

Standard Operating Procedures	SOP No. 05-004	Issued: 10/15/05 Revised: March 6, 2006
	SECTION Eligibility and Leasing	
	SUBJECT Grievances	

PURPOSE

To establish the procedure participant grievances. Although applicants are not entitled to a hearing, procedures for handling applicant meetings are included.

APPLICABLE POLICY

Although most grievances are related to Eligibility Determination (Section 3.2) or Termination of the Agreement (Section 6.4), a Grievance may be filed for any decision made by Housing that effects the tenancy of a participant family.

PROCEDURE

Right to a Hearing

Upon filing of a written request as provided herein, a Complainant shall be entitled to a hearing before the Housing Manager.

Definitions

Complainant (Grievant). Any tenant or participant in housing projects operated by the Tulalip Tribes Housing Department (TTHD) whose rights, duties, welfare or status are, or may be, adversely affected by the Housing Department's action or failure to act, and who files a grievance or complaint with respect to such action or failure to act, after first attempting to resolve the complaint informally with the Housing Department.

Grievance or complaint. Any dispute with respect to the Housing Department's action or failure to act in accordance with the program requirements which affect the rights, duties, welfare or status of the Complainant.

Procedure Prior to a Hearing

- a. Any grievance or complaint shall be personally presented in writing to TTHD's office so that it might be informally discussed and settled without a hearing. The grievance or complaint must be signed by the Complainant and filed in TTHD's office within ten (10) calendar days of TTHD's action or failure to act, which is the basis of the grievance.
- b. The Complainant and TTHD's Tenant Services Coordinator will attempt to resolve the problem at the time the complaint is presented to TTHD.
- c. Within ten (10) calendar days, TTHD's Tenant Services Coordinator will send a letter to the Complainant summarizing the discussion. The letter shall specify the names of the participants in the discussion, the date of the discussion, the proposed disposition of the complaint and the reasons therefore. The letter must advise the Complainant of his or her right to a hearing and the procedure herein described by which such a hearing before the Housing Manager may be obtained.

Procedure to Obtain a Hearing

- a. The Complainant shall submit a written request for a hearing to TTHD within ten (10) days after receipt of the Tenant Services Coordinator's summary of the informal discussion and decision of the TTHD.
- b. The written request shall specify:
 - (1) The reasons for the grievance.
 - (2) The action or relief sought.

Notification to the Housing Manager

A formal hearing before the Housing Manager shall be scheduled as follows:

- a. The Tenant Services Coordinator will be notified in writing that a request has been made for a formal hearing. The written notice shall include a copy of the Complainant's written request for a hearing.
- b. The Housing Manager shall send the Complainant written notice as to the time, date and place of the hearing within ten (10) calendar days of receipt of a written request for a hearing. The notice shall inform the Complainant that the Complainant may (1) at his or her expense examine and copy all documents, records and regulations of TTHD that are relevant to the hearing, (2) be represented by another person of the Complainant's choice at the hearing, (3) ask questions of witnesses and have others make statements on the Complainant's behalf, and (4) be entitled to receive a written decision from the Housing Manager.

Hearing Prerequisite

All grievances shall be presented in writing as a condition to a hearing under this section. This Grievance Procedure is intended to assist in the resolution of complaints by rental and homeownership residents or homeowners. It is not intended to provide a forum for an aggrieved party to challenge eviction proceedings or the Housing Department's policies, HUD program requirements or regulations, and any hearing requests on such issues will be denied.

The Hearing

- a. The hearing shall be held before the Housing Manager.
- b. The Complainant shall be afforded a fair hearing providing the basic safeguards of due process that shall include:
 - The opportunity to examine and copy, before the hearing and at the expense of the Complainant, all documents, records and regulations of TTHD that are relevant to the hearing. Any document not made available after request by the Complainant may not be relied upon by TTHD at the hearing.
 - The right to be represented by counsel or another person chosen as his/her representative.
 - The right to a private hearing unless the Complainant requests a public hearing.
 - The right to present evidence and arguments in support of his/her complaint, to controvert evidence relied upon by the Housing Department and to confront and cross-examine all witnesses on whose testimony the Housing Department relies.
- c. A decision shall be based solely and exclusively upon the facts presented at the hearing.
- d. The Housing Manager may render a decision without proceeding with the hearing if it is determined that the issue has been previously decided in another proceeding.
- e. If the Complainant fails to appear at a scheduled hearing, the Housing Manager may make a determination that the party absent has waived his/her right to a hearing. The Complainant shall be notified in writing of such determination.
- f. At the hearing, the Complainant must make a convincing showing of entitlement to the relief sought.
- g. The hearing shall be conducted informally by the Housing Manager. Oral or documentary evidence pertinent to the facts and issues raised by the Complainant may be received without regard to whether that evidence would be admissible under the rules of evidence employed in judicial proceedings.

Decision of the Housing Manager

- a. The decision of the Housing Manager shall be based solely and exclusively on facts presented at the hearing and applicable federal, state and tribal law, and regulations.
- b. The Housing Manager shall prepare a written decision that shall include an explanation of the reasons for the decision within ten (10) calendar days after the hearing. A copy of the decision shall be sent to the Complainant. A copy shall be retained in the tenant's or participant's file.
- c. The decision of the Housing Manager shall be binding on the Housing Department which shall take all actions or refrain from any actions necessary to carry out the decision.

Appeals from the Housing Manager's Decision

A decision by the Housing Manager in favor of the Housing Department or which denies the relief requested by the Complainant, in whole or in part, shall not constitute a waiver of, nor affect in any manner whatsoever, any rights the Complainant may have to judicial review in any judicial proceedings which thereafter may be brought in the matter.

Applicant Grievance Procedures

Applicants for admission to TTHD housing projects have a right to an informal hearing on a denial of an applicable preference or a determination of non-eligibility. If it is determined that an applicant does not meet the criteria for receiving a preference or that the applicant is otherwise ineligible for TTHD housing, TTHD shall promptly provide the applicant with a written notice of its determination. The notice must contain a brief statement of the reasons for the determination, and state that the applicant has the right to meet with TTHD's Housing Manager, or the TTHD official who made the determination, if the applicant requests such a hearing within ten (10) days of receipt of TTHD's notice. The applicant shall have the right to review the records upon which TTHD made its determination.