

Grievance Hearing in housing funded with money from Rural Development

If your apartment building is funding with money from Rural Development (a housing agency within the U.S. Department of Agriculture), you have certain rights in regard to participating in an informal process to dispute specific actions a landlord may or may not take. Basically, if the landlord takes an action that is adverse to your interest (raising the rent, demands money for repairs that were allegedly tenant caused, fails to do something that is the landlord's obligation under the terms of the lease serves a disturbance notice upon a tenant), the tenant may "grieve" that action or inaction. ***The landlord is required to provide you with a copy of the grievance procedure at the time you sign the lease and to keep a copy posted in a conspicuous place. If you are not given a copy of the grievance procedure or if one is not posted, ask your landlord for a copy. The grievance procedure sets out the steps you have to take in order to participate in the informal dispute resolution process.***

In general, you must give the landlord a written notice that you want to grieve their action or inaction. The landlord must then meet with you to try to resolve the matter within 10 days. After that meeting, the landlord must prepare and give you a written summary of that meeting. If you are not satisfied with the informal meeting, you must send a written statement to Rural Development at the following address:

**USDA RD STATE OFFICE
1201 N.E. Lloyd Blvd
Ste 801
Portland, Oregon 97232-1274**

An employee from Rural Development will contact you to determine the appropriate time and place for the grievance hearing. A hearing office or a panel of persons to hear your grievance will have to be established. At the hearing, you are entitled to present your argument why the landlord's action was not reasonable. You are entitled to all the information in the landlord's file that is pertinent to the dispute between the two of you. The hearing officer or panel will issue a written opinion within a short period of time.

Important things to remember include the following:

1 Time Lines.

- a. Request a hearing within 10 days after receipt of the summary of the informal meeting.
- b. In the absence of a standing panel, and if a HO or a hearing panel can not be formed through mutual agreement, the borrower must inform the Agency within 30 days of the date a hearing is request.
- c. If a standing panel does not exist, Agency must appoint a HO within 10 days from "reviewing the facts".

d. Hearing “shall be “ scheduled 15 days after receipt of the tenant’s request for a hearing.

e. “At a reasonable time” before the hearing, the borrower must allow tenant an opportunity to examine all files that are going to be used during the hearing.

f. If necessary, an escrow account may be established for the payment of rent. No specific time limit mentioned other than what is reasonable under the circumstances.

g. HO or panel must prepare and

2. The Hearing

a. An informal proceeding.

b. Either side may be represented by council or another person

c. The tenant/prospective tenant may request a private hearing.

d. Borrower and Tenant/prospective tenant has the right to present written/oral evidence and argument and to *refute* the evidence of all witnesses on whose testimony or information the other relies..

e. All parties are to conduct themselves in an orderly manner. Disorderly conduct may be the basis for exclusion from the proceedings.

f. If a tenant/prospective tenant fails to appear at a scheduled hearing, the HO or panel may chose to postpone the hearing for no more than five days or determine the tenant/prospective tenant has waived right to a hearing.

3. Hearing Office or Hearing Panel

a. The HO cannot be a person solected soley by the tenant or borrower

b. The HP members should be impartial

c. The Borrower may chose to have a standing panel to hear tenant grievances for each project. The following process is for the creation of a standing panel:

* A standing panel consists of at least one tenant panelist and one panelist selecged by the Borrower.

* Tenants nominate and vote for both a panel member and an alternate.

- * Tenants must be notified of the time, date and location of the election.

- * The Borrower or their agent will select two members to serve on the standing panel, one of which will be an alternate.

- * The third member of the panel must be selected jointly by the tenants and the Borrower.

- * The chairperson shall be elected by the two interested parties. Each party will only have the opportunity to give one vote, even if two people were elected to serve on the panel.

- * Each member shall serve without compensation and for a specified term.

4. Examination of Records

a. At a reasonable time, Borrower must allow tenant the opportunity to examine all files that are going to be used during the hearing. Documents can be examined and copied at the tenant's expense if:

- * The document, record, or policy is one that will be used during the hearing process.

- * The document, record, or policy is not subject to any laws or confidentiality agreements that prohibit reproductions.

- * Examples of documents that can not be copied: credit reports, project budgets, supervisory findings.

5. Escrow Deposits

a. Use when grievance involves a rent increase not authorized by the Agency or a failure to maintain the property in a decent and sanitary manner. Tenant required to make timely rent payments. Borrower may not receive the payment until the grievance has been settled. The following rules govern an escrow account:

- * All rent payments must be made to the escrow account on time and continue until the grievance is resolved. Failure to do so will terminate the grievance process and all sums will be due immediately.

- * Escrow account must be established in a Federally insured institution.

- * All receipts of deposit must be made available for examination by the Borrower.