

**CHICAGO HOUSING AUTHORITY  
FY2009 Grievance Procedure**

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**I. Purpose**

- A. This Grievance Procedure (Procedure) is issued in accordance with the U.S. Department of Housing and Urban Development (HUD)'s Code of Federal Regulations (CFR), as found in 24 CFR § 966.50, and the CHA Leaseholder Housing Choice and Relocation Rights Contract 10/1/99 (RRC).
- B. This Procedure outlines the rights and obligations of head of households, the Chicago Housing Authority (CHA) and property management firms of traditional public housing and mixed-income properties (property management firms) with respect to grievances, and makes these rights and obligations part of the CHA Resident Lease Agreement and Contract (Lease) between the CHA and Head of Households, as well as the mixed-income leases, to the extent this Procedure is adopted by the mixed-income developer.
- C. The Grievance Procedure is a two-step process through which the head of household and/or co-head, if applicable, can raise grievances, outlined in *Section IV*, with the CHA and/or its property management firms.
  - 1. The first step is an informal hearing between a head of household and Property Manager or the CHA department that rendered the decision involving the dispute, in which the parties shall present concerns and attempt to resolve issues.
  - 2. The second step, if necessary, is a formal hearing, heard by an independent Hearing Officer at the City of Chicago's Department of Administrative Hearings.

**II. Applicability**

- A. The following Head of Households have the right to use this Grievance Procedure:
  - 1. Head of households living in traditional CHA public housing developments;
  - 2. Head of households living in mixed-income developments where the CHA Grievance Procedure was adopted;
  - 3. Head of households temporarily using a Housing Choice Voucher (Section 8); or
  - 4. Head of households and former head of households covered by the RRC for purposes and matters specifically outlined in the RRC (also known as Leaseholders).
- B. This procedure does not apply to Head of Households living in City-State properties.

- C. The procedure does not apply to leaseholders and Head of Households covered by the RRC who accepted permanent replacement housing in the CHA Housing Choice Voucher (HCV) Program.
- D. The procedure does not apply to CHA HCV Program recipients and applicants.
- E. The procedure does not apply to CHA applicants. Applicants receive mitigating/informal hearings with the CHA Occupancy Department or the Property Management firm rendering the decision.

### **III. Definitions**

- A. "Grievance" shall mean: Any dispute with respect to the CHA's and/or property management firm's action or failure to act in accordance with the individual Head of Household's Lease, the RRC, and/or CHA policy implementation or procedures that adversely affect the individual Head of Household's rights, duties, welfare or status.
- B. "Head of household" (Leaseholders) shall mean: The adult person (or persons), other than a live-in aide, minors, foster children, or foster adults, who resides in the unit, and who:
  - 1. executed the lease with the property management firm or with the CHA as lessee of the dwelling; or
  - 2. was issued a temporary Section 8 voucher; or
  - 3. is otherwise protected under the Relocation Rights Contract, or
  - 4. if no such person is now residing in the unit, the adult person who has requested eligibility status to become the remaining head of household of the Head of Household family residing in the unit.
- C. "Remaining Head of Household/Remaining Family Member shall mean: Members of the household, excluding foster children, foster adults, live-in aides, and minors, listed on the lease that remain in the unit when the head of the household dies or leaves the unit without a housing subsidy supplied by CHA. Remaining family members must have lived in the unit and on the lease as an authorized member on the lease for a minimum of three years (36 months). Remaining family members are only eligible to use the formal grievance process to dispute their denial of the right to become a residual head of household/leaseholder. The initial hearing must be filed with the department or property management firm that issued the original denial.
- D. "Property Management Firm" shall mean: A property management firm that manages traditional public housing and/or mixed-income developments of the CHA.

- E. "Reasonable Accommodation" shall mean: Some modification or change the CHA can make to its units, buildings, or procedures that will assist an otherwise eligible applicant or Head of Household with a disability to take full advantage of and use CHA's programs. An accommodation is not reasonable if it: a) causes an undue financial and administrative burden; or b) represents a fundamental alteration in the nature of CHA's program.

**IV. Grievances to which this procedure is applicable**

The Grievance Procedure shall apply to situations including, but not limited to, disputes involving:

A. Rent

1. Annual and adjusted income;
2. Amount of rent;
3. Continued income eligibility;
4. Failure to pay rent;
5. Procedure used to collect rent;
6. Patterns of late rent payments; and
7. Minimum rent hardship exemption.

*Rent Escrow Account:* Before a hearing is scheduled for any grievance involving the amount of rent due, the head of household must pay an escrow deposit to a Rent Escrow Account, equal to the amount of monthly rent due as of the first of the month preceding the month in which the act or failure to act took place. The head of household must continue to pay the amount of monthly rent due to the account until the head of household's grievance is resolved. The escrow requirement may be waived if the head of household is determined to have a financial hardship exemption as described in the minimum rent requirements. The escrow requirement may also be waived due to the effect of welfare benefit reductions in the calculation of family income. Unless the requirement is waived, failure to make the escrow deposit shall terminate the Grievance Procedure. When the request for an informal hearing is submitted, the head of household shall be notified in writing of the rent escrow requirement, the right to request a hardship exemption and consequences for failure to comply. **24 CFR 966.4(b)**

