

GRIEVANCE PROCEDURE
NEWTON HOUSING AUTHORITY
FEDERAL HOUSING PROGRAMS

I. GRIEVANCE PROCEDURE FOR APPLICANTS

A. An applicant must be given prompt notice of denial by the Newton Housing Authority (NHA) with a brief statement as to the reason for the denial.

B. Informal review

1. Notice to applicant must include statement that applicant may request an informal review and provide description as to the manner of obtaining an informal review.
2. The procedure for conducting an informal review must be found in the NHA Administrative Plan and must comply with the following:
 - a. The review may be conducted by any person designated by NHA excluding the person who made the initial decision denying the application or any subordinate of said person.
 - b. The applicant must be given the opportunity to present written or oral objections to the decision.
 - c. Subsequent to the informal review the NHA must notify the applicant of the final decision with a brief statement as to the reasons for the decision.
 - d. If the matter is not resolved at the Informal Review, the applicant shall have the right to have a Formal Hearing before the Executive Director of the Newton Housing Authority. The failure of the applicant to appear at the Informal Review does not affect the applicant's right to a Formal Hearing before the Executive Director of the Newton Housing Authority.

C. Informal review is not required in regard to the following:

1. Discretionary administrative decision
2. General policy matters

3. Grievances by classes of individuals
4. Determination by NHA of family unit size under NHA standards.
5. Determination by NHA not to approve an extension of a certificate or voucher program or the suspension of a certificate or voucher program.
6. Determination by the NHA that a unit selected does not meet quality standards.
7. Determination that a unit does not meet quality standards because of applicant family size or makeup.

II. THE FORMAL CONFERENCE.

1. When is the Formal Conference to be Scheduled?
 - a. If the tenant has requested a Formal Conference as the result of receiving notice of termination of the tenants lease, the Conference shall be scheduled within fourteen (14) day, or as soon as reasonably practical thereafter, after the date on which the NHA received the request for a Formal Conference.
 - b. If the tenant has requested a Formal Conference in regard to any issue other than receipt of notice of termination of tenancy, the Conference shall be scheduled as soon as reasonably possible and convenient following receipt of the request.
 - c. If the matter is not resolved to the satisfaction of the tenant at the Formal Conference, a Grievance Hearing shall be held. The failure of a tenant to appear at a Formal Conference does not affect the tenant's right to a Grievance Hearing.

III. GRIEVANCE PROCEDURE FOR PROGRAM PARTICIPANTS.

- A. When is a grievance hearing required?
 1. Regarding NHA determination as to the computation of housing payment based upon family income.
 2. Regarding NHA determination of appropriate utility allowance.
 3. Regarding NHA determination of family unit size under NHA standards.

4. Regarding NHA determination that family has more bedrooms than it is entitled to or the denial by the NHA for exception to standard requested by family.
5. Regarding determination of the NHA to terminate assistance as a result of the family's failure to cooperate pursuant to regulation Sec. 982.552.
6. Regarding determination of the NHA to terminate assistance because family has been absent from the unit for longer than the period allowed by the NHA policy and the rules of the Department of Housing and Urban Development (HUD).

B. When must the family be given an opportunity for an Informal Hearing?

1. Regarding NHA determination that family has more bedrooms than it is entitled to or the denial by the NHA for exception to standard requested by family.
2. Regarding determination of the NHA to terminate assistance as a result of the family's failure to cooperate pursuant to regulation Sec. 982.552.
3. Regarding determination of the NHA to terminate assistance because family has been absent from the unit for longer than the period allowed by the NHA policy and the rule of HUD.

C. When is an Informal Hearing not required?

1. Under the same circumstance described herein at (I) (C) in reference to Grievance Procedure for applicants.
2. Regarding the NHA determination of appropriate utility allowance.
3. Regarding determination of the NHA to exercise or not exercise any rights or remedies against owners under Housing Assistance Payment (HAP) contracts.

D. Notice to Participants of their Right to an Informal Hearing.

- I. When an opportunity for an Informal Hearing is based upon determinations described herein at (II) (A) (1,2 and 3) the family must be notified that they may initially request an explanation of the determination and if the family does not agree they may then request an Informal Hearing.

2. When an opportunity for an Informal Hearing is based upon determinations described herein at (II) (A) (4,5 and 6), the family must be given prompt written notice that the family may request an Informal Hearing.
3. The notice to the family must include a brief statement of the reason for the decision of the NHA.
4. The notice to the family must state that if the family does not agree with the decision they may request an Informal Hearing.

E. The Informal Hearing procedure.

1. The NHA must schedule the hearing as soon as reasonably possible.
2. The family must be allowed to review and copy, at it's own expense, any documents to be relied upon by the NHA.
3. The NHA may request and copy at it's own expense, any documents to be relied upon by the family. Said documents must be produced, in a timely fashion, at the NHA main office by the family.
4. The family may be represented at the Hearing by a lawyer or any other representative of its choice.
5. The Hearing Officer may be any person designated by the NHA with the exception of the person who made the initial determination or any subordinate of said person.
6. The NHA may establish the procedure to be followed at the hearing.
7. All parties must be given the opportunity to present evidence and question witnesses.
8. The Hearing Officer must issue a written decision based upon a preponderance of the evidence and furnish the decision to the family and to the NHA as promptly as is reasonably possible.

F. The NHA is not bound by the decision of the Hearing Officer under the following circumstances:

1. An Informal Hearing was not required.
2. The decision exceeds the authority of the Hearing Officer.

3. The decision is contrary to HUD regulations or Federal, State or local law.
- G. In the event that the NHA determines that it is not bound by the decision of the Hearing Officer, it must notify the family promptly, in writing, and state the reasons it is not bound by the decision.