

Section 515 Rural Rental Housing Tenant Grievance and Appeals Procedure

Should I use this publication?

Use this publication if you are a **tenant living in** an apartment complex financed by the Rural Housing Service (**RHS**) (formerly the Farmers Home Administration). You have the right to appeal certain decisions you disagree with that are made by your landlord through the agency's tenant grievance and appeals procedure. The procedures governing this process are in RHS' regulations at 7 [C.F.R. § 3560.160](#). You can get a handout describing these procedures from your landlord. This process is supposed to make sure that RHS tenants are treated fairly.

You may also use this process **if you applied to live in an RHS project and you were denied** admission.

Former RHS tenants may also have the right to use the procedure to challenge a landlord's decision to keep their security deposit or to bill them for damages to the unit. Talk to a lawyer about your individual case.

When may I file a grievance or appeal?

Tenants: You may use the grievance and appeals procedure if you disagree with certain adverse actions taken by your landlord, including:

- The landlord's failure to keep up the premises in a way that keeps them decent, safe, sanitary, and affordable in accordance with [7 CFR § 3560.103](#) and applicable state and local laws;
- Any violation by the landlord of your lease agreement or occupancy rules;

- Any changes the landlord makes to the lease;
- Any changes the landlord makes to the occupancy rules; or
- Any changes the landlord makes to your rent that RHS has not authorized. (See [7 CFR § 3560.205](#).)

In most cases, the landlord must notify you about the grievance procedure. However, you can use it even if the landlord has not told you about it.

Applicants: You may use the procedure if your application for admission is rejected.

The grievance and appeals procedure does not apply to the following:

- Disputes between tenants that do not involve the landlord;
- terminations of tenancy or evictions; and
- Lease violations by you that would result in the termination of tenancy and eviction.

If you are served with an eviction lawsuit, you must respond to the lawsuit in a timely manner. Talk with an attorney right away if you are served with an eviction lawsuit or if you get a notice of a lease violation that could lead to eviction. (See the end of this publication for more information on how to get legal help.)

Also, our publication called Section 515 Evictions has more information.

How does the grievance and appeals procedure work?

RHS wants landlords, applicants and tenants to try to settle their disputes without going

through this procedure. If this does not work, you have the right to resolve the dispute through the grievance and appeals procedure. This is a two-step process.

First, you file a grievance. You meet with the landlord to discuss the matter. If you still cannot settle the dispute, you may then ask for an informal hearing before an impartial, disinterested hearing officer or panel. The hearing officer or panel has the authority to reverse the landlord's decision.

There are time deadlines for filing a grievance and asking for a hearing. You must meet these deadlines. Otherwise you may lose your right to challenge the landlord's actions.

How does the grievance work?

You must file a grievance within ten calendar days of the action being contested, or within ten days of getting a notice of proposed adverse action. Put your grievance in writing. Keep a copy of your grievance. Ask the landlord to date-stamp it to show when it was filed.

If asked, a landlord must meet with you within five working days of the request to try to settle the dispute. If you cannot reach a settlement, the landlord must write up a summary of the meeting within ten calendar days. RHS has a form that the landlord must use. The landlord should give you two copies of the summary, keep one in their own files, and send one to RHS. The summary should discuss the landlord's position, your position, and the results of the meeting. The landlord must also give you a handout explaining how to ask for a hearing and how the hearing process works.

How do I ask for a hearing?

You should give the landlord a written request for a hearing within ten calendar days after getting the summary of the informal meeting discussed above. The

request should state

- the reasons why you are contesting the landlord's decision or action; and
- The action or relief you want.

Who is the hearing officer or panel?

In most cases, you and the landlord will jointly select either a hearing officer or hearing panel to decide the case. A hearing officer must be an impartial person selected by both you and the landlord. If you and the landlord cannot agree on someone, you will each appoint a member to a hearing panel. The members so selected shall select a third member. If the parties cannot agree on a hearing officer or panel within 30 days of the request for a hearing, the landlord must notify RHS. RHS will appoint the hearing officer. A hearing officer or member of a hearing panel serves for free.

What rights do I have before the hearing?

You have the right to examine and, at your own expense, copy all documents, records, and regulations from your RHS file that are relevant to the hearing, unless otherwise prohibited by law.

How does the hearing work?

The hearing should be an informal proceeding where both you and the landlord have a chance to present your sides. You have the right to be represented by a lawyer or another person of your choice, or to represent yourself. You have the right to a private hearing. Both sides have the right to present evidence, arguments, and witnesses to support their side of the dispute. You each also have the right to refute evidence relied upon by the other side, and to confront and cross-examine all witnesses. The hearing officer or panel must make a decision based solely and exclusively upon

the facts presented at the hearing.

The hearing is not subject to the rules of evidence that apply to hearings in court. But the hearing officer or panel must make sure that you have a chance to confront and cross-examine all witnesses. This should prevent the landlord from relying on hearsay evidence (when one person tells what s/he heard another person say) to prove its case, without giving you a chance to confront and cross-examine the person who made the original statement. The rules of evidence do not apply, but the hearing officer or panel may take into account the type of evidence being offered in determining what weight to give it.

What happens after the hearing?

The hearing officer or hearing panel must write up their decision, setting forth their reasons, within ten calendar days after the hearing. The decision should state the specific facts presented that were the basis for the decision. The decision should be sent to you, the landlord, and the RHS.

This decision is binding unless RHS notifies you and the landlord within ten calendar days that the decision goes against agency regulations. If this happens, the hearing officer or hearing panel must fix the decision to comply with the agency regulations within ten days of RHS' notice.

What if I need Legal Help?

- **Apply online with CLEAR*Online** - <http://nwjustice.org/clear-online> or
- **Call CLEAR at 1-888-201-1014**

CLEAR is Washington's toll-free, statewide intake, advice and referral service for low-income people looking for free legal help with civil legal problems.

- **Outside King County:** Call 1-888-201-1014 weekdays from 9:10 a.m. until 12:25 p.m. CLEAR works with a language line to provide free interpreters as needed. If you are deaf or hard of hearing, call 1-888-201-1014 using your preferred TTY or Video relay service.
- **King County:** Call 211 for information and referral to a legal services provider Monday through Friday from 8:00 am – 6:00 pm. Or call (206) 461-3200, or the toll-free number 1-877-211-WASH (9274). 211 works with a language line to provide free interpreters as needed. If you are deaf or hard of hearing, call 1-800-833-6384 or 711. You will be connected to a relay operator at no cost, who will then connect you with 211. You may also find information on King County legal service providers on 211's website: www.resourcehouse.com/win211/.
- **If you are age 60 or Over:** Call CLEAR*Sr. at 1-888-387-7111, regardless of your income.

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