

Staunton Redevelopment & Housing Authority

900 Elizabeth Miller Gardens · Staunton, VA 24401

P: 540-886-3413 F: 540-885-5414

GRIEVANCE POLICY AND PROCEDURE

RAD Project-Based Rental Assistance (PBRA) Program

Elizabeth Miller Gardens · Farrier Court



Effective / Adopted: _____

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1. Purpose and Authority

Staunton Redevelopment & Housing Authority (the “Authority”) has adopted this Grievance Policy and Procedure to provide for the prompt, fair, and equitable resolution of disputes arising at its RAD-converted Project-Based Rental Assistance (PBRA) properties.

This policy implements the resident procedural rights required for RAD PBRA conversions under the Rental Assistance Demonstration Notice (originally Attachment 1E to Notice PIH 2012-32 (HA), REV-1, and as carried forward in the current RAD Notice, H-2019-09 / PIH-2019-23, REV-4), which require the Authority, as owner, to provide adequate written notice of an adverse action and to establish a grievance process consistent with the procedural protections of Section 6 of the United States Housing Act of 1937. This policy also incorporates the applicable requirements of 24 CFR Part 245 (covered actions), 24 CFR Part 880, Section 504 of the Rehabilitation Act of 1973, the Fair Housing Act, the Violence Against Women Act (VAWA), and HUD Handbook 4350.3 REV-1.

Order of authority. These dwelling units are subject to the Virginia Residential Landlord and Tenant Act (VRLTA), Va. Code §§ 55.1-1200 et seq. Where the VRLTA is inconsistent with the regulations or requirements of the U.S. Department of Housing and Urban Development (HUD) applicable to this RAD PBRA project, the HUD regulations and requirements control; in all other respects, the VRLTA applies.

Nothing in this policy limits a resident’s right to pursue any remedy available under federal, State, or local law, including the right to contest a matter in an appropriate judicial proceeding.

2. Definitions

- **Adverse action** — a proposed action by the Authority (as owner) that adversely affects a resident’s tenancy or assistance, including a proposed termination of tenancy or assistance, the imposition of charges in addition to rent, the denial of a requested benefit, or a “covered action” under 24 CFR Part 245 (such as a rent increase, conversion to tenant-paid utilities, or a reduction in a utility allowance).
- **Complainant** — a resident or applicant (or an authorized representative) who files a grievance or complaint under this policy.
- **Impartial staff member** — an Authority employee or designee who did not make or approve, and was not directly involved in, the action being grieved, and who is not a subordinate of the person who made or approved it.
- **The Authority** — Staunton Redevelopment & Housing Authority, acting as owner and managing agent of the RAD PBRA project.
- **Days** — calendar days, unless “business days” is specified.

3. Scope

This policy addresses two distinct categories of matters, handled under the separate parts below:

- **Part A — Resident-Initiated Complaints:** complaints by a resident concerning property staff, vendors hired by the Authority, other residents, residents' guests, or service providers, and complaints alleging discrimination.
- **Part B — Grievances Concerning Authority Adverse Actions:** the RAD procedural-rights process triggered when the Authority proposes an adverse action against a resident.

Residents, residents' guests, and service providers are not responsible for enforcing the lease. A resident who wishes to file a complaint — personally or through an advocate — may be assured that the Authority will review the complaint and take appropriate action. The Authority will grant a reasonable accommodation to allow a resident or a resident's representative to file a complaint or participate in any proceeding where there is a disability.

PART A — RESIDENT-INITIATED COMPLAINTS

4. Filing a Complaint

A complaint must be submitted to property management staff or the main office of the Authority within ninety (90) calendar days of the date the complainant becomes aware of the alleged action. The complainant must submit a statement (preferably written) setting forth the nature of the complaint and the facts on which it is based, including the complainant's name and address and the requested remedy or relief.

5. Investigation and Informal Resolution

Property staff (or a designee) will investigate the complaint. The investigation may be informal, but it must be thorough and afford all interested persons an opportunity to submit relevant evidence. Staff will contact the complainant no later than fifteen (15) business days after receiving the written statement to schedule an informal meeting aimed at resolving the matter. In no case will the informal meeting be held more than forty-five (45) business days after the statement is received. The complainant may request a reasonable accommodation to assist with participation.

