

PUBLIC NOTICE

Housing Authority of the City of Pawtucket

Revision to the Grievance Procedure Comment Period June 21 – July 21, 2021

The Housing Authority of the City of Pawtucket, Rhode Island (PHA) is posting this notice and revision to its Grievance Procedure. The Grievance Procedure is referenced and made a part of your Lease Agreement. Comments and questions to the proposed procedure will be accepted until 4:00 PM on Wednesday, July 21, 2021. Following the public review and comment period, the revision will be presented to the Housing Authority's Board of Commissioners for consideration and approval.

A copy of this notice, along with the changes to the Grievance Procedure are posted at all PHA developments and the PHA's website (www.pawthousing.org).

Copies of the attached revision can be made upon request during normal business hours, 8:00 AM to 4:00 PM Monday through Thursday and between 8:00 AM -1:00 PM on Friday.

Written comments on the revised Grievance Procedure must be received in writing by Wednesday, July 21, 2021 to:

The Housing Authority of the City of Pawtucket, RI
Attn: Sheila Santos
214 Roosevelt Avenue
Pawtucket, RI 02860

or by email to: sheilas@pawthousing.org

Persons with disabilities requiring assistance or alternative formats, or wishing to submit comments in alternative formats, can contact Sheila Santos at 401-721-6012.

Paula McFarland Executive Director



PROPOSED AMENDMENT TO THE GRIEVANCE PROCEDURE

PUBLIC COMMENT PERIOD – JUNE 21, 2021 – JULY 21, 2021

Existing Procedure	Proposed Procedure
<p>Delete: The grievance or complaint must be signed by the complainant and filed in the office by him/her or his/her representative within fourteen (14) days of the Housing Authority action or failure to act, which is the basis for the grievance. It may be simply stated and should specify: (1) the reason for the grievance; and (2) the action requested.</p> <p>The complainant shall retain a copy of the complaint and a copy shall be filed with the project manager or applications manager. All complaints and copies must be dated- stamped at time of receipt by the Housing Authority.</p> <p>An answer in writing to each complaint, dated and signed by the project manager or other appropriate official, shall be delivered or mailed to the complainant within five (5) working days. A copy of the answer shall be filed with the property manager in the appropriate project office.</p> <p>The answer shall specify:</p> <p>The proposed disposition of the complaint and the specific reasons, therefore.</p> <p>The right of the complainant to a hearing; and The procedure by which a hearing may be obtained.</p> <p>If the complainant is dissatisfied with the proposed disposition of his/her complaint as stated in the project manager’s or other Housing Authority Official’s answer, he/she may submit a written request to the Grievance Hearing Panel for a hearing. This written request shall be made within ten (10) working days of the answer to his/her complaint. The written request for a hearing must be date stamped and filed in the appropriate Housing Authority or project management office along with the complaint and answer. The appropriate Housing Authority official shall advise the Grievance Hearing Panel promptly of the request and grievance hearing shall be scheduled as soon as possible for a date, time and place reasonably convenient to the</p>	<p>Add: Any grievance must be personally presented, either orally or in writing, to the PHA’s central office or the management office of the development in which the complainant resides within ten (10) days after a PHA tenant dispute.</p> <p>Grievances related to complaints about operation matters that are received by the PHA’s central office will be referred to the Property Manager of the development where the complainant resides. An informal settlement of a grievance involving complaints related to discrimination, harassment, or disability rights will be referred to the Director of Public Housing.</p> <p>As soon as the grievance is received, it will be date and time-stamped and reviewed by the management office of the development or the Director of Public Housing (if applicable) to be certain that neither of the exclusions in Section I above applies to the grievance. Should one of the exclusions apply, the complainant will be notified in writing that the matter raised is not subject to the PHA’s grievance procedure with the reason specified.</p> <p>If neither of the exclusions cited above apply, the complainant will be contacted to arrange a mutually convenient time within 10 business days to meet so the grievance may be discussed informally and settled without a hearing. At the informal settlement meeting, the complainant will present the grievance and the person in charge of the management office, or the Director of Public Housing will attempt to settle the grievance to the satisfaction of both parties.</p> <p>If a tenant fails to attend the scheduled meeting without prior notice, the PHA will reschedule the appointment only if the tenant can show good cause for failing to appear, or if it is needed as a reasonable accommodation for a person with disabilities.</p> <p>Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family.</p>

complainant; and shall inform the complainant thereof in writing.

