

# PARK BOULEVARD MANAGEMENT DOCUMENTS

## TENANT SELECTION PLAN

### Park Boulevard Phase 2A and Future Phases Chicago, Illinois

#### I. INTRODUCTION

This **Tenant Selection Plan**, (“the Plan”) outlines the procedures that **UPA LLC**, (“Management”) will follow in selecting tenants for the **Park Boulevard** development, for **Phase 2A and all future phases**, (the “Development”). The policies outlined in this Plan will remain in effect for Phase 2A (“Phase 2A”) and all future phases. The specific unit mixes and income restrictions listed in this Plan relate specifically to Phase 2A. As future phases are developed, the unit mix and income restrictions for such phases will be added to the body of the Plan as addenda (“Future Phase Addenda”).

Management is responsible for implementing the procedures outlined in this Plan. Park Boulevard IIA, LLC is the “Owner” of Phase 2A. Owners of future phases will be indicated on the Future Phase Addenda.

#### Phase 2A Unit Mix & Income Restrictions:

Ninety-six (96) units, including 43 ACC-Assisted Units (as defined below) will be subject to the provisions of the Federal Low Income Housing Tax Credit program (“LIHTC Requirements”), and where applicable, the CHA Leaseholder Housing Choice and Relocation Rights Contract (hereinafter “RRC”). Notwithstanding any provisions of this Plan to the contrary, in the event of any conflict between the Plan and the LIHTC Requirements, the LIHTC Requirements shall govern. The Development will offer 46 rental units reserved for Chicago Housing Authority households, including 3 units that are not subject to the income eligibility LIHTC Requirements, and 53 units that are subject to the LIHTC Requirements but not reserved for Chicago Housing Authority households, as follows:

# of Units	Resident requirements
20	Chicago Housing Authority households with incomes no more than 50% of current area median income
23	Chicago Housing Authority households with incomes no more than 60% of current area median income.
3	Chicago Housing Authority households with incomes no more than 80% of current area median income.
53	Units meeting LIHTC Requirements, with incomes no more than 60% of current area median income, but not reserved for CHA Households
29	Unrestricted / Market Rate Units

The 46 units specifically be reserved for Chicago Housing Authority (CHA) households are referred to as the ACC-Assisted Units (the "ACC-Assisted Units"). The 53 units subject to LIHTC Requirements but not reserved for CHA households, are referred to as the LIHTC Units ("LIHTC Units"). The following policies and procedures will apply to all applicants screening for the Development. Management recognizes that there are additional rights and responsibilities for ACC-Assisted Unit applicants under the CHA Leaseholder Housing Choice and Relocation Rights Contract 10/1/99 ("RRC") and Chicago Housing Authority Admissions and Occupancy Policy.

## **II. MARKETING PROCEDURES FOR ACC-ASSISTED UNITS**

### **A. Affirmative Marketing Requirements**

Applicants for the ACC-Assisted Units that are subject to the RRC are referred to herein as the "RRC Applicants". The marketing of ACC-Assisted Units will begin by notifying the prospective residents included in the CHA Relocation Management Tracking System ("RMTS") database of the upcoming availability of units. If such notification does not yield a sufficient number of responses from CHA residents, Management will consider more extensive outreach measures. CHA will maintain the RMTS database and will be the primary source of prospective public housing residents. The CHA will provide Management with sufficient training and instruction materials such that Management can utilize the RMTS database in accordance with the terms of this Plan.

## **III. PRIORITY OF APPLICANTS**

### **A. Priority of Applicants for ACC-Assisted Units**

Preference for the admission to the ACC-Assisted Units will be given to eligible RRC Applicants in accordance with the levels of preference established by the RRC, subparagraph (4)(d). The CHA will provide Management with a list (or access to a database) of all families subject to the RRC that have elected Stateway Gardens ("Stateway") as their permanent housing choice and that are Authority-Lease compliant (the "RRC List"). The RRC List will also reflect an order of priority for admission consideration established by the CHA, in compliance with the Housing Offer Process ("HOP"). These preferences shall remain in effect until the list has been exhausted. Screening criteria described elsewhere shall apply to the consideration of admission of all Stateway applicants, including RRC Applicants. At all times, the order of admission to the ACC-Assisted Units shall be governed by the requirement that all of the ACC-

Assisted Units shall be occupied by residents in accordance with the income requirements set forth in Article I hereof.

**B. Priority of Applicants for Accessible Units**

Management will give priority for accessible units to applicants with disabilities. Unless an applicant requests priority placement in an accessible unit, Management will not inquire whether an applicant for a dwelling, a person intending to reside in that dwelling unit after it is rented and made available, or any persons associated with that person, has a disability or inquire as to the nature or severity of the disability of such person.

**IV. PRE-APPLICATION CARD PROCESSING**

**A. Distribution of Pre-Application Cards**

Management will provide a Pre-Application Card to all persons making inquiries about residing in the Development.

**B. Processing Pre-Application Cards**

1. Management will file and log in order of receipt all returned Pre-Application Cards, indicating the time and date received. The Pre-Application Card log will indicate whether the applicant has any priority or requested an accessible unit.
2. Management does not have to accept Pre-Application Cards after the date on which the Development reaches ninety-five percent (95%) occupancy and the applicable Waiting List, as herein described, has been closed.
3. Management will maintain all Pre-Application Cards on-site for a period of three years, and will update information as necessary.