6. Written Decision and Appeal

Within fifteen (15) business days of the informal meeting, the Authority will provide the complainant with a written decision stating whether the Authority finds the complaint valid and, if so, the steps it will take to resolve it. If the Authority determines the complaint is not valid, the complainant may appeal within fourteen (14) calendar days of the written decision. The appeal will be conducted by a staff member who was not involved in the original decision. The Authority will issue a written decision on the appeal no later than thirty (30) calendar days after it is filed, in an equally effective format upon request.

PART B — GRIEVANCES CONCERNING AUTHORITY ADVERSE ACTIONS (RAD PROCEDURAL RIGHTS)

7. Notice of Adverse Action

Before taking an adverse action, the Authority will provide the resident with written notice. For a proposed termination of tenancy, the notice period will be no less than:

- a reasonable period of time, not to exceed thirty (30) days, where the health or safety of other residents, Authority employees, or persons residing in the immediate vicinity is threatened, or in the event of any drug-related or violent criminal activity or any felony conviction; and
- fourteen (14) days in the case of nonpayment of rent, and not before any grace period permitted by State law has expired.

In all other cases, the requirements of 24 CFR 880.607, the HUD Model Lease, and applicable HUD multifamily guidance apply. For a non-termination adverse action, the Authority will provide reasonable written notice. The periods stated above are minimums; the Authority's notice may provide a longer period, and its standard notice of termination for nonpayment does so.

Contents of the notice. Every notice of an adverse action will:

- state the specific grounds for the action in enough detail to enable the resident to prepare a defense;
- for a termination, state the specific date the tenancy will be terminated;
- advise the resident of the right to request an informal hearing under this Part, and that remaining in the unit past the termination date may result in the Authority seeking to enforce the termination in court, where the resident may present a defense;
- advise the resident that a written request for an informal hearing must be made within ten (10) business days, subject to the good-cause exception in Section 8;
- advise that a person with a disability has the right to request a reasonable accommodation to participate in the hearing process; and
- for nonpayment of rent, state the dollar amount of the balance due and the date of its computation.

Legal aid notice. Because the Authority is a public housing authority, the first page of any notice of termination of tenancy will state, in type no smaller than the body of the notice, the name, address, and telephone number of the legal aid program serving the City of Staunton, as required by Va. Code § 55.1-1202(D).

For this property, the legal aid program is Blue Ridge Legal Services, Inc., 204 North High Street, Harrisonburg, VA, (540) 433-1830, www.brls.org. Residents may also use Virginia's statewide legal aid intake line at 1-866-534-5243 (1-866-LEGLAID) or visit www.valegalaid.org.

Grounds relied upon. The Authority will rely only on the grounds stated in the notice at any hearing under this Part and in any subsequent judicial eviction action.

Charges in addition to rent will conform to applicable limits, including the prohibition in Va. Code § 55.1-1208(C) on charging a public-housing tenant for maintenance or

repair not necessitated by the tenant's act or omission, and the late-charge limit in Va. Code § 55.1-1204(E).

Expedited grievance procedure. For a proposed adverse action based on (a) criminal activity that threatens the health or safety or right to peaceful enjoyment of other residents, Authority employees, or persons residing in the immediate vicinity, or (b) any drug-related or violent criminal activity, the grievance procedure is expedited. The informal steps in Sections 8 through 10 do not apply, and a resident who wishes to grieve the action may elect a formal grievance hearing under Section 11 by submitting a written request within five (5) business days of the date the notice is delivered. The notice of adverse action will state this right and the deadline to elect.

Stay of adverse action. For any grievance not within the expedited procedure, timely filing of a grievance request may, in the Authority's discretion, stay the adverse action proposed in the notice.

8. Requesting an Informal Hearing

A resident who wishes to grieve an adverse action must submit a written request for an informal hearing within ten (10) business days of the date the notice is delivered (as determined under Va. Code § 55.1-1202). The Authority will retain proof of service of the notice. A resident may request a reasonable accommodation to assist in making the request or participating in the proceeding.

Failure to submit a timely written request waives the right to proceed under this Part as to that action, except that the Authority will accept a late request upon a showing of good cause (including disability, illness, absence from the unit, or other excusable neglect). A waiver under this Section does not waive any right the resident may have to contest the action in an appropriate judicial proceeding.