B. Noncompliance with the Lease

1. Inspection of the dwelling unit to determine its condition;
2. Imposition of the Lease provisions to protect the CHA's property;
3. Assessment and payment of charges for Head of Household-caused damages;
4. Failure to pay maintenance charges or failure of the property management firm to complete repairs;

5. Failure to reimburse for damage claims;
  6. Failure to comply with annual reexamination requirements;
  7. Methods and grounds used to transfer or relocate families within or between housing developments that are unrelated to the RRC;
  8. Disputes involving exemptions from the CHA Work Requirement Policy;
  9. Disputes involving denial of Safe Harbor status; and
  10. Termination of tenancy because of non-compliance with the terms of the Lease, except as specified below in *Section V.A.*
- C. Relocation (applicable to head of households and former head of households covered by the RRC only).
1. Methods and grounds used to relocate families within or between housing developments as part of the Plan for Transformation;
  2. A head of household/leaseholder's rejection of permanent replacement housing;
  3. Disputes involving a head of household/leaseholder's loss of their right of return to replacement housing;
  4. Denial of replacement housing based upon criteria set forth in Tenant/Head of Household Selection Plans and/or Site-Specific Criteria;
  5. Requirement to transfer to a different housing development because of failure to meet the criteria set forth in Tenant/Head of Household Selection Plans and/or Site-Specific Criteria within one year (or longer period, as applicable) of move-in at mixed-income properties;
  6. Requirement to transfer to a different housing development for failure to continue to meet or continue to engage in activities set forth in Tenant/Head of Household Selection Plans and/or Site-Specific Criteria at mixed-income properties; and
  7. Disputes involving failure to comply with new Authority-wide requirements.

**V. Grievances to which this procedure is not applicable**

- A. The Grievance Procedure shall not be available to any household whose tenancy is being terminated because of:
1. Any activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other Head of Households and their families, employees of the CHA, property management firms, or agents of the CHA, or persons residing in the immediate vicinity;
  2. Any violent or drug-related criminal activity on or off such premises; or
  3. Any activity resulting in a felony conviction.

- B. The Secretary of HUD has made a determination that the State of Illinois' courts provide due process. Therefore, the CHA may terminate a Lease using the procedure under the Illinois Landlord-Tenant law for the above actions without offering the household a grievance hearing.
- C. The Grievance Procedure shall not apply to:
  - 1. Class grievances against the CHA; or
  - 2. Disputes between Head of Households, when the CHA is not involved.
- D. The Grievance Procedure shall not be used as a forum by a Head of Household, Head of Households or groups of Head of Households for initiating or negotiating policy changes with the CHA or the CHA's Board of Commissioners.

**VI. New Head of Households**

- A. At the time of leasing, the property management firm will furnish each new head of household with a copy of the CHA Grievance Procedure, with exhibits attached thereto, including the Notice of Grievance Rights – GP1.
- B. Households transferring between developments shall not be considered new head of households.

**VII. Reasonable Accommodations**

- A. The CHA and its property management firm shall provide reasonable accommodations to permit Head of Households with disabilities to participate in both informal and formal grievance hearings.
- B. If requested by the head of household, reasonable accommodations to persons with disabilities may include, but are not limited to the following: 1) that meetings be held in an accessible location; 2) that all materials and notices will be in an accessible format; 3) that the CHA provides qualified sign language interpreters, readers or attendants; 4) that the head of household can make a hearing request orally and having a representative, advocate or the property management firm complete the relevant paperwork.

**VIII. Notice of Adverse Action**

- A. The CHA or its property management firm will notify a head of household in writing of the specific grounds for any proposed adverse action. The notice shall be personally served or sent via certified or registered first-class mail, return-receipt requested. If the CHA is required to afford the head of household the opportunity for a grievance hearing, the notice of proposed adverse action will inform the head of household of the right to request such hearing and the time period within which a hearing may be requested.

**IX. Adverse Action and Grievance Procedure**

- A. Actions Excluding Lease Termination: In the case of a proposed adverse action other than a proposed Lease termination, the CHA or its property management firm shall not take the proposed action until the time for the head of household to request a grievance hearing has expired. If a hearing was timely requested by the head of household, no action shall be taken until the grievance process has been completed.
- B. Actions Including Lease Termination: When the CHA or its property management firm is required to afford the head of household the opportunity for a hearing under this Procedure for a grievance concerning the Lease termination (not including grievances described in *Section V*), the tenancy shall not terminate, even if any notice to vacate under state or local law has expired, until the time for the head of household to request a grievance hearing has expired, and, if a hearing was timely requested by the head of household, the grievance process has been completed.

**X. CHA Ombudsman**

- A. CHA's Ombudsman is available to advocate for residents at both the informal and formal hearing stages.

