

## SECTION 8

### HACNLV GRIEVANCE PROCEDURE SUMMARY

#### I. HACNLV GRIEVANCE PROCEDURE SUMMARY:

The Housing Authority of the City of North Las Vegas (HACNLV) Grievance Procedure is available to all applicants and residents of the following HACNLV Housing Program:

- The HACNLV Conventional Public Housing Program

The purpose of the HACNLV Grievance Procedure is to provide applicants and residents an opportunity for a hearing and/or due process review of HACNLV decisions that adversely affect their housing assistance.

#### II. DEFINITIONS:

For purposes of the HACNLV Grievance Procedure, the following definitions shall be applicable:

- A. Adverse Action** means a decision made by HACNLV to terminate or deny housing assistance to a family.
- B. Applicant** means a family who requests HACNLV housing assistance by submitting an application for housing to the following housing program:
  - The HACNLV Conventional Public Housing Program
- C. Conventional Public Housing Program** means federally subsidized housing owned and managed by the HACNLV.
- D. Decision** means a written determination of a Grievance prepared by the HACNLV Hearing Officer, Director of Housing Programs.
- E. Denial** means a refusal affecting a person's eligibility status.
- F. Dispute** means to question the validity or truth of an administrative action taken by the HACNLV.
- G. Family** means the individual who is listed as the head of household on a HACNLV housing application and/or all persons listed as residents on a Public Housing Lease Agreement.
- H. Grievance** means a complaint submitted by a HACNLV applicant or public housing resident about a HACNLV decision that adversely affects an applicant or a public housing resident's housing assistance or eligibility therefore.

## SECTION 8

- I. Grievant** means an applicant, public housing resident who submits the complaint referenced in paragraph F above.
- J. Hearing** means an impartial review of a grievance and all related oral and documentary evidence, conducted by an impartial third party designated by the HACNLV.
- K.** HUD means the Department of Housing and Urban Development.
- L.** Informal Hearing means an informal process conducted by the Hearing Officer or designated person to review oral and documentary evidence pertinent to the facts and issues raised when a Section 8 participant appeals an adverse action which has been taken or is proposed to be taken.
- M. Informal Review** means a review of a grievance and all related oral and documentary evidence, conducted by the HACNLV official responsible for making the decision that gave rise to the grievance, in consultation with the Grievant.
- N. Informal Settlement** means a written agreement between a HACNLV Property Manager and a Public Housing Grievant that resolves a grievance without a formal hearing.
- O.** Involuntarily Displaced means having to move from a residence through no fault of your own.
- P. HACNLV** means the Housing Authority City of the Las Vegas; or

Continues to occupy an assisted unit after the HACNLV suspends housing assistance payments due to landlord default, but does not have a transfer voucher; or

Vacates an assisted unit before requesting a transfer voucher for reasons beyond their control; or

Has made a timely request for a transfer voucher; or

Has made a timely request for an informal hearing.

- Q. Property Manager** means the HACNLV employee who is responsible for the day-to-day operations of the public housing community that the Grievant resides in.
- R. Resident** means adult persons listed on a HACNLV public housing lease who live in a HACNLV public housing apartment or scattered site home;

## SECTION 8

or

Resides in the unit, and who is the remaining family member of the resident family.

**This definition does not include those adults designated as live-in aides.**

**S.** Substandard Housing means a unit that is not livable according to HUD definition.

**T.** **Unit** means residential space for the private use of the family.

### III. CONVENTIONAL PUBLIC HOUSING PROGRAM GRIEVANCE PROCEDURES

#### A. APPLICANTS:

Applicants who are determined ineligible for housing assistance by HACNLV are entitled to request and receive an informal review of that determination. The informal review will be conducted by the Hearing Officer or designated person selected by HACNLV, depending on the program. An informal review is a meeting where an applicant's denial of placement on the waiting list or participation in a program is discussed. An applicant may request a meeting to review the reasons, when a claim for a federal preference is denied.