If the complainant does not request a hearing within the time period allowed above, he/she waives his/her right to the hearing, and the Housing Authority's proposed disposition of the grievance will become final. This shall not, however, constitute a waiver of the complainant's right hereafter to contest the Housing Authority's disposition of his/her grievance in an appropriate judicial proceeding.

Establishment of a Grievance Hearing Panel.

An impartial grievance hearing panel shall be established to afford a tenant or applicant an opportunity for a fair hearing if he/she disputes within a reasonable time and Housing Authority action or failure to act in accordance with the lease requirements or any Housing Authority action or failure to act involving interpretation or application of the Housing Authority's regulations, policies or procedures which adversely affect the tenant's or applicant's rights, duties, welfare or status.

The members of the Grievance Hearing Panel shall consist of:

Tenant members. Each of the six (6) housing developments will elect two (2) persons to serve on the grievance-hearing panel. A total of twelve (12) persons will serve on the grievance-hearing panel.

Impartial members. The tenant members of the grievance hearing panel and the Housing Authority will elect Two (2) impartial members. The impartial members may not be an officer or an employee of the Housing Authority or any of its projects, nor a tenant of the Housing Authority or an employee of the City of Pawtucket.

Only four (4) of the fourteen (14) hearing panel members will be present at each scheduled grievance hearing. The members will serve on a rotating basis. No tenant grievance hearing member will serve on the hearing panel in which a tenant from that same housing development has requested a hearing.

Within five (5) business days following the informal discussion, the Property Manager or Director of Public Housing will prepare and either hand deliver, mail, or email to the tenant a summary of the discussion that must specify: the names of the participants, the dates of meeting, the nature of the proposed disposition of the complaint, and the specific reasons therefore, and will specify the procedures by which a formal hearing under this procedure may be obtained if the complainant is not satisfied. A copy of this summary will also be placed in the tenant's file.

Formal grievance hearing:

If the complainant is not satisfied with the settlement arrived at in the informal settlement, the complainant must submit a written request for a hearing to the management office of the development where the tenant resides no later than five business days after the summary of the informal hearing is received.

The written request must specify:

- The reasons for the grievance; and
- The action of relief sought from the PHA.

Within 10 days of receiving the written request for a hearing, the hearing officer will schedule and send written notice of hearing to both the complainant and the PHA.

Selecting the Hearing Officer:

A grievance hearing will be conducted by a **single impartial person appointed by the PHA as described below:**

The hearing officer will be appointed directly by the Executive Director.

The hearing officer will be a staff member who did not make or approve the decision under review and who is not a subordinate of such persons. If the designated staff member (such as the Property Manager) was involved in the decision or is a subordinate of such person, an alternate hearing officer will be selected.

The PHA may select designated staff members who were not involved in the decision under review in certain circumstances, such as those involving discrimination claims or denials of requests for reasonable accommodations.

Grievance Hearing

The hearing shall be held before the Grievance Hearing Panel.

The complainant shall be afforded a fair hearing providing the basic safeguards of due process which shall include:

The right to be represented by counsel or other persons chosen as his/her representative.

The right to private hearing unless the complainant requests a public hearing.

Complainant may examine before the hearing and, at his/her expense, copy all documents, records and regulations of the Housing Authority that are relevant to the hearing. Any document not made available, after request therefore by the complainant, may not be relied on by the Housing Authority at the hearing.

The right to present evidence and arguments in support of his/her complaint, to controvert evidence relied on by the PHA or project management, and to confront and cross-examine all witnesses on whose testimony or information the PHA or project management relies; and

A decision based solely and exclusively upon the facts presented at the hearing.

