



LEGAL AID SOCIETY OF HAWAI'I



PUBLIC HOUSING: THE GRIEVANCE PROCEDURE

IMPORTANT

This brochure applies to tenants in public housing developments operated by the Hawaii Public Housing Authority (“HPHA”).



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Revised July 2016. [H21] Public Housing – Grievance Process

INTRODUCTION TO THE GRIEVANCE PROCEDURE

The Grievance Procedure applies to tenants in public housing developments operated by the Hawaii Public Housing Authority (“HPHA”). A “**grievance**” is any complaint a tenant may have about an action, decision, or inaction of the HPHA. Tenants can use the Grievance Procedure to challenge HPHA actions, decisions, or inactions, which violate individual lease agreements and/or tenants’ rights.

The Grievance Procedure applies to all individual complaints, EXCEPT those that involve:

- Eviction due to:
 - Any activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other tenants or HPHA employees; OR
 - Any drug-related criminal activity *on* or *off* the housing premises;
- Any dispute between tenants that does not involve HPHA;
- Any attempt by a tenant to change HPHA-Tenant policies.

The Grievance Procedure can be broken down into two parts: (1) an Informal Conference, and (2) a Formal Grievance Hearing. If at first you cannot resolve the dispute during your Informal Conference, then you may request a Formal Grievance Hearing.

The Grievance Procedure is time-sensitive. If you miss important deadlines, HPHA is not obligated to go through the grievance process with you. Still, you should submit any/all complaints because HPHA may grant a hearing regardless of missed deadlines.

PART I: INFORMAL CONFERENCE

The first part of the Grievance Procedure is an Informal Conference (informal settlement meeting). The purpose of the Informal Conference is to discuss and, perhaps, resolve the dispute without moving to a Formal Hearing. Take the following steps to begin the grievance process:

STEP 1: Ask your Property Manager for an Informal Conference.

You should submit a written request for an Informal Conference to the HPHA main administrative office, or your Property Management office. *(NOTE: You may request an Informal Conference verbally but if your case moves to a Formal Hearing, you may have difficulty proving the details of your request).* You must submit your request for an Informal Conference no later than the first working day after the day of the incident. Your request must include:

- The reason for your Informal Conference request;
- The solution you seek;

- Your name, address, and telephone number AND/OR the name, address, and telephone number of your legal representative.

You may use the blank form at the back of this brochure called, "Request for an Informal Conference." You should make a copy of any/all grievances for your personal records.

STEP 2: Attend the Informal Conference.

The purpose of the Informal Conference is to settle the dispute by speaking directly with your Property Manager. You should attend the Informal Conference regardless of whether you think you will be able to find a solution to the problem. If you do not attend the Informal Conference, you may not have another opportunity to voice your complaint.

STEP 3: Wait to receive a written summary of your Informal Conference from your Property Manager.

Your Property Manager should provide a written summary of your Informal Conference within seven (7) business days. The summary must include:

- The names of all participants;
- The date of the meeting;
- The proposed solution (if one was decided upon), and the reason for the proposed solution.

The summary must also include detailed instructions on how to request a Formal Grievance Hearing if you are not satisfied with results of the Informal Conference.

STEP 4: Request a Formal Grievance Hearing.

If you are not satisfied with the results of the Informal Conference, you must submit a written request for a Formal Grievance Hearing within fifteen (15) days of receiving your Property Manager's summary of the Informal Conference. You may submit your hearing request at your Property Manager's office or at HPHA's Hearings Office. Your request must state:

- Exactly why you want a Formal Grievance Hearing (for example, "I was charged to repair a toilet that I did not break").
- The "relief" you seek. This means that you must explain what you want HPHA to do if win your Formal Grievance Hearing (for example, "I want the charge to repair my toilet removed from my bill").

You may use the blank form at the back of this brochure called, "Request for a Formal Grievance Hearing." You should make a copy of your hearing request for your personal records.

