



PICKAWAY METROPOLITAN HOUSING AUTHORITY

Williamsport Terrace

GRIEVANCE PROCEDURE

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GRIEVANCE PROCEDURE

The following Pickaway Metropolitan Housing Authority (PMHA) Grievance Procedure is adopted and applies to Williamsport Terrace:

I. DEFINITIONS APPLICABLE TO THE GRIEVANCE PROCEDURE: (966.53, 966.51(a)(2)(i))

- A. Grievance: Any dispute a **Tenant or Prospective Tenant** may have with respect to PHA action or failure to act in accordance with the individual Tenant's lease or PHA regulations that adversely affects the individual's rights, duties, welfare or status.
- B. Complainant: Any Tenant (as defined below) whose grievance is presented to the PHA in accordance with the requirements presented in this procedure.
- C. Due Process Determination: A determination by HUD that law of the jurisdiction requires that the tenant must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit.
- D. Expedited Grievance: A procedure established by the PHA for any grievance concerning a termination of tenancy or eviction that involves:
 - (1) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the PHA's public housing premises by other residents or employees of the PHA; or
 - (2) Any drug-related or violent criminal activity on or off such premises.
- E. Elements of due process: An eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:
 - (1) Adequate notice to the Tenant of the grounds for terminating the tenancy and for eviction;
 - (2) Right of the Tenant to be represented by counsel;
 - (3) Opportunity for the Tenant to refute the evidence presented by the PHA, including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense which the Tenant may have;
 - (4) A decision on the merits of the case.
- F. Hearing Officer: An impartial person selected by the PHA, other than the person who made or approved the decision under review, or a subordinate of that person to hear grievances and render a decision with respect thereto.
- G. Tenant: The adult person (or persons other than a Live-in aide):
 - (1) Who resides in the unit, and who executed the lease with the PHA as lessee of the dwelling unit, or, if no such person now resides in the unit,
 - (2) Who resides in the unit, and who is the remaining head of household of the Tenant family residing in the dwelling unit.
- H. Prospective Tenant: An applicant to the housing program.
- I. Resident Organization: An organization of residents, which also may include a resident management corporation.
- J. Agency: U.S. Department of Agriculture Rural Development

II. THE GRIEVANCE PROCESS

- A. Filing a Grievance
 - Each grievance process must begin with the request for an informal meeting. The tenant or applicant must present their request to the borrower in writing within 10 calendar days after the receipt of an adverse action. The request must contain the following information:
 - The reason for the grievance or contest of the borrower/management agent's proposed action;
 - The action relief sought; and

- Additional information.
- If the tenant or prospective tenant's request for a hearing is not received within the given time, the borrower or management agent's decision will become final.
- B. Scheduling the Informal Meeting
The PHA must offer to meet with the tenants or applicant to discuss the grievance within 10 calendar days of receipt.
- C. Informal Meeting Results
If the grievance is not resolved to the applicant or tenant's satisfaction, the PHA must prepare a summary of the problem and submit it to the applicant or tenant and the USDA Rural Development within 10 calendar days. The summary must explain the:
 - a. Owner's position
 - b. Applicant or tenant's position
 - c. Result of the meetingThe applicant or tenant can also submit a summary to USDA Rural Development.

D. Request for a Hearing

If the tenant or prospective tenant desires a hearing, a written request for a hearing must be submitted to the PHA within 10 business days after the receipt of the summary of any informal meeting. If the tenant or prospective tenant does not request a hearing within the time provided, the PHA's disposition of the grievance or appeal will become final.

The hearing must be scheduled within 15 calendar days after the receipt of the tenant's request for a hearing. If a hearing officer or hearing panel must be selected, the hearing will be scheduled within 15 calendar days after the selection or appointment of a hearing officer or hearing panel. It is the responsibility of the two parties to agree upon a place and time that is mutually convenient to hold the hearing. If the two parties cannot agree on a place and time, it will become the responsibility of the hearing officer or hearing panel to make the decision.

E. Selection of the Hearing Officer or Hearing Panel

The two parties must select a hearing officer. If the hearing officer cannot be agreed upon, the two parties will choose members to serve on the hearing panel. The hearing panel should consist of three members. The tenant and the borrower/management agent will each select one person to the panel. It is then the responsibility of the two chosen members to select a third member to the panel. If within 30 days from the time the request for the hearing was submitted a hearing officer or hearing panel has not been selected, the borrower/management agent must inform the Agency. The Agency will select a hearing officer. The selected hearing officer or panel may contact the Agency for guidance on their responsibilities for conducting the hearing.

Some helpful information that should be remembered by all parties involved in the process when selecting a hearing officer or hearing panel includes: 6-56 HB-2-3560 (07-19-24) PN 619 Revised (06-13-25) PN 644

- Hearing panel members should be impartial, disinterested persons.
- The hearing officer cannot be a person previously considered by the tenant or borrower/management agent.
- The hearing officer cannot be an Agency staff member.

- The hearing officer may not receive any payment unless that payment is made by the Agency.

To minimize time and the level of effort, a PHA may ask the Agency to have a standing hearing panel for each project that they manage. If a standing panel is chosen, the above-listed process will have to be forfeited in lieu of the following process.