**V. WAITING LIST PROCEDURES**

**A. Definition of Waiting Lists**

Management will maintain Waiting Lists for applicants applying to the Development, including a Waiting List for the ACC-Assisted Units and a separate Waiting List for the LIHTC Units. Applicants who submitted Pre-Application Cards, but who Management did not contact for an interview or reject will receive a letter stating they are on a Waiting List and their position on the applicable Waiting List. An applicant's position on the Waiting List will be based on the

chronological order in which an applicant's Pre-Application Card is received; provided, however, that priority will be given to those who qualify for any priority or Special Occupancy Category described in Section (XIII). Those applicants Management deems ineligible based on the information provided in the Pre-Application Card will receive a rejection letter (Exhibit A) specifying the reason for ineligibility and informing the applicant that they can meet with Management to discuss the reason for ineligibility.

The waiting list for ACC-Assisted Units shall be initially derived from the RRC list developed by the CHA to be made available to and managed by Management. Upon exhaustion of this list, the waiting list for ACC-Assisted Units will be derived by Management from the CHA general public housing waiting list or a site-based waiting list, as applicable.

The CHA will provide Management with training and instruction materials such that Management can utilize the RMTS database in accordance with the terms of this Plan. Subsequent priorities in admission to occupancy will be consistent with the Gautreaux Orders. Gautreaux Orders are all applicable orders of the United States District Court for Northern Illinois in Gautreaux vs. CHA et al., Nos. 66 C 1459 and 66 C 1460<sup>1</sup>.

## **B. Contacting Persons on the Waiting List**

1. Management will contact applicants through the following process to schedule an interview: When a unit becomes available, Management will then telephone the selected applicant at least three (3) times within a forty-eight (48) hour period. If the applicant cannot be reached, a letter shall be sent by pre-paid First Class mail to the applicant requesting a date and time for an interview. If the applicant does not respond within ten (10) business days from the date Management sent its letter, then the applicant forfeits the opportunity to apply for the available unit, but will remain at the top of the applicable Waiting List. When a second unit becomes available, Management will send another letter to the applicant. If the applicant does not respond to the second letter, Management will deem the applicant inactive and remove the applicant from the Waiting List. For RRC applicants, Management will notify the CSS service provider to seek its assistance with making direct contact with RRC applicants to advise them of unit availability.
2. If an applicant refuses a unit, the applicant remains at the top of the applicable Waiting List. Management will send a letter to the applicant stating that after a second refusal of an available unit Management will remove the applicant from the applicable Waiting List and place the applicant in the inactive file.

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<sup>1</sup> Gautreaux v. CHA et al., No 66 C 1460 and the consent decree thereunder was terminated in 1997.

3. When an interview is scheduled, but the applicant fails to attend, Management will attempt to contact the applicant by telephone; provided the applicant has a working phone number, otherwise Management will contact the applicant through First Class mail, return receipt requested. Management will telephone the selected applicant three (3) times within a forty-eight (48) hour period. If there is no contact made with the selected applicant, Management will place the applicant's Pre-Application Card in the inactive file. However, if Management does contact the applicant and the applicant had good cause, as determined in Management's sole discretion, to miss the interview, such as illness or accident, then Management will schedule another appointment. If the applicant again fails to attend the interview, Management will place the applicant's Pre-Application Card in the inactive file.
4. Management will document all of its attempts at contacting the applicant in its Tenant Tracking Log.

**C. Updating the Waiting List**

1. The Waiting Lists will be updated at least once every twelve (12) months in the following manner: Management will send a letter to each applicant on the Waiting List. The letter will inform the applicant to return the included Reply Card if the applicant still wants to live at the Development. The applicant will have fifteen (15) business days from the date Management sent its letter to respond. If Management receives no response, Management will place the applicant's Pre-Application Card in the inactive file and send a letter informing the applicant of this action. The foregoing process shall not apply to the RRC List.

**D. Removal from Waiting List**

Management will remove names of applicants from a Waiting List for the following reasons:

1. Applicants who do not respond to Management's request to attend meetings or provide and/or update information. When an interview is scheduled, but the applicant fails to attend, Management will telephone the selected applicant three (3) times within a forty-eight (48) hour period. If there is no response from the applicant after three (3) attempts within forty-eight (48) hours, the applicant's name will be determined inactive and removed from the Waiting List.
2. Applicants whose correspondence from Management returns from the U.S. Postal Service marked as "Undeliverable."

3. Applicants who have not returned a completed application within ten (10) business days from the date Management provided an application. Applicants with unusual circumstances may request, in writing, an extension of time, which Management can grant at its discretion.
4. Applicants who Management determines are former tenants that owe money to the Development. Management will place these applicants on the Waiting List only after the applicant has either paid the debt or has arranged and is current in a payment plan to pay the debt.

**E. Closing the Waiting List**

Once the number of Pre-Application Cards for a unit size equals three times the total number of units for that size inside the Development or if the Development has attained ninety-five percent (95%) occupancy, then Management does not have to accept any additional Pre-Application Cards.

**F. Reopening the Waiting List**

If, based on the maximum number of Pre-Application Cards, it is anticipated that all persons who have submitted Pre-Application Cards for a specific unit size will be housed within the next twelve (12) months, the Waiting Lists for that unit size only will be reopened and Pre-Application Cards will again be accepted. Management will present the notice of the reopening of the Waiting Lists to prospective residents. For the ACC-Assisted Units Waiting List, prospective public housing residents will be notified utilizing first, the RMTS, then the general CHA public housing waiting list.

**VI. APPLICATION PROCESS**

**A. Application Requirements**

1. Intentionally deleted.
2. Management will schedule interviews for applicants in accordance with the procedure outlined in Section (V)(B). Applicants will complete a rental application at the Management office. Management will use a temporary location until the Management office is available. All members of the applicant household aged 18 years and older must attend the interview. Management will require all members of the applicant household aged 18 and older to sign the rental application and release forms authorizing Management or a third party under contract with Management to

determine if the applicant satisfies the Owner's Screening Criteria. All members of the applicant household 18 and older will be subject to a 3-year criminal background check (sealed juvenile records will not be reviewed). CHA ensures that applicants for the ACC-Assisted units from the RMTS database will have already gone through a credit and background check that covers the past three (3) years. Management will pay any additional costs for any credit or background checks on Applicants for the ACC-Assisted units beyond three (3) years, and such checks shall be limited to a period of five (5) years as described in Article IX hereof. Applicants (other than applicants for ACC-Assisted Units) shall pay a non-refundable credit/background check fee of thirty-five (\$35) dollars.

