

## **Exhibit I-2**

### **Tenant Administrative Review Process**

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. NWA will establish a policy that follows the guidelines below.

#### **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.

#### **AHFC Policy**

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

## **1. Tenant Notification**

#### **AHFC Policy**

NWA will provide prompt notice of any decision to deny assistance, re-determine the family's portion of rent, or terminate assistance. The notice will conform to the requirements of each action as prescribed in HUD regulations. See:

1. Admission and Eligibility chapter for waiting list and eligibility denials.
2. Examinations and Interviews chapter for determining the family's rent portion.
3. Termination of Assistance, HAP Contract, or Tenancy chapter for terminations.

## 2. Administrative Review Not Required

### AHFC Policy

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

1. NWA discretionary administrative determinations, general policy issues, or class grievances;
2. Establishment of NWA occupancy standards and the AHFC schedule of utility allowances;
3. Any disputes between tenants not involving NWA;
4. Complaints about problems suffered by other tenants - each tenant must report his or her own grievances;
5. Failure of a family to request timely an Administrative Review.

### 2.A HUD Due Process Determination

#### AHFC Policy

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 NWA;
- Any violent or drug-related criminal activity on or off the property.

## 3. Process

### HUD Regulation 24 CFR 880.608(e)

In the event a disagreement arises concerning reimbursement of the security deposit, the family will have the right to present objections to the owner in an informal meeting. The owner must keep a record of any disagreements and meetings in a tenant file for inspection by the contract administrator. The procedures of this paragraph do not preclude the family from exercising its rights under State and local law.

#### AHFC Policy

NWA **will** provide a tenant with an Administrative Review for any of the following reasons.

1. 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;

2. A determination of the tenant's annual or adjusted income and the use of such income to compute the tenant's rental portion;
3. A determination of the appropriate utility allowance (if any) for the tenant-paid utilities from the utility allowance schedule;
4. A decision to terminate assistance because of the tenant's action or failure to act.
5. A decision not to grant a reasonable accommodation request for a family member with a disability; and
6. Denial of a hardship exemption to the minimum rent requirement.

### **3.A Continued Assistance During the Administrative Review Process**

#### **AHFC Policy**

1. If a tenant is eligible to participate in the Administrative Review process, NWA will not move forward with an adverse action until the tenant has completed the process.
2. If the tenant is not on a Contract Rent rate, subsidy will continue until the conclusion of the grievance process.
3. NWA may make changes in tenant rent or deny a transfer for a family that wants to move while the review process is pending.

### **3.B Family Requirements**

A tenant family interested in appealing an NWA decision must:

- Submit their written request timely. The request must be postmarked or received by NWA by the appropriate deadline.
- Notify NWA if they plan to have legal representation at the Administrative Review.
- Notify NWA in advance of the Administrative Review if they need a reasonable accommodation to allow a family member with a disability to participate in the process.

NWA may specify additional family requirements. Upon receiving the tenant's timely request, NWA will proceed with the Administrative Review.

### **3.C NWA Requirements**

NWA will promptly schedule the meeting with a written notice containing:

- The date, time, and location of the hearing.
- A listing of the tenant's rights including:
  - The right to request documentation from their file (a fee may apply. See the Information Requests exhibit).
  - The right to have any witnesses or present documentation in support of their position.
  - The right to request legal or personal representation. Any attorney fees or other costs are at the applicant's expense.

NWA may specify additional requirements in their policy.

## **4. Conducting the Administrative Review**

NWA will conduct the Administrative Review as follows.

- The meeting may be conducted in person or by telephone.
- The meeting may be conducted by the NWA staff person responsible for the notice or a supervisor familiar with the cause for the notice.
- The person conducting the meeting shall notify the tenant, in writing, of NWA's decision timely. The notification will include a brief statement of the reasons for the decision.

See the section Failure to Appear for a family's failure to attend the Administrative Review.

## **5. Hearing Officer Selection and Duties**

### **AHFC Policy**

1. The hearing officer conducting the Administrative Review may be the property manager or their supervisor.
2. The hearing officer shall require NWA staff, the tenant, family members, counsel, and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer to obtain order may, at the discretion of the hearing officer, result in exclusion from the proceedings or in a decision adverse to the interest of the disorderly party and granting or denial of the relief sought, as appropriate.

## 5.A Failure to Appear

### AHFC Policy

If a party fails to appear, the hearing officer will conduct the hearing, and the parties in attendance will present their case. If there are extenuating circumstances for why a party did not appear, the parties in attendance can agree to reschedule the hearing for another date.

## 5.B Hearing Officer Decision Content

### AHFC Policy

1. The hearing officer has ten (10) business days from the completion date of the hearing to render a written decision.
2. All hearing decisions must contain the following, "This decision is a final decision from which only a judicial appeal may be taken within 30 calendar days of receipt of this decision, in accordance with applicable court rules governing administrative appeals."
3. The decision is distributed to all parties.
4. NWA will keep a copy of the decision in the family's file.

## 6. Effect of Decision

### AHFC Policy

The decision of the hearing officer is binding on NWA and AHFC, unless the Director, Public Housing Division, determines and promptly notifies the family that AHFC is not bound by a hearing decision.

## 7. Definitions

### HUD Regulation 24 CFR 966.53

Definitions. For the purpose of this subpart, the following definitions are applicable.

### 7.A Complainant

Complainant shall mean any tenant whose grievance is presented to the PHA or at the project management office.

### 7.B Elements of Due Process

Elements of due process shall mean an eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:

1. Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction;
2. Right of the tenant to be represented by counsel;

3. Opportunity for the tenant to refute the evidence presented by the PHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have;
4. A decision on the merits.

### **7.C Grievance**

Grievance shall mean any dispute which a tenant may have with respect to PHA action or failure to act in accordance with the individual tenant's lease or PHA regulations which adversely affect the individual tenant's rights, duties, welfare or status.

### **7.D Tenant**

Tenant shall mean the adult person (or persons) (other than a live-in aide):

1. Who resides in the unit, and who executed the lease with the PHA as lessee of the dwelling unit, or, if no such person now resides in the unit,
2. Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit.

## **Numbered Memo**

21-21 Grievance Policy and Procedures