



**A Resident and Applicant Guide  
to the**

# **GRIEVANCE PROCEDURES**



**of the  
District of Columbia  
Housing Authority**

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**T**he District of Columbia Housing Authority (DCHA) presents **A Resident and Applicant Guide to the Grievance Procedures of the District of Columbia Housing Authority.**

The purpose of this booklet is to outline the major provisions of the District of Columbia Housing Authority Grievance Procedures. The Grievance Procedures are contained in **14 District of Columbia Municipal Regulations (DCMR), Chapter 63**. A copy of the regulations is available in the property management office in which the tenant resides. Copies are also available at the DCHA Headquarters, 1133 North Capitol Street, NE, Washington D.C. in the Office of Fair Hearings (OFH), Room 317, or the Client Placement Division (CPD), Room 178.

Whenever you feel DCHA has affected your rights, duties, welfare, or status, the first step is to speak with your housing manager (tenant) or the CPD (applicant). In most cases, concerns can be resolved quickly and simply. If you believe your concerns have not been resolved, you have a right to file a formal grievance with DCHA.

We hope that you find this booklet to be a valuable tool in your effort to learn about the District of Columbia Housing Authority Grievance Procedures.

## Section I Grievance

**What is a grievance?** A grievance is any dispute which you may have with respect to DCHA's actions or failure to act in accordance with your lease or DCHA regulations which adversely affect your rights, duties, welfare, or status.

**Who can file a grievance?** A grievance may be filed by a public housing tenant or applicant. You are not required to file a grievance to address your concerns; you may choose to resolve your dispute in court.

The grievance procedures can be divided as follows: (1) the informal settlement stage; (2) the formal hearing stage; (3) the hearing decision stage; and (4) the relief performance stage. These stages are discussed in more detail below.

**What issues cannot be addressed through the grievance process?** The grievance process cannot be used for the following: (1) to resolve disputes between tenants/applicants not involving DCHA; (2) to bring class action grievances; (3) to resolve disputes about Notices to Vacate based on creation or maintenance of a threat to the health or safety of other tenants or DCHA employees; or (4) to initiate or negotiate changes to DCHA policies.

**What are your rights under the grievance procedures?**

1. The right to a fair hearing.
2. The right to have a lawyer or other person represent you.
3. The right to a private hearing, unless you request a public hearing.
4. The right to examine documents, records, and regulations of DCHA. DCHA will copy up to 50 pages for free. Thereafter, the cost is \$.25 per page.
5. The right to present evidence, arguments, and witnesses in support of your grievance, and to question DCHA's witnesses.

6. The right to a decision based solely on the facts presented at the hearing.
7. The right to arrange, in advance, for a transcript of the hearing, at your expense.
8. The right to make (at your expense) a tape recording of the proceeding, provided you disclose your intent to do so to the other party and to hearing officer.
9. The right to reasonable accommodations if you have a disability-may include qualified sign language interpreters, translators, readers, accessible locations or attendants.



**When must you file your grievance?** You must file your grievance not later than one (1) year after the event about which you are complaining happened. For example: DCHA sends you a written notice on March 1, 2001 that you owe delinquent rent in the amount of \$100. On July 1, 2002 you file a grievance contesting the amount of rent owed. You no longer have the right to file a grievance to dispute the \$100 because you should have filed your grievance no later than February 28, 2002. You may still, however take your case to court.

## Section II Informal Settlement Stage

**How do you file a grievance?** Your grievance must be mailed or presented in person by you or your representative in the property management office (tenant) or CPD (applicant) or the OFH. Your grievance may be presented orally or in writing. If the grievance is presented orally, you, or your representative or DCHA staff must complete the grievance form. The grievance must be signed by the tenant or applicant.

**What do you say in your grievance?** There are no magic words that you must say in order to have your grievance heard. It is important that you state your grievance clearly as well as how you would like the DCHA to address your concerns.

