



GRIEVANCE POLICY

REVISED:

December 16, 2020, via Resolution #20-127

September 25, 2023, via Resolution #23-96

TABLE OF CONTENTS

I. GENERAL POLICY	3
A. Introduction	3
B. Applicability.....	3
C. Conduct for All Grievances.....	3
D. Definitions.....	4
II. VOUCHER/MOD REHAB PROGRAM.....	5
A. Informal Review for Denials of Admissions to Program.....	5
B. Informal Hearings for Participants.....	7
III. HAGC OWNED AND MANAGED PROPERTIES.....	12
A. Informal Hearing for Applicant Denials	12
B. Procedures for Residents of Owned and Managed Properties	13
IV. ADMINISTRATIVE REVIEWS.....	16
A. Grievances Subject to Administrative Review.....	16
B. Administrative Review Process	16
ATTACHMENTS	
Attachment A - REQUEST FOR INFORMAL REVIEW, INFORMAL HEARING OR GRIEVANCE HEARING	18
Attachment B - REQUEST FOR APPEAL TO EXECUTIVE DIRECTOR.....	20
Attachment C - REMOTE HEARING POLICY	22

I. GENERAL POLICY

A. Introduction

The Housing Authority of Gloucester County (HAGC) adopts this Grievance Policy (“Policy”) to provide standards for program applicants and participants, and HAGC residents, to seek just, effective and efficient settlement of Grievances against HAGC. This Policy is adopted in accordance with federal regulations, 24 *C.F.R.* Part 966 and *the U.S. Housing Act of 1937* (2 *U.S.C.* sec. 1437d(k)), 24 *C.F.R.* 982 Subpart L, 24 *C.F.R.* 982.310, 24 *C.F.R.* 983.257, 24 *C.F.R.* 880 Subpart F, 24 *C.F.R.* 891 Subpart D and HUD Handbook 4350.3.

If there should be any conflict between this Policy and federal, state, or local laws and regulations, the laws and regulations shall prevail.

Consistent with its federally mandated obligation to provide informal reviews, informal hearings, informal settlement conferences and grievance hearings as contained within this Policy, HAGC, in its discretion, may elect to perform such reviews, hearings and conferences remotely in accordance with HAGC’s Remote Hearing Policy.

B. Applicability

HUD has issued a due process determination that the law of the State of New Jersey requires that residents be given the opportunity for a hearing in court which provides the basic elements of due process before an eviction from a dwelling unit. Therefore, HAGC has determined that this Policy shall not be applicable to any termination of tenancy or eviction that involves a violation of HAGC’s One Strike You’re Out Policy including the following:

1. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of another resident or employee of HAGC, or
2. Any drug related criminal activity on or near such premises.

Individuals with a disability that require a reasonable accommodation of this Policy shall submit a written request for a reasonable accommodation to HAGC’s Reasonable Accommodation Coordinator.

This Policy shall be incorporated by reference in all dwelling leases between residents and HAGC, whether specifically provided in such leases.

C. Conduct for All Grievances

All HAGC employees, applicants, residents, participants, counsel and witnesses or spectators shall conduct themselves in an orderly fashion during the course of all informal reviews, informal hearings, informal settlement conferences and grievance hearings. Failure to comply with the directions of the Hearing Officer or to maintain order may result

in exclusion from, or termination of, the proceedings, or in a decision adverse to the interests of the disorderly party and granting or denying of the relief sought, as appropriate.

D. Definitions

1. **Applicant** shall mean persons who have filed a pre-application or application with HAGC for any of the programs administered by HAGC.
2. **HAGC** shall mean the Housing Authority of Gloucester County.
3. **Voucher/Mod Rehab Program** shall mean either the Section 8 Housing Choice Voucher Program (including Mainstream Vouchers and VASH Vouchers, or any other special purpose voucher administered by HAGC), Project-Based Voucher Program, or Moderate Rehabilitation Program, as applicable to the circumstances.
4. **Elements of Due Process** shall mean adequate notice to the resident of the grounds for terminating the tenancy and for eviction; right of the resident to be represented by counsel; opportunity for the resident to refute the evidence presented by HAGC including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense which the resident may have; and a decision on the merits.
5. **Grievance(s)** shall mean any dispute(s) which a resident, participant or applicant may have with respect to HAGC's action or failure to act in accordance with the individual resident's lease or HAGC regulations, policies, or procedures which adversely affect the individual resident's rights, duties, welfare or status.

