



DRAFT-Poplar Bluff Housing Authority (PBHA) Grievance Procedure

A. Applicability

This grievance procedure applies to disputes between a resident and PBHA regarding PBHA action or failure to act that affects the resident's rights, duties, welfare, or status.

PBHA will not provide a grievance hearing for any termination of tenancy or eviction that involves:

1. Criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, PBHA employees, contractors, or persons on the property; or
2. Drug-related criminal activity on or near PBHA property.

PBHA may also exclude or use an expedited grievance procedure for:

3. Alcohol abuse interferes with the health, safety, or peaceful enjoyment of other residents.

PBHA has determined that Missouri law provides tenants with the elements of due process as defined in 24 CFR 966.53(c).

Therefore, the grievance procedure does not apply to these terminations of tenancy or evictions.

B. Definitions

Grievance- A dispute about PBHA action or failure to act that affects a resident.

Complainant- A resident who files a grievance.

Elements of Due Process

Includes:

- Notice of reasons for eviction
- Right to legal representation
- Access to PBHA records before court
- Opportunity to present evidence and question witnesses
- A decision based on facts

Hearing Officer or Panel- An impartial person or group selected to hear the grievance.

Resident-An adult leaseholder or head of household.

Resident Organization-A resident group with bylaws and elected leaders.



C. Informal Settlement

The resident must first try to resolve the issue informally.

1. The resident must submit the grievance in writing.
2. Time limits:
 - Failure to act: within 10 calendar days
 - PBHA action: within 10 calendar days or the time stated in the notice
3. PBHA will issue a written summary within 5 business days.

The summary must include:

- Names of participants
- Dates of meetings
- Proposed resolution
- Reasons for the decision
- Instructions for requesting a hearing

D. Requesting a Hearing

1. The resident must request a hearing in writing within 7 calendar days after receiving the summary.

The request must state:

- The reason for the grievance
 - The relief requested
2. PBHA will appoint a Hearing Officer or a 3-person Hearing Panel.

The Hearing Officer or Panel must be impartial and not involved in the original decision.

3. The Executive Director will make the selection.
4. Final selection will be made within 15 calendar days.
5. If the resident does not request a hearing on time, PBHA's decision becomes final.

E. Escrow Requirement for Rent Disputes

If the grievance involves rent owed:

- The resident must deposit the disputed amount into an escrow account
- Monthly rent must continue to be deposited until the matter is resolved

PBHA may waive this requirement for good cause.



Failure to comply may result in termination of the grievance process.

F. Scheduling the Hearing

After all requirements are met:

- The hearing will be scheduled promptly
- Written notice will be provided stating:
 - Date
 - Time
 - Location
 - Procedures

G. Standard Hearing Procedures

The resident has the right to:

- Review relevant PBHA documents before the hearing
- Be represented by a lawyer or other person
- Request a private hearing
- Present evidence and arguments
- Question witnesses

The decision will be based only on the facts presented.

The hearing will be informal but orderly.

Failure to appear may result in:

- A short postponement, or
- Waiver of the hearing

PBHA will provide reasonable accommodations for disabilities.

H. Expedited Grievance Procedure

PBHA may use an expedited grievance procedure for cases involving:

- Criminal activity that does not qualify for full exclusion
- Alcohol abuse affecting others
- Other serious lease violations that require faster resolution

Expedited procedures include:

1. Shorter timeframes for notice and scheduling
2. Combined informal settlement and hearing, when appropriate



3. Written notice clearly states the reason for expedited handling

The resident will still have the right to:

- Review evidence
- Present a defense
- Be represented

The Hearing Officer or Panel will issue a written decision within a reasonable time, not to exceed 5 business days when feasible.

I. Decision

The Hearing Officer or Panel will issue a written decision within 7 business days for standard hearings.

The decision will state the reasons.

PBHA must follow the decision unless the Board determines within 30 days that:

- The grievance is not eligible, or
- The decision conflicts with law or HUD requirements

Residents retain the right to go to court.

J. Eviction After Hearing

If PBHA prevails:

- PBHA will issue a written notice to vacate
- The notice will state the deadline to leave
- If the resident does not vacate, PBHA may file eviction in court

The notice to vacate will not be issued until after the hearing decision is delivered.

K. No Waiver of Rights

Participation in this process does not waive the resident's right to judicial review.