

Housing Authority of the Sac and Fox Nation



Grievance Policy

Approved by the Board of Commissioners of the Housing Authority of the Sac and Fox Nation on: August 19, 2019 Resolution #2019-50.

Policy Statement

The governing body, Housing Authority of Sac and Fox Nation, recognizes the need to establish procedures to resolve disputes between participants or applicants and the Housing Authority of the Sac and Fox Nation (HASFN) in a fair and impartial manner. The purpose of these grievance procedures is to establish the general principals by which the HASFN provides for and hears grievances and formal complaints by its program participants and applicants.

These policies and procedures are intended to provide due process to everyone involved along with being in compliance with all state, federal, and tribal laws which have precedence. Nothing contained in these grievance procedures shall waive any sovereign immunity that the HASFN may have.

This grievance process does not apply to HASFN except they may file a grievance as a participant, nor does it apply to vendors or contractors.

These policies and procedures shall be provided to all participants who become residents or homebuyers of HASFN owned or managed properties. It shall be made available to the public and shall be prominently posed in the HASFN office.

I. Definitions

- 1) **Governing Body** – shall mean the Board of Commissioners of the Housing Authority of the Sac and Fox Nation.
- 2) **Participant** – shall mean any individual who has applied for, has been awarded, or is currently participating in any HASFN housing program. Expressly excluded are individuals whose leases, homeownership agreements, or any other rights to occupancy are being terminated or who are being evicted. All such individuals are not allowed to file a grievance.
- 3) **Grievance** – shall mean any dispute which a Participant may have with respect to HASFN action or failure to act with respect to any HASFN housing program and which is presented to the HASFN in accordance with these grievance procedures. Expressly excluded are any matters involving the HUD 184 Loan Guarantee Program. Also expressly excluded are disputes involving termination of leases, homeownership agreements, or any other rights to occupancy or evictions except that this does not alter any right of review or examination of documents under certain such proceedings as provided by the Native American Housing and Self-Determination Act of 1996.
- 4) **Grievance Officer** – shall be an impartial person appointed by the Executive Director of the HASFN.
- 5) **Complainant** – shall mean any participant who has presented a grievance to the HASFN in accordance with these grievance procedures.
- 6) **Grievance Hearing** – shall mean the presentation to the Grievance Officer and HASFN's response to the grievance. The HASFN's Executive Director and/or legal counsel along with other pertinent HASFN's employees shall be present at the hearing along with the complainant's representative if applicable.

II. Procedures

- 1) **Prior To A Hearing**
 - a) These grievance procedures allow decisions, actions or inactions or HASFN staff or governing body to be appealed or reviewed by participants who are directly impacted or affected so long as certain required procedures are followed. The complainant has the right to view all documentation pertaining to their tenant file(s).
 - b) To facilitate the process, the complainant may first present his/her case in person to the Executive Director to attempt to resolve the issue before it goes to a formal Grievance Hearing. If there is no resolution to the issue, the grievance will then be provided in written form.

- c) Before filing a complaint with the Executive Director, the complainant should review the program agreement he/she has with the HASFN to assure that he/she has a valid complaint.
- d) The complainant should contact the HASFN in attempt to resolve the issue before the contacting the Department of Housing and Urban Development (HUD).
- e) The grievance may be simply stated, but shall specify at least the following:
 - i. The particular grounds upon which the grievance is based; and
 - ii. The action requested;
- f) Any grievance must be in writing and signed by a participant and personally delivered to the Executive Director or designated HASFN employee or sent by certified mail no later 10 days after the HASFN decision, action or inaction occurs.
- g) The Executive Director and the complainant shall make every effort to attempt to resolve a grievance prior to the complainant requesting a Grievance Hearing.
- h) The Executive Director shall respond in writing within 10 days after receiving a grievance. The response shall be personally delivered or delivered by certified mail to complainant. A copy of the response shall be attached to complainant's grievance.
- i) The HASFN's response shall specify:
 - i. The proposed action to be taken to resolve the grievance;
 - ii. The right of the complainant to a hearing before Grievance Officer; and
 - iii. The procedure for requesting such hearing;
- j) If the complainant is dissatisfied with the proposed action to resolve the grievance, the complainant may request a hearing before the Grievance Officer. The request for a hearing must be made within 10 days of the date of the HASFN's written response. The request for a hearing must be in writing and personally delivered to the HASFN office or sent by certified mail.
- k) If the complainant does not request a hearing within 10 days after receiving the HASFN's response to the grievance, the complainant waives his/her right to a hearing and the HASFN's proposed disposition of the grievance shall become final.