Grievance(s) does **not** include any dispute a resident may have with HAGC concerning a termination of tenancy or eviction that involves any criminal activity that threatens the health, safety, or right to peaceful enjoyment of HAGC's Public Housing premises by other residents or employees of HAGC; or any violent or drug-related criminal activity on or near such premises. Nor shall this process apply to disputes between residents or participants not involving HAGC or to class grievances.

6. **Hearing Officer** shall mean an impartial person designated by the Executive Director, in accordance with this Policy and current regulations, to administer the informal reviews, informal hearings, and grievance hearings and render a decision with respect thereto. The Hearing Officer shall be a person who has not made or approved the decision under review, or a subordinate of that person.
7. **Participant** shall mean any individual or family receiving assistance in the Voucher/Mod Rehab Program.
8. **Promptly** shall mean within the time period indicated in a notice from HAGC of a proposed action which would provide the basis for a grievance if the resident has received a notice of a proposed action from HAGC.

9. **Resident** shall mean the adult person (or persons) other than a live-in aide:
 - a. Who resides in a dwelling unit and who executed the lease with HAGC as lessee of the premises; or, if no such person now resides in the premises.
 - b. Who resides in a dwelling unit owned or managed by HAGC and who is the remaining head of household of the resident family residing in the dwelling unit.

II. VOUCHER/MOD REHAB PROGRAM

A. Informal Review for Denials of Admissions to Program

24 *C.F.R.* 982.54(d)(12), 24 *C.F.R.* 982.554, 24 *C.F.R.* 983.255

An informal review is a review of an applicant's file and circumstances by the Hearing Officer to determine whether HAGC's policies and procedures have been correctly applied in denying the application.

1. When Informal Reviews are Required

Unless otherwise noted as an exception as indicated below, an applicant whose application is denied shall be provided an opportunity for an informal review of HAGC's decision. However, an applicant whose application is denied for reasons of citizenship or eligible immigrant status shall be provided an "Informal Hearing."

2. When Informal Reviews are not Required

Informal reviews are not required, in the following circumstances:

- a. Discretionary administrative determinations such as what constitutes a complete application, how and when applications will be assigned for review, and what resources will be devoted to the review of a particular application or applications in general;
- b. General policy issues or class grievances such as local preferences and income eligibility;
- c. A determination of the family unit size under HAGC's subsidy standards;
- d. A refusal to extend or suspend a voucher;
- e. A determination not to approve tenancy for a specific dwelling unit;
- f. A determination that a dwelling unit selected by an applicant is not in compliance with National Standards for the Physical Inspection of Real Estate (NSPIRE) because of characteristics of the dwelling unit; or

- g. A determination that a dwelling unit is not in accordance with NSPIRE due to family size or composition.

3. Notice of Denial/ Requesting an Informal Review

When HAGC determines that an applicant is ineligible, the applicant must be notified of the decision in writing. The notice shall state:

- a. The reason(s) for ineligibility;
- b. A statement that the applicant may request an informal review if the applicant disagrees with the decision;
- c. The procedure for requesting an informal review; and
- d. The deadline for requesting an informal review.

If HAGC obtains criminal record information from a state or local agency showing that an applicant has been convicted of a crime relevant to applicant eligibility, HAGC will notify the applicant of the proposed action to be based on the information and will provide the subject of the record and the applicant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information.

4. Procedures for Informal Review

A request for an informal review must be submitted to HAGC's Grievance Coordinator on the Request Form at Attachment A to this Policy no later than thirty (30) calendar days from the date of HAGC's denial notice. Late requests will not be processed unless the applicant demonstrates the delay was due to extraordinary circumstances beyond the applicant's control.

The informal review shall be conducted by the Hearing Officer.

The applicant will be provided the opportunity to present oral and/or written objections to the denial. Both HAGC and the applicant may present evidence and witnesses. An applicant may, at their own expense, be represented by an attorney or other designated advocate or representative. An applicant may be present at the informal review to provide information, but the applicant's presence is not required,

Unless special circumstances apply, the decision of the Hearing Officer shall be provided to the applicant in writing within fourteen (14) calendar days after the informal review and shall include an explanation of the reasons for the decision. The decision shall also include a statement of the right to appeal the decision pursuant to Section II(B)(10) of this Policy.

