

Public Housing Grievance Procedure

Should I read this?

As a public housing tenant, you have the right to appeal many decisions or actions taken by the Housing Authority (HA) through its administrative Public Housing Grievance Procedure.

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- ❖ Every Housing Authority must have a written public housing grievance procedure. They should post a copy of the grievance procedure in their office. They should give you a copy if you ask for one.
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When can I file a grievance?

You can use the grievance procedure to challenge most of the Housing Authority's adverse decisions or actions. This includes anything the HA has done, or failed to do in accordance with your lease or HUD regulations, that adversely affects your rights, duties, welfare, or status.

In most cases, the Housing Authority must tell you about the procedure whenever it makes a decision related to your tenancy. You can use this procedure even if the HA has not told you that you can.

What kinds of issues is the grievance procedure for?

You can use it to challenge the Housing Authority about

- repairs it has not made
- maintenance charges

- late fees
- its calculation of rent
- its refusal to add household members
- most evictions

When can I not use the grievance procedure?

You cannot use it to:

- resolve a dispute with another tenant
- decide class grievances
- try to make policy changes

Can the Housing Authority deny my request for a grievance hearing?

Yes, if they are evicting you for

- activity that threatens the health or safety of other tenants or HA employees

OR

- drug-related, criminal activity

Their grievance procedure must permit them to deny you a grievance hearing. Even in these cases, the Housing Authority must still file an eviction suit in court against you and go to trial if you respond.

How does the grievance procedure work?

There are two steps:

1. You file a grievance and meet with the Housing Authority to discuss the matter.
2. If you cannot resolve it that way, you can ask for an informal hearing before an impartial hearing officer or panel. They

might reverse the Housing Authority's decision.

❖ **If you miss the deadlines** for filing a grievance and requesting a hearing, you might not be able to challenge the Housing Authority's actions.

How do I ask for a grievance?

You must file a grievance either verbally or in writing by the deadline stated in the Housing Authority's notice. It is better to ask in writing. Bring a witness with you when you file your grievance request with the HA.

Keep a copy of the grievance for your own records. Ask the Housing Authority to date-stamp it to show when you filed it.

How does the discussion with the Housing Authority work?

After filing your grievance, you meet with the Housing Authority to try to settle the matter without a hearing. The HA must write up a summary of the meeting by the deadline stated in their grievance procedure. It should say:

- who met
- when you met
- the proposed resolution
- the specific reasons for it
- how to request a hearing if you are still not satisfied

How do I request a hearing?

Usually, you must have first met with the HA to discuss the matter before you can ask for a

hearing. A hearing officer or panel can waive (cancel) this requirement if you prove you had good cause for not having the discussion.

You must make a written hearing request to the HA by the deadline stated in the meeting summary. The request should state

- your reasons
- what action/relief you want

If you miss the deadline for making a hearing request, the HA's decision will be final. You can still fight the matter in court.

Who conducts the hearing?

The Housing Authority must appoint a hearing officer or hearing panel to decide the dispute. The grievance procedure should explain how the HA chooses the hearing officer or panel.

Can the hearing officer work for the Housing Authority?

Yes, but only if both these are true:

- They did not make/approve the action under review.
- They do not work under the person who did.

The HA should consult with any residents' organizations before appointing a hearing officer or panel. You should file a written objection if you feel the hearing officer/panel cannot be fair.

Do I have any rights before the hearing?

Yes, including:

- The right to review past hearing decisions
- The right to examine before the grievance hearing any HA documents, including records and regulations, directly relevant to the hearing
- The right to copy documents at your expense

If the Housing Authority does not make a document available for examination after you ask it to do so, they cannot rely on the document at the hearing **and** may not go forward with an eviction.

How should I get ready for the hearing?

You should review your tenant file. Make copies of all relevant documents. These might include:

- the lease
- any written complaints
- termination notices
- payment reports
- inspection reports
- notes of conversations with HA staff
- witness statements
- police records

You should also think about any witnesses that you could ask to come to the hearing. **They must have direct info about the dispute.**

When will the hearing take place?

It should take place at a time/place reasonably convenient for both sides. You should get

reasonable written notice telling you the time, place, and procedures governing the hearing.

What happens if I miss the hearing?

The hearing officer/panel might postpone the hearing for good cause OR find that you waived (gave up) your right to the hearing.

What rights do I have at the hearing?

You have the right to due process (see “What is Due Process,” below), and these other rights:

- The right to have a lawyer or nonlawyer represent you, OR to represent yourself.
- The right to a private hearing.
- The right to present evidence, arguments, and witnesses.
- The right to refute the Housing Authority’s evidence and cross-examine witnesses.
- If you have a disability, the Housing Authority must provide reasonable accommodations of the disability. Examples: they may have to provide a qualified interpreter and/or an accessible hearing room.

How will the hearing go?

Each party will present their side of the story. The hearing should be informal. The rules of evidence that apply to court hearings do not apply here.

What is due process?

You have the right of due process in this hearing. This means the hearing officer/panel must ensure that you have a chance to cross-examine all witnesses. This should keep the Housing Authority from relying on hearsay evidence (one

person tells what they heard someone else say) to prove its case, without letting you question the person who made the original statement.

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- ❖ The hearing officer or panel may take into account the type of evidence offered in determining what weight to give it.
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What happens after the hearing?

The hearing officer/panel must write up their decision and reasons for it within a reasonable time. The decision should state the facts they used to make the decision. **They cannot rely on any documents/evidence not presented at the hearing.**

The hearing officer/panel must send the decision to you and the Housing Authority. The decision is generally binding on the Housing Authority.

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- ❖ No matter the outcome of the hearing, you still have the right to fight the matter in court.
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What if I need legal help?

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

CLEAR is Washington’s toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County:** Call 1-888-201-1014 weekdays, 9:15 a.m. - 12:15 p.m.
- **King County:** Call 211 for info and referral to an appropriate legal services provider Monday – Friday, 8:00 am – 6:00 pm. You may also call (206) 461-3200, or toll-free 1-877-211-WASH (9274). You can also get info on legal service providers in King County through 211’s website, www.resourcehouse.com/win211/.
- **Persons 60 and Over:** Persons 60 or over may call CLEAR*Sr at 1-888-387-7111, regardless of income.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 using the relay service of their choice.

211 and CLEAR will conference in interpreters when needed at no cost.

Free legal education publications, videos, and self-help packets covering many legal issues are available at www.washingtonlawhelp.org.

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

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