

Section 515 Rural Rental Housing

Tenant Grievance and Appeals Procedure

Should I use this publication?

Yes, if you are a **tenant living in** an apartment complex financed by the Rural Housing Service (**RHS**) (formerly the Farmers Home Administration). You have the right to appeal certain decisions your landlord makes by using the agency's tenant grievance and appeals procedure. RHS' regulations at [7 C.F.R. § 3560.160](#) govern this process. You can get a handout describing these procedures from your landlord. This process is supposed to ensure the fair treatment of RHS tenants.

You may also use this process if you applied to live in an RHS project and RHS denied you admission.

Former RHS tenants may also have the right to use the procedure to challenge a landlord's decision to keep their security deposit or to bill them for damages to the unit. Talk to a lawyer about your case.

When may I file a grievance or appeal?

Tenants: You may use the grievance and appeals procedure if you disagree with certain actions taken by your landlord, including:

- The landlord does not keep up the premises in a way that keeps them decent, safe, sanitary, and affordable in accordance with [7 CFR § 3560.103](#) and applicable state and local laws.
- The landlord violates any part of the lease agreement or occupancy rules.
- Any changes the landlord makes to the lease.
- Any changes the landlord makes to the occupancy rules.
- Any changes the landlord makes to your rent that RHS has not authorized. (See [7 CFR § 3560.205](#).)

In most cases, the landlord must notify you about the grievance procedure. You can use it even if the landlord has not told you about it.

Applicants: You may use the procedure if RHS rejects your application for admission.

The grievance and appeals procedure does not apply to:

- Disputes between tenants not involving the landlord
- terminations of tenancy or evictions
- Lease violations by you that would result in the termination of your tenancy and eviction

If you are served with an eviction lawsuit, you must timely respond to it. **Talk with a lawyer right away** if you are served with an eviction lawsuit or you get a notice of a lease violation that could lead to eviction. (The end of this publication has more information on how to get legal help.)

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- ❖ Our publication called [Section 515 Rural Rental Housing Evictions](#) also has more information.
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How does the grievance and appeals procedure work?

RHS wants landlords, applicants and tenants to try to settle their disputes **without** going through this procedure. If this does not work, you have the right to use the grievance and appeals procedure. This is a two-step process.

Step one: you file a grievance. Then you meet with the landlord to discuss the matter.

Step two: If the meeting does not settle the dispute, you may ask for an informal hearing before an impartial hearing officer or panel. The hearing officer/panel can (but does not have to) reverse the landlord's decision.

There are time deadlines for filing a grievance and asking for a hearing. If you miss these deadlines, you may lose your right to challenge the landlord's actions.

How does a grievance work?

You must file a **written** grievance within ten calendar days of

- the action you want to dispute OR
- getting a notice of proposed adverse action

Keep a copy of your grievance. Ask the landlord to date-stamp it to show when you filed it.

If asked, a landlord must meet with you within five working days of your request to try to settle the dispute. If you cannot settle it that way, the landlord must write up a summary of the meeting within ten calendar days. RHS has a form the landlord must use.

The landlord should give you two copies of the summary, keep one in their own files, and send one to RHS. The summary should discuss

- the landlord's position
- your position
- the results of the meeting

The landlord must also give you a handout explaining

- how to ask for a hearing
- how the hearing process works

How do I ask for a hearing?

You should give the landlord a written request for a hearing within ten calendar days after getting the summary of the informal meeting discussed above. The request should state

- the reasons why you are contesting the landlord's decision or action
- The action/relief you want

Who is the hearing officer or panel?

In most cases, you and the landlord together will select either a hearing officer or hearing panel to decide the case. A hearing officer must be impartial. If you cannot agree on someone, you will each appoint a member to a hearing panel. Those two members select a third.

If the parties cannot agree on a hearing officer or panel within 30 days of the request for a hearing, the landlord must notify RHS. RHS will appoint the hearing officer. A hearing officer/panel member serves for free.

Do I have any rights before the hearing?

You have the right to examine and, at your own expense, copy all documents, records, and regulations from your RHS file related to the hearing, unless otherwise prohibited by law.

How does the hearing work?

The hearing should be an informal proceeding where you and the landlord each have a chance to present your sides. You have the right to:

- Be represented by a lawyer or other person of your choice, or to represent yourself.
- A private hearing.
- Present evidence, arguments, and witnesses to support your side of the dispute.
- Refute evidence relied upon by the other side, and to confront and cross-examine all witnesses.

❖ The hearing officer/panel must make a decision based only on the facts presented at the hearing.

The rules of evidence that apply to court hearings do not apply here. But the hearing officer/ panel must still make sure you have a chance to confront and cross-examine all witnesses. This should keep the landlord from using hearsay evidence to make its case. The hearing officer/panel may take into account the type of evidence in determining what weight to give it.

❖ Hearsay evidence is when one person tells what s/he heard another person say.

What happens after the hearing?

The hearing officer/panel must write up their decision and reasons for it within ten calendar days after the hearing. The decision should state the facts they based the decision on. They should send you, the landlord, and the RHS the decision.

This decision is binding unless RHS notifies you and the landlord within ten calendar days that the decision goes against agency regulations. If this happens, the hearing officer/panel must fix the decision to comply with the agency regulations within ten days of RHS' notice.

What if I need legal help?

- Apply online with [CLEAR*Online](http://nwjustice.org/clear-online) - <http://nwjustice.org/clear-online> or
- Call CLEAR at 1-888-201-1014

CLEAR is Washington's toll-free, statewide intake, advice and referral service for low-income people looking for free legal help with civil legal problems.

- **Outside King County:** Call 1-888-201-1014 weekdays from 9:15 a.m. until 12:15 p.m. **King County:** Call 211 for information and referral to a legal services provider Monday through Friday from 8:00 am – 6:00 pm. Or call (206) 461-3200, or the toll-free number 1-877-211-WASH (9274). You can also get information on King County legal service providers on 211's website: www.resourcehouse.com/win211/.

If you are 60 or Over: Call
CLEAR*Sr. at 1-888-387-7111,
regardless of your income.

If you are deaf or hard of hearing, call 1-800-
833-6384 to get a free relay operator. They
will then connect you with 211.

This publication provides general information concerning your rights and responsibilities. It is not intended as a
substitute for specific legal advice.

This information is current as of June 2015.

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