5. Consideration of Circumstances in Discretionary Denials

In circumstances when the denial of an applicant is within the discretion of HAGC, HAGC may consider all circumstances in each case including the seriousness of the case, the extent of participation or culpability of the individual family members and the effect of denial of assistance on other family members who were not involved in the action or failure.

HAGC may impose, as a condition of assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure will not reside in the dwelling unit.

6. Informal Hearing When Denial is Based on Eligible Immigration Status

The applicant family may request that HAGC provide for an informal hearing after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. This request must be submitted by the applicant family to HAGC's Grievance Coordinator on the Request Form at Attachment A to this Policy within thirty (30) calendar days of receipt of the *Notice of Denial or Termination of Assistance*, or within thirty (30) calendar days of receipt of the INS appeal decision.

Informal hearings permitted under this Section shall be conducted in accordance with Sections II(B)(5) through (11) of this Policy, except that the applicant family will have up to thirty (30) calendar days of receipt of the *Notice of Denial or Termination of Assistance*, or of the INS appeal decision to request the informal hearing.

B. Informal Hearings for Participants

24 *C.F.R.* 982.555(a-f), 982.54(d)(13)

1. When Informal Hearing is Required

HAGC must give a participant family an opportunity for an informal hearing to consider whether the following HAGC decisions, relating to the individual circumstances of a participant family, are in accordance with the law, HUD regulations and HAGC policies:

- a. The determination of the participant's annual or adjusted income and the computation of the Housing Assistance Payment (HAP);
- b. The determination of the appropriate utility allowance (if any) for tenant-paid utilities from the HAGC utility allowance schedule;
- c. The determination of family unit size under HAGC's subsidy standards;

- d. A decision to terminate a participant's Family Self-Sufficiency (FSS) contract, withhold supportive services, or propose forfeiture of the participant's escrow account;
- e. A decision to terminate assistance for a participant family because of the family's action or failure to act (see 24 *C.F.R.* 982.552); or
- f. A decision to terminate assistance because the participant family has been absent from the assisted dwelling unit for longer than the maximum period permitted under HAGC policies and HUD regulations.

An opportunity to request an informal hearing must always be provided before terminating assistance.

2. When Informal Hearing is not Required

HAGC may in its sole discretion, but is not required to, provide a participant family an opportunity for an informal hearing for any of the following reasons:

- a. Discretionary administrative determinations by HAGC;
- b. General policy issues or class grievances;
- c. Establishment of the HAGC schedule of utility allowances for families in the program;
- d. An HAGC determination not to approve an extension or suspension of a voucher term;
- e. An HAGC determination not to approve a dwelling unit or lease;
- f. An HAGC determination that an assisted dwelling unit is not in compliance with NSPIRE. (However, HAGC will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of NSPIRE caused by the family);
- g. An HAGC determination that the dwelling unit is not in accordance with NSPIRE because of the family size; or
- h. An HAGC determination to exercise or not exercise any right or remedy against the owner under a HAP contract.

3. Consideration of Circumstances

In circumstances when the termination of a participant is within the discretion of HAGC, HAGC may consider all circumstances in each case including the seriousness of the case, the extent of participation or culpability of the individual family members

and the effect of termination of assistance on other family members who were not involved in the action or failure.

HAGC may impose, as a condition of assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure will not reside in the dwelling unit.

4. Notice to Participants of HAGC Action/Decision

Participants shall be notified in writing of actions or decisions regarding the amount of the participant's assistance or eligibility for continued participation in the program. Participants will be given prompt notice of such actions or decisions, which shall include:

- a. The proposed action or decision;
- b. The date the proposed action or decision will take place.
- c. An explanation of the basis for the action or decision;
- d. The process for requesting a hearing if the participant disputes the action or decision; and
- e. The deadline for requesting an informal hearing. All requests for informal hearings must be submitted to HAGC's Grievance Coordinator on the Request Form at Attachment A to this Policy within thirty (30) calendar days of the date of HAGC's action or decision. Late requests will not be processed unless the participant demonstrates the delay was due to extraordinary circumstances beyond the participant's control.

When continued participation in the program is denied because of criminal activity described in a criminal record, HAGC will, on request, provide the participant and the person who is the subject of the record a copy of the criminal record upon which the denial decision is based.

