

SAMPLE APPEALS PROCEDURE

The following procedure may be adapted fully or in part by a grantee in order to meet the provisions of Section 1944.258(d) or 700.225(d) of the Interim Common Rule and Chapter 1, section 16(C)(7) of this Handbook. In the event the grantee develops a different procedure, the basic elements outlined in this sample procedure shall be incorporated into the grantee's appeals procedure.

(A) Informal settlement

The complaint shall be personally presented either orally or in writing to the PAC, the housing project manager and the services coordinator for informal discussion and resolution. The complainant should be allowed assistance from a representative of his/her choice.

A written summary should be prepared by the housing project manager within a reasonable time, with a copy given to the complainant and one copy in the resident's CHSP file. The summary should specify the names of the participants, dates of the meeting(s) and the proposed disposition of the complaint. It should also specify the procedures by which a hearing may be obtained if the complainant has not been satisfied.

(B) Hearing

(1) Request for a Hearing

The complainant should submit a written request for a hearing to the PAC and the service coordinator with a copy to the housing project manager within a reasonable time after receipt of the written summary described in paragraph A, above. The written request shall specify:

- a. the reason for the complaint; and,
- b. the action or relief sought, i.e., acceptance or retention in the CHSP.

(2) Selection of Hearing Officer or Hearing Panel

Appeals should be presented before a hearing officer or hearing panel. The hearing officer should be an impartial, disinterested person, selected jointly by the PAC, the service coordinator, the housing project manager and the complainant. If agreement

cannot be reached on a hearing officer, each should appoint a member of a hearing panel and the members appointed should

select a fifth member.

(3) Failure to Request a Hearing

If the complainant fails to request a hearing, the disposition of the grievance under consideration shall be final. However, failure to request a hearing shall not constitute a waiver of the complainant's right, thereafter, to contest the disposition through an appropriate judicial proceeding.

(4) Procedures Governing the Hearing

The hearing should be held before a hearing officer or hearing panel, and should provide the complainant with:

- a. the right to a private hearing;
- b. the right to confidentiality of records;
- c. the right to be represented by counsel or other person chosen as his/her representative.

(5) Decision of the Hearing Officer or Hearing Panel

- a. The hearing officer or hearing panel shall prepare a written decision, within a reasonable time after the hearing. A copy of the decision shall be sent to the complainant, the PAC, the service coordinator, the housing project manager and the appropriate HUD field office/FmHA State office. The project management shall retain a copy of the decision in the resident's CHSP file.
- b. A decision which denies the relief requested by the complainant should not constitute a waiver, and does not affect the complainants' right to further appeal through judicial proceedings.