

SCHEDULE D

ENFIELD HOUSING AUTHORITY

GRIEVANCE PROCEDURE

1. **Right to a Hearing**

- a. Upon filing a written request and after compliance with all procedures provided herein, a Complainant shall be entitled to a hearing before a hearing officer.
- b. The hearing officer is not required to grant a hearing for any grievance concerning a termination of tenancy or eviction.

2. **Informal Settlement of Grievances**

Any grievance shall be personally presented, either orally or in writing, to the EHA office so that the grievance may be discussed informally and settled without a hearing within ten days of the grievable event. A summary of such discussion shall be prepared within a reasonable time, 15 days, and one copy shall be given to the tenant and one retained in the landlord's tenant file. The summary shall specify the names of the participants, dates of meetings, the nature of the proposed disposition of the complaint and the specific reasons therefore, and shall specify the procedures by which a hearing under Section 3 may be obtained if the complainant is not satisfied. If the settlement conference was for a termination of tenancy or an eviction the EHA is not required to grant a grievance hearing.

3. **Procedures to Obtain a Hearing**

- a. Request for hearing. The complainant shall submit a written request for a hearing to the landlord or the project office within a reasonable time, no more than ten (10) days after receipt of the summary of discussion pursuant to Section 2. The written request shall specify:
 1. The reason for the grievance; and
 2. The action or relief sought.
- b. Selection of hearing officer
 1. A grievance hearing shall be conducted by an impartial person appointed by the EHA Executive Director, other than a person who made or approved the authority action under review or a subordinate of such person;
 2. The EHA Executive Director shall appoint person or persons to serve as hearing officers. The Executive Director will check with said persons to determine whether they feel fully capable of impartiality and what limitations on their time would affect such service. Hearing Officers will be informed that they will be expected to disqualify themselves from hearing grievances that involve personal friends, other residents of developments in which they work or reside, or grievances in which they have some personal interest.

3. The EHA shall consult the resident organizations before landlord appointment of each hearing officer; and
 4. Before the appointment, the landlord shall consider any comments or recommendations submitted by the tenant organizations.
- c. Failure to request a hearing. If the complainant does not request a hearing in accordance with this paragraph, then the landlord's disposition of the grievance under Section 2 shall become final; provided, that failure to request a hearing shall not constitute a waiver by the complainant of his right thereafter to contest the landlord's action in disposing of the complaint in an appropriate judicial proceeding.
 - d. Hearing prerequisite. All grievances shall be personally presented either orally or in writing pursuant to the informal settlement procedure prescribed in Section 2 as a condition precedent to a hearing under this section: provided, that if the complainant shall show good cause why he failed to proceed in accordance with Section 2 to the hearing officer, the provisions of this subsection may be waived by the hearing officer.
 - e. Escrow deposit. Before a hearing is scheduled in any grievance involving the amount of charges that the EHA claims is due, the family must pay an escrow deposit to the EHA. When a family is required to make an escrow deposit, the amount is the amount of charges (other than rent) the EHA states is due and payable as of the first of the month preceding the month in which the family's act or failure to act took place. After the first deposit, the family must deposit any future charges due until the family's complaint is resolved by decision of the hearing officer.
 - f. Scheduling of hearings. Upon complainant's compliance with paragraphs (a), (d) and (e) of this section, a hearing shall be scheduled by the hearing officer promptly for a time and place reasonably convenient to both the complainant and the EHA. A written notification specifying the time, place and the procedures governing the hearing shall be delivered to the complainant and the appropriate EHA official.

4. Procedures Governing the Hearing.

- a. The complainant shall be afforded a fair hearing that shall include:
 1. A reasonable opportunity prior to the hearing to examine any documents, records, or regulations directly relevant to the hearing. The tenant shall be allowed to copy any such document at the tenant's expense. The EHA representative at the hearing may not discuss any document not made available after a request by the complainant;
 2. The right to be represented by counsel or other person chosen as his/her representative;
 3. The right to a private hearing unless the complainant request a public hearing;

4. The right to present evidence and arguments in support of his/her complaint, to contest evidence presented by the EHA, and to confront and cross-examine all witnesses on whose testimony or information the EHA relies; and
 5. A decision based solely and exclusively upon the facts presented at the hearing.
- b. If there are no disputed issues of fact, the hearing officer may render a decision without proceeding with the hearing, if the hearing officer determines that the issue has been previously decided in another proceeding.
 - c. If the complainant or the EHA representative fails to appear at a scheduled hearing, the hearing officer may make a determination to postpone the hearing for a period not to exceed 5 business days or may make a determination that the complainant has waived his right to a hearing. Both the complainant and the EHA shall be notified of the determination. If a determination has been made that the complainant or EHA has waived his/her right to a hearing it shall not constitute a waiver of any right to contest the EHA's disposition of the grievance in an appropriate judicial proceeding.
 - d. The hearing shall be conducted informally and oral or documentary evidence pertinent to the facts and issues raised by the complainant may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The hearing officer shall require the EHA representative, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.
 - e. The complainant or the EHA may arrange, in advance and at the expense of the party making the request for a transcript of the hearing.
 - f. Accommodation of persons with disabilities. The EHA must provide reasonable accommodations for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the tenant is visually impaired, any notice to the tenant that is required must be in an accessible format.

5. Decision of the Hearing Officer

- a. The hearing officer shall prepare a written decision, together with the reasons within a reasonable time, 15 days, after the hearing. A copy of the decision shall be sent to the complainant and the EHA. The EHA shall retain a copy of the decision in the tenant's file. A copy of such decision, with all names and identifying references deleted, shall also be maintained on file by the EHA and made available for inspection.
- b. The decision of the hearing officer shall be binding on the EHA which shall take all actions, or refrain from any actions necessary to carry out the decision unless the Authority's Board of Commissioners determines within a reasonable time (30 days), and promptly notifies the complainant of its determination, that:

1. The grievance does not concern EHA action or failure to act in accordance with or involving the complainant's lease or EHA rules, which adversely affect the complainant's rights, duties, welfare or status; or
 2. The decision of the hearing officer is contrary to applicable federal, state or local law, state regulations and contractual requirements between the department and the EHA.
- c. A decision by the hearing officer or board of commissioners in favor of the EHA or which denies the 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 or judicial review in any judicial proceedings, which may thereafter be brought.

6. Non-Applicability of Grievance Procedure

- a. The grievance procedure shall not be applicable to disputes between tenants not involving the EHA or to class grievances.
- b. The grievance procedure shall not be applicable to any grievance concerning a termination of tenancy or eviction.
- c. Tenants under Connecticut law are provided the opportunity for a pre-eviction hearing in court, which provides the "elements of due process." A landlord operating department-assisted housing may exclude, from its grievance procedure, any grievance concerning an eviction pursuant to a Superior Court summary process action, as outlined in Connecticut General Statutes Title 47a, Chapter 832.