5. Notification of Informal Hearing

When a request for an informal hearing is received, the HAGC Grievance Coordinator shall schedule an informal hearing within thirty (30) calendar days from the date the request is received by HAGC's Grievance Coordinator. This deadline may be extended at the sole discretion of HAGC if necessary and appropriate under the circumstances. The informal hearing notification shall state:

- a. The date and time of the informal hearing;
- b. The place where the informal hearing will be held;

- c. That the participant has the right to present evidence and witnesses, bring interpreters, and be represented by legal counsel or a representative at the participant's expense;
- d. That the participant has the right to review any available documents or evidence upon which HAGC based the proposed action or decision and, at the family's expenses, obtain a copy of such documents prior to the informal hearing. Such requests must be received no later than three (3) business days before the informal hearing date; and
- e. HAGC shall have the opportunity to examine at its office, before the informal hearing, any participant documents that are relevant to the informal hearing and shall be allowed to copy any such documents. Any documents not provided to HAGC may not be used in the informal hearing.

6. Informal Hearing Process

Whether it be through an in-person informal hearing or a remote informal hearing, participants shall have the right to present written and oral objections to HAGC's actions or decisions. Participants shall have the right to present any information or witnesses on a pertinent issue and be represented, at their own expense, by legal counsel or other designated advocate or representative.

HAGC shall have the right to present any evidence and information on any pertinent issues. HAGC shall have the right to be represented by counsel and have any HAGC staff and witnesses familiar with the case present during the entirety of the informal hearing.

The informal hearing shall be conducted by a Hearing Officer. Evidence presented at the informal hearing may be considered without regard to admissibility under the rules of evidence in a judicial proceeding.

The Hearing Office may ask the family for additional information and/or may adjourn the informal hearing as needed. If the family requests a reasonable accommodation during the informal hearing, the Hearing Officer will make a decision as to whether the informal hearing must be adjourned to consider the request.

If the family fails to appear at the informal hearing or fails to meet a deadline imposed by the Hearing Officer, the action or decision of HAGC shall become final and take effect immediately. No new informal hearing will be granted unless the family is able to demonstrate to the Hearing Officer, by clear and compelling evidence, that their failure to appear or meet the deadline was caused by circumstances beyond their control.

See Attachment C for HAGC's Remote Hearing Policy.

7. Standard of Review

The Hearing Officer will determine whether HAGC's action or decision is compliant with HUD regulations and HAGC's Administrative Plan and polices, based upon the evidence and testimony provided during the informal hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the informal hearing.

8. Hearing Officer Decision

The Hearing officer will issue a written decision within fourteen (14) calendar days after the date of the informal hearing. This deadline may be extended if necessary and appropriate under the circumstances. The decision shall include a summary of the participant's allegations, a summary of HAGC's action or decision under review, the applicable HUD regulations and HAGC policies, a finding of facts upon which the decision is based and a clear statement of the conclusions of law and any relief ordered. The decision shall also include a statement of the right to appeal the decision pursuant to Section II(B)(10) of this Policy.

9. Hearing Officer Decisions Not Binding on HAGC

HAGC shall not be bound by any decision of the Hearing Officer that:

- a. Concerns matters for which no opportunity for a hearing is provided;
- b. Conflicts with or contradicts HUD regulations or requirements;
- c. Conflicts with or contradicts federal, state or local laws; or
- d. Exceeds the authority of the Hearing Officer;

If HAGC determines that it is not bound by the Hearing Officer's decision it shall, within fourteen (14) calendar days of the date of the decision, so advise the participant in writing, which shall include the reasons for the determination.

10. Appeal of Hearing Officer Decision to Executive Director

HAGC participants may appeal Hearing Officer decisions. Appeals shall be reviewed by the Executive Director, or designee. A request for appeal must be submitted to HAGC's Grievance Coordinator on the Request Form at Attachment B to this Policy no later than fourteen (14) calendar days from the date of the Hearing Officer's decision. Unless proof of extraordinary circumstances is provided, late appeals will not be considered. Failure to submit a timely appeal is a waiver of the right to appeal the Hearing Officer's decision. On appeal, the Executive Director, or designee, shall only review the recording of, and the documents and evidence presented during, the informal hearing. New documents and evidence shall not be considered on appeal. The Executive Director, or designee, may remand the matter back to the Hearing

Officer to consider additional testimony or evidence. The Executive Director, or designee, will issue a written appeal decision. Appeals will be reviewed to ensure that the Hearing Officer's decision was in accordance with the Standard of Review under Section II(B)(7) of this Policy.

