

Exhibit I-2

Tenant Administrative Review Process

HUD Regulation 24 CFR 882.514 (f)

Families determined by the PHA to be ineligible. If a Family is determined to be ineligible in accordance with the PHA's HUD-approved application, either at the application stage or after assistance has been provided on behalf of the Family, the PHA shall promptly notify the Family by letter of the determination and the reasons for it and the letter shall state that the Family has the right within a reasonable time (specified in the letter) to request an informal hearing. If, after conducting such an informal hearing, the PHA determines, based on a preponderance of the evidence, that the Family is ineligible, it shall notify the Family in writing. The procedures of this paragraph do not preclude the Family from exercising its other rights if it believes it is being discriminated against on the basis of race, color, religion, sex, age, handicap, familial status, or national origin.

As the operator of the Adelaide Building, NeighborWorks Alaska (NWA) is responsible for establishing a review process when a participant disagrees with an NWA decision.

These may include:

- A dispute over any NWA action or inaction involving the tenant's lease which adversely affects the individual family's rights, duties, welfare, or status;
- A determination of the tenant's annual or adjusted income and the use of such income to compute the tenant's rental portion;
- A determination of the appropriate utility allowance (if any) for the tenant-paid utilities from the utility allowance schedule;
- A determination of the disposition of the tenant's security deposit (24 CFR 880.608); and
- A decision to terminate assistance because of the tenant's action or failure to act.

NWA **is not** required to provide a tenant with an Administrative Review for any of the following reasons:

- NWA discretionary administrative determinations, general policy issues, or class grievances;
- Establishment of AHFC subsidy standards and schedule of utility allowances;
- Any disputes between tenants not involving NWA;
- Complaints about problems suffered by other tenants - each tenant must report his or her own grievances;
- A forum for initiating or negotiating policy changes between a group or groups of tenants and NWA;
- Failure of a tenant to request timely an Administrative Review.

1. HUD Due Process Determination

HUD has determined that Alaska law governing a Forcible Entry and Detainer (FED) action requires a pre-eviction hearing. That hearing meets all elements of HUD's regulatory due process definition. The basis for this determination is [directive number GCH-0089, dated November 1, 1993](#). As a consequence of the HUD determination, NWA may choose to not grant an Administrative Review for:

- Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of AHFC;
- Any violent or drug-related criminal activity on or off the property.

Grievances related to complaints about operational matters will be referred to the respective property manager where the complainant resides. Grievances involving complaints related to discrimination, harassment, or disability rights may be referred to the AHFC Section 504/ADA Compliance Officer.

2. Continued Assistance During the Administrative Review Process

If a tenant is eligible to participate in the Administrative Review process, NWA will not move forward with a termination action until the tenant has completed the process.

NWA may make changes in tenant rent or deny a transfer for a family that wants to move while the grievance process is pending.

3. Tenant Notification

NWA will provide prompt notice of any decision to terminate a tenancy, re-determine the tenant's rent, or deny assistance. Any such notice will contain the following information:

- A brief statement of the reasons for the decision. If a denial is due to criminal screening, a copy of the criminal record is included.
- If eligible, a statement that the tenant may request an Administrative Review if they disagree with the decision.
- A statement that the tenant's written request must occur by the deadline stated in the notice.
- A statement that if the tenant fails to request the grievance procedure by the deadline, AHFC will continue with the action against them and the tenant has the right to contest the action in court.

4. Rights of the Tenant

Prior to the review, the tenant will be given the opportunity to examine any NWA documents that are directly relevant to the review.

- The tenant may copy any such document at the tenant's expense. The term "document" includes records and regulations. Refer to Exhibit A-3 for Documentation Fee guidelines.
- At the tenant's own expense, a lawyer or other representative may represent the tenant.
- The tenant will be given the opportunity to present evidence, present objections, and may question any witness. Evidence may be considered without regard to admissibility.
- The tenant will be provided a written decision following the completion of the review stating the reasons for the decision.

5. Administrative Review Decision

The person conducting the review will prepare and issue a written summary of the review. The summary will include:

- The names of all the persons present;
- The date of the review;
- A brief discussion of the outcome and the reasons for such outcome.

Numbered Memo

20-52 Adelaide Administrative Plan Updates