

Grievance Policy

CITY OF KINGSPORT HOME-ARP Supportive Services

This policy governs the handling of a “grievance” (An actual or supposed circumstance regarded as just cause for complaint.) that a client may have with the administration of the HOME-ARP Supportive Services Grant due to an adverse action taken against the client by the organization’s case management staff.

CITY OF KINGSPORT HOME-ARP Supportive Services

GRIEVANCE PROCEDURE

I. RIGHT TO A HEARING

Upon the filing of a written request as provided in these procedures, a Client shall be entitled to a hearing before a hearing officer.

II. DEFINITIONS

For the purpose of this Grievance Procedure, the following definitions are applicable:

- (A) "Grievance" shall mean any dispute which a Client may have with respect to agency action or failure to act in accordance with the individual Client's case management or assistance payments which adversely affect the individual Client's rights, duties, welfare, or status. Grievance does not include any dispute a Client may have with Landlord or other service provider concerning a termination of tenancy or eviction that involves any activity that may threaten the health, safety, or right to peaceful enjoyment of the Landlord's public housing premises by other Clients or employees of the Landlord, or any criminal activity or drug-related criminal activity on or off such premises. Grievances can only be made towards assistance provided by CITY OF KINGSPORT's Supportive Services grant, not any actions not controlled by any other agency or entity such as medical professionals, landlords, housing authority or other. For grievances concerning the actions of landlords, service providers or other, Client must submit paperwork through the process of those specific entities.
- (B) "Complainant" shall mean any Client whose grievance is presented to the agency or at the case management office in accordance with Section III and Section IV.
- (C) "Elements of due process" shall mean a termination of assistance in which the following procedural safeguards are required:
 - (1) Adequate notice to the Client of the grounds for terminating the assistance(s);
 - (2) Right of the Client to be represented by counsel;
 - (3) Opportunity for the Client to refute the evidence presented by the agency including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the Client may have;
 - (4) A decision on the merits.
- (D) "Hearing officer" shall mean a person selected in accordance with Section IV of these procedures to hear grievances and render a decision with respect thereto.
- (E) *Client* shall mean the adult person (or persons) (other than a live-in aide):
 - (1) Who participates in the program, and who executed the assistance agreement with the case manager and Landlord for services.

- (2) Who resides in the premises, and who is the remaining head of household of the Client family residing in the premises.
 - (3) Who receives or received other assistance through CITY OF KINGSPORT under the Supportive Services funding
- (F) **Promptly** (as used in Section III, and IV. (D) Shall mean within ten business days from the date of mailing of the adverse action or grievable complaint.

III. PROCEDURES PRIOR TO A HEARING

Informal settlement of grievance: Any grievance shall be promptly and personally presented, either orally or in writing, to the case management office or to the so that the grievance may be discussed informally and settled without a hearing. A summary of such discussion shall be prepared within a reasonable time and one copy shall be given to the Client and one retained in the Client file. The summary shall specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefor, and shall specify the procedures by which a hearing under these procedures may be obtained if the Client is not satisfied. **The purpose of this informal settlement of grievance is to allow the Client and management to informally discuss an issue without the need for third parties, including witnesses or representatives, to be involved. At any time that a third party, including a witness or representative becomes or should become involved in the process, the informal settlement conference may, in the sole discretion of the housing authority, become a “hearing” and the procedures found in Section IV hereof shall apply. CITY OF KINGSPORT shall notify the Client of the date and time that the hearing will take place.**

IV. PROCEDURES TO OBTAIN A HEARING

- (A) *Request for hearing:* In the event that the Client is not satisfied with the informal settlement of grievance provided for in Section III, the Client shall submit a written request for a hearing to the case management office within five (5) business days from date of mailing of the summary of discussion pursuant to Section III. The written request shall specify:
- (1) The reasons for the grievance; and
 - (2) The action or relief sought.
- (B) *Selection of Hearing Officer:* A grievance hearing shall be conducted by an impartial person appointed by CITY OF KINGSPORT other than a person who made or approved the case manager action under review or a subordinate of such person.

