

HOUSING AUTHORITY OF THE CITY AND COUNTY OF DENVER REASONABLE ACCOMMODATION GRIEVANCE PROCEDURE

I. DEFINITIONS

(A) **Complainant:** Any Tenant (as defined below) whose grievance is presented to the 504 Coordinator in accordance with the requirements presented in this procedure.

(B) **Grievance:** A grievance is any dispute a Tenant may have with the Housing Authority concerning the 504 Coordinator's decision regarding the Tenant's request for reasonable accommodation.

(C) **Hearing Officer:** A person selected in accordance with 24 C.F.R. § 966.55 and this procedure to hear grievances and render a decision with respect thereto.

(D) **Household Member:** Any person (or persons), other than a live-in-aide, who resides in the unit and who is listed on the lease.

(E) **Tenant:** The adult person (or persons) (other than a live-in-aide):

- (1) Who resides in the unit, and who executed the lease with the Housing Authority 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 the household of the Tenant family residing in the dwelling unit, and has been approved by the Housing Authority to remain in the unit.

II. APPLICABILITY OF THIS GRIEVANCE PROCEDURE

This grievance procedure shall apply to grievances of the 504 Coordinator's denial or approval regarding a Tenant's or Household Member's request for reasonable accommodation.

This grievance procedure is incorporated by reference in all Tenant dwelling leases and will be furnished to all resident organizations.

Any changes proposed in this grievance procedure must provide for at least 30 days notice to Tenants and resident organizations, setting forth the proposed changes and providing an opportunity to present written comments.

Comments submitted shall be considered by the Housing Authority before adoption of any grievance procedure changes by the Housing Authority.

III. INFORMAL SETTLEMENT OF A GRIEVANCE

(A) Any grievance initiated by a Complainant against the Housing Authority must be presented, either orally or in writing, to the 504 Coordinator **within seven (7) business days after the grievable event**. An "informal" settlement is a discussion of the grievable decision with the 504 Coordinator. Either the Complainant or a representative must make the presentation in person.

- (1) The Complainant will be contacted to arrange a mutually convenient time **within ten (10) business days** to meet so the grievance may be discussed informally and settled without a hearing. The 504 Coordinator will attempt to settle the grievance to the satisfaction of both parties by explaining why the reasonable accommodation was denied. The Complainant will then have an opportunity to explain to the 504 Coordinator why they believe their request for reasonable accommodation should be reconsidered.
- (2) **Within five (5) business days** following the informal settlement, the 504 Coordinator shall prepare a summary of the informal settlement. The summary of the informal settlement will be sent to the Complainant via U.S. Mail, and will be presumed to have been received three (3) days after mailing. One copy shall be retained in the Housing Authority's file. The summary must specify the names of the participants, date of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore. The 504 Coordinator may choose to reconsider the Request for Reasonable Accommodation based on new information from the

Complainant or uphold the denial. The summary will also include the procedures for the Complainant to request a formal hearing under this procedure if the Complainant is not satisfied.

IV. FORMAL GRIEVANCE HEARING

If the Complainant is dissatisfied with the decision arrived at in the informal settlement, the Complainant must submit a written request for a hearing to the 504 Coordinator **within seven (7) business days from the date of the 504 Coordinator's denial or approval letter.** The Complainant must provide at least three (3) dates and times **in the following ten (10) business days** when the Complainant can attend a hearing and his/her contact information.

If the Complainant requests a hearing in a timely manner, the Housing Authority shall schedule a hearing on the grievance at the earliest time possible for the Complainant, the Housing Authority and the Hearing Officer, **but in no case later than ten (10) business days** after the 504 Coordinator receives the Complainant's request for a hearing.

If the Complainant fails to request a hearing within seven (7) business days of the date of the 504 Coordinator's denial or approval letter, the 504 Coordinator's decision becomes final and the Housing Authority is not obligated to offer the Complainant a hearing unless the Complainant can show good cause why he/she failed to proceed in accordance with this procedure.

Failure to request a grievance hearing does not affect the Complainant's right to file a fair housing discrimination complaint with the following entities:

- (a) The U.S. Department of Housing and Urban Development, Fair Housing Equal Opportunity Office, 633 17th Street, Denver, CO 80202, phone (303) 672-5437, TDD (303) 672-5298;
- (b) The Colorado Civil Rights Division, 1560 Broadway, Suite 1050, Denver, CO 80202, phone (303) 894-2997; (800) 262-4845, TTY (303) 894-7832;

- (c) City and County of Denver Agency for Human Rights and Community Relations, Anti-Discrimination Office, 303 W. Colfax Avenue, Suites 1600 and 150, Denver, CO 80204, phone (303) 640-2621, TDD (303) 640-3132;
- (d) Any court of competent jurisdiction.

