

**GRIEVANCE PROCEDURE
HOUSING AUTHORITY OF THE
CITY OF MOUNT PLEASANT**

- A. Purposes and Scope: The purpose of these procedures and requirements is to
1. set forth the requirements, standards, and criteria for a Grievance Procedure for residents of the Housing Authority of the City of Mount Pleasant to be established and implemented.
 2. to assure that an Authority resident is afforded an opportunity for a hearing if the resident disputes, within a reasonable time, any Authority action or failure to act involving the resident's lease with the Authority or Authority regulations which adversely affect the individual resident's rights, duties, welfare or status.

The Grievance Procedure provided herein shall be incorporated in each individual resident's lease by reference.

- B. Applicability
1. The Authority's Grievance Procedure shall be applicable to all individual grievances as defined herein.
 2. This Grievance Procedure shall not be applicable to disputes between Residents not involving the Authority or to class grievances.
 3. This Grievance Procedure is not intended as a forum for initiating or negotiating policy changes between a group of residents and the Authority's Board of Commissioners.
- C. Definitions: The following definitions are applicable to the Grievance Procedure and requirements herein.
1. "Authority" where used herein means the Housing Authority of the City of Mount Pleasant.
 2. "Resident" shall mean any lessee or adult person(s) (other than a live-in aide) or the remaining head of the household of any resident family

residing in housing accommodations covered in the lease and grievance procedures.

3. "Grievance" shall mean any dispute which the resident may have with respect to Authority action or failure to act in accordance with the individual resident's lease or Authority regulations which adversely affect the individual resident, resident's rights, duties, welfare or status *except* an eviction or termination of tenancy based upon a resident's creation or maintenance of a threat to health or safety of other residents or Authority employees.
4. "Complainant" shall mean any resident whose grievance is presented to the Authority in accordance with the paragraphs D and E herein.
5. "Elements of Due Process" shall mean an eviction action or termination of tenancy in a state or local court in which the following procedural safeguards are required:
 - a. Adequate notice to the resident of the grounds for terminating the tenancy and for eviction;
 - b. Right of the resident to be represented by counsel;
 - c. Opportunity for the resident to refute the evidence presented by the Authority, including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the resident may have;
 - d. A decision on the merits.
6. "Hearing Officer" shall mean a person selected in accordance with paragraph E3a below, to hear grievances and render a decision with respect thereto.
7. "Hearing Panel" shall mean a panel selected in accordance with paragraph E3b below, to hear grievances and render a decision with respect thereto.

D. Informal Settlement of Grievance

1. Any grievance shall be *personally* presented, either orally or in writing (no telephone calls accepted) to the Authority office located at 601 Stark Drive within ten (10) days after the grievant event, so the grievance may be discussed informally and settled without a hearing.
2. A summary of such discussion shall be prepared within five (5) days of

the date of discussion and one copy shall be given to the resident and one retained in the resident's file. The summary shall specify:

- a. The names of the participants;
- b. Date and time of the meeting;
- c. Nature of the complaint and proposed disposition of the complaint and specific reasons therefore;
- d. The right of the complainant to a hearing; and
- e. The procedure by which a hearing may be obtained.

E. Procedure to Obtain a Hearing

1. Request for Hearing: The complainant shall submit a written request for a hearing to the Authority with in fourteen (14) days from the date of the summary of discussion letter pursuant to paragraph D2 above. The written request shall specify:
 - a. The reason for the grievance;
 - b. The action or relief sought; and
 - c. Several dates and times in the following ten (10) working days when the complainant can attend a grievance hearing.
2. If the complainant requests a hearing in a timely manner, the Authority shall schedule a hearing on the grievance at the earliest time possible for the complainant, Authority and the hearing officer or hearing panel, but in no case later than ten (10) working days after this Authority received the complainant's request.
3. Selection of Hearing Officer or Hearing Panel
 - a. The hearing officer shall be an impartial, disinterested person willing to hear the complaint and render a decision, selected jointly by the Authority and the complainant. The impartial person will not:
 - 1) Be a subordinate of the person who made or approved the
 - 2) Be a resident of the Authority.
 - 3) Be a relative or close friend of the complainant.

the Authority's action to terminate the tenancy, the Authority shall not commence an eviction action in state or local court until it has served Notice to Vacate on the resident, and in no event shall the Notice to Vacate be issued prior to the decision of the hearing officer or hearing panel having been mailed or delivered to the complainant.

2. Such Notice to Vacate must be in writing and specify that if the resident fails to quit the premises within the applicable statutory period, or on the termination date stated in the notice of termination, whichever is later, appropriate actions will be brought against him/her, and he/she may be required to pay court costs and attorney fees.

1. A decision by the hearing officer, hearing panel, or Board of Commissioners in favor of the Authority or which denies relief requested by the complainant in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, any rights the complainant may have to a trial de nove or judicial review in any judicial proceedings, which may thereafter be brought in the matter.