



Regional Housing Authority

# Complaint and Grievance Policy for THRHA Program Applicants and Participants

Tlingit Haida Regional Housing Authority

Adopted by the Board of Commissioners on  
January 10, 2019

Resolution No. 20-03

*This edition of the Complaints and Grievance policy was adopted by the Board of Commissioners of the Tlingit-Haida Regional Housing Authority by Resolution No. 20-03, January 10, 2020.*

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## **I. Purpose**

Tlingit Haida Regional Housing Authority (THRHA) recognizes the need to establish procedures to resolve disputes between program participants or applicants and the THRHA in a fair and impartial manner. The purpose of this policy is to establish the general principals by which THRHA provides for and hears complaints and grievances by its program participants and applicants.

These policies are intended to provide due process to everyone involved along with being in compliance with all federal and state laws, which have precedence.

This policy does not apply to THRHA employees unless filing a complaint or grievance as a program participant, nor does it apply to vendors or contractors.

This policy shall be made available to program participants and applicants.

## **II. Definitions**

**Complaint:** A statement of dissatisfaction.

**Appellant:** any complainant who appeals a decision.

**Complainant:** any participant filing a Complaint or Grievance with THRHA to be handled or reviewed in accordance with the procedures set forth in these procedures.

**Grievance:** Any dispute which a Participant may have with respect to THRHA action or failure to act with respect to any THRHA program and which is presented to THRHA 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 (NAHASDA).

**Hearing Officer:** An impartial individual appointed by the President/CEO to conduct a hearing.

**Participant:** any individual who has applied for, has been awarded, or is currently participating in any THRHA 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.

## **III. Applicability**

**A.** This Policy shall apply to all individual Complaints and Grievances between the Participant and THRHA, except as excluded herein.

**B.** Exclusions. These Grievances Procedures shall not apply to:

1. Matters related to an eviction or termination of tenancy;
2. Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other Participants or THRHA employees;
3. Any violent or drug related criminal activity on or off premises;
4. Any criminal activity that resulted in a felony conviction of a participant;
5. Disputes between Participants that do not concern THRHA;
6. Class Grievances;
7. As a means of contesting the policies of the Department of Housing and Urban Development; and

#### **IV. Complaints**

All complaints (as defined above) received by THRHA staff will be:

1. Logged
2. Reported to the appropriate Director and President/CEO
3. Resolved and communicated to the Complainant
4. Documented

#### **V. Grievances (as defined above)**

- A. Any Participant may first present their Grievance in person, in writing, or by phone to the President/CEO in an attempt to resolve the issue before it goes to a formal Hearing. If there is no such resolution to the issue, the Grievance will then need to be provided in written form.
- B. The Participant should contact THRHA in an attempt to resolve the issue before contacting any other regulatory agency (such as HUD).
- C. Any formal Grievance must be presented in writing, to the President/CEO of THRHA. The Grievance may be simply stated, but shall specify at least the following:
  1. The particular grounds upon which the grievance is based;
  2. The action requested; and
  3. The signature of the Participant.
- D. All Grievances must be presented to THRHA within twenty (20) business days of the date of the decision, action or inaction occurs. The President/CEO may waive this deadline if good cause for the delay exists and the interests of third parties will not be prejudiced.
- E. The President/CEO and the Complainant shall make every effort to attempt to resolve a Grievance prior to the Complainant requesting a grievance hearing.
- F. THRHA shall respond within 10 business days after receiving a grievance. The response shall specify:
  1. The proposed action to be taken to resolve the grievance;
  2. The right of the complainant to a hearing before the Hearing Officer; and
  3. The procedure for requesting such a hearing.

- G.** Filing a Grievance shall not suspend, negate, delay or disrupt the implementation of an THRHA decision or action.
- H.** Filing a Grievance shall not affect the relationship between THRHA and the complainant with regard to the provision of other service.
- I. Grievance Hearing**
1. If the Complainant is dissatisfied with the proposed action to resolve the grievance, the Complainant may request a hearing before the Hearing Officer. The request for a hearing must be made within 10 business days of the date on the THRHA's written response. The request for a hearing must be in writing.
  2. If the Complainant does not request a hearing with 10 business days after receiving THRHA's response to the grievance, the Complainant waives their right to a hearing and the THRHA's proposed disposition of the grievance shall become final.
  3. If the Complainant requests a hearing within 10 business days of the date of THRHA's written response, the President/CEO shall appoint and notify the Hearing Officer of the request and shall schedule the hearing to be held within 30 days of the Complainant's request for a hearing.
  4. Written acknowledgment of the request and notice of the scheduled Grievance Hearing date, time and place shall be provided to the Complainant at least 10 business days prior to the hearing date.
  5. The Complainant has the right to review all files and documents that were used by THRHA in its original decision.
  6. Grievance Hearings are confidential and not open to the public.
  7. The Complainant may have a representative speak on their behalf.
  8. The Grievance Hearing shall be conducted informally by the Hearing 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.
  9. After due consideration is given to a Grievance, a final decision will be made by the Hearing 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 10 business days after the hearing.
  10. Should the Complainant fail to appear at the Grievance Hearing, the Hearing Officer may:
    - a. Dismiss the Grievance
    - b. Proceed without the Complainant, or
    - c. Reschedule the hearing one time if the Complainant has provided a valid reason for failing to appear.