CITY OF KINGSPORT shall annually submit a list of prospective hearing officers to the Community Development Advisory Committee (CDAC). CITY OF KINGSPORT shall consider any comments or recommendations by the CDAC submitted in a reasonable time.

From this list, a hearing officer shall be selected.

- (C) *Failure to request a hearing:* If the Client does not request a hearing in accordance with this Section, then the case manager’s disposition of the grievance under Section III shall become final: *Provided*, That failure to request a hearing shall not constitute a waiver by the Client of the 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 promptly presented in person, either orally or in writing pursuant to the informal procedure prescribed in Section III as a condition precedent to a hearing under this section: *Provided,* That if the Client shall show good cause why there was failure to proceed in accordance with Section III to the hearing officer, the provisions of this Subsection may be waived by the hearing officer.
- (F) *Scheduling of hearings:* Upon the Client's compliance with this Section, or upon the agency notifying the Client or his/her representative that a hearing will be held, a hearing shall be promptly scheduled by the hearing officer for a time and place reasonably convenient to both the Client and the case manager. A written notification specifying the date, time, place, and the procedures governing the hearing shall be delivered to the Client and the appropriate CITY OF KINGSPORT official.

V. PROCEDURES GOVERNING THE HEARING

- (A) The Client shall be afforded a fair hearing, which shall include:
 - (1) The opportunity to examine before the grievance hearing any case management documents, including records and regulations that are directly relevant to the hearing. The Client shall be provided a copy of any such document at the Client's expense. If the case manager does not make the document available for examination upon request by the Client, the case manager may not rely on such document at the grievance hearing.
 - (2) The right to be represented by counsel or other person chosen as the Client's representative and to have such person make statements on the Client's behalf;
 - (3) The right to a private hearing unless the Client requests a public hearing;
 - (4) The right to present evidence and arguments in support of the Client's complaint, to controvert evidence relied on by the case manager or project management, and to confront and cross-examine all witnesses upon whose testimony or information the case manager or project management relies; and
 - (5) A decision based solely and exclusively upon the facts presented at the hearing.
- (B) Accommodation of persons with disabilities:
 - (1) CITY OF KINGSPORT shall provide reasonable accommodation for persons with disabilities to participate in the hearing.

Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants.
 - (2) If the Client is visually impaired, any notice to the Client which is required by these procedures must be in an accessible format.
- (C) At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter CITY OF KINGSPORT must sustain the burden of justifying the adverse action or failure to act against which the complaint is directed.

VI. DECISION OF THE HEARING OFFICER

- (A) The hearing officer shall prepare a written decision, together with the reasons therefor, within a reasonable time (not to exceed 10 business days) after the hearing. A copy of the decision shall be sent to the Client and the case manager. The case manager shall retain a copy of the decision in the Client's folder. A copy of such decision, with all names and identifying references deleted, shall also be maintained on file by the case manager and made available for inspection by a prospective complainant, his representative, or the hearing officer.

- (B) The decision of the hearing officer shall be binding on the case manager which shall take all actions, or refrain from any actions, necessary to carry out the decision unless CITY OF KINGSPORT's Board of Commissioners determines within a reasonable time, and promptly notifies the complainant of its determination, that:
- (1) The grievance does not concern case management action or failure to act in accordance with or involving the Client's lease or grant regulations, which adversely affect the Client's rights, duties, welfare or status;
 - (2) The decision of the hearing officer is contrary to applicable Federal, State or local law, Landlord regulations or requirements of the Annual Contributions Contract between CITY OF KINGSPORT and Tennessee Housing Development Agency (THDA).
- (C) A decision by the hearing officer or Community Development Advisory Committee in favor of the case manager or which denies the relief requested by the Client in whole or in part shall not constitute a waiver of, nor affect in any manner whatsoever, any rights the Client may have to a trial *de novo* or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

Client Signature	Date
Case Manager Signature	Date

I have received a copy of this grievance procedure and have had an opportunity to ask questions about the procedure.