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

If a complainant fails to appear at a Hearing, the Panel may postpone the Hearing for five (5) working days or may make a determination that the complainant has waived his/her right to the Hearing. Such a determination shall not constitute a waiver of complainant's right to thereafter contest the Housing Authority's disposition of his/her grievance in an appropriate judicial proceeding.

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the PHA must sustain the burden of justifying

The PHA's method for selecting a hearing officer will be inserted into the lease.

Scheduling hearings [24 CFR 966.56(a)]

When a complainant submits a timely request for a grievance hearing, the PHA will immediately appoint an impartial hearing officer to schedule the hearing within the following **ten (10) business days**.

Once the hearing officer has scheduled the hearing, the hearing officer will send written notice of the hearing to both the complainant and the PHA. Notice to the complainant will be in writing, either personally delivered to the complainant, or sent by mail or email, return receipt requested.

The written notice will specify the time, place, and procedures governing the hearing.

The tenant may request to reschedule a hearing on a one-time basis. Should the complainant need to reschedule a second time, he or she may do so for good cause, or if 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.

Procedures governing the hearing [24 CFR 966.56]

The hearing will be held before a hearing officer as described above. The complainant will be afforded a fair hearing, which will include:

The opportunity to examine before the hearing any PHA documents, including records and regulations, that are directly relevant to the hearing.

The tenant is allowed to copy any such document at the tenant's expense (.25 cents per page). If the PHA does not make the document available for examination upon request by the complainant, the PHA may not rely on such document at the grievance hearing. There will be no charge for documents e-mailed by the PHA. The family

the PHA action or failure to act against which the complaint is directed.

If the dispute is over the amount of rent or other charges which the Housing Authority claims is due, the complainant shall deposit the amount in dispute in an escrow account pending settlement of the dispute by the Grievance Hearing Panel. If the complainant fails to do so, the Panel may determine that the complainant has waived his/her right to the Hearing. Such determination shall not constitute a waiver of complainant's right to thereafter contest the Housing Authority's disposition of his/her grievance in an appropriate judicial proceeding.

The hearing shall be conducted informally by the hearing panel and oral or documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The hearing panel shall require the PHA, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing panel to obtain order may result in exclusion from the proceedings or in a decision adverse to the interest of the disorderly party in granting or denial of the relief sought, as appropriate.

The complainant or the PHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing.

The PHA will 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. If the tenant is visually impaired, any notice to the tenant will be in an accessible format.

Decision of the Grievance Hearing Panel

The hearing panel shall prepare a written decision, together with the reasons therefore, within then (10) days after the hearing. A copy of the decision shall be sent to the complainant and the PHA. The PHA shall retain a copy of the decision in the tenant or applicant's folder. A copy of such decision, with all names and

must request discovery of PHA documents no later than 12:00 p.m. on the business day prior to the hearing.

The right to be represented by counsel or other person chosen as the tenant's representative and to have such person make statements on the tenant's behalf.

The right to a private hearing unless the complainant requests a public hearing.

The right to present evidence and arguments in support of the tenant's complaint, to refute evidence relied on by the PHA or project management, and to confront and cross-examine all witnesses upon whose testimony or information the PHA or project management relies.

A decision based solely and exclusively upon the fact presented at the hearing [24 CFR 966.56(b)].

The hearing is conducted informally by the hearing officer. The PHA and the tenant must be given the opportunity to present oral or documentary evidence pertinent to the facts and issues raised by the complaint, and to question any witnesses.

The complainant or the PHA may arrange in advance for a transcript of the hearing at the expense of the party making the arrangement. Any interested party may purchase a copy of the transcript [24 CFR 966.56(e)].

The PHA must provide reasonable accommodation for persons with disabilities to participated in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the tenant is visually impaired, any notice to the tenant that is required under this procedure must be in an accessible format [24 CFR 966.56(f)].

The PHA must comply with HUD's requirements regarding limited English proficiency as specified in "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons.

Failure to appear at the hearing:

If the complainant does not appear at the scheduled time of the hearing, the hearing officer will wait up to 30 minutes. If the complainant appears within 30 minutes of

identifying references deleted, shall also be maintained on file by the PHA and made available for inspection by a prospective complainant, his representative or the hearing panel.