3. The applicant must, as determined by Management, meet the Owner's Screening Criteria, established in accordance with Fair Housing requirements and set forth in Section IX of this Tenant Selection Plan.
4. Management or a third party under contract with Management, with respect to all applications for all household members aged 18 years and older, will take the following actions, as applicable:
  - a. Obtain a completed and signed rental application.
  - b. Obtain a credit and criminal background report.
  - c. Verify Social Security Card information for all household members.
  - d. Verify documentation for household members who are non-citizens.
  - e. Obtain copies of birth certificates for all household members.
  - f. Determine anticipated total annual income from all sources received by the household, including all net income derived from Net Family Assets, other than earned income of household members younger than 18 years old, in accordance with the requirements of Section 42 of the Internal Revenue Code, as amended (the "Code"). Management will consider only the income the household anticipates obtaining in the twelve months proceeding the date of the rental application. If it is not feasible to anticipate a level of income over a 12-month period, Management will annualize the income anticipated for a shorter period. In the event anticipated income is zero, Management will require a notarized statement signed by all household members age 18 years or older demonstrating that no income is coming into the household. Subject to the requirements of Section 42 of the Code, income includes, but is not limited to, the following:
    - Full amount of wages and salaries, overtime pay, commission fees, tips and bonuses, and other compensation for personal services

- Net income from operation of a business or profession
- Interest, dividends, and other net income of any kind from real or personal property, such as but not limited to Net Family Assets as described below
- Full amount of periodic payments from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts including a lump sum benefit for the delayed start of a periodic payment, excluding lump sum payments of Social Security benefits
- Unemployment, disability compensation, worker's compensation, and severance pay
- Assistance from the Department of Human Services (DHS), such as Temporary Aid to Needy Families
- Alimony, child support payments, and regular contributions or gifts received from persons not residing with the household
- All regular pay, special pay, and allowances of a member of the Armed Forces

Income does not include:

- Income that is temporary or not of a reoccurring nature
- Sporadic gifts
- Reimbursements of medical expenses for any family member
- Lump sum assets, such as inheritances, insurance payments, worker compensation settlements, capital gains, and any settlements for personal or property losses
- Hazardous duty pay for a household member in the Armed Forces
- Earned income from employed, dependent children, including foster children younger than 18 years old
- Payment received for care of foster children or foster adults
- Payment or allowances from the Energy Assistance Program
- Amounts received from programs funded in whole or in part under the Job Training Partnership Act or Family Support Act
- Full amount of student financial assistance paid directly to the student or to the educational institution
- Amounts received from training programs funded by Department of Housing and Urban Development
- Amounts received by a disabled persons that are disregarded in determining Supplemental Social Security Income eligibility



- Amounts received to cover out-of pocket expense necessary to participate in a publicly assisted program

“Net Family Assets” include:

- Cash
- Stocks
- Bonds
- Savings
- Value of equity in real property and other forms of capital investments excluding the cost that would be incurred in disposing of the assets
- In the case of disposition as part of a separation or divorce settlement, the disposition will not be considered for less than Fair Market Value if it is received and is not measurable in dollar terms.

“Net Family Assets” does not include:

- Personal property

## **B. Completion of the Application Process**

Management will process all applications within thirty (30) business days after the date of the applicant's initial interview or within five (5) business days of receipt of all required documentation, whichever is later.

## **C. Social Services Screening**

Applicants for ACC-Assisted Units who satisfy the Owner's Screening Criteria may be required to undergo a social service screening. Case managers from the Stateway Community/Supportive Services program will perform the social service screen. The social service screen includes an interview with applicant and family members to assess housing readiness and willingness to engage in a case management plan. The social service screen will identify barriers to the household's ability to comply with the lease and with established rules and regulations within the Development. Community/Supportive Services staff may conduct a home visit designed to confirm that all applicants demonstrate the ability to live in compliance with a rental agreement and to maintain satisfactory housekeeping standards. Home visits may also be used to confirm consistency with the application, such as the same number of household members as indicated on the application. Community/Supportive Services staff will then provide Management with a written recommendation for housing based upon the social service screen.

## **VII. ELIGIBILITY REQUIREMENTS**

**A. Income**

1. If an applicant's income exceeds the income requirement of any restricted unit, Management may refer the applicant to another housing opportunity.

Forty-three (43) of the forty-six (46) ACC-Assisted Units are set aside for Chicago Housing Authority households with incomes no more than sixty percent (60%) of Area Median Income, as established by the Low Income Housing Tax Credit Program rules and regulations for the appropriate household size.

2. Applicants, with the exception of applicants for ACC-Assisted Units, must have income sufficient to pay the rent plus utilities and must satisfy the one-year length of employment requirement.
3. Applicants for ACC-Assisted Units will be required to pay a minimum monthly rent of seventy-five dollars (\$75). (A hardship exemption shall be granted to residents who can document that they are unable to pay the minimum rent because of a verifiable long-term hardship (over 90 days). Exemption means the resident is required to pay the greater of 30% of adjusted monthly income or 10% of monthly income.)

**B. Sole Residence**

For each ACC-Assisted Unit and LIHTC Unit applicant, the unit in the Development must be the applicant's sole residence in order for the applicant to be eligible for housing.