#### 1. Notification of Ineligibility

Within ten (10) calendar days of the HACNLV determination of ineligibility, HACNLV must provide written notification to the applicant detailing the following:

- a. the basis for the determination, and
- b. the procedures to request an informal review of the determination. An informal review request form shall be included with the notification of ineligibility.

#### 2. Informal Review Request Procedures

An applicant may request an informal review if they are determined to be ineligible for the following reasons.

- Undeliverable mail
- Unsuitability as a tenant
- Unfavorable criminal history report
- Unfavorable management report
- Non-responsiveness to HACNLV

## SECTION 8

requests/notice/appointment

- a. The applicant must submit a written request for an informal review of the ineligibility determination within ten (10) calendar days of the date the ineligibility notification is received. The request for an informal review shall be submitted to:

**Housing Authority of the City of North Las Vegas**  
**Attention: Admissions**  
**1632 Yale Street**  
**North Las Vegas, NV 89030**

Upon receipt of the request, the Hearing Officer and/or his/her designee shall review the request and schedule a meeting with the applicant within ten (10) calendar days of the date the request is received.

### **3. The Informal Review Meeting**

The HACNLV Hearing Officer and/or his/her designee shall conduct the Informal Review Meeting. The applicant and/or his/her authorized representative shall be in attendance together with the HACNLV official responsible for making the ineligibility determination at issue.

#### **a. Presentation of evidence:**

During the Informal Review Meeting, the applicant and/or his/her authorized representative shall be afforded an opportunity to present related documentary and/or oral evidence which discounts, disproves, disputes or otherwise mitigates the basis for the ineligibility determination.

During the Informal Review Meeting, the HACNLV official responsible for making the ineligibility determination shall be required to provide the regulatory and/or policy basis for the determination at issue together with any related documentary evidence.

### **4. Preference Denial Meeting**

An applicant may request a meeting within 10 calendar days upon receiving the denial of a preference.

HACNLV staff will notify the applicant in writing of the denial within ten (10) calendar days upon receiving the denial.

The applicant must submit a written request for a meeting within ten (10) calendar days upon receiving the denial.

## SECTION 8

Any person or persons designated by the HACNLV, including the person who made or reviewed the determination, or his or her subordinate will conduct the meeting within ten (10) calendar days upon receiving the request.

### 5. The Informal Review Decision

#### Notification:

Within ten (10) calendar days of the date of the Informal Review Meeting, the HACNLV Hearing Officer or his/her designee shall notify the applicant and/or his/her authorized representative, in writing, of the Informal Review Decision.

---

### 6. The Informal Review Decision:

The Informal Review Decision shall be prepared by the Hearing Officer or his/her designee and shall clearly state the following:

- a. The date of the Informal Review Meeting.
- b. The names of the persons in attendance.
- c. The applicable policy and/or regulatory provisions.
- d. The decision.
- e. A statement advising that the Informal Review Decision is final and if the applicant believes that HACNLV practice/decision is discriminatory he/she/ has the right to submit a complaint to:

**The United States Department of Housing  
& Urban Development  
Office of Fair Housing & Equal Opportunity  
450 Golden Gate Avenue  
San Francisco, CA 94102  
(800) 424-8590  
(800) 424-8529 (TDD)**

---

## B. RESIDENTS:

Residents of the Conventional Housing Program who are notified of a HACNLV decision that adversely affects the resident's rights, duties, welfare or status as a Public Housing Resident may submit a Grievance in writing to the Property Manager's office to determine whether the Grievance can be settled informally.

### 1. Informal Settlement Meeting:

## SECTION 8

After receiving notice of the adverse action from the Management Office, the written grievance must be personally presented to the HACNLV management office with jurisdiction for the apartment in which the grievant resides. Upon receipt of the written Grievance from a resident, the Property Manager shall schedule a meeting with the Grievant to discuss the issues presented by the Grievant. The purpose of the meeting is to determine whether the Grievance can be resolved without hearing.