11. Records

The informal hearing requests, the documents and evidence presented during the informal hearing, a copy of the Hearing Officer's decision, the appeal request (if any) and appeal decision (if any) shall be retained in the participant's electronic file. HAGC shall securely keep and maintain an electronic recording of all informal hearings for three (3) years.

12. Informal Hearing for Termination of Assistance on the Basis of Ineligible Immigration Status

The participant family may request that HAGC provide for an informal hearing after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. This request must be submitted by the applicant family to HAGC's Grievance Coordinator on the Request Form at Attachment A to this Policy within thirty (30) calendar days of receipt of the *Notice of Denial or Termination of Assistance*, or within thirty (30) calendar days of receipt of the INS appeal decision.

Informal hearings permitted under this Section shall be conducted in accordance with Sections II(B)(5) through (11) of this Policy, except that the participant family will have up to thirty (30) calendar days of receipt of the *Notice of Denial or Termination of Assistance*, or of the INS appeal decision to request the informal hearing.

III. HAGC OWNED AND MANAGED PROPERTIES

A. Informal Hearing for Applicant Denials

24 *C.F.R.* 960.208, 24 *C.F.R.* 880.603, 24 *C.F.R.* 891.430

If HAGC determines that an applicant is ineligible on the basis of income or family composition, or because of failure to meet the disclosure and verification requirements for Social Security Numbers (as provided by 24 *C.F.R.* Part 5), or because of failure by an applicant to sign and submit consent forms for the obtaining of wage and claim information from State Wage Information Collection Agencies (as provided by 24 *C.F.R.* Parts 5 and 813), or because of criminal activity (as provided by 24 *C.F.R.* Parts 5 and 960), or for other reasons, then HAGC will promptly notify the applicant in writing of the determination and its reasons in support thereof. The applicant may request an informal hearing of such determination no later than thirty (30) calendar days from the date of HAGC's denial notice. Informal hearings permitted under this Section shall be conducted in accordance with Sections II(B)(5) through (11) of this Policy.

B. Procedures for Residents of Owned and Managed Properties

24 C.F.R. Part 966, 24 C.F.R. 880.607, 24 C.F.R. 247.4

1. Informal Settlement of Grievance

Any grievance shall be presented within a reasonable time, either orally or in writing, to HAGC's Affordable Housing Operations (AHO) Department so that the AHO Director, or designee, may meet with the resident to informally discuss and attempt to settle the grievance without a hearing ("Informal Settlement Conference"). If the basis of the grievance is termination of tenancy, the resident shall have ten (10) calendar days from the date of the notice of termination to request an Informal Settlement Conference, and if the resident fails to request an Informal Settlement Conference within such ten (10) day period, the resident waives the right to an Informal Settlement Conference. A summary of the Informal Settlement Conference shall be prepared within ten (10) calendar days thereafter and one copy shall be given to the resident, and one retained in the resident's electronic file. The summary shall specify the names of the participants, dates of the conference, the nature of the proposed disposition of the grievance and the specific reasons therefor, and shall specify the procedures by which a hearing under this Policy may be obtained if the resident is not satisfied.

If there should be any conflict between this Policy and federal, state, or local laws and regulations, or the executed lease, the laws, regulations and lease shall prevail.

2. Formal Grievance Hearing

If the resident is dissatisfied with the result of the Informal Settlement Conference, the resident may request a grievance hearing. A request for a grievance hearing must be submitted to HAGC's Grievance Coordinator on the Request Form at Attachment A to this Policy within ten (10) calendar days from the date of the mailing of the summary of the Informal Settlement Conference required by Section III(B)(1) of this Policy. An Informal Settlement Conference is a prerequisite to a grievance hearing.

a. Failure to Request Grievance Hearing

If the resident does not request a grievance hearing in accordance with this Section, then HAGC's disposition of the grievance shall become final. However, failure to request a grievance hearing does not constitute a waiver by the resident of the right thereafter to contest HAGC's action in disposing of the grievance in an appropriate judicial proceeding.

