

HOUSING AUTHORITY OF THE CITY OF OXNARD
GRIEVANCE PROCEDURE

1. RIGHT TO A HEARING

Upon filing of a written request as provided herein, a complainant shall be entitled to a hearing before the Hearing Panel.

2. DEFINITIONS

- a. Complainant is defined as any tenant or applicant whose rights, duties, welfare, or status are or may be adversely affected by the Housing Authority of the City of Oxnard (OHA) action or failure to act, and who files a grievance or complaint with OHA with respect to such action or failure to act.
- b. Grievance or Complaint is defined as any dispute with respect to OHA action or failure to act in accordance with lease requirements, or any OHA action or failure to act involving interpretations, or application of the OHA's regulations, policies or procedures which affects the rights, duties, welfare, or status of the complainant.

3. LANGUAGE OF PROCEEDINGS

At the earliest possible time in the grievance procedure and prior to any written notices or decisions, the complainant shall be asked whether he prefers to communicate in English or Spanish. Then, and subsequent thereto, all further notices and proceedings must be in the language preferred by the complainant.

4. PROCEDURE PRIOR TO HEARING

- a. Any grievance or complaint must be presented in writing and personally, if possible, to the OHA office or to the management office of the project in which the complainant resides or to which application for admission has been made, so that the grievance may be informally discussed and so that effort may be made to reach a settlement without a hearing. Forms GS and G2S, "Grievance Complaint," copies of which are attached hereto, shall be given to each and every tenant and applicant.

who makes any oral complaint. This form must be signed by the complainant and filed in the office by him or his representative within a reasonable time, not in excess of one year, after the OHA action or failure to act which is the basis for the grievance. The above subsection does not apply to grievances under Section 9 herein.

- b. A copy of the complaint shall be retained by the complainant and a copy shall be filed with the project manager. All complaints and/or copies must be date-stamped at time of receipt by the OHA.
- c. An answer in writing to each complaint, dated and signed by the project manager, or other appropriate official, shall be delivered or mailed to the complainant within ten (10) days. A copy of the answer shall be filed with the complaint in the appropriate project office.

The answer shall specify:

- 1. The proposed disposition of the complaint and the specific reasons therefor;
- 2. The right of the complainant to a hearing;
- 3. The procedure by which a hearing may be obtained;
- 4. That the complainant may secure Forms G1 and G1S, "Request for Hearing," from the OHA upon request.

- d. If the complainant is dissatisfied with the proposed disposition of his complaint, as stated in the project manager's or other OHA official's answer, he may submit a written request for a hearing on Form G1 or Form G1S. This request shall be made within a reasonable time of the date of the answer to his complaint (generally five working days). The written request for a hearing must be date-stamped and filed in the appropriate OHA or project management office, along with the complaint and answer. The Hearing Panel shall be advised promptly of the request by the appropriate OHA official; shall schedule the hearing as promptly as possible for a date, time, and place reasonably convenient to the complainant; and shall inform the complainant thereof in writing at least five (5) days prior to the hearing date.

- e. If the complainant does not request a hearing within the time period allowed in subsection (d) above, he waives his right to the hearing, and the OHA's proposed disposition of the grievance will become final. This shall not, however, constitute a waiver of the complainant's right thereafter to contest the OHA's disposition of his grievance in an appropriate judicial proceeding.

5. COMPOSITION AND SELECTION OF THE HEARING PANEL

- a. The Hearing Panel shall consist of three members. One shall be appointed by the OHA, one shall be the Community Relations Representative of the City of Oxnard, and one shall be a tenant member selected as follows: Each housing project shall select one of its tenants to serve on a rotating basis, except that a tenant member may not serve on a Hearing Panel dealing with a grievance concerning a tenant from the tenant member's project. Tenant members shall be elected for a period of one year. In the event of the inability, incapacity, or failure of said Community Relations Representative of the City of Oxnard to serve at any time and for any reason, his place on the panel shall be filled by any person appointed by the City Council of the City of Oxnard for said purpose. Two votes shall be required for any decision by the panel.
- b. There shall be no relatives of the complainant on the Hearing Panel which hears his complaint; nor shall any OHA officer or employee whose duties and responsibilities involve him in any way with the grievance at issue sit as a member of the Hearing Panel for that particular hearing.
- c. The OHA shall provide reasonable reimbursement for out-of-pocket expenses for attendance at meetings by Hearing Panel members.

6. THE HEARING

- a. The parties shall be entitled to a fair hearing before the Hearing Panel and may be represented by counsel or another person chosen as representative.

- b. The hearing shall be private unless complainant requests public hearing and the Hearing Panel agrees. This shall not be construed to limit the presence at the hearing of persons with a valid interest in the proceedings.
- c. The complainant may examine before the hearing and, at complainant's expense, copy all documents, records, and regulations of the OHA that are relevant to the hearing. Any document not made available after a general request by the complainant for information related to his hearing may not be relied on by the OHA or the project management at the hearing. Upon request by either of the parties or the Hearing Panel, the hearing shall be recorded by mechanical means.
- d. If the dispute is over the amount of rent or other charges which the local housing authority claims is due, the complainant shall deposit the amount in dispute in an escrow account pending settlement of the dispute by the Hearing Panel. If the complainant fails to do so, the panel may determine that the complainant has waived his right to the hearing. Such determination shall not constitute a waiver of complainant's right to thereafter contest the local housing authority's disposition of his grievance in an appropriate judicial proceeding.
- e. If either party fails to appear at a hearing, the panel may postpone the hearing for five (5) working days or may make a determination that the party has waived his right to the hearing. Prior to deciding that the party has waived his right to a hearing, the Hearing Panel shall attempt to contact the party by phone. Such a determination as to the complainant shall not constitute a waiver of complainant's right to thereafter contest the OHA's disposition of his grievance in an appropriate judicial proceeding.
- f. At the hearing, the complainant must make a prima facie case, and then the burden of proof is on the OHA or project management to justify the action or inaction proposed by it in its answer to the complaint. The complainant may present evidence and arguments in support of his complaint, controvert evidence relied on by the OHA or project management, and confront and cross-examine all witnesses on whose testimony or