The Property Manager will review the request and schedule a meeting specifying the date, time, and location, within five (5) calendar days upon receipt of the request.

The Property Manager and resident will discuss the grievance informally, an attempt will be made to settle the grievance informally, by discussion and without a hearing.

### **a. Informal Meeting Summary:**

The Property Manager shall prepare a written summary of the meeting discussion setting forth the following:

- The date of the Grievance
- The nature of the Grievance
- The persons in attendance
- The nature of the proposed disposition and the specific reasons therefore
- The formal hearing request procedures (including request form)

The written summary shall be prepared and provided to the Grievant within (10) calendar days of the date of the meeting.

If the grievant is not satisfied with the results of the Informal Settlement of Grievance meeting, the grievant may request a hearing in accordance with the HACNLV grievance procedures.

## **2. Formal Hearing:**

If no informal settlement agreement is reached during the informal settlement meeting, the Grievant has the right to request a formal hearing. A Hearing is a formal process conducted by the Hearing Officer to review oral and documentary evidence pertinent to the facts and issues raised when a resident appeals an adverse action, which has taken or is proposed to be taken by the HACNLV.

## SECTION 8

### **a. Hearing Request:**

A resident may request a hearing if the resident disputes any HACNLV action or failure to act involving the resident's lease or other HACNLV rules or regulations which adversely affects the resident's rights, duties, welfare, or status. The Grievant may request a hearing by submitting a written hearing request to the Property Manager or HACNLV Central Office within ten (10) calendar days of the date the Grievant received the written summary of the informal settlement meeting.

To submit the request for a formal hearing to HACNLV central office it must be delivered to:

**Housing Authority of the City of North Las Vegas  
Attention: Admissions  
1632 Yale Street  
North Las Vegas, NV 89030**

If the grievant does not request a hearing within ten (10) calendar days after receipt of the Informal Summary, the disposition of the grievance shall become final. Failure to request a hearing shall not constitute a waiver by the grievant of his/her right to contest HACNLV action in disposing of the grievance in an appropriate judicial proceeding.

The written hearing request must specify:

- The reason for the grievance
- The action or relief sought
- How HACNLV action violates the resident's lease or other HACNLV rule or regulation, as well as the resident's rights, duties, welfare, or status.

Notwithstanding scheduling conflicts, the hearing shall be scheduled and conducted within ten (10) calendar days of the date the Hearing Officer received the Hearing Request.

The Grievant shall be given written notification of the time, place and date of the hearing together with a description of the procedures governing the hearing.

### **b. Hearing Procedure**

The hearing shall be conducted by an impartial, third-party, Hearing Officer, designated by the HACNLV. The hearing shall be governed by the following due process considerations:

## SECTION 8

1. Prior to the hearing, the Grievant shall be afforded the opportunity to review all related documentary evidence maintained by HACNLV and shall be permitted to copy the same at his/her own expense. Evidence not made available to the Grievant, upon request, may not be used by HACNLV at the time of hearing.
2. The Grievant shall be afforded the right to be represented by counsel and/or to designate a representative.
3. The Grievant shall be afforded the right to confront and cross-examine all HACNLV witnesses on whose testimony or information the HACNLV rely and to present testimony and/or documentary evidence to support his/her position.
4. A prior determination on the same issue involving the same Grievant shall be binding on the Grievant and the HACNLV.
5. Failure to appear at the hearing, without prior notification may result in dismissal of the Grievance.

### **c. Hearing Decision:**

The hearing decision shall be based **solely** on the evidence and testimony presented during the hearing. No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" includes records and regulations.

The Hearing Officer may ask the family for additional information and/or might adjourn the Hearing to reconvene at a later date, before reaching a decision, but must render a decision within ten (10) calendar days of the initial hearing regardless of request for additional information.

Within ten (10) calendar days of the date of the hearing, the Hearing Officer shall prepare a written decision that sets forth the following:

- The date of the hearing
- The names of the parties and their representatives in attendance
- A description of the issues and evidence presented at the hearing

## SECTION 8

- A brief description of the respective position of the parties
- The applicable lease provisions, policy provisions and/or regulations
- The disposition of the Grievance.