The decision must be based solely and exclusively on the facts presented at the hearing.

If the decision of the Hearing Panel is in favor of the complainant, the Housing Authority shall promptly take all action necessary to carry out such decision or refrain from any action necessary to carry out such decision or refrain from any action prohibited by such decision unless the PHA Board of Commissioners determines within thirty (30) days and notifies the complainant of its determination, that:

The grievance does not concern PHA action or failure to act in accordance with or involving the complainant's lease on PHA regulations, which adversely affect the complainant's rights, duties, welfare or status.

The decision of the hearing panel is contrary to applicable Federal, State or local law, HUD regulations or requirements of the annual contributions contract between HUD and the PHA.

If the decision of the Hearing Panel is in favor of the Housing Authority, an action to regain possession may not be commenced until after the tenant's right to use and/or occupy the premises has been terminated pursuant to the notice provisions of the lease. Such notice to vacate may not be given prior to the date on which the Grievance Panel's decision is delivered or mailed to the tenant.

Notice to Vacate

When such notice to vacate is given to the tenant, he/she must be informed in writing that:

If he/she fails to vacate the premises within three (3) days, appropriate legal action will be brought against him/her.

If suit is brought against him, he/she may be required to pay court costs and attorney fees incurred.

the scheduled time, the hearing will be held. If the complainant does not arrive within 30 minutes of the scheduled time, they will be considered to have failed to appear.

If the complainant fails to appear and was unable to reschedule the hearing in advance, the complainant must contact the PHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The hearing officer will reschedule the hearing only if the complainant can show good cause for the failure to appear, or 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.

Both the complainant and the PHA must be notified of the determination by the hearing officer. A determination that the complainant has waived his or her right to a hearing will not constitute a waiver of any right the complainant may have to contest the PHA's disposition of the grievance in an appropriate judicial setting [24 CFR 966.56(c)].

Decision of the hearing officer [24 CFR 966.57]:

The hearing officer will prepare a written decision together with the reasons for the decision within 10 business days after the hearing. A copy of the decision will be sent to the complainant and the PHA.

The PHA will retain a copy of the decision in the tenant's file.

The hearing officer may ask the family for additional information and/or might adjourn the hearing and to reconvene at a later date before reaching a decision. If the family misses a deadline ordered by the hearing officer, the hearing officer will make a decision based on the evidence presented.

The written decision may include, but is not limited to:

The names of the complainant, hearing officer, other participants, including complainant's counsel or representative, and witness.

If he she chooses to contest the legal action, the Housing Authority for project management must prove that the reasons upon which it originally relief constituted good cause for eviction under the application law, rules and regulations.

The date, time, and location of the hearing.

A summary of the grievance.

The date on which the informal settlement discussion was held, who was present, and a summary of the results of the informal discussion (preferably quoting the informal settlement summary letter).

A summary of the evidence, argument and testimony presented at the hearing; and

The reason(s) for the hearing decision, citing the policy or regulation that supports the decision made.

The decision of the hearing officer will be binding on the PHA unless the PHA's Board of Commissioners determines within a reasonable time and notifies the complainant of its determination that:

The grievance does not concern PHA action or failure to act in accordance with or involving the complainant's lease or PHA regulations, which adversely affect the complainant's rights, duties, welfare, or status; or

The decision of the hearing officer is contrary to applicable federal, state, or local law, HUD regulations, or requirements of the annual contributions contract (ACC) between HUD and the PHA.

When the PHA considers the decision of the hearing officer to be invalid due to either of the reasons stated above, it will present the matter to the PHA Board of Commissioners within 10 business days of the date of the hearing officer's decision. The Board has 30 calendar days to consider the decision. If the Board decides to reverse the hearing officer's decision, it must notify the complainant within 10 business days of this decision.

A decision by the hearing officer or Board of Commissioners in favor of the PHA or which denies the relief requested by the complainant in whole or in part will not constitute a waiver of nor affect in any way the rights of the complainant to a trial or judicial review in any court proceedings, which may be brought in the matter later [24 CFR 966.57]