

Village of Nyack Housing Authority
Policy for Tenant Grievance Complaints

1. In cases of an administrative ruling to terminate a tenancy by a Holdover eviction, or an administrative denial of an application for admission to VNHA housing, the tenant or applicant may, within thirty (30) days of receipt of written notice of such administrative action, file an appeal directly to the VNHA Board of Commissioners. The entire Board of Commissioners shall act as the authority board of review pursuant to 9 NYCRR §1627.7.3. Any hearing held shall be governed by the regulations at 9 NYCRR §1627-7.3, and the provisions of paragraph 3 below.

2. In all other tenant grievances, the following provisions shall apply.

- A. Grievance shall mean any dispute which a tenant may have with respect to VNHA action or failure to act in accordance with the tenant's lease or regulations which adversely affects the individual tenant's rights. Disputes subject to the grievance process shall include, but not be limited to, unit transfers, calculation of tenant rent, and imposition of additional fees or charges, including maintenance charges.
- B. A tenant grievance must be filed within fourteen (14) calendar days from tenant's receipt of notice of an adverse action. The VNHA notice must state the action being taken, the reasons for the decision, the tenant's right to file a grievance, and the time frame to request such grievance.
- C. The grievance complaint must specifically identify the issues.

Where a tenant files a grievance, the tenant must specify what issues he/she is contesting, and why he/she believes the action was in error. The grievance must specify the following:

1) For claims that rent was calculated incorrectly, the grievance must identify each charge that the tenant claims is in error, must state the reason the tenant believes it is incorrect, and must provide supporting documentation (where applicable).

2) For claims that a charge or fee was incorrectly assessed, the tenant must identify the charge, must state the reason the tenant believes the charge was in error, and must provide supporting documentation (where applicable).

3) Where the tenant claims that regulations for calculation of rent were not followed, the grievance must specify why the rent was calculated incorrectly, and when possible state the rule or regulation that the tenant claims was not applied, or applied correctly. The tenant must also supply supporting documentation (where applicable).

D. Documentation:

Where the tenant claims that he/she provided proof of income, proof of loss of a job, or any other documentation that was not considered to calculate or change his/her rent, the tenant must:

- 1) Specify the date and time the documentation was provided to the office;
- 2) Provide a copy of the receipt given by the office staff for any documents delivered to the office. The documentation must be attached to the Complaint Form when it is filed;
- 3) If the tenant claims that he/she was not given a receipt, the tenant must specify which staff member accepted the documentation and did not provide a receipt, and the date and time such documentation was delivered to the office.
- 4) If VNHA management requests documentation from the tenant in order to address the tenant's grievance, the documents must be provided within fourteen (14) days of the request.

Example: The tenant believes rent for the month of June 2014 was incorrectly calculated because the tenant claims s/he provided documentation that a family member lost a job. The grievance should be presented as follows:

"June 2014 rent was incorrectly calculated. I provided documentation that my son lost his job to the office on May 14, 2014. I gave the documentation to _____ (name of staff member). Attached is a copy of the letter delivered to the office on May 14, 2014, at approximately 4 p.m. June 2014 rent was not adjusted to reflect the loss of income."

F. The VNHA management will copy up to twenty (20) pages from documents contained in a tenant's file free of charge. The tenant will be charged 25 cents per page for all copies greater than 20 pages.

G. Tenant grievances will first be reviewed and addressed by VNHA management, who will attempt to resolve the tenant's grievance.

H. If VNHA management has not been able to resolve the grievance, then the tenant may request a hearing before the VNHA Board of Commissioners. However, no grievance will be referred to the VNHA Board of Commissioners if the tenant has not complied with the grievance procedures outlined above, and/or provided VNHA management with the necessary documentation to support the tenant's complaint, where

applicable. Appeals to the VNHA Board of Commissioners shall be made, in writing, within fourteen (14) days of receipt of written notice of the VNHA management's decision on the tenant's grievance.

3. Procedure for Hearings Before the VNHA Board of Commissioners.

In order to ensure that hearings before the VNHA Board of Commissioners are conducted efficiently, the following procedure will be followed.

1. Management and/or staff shall provide a procedural history of the grievance, and management's attempts to address the tenant's complaint.

2. Tenant and his/her representative shall present any testimony or documentation specific to the claims raised in the grievance. The Board and/or counsel will then have an opportunity to question the witness.

3. Management and/or staff shall have an opportunity to present any evidence or testimony to document why the action taken by management was correct.

4. The tenant and his/her representative will have an opportunity to question any management or staff testifying, and/or to present rebuttal evidence.

5. The Board members will have an opportunity to present any questions or request information from any witness.

6. The Board will meet in Executive Session to decide the grievance. No VNHA management, staff or witnesses will be present when the grievance is deliberated and/or decided by the Board.

7. The Board will issue its decision in writing. The decision will be drafted by the Board Secretary, or by a board member designated by the Chair. The decision should not be written by management or staff. The decision should be based upon the facts presented at the hearing, and should specify the reasons for the decision and the evidence relied upon in reaching the decision.

**Adopted by the VNHA Board of Commissioners
On November 25, 2014.**