**VIII. OCCUPANCY STANDARDS**

- A.** The following standards will determine the number of bedrooms required to accommodate a family of a given size, except that such standards may be waived when a vacancy problem exist and it is necessary to achieve or maintain full occupancy. In selecting a unit size for the applicant, Management's occupancy standards, and any waivers thereof, must comply with Federal, State, and local fair housing and civil rights laws, landlord-tenant laws, zoning laws and applicable HUD Occupancy guidelines from time to time in effect.

<u>Number of Bedrooms</u>	<u>Number of Persons</u>	
	<u>Minimum</u>	<u>Maximum</u>
1	1	2
2	2	4
3	3	6

- B. Notwithstanding anything to the contrary, if during the term of any lease, a child is born or adopted by the tenant, and as a result of such birth or adoption, the occupancy standard established above shall be violated, the tenant shall not be required by Management to move or transfer to a larger unit in order to comply with the occupancy standard until the conclusion of the term of the then-existing lease; provided that the tenant shall at all times satisfy all other obligations under the lease, rules, and regulations applicable to the leased unit.

**IX. SELECTION AND REJECTION CRITERIA**

Meeting the eligibility requirements under Section (VII) does not mean that an applicant will be a suitable tenant. Management will also consider the ability of the applicant to fulfill the obligations of tenancy, including but not limited to paying rent and other charges, caring for and avoiding damage to a unit and common areas, and refraining from engaging in activities that would threaten the health, safety or right of peaceful enjoyment of the premises by others. For the purpose of the RRC, the criteria under this Section (IX) (compliance with which, where not otherwise indicated, shall be determined in Management's sole discretion) subject to the CHA Grievance Procedure shall be deemed property specific requirements ("Screening Criteria"), as follows:

**A. Age**

Applicants must be at least 18 years old, provided that applicants who are less than 21 years old may be required in Management's sole discretion, to provide a guarantor acceptable to Management who will guaranty the applicant's payment and performance under the lease.

**B. Insufficient/Inaccurate Information on Application**

Refusing to cooperate with Management during the application process, refusing to provide information required by Management, or supplying false information will be grounds for rejection.

**C. Credit, Financial Standing, Employment and Self-Sufficiency**

1. Management will assess the applicant's financial ability to pay rent. The duration of prior employment history should be a minimum of one year. Applicants for ACC-Assisted Units that are accepted for occupancy will pay rent in accordance with applicable federal regulations.

2. Any unsatisfactory history of meeting financial obligations, including but not limited to the payment of rent and outstanding judgments or a history of late payment of bills as outlined below, will be reviewed carefully and may, in Management's discretion, be grounds for rejection.

If an RRC applicant is rejected for poor credit, the applicant may request that Management consider mitigating circumstances or factors. In considering such mitigating circumstances, Management may, in its discretion, take into account such mitigating factors as it deems relevant, including, without limitation: (1) The ages of the debts; (2) Whether the RRC applicant made and kept arrangements to pay back unpaid bills; (3) The size or the number of debts in collection; (4) Whether the credit report indicates a lengthy or repeated history of unpaid bills, or repeated bankruptcies; (5) Whether the RRC applicant's poor credit was caused by disability or illness; (6) The nature of the unpaid responsibilities, such as high medical bills, or large school loans; (7) Whether the poor credit was caused by family break-up; (8) Whether the poor credit is related to involuntary displacement; (9) Whether the poor credit resulted from involuntary unemployment or some other involuntary change in income; (10) Whether a history of non-payment of rent resulted from an extraordinary rent burden; (11) Satisfactory completion of credit counseling; (12) Whether the RRC applicant is enrolled and actively participating in the HOPE VI Community and Supportive Services Program, if available; and/or (13) The presence of other events beyond the control of the RRC applicant.

All leaseholders and co-head of households will be subjected to review and will be expected to meet, at a minimum, the following standards:

- a. No delinquency in excess of \$1,000, including but not limited to matters that have been referred for collection and civil judgments, within the past two years; provided that a delinquency in excess of \$1,000 will be considered in light of any mitigating circumstances that can be documented by the applicant, such as loss of a job, illness, medical problems or student loans. In addition, where an otherwise eligible applicant has, in Management's sole discretion, a good history of rent and utility payment but also a delinquency as described above, the applicant will be conditionally accepted and permitted to occupy a rental unit (provided all other requirements for occupancy are met) subject to the requirement that such tenant demonstrate prompt rental and utility payment acceptable to Management, in its sole discretion, in the first year of occupancy.
- b. No landlord judgments and no new negative landlord history within the last two years provided, however, that an applicant will be

exempted from this criterion if documentary evidence is presented by the applicant that the judgment was the result of a landlord's or Section 8 program administrator's failure to comply with their respective obligations or was due to no fault of the tenant.

- c. Any bankruptcy filing must be at least three years old, with no new negative credit history; provided, however, that an individual whose bankruptcy filing date is within the last three years will receive further consideration by Management in the case of mitigating circumstances such as excessive medical bills, loss of employment for an extended period, student loans or divorce. Management will give less negative weight to those bankruptcy filings that occurred earlier in the three-year period. Management will also give less negative weight to bankruptcies where bankruptcy debts did not include rental and utility payments. The decision to continue processing the rental application in light of such mitigating circumstances relevant to a bankruptcy will be made on a case-by-case basis in Management's discretion.
- d. For ACC-Assisted Units and LIHTC Units, no debt due to any public housing authority unless an applicant has arranged and is current in a payment plan to pay off the entire debt owed.
- e. Any outstanding delinquencies owed to utility providers must be paid prior to approval. An allowance may be made for a payment plan with a utility that is in good standing for six months and that utility's willingness to re-establish an account with the applicant. Management will require proof of such a plan.

If Management rejects a rental application because of poor credit or financial standing, Management will provide the applicant with the reason for rejection and give the name of the credit bureau that provided the credit report. An applicant may appeal a rejection pursuant to Section (XI)(B).