**XI. Requests for Informal Hearings**

- A. The following Head of Households have the right to use the informal hearing process established by this Grievance Procedure:
  - 1. Head of Households living in traditional CHA public housing developments;
  - 2. Head of Households living in mixed-income developments where the CHA Grievance Procedure was adopted (also known as Leaseholders);
  - 3. Head of Households temporarily using a Housing Choice Voucher (Section 8); or
  - 4. Head of Households and former head of households covered by the RRC for purposes and matters specifically outlined in the RRC (also known as Leaseholders).
- B. On the bottom of every Notice of Termination of Tenancy (other than those exempted in *Section V*) and at the bottom of notices for grievable actions, as required by the RRC, the head of household shall be notified that he/she has a right to request a grievance hearing, orally or in writing, within the applicable number of days from receipt of the Notice.
- C. Head of Households shall file grievances either orally or in writing with the property management firm or the CHA department that rendered the decision involving the dispute. The head of household or the property management firm, upon request by the head of household, shall complete the Grievance Hearing Proceedings Form – GP3, that is provided by the property management firm. Head of Households shall file their grievances within the following times:

1. Grievances Involving Eviction Action
  - a. in the case of rent disputes, within fourteen (14) calendar days of the receipt of the termination notice by the household; and
  - b. in all other eviction cases<sup>1</sup> that are not excluded under Section 15(h) of the Lease, the period of time stated within the notice after which tenancy will terminate, calculated from the date of the household's receipt of the termination notice, not to exceed thirty (30) calendar days.
2. Non-Eviction Grievances:
  - a. Within thirty (30) calendar days of the receipt of any written notice of adverse action from the CHA or property management firm; or
  - b. Within thirty (30) calendar days of any adverse action taken by CHA or the property management firm, where no notice is received.
- D. If an informal hearing is requested, the property management firm shall fill out and provide the head of household with a receipt indicating that a request for an informal hearing was made and the date of the request. (Head of Household Receipt for Informal Hearing Request – GP2). A copy of the receipt shall be given to the Head of Household and placed in the Head of Household's file.
- E. When a Head of Household files a request for an informal hearing, the property management firm shall forward two copies of the Head Of Household Receipt for Informal Hearing Request (GP2) to CHA Departments: The property management firm shall forward one copy to the Asset Management Department and one copy to the General Counsel.
  1. In cases involving the right of return, or the right to remain at a mixed-income development after the 12-month Working to Meet Period, the property management firm shall also forward a copy of the request to the Relocation/Resident Services Department.

## **XII. Informal Hearing Process**

- A. The Head of Household has the right before the informal hearing to review and/or copy any documents, records, and/or regulations that are directly relevant to the grievance raised. The head of household shall make the request during normal business hours and is responsible for any photocopying fees. Documents shall be provided and copies shall be made in the Management Office within a reasonable time period of the head of household's request. Costs shall not exceed 10 cents per page.

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<sup>1</sup> For example, for repeated violations of the pet policy; violations of house rules; repeated violations of housekeeping standards.

- B. The property management firm, HCV Program, or the CHA shall schedule and hold an informal hearing within fifteen (15) calendar days of receiving a Head of Household's hearing request.
  - 1. If the adverse action or failure to act is the responsibility of the property management firm, the Head of Household's informal hearing shall be conducted with the Property Manager.
  - 2. If the adverse action or failure to act is the responsibility of HCV (Section 8) program, the Head of Household's informal hearing shall be conducted by the Senior Vice President of HCV Program or his/her designee.
  - 3. If the adverse action or failure to act is the responsibility of a CHA official, the informal hearing shall be conducted by that official's supervisor or his/her designee.
- C. The Head of Household has the right to be represented by counsel or by other persons chosen as the Head of Household's representative and to have such person make statements on the Head of Household's behalf.
- D. Five (5) days after the informal hearing, the property management firm will submit a copy of the hearing decision to the Asset Management Department for review.
- E. The Asset Manager will complete its review within five (5) days of receipt of the decision and finalize the informal hearing decision with the Property Manager.
- F. Within ten (10) business days after the informal hearing, the property management firm, the HCV Program, or the CHA will make four copies of the informal hearing results on the Grievance Hearing Proceedings Form – GP3. If the decision will not fit on the required forms, a letter with the results attached to the GP3 form is acceptable.
  - 1. One copy of the informal hearing results shall be supplied to the Head of Household. The GP3 Form shall be personally served or sent via certified or registered first-class mail, return receipt requested. The GP3 Form shall also contain the procedure by which a formal hearing may be obtained. The Formal Hearing Request Form – GP4 will be mailed or delivered to the Head of Household along with a copy of the informal hearing results.
  - 2. One copy of the informal hearing results shall be sent to the Asset Management Department.
  - 3. One copy of the informal hearing results shall be sent to the Office of the General Counsel.
  - 4. One copy of the informal hearing results will be placed in the Head of Household's file.

### **XIII. Good Cause to Proceed Directly to a Formal Hearing**

- A. Before a Head of Household may request a formal hearing, the Head of Household must have requested an informal hearing, and that hearing must have been held, except in circumstances outlined below. **24 CFR 966.54**
- B. Good Cause: If the Head of Household can show good cause as to why he/she did not request an informal hearing or why a hearing was not held, then the Head of Household may proceed directly to a formal hearing. A member of the CHA's Office of the General Counsel shall determine good cause. For purposes of this section, good cause includes, but is not limited to:
  - 1. A verifiable medical condition that prevented the Head of Household from requesting an informal hearing;
  - 2. A documented absence from the unit which prevented the Head of Household from receiving a notice of adverse action;
  - 3. A disability that prevented the Head of Household from understanding or being aware of the adverse action; or
  - 4. Documentation that the CHA or its property management firm was unsuccessful in holding the informal hearing within fifteen (15) calendar days of the Head of Household's request. Failure to hold the informal hearing within fifteen (15) days must not be caused by the Head of Household's failure to cooperate in scheduling and/or holding the hearing. **24 CFR 966.54**