b. Escrow Deposit Required for Grievance Hearing Involving Rent

Before a grievance hearing is scheduled in any grievance involving the amount of rent, as defined in the lease which HAGC claims is due, the resident shall pay to HAGC an amount equal to the amount of the rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. The

resident shall thereafter deposit monthly the same amount of the monthly rent in an escrow account held by HAGC until the grievance is resolved by decision of the Hearing Officer. Amounts deposited into the escrow account shall not be considered as acceptance of money for rent during the period in which the grievance is pending. In extenuating circumstances, HAGC may waive these requirements, as evidenced by notifying the resident in writing. Unless waived, the failure to make such payments shall result in a termination of the grievance. However, failure to make payment shall not constitute a waiver of any right the resident may have to contest HAGC's disposition of the grievance in any appropriate judicial proceeding.

c. When Grievance Hearing is not Required

Grievance hearings are not required for disputes between residents not involving HAGC or to class grievances. This Policy is not intended as a forum for initiating or negotiating policy changes between a group or groups of residents and HAGC's Board of Commissioners.

d. Scheduling of Grievance Hearing

Upon the resident's compliance with this Section, including but not limited to participating in an Informal Settlement Conference, the Hearing Officer shall promptly schedule a grievance hearing for a time and place reasonably convenient to both the resident and HAGC. A written notification specifying the time, place, and the procedures governing the grievance hearing shall be mailed to the resident and given to the appropriate HAGC staff. See Attachment C for HAGC's Remote Hearing Policy.

e. Grievance Hearing Process

- i. The resident shall be afforded a grievance hearing, which shall include:
 - a) Upon written request and reasonable notice to HAGC, prior to the grievance hearing, the opportunity to examine any HAGC documents, including records and regulations that are directly relevant to the grievance hearing. The resident shall be provided with a copy of any such document at the resident's expense. If HAGC does not make such document available for examination upon written request by the resident, HAGC may not rely on such document at the grievance hearing.
 - b) The right to be represented by counsel or other person chosen as the resident's representative and to have such person make statements on the resident's behalf;
 - c) The right to a private grievance hearing unless the resident requests a public grievance hearing;

- d) The right to present evidence and arguments in support of the resident's grievance, to controvert evidence relied on by HAGC and to confront and cross examine all witnesses upon whose testimony or information HAGC relies; and
 - e) A decision based solely and exclusively upon the facts presented at the grievance hearing.
- ii. A grievance hearing shall be conducted by the Hearing Officer. The Hearing Officer may render a decision without holding a grievance hearing if the Hearing Officer determines that the issue has been previously decided at another grievance hearing.
 - iii. If either the resident or HAGC fails to appear at a scheduled grievance hearing, the Hearing Officer may postpone the grievance hearing for no more than five (5) business days or determine that the missing party has waived their right to a grievance hearing. Both HAGC and the resident shall be notified of the Hearing Officer's decision. This decision shall not waive a resident's right to contest the disposition of the grievance in an appropriate judicial proceeding.
 - iv. At the grievance hearing, the resident must first make a showing of an entitlement to the relief sought and thereafter HAGC must sustain the burden of justifying HAGC action or failure to act against which the grievance is directed.
 - v. The grievance hearing shall be conducted informally by the Hearing Officer and oral or documentary evidence pertinent to the facts and issues raised by the grievance may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.
 - vi. The resident or HAGC may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the grievance hearing. Any interested party may purchase a copy of such transcript.
- f. Hearing Officer Decision**

The Hearing Officer shall prepare a written decision, together with the reasons supporting such decision, within fourteen (14) calendar days after the grievance hearing. Copies of the decision shall be mailed to the resident and given to HAGC. HAGC shall retain a copy of the decision in the resident's electronic file. HAGC shall maintain a log of Hearing Officer decisions and make that log available upon request of the Hearing Officer, or a prospective resident's representative.

The decision of the Hearing Officer shall be binding on HAGC who shall take all actions, or refrain from any actions, necessary to carry out the decision unless HAGC's Executive Director or Board of Commissioners determines within a reasonable time, and promptly notifies the resident of its determination, that:

- i. The grievance does not concern HAGC action or failure to act in accordance with or involving the resident's lease or HAGC's policies, which adversely affect the resident's rights, duties, welfare, or status; or
- ii. The Hearing Officer decision is contrary to applicable federal, state, or local law, HAGC policies, or requirements of the Annual Contributions Contract between HAGC and the U.S. Department of Housing and Urban Development.