IMPORTANT: If you do not request a Formal Hearing within fifteen (15) days of receiving your Property Manager’s summary of the Informal Conference, you lose your right to a Formal Grievance Hearing and the results of the Informal Conference become final. Note, however, that if you lose your right to a Formal Grievance Hearing, you may still take legal action against HPHA (file a lawsuit) at any time.

PART II: FORMAL GRIEVANCE HEARING

STEP 1: Prepare for your Formal Grievance Hearing

After you submit your request, you should immediately begin to prepare your case for the hearing. This means collecting evidence, finding witnesses, and getting ready to argue your case. Review Legal Aid’s brochure “How to Represent Yourself” for more information on preparing for your hearing. You may also contact the Legal Aid Intake Hotline to determine whether you qualify for additional assistance and/or representation in your hearing.

STEP 2: Scheduling

HPHA will assign a “hearing officer” (an impartial person, who is NOT responsible for making or approving the action under review) to listen to your case in the Formal Grievance Hearing. The hearing officer will schedule your Formal Hearing Date within twenty-eight (28) days of receiving your written request. He/She must then provide you with written notification of the date, time, place, and procedures governing the hearing.

GRIEVANCE PROCEDURE FOR NON-PAYMENT OF RENT

If your dispute concerns monthly or unpaid rent, you may be required to submit an “Escrow Deposit.”

1. Before a Formal Grievance Hearing is scheduled, you must first pay all rent that is due up to the month preceding the month in which the rent dispute occurred.
2. Then, in the amount of time it takes you to go through the grievance process, you are required to pay your standard monthly rent into an escrow account. This money will be held in escrow until the dispute is resolved. If you fail to make the required escrow payment(s), HPHA will terminate the Grievance Procedure and your dispute will go unresolved.

IMPORTANT: HPHA may waive the escrow requirement if you have trouble paying the minimum rent AND/OR your welfare benefits have been reduced due to work requirements. Ask you Property Manager to waive the Escrow Deposit if either of the above-mentioned circumstances apply.

STEP 3: Attend your Formal Grievance Hearing

At your Formal Hearing, you will need to present your case using the evidence and/or witness testimony you prepared in “Step 1.” Your objective is to show *why* you deserve the solution you are proposing. HPHA has the burden of explaining the cause/reason for the action that caused the complaint, and hence, why you do not deserve the solution you are proposing. Review Legal Aid’s brochure “How to Represent Yourself” for additional information. You may also call the Legal Aid Intake Hotline to determine if you qualify for representation.

FREQUENTLY ASKED QUESTIONS

- **WHAT HAPPENS IF I MISS THE FORMAL GRIEVANCE HEARING?**

If either you or an HPHA representative fails to appear at the Formal Grievance Hearing, the hearing officer shall rule that the party who failed to appear thereby waives their right to a hearing. The attending party shall win the dispute by default (automatically). To avoid the possibility of losing your grievance, make sure you show up to the Formal Hearing, and show up on time.

- **WHAT ARE THE HEARING PROCEDURES?**

The hearing procedures are meant to protect your right to “due process.” This means the rules ensure that your hearing is fair and you are given a chance to defend yourself. You are entitled to the following due process rights:

- The right to examine your tenant file:

You have a right to look at your tenant file, and make copies of documents, records, and HPHA policies that relate to your case. You are required to pay for any/all copies you make, and you must notify the HPHA Hearings Office of any/all copies you plan to use at least twenty-four (24) hours prior to your Formal Hearing. If you fail to notify HPHA of the copies you plan to use, you will not be allowed to rely upon them in your hearing. If HPHA denies your request to review and/or copy any document, record, or policy, HPHA cannot use those materials against you in the hearing.

- The right to representation:

You may appoint an attorney, paralegal, or other legal advocate to represent you in the Formal Grievance Hearing.

- The right to a Private Hearing:

You are entitled to a Private Grievance Hearing, or you can request that it be made open to the public.

□ The right to present evidence and arguments:

You have the right to present evidence and arguments that support your case and/or go against HPHA's evidence, and you may confront and cross-examine all witnesses who testify for HPHA.