#### **XIV. Requests for Formal Hearings**

- A. The following Head of Households have the right to use the formal hearing process established by this Grievance Procedure:
  - 1. Head of Households living in traditional CHA public housing developments;
  - 2. Head of Households living in mixed-income developments where the CHA Grievance Procedure was adopted (also known as Leaseholders);
  - 3. Head of Households temporarily using a Housing Choice Voucher (Section 8); or
  - 4. Head of Households and former Head of Households covered by the RRC for purposes and matters specifically outlined in the RRC (also known as Leaseholders).
- B. For all formal hearings, the CHA shall use the City of Chicago's Department of Administrative Hearings. The City's Department of Administrative Hearings maintains a group of qualified independent Hearing Officers, as described in *Section XIV*.
- C. If the Head of Household disagrees with the results of his or her informal hearing, the Head of Household shall submit a written request for a formal hearing within fifteen (15) calendar days of receiving a copy of the informal hearing results.

- D. The Head of Household must use the Head of Household's Formal Hearing Request Form - GP4 supplied by the CHA, to request a formal hearing. The Head of Household shall be responsible for sending two copies of the form to the CHA, via regular mail or hand delivery:
1. The Head of Household shall send by regular mail or hand deliver one copy to the Office of the General Counsel, who will forward a copy to the City of Chicago's Department of Administrative Hearings. The Office of the General Counsel shall also forward to the Department of Administrative Hearings 1) a copy of the completed Grievance Hearing Proceedings Form – GP3; and 2) a Grievance Petition from the Chicago Housing Authority – DOAH Petition that identifies the dispute, the basis for the CHA's or the property management company's action or failure to act, and the requested relief.
  2. The Head of Household shall send by regular mail or hand deliver one copy to the Asset Management Department, who will forward a copy to the property management firm.
  3. If the Head of Household fails to request a formal hearing within fifteen (15) calendar days of the sending or delivery of the informal hearing results, then the informal hearing results become final. Failure by the Head of Household to request a formal hearing, however, shall not constitute a waiver of the Head of Household's right to contest the CHA's or property management firm's action or failure to act in a court of law.
  4. If the issue being grieved is one that cannot be grieved under CHA policies or procedures (see Section V. A. of this procedure), the Office of the General Counsel will deny the request and return the request to the Head of household.
- E. Reasonable accommodations to persons with disabilities may include that meetings be held in an accessible location, and that all materials and notices will be in an accessible format, if requested by the Head of Household. This includes, if necessary, that the CHA provides qualified sign language interpreters, readers or attendants.
- F. A formal hearing shall be scheduled to be held by the City of Chicago's Department of Administrative Hearings within thirty-seven (37) calendar days from the Department of Administrative Hearings' receipt of the Grievance Petition, and Formal Hearing Request Form.

**XV. Selection of Hearing Officers**

- A. The City of Chicago's Department of Administrative Hearings shall maintain a group of qualified Hearing Officers.

- B. The CHA and Central Advisory Council shall jointly agree upon candidates from that group to serve as independent Hearing Officers at formal hearings of CHA grievances and ensure that proper training is provided.
- C. For each formal hearing involving a CHA grievance, the Chicago Department of Administrative Hearings will assign a Hearing Officer from the group of jointly agreed upon candidates.
- D. The Hearing Officer appointees shall be fair, unbiased, and follow applicable regulations, policies and laws.

**XVI. Formal Hearing Process**

- A. Formal hearings shall be conducted *de novo* in accordance with this Grievance Procedure, and with Chapter 2-14 of the Municipal Code and the Department of Administrative Hearings' Procedural Rules and Regulations, to the extent that they are applicable and not inconsistent with this Procedure.
- B. Orderly Behavior: The Hearing Officer shall require all parties, representatives and witnesses to conduct themselves in an orderly fashion. Failure to comply with the directions of the Hearing Officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interest of the disorderly party.
- C. Written Appearance Form: All parties appearing on behalf of the CHA, the property management firm or the Head of Household shall complete a written Appearance Form, supplied by the Hearing Officer.
- D. Decision Not to Proceed: The Hearing Officer may render a decision without proceeding with the hearing if the Hearing Officer determines that the issue has been previously decided in another formal hearing or a court of law.
- E. Standard of Proof: The Hearing Officer's decision shall be based upon the preponderance of evidence.
- F. Burden of Proof: In the formal hearing, the Head of Household must first establish that he/she is entitled to the relief that he/she has requested. The CHA or property management firm must then sustain the burden of justifying its action or failure to act, with respect to the issues underlying the grievance.

**24 CFR 966.56e**

Evidence and Witnesses: The formal hearing shall be conducted by the Hearing Officer. All parties shall present evidence pertinent to the facts and issues raised by the grievance without regard to admissibility under the rules of evidence applicable to judicial proceedings. The formal and technical rules of civil/criminal procedure and evidence shall not apply. Evidence, including hearsay, may be admitted if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. All witnesses shall be sworn in by the Hearing Officer. All parties, including the Hearing Officer, shall have the right to question all witnesses.

