and/or responsibility of the Housing Authority. Thereafter, then and only then, the burden of proof is on the Housing Authority to justify the action or inaction proposed in its answer to the complaint. The complainant may present evidence and arguments in support of his/her complaint, or dispute evidence or information relied on by the Housing Authority.

Hearings shall be informal and private and any oral or documentary evidence limited to the facts and issues raised by the complainant's answer, may be received by the Hearing Officer without regard to whether that evidence would be admissible under rules of evidence employed in judicial proceedings. The hearsay rule is abolished for such hearings. Hearings shall be conducted in accordance with basic safeguards of due process. Continuances are disfavored, but may be granted not to exceed five (5) working days for good cause shown; otherwise, the party requesting continuance shall be deemed to have waived the hearing. All hearings shall be conducted in an orderly fashion; failure to comply with the directions of the Hearing Officer to obtain order may result in exclusion of unruly parties or an adverse decision to the unruly parties, as applicable.

6. DECISIONS OF THE HEARING OFFICER

- a. The decision of the Hearing Officer shall be based solely upon the facts presented at the hearing and upon applicable local, State and Federal regulations. To the extent that the decision is not inconsistent with local, State and Federal regulations, the HUD Lease Addendum and the Annual Contributions Contract between HUD and the Housing Authority. To the extent provided in Subsection (c) below, the decision of the Hearing Officer shall be binding on the Housing Authority.
- d. The Hearing Officer shall prepare a written decision, including a statement of findings and conclusions; as well as the reasons that are the basis therefore, upon all material issues raised by the parties. This shall be done within ten (10) working days of the hearing. Copies shall be mailed or delivered to the parties or their representatives and retained in the Housing Authority's tenant folder.
- e. If the decision is in favor of the complainant, the Housing Authority shall promptly take all actions necessary to carry out such decision, or refrain from any action prohibited by such decision unless the Board of Commissioners of the Housing Authority determines and notifies the complainant in writing within ten (10) days that the Hearing Officer has acted or failed to act in accordance with or invalidating the complainant's Lease Addendum, local, State or Federal Law, the HUD Lease Addendum, or a decision contrary to the Annual Contributions Contract between HUD and the Housing Authority.

Administrative Office - 1402 D Street - Brawley - CA 92227
P: (760) 351-7000
F: (760) 344-9712
1690 West Adams Ave. - El Centro - CA 92243
P: (760) 337-7500
F: (760) 337-1585
www.ivha.org

- 7. APPEALS FROM THE HEARING OFFICER DECISION.** A decision by the Hearing Officer which is in favor of the Housing Authority and/or denies the complainant his requested relief in whole or in part, shall not constitute a waiver of, nor affect in any manner whatever rights the complainant may have in judicial proceedings which may thereafter be brought. In such judicial proceedings, the Housing Authority shall, by stipulation or other appropriate means, be limited to invoking against the complainant the grounds originally relied on by the Housing Authority in its proposed disposition of the complainant or grievance.



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GRIEVANCE COMPLAINT FORM/ REQUEST FOR HEARING

Name: _____ Home Phone: _____

Address: _____ Cellular Phone: _____

City/Zip: _____

Mailing Address (If not the same as physical address): _____

PLEASE FILL OUT SECTIONS A, B, AND C

A. Please check one.

_____ I deny the behavior that I, or members of my family or guests, have been accused of.

_____ I dispute owing the amount which the Housing Authority says I owe for rent, for maintenance or for other charges.

_____ I wish to request a grievance hearing from the Imperial Valley Housing Authority for the following reasons:

B. Please state the details of your dispute, denial or grievance:

C. Please state the action you are requesting that the Housing Authority take:

I understand that this request is not valid until it is signed and dated by a staff member at the Imperial Valley Housing Authority, and it must be turned in within ten (10) working days from the notice of action that you are disputing, denying or requesting a grievance. To ensure prompt and accurate delivery of mail, it will be your responsibility to report, in writing, any changes to your address and/or telephone immediately. If necessary a reasonable accommodation may be provided at your request.

Tenant's Signature

Date

I.V.H.A.

Date