A decision by the Hearing Officer in favor of HAGC or which denies the relief requested by the resident in whole or in part shall not constitute a waiver of, nor affect in any manner whatsoever, any rights the resident may have to a trial de novo or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

IV. ADMINISTRATIVE REVIEWS

A. Grievances Subject to Administrative Review

In lieu of conducting an informal review, informal hearing or grievance hearing, the Hearing Officer may conduct an administrative review of a grievance involving the following adverse actions by HAGC:

1. Denial or termination of assistance based upon the failure to provide required information and/or documentation.
2. Termination of assistance resulting from the expiration of a Housing Choice Voucher (HCV).

B. Administrative Review Process

1. For adverse actions described under Section III(A)(1) of this Policy:
 - a. The Hearing Officer may permit the applicant, participant or resident additional time to provide the required information and/or documentation that resulted in the denial or termination of assistance, not to exceed thirty (30) calendar days from the date of the Hearing Officer's Preliminary Administrative Review Decision ("Preliminary Decision"). Such deadline shall be included in the Preliminary Decision.
 - b. Prior to issuing a Preliminary Decision, the Hearing Officer shall contact the applicable HAGC processor to identify any additional information and/or documentation required by HAGC since the date of HAGC's correspondence seeking the initial information and/or documentation resulting in the denial or termination of assistance. All such additional information and/or documentation

shall be identified in the Preliminary Decision and shall be provided within the same deadline established under Section B(1)(a) of this Policy.

- c. All information and/or documentation identified in the Preliminary Decision shall be provided to the Grievance Coordinator within the deadline established in the Preliminary Decision to review for compliance with the Preliminary Decision.
 - i. If the applicant, participant or resident fails to provide all the information and/or documentation identified in the Preliminary Decision, or fails to provide all information and/or documentation within the deadline established in the Preliminary Decision, then the Hearing Officer shall issue a Final Administrative Review Decision (“Final Decision”) stating such failure(s) and upholding the denial or termination of assistance.
 - ii. If the applicant, participant or resident provides all the information and/or documentation identified in the Preliminary Decision within the deadline established in the Preliminary Decision, then the Hearing Officer shall issue a Final Decision stating that the applicant, participant or resident has complied with the Preliminary Decision and the remanding the matter back to the applicable HAGC processor for processing.
2. For adverse actions described under Section III(A)(2) of this Policy:
 - a. The Hearing Officer may extend the term of an expired HCV, not to exceed thirty (30) calendar days from the date of the Final Decision. Such deadline shall be included in the Final Decision. There shall be no Preliminary Decisions.
 - b. A participant is only entitled to one extension to the term of an expired HCV via administrative review under this Policy.

Attachment A

**REQUEST FOR INFORMAL REVIEW, INFORMAL HEARING OR GRIEVANCE
HEARING**

This completed Request Form must be submitted to HAGC's Grievance Coordinator no later than thirty (30) calendar days from the date of HAGC's adverse action or decision for informal reviews and informal hearings, and no later than ten (10) calendar days from the date of the mailing of the summary of the Informal Settlement Conference for grievance hearings. Late requests will not be processed unless the requestor demonstrates the delay was due to extraordinary circumstances beyond the requestor's control (proof of extraordinary circumstances shall be attached to this Request Form). The HAGC Hearing Officer will determine whether HAGC's adverse action or decision is compliant with HUD regulations and HAGC's Administrative Plan and policies, based upon the evidence and testimony provided during the review or hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented during the review or hearing. See HAGC's Grievance Policy for more information.

Head of Household: _____

Last 4 digits of Social Security #: _____ Email: _____

Address:

Phone No: _____

Are you a: Program Participant Program Applicant HAGC Resident

Program: _____

Date of HAGC's adverse action or decision: _____

Describe HAGC's adverse action or decision: _____

Provide a clear and concise statement of the reason(s) for disputing HAGC’s adverse action or decision. The requestor shall attach all supporting documents and evidence to this Request Form, including but not limited to medical professional correspondence, landlord correspondence, employer correspondence, rehabilitation center correspondence, photographs, and notarized witness statements (witnesses must attend any review or hearing for cross examination by HAGC representatives). Any supporting documents and evidence not provided to HAGC’s Grievance Coordinator may not be used during the review or hearing. (Please attach additional pages as necessary)

Following review of your request, the HAGC Grievance Coordinator will notify you in writing that your request has either been approved or denied in accordance with HAGC’s Grievance Policy. If approved, the notification will contain the date scheduled for your review or hearing. For rules governing reviews or hearings, please see HAGC’s Grievance Policy. You have the right to be represented during a review or hearing.