9. Conduct of the Informal Hearing

The informal hearing will be conducted by an impartial staff member, within a reasonable period of time. At the hearing, the resident has the right to:

- be represented, at the resident's own expense, by counsel or another person of the resident's choice, and to have that person make statements on the resident's behalf;
- examine, at the resident's request before the hearing, any Authority documents, records, and regulations directly relevant to the action and, with reasonable advance notice and at the resident's own cost, to copy them — and if the Authority does not make a requested document available, it may not rely on that document at the hearing;
- present evidence and arguments, controvert the evidence the Authority relies on, and question witnesses.

Burden of proof. The resident must first make a showing of an entitlement to the relief sought; the Authority must then sustain the burden of justifying the action or failure to act against which the grievance is directed.

Filing or pursuing a grievance does not otherwise suspend the resident's obligation to pay rent and other charges as they become due.

10. Written Decision — Informal Hearing

The Authority will provide the resident with a written decision (or summary of the informal settlement conference) within a reasonable period of time, not to exceed fourteen (14) calendar days after the hearing, stating the grounds for the action and the evidence the Authority relied upon. The decision will be furnished in an equally effective format upon request.

11. Formal Grievance Hearing

A resident who is not satisfied with the informal decision may request a formal grievance hearing within five (5) days of receiving the written informal decision. The hearing will be conducted by an impartial person designated by the Authority who did not make or approve, and was not directly involved in, the action, and who, where practicable, is not the same person who conducted the informal hearing. Where an impartial staff member is not reasonably available, the Authority may designate a qualified third party to conduct the hearing; the Executive Director (or designee) is responsible for designating the hearing officer. The hearing will be scheduled promptly at a time and place reasonably convenient to both parties; with the agreement of both parties, it may be conducted using a web-meeting platform. The resident is entitled to a fair hearing, which includes:

- the opportunity to examine, at the resident's request, before the hearing, any documents in the Authority's possession directly relevant to the hearing (with the same consequence for non-production stated in Section 9), and to copy such documents at the resident's expense;
- the right to be represented by counsel or another person of the resident's choice;
- the right to present evidence and arguments, to controvert the Authority's evidence, and to confront and cross-examine all witnesses on whose testimony or information the Authority relies; and
- a decision based solely and exclusively on the facts presented at the hearing.

If the resident fails to appear at a scheduled hearing, the Authority may postpone the hearing for no more than five (5) business days or determine that the resident has waived the right to a hearing. A waiver does not waive the resident's right to contest the Authority's disposition in an appropriate judicial proceeding. Either party may arrange for a transcript in advance and at that party's expense.

12. Written Decision and Binding Effect

The written decision issued after the formal grievance hearing — or, if the resident does not request a formal hearing, the written decision issued after the informal hearing — is the Authority's final decision under this Part. The Authority will issue the formal-hearing decision within a reasonable period of time, not to exceed fifteen (15) business days after the hearing, stating the grounds for the decision and the evidence relied upon.

The Authority will be bound by its final decision under this Part, except where:

- the matter exceeds the authority of the impartial party who conducted the hearing; or
- the decision is contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.

If the Authority determines that it is not bound by a hearing decision, it will promptly notify the resident of that determination and the reasons for it. A decision under this Part does not preclude the resident from seeking redress through the courts.

PART C — PROVISIONS APPLICABLE TO ALL GRIEVANCES

13. Preservation of Rights; Non-Waiver

Nothing in this policy waives, limits, or requires a resident to forgo any right or remedy available under the VRLTA or other federal, State, or local law. A resident's failure to request or use any procedure under this policy does not waive the resident's right to contest the Authority's action in an appropriate judicial proceeding. A resident may rely on any State or local law that provides procedural rights in addition to those set out in this policy.

14. Discrimination Complaints

Any person who believes they have been subjected to discrimination prohibited by the Fair Housing Act, Section 504 of the Rehabilitation Act, the Equal Access Rule, VAWA, or any other fair housing law may file a complaint with the Authority, personally or through a representative, within ninety (90) calendar days of becoming aware of the alleged discriminatory action. A discrimination complaint filed with the Authority will be investigated and resolved using the procedure in Sections 5 and 6. The availability and use of this procedure does not prevent a person from filing a complaint of disability discrimination with HUD's Office of Fair Housing and Equal Opportunity (1-800-669-9777) or the U.S. Department of Health and Human Services, Office for Civil Rights.