□ The right to a decision on the facts:

You have a right to a decision based solely on the facts presented in your hearing.

Although these rules always apply, the Grievance Hearing is meant to be informal. This means that the language and procedures used are more relaxed than in a traditional courtroom setting. Furthermore, the rules of evidence do NOT apply in Grievance Hearings. If either the HPHA representative or hearing officer challenges you about your use of a particular piece of evidence, you should argue that the evidence is acceptable because the Grievance Hearing does not strictly follow the rules of evidence.

REMEMBER: Even though the Grievance Hearing is less formal than a traditional courtroom hearing, attendees are expected to behave in an orderly and respectful manner. If either you or the HPHA representative fails to act in such a manner, the opposite party may automatically win the Grievance Hearing.

● **WHAT DO I NEED TO KNOW ABOUT THE HEARING OFFICERS' DECISION?**

The hearing officer(s) must prepare a written statement that clearly explains the decision. A copy of the decision should be sent to both you and HPHA within a reasonable amount of time after the Grievance Hearing.

● **WHAT IF THE GRIEVANCE HEARING INVOLVED A PROPOSED TERMINATION OF TENANCY?**

If your Grievance Hearing involved a proposed termination of tenancy (eviction), and the hearing officer ruled in favor of HPHA, you do NOT have to leave the premises until after the eviction process.

Under the eviction process, you will receive written notice that HPHA will begin eviction proceedings if you do not leave the premises within a specific amount of time. If you don't move out by the date specified in the eviction notice, HPHA must notify you of an Administrative Hearing in front of the Oahu Eviction Board. HPHA cannot evict you until after the Eviction Board Hearing.

NOTE: If you have received a notice to attend an Oahu Eviction Board Hearing, call the Legal Aid Society of Hawaii Intake Hotline immediately.

REQUEST FOR AN INFORMAL CONFERENCE

Dear Project Management Representative,

I write in hopes of resolving an issue I am currently experiencing with my housing situation, and to give notice that I am hereby invoking the Grievance Procedure. I would like to schedule an informal conference to discuss the issue and proposed solution.

I dispute the following action, decision, or inaction of the Hawai`i Public Housing Authority, its agents, and/or successors:

I would like to propose the following solution:

Thank you for your prompt attention to this matter.

Respectfully,

Name: _____

Address: _____

Phone No: _____

Signature: _____

Date: _____

REQUEST FOR A FORMAL GRIEVANCE HEARING

Dear Project Manager Representative,

I write to request a Formal Grievance Hearing. I dispute the following action, decision, or inaction of the Hawai'i Public Housing Authority, its agents, and/or successors:

I seek the following action or relief:

ESCROW DEPOSIT (check one)

- I do not believe an escrow deposit is required in this situation because my grievance does NOT involve the amount rent I owe. If you believe otherwise, please notify me of the requirement and/or amount *in writing* as soon as possible.

- Attached is a money order or cashier's check for \$_____ to be deposited by HPHA into an escrow account pending the outcome of my Formal Grievance Hearing.

- I do not know whether I am required to make an escrow deposit or not. If I am required to make an escrow deposit and you will not agree to waive the requirement, please notify me of the amount I must deposit *in writing* as soon as possible.

Name: _____

Address: _____

Phone No: _____

Signature: _____

Date: _____

FOR ADDITIONAL INFORMATION CALL THE LEGAL AID SOCIETY OF HAWAI'I INTAKE HOTLINE

Legal Aid Society of Hawai'i
924 Bethel Street
Honolulu, HI 96813

www.legalaidhawaii.org

Legal Aid's Hotline:

O'ahu: 808.536.4302

Neighbor Islands: 1.800.499.4302

REMEMBER:

This brochure is meant to provide general information, and does not provide specific legal advice about your individual case. The law often changes. Each case is different.

Hawai'i Immigrant Justice Center *at the*
Legal Aid Society of Hawai'i

www.hijcenter.org
www.legalaidhawaii.org

Legal Aid's Hotline:

O'ahu: 808.536.4302

Neighbor Islands: 1.800.499.4302

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