

Department of Housing Services & Housing Authority of Washington County

Grievance Policy & Procedures

This document defines the policies and procedures related to grievances filed with the Department of Housing Services or the Housing Authority of Washington County. Grievances may be filed due to internal events (actions made by staff of the Department of Housing Services) or third-party events (actions made by other service providers who hold contracts with the Department of Housing Services). Grievances may be filed by the offended party or by representatives or advocates. Complaints may also be filed by staff.

Definitions

Grievance: Any dispute a resident or participant may have with respect to action (or failure to act) in accordance with the individual's lease, or local, state or federal regulations, which adversely affects the individual's rights, duties, welfare or status.

Complainant: Any resident or participant (or their representative or advocate) whose grievance is presented to the Department of Housing Services according to these procedures.

Hearings Officer: A hearings officer is responsible for conducting fair hearings and rendering fair and reasonable decisions based on the evidence introduced. A hearings officer is typically a third-party contractor (not an employee of the Department of Housing Services) and considers the law, federal requirements and written policies and procedures as applied to each case.

Reasonable Accommodation Request: A reasonable accommodation is a change in rules, policies, practices, or services. The change is necessary to afford you equal opportunity to use and enjoy a dwelling.

Reasonable Accommodation Appeal: After a participant or resident has received a denial of a reasonable accommodation request, they have the right to appeal that decision and ask for it to be reconsidered.

Civil Rights Complaint: A civil rights complaint addresses protected class discrimination based on age, color, disability, gender identity, marital status, national origin, race, religion, sex, or sexual orientation. The Fair Housing Act (below) is a subset of the Civil Rights Act.

Fair Housing Complaint: A fair housing complaint is a way to report illegal discrimination related to the sale, rental, emergency shelters, transitional housing and financing of housing, based on race, color, national origin, religion, sex, family status, or disability. The US Department of Housing and Urban Development (HUD) enforces the Fair Housing Act and investigates complaints through its Office of Fair Housing and Equal Opportunity (FHEO).

ADA (Americans with Disabilities Act) Compliance Complaint: The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools,

transportation, and all public and private places that are open to the general public. An ADA compliance complaint is a way to report discrimination in housing based on disability.

Applicability

Grievances must be submitted within thirty (30) days of the action (or failure to act) in question.

This grievance procedure applies to all individual grievances between the Department of Housing Services/Housing Authority of Washington County and its residents or participants, excluding:

- Disputes between tenants not involving the Department of Housing Services;
- Class action grievances;
- Forums for initiating or negotiating policy changes between residents/participants and the Housing Authority Board of Directors or Board of County Commissioners
- So long as a Due Process Determination by HUD is in effect for Oregon (see Section V(E)), any grievance concerning a termination of tenancy or eviction that involves:
 - Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises in question;
 - Any drug-related criminal activity on or near such premises

These types of decisions do not allow for a hearing:

- Administrative determinations by the Department of Housing/Housing Authority
- General policy issues or class grievances
- Establishment of the utility allowance schedule
- Denial of a voucher extension
- Voucher suspension
- Determination not to approve a rental unit or lease
- Non-compliance with Housing Inspection Standards (unless the result would be voucher termination)
- Household size non-compliance
- Failing to remedy an eviction notice
- Judicial eviction or lease termination

Partnering Service Providers

Program contracts and/or program standards with service providers will include requirements for an established, written policy for addressing complainant grievances, requests and appeals. The process must be readily accessible to applicants and participants.

Exception: If a civil rights complaint is filed with the Department of Housing Services against a third-party service provider, the complaint will go through the hearings officer process.

Partnering service providers must keep record of all grievances received and must make records and grievances available to the Department of Housing Services upon request.

General grievances (third-party partnering service providers) –

- Claimants who are filing a general grievance against a third-party partnering service provider will use that provider’s established grievance process.
- Third-party partnering service providers must have an established, written policy for addressing complainant grievances, requests and appeals. The process must be readily accessible to applicants and participants.
- The partnering service provider must keep record and inform the Department of Housing Services of all grievances submitted, approved and denied.
- The Department of Housing Services reserves the right to require modification of any policy that in its determination does not meet the basic principles or requirements as specified in the contract and/or program standards.

Procedure – Filing a Grievance

Please note: If the complainant is a resident or participant of Department of Housing programs, the complainant is obligated to pay their rent portion as previously specified, pending the resolution of the grievance. If the complainant has a barrier to paying their rent portion as previously specified, they may seek a hardship accommodation within their program.

1. Claimant completes and submits [Form to Submit a Grievance](#).
 - Form is available on the Housing Website in three locations: Contact Us page, Get Help & Housing Resources and Current Tenants.
 - Form will be made available in any translated language as requested. Information about how to request a translation will be included on the form.
 - Department of Housing Services may provide assistance in completing the form or referrals to partnering departments or organizations that can provide assistance.
 - Form can be completed and submitted electronically, by phone, or printed and submitted by mail or in person at the Department of Housing Services front desk.
2. Staff send letter of acknowledgement to claimant within 5 business days
 - Letter is translated to requested language (may required up to 3 additional business days)
 - Letter of acknowledgement may be sent by USPS or by email
 - Letter of acknowledgement includes description of process and expected timeline for next communication
3. Grievance is entered into the tracking sheet, initiating the review process. The review process differs slightly depending on category of the grievance:
 - a. General grievance (no other category specified) –
 - Grievances are reviewed by the internal review team. Each member of the review team has completed training on process, policies and procedures.
 - Each grievance shall be reviewed within 10 business days.
 - b. Reasonable accommodation appeal –

