

GRIEVANCE POLICY

A. TERMINATION NOTIFICATION: HUD is incorporating additional termination notification requirements to comply with section 6 of the Act for public housing projects converting assistance under RAD, that supplement notification requirements in regulations at 24 CFR 880.607 and the multifamily HUD Model Lease.

a. Termination of Tenancy and Assistance: The termination procedure for RAD conversions to PBRA will additionally require that Project Owners provide adequate written notice of termination of the lease which shall not be less than:

1. A reasonable period of time, but not to exceed 30 days:

2. If the health or safety of other tenants, Project Owners employees, or persons residing in the immediate vicinity of the premises is threatened;
or

i. In the event of any drug-related or violent criminal activity or any felony conviction; or

ii. 14 days in the case of nonpayment of rent.

b. Termination of Assistance: In all other cases, the requirements at 24 CFR 880.603, the Multifamily HUD Model Lease, and any other HUD multifamily administrative guidance shall apply.

B. GRIEVANCE PROCESS: In addition to program rules that require that tenants are given notice of covered actions under 24 CFR Part 245 (including increases in rent, conversions of a project from project-paid utilities to tenant-paid utilities, or a reduction in tenant paid utility allowances), HUD is incorporating resident procedural rights to comply with the requirements of section 6 of the Act. RAD will require that:

a. Residents be provided with notice of the specific ground of the Project Owners proposed adverse action, as well as their right to an informal hearing with the Project Owner;

b. Residents will have an opportunity for an informal hearing with an impartial member of the Project Owner's staff within a reasonable period of time;

c. Residents will have the opportunity to be represented by another person of their choice, to ask questions of witnesses, have others make statements at the hearing, and to examine any regulations and any evidence relied upon by the Project Owner as the basis for the adverse action. With reasonable notice to the Project Owner, prior to hearing and at the residents' own cost, resident may copy any documents or records related to the proposed adverse action; and

d. Project Owners provide the resident with a written decision within a reasonable period of time stating the grounds for the adverse action, and the evidence the Project Owner relied on as the basis for the adverse action.

The Project Owner will be bound by decisions from these hearings, except if the:

- a. Hearing concerns a matter that exceeds the authority of the impartial party conducting the hearing.
- b. Decision is contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.

If the Project Owner determines that it is not bound by a hearing decision, PHA must promptly notify the resident of the determination, and of the reasons for the determination.