**What happens after you file your grievance?** Within 3 working days of receipt of the grievance, an informal conference will be scheduled with your housing manager (tenant) or CPD (applicant). The informal conference must be held within 10 working days of the date the grievance was filed. The purpose of the informal conference is to discuss your grievance informally and to try to resolve your grievance without a formal hearing. You must attend the informal conference at the time and place identified unless it is rescheduled. If necessary, contact your housing manager or the CPD to reschedule the informal conference.

If you and the housing manager or CPD can agree on how to resolve your grievance the terms of the settlement will be put in writing within 10 working days of the informal conference. Both you and the housing manager or CPD must sign the agreement. You will receive a copy of the agreement and a copy will be placed in your DCHA tenant or applicant file.

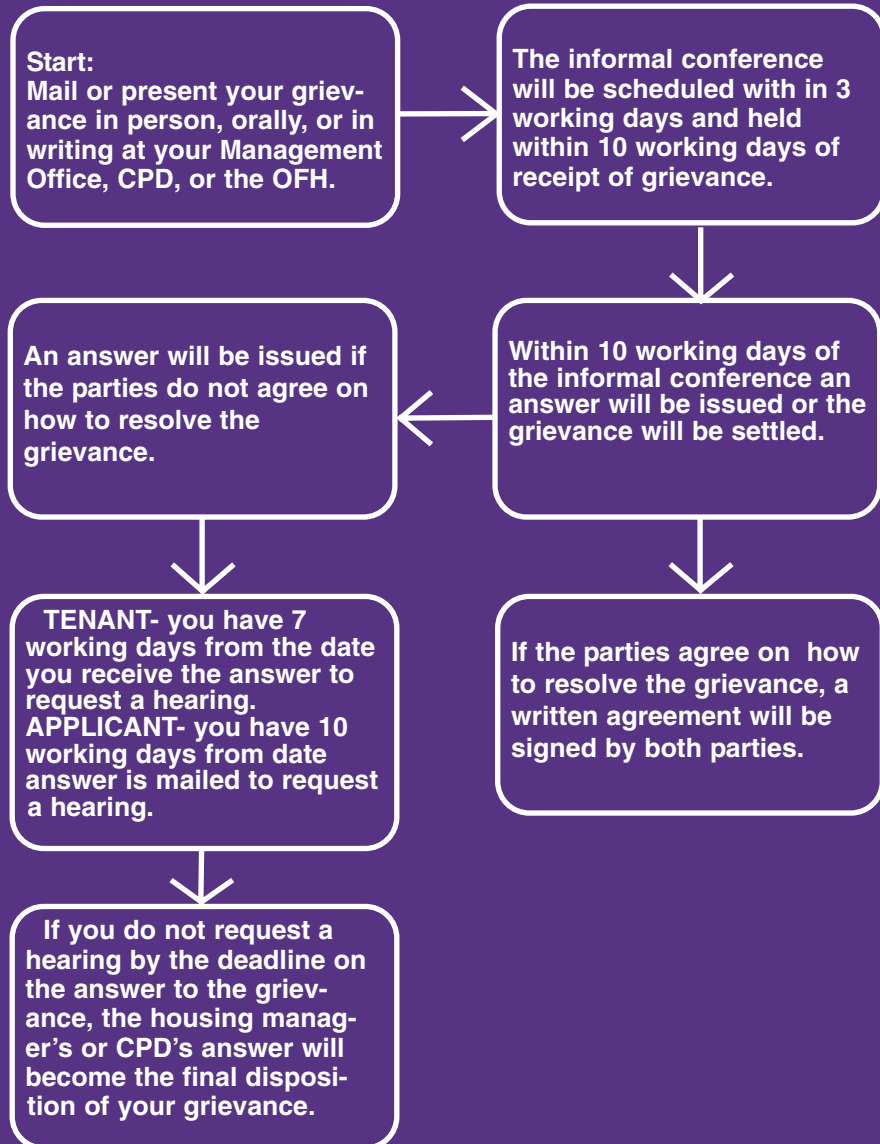


**What happens if your grievance is not settled?** If you and your housing manager or CPD cannot agree on how to resolve your grievance, you will receive a written answer to your grievance within 10 working days of the informal conference. The answer will tell you: (1) what your housing manager or CPD proposes to do about your grievance and why; (2) your right to a hearing and how to request one; and (3) the time allowed for requesting a hearing.