- 3. The inability to verify credit references may result in rejection of an application. Management will consider special circumstances in which the applicant has not established a credit history, such as income, age, or marital status. In such circumstances, Management may require that a person with a history of creditworthiness guarantee the lease.
- 4. The inability to verify income may result in the rejection of the application. Management will accept all legal forms of verifiable income. In the case of child support, the applicant must validate the child support payments by

court documentation or a minimum of six consecutive months of cancelled checks, money order receipts, or cashiers' check receipts.

5. For the purpose of initial application screening and lease renewal, an applicant will be considered to meet the employment/economic self-sufficiency requirement if the applicant provides evidence, acceptable to Management in Management's discretion, that the head of household and co-head of household are spending thirty (30) hours a week for at least the prior 12 weeks in employment, and all other members of applicant's household 18 years of age or older are engaged in one or a combination of the following activities for 30 hours each week: (1) employment; (2) enrollment in and regular attendance in an economic self-sufficiency program, which shall include a program designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, paid or unpaid internships, transitional jobs, public benefits work programs, financial or household management, or an apprenticeship; (3) a verified job search and/or employment counseling; and (4) enrollment in and regular attendance in a regular program of education including GED classes, secondary or post-secondary education, or English proficiency or literacy classes. The foregoing minimum work requirement of 30 hours a week will not be applicable to full time students.

A household can be considered working to meet the employment/self-sufficiency requirement and once accepted for residency will be considered to meet minimum continued occupancy requirements by having all members of the household 18 years of age or older engaged in one or a combination of the following activities for 30 hours each week: (1) employment, including without limitation employment for 30 hours a week for a duration of less than the prior 12 consecutive weeks; (2) enrollment in and regular attendance in an economic self-sufficiency program, which shall include a program designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, workfare, financial or household management, or an apprenticeship; (3) a verified job search and/or employment counseling; and (4) enrollment in and regular attendance in a regular program of education including GED classes, secondary or post-secondary education, or English proficiency or literacy classes. Evidence of satisfaction of this requirement may include among other things, written verification of employment from an employer, a pay stub indicating hours worked, or written verification of enrollment in a program identified above by an administrator or instructor of such

program. The foregoing minimum work requirement of 30 hours a week will not be applicable to full time students.

A member of a household shall not be required to comply with the requirements of this paragraph when such member of the household is (a) aged 62 years or older, (b) a blind or disabled individual who provides verification that he or she is unable to comply with the requirements of this paragraph because of his or her blindness or disability, (c) the primary caretaker of such a blind or disabled individual and provides third party verification where applicable, that he or she is unable to comply with the requirements of this section because of his or her role as such a caretaker, (d) who as a result of a serious medical impairment is temporarily (for a period of less than 12 months) unable to meet the 30 hour employment requirement, (e) a full-time student in high school, college, trade school or other institution of higher learning, (f) one adult family member who elects to stay home to care for young children, so long as another adult family member works; or (g) retired and receiving a pension.

6. All households will be expected to make best efforts to meet or exceed the 30-hour for 12 consecutive weeks employment requirement in Section IX.C.5 above (except as otherwise provided in such Section IX.C.5). Applicants that are admitted because they are working to meet the 30 hours a week of employment requirement must achieve at least 30 hours per week for 12 consecutive weeks of employment within 12 months of admission. At the Management's discretion, leases for households that fail to achieve 30 hours per week of employment for 12 consecutive weeks by the end of the twelfth month of occupancy may not be renewed, as permitted by the RRC. A resident who achieves the 30 hours per week for 12 consecutive weeks employment requirement will still be in compliance with the employment requirement during a subsequent period of temporary unemployment, not to exceed six (6) consecutive months or, at the Management's discretion, for a period as long as unemployment benefits are available, including extensions, whether or not the resident is qualified for such benefits. Residents who are temporarily unemployed will be required to engage in other self-sufficiency activities and meet with Management every 90 days to report the status of his/her participation.
7. Applicants will be required to document that all household members from the ages of 6 to 17 are regularly attending school.

**D. History of Residency**

Prior evictions and/or outstanding landlord and/or housing judgments within the past two years will be grounds for rejection of an application provided, however,

that an applicant will be exempted from this criterion if documentary evidence is presented by the applicant that the judgment was a result of a landlord's or Section 8 program administrator's failure to comply with their respective obligations or was due to no fault of the tenant (e.g., Landlord's decision not to renew the lease).

If the applicant is lease compliant at the time of submitting the application, any lease violation in the past two (2) years shall not be a bar to admission. If an applicant has a landlord judgment in the past two (2) years, the applicant must demonstrate one year without a landlord judgment. The first year of residency in the Development will be evaluated to satisfy the second year of this requirement.

The previous three (3) years of housing and/or the past two landlords will be verified and documented for each applicant. This includes housing for applicants who were previously homeowners or lived with parents or guardians. Management will consider the following circumstances with respect to the applicant or any other person who will be living in the unit, and may be grounds for rejection of an application:

1. Any history of physical violence to persons or property.
2. Any behavior at prior residence that could adversely affect the health, safety, and quiet enjoyment of other tenants.
3. Any criminal activity by a guest or visitor of the applicant that threatened the health, safety or peaceful enjoyment of other residents.
4. A record of consistent failure to timely pay rent.
5. Applicant is in violation of applicant's current lease.
6. Any activity that involved causing a fire on or near residential premises, either intentionally, or through gross negligence or careless disregard.