information the OHA or project management relies. Hearings conducted by the Hearing Panel shall be informal; and any oral or documentary evidence, as limited, however, to the facts and issues raised by the complaint and answer, may be received by the Hearing Panel without regard to whether that evidence would be admissible under rules of evidence employed in judicial proceedings.

- g. The Hearing Panel shall require the OHA, the complainant, counsel, and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the Hearing Panel to obtain order may result in exclusion from the proceeding or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, or both, as appropriate.

7. DECISIONS OF THE HEARING PANEL

- a. The decision of the Hearing Panel shall be based solely and exclusively upon facts presented at the hearing and upon applicable OHA and HUD regulations. To the extent that the decision is not inconsistent with State Law, the United States Housing Act of 1937, as amended, HUD regulations and requirements promulgated thereunder, or the Annual Contributions Contract, and to the extent provided in subsection below, the decision of the Hearing Panel shall be binding on the OHA.
- b. If both parties agree to prepare a proposed decision for the Hearing Panel, each party shall submit same to the Hearing Panel for its consideration.
- c. The Hearing Panel shall prepare its written decision, including a statement of findings and conclusions, as well as the reasons or basis therefor, upon all material issues raised by the parties. This shall be done within a reasonable time after the date of the hearing. Copies thereof shall be mailed or delivered to the parties and/or their representatives.
- d. The written decision of the Hearing Panel, with all names and identifying references deleted, shall be maintained on file by the OHA and

made available for inspection by a prospective complainant or his representative.

- e. Any judicial decision or related settlement pertaining to the decision of the Hearing Panel shall also be maintained on file by the OHA and made available for inspection.
- f. If the decision is in favor of the complainant, the OHA shall promptly take all actions necessary to carry out such decision or refrain from any action prohibited by such decision, unless and until the Board of Commissioners of the OHA determines and notifies the complainant in writing within thirty (30) days that the Hearing Panel has acted arbitrarily or exceeded its authority. In such event, the Hearing Panel's decision may be judicially reviewed.

8. APPEALS FROM THE HEARING PANEL DECISION

A decision by the Hearing Panel which is in favor of the OHA or project management and/or which denies the complainant his requested relief in whole or in part shall not constitute a waiver of, nor affect in any manner, whatever rights the complainant may have to a trial de novo in judicial proceedings which may thereafter be brought in the matter.

9. NOTICE TO VACATE PREMISES

- a. The notice to vacate premises shall be in writing and shall contain the following:
 - (1) The specific reasons for the proposed eviction;
 - (2) The tenant's right to request a hearing on the proposed eviction within ten (10) working days from service or receipt of the thirty (30) day notice.
 - (3) The tenant's right to continued tenancy pending a decision if he requests a hearing;
 - (4) That the tenant may secure copies of Forms G1 and G1S on which to request a hearing from the OHA.

- b. If the Tenant has requested a hearing on the proposed eviction and the Hearing Panel, by its decision, upholds the OHA's or project management's proposal to evict, an action to regain possession may not be commenced until after the Tenant's right to use and/or occupy the premises has been terminated by lawful notice. Such notice may not be given prior to the date on which the Hearing Panel's decision upholding the proposed eviction is delivered or mailed to the Tenant.
- c. When such notice to vacate is given to the Tenant, he must be informed in writing that:
- (1) If he fails to quit the premises or otherwise act as required within the period specified in the notice, appropriate legal action will be brought against him;
 - (2) If he chooses to contest the legal action, the OHA or project management must prove that the reasons upon which the Hearing Panel relied constituted good cause for eviction under the applicable law, rules, and regulations.

GRIEVANCE COMPLAINT

(This form is simply the first step in the grievance procedure; it does not automatically lead to a hearing. After response by the manager, the tenant will have five (5) working days in which to file a Request for Hearing.)

I, _____, hereby file the following grievance complaint:

Please fill out Sections A, B, and C.

A. Please check one:

_____ I dispute owing the amount of rent specified in the Housing Authority communication to me dated _____, 197____.

_____ I deny the behavior attributed to me by the Housing Authority in the personal conference held _____, 197____.

_____ I wish to initiate a grievance as described below:

B. Please state the details of your dispute, denial, or grievance:

C. Please state the action you are requesting:

DATE _____

Signature of Tenant

Address of Tenant

REQUEST FOR HEARING

I, _____, hereby request a hearing
before the Hearing Panel to resolve my dispute with the Oxnard
Housing Authority.

Address _____

Signature of Tenant _____

Account No. _____

Date _____

Telephone No. _____

Project _____

Date received by OHA _____

G1