- G. Recordings of Hearing: A record shall be made of the formal grievance hearing by audiotape or other appropriate means. Record of the hearing shall include documents, a copy of findings and the written decision.
1. The Department of Administrative Hearings shall be responsible for securing a recorder prior to the formal hearing. Records shall be retained by the Department of Administrative Hearings, pursuant to law, but not for less than six (6) months from the date of the hearing.
  2. Any interested party may arrange for a copy of the formal hearing record in advance of or following the hearing, at the party's own expense.
- H. Observed Rules for Fair Hearing: The Head of Household shall be afforded a fair hearing. The following rules shall be observed in conducting a formal hearing between the parties.
1. The Head of Household, the CHA and its property management firms shall have prior written notification of the date, time and location of the formal hearing, as well as the consequences for failure to appear at the hearing. The Department of Administrative Hearings shall send the notice via first-class mail or personal service no later than fourteen (14) calendar days before the formal hearing date.
  2. The Head of Household, the CHA, and/or the Property Management have the right to be represented by counsel or by other persons chosen as the parties' representative and to have such person make statements on the parties' behalf.
  3. The Head of Household shall have the opportunity before the formal hearing to examine his/her file; to copy all documents, records, and regulations relevant to the grievance, at his/her own expense; and to take notes.
    - a. Requests for copies of documents, records and regulations shall be submitted in writing by the Head of Household or by the Head of Household's representative to the property management firm and the CHA.
    - b. The property management firm and the CHA have up to five (5) calendar days from the date of request to produce the documents to the Head of Household.
    - c. If the Head of Household or the Head of Household's representative requests copies within five (5) calendar days of the hearing, copies of documents shall be made available no later than one (1) hour before the formal hearing is scheduled to begin.
    - d. The Head of Household or the Head of Household's representative shall be responsible for paying for copies at the time the Head of Household receives the copies from the property management firm or the CHA. Costs for copies shall not exceed 10 cents per page.

- e. Any document requested by the Head of Household or his/her representative, within the appropriate timeframe, that is in the possession of the CHA or the property management firm, and that is not made available after the Head of Household's request, may not be relied on by the CHA or property management firm at a grievance hearing.
  - f. The CHA, its representatives, and/or Property Management shall have the opportunity before the formal hearing to request copies of all documents, records, and regulations relevant to the grievance. The Head of Household, upon request, shall allow the CHA and/or Property Management to make copies of all documents the Head of Household plans to present at the formal hearing.
4. The Head of Household shall have the right to a private hearing, unless the Head of Household requests a public hearing.
  5. The Head of Household, the CHA and/or the Property Management firms shall have the right to present evidence and argument in support of his/her grievance position, to challenge evidence relied upon by the parties and to confront and cross-examine all witnesses upon whose testimony the Head of Household, the CHA or property management firm relies.
  6. All parties have the right to a decision based solely and exclusively upon the evidence presented at the hearing.
- I. Failure to Appear at Formal Hearing: If the Head of Household, the CHA, or the property management firm fails to appear at the scheduled formal hearing, the Hearing Officer may make a determination that the party failing to appear has waived its right to participate in a formal grievance hearing; find that party in default; proceed with the formal hearing; accept evidence relevant to the grievance; and conclude the grievance hearing with findings and a written disposition. A copy of the order of default shall be served upon the defaulting party by first-class mail or personal service.
    1. The defaulting party shall have twenty-one (21) days from the date the default is entered to petition the Hearing Officer to set aside the order of default upon a showing of good cause for the party's failure to appear.
    2. A determination that the Head of Household has waived his or her right to a formal hearing shall not constitute a waiver of any right the Head of Household may have to contest the Hearing Officer's disposition of the grievance.

## **XVII. Formal Grievance Hearing Process For Violations Of CHA New Authority-Wide Requirements .**

- A. Pursuant to the Relocation Rights Contract(s), head of households/leaseholders covered by the RRC who have not received final replacement housing and are

not lease compliant with the new authority-wide requirement, but are otherwise lease compliant with CHA 's Lease and ACOP, shall not be evicted or lose their right of return unless an independent hearing officer determines that the head of household/leaseholder is not making a good faith effort to comply with the new requirement.

- B. In the event the CHA intends to terminate a 10/1/99 or Post 10/1/99 Head of Household/Leaseholder's lease or right to replacement housing for violation of a "new authority-wide requirement", CHA shall serve the Head of Household/Leaseholder with a CHA Form GP5 – Thirty (30) Day Notice of Termination for Failure To Comply With New Authority-Wide Requirement.
- C. The CHA Form GP5 Notice of Termination shall inform the head of Household that CHA intends to terminate the residential lease agreement or deny the head of household's final replacement housing and that a formal hearing before a DOAH hearing officer will be scheduled 30 days after the service of the notice. The Form GP5 Notice of Termination shall also notify the head of household that if the head of household would like to try to resolve the matter prior to the formal grievance hearing, the head of household may request an informal hearing with CHA.
- D. If the head of household/leaseholder does not request an informal hearing within 30 days, CHA will issue a request for a formal grievance hearing with DOAH. At the DOAH hearing, CHA shall have the burden of proving that the head of household/leaseholder's family violated the new authority-wide lease requirement.
- E. CHA may not proceed with any eviction proceedings or deny a right to replacement housing unless the DOAH hearing officer finds that the head of household/leaseholder's family is not making a good faith effort to comply with the new authority-wide lease requirement.
- F. In making such a determination, the hearing officer shall take into consideration all the head of household/leaseholder's circumstances, including but not limited to, the ability of the head of household/leaseholder or their family to comply with the new authority-wide lease requirement and to access adequate outreach, assessment, referral or follow-up services as part of the initiative to assist the household to comply with the new authority-wide lease requirement.
- G. Except as stated in this section, all other parts of Section XV shall apply.