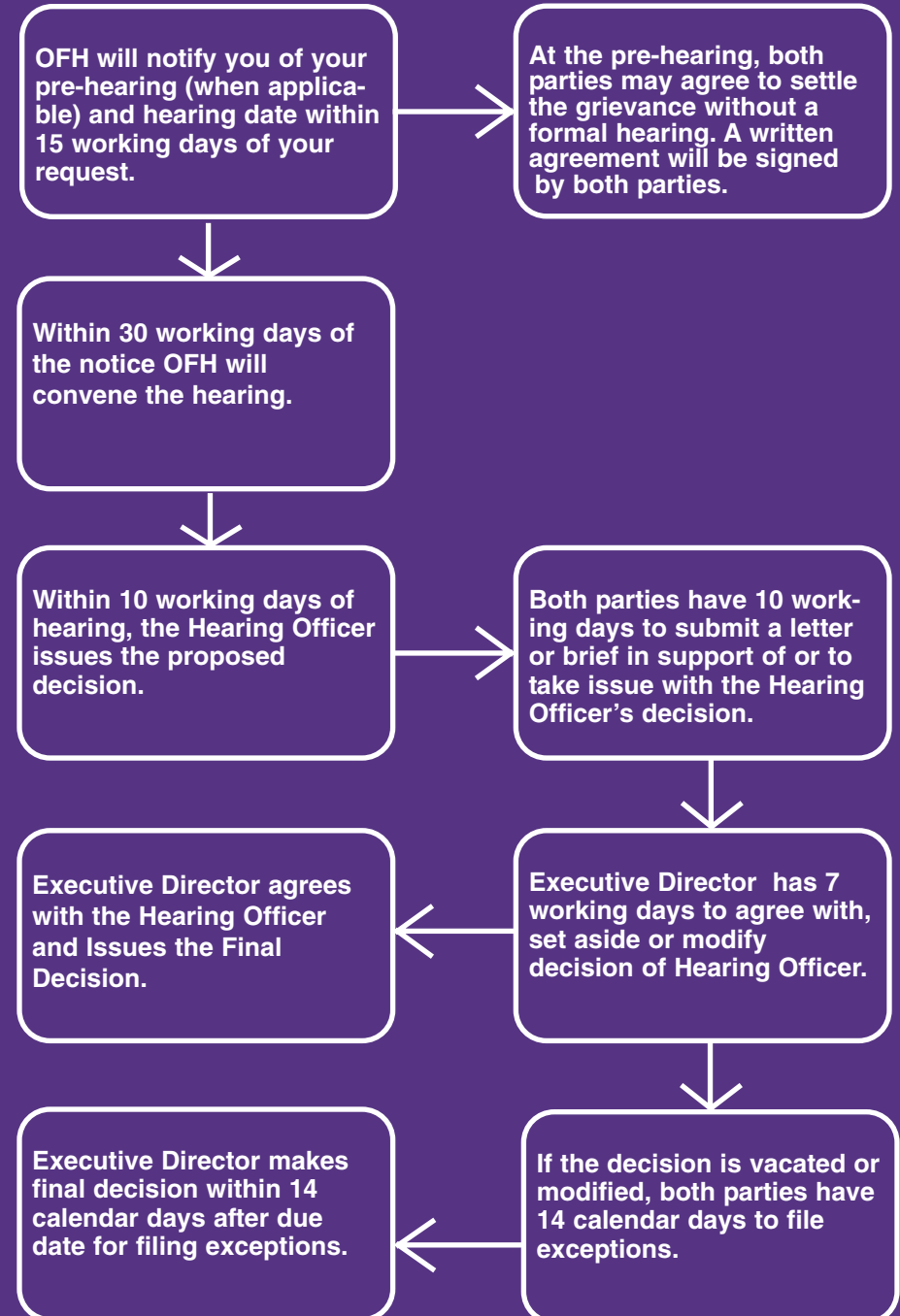
**How will the answer be served?** The answer must be served as follows: If you are a **tenant**, the housing manager may personally serve you the answer, or leave a copy at your unit with a person of suitable age, or post the answer on your door, if no one is home. If you are an **applicant**, CPD will send the answer by first class mail, postage prepaid to your address as it appears in the records of OFH.

