



Grievance Procedures (LIHTC, HUD, HOME, & CONVENTIONAL)

GENERAL:

- This policy is furnished so that you will know, at all times, what procedures we will follow should a dispute develop. The intent of these procedures is to provide a fair and equitable process for addressing resident or prospective resident concerns.
- The resident or prospective resident must communicate to management agent in writing any grievance or response to a notice within 14 calendar days after occurrence of the adverse action or receipt of notice to take adverse action.
- Any resident or prospective resident seeking occupancy in or use of Partnership Property Management facilities who believes he or she is being discriminated against because of race, color, religion, sex, familial status, disability, or national origin may file a complaint by mail to our **Director of Fair Housing, P.O. Box 26405 Greensboro, NC 27404**. Interpretation services for residents or prospective residents with limited English proficiency are also available upon request.
- The agent reserves the right to make changes to this policy in accordance with agency regulations and after providing proper notification as required by the lease agreement.

1. Definitions:

- “Resident” - An authorized occupant, tenant, or lease holder
- “Complaint” - Any concern voiced by a current or prospective resident of an apartment community.
- “Grievance” - A formal complaint filed by a current or prospective tenant
- “Complainant” - A current or prospective resident of an apartment community who initiates a complaint or grievance
- “Management”, “Management Agent”, or “Agent” - Collectively, Partnership Property Management or a Representative of Partnership Property Management
- “Informal Review” - Steps 1-3 as outlined below – An internal review of the grievance request by the “Agent”
- “Formal Appeal” - A review of pertinent facts with a company officer acting as the arbitrator
- “Formal Hearing” - Step 4 as outlined below - A review of pertinent facts with a third party “Hearing Officer” acting as an arbitrator between the “agent” and the “complainant”
- “Hearing Officer” - A third party independent arbitrator, typically an attorney, magistrate, or judge

2. Informal Review & Settlement of Grievance:

(A) STEP 1 - Initial Complaint:

The complainant is always welcomed and encouraged to discuss any “complaint” with the Site manager, Property Manager, the Director of Property Management, or the agent’s Director of Fair Housing. These meetings can be in person or may be expedited by phone, letter, email or other virtual means that are mutually convenient. It is anticipated that virtual means of interaction may be utilized when other Residents’ or employees’ health and safety are deemed to be in jeopardy.

(B) STEP 2 - Formal Grievance:

If a complaint is not handled in a satisfactory manner, the complainant is welcome to file a formal grievance preferably in writing and mailed to the address listed above.

- i. The management agent will endeavor to conduct a meeting/conference with the resident to discuss the grievance within 10 calendar days of receiving the grievance request. These meetings/conferences will typically be conducted by the Director of Property Management or the Director of Fair Housing.
- ii. These meetings/conferences can be in person or may be expedited by phone, letter, email or other virtual means that are mutually convenient. Every effort will be made to reach a mutually satisfactory resolution to the grievance at this meeting/conference.

iii. Formal Grievance Determination:

At the end of the informal review, the agent will prepare a summary of the findings and submit it to the complainant. If the grievance is not resolved during an informal meeting to the complainant’s satisfaction, the complainant can request a “formal appeal” and escalate their grievance to be reviewed by a company officer.

(C) STEP 3 – “Formal Appeal” of Formal Grievance Determination:

Complainants may appeal the decision reached during the formal grievance if they so desire.

- i. “Formal Appeals” should be submitted in writing to the company address listed above and marked “Attention - Vice President.” All appeals will be reviewed by a company officer who will determine if further investigation is required or if the initial decision was appropriate.
- ii. Requests must set forth the specific reasons why the complainant believes the initial decision was in error. Any reconsideration request must be limited to the allegation and issues directly related to the original adverse action. The complainant must identify all relevant information that he or she believes is incorrect or that was



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omitted from previous consideration. The request must include all new and material information that the complainant believes supports the reconsideration request.

- iii. **Formal Appeal Determination** - At the end of the company officer's review, the agent will prepare a summary of the findings and submit it to the complainant. If the grievance is not resolved during an informal review to the complainant's satisfaction, the complainant can request a "Formal Hearing."

3. **Expedited Grievance Procedures:**

Expedited grievance procedures may be used in the event that the conduct of the complainant poses a direct health and safety concern to the property, other residents, guests or the agent. The procedures will include allowing the court of local jurisdiction to act as the arbitrator without going through the Formal Hearing Procedures listed below.

4. **Applicability:**

- (A) This policy applies to management actions regarding housing project operations, or the failure to act, that adversely affects the complainant.
- (B) This policy does not apply to the following situations:
- Complaints/grievance request received after 14 days of the notice of adverse action;
 - Rent changes authorized by the Agency or in accordance with the lease agreement;
 - Changes in occupancy rules or other operational or management practices in which proper notice and opportunity have been given according to law and the provisions of the lease;
 - Lease violations by the resident that would result in the termination of tenancy and eviction;
 - Disputes between residents not involving management; and
 - Disputes over criminal **convictions** that pose a health and safety concern to the property, other residents, guests or the agent. This includes convictions for drug related offenses for manufacturing, selling or distribution of controlled substances on or off the property as outlined in the tenant selection policy.

5. **Formal Hearing Procedures:**

(A) **STEP 4 - Requesting a Formal Hearing:**

If the complainant is unsatisfied after the informal review process and "formal appeal" process with a company officer, then the complainant may request a Formal Hearing that will be conducted by third party Hearing Officer. Notification of a request for a "Formal Hearing" must be received in writing no later than 10 calendar days after the issuance of the Formal Appeal Determination and a hearing date must be scheduled within 20 calendar days.

(B) Determination to Hold a Hearing:

- The grievance must be valid under the applicable reasons outlined in this policy.
- The agent and the complainant must agree in writing to split the cost of arbitration. Cost must be paid in advance.

(C) Appointment of a "Hearing Officer":

- The "Hearing Officer" should be a third party independent arbitrator, typically an attorney, magistrate, or judge and must be appointed within 10 calendar days of the formal hearing request.
- Either the agent or the complainant may recommend a Hearing Officer for consideration.
- Hearing officers determined to have a conflict of interest will be disallowed.
- If a the agent and complainant cannot agree on a hearing officer they must each appoint a member to a hearing panel and the members selected must appoint a third member who will become the panel chairperson and de facto Hearing Officer. Each panel member will have a single vote of equal weight.

(D) Procedures Governing the Hearing - The hearing officer will govern the hearing as he/she sees fit and make determinations on their best judgment and understanding of the facts, regulations, applicable laws and due process. Both parties are guaranteed a fair hearing and will be afforded the opportunity to be represented by counsel.

(E) Decision of the Hearing Officer – All parties agree to abide by the decision of the hearing officer, unless the hearing officer asks the agent to violate agency regulations. If either party fails to appear at a scheduled hearing, the Hearing Officer may determine that the absent party has waived their rights and may proceed with making a decision on the grievance. A formal written decision will be presented to all parties.

(F) Appeal of Hearing Officer Decision - All appeals will be handled thru the court of local jurisdiction.

6. **Lease Termination:**

If the complainant unreasonably delays a hearing or the Hearing Officer rules in favor of the agent, the agent reserves the right to enforce summary ejection in accordance with the lease & state law.