**E. Criminal Activity/Drug-Related Activity**

1. Management will not admit an applicant if a background check reveals any of the following circumstances with regard to an applicant or member of an applicant's household; provided that the circumstances outlined in (E)(1)(c),(d),(e) and (f) below will be considered on a case by case basis in light of mitigating circumstances by Management in its discretion, as specified in Section (IX)(E)(3) below:
  - a. Any applicant or member of applicant's household is subject to a lifetime registration requirement or a 10 year registration



requirement under the Illinois Sex Offender Statute or any other state sex offender registration program;

- b. Any applicant or member of applicant's household was convicted of manufacturing methamphetamine in subsidized housing;
  - c. Any criminal activity during the period subject to review under Section 5(a)(2) of the current form of the CHA Residential Lease Agreement, currently the past three years, or any successor provision thereto, the "Review Period," that involved physical violence to another person or property, assault, aggravated assault, or which would adversely affect the health, safety, or right to peaceful enjoyment of the premises by other Residents, Management or its employees;
  - d. Any drug-related criminal activity during the Review Period, including but not limited to the illegal manufacture, sale, distribution, use, possession, storage, service, delivery, or cultivation of a controlled substance;
  - e. Any criminal activity involving a weapon, as defined under the Illinois Criminal Code, during the Review Period, including but not limited to displaying a weapon with a verbal or non-verbal threat to shoot, fire, explode, throw, or otherwise discharge a weapon to inflict injury on another person or to damage any property through the intentional, reckless, careless, or negligent use of such weapon; or
  - f. Any criminal activity during the Review Period that involved arson.
2. The following circumstances will be grounds for rejection of an application or any member of an applicant's household, provided that such circumstances, including the period during which criminal activity occurred, will be considered on a case by case basis in light of mitigating circumstances by Management in its discretion, as specified in Section (IX)(E)(3) below:
- a. In the past five years any member of the applicant's household engaged in any criminal activity which would constitute a felony under applicable law;
  - b. Any criminal activity from the period further in the past than the Review Period but no more than five years prior to screening, including:

- (i) Physical violence to another person or property, assault, aggravated assault, or activity which would adversely affect the health, safety, or right to peaceful enjoyment of the premises by other Residents, Management, or its employees;
    - (ii) Any drug –related criminal activity, including but not limited to the illegal manufacture, sale, distribution, storage, service, delivery, or cultivation of a controlled substance;
    - (iii) Any criminal activity involving a weapon, as defined under the Illinois Criminal Code, including but not limited to displaying a weapon with a verbal or non-verbal threat to shoot, fire, explode, throw, or otherwise discharge a weapon to inflict injury on another person or to damage any property through the intentional, reckless, careless, or negligent use of such weapon; or
    - (iv) Any criminal activity that involved arson.
  - c. Management determines that an applicant's, or member of applicant's household's, use, pattern of illegal use, or pattern of possession of a controlled substance or such person's use or pattern of abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents, Management, or its employees. For the purpose of this plan, pattern shall mean more than one incident.
  - d. A pattern of abuse of alcohol by applicant or members of applicant's household that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
3. Mitigating circumstances are facts relating to the applicant's record of unsuitable behavior which, when verified, would indicate that the reason for the unsuitable behavior is no longer in effect or is under control and the applicant's prospect for lease compliance is an acceptable one. Consideration of verifiable mitigating circumstances does not guarantee that an applicant will be admitted. Management, in its discretion, will consider the seriousness of the offense, whether or not the applicant was convicted of the offense, the circumstances surrounding the offense, and whether the offense occurred only once or was repeated. In addition, Management, in its sole discretion, will consider the following mitigating circumstances as support for an applicant's assertion that the applicant is no longer involved in criminal activity and that his or her prospect for lease compliance is acceptable:
- a. The applicant has no subsequent criminal history;

- b. Verification from a probation or parole officer that the applicant has satisfied the terms of his or her probation or parole, if applicable;
- c. Verification of the applicant's participation in services or counseling services, if applicable;
- d. Verification that the applicant has made restitution for his or her criminal activity, if applicable;
- e. In connection with evidence of previous or current illegal drug use, applicant provides:
  - (i) Verification from a reliable certified drug treatment counselor or program administrator indicating that the applicant has been in treatment, and that the applicant is complying with the program requirements and, if known (e.g. part of the program is drug testing, etc.) is not currently using a controlled substance. A reliable counselor or program administrator is someone who has not demonstrated a pattern of providing inaccurate or unreliable information. Management shall be the judge of what constitutes adequate and credible verification.
  - (ii) Verification from a self-help program, such as Narcotics Anonymous, indicating that the applicant has been participating in their program, and, if known (e.g. part of the program is drug testing, etc.) is not currently using a controlled substance;
  - (iii) Verification from a probation or parole officer that an applicant has met or is meeting the terms of probation or parole with respect to refraining from the illegal use of a controlled substance; or
  - (iv) Negative results of an additional voluntary drug test, conducted at facilities that use the National Institute of Drug Abuse Guidelines and which screens for illegal drugs only, not properly prescribed prescription drugs containing controlled substances.
- f. In connection with applicants who are currently enrolled in a substance abuse treatment program, but who have a history of substance abuse treatment followed by recidivism, Management will require that the applicant provide evidence of circumstances described in Section (VIII)(E)(3)(e) above and demonstrate why his or her current situation is more likely than in the past to lead to successful abstention from illegal use of controlled substances.