### **XVIII. Grievance Hearing Decision**

- A. The Hearing Officer shall make a determination on the basis of the admissible evidence, testimony, and arguments presented at the hearing. The Hearing

Officer shall not have the power to impose fines, costs, sanctions or other penalties.

- B. The Hearing Officer shall prepare a written decision for the formal hearing on the DOAH Order: Findings, Decisions, and Order Form. The formal hearing results shall be served via first-class mail or personal service to the Head of Household and his or her representative, the CHA, and the property management firm within five (5) business days of the hearing, unless the Hearing Officer determines that additional time is necessary due to the complexity of the case. If more time is required for the formal hearing decision, the Hearing Officer shall notify the Head of Household of the revised timeline in writing within five (5) business days of the hearing.
- C. The CHA shall keep a copy of the Hearing Officer's summary, on the DOAH Order: Findings, Decisions, and Order Form, with all names and identifying references deleted.
- D. The decision of the Hearing Officer shall be binding on the Head of Household and on the CHA/property management firm, which shall take all actions, or refrain from any actions necessary to carry out the decision, unless the CHA's Board of Commissioners determines, within thirty (30) calendar days, and gives written notice to the Head of Household, his/her representative, and to the Hearing Officer that:
  - 1. The grievance does not concern the CHA's action or failure to act in accordance with the complainant's Lease or regulations which adversely affect the complainant's rights, duties, welfare or status **24 CFR 966.57**; or
  - 2. The decision of the Hearing Officer is contrary to applicable Federal, State or local law, HUD regulations or requirements of the Annual Contributions Contract (ACC) between HUD and the CHA. **24 CFR 966.57**
- E. The decision by the Hearing Officer or Board of Commissioners in favor of the CHA, or which denies the relief requested by the Head of Household, in whole or in part, shall not constitute a waiver of, nor affect any rights the Head of Household may have to judicial review or a trial *de novo* in a court of law regarding the same matter brought up in the grievance. **24 CFR 966.57**

## Attached Grievance Procedure Forms

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- CHA Form-GP1  
Notice of Right to Head of Household's Grievance
- CHA Form-GP2  
Head of Household Receipt for Informal Hearing Request
- CHA Form-GP3  
Grievance Hearing Proceedings Form
- CHA Form-GP4  
Formal Hearing Request Form
- CHA Form-GP5  
**Thirty (30) Day Notice Of Termination Of Tenancy For Failure To Comply With The **New Authority-Wide Requirement****
- DOAH Petition  
Grievance Petition from the Chicago Housing Authority
- DOAH Order  
Findings, Decisions, and Order Form

CHA Form-GP1, rev 05-15-09

**New Head of Households sign this form during the initial leasing process.**

\_\_\_\_\_  
Account No.

**NOTICE OF RIGHT TO HEAD OF HOUSEHOLD'S GRIEVANCE**

I have been advised of my right to an informal hearing with the Property Manager in case of a grievance with respect to the CHA or property management firm's action or failure to act in accordance with the Lease, the Relocation Rights Contract, or CHA policies, which may adversely affect my rights, duties, welfare, or status.

I have also been advised that if I am not satisfied with the proposed informal results of my grievance, I have a right to proceed to a formal hearing. I have the right to a formal hearing with an independent Hearing Officer under the CHA's Grievance Procedure.

I will have the right to appear at the formal hearing and speak on my own behalf, to be represented by counsel or other representatives of my choice, at my expense, to bring witnesses and documents as I desire, and to cross-examine the CHA or property management firms' witnesses. I have the right before the hearing to examine and copy, at my expense, any documents, records, and/or regulations that are directly relevant to the grievance. I understand that I am responsible for the cost of any photocopying requested.

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Head of Household's Signature)

\_\_\_\_\_  
(Date)

CHA Form-GP2, Rev 05-15-09

**The property management firm will complete and sign this form. The Head of Household will also sign it. The property management firm will provide a copy to the Head of Household, General Counsel, Asset Management, and where applicable, Relocation.**

**HEAD OF HOUSEHOLD RECEIPT FOR INFORMAL HEARING REQUEST**

A request for an informal hearing with \_\_\_\_\_  
(Property Manager's Name/CHA Department)

(Property Manager)  
was made on \_\_\_\_\_ by \_\_\_\_\_.  
(Date) (Head of Household's Name)

Nature of Grievance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requested Relief: \_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_, acknowledge  
(Property Manager/CHA Department)

receipt of the Head of Household's request for an informal hearing.

\_\_\_\_\_  
Signature of Property Manager /CHA Date

\_\_\_\_\_  
Development/CHA Department Name Phone

\_\_\_\_\_  
Property Management/CHA Department Office Address Fax

\_\_\_\_\_  
Signature of Head of Household or Representative Date

CHA Form-GP3, Rev 05-15-09

**The Head of Household completes the top portion of the form to request an informal hearing. The Property Manager completes the bottom portion of form after the informal hearing. Copies of the completed form are provided to the Head of Household, General Counsel, and Asset Management Department.**

**HEAD OF HOUSEHOLD'S GRIEVANCE HEARING PROCEEDINGS FORM**

DATE OF REQUEST: \_\_\_\_\_

HEAD OF HOUSEHOLD'S NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NO: \_\_\_\_\_ ACCOUNT NO: \_\_\_\_\_

