

Chapter 9

Applicant and Tenant Grievances

AHFC will provide Public Housing applicants and tenants an opportunity to protest certain adverse actions. The process ensures that AHFC decisions comply with the law, regulations (24 CFR 960, 24 CFR 965, 24 CFR 966), the Public Housing Occupancy Guidebook, and AHFC policies.

9.1 REASONABLE ACCOMMODATION

AHFC will provide a necessary reasonable accommodation to any person with a disability to allow that person to participate in an AHFC grievance procedure. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the applicant or participant is visually impaired, notices will be in an accessible format. Persons requiring a reasonable accommodation can contact the local AHFC office, contact their local AHFC representative, or complete a *Reasonable Accommodation Request* (form RA800) for assistance with the process.

9.2 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, but its grievance procedures do comply with HUD regulations.

9.2.A Applicants

An applicant is a family who has applied for assistance or been selected from the waiting list, but has not executed a lease agreement for rental assistance.

Applicants may request an Informal Hearing. As stated in the Public Housing Occupancy Guidebook, an applicant Informal Hearing is not a Grievance Hearing. For purposes of this policy, the applicant Informal Hearing will be called the Informal Review. An Informal Review decision is AHFC's final administrative decision for applicants. See Exhibit 9-1 for the Applicant Informal Review Process.

9.2.B Tenants

A tenant is a family with an executed lease agreement with AHFC.

Tenants may request a Grievance Hearing. The grievance hearing process has two parts: an Informal Settlement Meeting and a Grievance Hearing. A Grievance Hearing

decision is AHFC's final administrative decision. See Exhibit 9-2 for the Tenant Grievance Hearing Process.

9.2.C Legal Counsel

If the applicant or tenant discloses that legal counsel will represent him/her during any grievance process, field staff will notify their regional manager and AHFC's legal counsel at once. AHFC must notify the tenant if it will be represented by legal counsel.

9.3 DENIAL DUE TO INELIGIBLE IMMIGRATION STATUS

Unlike other reasons for denial, AHFC will offer the Public Housing Grievance Hearing process to both tenants and applicants for a denial of assistance based upon ineligible immigration status (24 CFR 5.514). The applicant or tenant must make such a request in writing within thirty (30) calendar days of receipt of AHFC's decision to deny assistance or within thirty (30) calendar days of an INS appeal decision.

Documents listed at 24 CFR 5.514, section (h) "Retention of Documents" parts (1) through (9), will be maintained by AHFC in accordance with the required retention time frame listed in that section of the regulations.

9.4 CRIMINAL RECORD REMOVAL

Staff will treat criminal records as a confidential record and dispose of it using the same guidelines. See Exhibit 2-4 for criminal record removal for all families.