# Steps to the Grievance Process

## Informal Settlement Stage



## Formal Hearing Stage



## Section III Formal Hearing Stage

**What is a hearing?** A hearing is a formal meeting at which a hearing officer will hear your case. The hearing officer has the authority to require both you and DCHA to do certain things. The hearing officer cannot change DCHA's rules or take away your rights.

**When must you request a hearing?** If you are a *tenant*, you must request a hearing within 7 working days from the date the answer was served. If you are an *applicant*, you must request a hearing within 10 working days from the date the answer was mailed.

**What happens if you miss the deadline to request a hearing?** If you do not request a hearing on, or before the deadline for filing a hearing request, the housing manager's or CPD's written answer to your grievance becomes final. However, you may still take the case to court.

**What is the escrow rent payment required?** If your grievance involves a dispute about the amount of rent due DCHA, and you request a hearing, you are required to deposit your monthly rent in DCHA's escrow account until the grievance is resolved by OFH or the final decision is issued by the Executive Director.

**What happens if you fail to make the escrow payment?** Failure to make the required payment will result in the termination of your formal hearing request. The answer to your grievance will become the final disposition of your grievance. However, if you disagree with the termination of your hearing request, you may still take your case to court.



**How is a hearing officer selected?** The OFH will assign at random, an impartial, disinterested licensed attorney to hear your case.

**How will you receive notice of the hearing date?** Within 15 working days of receipt of your request for a hearing, you will receive notice of the date of your pre-hearing (when applicable) and/or hearing. Within 30 working days of the notice OFH will convene the hearing. You must contact the OFH to reschedule the pre-hearing or hearing.

**What must you do at the hearing?** You must prove to the hearing officer that you are entitled to the relief you are seeking. DCHA has the right to challenge your arguments and to present its own witnesses and evidence. You, however, will be given an opportunity to question DCHA's witnesses and to challenge its evidence.

## Section IV Hearing Decision Stage

**What happens after the hearing?** The hearing officer will prepare a written decision, within 10 working days after the close of the hearing. OFH will mail copies of the proposed decision to you and your housing manager or CPD. The hearing officer's decision can be changed for only one of two reasons: (1) your grievance did not concern DCHA's rules, policies or regulations; or (2) the hearing officer's decision was contrary to federal or D.C. law or regulations.

**What if you are not satisfied with the hearing officer's decision?** You and the housing manager or CPD may file a letter or brief supporting or opposing the hearing officer's decision. The letter or brief must be filed within 10 working days from the date of the hearing officer's decision or the due date established by the OFH, whichever is later.

**When will the Executive Director review the proposed decision?** Within 7 working days after the deadline to file a letter or a brief, the Executive Director must decide whether the hearing officer's decision is to be affirmed, modified, or vacated.

**What happens if the Executive Director affirms the proposed decision?** If the Executive Director affirms the hearing officer's decision it becomes the final decision and, you will receive a copy of the decision and a copy will be placed in your DCHA tenant/applicant file. If you are dissatisfied with the Executive Director's final decision, you may take the case to court.

**What happens if the Executive Director modifies or vacates the hearing officer's proposed decision?** If the Executive Director modifies or vacates the hearing officer's proposed decision, he or she must provide you with a written decision stating the Executive Director's proposed action and his or her reasons for changing the hearing officer's decision.