**F. Home Visits/Unsanitary or Hazardous Housekeeping**

1. Management may conduct a home visit as a final step in the application process as mentioned in Section (VI)(C). Management will notify applicants at least two day before the scheduled visit and will conduct a maximum of two home visits for an application. The purpose of the home visit is to determine whether the applicant and all potential occupants are capable of caring for a unit in a way that creates a healthy and safe living environment.
2. If the unit inspected as part of the home visit shows health or safety hazards caused by the applicant or other potential occupants, housekeeping that contributes to infestation, or damage to the unit caused by the applicant or other potential occupants, the application may be rejected. Management may take photographs to document the applicant's housekeeping. Housekeeping criteria are not intended to exclude households whose housekeeping is only superficially disorderly if such conditions do not appear to affect the health, safety, or welfare of other residents.
3. If the home visit reveals that the applicant is currently permitting unauthorized occupants to reside in the unit, that the applicant or other potential occupants are engaged in criminal activity, or some other circumstances which are consistent with the information presented in the applicant's application, the applicant may be rejected. Management will document any cases where a home visit results in a rejection.
4. An applicant's behavior toward Management staff conducting a home visit or performing other tasks under these procedures will be considered in assessing an applicant's possible behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward Management staff will be noted in the application file and included in the screening evaluation.
5. Applicants who are not at home when a home visit is scheduled will be given an opportunity to schedule a second home visit; provided, Management shall not be obligated to schedule more than two home visits. Applicants who fail a home visit may be rejected for tenancy. Management shall notify the CHA of any rejections.

**G. Pets**

See Lease Agreement, Attachment No. 5, Pet Policy.

**H. Child Care**

Children living in the Development must be adequately supervised. Applicants with children under thirteen (13) years of age must provide written verification to Management that adequate day care or supervision will be provided at all times and written verification of school enrollment for children older than six (6) years of age and younger than eighteen (18) years of age, or until graduation from high school.

**I. Other Basis for Rejection of Application**

Other basis for rejection of an application may include, without limitation, the following:

1. At time of application, applicant submitted funds (if any) that were not honored by the financial institution from which they were drawn. Management will consider any mitigating circumstances that can be documented by the applicant, such as loss of a job, illness or medical problems.
2. During interactions with Management, applicant appears intoxicated or under the influence of drugs, or is abusive as evidenced by objectionable conduct such as physical violence, threats, or profanity. Management shall maintain written documentation of such conduct and Management shall provide applicants, if requested, and the CHA with copies of such written documentation.
3. Applicant has attempted to bribe a member of staff in order to obtain an apartment.
4. If subsequent to submitting the application, applicant's household size has changed for any reason and such size no longer conforms with the occupancy standards for the unit that Applicant originally requested in the application. Management will determine if there is another unit available that is the appropriate size for applicant's current household size and, (i) if such unit is available, offer such unit to Applicant, or (ii) if such unit is currently unavailable, establish a wait-list for such unit. If the Development does not contain any units appropriate for applicant's current household size, applicant's application shall be rejected.

**J. Factors Management Will Not Consider Concerning an Application**

- Race
- Familial Status
- Disability
- Ancestry
- National Origin

- Color
- Religion
- Age, as defined by Chicago Fair Housing Regulations
- Sex
- Sexual Orientation
- Source of Income
- Order of Protections as defined by the Illinois Human Rights Act

**K.** During the screening process, Management staff performing the review will consider the following before rejection of any application:

1. If Management receives negative screening information on an applicant, Management will contact the applicant and set up a second meeting to determine whether mitigating circumstances exist that make it possible to approve the application.
2. If an applicant fails to satisfy the Screening Criteria and there is no evidence of mitigating circumstances, Management will reject the application. If an applicant is eligible and passes the Screening Criteria, Management will accept the applicant subject to the availability of units.
3. Current CHA Leaseholders whose application to reside in a ACC-Assisted Unit is rejected because of a failure to satisfy Management's Screening Criteria or a failure to engage in activities to meet the Screening Criteria may, pursuant to the RRC and the Grievance Procedure (Exhibit B), request an informal hearing with Management and, if applicable, a formal hearing before an independent hearing officer. Management will provide CHA with copies of correspondence with the applicant in connection with the filing of a grievance by a rejected applicant.

**L. Opportunity to Comply with Screening Criteria for ACC-Assisted Units**

An applicant for an ACC-Assisted Unit who (1) is entitled to the rights afforded by the RRC and (2) does not satisfy the Screening Criteria in this Section (IX), but (3) is otherwise Lease Compliant pursuant to the RRC, will be conditionally accepted for occupancy of an ACC-Assisted Unit in the Development, but only if the applicant provides evidence sufficient, in Management's discretion, to show that the applicant is engaged in activities designed to help the applicant meet the Screening Criteria within one year of occupancy, as required by this Section (IX). By way of example only, the following could be submitted by an applicant to show participation in activities to meet Screening Criteria.

- In the case of an applicant whose screening reveals unpaid utility bills or excessive delinquent debts, such applicant could submit written third party

verification that the applicant is participating in and fulfilling the terms of a payment plan designed to eliminate such bills or delinquent debt.

- In the case of an applicant who does not meet the thirty (30) hour requirement of Section (IX)(C)(5), such applicant could submit third party verification of participation in a combination of the activities described in Section (IX)(C)(5) and a reasonable plan for increasing such participation to meet the requirement.
- In the case of an applicant, or any member of an applicant's household, whose screening reveals evidence of recent illegal drug use, such as applicant could submit evidence as described in Section (IX)(E)(3)(e).

In the event that the applicant fails to satisfy the Screening Criteria within one year of occupancy, Management shall notify the applicant and CHA, and the CHA promptly shall transfer the applicant to a unit outside the Development in accordance with the RRC.

