

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

I. DEFINITIONS

(A) **Complainant:** Any Tenant, Participant, or Applicant, whose grievance is presented to the 504 Coordinator in accordance with the requirements presented in this procedure.

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

(C) **Hearing Officer:** A person selected to hear reasonable accommodation grievances and render a decision with respect thereto. The Hearing Officer shall be an employee of DHA appointed by DHA. Such employee shall be specially trained to hear and decide grievances concerning requests for reasonable accommodation.

(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 and/or voucher.

(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.

(F) **Participant:** An individual or member of a participant family that has been admitted to the Section 8 program and currently receives Section 8 assistance. The individual or family becomes a participant on the effective date of the first HAP contract executed by the PHA for the individual or family (first day of initial lease term).

II. APPLICABILITY OF THIS GRIEVANCE PROCEDURE

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

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 ten (10) 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 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, 201 W. Colfax Avenue, Denver, CO 80202, phone (720) 913-8458, TDD (720)913-8475;
- (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 1035 Osage Street, 11th Floor, Denver, Colorado 80204.

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 Complainant 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 Complainant shall be allowed to copy any such documents at the Complainant'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 Complainant's representative, and to have such person make statements on the Complainant'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 Complainant'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.

(G) The Complainant or the Housing Authority may arrange in advance, and at the expense of the party making the arrangement, for a recording or transcript of the hearing. The party making such arrangement must notify the opposing party, in writing, at least 24 business hours before the hearing of such arrangement. Complainants must notify the 504 Coordinator of their intent to record or transcribe the hearing. Any interested party may purchase a copy of such recording or transcript.

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 Complainant must give the Housing Authority written notice of the need for an accommodation at the time the Complainant requests a grievance hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the Complainant is visually impaired, any notice to the Complainant 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.