**What happens after the Executive Director modifies or vacates the hearing officer's proposed decision?** You and the housing manager or CPD have 14 calendar days to file a brief or letter supporting or opposing the proposed final decision.

**When will the Executive Director make the final decision?** The Executive Director must make the final decision 14 calendar days after the deadline for responding to the proposed final decision. If you are dissatisfied with the Executive Director's final decision, you may take the case to court.

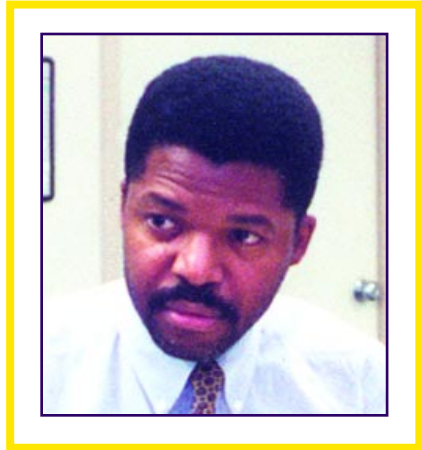
**What happens after the final decision is issued?** You must review the final decision immediately to find out what action you and/or the housing manager or CPD must perform to comply with the terms of the final decision. If you need further assistance interpreting the final decision, you should contact your representative or the Office of Fair Hearings.



## Section V Relief Performance Stage



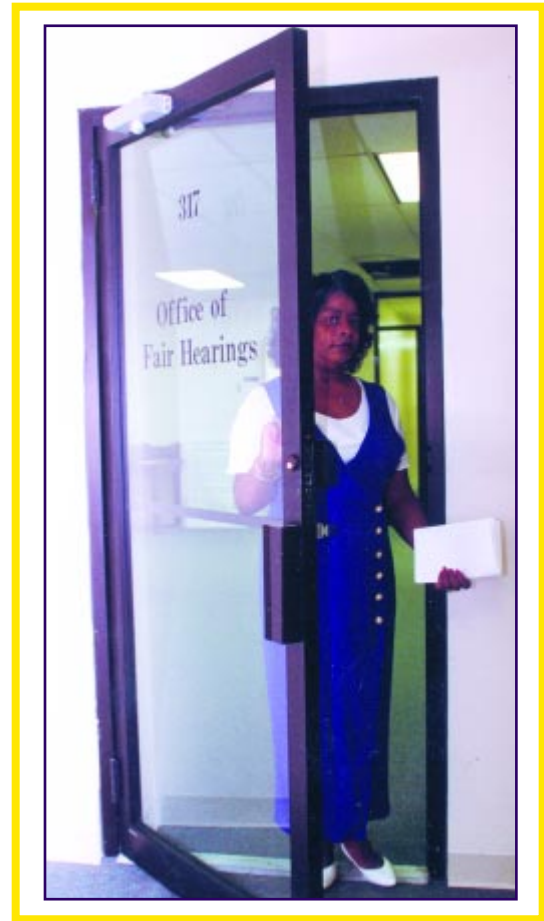
**What if the housing manager or CPD fails to provide the relief promised in the answer, settlement agreement, or the final decision?** You may request the OFH to investigate the reasons why relief has not been performed by the housing manager or CPD. The OFH will not close your case until you receive the relief promised. In most cases, the problem can be resolved quickly and simply.



## Section VI Office of Fair Hearings

**What is the role of the Office of Fair Hearings?** The OFH is responsible for: (1) ensuring that grievances of public housing tenants and applicants for DCHA public housing are addressed in a fair, expeditious and uniform manner; and (2) investigating and monitoring the answer to the grievance, settlement agreement, or the final decision to ensure that you receive the relief promised.

**Who maintains your grievance file?** Your grievance file is maintained by the OFH. Your grievance file will be made available to you, your representative and interested members of the public for inspection and copying.



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