NATURE OF GRIEVANCE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

REQUESTED RELIEF: \_\_\_\_\_

\_\_\_\_\_

HEAD OF HOUSEHOLD'S SIGNATURE\* \_\_\_\_\_ DATE \_\_\_\_\_

CHA MANAGEMENT SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

*\*or Head of Household representative*

**INFORMAL HEARING**

HEARING DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

LOCATION: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

PARTIES PRESENT: \_\_\_\_\_

\_\_\_\_\_

DECISION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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REASON FOR DECISION: \_\_\_\_\_

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DATE:

**TO THE HEAD OF HOUSEHOLD: IF YOU DO NOT AGREE WITH THE DECISION WHICH RESULTS FROM THE INFORMAL HEARING, YOU HAVE THE RIGHT TO PROCEED DIRECTLY TO A FORMAL HEARING UNDER THE CHA HEAD OF HOUSEHOLD'S GRIEVANCE PROCEDURE.**

**IF YOU DESIRE A FORMAL HEARING, YOU MUST SIGN AND SUBMIT THE ATTACHED FORMAL HEARING REQUEST FORM WITHIN FIFTEEN (15) CALENDAR DAYS OF TODAY.**

**Return the yellow form to:**  
CHA General Counsel  
Attn: Grievance Procedure  
60 E. Van Buren St., 12<sup>th</sup> Floor  
Chicago, IL 60605

**Return the orange form to:**  
CHA Asset Management Department  
Attn: Grievance Procedure  
60 E. Van Buren St., 13<sup>th</sup> Floor  
Chicago, IL 60605

**IF YOU DO NOT SUBMIT THE FORM WITHIN FIFTEEN (15) CALENDAR DAYS, YOU WILL WAIVE YOUR RIGHT TO A FORMAL HEARING AND THE DECISION PROPOSED BY THE PROPERTY MANAGER, HOUSING CHOICE VOUCHER PROGRAM, OR CHA WILL BECOME FINAL.**

CHA Form-GP4, Rev 5-15-09

**If the Head of Household wants to proceed to a formal hearing, he/she completes this form and provides a copy to Asset Management and the General Counsel.**

**FORMAL HEARING REQUEST FORM**

PLEASE COMPLETE THIS FORM AND MAIL OR HAND DELIVER IT TO:

Return the yellow form to:  
CHA General Counsel  
Attn: Grievance Procedure  
60 E. Van Buren St., 12<sup>th</sup> Floor  
Chicago, IL 60605

Return the orange form to:  
CHA Asset Management Department  
Attn: Grievance Procedure  
60 E. Van Buren St., 13<sup>th</sup> Floor  
Chicago, IL 60605

DATE OF REQUEST: \_\_\_\_\_

HEAD OF HOUSEHOLD'S NAME: \_\_\_\_\_ ACCOUNT NO: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NAME OF DEVELOPMENT IN WHICH I LIVE: \_\_\_\_\_

TELEPHONE NUMBER DURING THE DAY: \_\_\_\_\_

HEAD OF HOUSEHOLD'S REPRESENTATIVE (IF ANY): \_\_\_\_\_

REPRESENTATIVE'S ADDRESS: \_\_\_\_\_

REPRESENTATIVE'S TELEPHONE NUMBER: \_\_\_\_\_

I hereby request a formal hearing to present the following grievance: \_\_\_\_\_

Requested Relief: \_\_\_\_\_

Choose location for the formal hearing:

- Main Office: 400 W. Superior Street (Sedgwick and Superior Street)
- Satellite Office: 2006 E. 95<sup>th</sup> Street (95<sup>th</sup> and Jeffery Boulevard)

HEAD OF HOUSEHOLD'S OR REPRESENTATIVE'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

**THIRTY (30) DAY NOTICE OF TERMINATION OF TENANCY**  
**FOR FAILURE TO COMPLY WITH THE NEW AUTHORITY-WIDE REQUIREMENT**

TO: \_\_\_\_\_ and all occupants \_\_\_\_\_  
Address \_\_\_\_\_, Apt.# \_\_\_\_\_ Chicago, Illinois

You are hereby notified that your Tenancy/**Right of Return to Replacement Housing** at the Chicago Housing Authority Chicago, Illinois, will **terminate** no sooner than **[THIRTY DAYS]**, unless the breach described below is remedied within thirty (30) days and provided the breach can be remedied. You **must give up your right of return**/vacate the premises, together with closets, laundry rooms, drying rooms, perambulator or storage rooms, and other rooms and space in connection with said premises by **[THIRTY DAYS]**. If you fail to **give up your right of return**/move from the premises by **[THIRTY DAYS]**, you will be subject to an action pursuant to the terms below and will be responsible for all court costs if the action is successful.

The reason for said termination of tenancy is the violation section(s) \_\_\_\_\_ in that:

If you want to try to resolve this matter, you have the right based on this notice to request an informal hearing with your property manager/CHA within thirty days of receipt of the notice. You have the right to make a reply to this notice if you wish. Prior to filing a case for eviction/terminating your Right of Return, the CHA will initiate a formal grievance hearing to obtain a written decision that there was not a good faith attempt to comply with the CHA New Authority-Wide Requirement. You may present any information orally or in writing at the grievance hearing to dispute the matter. At the hearing, you may present any defenses and witnesses that you may have. You have the right to bring a lawyer/representative with you. This will be your only opportunity to grieve the termination notice. The decision of the hearing officer will be binding.

