

Chapter 9

Applicant and Tenant Grievances

AHFC will provide Section 8 New Multifamily Housing Program applicants and tenants an opportunity to protest certain adverse actions. The process ensures that AHFC decisions comply with the law, regulations (24 CFR 880.603 and HUD Handbook 4350.3), 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.

HUD regulations at 24 CFR 880.603 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 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.

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 (24 CFR 880.607(c)). This process is defined as an “Administrative Review.” An Administrative Review decision is AHFC’s final administrative decision. See Exhibit 9-2 for the Tenant Administrative Review 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 Grievance Hearing process (as described in AHFC’s Public Housing Admissions & Occupancy Policy) 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

Under HUD regulations at 24 CFR 5.903(g), criminal records must be purged from a file once the applicant’s or participant’s time to grieve has expired. Staff will treat criminal records as a confidential record and dispose of it using the same guidelines.

9.4.A Applicants

If an applicant has been determined eligible, the criminal records will be removed before or during the process to post the New Admission 50059. Staff will review the file during the 50059 posting process to ensure that all criminal record printouts are removed.

1. Ineligible Applicants

If an applicant has been determined ineligible, the criminal records will be removed before placing the file with files waiting to be archived. See Appendix 3 for archiving procedures.

2. Ineligible Applicant Notifications

The removal process includes any criminal records attached to the *Ineligibility Notice*. Staff may retain an Informal Review decision and the original *Ineligibility Notice* (less any criminal records). File these documents on top of the interview notification letter in the file.

9.4.B Participants

As part of the file review process for the annual anniversary, staff will check the file for criminal record printouts. Printouts will be removed from the file if found. This includes the criminal records that may be present in the file for individuals being added to or removed from the family.