

COHOES HOUSING AUTHORITY

GRIEVANCE PROCEDURE

Any tenant with an individual dispute relative to a Housing Authority act of failure to act in accordance with the Dwelling Lease or adopted regulations, shall be given an informal hearing, and if requested, a formal hearing before a selected hearing officer or hearing panel. Excluded from this are disputes to an eviction or termination of tenancy upon a tenant's creation or maintenance of a threat to the health and safety of other tenants or PHA employees.

- A. Every grievance must be presented by a tenant personally at the project office or Authority office either orally or in writing within ten (10) days of the date the tenants is aggrieved and shall then be considered informally. The tenant shall be given a written summary of the discussion including the proposed disposition of the complaint and the procedure by which a hearing may be set if the tenant is not satisfied. If the tenant wishes a formal hearing, he/she shall make a written request within ten (10) days of the written summary of discussions and proposed disposition to the project office or Authority office and shall state the reason(s) for the grievance and the action or relief sought.
- B. If the grievance involves rent, the complainant shall, before a hearing is set, deposit with the Authority an amount to the rent due the first of the month preceding the month in which the Authority's act or failure to act took place; and thereafter deposit in an escrow account this same amount monthly until a decision by the hearing officer or panel is received. Any tenant failure to make these deposits, unless waived in writing by the Authority, shall terminate the grievance procedure.
- C. The Cohoes Housing Authority may exclude 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 premises of other residents or employees of the PHA, or
 2. Any drug-related criminal activity on or near such Cohoes Housing Authority's public housing premises, and
 3. The Cohoes Housing Authority may evict occupants through judicial eviction procedures without providing the opportunity for a hearing under the PHA's grievance procedures.
- D. The grievance shall be heard by a hearing officer who shall be an impartial, disinterested person selected jointly by the complainant and the Housing Authority representative within ten (10) days of the service of request for a formal hearing. If they cannot agree on the choice of such person, each shall choose one member of a hearing panel and the members so appointed shall choose a third person for the panel. If the two chosen members cannot agree on the selection of the third member, the third member shall be chosen by another person agreed upon by the complainant and the Authority.
- E. The hearing officer or panel shall schedule the hearing at a time and place convenient both to the complainant and the Authority representative not more than twenty (20) days after selection of the hearing officer or panel and shall notify each in writing of the time and place, together with the procedures governing the hearing as follows:
 1. The hearing office or panel shall afford the complainant a fair hearing, including:
 - a. The opportunity to examine and, at the complainant's expense, to copy all relevant documents, records and regulations of the Authority.
 - b. The right to be represented by counsel or other chosen representative.
 - c. The right to a private hearing unless the complainant requests otherwise.

- d. The right to present evidence and arguments to controvert evidence used the Authority, and to confront and cross-examine witness upon whose information the Authority relies.
 - e. A decision based solely on the facts presented at the hearing.
2. The hearing officer or panel may render a decision without proceeding if the officer or panel determines that the issue has been decided previously in another proceeding.
 3. If the complainant fails to appear at the hearing, the hearing officer of panel may postpone the hearing for not more than ten (10) work days or may determine that the complainant has waived his rights to the hearing.
 4. The complainant must show an entitlement to the relief sought and the Authority must then justify it act or failure to act.
 5. The hearing shall be conducted informally, but all persons present shall be orderly.
- F. The hearing officer or panel shall prepare a written decision with reasons therefore, within five (5) days after the hearing and copies of such decision shall be sent to the complainant and the Authority representative (who shall put one copy in complainant's file and one copy in a special file with identifying names and addresses obliterated). The decision shall be binding upon both parties unless the Housing Authority Board of Commissioners notifies the complainant within thirty (30) days that:
- The decision of the hearing officer or panel is contrary to applicable Federal, State or local law, HUD regulations or requirements of the Annual Contributions Contract between HUD and the Housing Authority.
- G. If the hearing relates to terminations of tenancy and the hearing officer of panel upholds the Authority action, the Authority shall not issue notice to vacate the premises until after the complainant has been mailed the written decision of the hearing officer or panel.
- H. No act or failure to act on the part of the complainant at any point in the grievance procedure shall constitute a waiver of or in any way affect the complainant's rights to a trial de novo or any appropriate judicial review or proceedings which may thereafter be brought in the matter.

I, the undersigned tenant, hereby acknowledge receipt of this procedure on the date specified.

SIGNED _____

SIGNED: _____

SIGNED _____