- Reasonable accommodation appeals are reviewed by the internal review team. Each member of the review team has completed training on process, policies and procedures.
 - Each grievance shall be reviewed within 10 business days.
- c. Civil rights complaint –
- Civil rights complaints against actions of the Department of Housing Services are reviewed by the internal review team. Each member of the review team has completed training on process, policies and procedures.
 - Each grievance shall be reviewed within 10 business days.
 - The Department of Housing Services reserves the right to refer a civil rights complaint directly to a Hearings Officer for any reason.
 - If a civil rights complaint is submitted against a third-party service provider, the complaint will go directly to the hearings officer.
- d. Fair Housing complaint –
- Claimants can inform Department of Housing Services of any Fair Housing concerns in addition to formally submitting a complaint with HUD and/or Fair Housing Council of Oregon.
 - Claimants have one year after an alleged violation to file with complaint with HUD, but are encouraged to file as soon as possible.
 - The US Department of Housing & Urban Development (HUD) manages issues around housing discrimination. Complaints can be filed via [complaint form](#) (HUD-903, available in several languages Spanish or English).
 - Residents can also call the Fair Housing Hub for more information at (206) 220-5170 or (800) 877-0246; or visit [HUD's Fair Housing and Equal Opportunity website](#).
 - HUD provides assistance for persons with disabilities and limited English proficiency, and prohibits retaliation against anyone who reports discrimination.
 - Fair Housing Council of Oregon (FHCO) assists in issues of illegal housing discrimination in the State of Oregon. To file a complaint, use the [Report Discrimination Form](#) located on their website.
 - Fair Housing complaints and concerns will be tracked by the Department of Housing Services (Washington County) for educational and policy development. The Department of Housing Services does not enforce or provide rulings on Fair Housing violations, but abides by Fair Housing laws in our programs and contracts.
- e. ADA Compliance complaint –
- ADA Complaint appeals are reviewed by the internal review team. Each member of the review team has completed training on process, policies and procedures.
 - Each grievance shall be reviewed within 10 business days.
4. Claimant is notified of their options for proposed remedy or hearing consideration.
- Response letter is translated to requested language (may required up to 3 additional business days)
 - Response letter may be sent by USPS or by email
 - A copy of the response letter is added to the claimant's record in the internal tracking system

Hearings Officer

Terminations, requested appeals to remedies and civil rights complaints against a third-party service provider will be processed through the Department of Housing Services Hearings Officer. Whenever possible, the hearings officer will be a third-party contractor (not an employee of the Department of Housing Services) who provides as needed hearing officer services.

- The hearings officer will contact to schedule a hearing within ten (10) days after notification of the need for a hearing. The hearings officer will coordinate directly with the complainant.
- The hearings packet (including all information provided by the Department of Housing Services and the complainant) will be shared with both the hearings officer and the complainant. If the complainant has additional information, it should be shared with both the hearings officer and the Department of Housing Services.
- Prior to the hearing, the hearings officer will review the documents provided by the Department of Housing and the complainant. During the hearing, both parties will have an opportunity to state their case and answer questions.
- The hearings officer will take detailed notes or maintain a recording of the hearing.
- The hearings officer will review laws, federal and local requirements, and established policies and procedures of the Department of Housing Services and/or third-party service providers, as relevant to each case.
- The hearings officer will render a formal written decision of findings and submit the written decision to the complainant and the Department of Housing Services within ten (10) business days of the hearing.
- Interpreter and translation will be provided as requested.
- Hearings may be waived or rescheduled upon agreement of both parties. If the complainant does not appear for the hearing without providing notice, the Department of Housing Services reserves the right to issue a proposed remedy or deny additional hearings.

Review & Audit

1. The Department will regularly review all grievances submitted, approved and denied to audit for discrepancies or create additional guidance.
 - The review team meets every other month to analyze the most recent grievances. The review team will monitor for discrepancies in responses, any corrections that need to be made, or common themes among grievances submitted.
 - The review team will keep written notes of their bimonthly meetings and notes will be kept available for executive leadership to review.
 - On an annual basis, a data analyst will compile grievances submitted, approved and denied and complete an in-depth analysis. The analysis will monitor for discrepancies related to race, ethnicity, age, disability, familial status, etc.
 - The annual analysis will be provided to the review team and the department management team.
2. The Department will regularly review grievances tracked by third-party service providers who hold contracts with the Department of Housing Services.

- The review team will meet bimonthly to review all grievances submitted, approved and denied through the third party for discrepancies or to create additional guidance. The review team will monitor for discrepancies in responses, any corrections that need to be made, or common themes among grievances submitted.
- The review team will keep written notes of their bimonthly meetings and notes will be kept available for executive leadership to review.
- On an annual basis, a data analyst will compile grievances submitted, approved and denied and complete an in-depth analysis. The analysis will monitor for discrepancies related to race, ethnicity, age, disability, familial status, etc.
- The annual analysis will be provided to the review team and the department management team.
- If the review team has specific concerns about the established process of a third-party service provider, the Department of Housing Services will request a meeting and provide written suggestion for modifications to the provider's grievance policy.
- If the review team finds that the established process does not meet the minimum criteria outlined in the contract, the Department of Housing Services will provide written guidance to bring the process and policy into compliance with requirements. Department of Housing Services may also provide recommendations to strengthen policies and procedures to improve equitable access to services.