

PUBLIC HOUSING GRIEVANCE HEARING CHECKLIST

This checklist is designed to provide guidance to the Hearing Officer or Chair of the Grievance Panel for a Public Housing Grievance Hearing.

As a Hearing Officer or Hearing Panel, your main purpose is to determine whether or not, solely based on the evidence provided, the PHA acted or failed to act in compliance with HUD regulations and PHA program rules. You are not evaluating the quality of any particular policy or procedure the PHA has implemented or carries out in the due process of a Grievance Hearing. Any policy or procedural issues may be relayed to Executive Management post hearing, but are not to be considered in the basis of your decision.

Preparation

_____ When more than one person will hear a grievance (referred to as a Hearing Panel), the Hearing Panel will elect a Chair to preside over the hearing.

_____ Each Hearing Officer or Panel Member will be provided with:

- 1) a copy of the PHA's Occupancy Policy;
- 2) a copy of the PHA's Grievance Policy;
- 3) a copy of the PHA's Dwelling Lease, including all addenda;
- 4) a copy of the PHA's Pet Policy;
- 5) a copy of the PHA's Community Service Requirement Policy; and
- 6) a copy of each of the following Federal Regulations:
 - 24 CFR part 5;
 - 24 CFR Part 960; and
 - 24 CFR Part 966

_____ The Hearing Officer or Hearing Panel reviews the grievance to determine:

- (1) if the grievance was filed timely.
- (2) if the grievant has met the pre-requisites for filing a grievance (such as deposit of money by the tenant into an escrow account when the determination of rent is grieved).
- (3) if the grievance request stated relief sought.
- (4) if the grievance is based on PHA action or failure to act.
- (5) if a decision has been previously made regarding this specific complaint. *(If so, a hearing is not required and the previous decision will apply to this complaint.)*

Note: Grievance Hearings will not be conducted for the following types of complaints:

- Changes in HUD regulations, statutes or laws
- Policy contents
- A complaint filed by one tenant for another tenant
- Disputes Between Residents
- Class Grievance (lawsuits against PHA)
- Termination for criminal activity, including drug related criminal activity, effecting health, safety, peaceful enjoyment

- _____ Other than during the Grievance Hearing itself, Hearing Officers shall not communicate with the parties or prospective witnesses, directly or indirectly, orally or in writing, concerning the merits or substance of the subject case.
- _____ The Hearing Officer or Chair of the Hearing Panel will provide the PHA and Tenant with a date and time that the hearing will be held. An alternate date should be provided in case extenuating circumstances prevent the tenant or PHA prevent participation on the originally scheduled date and time.

Procedures for the Hearing

- _____ Minutes from the meeting should be kept, noting the date of the meeting, the meeting participants, and generally what was discussed.
- _____ The Hearing Officer or Chair shall have authority over the Grievance Hearing – *(including but not limited to considering or admitting oral or written evidence, the relevance of particular testimony, immateriality, or unduly repetitious information or evidence)*
- _____ Hearings shall begin with Hearing Officer or Chair reading a brief summary of the grievance and the relief sought.
- _____ The Hearing Officer or Chair shall remind all members of a Hearing Panel, as applicable, and participants in the hearing that the grievance hearing will be held in private unless the tenant has requested a public hearing.
- _____ The complainant has the opportunity to prove his/her contentions by a preponderance of the evidence presented (more likely than not). The complainant shall begin and present his/her contentions which shall be limited to those grounds specified in the request for a hearing and supported by such proof or evidence as he/she shall provide. He/she (or his/her attorney or representative may call witnesses who may also be asked questions by the PHA. The Hearing Officer or Hearing Panel member may also pose questions directly to witnesses and the complainant.
- _____ The PHA has the opportunity to present evidence supporting its action or failure to act as stipulated in the request for the grievance hearing. The PHA (or its attorney may call witnesses who may also be asked questions by the complainant or his/her representative. The Hearing Officer or Hearing Panel member may also pose questions directly to witnesses.
- _____ Following the presentation of evidence, the Hearing Officer or Hearing Panel shall excuse all others present and shall consider the evidence and testimony presented.
- _____ The Grievance Officer or Grievance Panel shall make a decision based solely on evidence presented during the hearing.

Results of Hearing

- _____ The Hearing Officer or Hearing Panel shall provide a written summary of the grievance hearing and the decision to both the PHA and the complainant within five business days.