The decision of the Hearing Officer is binding on the HACNLV unless:

1. The HACNLV Board of Commissioners determines that the decision violates local, state or federal law;
2. The HACNLV Board of Commissioners determines that the Grievance did not concern a HACNLV act or failure to act, or that it did not concern a HACNLV decision that adversely affected the Grievant's lease, rights, duties, welfare or status; or
3. The HACNLV Board of Commissioners determines that the Hearing Officer's decision violates the requirements of the Annual Contributions Contract between HACNLV and HUD.

**The decision of the Hearing Officer or of the HACNLV Board of Commissioners shall not constitute a waiver of, nor affect in any manner whatsoever, the Grievant's right to institute legal action against the HACNLV in a court of competent jurisdiction regarding the subject matter of the Grievance.** The Grievant may utilize due process through the Court.

### **d. Hearing Decisions Regarding Eviction:**

The decision of the Hearing Officer in favor of the grievant must specify which provision of the resident's lease, other rule, HACNLV policy, procedure, or regulation has been violated. The remedy granted by the Hearing Officer may not violate:

- Local, State, or Federal law;
- Resident's lease;
- HACNLV rules or regulations
- HACNLV Annual Contribution Contract with the Federal Government; or
- Federal regulations applicable to the HACNLV

## SECTION 8

When the Hearing Officer affirms the HACNLV decision to terminate the Grievant's tenancy, HACNLV must follow applicable State law to implement the eviction including, but not limited to:

- Providing all requisite notices
- Abiding by all applicable judicial determinations, including those that over rule the Hearing Officer's Decision.

In no event shall the notice to vacate be issued prior to the decision of the Hearing Officer having been mailed or delivered to the grievant.

### 3. EXPEDITED GRIEVANCE PROCEDURE:

An expedited hearing may be requested and/or conducted to address a Grievance involving:

- Proposed termination of tenancy due to **criminal activity** that threatens the health, safety or right to peaceful enjoyment of the public housing community; or
- Proposed termination of tenancy due to drug-related criminal activity on or off the public housing premises.

The expedited hearing procedure shall be listed on all Thirty-Day Notices involving allegations of the foregoing criminal activity. The manager of the development in which the resident resides may elect to expedite a hearing due to the gravity of alleged activity. The manager in doing so, must contact the Hearing Officer within twenty-four (24) hours after service of the notice to request, that the procedure be expedited.

#### a. Grievance Submission:

When notified that they are subject to the expedited Grievance Procedure, residents shall be afforded a minimum of two (2) business days from the date they receive such notice, to submit a written Grievance. The manager on the behalf of the resident may request an expedited hearing due to the nature and gravity of the alleged activity. The Grievance must be submitted to the Property Manager's or Hearing office and must set forth the following:

- The nature of the Grievance; **and**
- The relief sought.

## SECTION 8

**b. Hearing Request:**

Within one (1) business day of the date the Grievance is submitted, the Property Manager must forward the Grievance to the Hearing Officer and request that an expedited hearing be scheduled.

**c. Expedited Hearing:**

Upon receipt of a request for an expedited hearing, the Hearing Officer shall schedule the hearing. An informal settlement of grievance is not applicable under this provision. The Hearing shall take place within two (2) business days of the date the request is received. The Hearing Officer shall promptly notify the parties of the date, time and place of the hearing. The notice shall also plainly state that no postponements will be permitted and that failure to appear **will** result in dismissal of the Grievance.

**d. Expedited Hearing Decision:**

Within two (2) business days of the date of the hearing, the Hearing Officer shall provide a written decision to all parties.

The decision of the Hearing Officer shall not constitute a waiver of, nor affect in any manner whatsoever, the Grievant's right to institute legal action against the HACNLV in a court of competent jurisdiction regarding the subject matter of the Grievance.

