

YUROK INDIAN HOUSING AUTHORITY



Grievance Policy

A. PURPOSE

The purpose of the “Grievance Policy” is to establish the procedures by which the Yurok Indian Housing Authority shall insure that all residents and homebuyers are given the opportunity to dispute the YIHA action or failure to act, and to receive within a reasonable period of time a response to dispute. A copy of the Grievance Policy shall be given to each resident and homebuyer family. A copy shall be displayed in the YIHA Office.

B. APPLICABILITY

The Yurok Indian Housing Authority “Grievance Policy” shall be applicable to all individual disputes between an applicant, resident, homebuyer or other participant and **the YIHA**. The policy shall not be applicable to disputes among residents or homebuyers not involving **the YIHA**. The Policy is only applicable to disputes regarding the interpretation of implementation of established policy. It shall not be used as a method of initiating changes in **the YIHA** policy.

C. DEFINITIONS

For the purpose of this procedure, the following definitions are applicable:

1. **Grievance:** “Grievance” shall mean any formal complaint or dispute which an applicant, resident, homebuyer or other participant may have with respect to **the YIHA** action, or failure to act, in accordance with the individual Resident’s lease or Lease-To-Own Resident’s Agreement or Lease-To-Own Maintenance and/or Occupancy Agreement, or in accordance with any other Housing Authority agreement or regulations.
2. **Complaint:** “Complaint” shall mean a written grievance, signed by the person filing the grievance.
3. **Complainant:** “Complainant” shall mean the applicant, resident, homebuyer or other participant who is filing a complaint.
4. **Applicant:** “Applicant” shall mean **any Native American of a federally recognized tribe** who has submitted an application to the Housing Authority for housing assistance.
5. **Resident:** “Resident” shall mean any lessee or head of the household of any resident family residing in **a YIHA** rental project.
6. **Homebuyer:** “Homebuyer” shall mean that member of a family whose signature appears on the Homeownership Agreement.
7. **Conciliation Meeting:** “Conciliation Meeting” shall mean an informal meeting between the complainant, the Executive Director of the Housing Authority, or his/her designee, in an attempt to resolve the grievance prior to scheduling a Grievance Hearing.
8. **Grievance Hearing:** “Grievance Hearing” shall mean a formal presentation to the Housing Authority Board of all facts pertaining to a grievance and decision by the Board on the merits of the appeal.
9. **Request for Grievance Hearing:** “Request for Grievance Hearing” shall mean a formal request for a hearing made in writing **submitted to the Executive Director**.

D. DOCUMENTATION

1. The authority Staff shall keep a record of all formal and informal grievances, requests for assistance, or other communications requesting a review of Authority action or failure to act.

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2. A written complaint shall be completed and signed by the **complainant** whenever there is a grievance.
3. All action taken to respond to a grievance shall be recorded with an indication of results achieved and further action required or anticipated.
4. Any Grievance Hearing before the Board of Commissioners of the Housing Authority will be documented in the minutes of that meeting of the Board with a copy of the minutes, plus any explanatory material, to be entered in the record kept regarding the appeal.

E. INFORMAL SETTLEMENT OF GRIEVANCES

1. The YIHA staff shall make every effort to respond to grievances, problems, requests for assistance, requests for action, or appeals of decisions so as to avoid the necessity for formal complaints and Grievance Hearings before the Board.
2. Staff shall, if required, assist complainants to document grievances and to complete written complaints.
3. Staff shall respond to complaints within ten (10) working days of receipt.
4. If the resident or homebuyer is not satisfied with the initial response, the YIHA staff, including the Executive Director, shall make an additional effort to review the complaint, holding a conciliation meeting within an additional ten (10) working days. The decision of the Executive Director **is** final.

F. GRIEVANCE HEARING

1. A complainant may request a Grievance Hearing within thirty (30) days of receipt of the official Authority response to his/her complaint. A Grievance Hearing shall not be requested until the resident or homebuyer has filed written complaint and the YIHA has made a response. A conciliation meeting is not required before a Grievance Hearing is requested, but is encouraged.
2. The request for a Grievance Hearing shall be made in writing, signed by the complainant. If a hearing is not requested within the required thirty (30) day period, the matter in dispute will not be considered further, and the complainant will be required to adhere to the action specified in the original response.
3. When a request for Grievance Hearing is received, a hearing will be scheduled at the earliest mutual convenience of the YIHA Board of Commissioners and the complainant.
4. If the complainant requesting the hearing does not appear or is not excused from appearing, for reasons deemed valid by the Board at a scheduled Grievance Hearing, the matter in dispute will not be considered further. The complainant will be required to adhere to the action specified in the original YIHA response to his/her request.
5. At a formal Grievance Hearing before the Board of Commissioners, the following procedures will be followed:
 - a. **The Board shall only hear the complaint set forth in the written grievance.**
 - b. **The Board shall allow up to 30 minutes per grievance hearing and will issue their final decision in writing within 10 working days.** The decision shall be binding.

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- c. The hearing will take place after all other business to be conducted at a meeting has been completed **unless it has been added to the scheduled Agenda.**
- d. All visitors and guests other than the Executive Director, **the complainant and the complainant's advocate and the** staff person recording minutes shall be requested to leave the meeting room while the hearing is in process.
- e. There will be an opportunity for both the **YIHA** and the complainant to make an opening statement, present witnesses and documents, and ask questions of or cross-examine the other party.
- f. The format of the hearing shall not imply that the burden of proof is more on one side than the other. The purpose of the hearing is to present all information required in order to allow a decision by the Board based on the merits of the grievance.

G. PAYMENT AND DEPOSIT OF RENT OR MONTHLY PAYMENTS

Where a grievance involves payment of rent or monthly payments, the resident or homebuyer may not withhold payment pending a Grievance Hearing by the Board. The complainant must make rent payments, monthly payments, and payments for other charges when due. The Authority shall place these moneys in its accounts, and shall not use them for any purpose until a Grievance Hearing is held and a final decision is rendered.

H. APPEAL OF THE DECISION OF THE BOARD

The complainant may appeal the decision of the Board through the appropriate judicial process.

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This is to certify the Grievance Policy of the Yurok Indian Housing Authority was approved at a duly called meeting of the Board of Commissioners on April 13, 2009 at which a quorum was present and the Grievance Policy was adopted by a vote of 6 For, 0 Apposed, and 0 Abstentions.

Wanda Green, Chairperson
Yurok Indian Housing Authority Board of Commissioners

ATTEST:

Sherri Reece, Secretary
Yurok Indian Housing Authority Board of Commissioners