- A hearing panel consists of three members: one tenant panelist, one borrower/management agent panelist, and a chair.
- Tenants will get to nominate and vote for their panel members. A meeting must be held to allow the tenants the opportunity to choose two members to serve on the standing panel; one member will serve as the alternate. All residents should be notified of the time, date, and place where the election is going to take place. The borrower is responsible for ensuring that the notice is placed in a conspicuous place, within 2 weeks of the time the person is expected to start serving as a panel member. The meeting must also be held in a place that is convenient and accessible to the tenants.
- The borrower/management agent is responsible for selecting one or two members to serve on the standing panel. If two members are chosen, one will serve as the alternate.
- The third and “mutual” member of the panel will serve as the chair for the panel. The other two interested parties will elect the chairperson. Each party will only have the opportunity to give one vote, even if two people were elected to serve on the panel.
- Each member will serve on the panel for one year, with the opportunity for reelection. All members of the standing panel must be willing to render their services without compensation.

F. Examination of Records

At a reasonable time before the hearing, the borrower/management agent must allow the tenant the opportunity to examine all files that are going to be used during the hearing. Documents can be examined and copied if: 6-57 HB-2-3560 (07-19-24) PN 619 Revised (06-13-25) PN 644

- The tenant is willing to cover any expenses that may be incurred;
- The document, record, or policy is one that will be used during the hearing process; and
- The document, record, or policy is not subject to any laws or confidentiality agreements that prohibit reproduction.

G. Escrow Deposits

Tenants may establish escrow accounts if a grievance involves a rent increase not authorized by the Agency or if the borrower/management agent is not maintaining the property in a decent, safe, and sanitary manner. The escrow account will allow the tenant the opportunity to make timely rent payments without having the borrower/management agent receive the payment until the grievance has been settled. To maintain an escrow account, tenants must adhere to the following rules:

- All deposits must continue until the grievance is resolved;
- The institution that the escrow account is established in must be a Federally insured institution;
- All deposits must be made on time—failure to do so will terminate the entire grievance process and all sums will be due immediately; and
- Tenants must make all receipts of deposit available for examination by the borrower/management agent.

III. REQUIREMENTS GOVERNING THE HEARING

The hearing is an informal proceeding at which evidence is presented to a hearing officer or hearing panel at which evidence may be received without regard to whether that evidence could be used in judicial proceedings. The hearing must be structured so as to provide basic due process safeguards for the PHA and tenant or prospective tenant, which must protect:

- The right of both parties to be represented by counsel or another person(s) chosen as their representative;
- The right of the tenant or prospective tenant to a private hearing unless a public one is requested;
- The right of the tenant or prospective tenant to present oral and written evidence and arguments in support of their grievance, and to cross-examine and refute the evidence of all witnesses on whose testimony or information the borrower or management agent relies; and
- The right of the borrower or management agent to present oral and written evidence and arguments in support of the decision, to refute evidence relied upon by the tenant or prospective tenant, and to confront and cross-examine all witnesses in whose testimony or information the tenant or prospective tenant relies.

During the hearing, each party must present evidence to support their position. All participants at the hearing must conduct themselves in an orderly manner. Participants that cannot conduct themselves in an orderly manner may be excluded from the proceedings or may cause the hearing panel or hearing officer to make a decision that is not in favor of the disorderly party.

If the tenant or prospective tenant or borrower/management agent fails to appear at a scheduled hearing, the hearing officer or hearing panel may choose to postpone the hearing for no more than 5 days or may determine that the absent party has waived their right to a hearing under this subpart. If the determination is made that the absent party has waived their rights, the hearing officer or hearing panel will make a decision on the grievance. All parties involved in the hearing must be informed in writing of the hearing panel's decision

IV. THE HEARING DECISION

It is the responsibility of the hearing officer or hearing panel to prepare and submit a written decision to both parties within 10 calendar days after the hearing. The hearing officer or hearing panel must provide a copy of the decision to the Agency and the reasons for making that decision. The decision should be based on the facts that were presented during the hearing. The decision is final unless the tenant or prospective tenant and the borrower/management agent are notified within 10 calendar days by the Agency that the decision is not in compliance with Agency regulations. This contingent form of approval should be noted in the decision letter. Upon receipt of the letter, the borrower and the tenant must comply with the directives specified in the decision.

V. REMOTE HEARINGS

The PHA has the sole discretion to require that hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.

In addition, the PHA will conduct a hearing remotely upon request as a reasonable accommodation for a person with a disability, if a Complainant does not have child care or

transportation that would enable them to attend the hearing, or if the Complainant believes an in-person hearing would create an undue health risk. The PHA will consider other reasonable requests for a remote hearing on a case-by-case basis.

If the hearing will be conducted remotely, the PHA will compile a hearing packet, consisting of all documents the PHA intends to produce at the hearing. The PHA will mail copies of the hearing packet to the Complainant, the Complainant's representatives, if any, and the hearing officer at least three days before the scheduled remote hearing. The original hearing packet will be in the possession of the PHA representative and retained by the PHA.

If the hearing is to be conducted remotely, the PHA will require the resident to provide any documents directly relevant to the hearing at least 24 hours before the scheduled hearing through the mail, via email, or text. The PHA will scan and email copies of these documents to the hearing officer and the PHA representative the same day they are received.

Documents will be shared electronically whenever possible.

VI. FAILURE TO APPEAR AT THE HEARING

If the Complainant does not appear at the scheduled time of the hearing, the hearing officer will wait up to 30 minutes. If the tenant appears within 30 minutes of the scheduled time, the hearing will be held. If the Complainant does not arrive within 30 minutes of the scheduled time, they will be considered to have failed to appear.

If the Complainant fails to appear and was unable to reschedule the hearing in advance, the Complainant must contact the PHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The hearing officer will reschedule the hearing only if the Complainant can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities.

"Good cause" is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family.

Both the Complainant and the PHA shall be notified of the determination by the hearing officer; Provided, that the determination that the Complainant has waived his/her right to a hearing shall not constitute a waiver of any right the complainant may have to contest the PHA's disposition of the grievance in court [966.56(d)].