V. NOTICE

Any notice required by these rules will be sufficient if delivered in writing to the Complainant personally, or to an adult member of the household who is listed on the lease, or if sent by regular mail, addressed to the Complainant. Notice to the Housing Authority must be in writing, and delivered or mailed to the 504 Coordinator at 777 Grant Street, 4th Floor, Denver, Colorado 80203.

VI. SELECTION OF THE HEARING OFFICER

(A) The Hearing Officer shall be an employee of the Housing Authority appointed by the Housing Authority. Such employee shall be specially trained to hear and decide grievances concerning requests for reasonable accommodation.

(B) It is the responsibility of the Housing Authority to notify the Hearing Officer for each particular case, and to have the Hearing Officer present at the time and place of the hearing.

VII. PROCEDURES GOVERNING THE GRIEVANCE HEARING

The parties shall be entitled to a fair hearing of the grievance before the Hearing Officer that shall include:

(A) The opportunity to examine before the hearing any Housing Authority documents that are directly relevant to the requested accommodation. The Tenant must provide the Housing Authority with a minimum of three (3) business days notice to review any documents, and must schedule a mutually agreeable time for the review of such documents. The Tenant shall be allowed to copy any such documents at the Tenant's expense. If the Housing Authority does not

make a document available for examination upon request by the Complainant, the Housing Authority may not rely on such document at the grievance hearing.

(B) The right to be represented by counsel or other person chosen as the Tenant's representative, and to have such person make statements on the Tenant's behalf.

(C) The right to a private hearing unless the Complainant requests a public hearing.

(D) The right to present evidence and arguments in support of the Tenant's position and to controvert evidence relied on by the 504 Coordinator. The parties may bring as a witness anyone they feel will be helpful to them in the hearing process. The Hearing Officer may consider any evidence, so long as it is related to the facts and issues involved in the grievance. **NO NEW EVIDENCE MAY BE PRESENTED AT THIS HEARING WHICH HAS NOT BEEN PROVIDED DURING THE REQUEST FOR REASONABLE ACCOMMODATION REVIEW OR DURING THE INFORMAL SETTLEMENT PROCESS.**

(E) A decision based solely and exclusively upon the facts presented at the hearing.

(F) All such proceedings will be recorded via audio recorder.

The Hearing Officer may render a decision without proceeding with the hearing if he/she determines that the issue has been previously decided in another proceeding.

At the hearing, the Complainant must first make a showing of an entitlement to the relief sought and, thereafter, the Housing Authority must sustain the burden of justifying the Housing Authority's action or failure to act against which the complaint is directed.

The Hearing Officer shall conduct the hearing informally. Oral or documentary evidence pertinent to the facts and issues raised by the complaint may be

received without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The Hearing Officer shall require the Housing Authority, the Complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the Hearing Officer may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

The Housing Authority must provide reasonable accommodation for persons with disabilities to participate in the hearing. The Tenant must give the Housing Authority written notice of the need for an accommodation at the time the Tenant requests a grievance hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the Tenant is visually impaired, any notice to the Tenant that is required under this procedure must be in an accessible format.

VIII. FAILURE TO ATTEND THE HEARING

If the Complainant or the Housing Authority fails to appear at the scheduled hearing, the Hearing Officer may make a determination to postpone the hearing, **not to exceed five (5) business days**, or may make a determination that the party has waived his/her right to a hearing.

Both the Complainant and the Housing Authority shall be notified of the determination by the Hearing Officer; provided, that a determination that the Complainant has waived his/her right to a hearing shall not constitute a waiver of any right the Complainant may have to contest the Housing Authority's disposition of the grievance in court.

IX. DECISIONS OF THE HEARING OFFICER

(A) The decision of the Hearing Officer shall be based only on the facts presented at the hearing, and upon applicable state and local laws and the rules and regulations of the Housing Authority and the federal government.

(B) The Hearing Officer shall prepare a written decision, including a statement of findings and conclusions, and the reasons for these conclusions, **within ten (10) business days** after the hearing date. Copies of the decision shall be sent via U.S. Mail to the parties and their representatives by the Housing Authority.

(C) A copy of the decision shall be maintained on file by the Housing Authority.

(D) The decision of the Hearing Officer shall be binding on the Housing Authority. The Housing Authority shall take all actions, or refrain from any actions necessary to carry out the decision.