WHILE YOU HAVE THE RIGHT TO GRIEVE THIS NOTICE PURSUANT TO 24 C.F.R. 966.51 (a)(2)(i), YOU ARE NOT ALLOWED A GRIEVANCE HEARING FOR ANY CLAIMS OF CRIMINAL AND/ OR DRUG-RELATED ACTIVITY. HUD HAS DECIDED THAT YOU HAVE THE RIGHT TO AND WILL BE GIVEN A HEARING IN THE MUNICIPAL COURT OF COOK COUNTY, WHICH CONTAINS THE BASIC ELEMENTS OF DUE PROCESS AS DEFINED IN THE HUD REGULATIONS.

YOU HAVE THE RIGHT BY APPOINTMENT, PRIOR TO ANY HEARING OR TRIAL, TO EXAMINE ANY RELEVANT DOCUMENTS, RECORDS, OR REGULATIONS DIRECTLY RELATED TO THE EVICTION AT THE OFFICE OF THE PROPERTY MANAGER FOR YOUR DEVELOPMENT.

IF YOU ARE 62 YEARS OF AGE OR OLDER OR A PERSON WITH DISABILITIES AND REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT THE PERSON LISTED BELOW AND ARRANGEMENTS WILL BE MADE TO ACCOMMODATE YOUR CIRCUMSTANCES.

DATED at Chicago, Illinois, this \_\_\_\_\_ Day CHICAGO HOUSING AUTHORITY, Landlord  
of \_\_\_\_\_ A.D. 20\_\_\_\_\_ BY: \_\_\_\_\_

The undersigned ("Server") deposes and states that s/he served the within Notice at the hour of \_\_\_\_\_ a.m./p.m., on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by:

- 1) \_\_\_\_\_ delivering a copy to the above named resident, \_\_\_\_\_; or by
- 2) \_\_\_\_\_ delivering a copy to \_\_\_\_\_, an adult member of the household residing in the dwelling unit; or by
- 3) \_\_\_\_\_ sending a copy of the notice to the resident by certified or registered mail, with a return receipt from the addressee.

\_\_\_\_\_  
Signature of Server

ADDITIONAL REMARKS:

SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_ NOTARY PUBLIC

**IN THE CITY OF CHICAGO, ILLINOIS  
DEPARTMENT OF ADMINISTRATIVE HEARINGS**

**IN THE MATTER OF:** \_\_\_\_\_ )  
\_\_\_\_\_ )  
*Head of Household/Grievant* \_\_\_\_\_ )  
**and** \_\_\_\_\_ ) **Docket #** \_\_\_\_\_  
**The Chicago Housing Authority and/or** \_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ **Management Co.** \_\_\_\_\_ )  
*Respondent* \_\_\_\_\_ )

**THE GRIEVANCE**

**Nature of Grievance:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Requested Relief:** \_\_\_\_\_  
\_\_\_\_\_

**Location Requested for Hearing:**  
 400 W. Superior Street       Satellite Office: 2006 E. 95<sup>th</sup> Street

**Reasonable Accommodations Requested:**  No  Yes If yes, please describe: \_\_\_\_\_

**THE PARTIES**

**THE GRIEVANT**

**THE RESPONDENT (S)**

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Development \_\_\_\_\_  
Phone \_\_\_\_\_  
Representative (if any) \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Development \_\_\_\_\_  
Phone \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Development \_\_\_\_\_  
Phone \_\_\_\_\_

<b>OFFICE USE ONLY</b>		
Date of Hearing: _____	Time of Hearing: _____	Officer Assigned: _____

IN THE CITY OF CHICAGO, ILLINOIS
DEPARTMENT OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF:
Head of Household/Grievant
and
The Chicago Housing Authority and/or
Management Co.
Respondent
Docket #

FINDINGS, DECISIONS AND ORDER

This matter coming for a Formal Hearing, pursuant to the Chicago Housing Authority Head of Household's Grievance Procedure, notice of the date, time, and location of the hearing having been given to all parties, and the Hearing Officer having considered the evidence and the arguments presented, IT IS ORDERED: Hearing Officer finds by a preponderance of the evidence and rules as follows:

- 1. The Grievant is a Head of Household as defined in the CHA Head of Household's Grievance Procedure.
2. The Grievant's request for a formal hearing was made in a timely manner.
3. This Formal Hearing is being held within the time required by the CHA Head of Household's Grievance Procedure.
Find for the Grievant.
Find for the CHA and/or the management company.
The Grievant failed to appear. Enter a default against the Grievant and find for the CHA and/or the management company. A defaulted party shall have 21 days from the date of the default to file a petition with the Department of Administrative Hearings to set aside the default upon a showing of good cause for failure to appear.
Motion to set-aside prior default order of is granted denied.
The case is continued to for service hearing.

Reasoning:

Reasoning section with horizontal lines for text entry.

Entered:
Hearing Officer Name and #
Date

This decision is binding on the parties unless the CHA's Board of Commissioners determines, within 30 calendar days, and gives written notice to the Head of Household, that the decision of the Hearing Officer is contrary to applicable Federal, State, or local law, HUD regulations or requirements of the Annual Contributions Contract between HUD and the CHA.

Either party may appeal this Order by seeking a trial de novo or Administrative review.

Original - DOAH

Copies to Grievant, CHA and Management Co.

Hearing Officer cross-out non-applicable portions.