15. External Complaints to HUD

Residents may submit complaints to HUD or its assigned agent at any time. Complaints about the property's management or condition may be made to HUD's Multifamily Housing Complaint Line at 1-800-685-8470 (TTY 1-800-432-2209), or to the HUD Richmond Field Office, Office of Multifamily Housing. If HUD requests information to research or resolve a complaint, the Authority will cooperate. HUD establishes its own timetable for complaints made directly to HUD, and the determination that such a matter is "closed" generally rests with HUD.

16. Reasonable Accommodation

In compliance with Section 504, the Authority will grant any reasonable accommodation needed to allow an applicant or resident with a disability to communicate with the Authority or to participate in any proceeding under this policy.

Such arrangements may include, but are not limited to, providing interpreters, providing materials in alternative formats, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator is responsible for these arrangements. The Authority's Reasonable Accommodation / Modification Policy is available upon request.

17. VAWA Protections

HUD provides protections for victims of domestic violence, dating violence, sexual assault, and stalking. These protections apply to all persons regardless of sex and to individuals affiliated with a victim who face an imminent threat. Victims remain required to comply with the Tenant Selection Plan and the lease (including lease attachments).

The Authority makes the following HUD VAWA forms available to applicants and residents at the management office and on its website, on the Multifamily Apartments page:

- Form HUD-5380, Notice of Occupancy Rights under the Violence Against Women Act;
- Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking; and
- Form HUD-5383, Emergency Transfer Request for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking.

These forms are posted at www.stauntonrha.org/multifamily-apartments. To learn about the property's VAWA protections, to submit a certification, or to request an emergency transfer, a resident may use these forms or contact management staff. Paper copies and reasonable accommodations are available upon request.

The Authority maintains a VAWA Emergency Transfer Plan, attaches the VAWA lease addendum (Form HUD-91067) to the lease, and provides the Notice of Occupancy Rights (Form HUD-5380) and certification form (Form HUD-5382) at admission, with any notice of denial of assistance or termination, and upon request.

18. Recordkeeping

The Authority will maintain the files and records relating to all complaints and grievances filed under this policy for a minimum of five (5) years.

19. Nondiscrimination and Section 504 Coordinator

The Authority does not discriminate on the basis of disability in admission to, access to, treatment in, or employment in its federally assisted programs and activities. The Authority provides meaningful access to persons with limited English proficiency, including oral interpretation and the written translation of vital documents, consistent with HUD's LEP guidance and applicable Virginia law. If you have difficulty understanding English, please request assistance and the Authority will ensure meaningful access based on your individual needs.

The following person is designated to coordinate compliance with the nondiscrimination requirements of HUD's regulations implementing Section 504 (24 CFR Part 8, dated June 2, 1988):

Name: Nehemias Velez, Executive Director

Address: 900 Elizabeth Miller Gardens, Staunton, VA 24401

Telephone (Voice): (540) 886-3413

Virginia Relay: 711 or 1-800-828-1120 (TDD) / 1-800-828-1140 (voice)

Appendix 1 — Grievance / Incident Report Form

Purpose. Use this form to report a grievance or complaint. If you witness a crime, please contact the local police in addition to notifying property staff.

Today's Date	
Your Name	
Head of Household (if different)	
Building and Unit Number	
Home / Cell Phone	
Email Address	
Complaint is about (name or description; if known and safe to provide)	
Names of Other Witnesses (if known)	

Complaint concerns (check all that apply): ☐ Property staff ☐ A vendor ☐ Another resident ☐ A resident's guest ☐ A resident's service provider ☐ An Authority action (adverse action) ☐ Not about a person

Description of Grievance / Complaint (please be as descriptive as possible; attach additional sheets if needed). Include date(s) and location(s) of the incident(s).

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I certify that the information I have provided is true and correct.

Print Name: _____ Signature: _____

Date: _____

Return to: SRHA, 900 Elizabeth Miller Gardens, Staunton, VA 24401 | In person or via the drop boxes at Elizabeth Miller Gardens and Farrier Court | Fax: (540) 885-5414 | Email: ahutchens@stauntonrha.org

Warning: Title 18, Section 1001 of the U.S. Code provides that knowingly and willfully making a false or fraudulent statement to a department or agency of the United States is a felony. Penalties for the misuse of a Social Security number are provided in the Social Security Act.