#### **X. APPLICATION ACCEPTANCE AND MOVE-IN PROCEDURE**

- A. Management will notify applicants upon successful completion of the application process at which time arrangements will be made, including a specific time schedule, for lease signing, payment of security deposit and first month's rent, and attendance at a tenant orientation.
- B. Residents of ACC-Assisted Units will pay a security deposit in accordance with CHA's security deposit requirements, which currently requires payment of a deposit that shall be no more than one month's rent.
- C. An applicant who Management has approved for an apartment must sign the lease, pay the rent and the security deposit, and take possession of the apartment on the scheduled move-in date. As a courtesy, Management will telephone an applicant to inform him or her that the rental application has been approved. In addition, Management will mail a "Welcome Letter" to the applicant that will include the next steps the applicant must take. An applicant who does not proceed with the move-in schedule outlined in the Welcome Letter may forfeit the designated apartment. If an applicant wishes to move in at a later date, but within a thirty (30) day period of the date that the rental application was approved, Management may offer an alternate apartment and move-in date based on availability. The above move-in procedure, to the extent inconsistent with the RRC, will not apply to current CHA Leaseholders who have been accepted for occupancy of an ACC-Assisted Unit.
- D. Before move-in, all family members must complete a pre-occupancy tenant orientation at the location designated by Management.

- E. All applicants accepted for occupancy shall concurrently with lease execution, execute all applicable addenda and riders to the lease.

## **XI. REJECTION PROCEDURES**

### **A. Written Notification**

Management will promptly notify applicants in writing whose rental application has been rejected and will include the reason(s) for the rejection (Exhibit A). The notice will advise the applicant that he or she may within fourteen (14) business days of the receipt of the notice respond in writing or request to meet with Management to discuss the notice. The notice shall also inform the applicant that responding to Management's notice does not prevent the applicant from exercising any legal rights. Management shall provide a copy of such notice to CHA.

### **B. Review of Rejected Applicants**

Current CHA Leaseholders whose application to reside in an ACC-Assisted Unit is rejected because of a failure to satisfy Management's Screening Criteria or a failure to engage in activities to meet the Screening Criteria may, pursuant to the RRC and the Grievance Procedure (Exhibit B), request an informal hearing with Management and, if applicable, a formal hearing before an independent hearing officer. Management will provide CHA with copies of correspondence with the applicant in connection with the filing of a grievance by a rejected applicant and with a Notice for Formal Grievance, attached to and made part of the Procedures.

## **XII. SPECIAL OCCUPANCY CATEGORIES**

All applicants given preference within a Special Occupancy Category must meet the eligibility and selection criteria outlined in Sections (VII) through (IX) of this plan. Applicants will be interviewed and processed as authorized in Sections (V) through (X), with exceptions as follows:

### **A. Persons with Disabilities**

An applicant with disabilities will be given priority for accessible units if an accessible unit is requested and documentation of need is received. Unless an applicant requests placement in an accessible unit, Management will not inquire whether an applicant or a member of an applicant's household has a disability or inquire as to the nature or severity of the disability of such persons. If the applicant deems that the accessible unit is not appropriate for the household's needs, the applicant's name will return to its place on the Interested Person's List or Waiting List, as applicable.



**XIII. AMENDING THE TENANT SELECTION PLAN**

Management may amend this Tenant Selection Plan only with prior written approval of the CHA, which approval shall not be unreasonably withheld or delayed.

**XIV. CERTIFICATION**

By signing this Tenant Selection Plan, Management certifies that the contents of this plan will be followed as written in all material respects and that no other Tenant Selection Plan has been executed for the Development at this time or will be executed for the Development at this time, or subject to Section XIII, will be executed in the future without written approval from the CHA.

Submitted:

Owner:

**Park Boulevard IIA, LLC**, an Illinois limited liability company

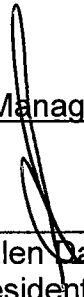
By: Park Boulevard IIA Manager, LLC,  
an Illinois limited liability company, its Manager

By: JLM Investment IIA LLC,  
an Illinois limited liability company, its Manager

By:   
James L. Miller, its Sole Member

Property Manager:

**UPA LLC**

By:   
Cullen Davis  
President

**EXHIBITS TO  
TENANT SELECTION PLAN**

Exhibit A:     Rejection Letter

Exhibit B:     Grievance Procedure

**REJECTION LETTER**

Date: \_\_\_\_\_

Application No. \_\_\_\_\_

**NOTICE OF APPLICATION REJECTION**

Dear Applicant(s):

In order to be approved for admission, applicants must meet eligibility requirements of both the Low-Income Housing Tax Credit (LIHTC) program and the selection criteria of **Park Boulevard Phase 2A**. Based on the information which you have supplied and/or which we have verified for you, we regret to inform you that we cannot approve your application for the following reason(s):

\_\_\_\_\_ Annual income exceeds the applicable LIHTC income limit

\_\_\_\_\_ Insufficient income available to pay rent and utilities at  
and pay other living expenses and/or obligations

\_\_\_\_\_ Unacceptable rent or mortgage payment history and/or negative landlord response

\_\_\_\_\_ Unacceptable credit record

\_\_\_\_\_ Other:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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Comments:

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\_\_\_\_\_  
\_\_\_\_\_

If you do not agree with this determination, you may wish to respond IN WRITING within fourteen (14) days from the date of this letter to request a meeting with management to submit additional information which may have a bearing on this decision.

Sincerely,

\_\_\_\_\_

cc: Applicant file

**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

Page 18 of 24  
Approved

Board of Commissioners

August 18, 2009

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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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.

ADDITIONAL REMARKS:

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

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

DOAH-Petition

(Rev 03/09)

**GRIEVANCE PETITION FROM THE CHICAGO HOUSING AUTHORITY**

**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 #** \_\_\_\_\_

**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**

Name \_\_\_\_\_

Address \_\_\_\_\_

Development \_\_\_\_\_

Phone \_\_\_\_\_

Representative (if any) \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

**THE RESPONDENT (S)**

Name \_\_\_\_\_

Address \_\_\_\_\_

Development \_\_\_\_\_

Phone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Development \_\_\_\_\_

Phone \_\_\_\_\_

**OFFICE USE ONLY**

Date of Hearing: \_\_\_\_\_ Time of Hearing: \_\_\_\_\_ Officer Assigned: \_\_\_\_\_