Print Name

Signature

Date

Attachment B

REQUEST FOR APPEAL TO EXECUTIVE DIRECTOR

This completed Request Form must be submitted to HAGC's Grievance Coordinator no later than fourteen (14) calendar days after an informal review or the date of the Hearing Officer's informal hearing decision. Late requests will not be processed unless the requestor demonstrates the delay was due to extraordinary circumstances beyond the requestor's control (proof of extraordinary circumstances shall be attached to this Request Form). Failure to submit a timely request is a waiver of the right to appeal. The HAGC Executive Director, or designee, will review the Hearing Officers decision to ensure that the decision was compliant with HUD regulations and HAGC's Administrative Plan and policies. On appeal, the Executive Director, or designee, shall only review the recording of, and the documents and evidence presented during, the informal hearing. New documents and evidence shall not be considered on appeal. See HAGC's Grievance Policy for more information.

Head of Household: _____

Last 4 digits of Social Security #: _____ Email: _____

Address:

Phone No: _____

Are you a: Program Participant Program Applicant HAGC Resident

Program: _____

Date of informal review or informal hearing: _____

Provide a clear and concise statement of the reason(s) for appealing the Hearing Officer's decision. This statement shall describe why HAGC's adverse action or decision was not compliant with HUD regulations and HAGC's Administrative Plan and policies, based upon the evidence and testimony provided during the informal hearing. (Please attach additional pages as necessary)

The Housing Authority of Gloucester County
Grievance Policy

Print Name

Signature

Date

Attachment C

REMOTE HEARING POLICY

Consistent with its federally mandated obligation to provide informal reviews, informal hearings, informal settlement conferences and grievance hearings as contained within HAGC's Grievance Policy, HAGC, in its sole discretion, may elect to perform such reviews, hearings and conferences remotely via webcast, video call or other methods provided such methods meet the regulatory requirements in accordance with applicable HUD regulations. HAGC shall consider factors including but not limited to the health and safety of HAGC staff, individuals and witnesses participating in the review, hearing or conference, and also HAGC's staff and administrative resources in determining the method in which the remote review, hearing or conference is conducted.

If a remote review, hearing or conference is scheduled, HAGC shall continue to ensure that the requirements governing equal opportunity and nondiscrimination for individuals with disabilities and Limited English Proficient (LEP) persons under Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964 and the Fair Housing Act are satisfied. HAGC's obligation shall include taking appropriate steps to ensure effective communication with an individual with a disability participating in a remote review, hearing or conference using appropriate auxiliary aids and services in such a manner that protects the privacy and independence of such individual. HAGC may not require that an individual with a disability provide their own auxiliary aids for services, except in an emergency involving an imminent threat to the safety or welfare of such individual or the public where there is no interpreter available or where such individual specifically requests that an accompanying adult interpret or facilitate communication and the accompanying adult agrees to provide such assistance. If no method of conducting a remote review, hearing or conference is available that appropriately accommodates the individual's disability, HAGC will not hold such against the individual and will consider either postponement or an in-person review, hearing or conference.

If an individual participating in a remote review, hearing or conference does not have proper technology access which would allow such individual to fully participate in a remote review, hearing or conference, HAGC will engage in a case-by-case analysis with the individual to resolve such barrier which may include exploration of community resources or voice only options, should the individual provide appropriate consent acknowledging the individual's rights as well as the risks and benefits of conducting the remote review, hearing or conference by voice only.

In the event of a remote review, hearing or conference, all materials being presented, whether paper or electronic, must be provided to the individual or family participating in the remote review, hearing or conference prior thereto. HAGC staff issuing the decision which is the subject of the remote review, hearing or conference will provide such materials via electronic communications, properly secured to protect Personally Identifying Information. If the individual or family is unable to access electronic communications, such materials will be sent via regular mail. All materials made available will satisfy the requirements for accessibility for individuals with disabilities or LEP persons.