2) Hearing

- a) If the complainant requests a hearing within 10 days of the date of the HASFN's written response, the Executive Director shall notify the Grievance Officer in writing of the request and shall schedule the hearing to be held within 30 days of the complainant's request for a hearing.
- b) Written acknowledgment of the request and notice of the scheduled Grievance Hearing date, time, and place shall be provided by the Executive Director to the complainant at least 10 days prior to the hearing date. The written acknowledgment may be personally delivered or sent by certified mail.
- c) Before attending the Grievance Hearing, the complainant should review the Grievance Policy to acquaint himself/herself with the proceedings.
- d) The appointed Grievance Officer shall preside over the Grievance hearing and shall make the final determination as to questions of rules and procedure. The Grievance Officer may be advised by and consult with the HASFN staff or legal counsel on procedural matters during this process.
- e) The Grievance Officer, HASFN staff, and complainants shall treat each other respectfully and fairly when handling, hearing, or presenting a grievance.
- f) The Grievance Officer shall require all in attendance to conduct themselves in an orderly fashion during the Grievance Hearing. Failure to comply with the decisions of the Grievance Officer to obtain order may result in exclusions from the proceedings or in a decision adverse to the interest of the disorderly party and automatic granting or denying the action sought.
- g) Grievance matters including the Grievance Hearing may be confidential and not open to the public depending upon the subject matter, as determined by the Grievance Officer.
- h) The complainant has the right to review all files and documents that were used by the HASFN in its original decisions. This includes name of witnesses or parties who have made complaints if such parties' statements were used by the HASFN in its original decision.
- i) Both the complainant and a representative of the HASFN, who may be the same person who is providing advice to the Grievance Officer, shall make verbal arguments at the Grievance Hearing. The verbal agreement is limited to 20 minutes. The complainant may have a representative speak on his/her behalf during the complainant's 20 minutes.
- j) The Grievance Hearing shall be conducted informally by the Grievance Officer and verbal or written evidence pertinent to the facts and issues

raised by the complainant will be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.

- k)** After due consideration is given to a Grievance, a final decision will be made by the Grievance Officer whether to sustain, reverse, or modify the decision, action, or inaction challenged. A written decision shall be promptly given to the complainant no later than 5 days after the hearing.
- l)** Failure to follow any requirement of these grievance procedures shall allow the Grievance Officer to dismiss the grievance with no further consideration.
- m)** Filing a grievance shall not suspend, negate, delay, or disrupt the implementation of the HASFN decision or action.
- n)** The provisions of these procedures shall not apply when any grievance concerns:
 - i. Any criminal activity that threatens the health or safety or, or right to peaceful enjoyment of by other participants, neighbors or HASFN employees, or
 - ii. Any criminal activity, including drug-related activity, by participants, their household members, guests or invitees affecting premises, or rights or well-being of any participant's neighbors.
- o)** Should the complainant fail to appear at the Grievance Hearing, the Grievance Officer may:
 - i. Dismiss the Grievance;
 - ii. Proceed without the complainant, or
 - iii. Reschedule the hearing one time if the complainant has provided a valid reason for failing to appear;
- p)** This Grievance process does not apply to HASFN employees except as they may file a grievance as a participant, nor does it apply to vendors or contractors.
- q)** These policies and procedures shall be provided to all participants who become participants in any of the HASFN programs. It shall also be prominently posted in the HASFN office.
- r)** Filing a grievance shall not affect the relationship between the HASFN and the complainant with regards to the provision of other services.

III. Sequence of Events

Task	Responsible Party	Timing
Grievance provided in writing to the HASFN	Program Participant	Within 10 days of a decisions, action, or inaction by the HASFN.
Response in writing provided to the Program Participant	Executive Director	Within 10 days of receipt of written grievance.
Request for a Hearing	Program Participant	Within 10 days of receipt of Executive's Director's response.
Notify Grievance Officer and schedule hearing	Executive Director	Within 30 days of request.
Notify Program Participant of Hearing date	Executive Director	At least 10 days prior to Hearing.
Written decision given to Program Participant and HASFN	Grievance Officer	Within 10 days after Hearing.