

Chapter 9

Applicant and Tenant Grievances

AHFC provides S8N Multifamily Housing Program applicants and tenants an opportunity to discuss AHFC decisions and present facts in support of their position. Those appeal or grievance processes are detailed in this section.

1. Reasonable Accommodation

AHFC Policy

If a family requires a reasonable accommodation to participate in the grievance process, see the Reasonable Accommodations exhibit for the process.

2. Grievance Process

AHFC grievance procedures give applicants and participants an opportunity to discuss AHFC decisions and present facts in support of their position. AHFC is not subject to the State of Alaska Administrative Procedures Act, and its grievance procedures comply with HUD regulations.

2.A Applicants

HUD regulations use the term “informal hearing” for applicant grievances. HUD Handbook 4350.3 uses the term “informal review.” For clarity, AHFC shall hereafter refer to the applicant grievance procedure as an “informal review.”

Applicants may request an Informal Review. An Informal Review decision is AHFC’s final administrative decision. See the Applicant Informal Review Process exhibit.

2.B Tenants

Neither HUD regulations nor Handbook 4350.3 require AHFC to provide a tenant an Informal Hearing for discretionary administrative determinations made by AHFC. However, the regulations do require a less formal appeal process; this process is called an “Administrative Review.” An Administrative Review decision is AHFC’s final administrative decision. See the Tenant Administrative Review Process exhibit.

2.C Denial Due To Ineligible Immigration Status

HUD Regulation 24 CFR 880.504(e)

Termination of assistance for failure to submit evidence of citizenship or eligible immigration status.

If an owner who is subject to paragraphs (a) and (b) of this section is required to terminate housing assistance payments for the family in accordance with 24 CFR

part 5 because the owner determines that the entire family does not have U.S. citizenship or eligible immigration status, the owner may allow continued occupancy of the unit by the family without Section 8 assistance following the termination of assistance, or if the family constitutes a mixed family, as defined in 24 CFR part 5, the owner shall comply with the provisions of 24 CFR part 5 concerning assistance to mixed families, and deferral of termination of assistance.

HUD Regulation 24 CFR 880.603(b)

Determination of eligibility and selection of tenants.

(2) ... See 24 CFR part 5 for the informal review provisions for the denial of a Federal preference or the failure to establish citizenship or eligible immigration status and for notice requirements where assistance is terminated, denied, suspended, or reduced based on wage and claim information obtained by HUD from a State Wage Information Collection Agency.

AHFC Policy

See the Informal Hearing for Citizenship Determination exhibit.

Numbered Memo

21-21 Grievance Policy and Procedures