

# ACOP Development Guide



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## CHAPTER 7: TENANT GRIEVANCE PROCEDURES



This document is part of the Admissions and Continued Occupancy Policy (ACOP) Development Guide. The full ACOP Guide includes nine chapters on different topics addressed in a typical ACOP.

To see the full ACOP Guide go to:

<https://www.hudexchange.info/programs/public-housing/admissions-and-continued-occupancy-policy-toolkit/>

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## CHAPTER 7: TENANT GRIEVANCE PROCEDURES

### OVERVIEW

The purpose of this chapter is to provide PHAs with guidance for drafting grievance procedures and what to include in the ACOP chapter. PHAs must establish and implement grievance procedures according to 24 CFR Part 966. The grievance procedure itself is a part of the PHA's lease, by reference. Generally, PHAs have a separate administrative procedure document that details the process, while the information contained in the ACOP sets forth the agency's policy about grievances.

The grievance policy documented in an ACOP is intended to cover two scenarios. First, the grievance policy helps determine the circumstances of disputes a tenant may have regarding a PHA's action or failure to act in accordance with the individual tenant's lease. Or second, it can be used in scenarios where the PHA's policies adversely affect the individual tenant's rights, duties, welfare, or status ("grievances") (24 CFR §§ 966.50, 966.53(a)). A grievance is any dispute that a tenant may have with respect to PHA action or failure to act in accordance with the lease or regulations that adversely affects the individual tenant's rights, duties, welfare or status. Thus, potential grievances could address most aspects of a PHA's operation, and each PHA must be familiar with the grievance rules and the PHA's own grievance procedure.

Grievance procedures must not only meet HUD's regulatory requirements but must also comply with any other requirements by local, State or Federal law (42 U.S.C. 1437d(k); 24 CFR § 5.105; 24 CFR Part 966). In this ACOP chapter, PHAs set forth regulatory and internal policies regarding how tenant grievances are addressed.

When drafting an ACOP, PHAs must consider the distinction between **Mandatory** (non-Discretionary) and **Discretionary** policies.



#### Mandatory Policies

Mandatory policies must comply with HUD and other regulations and must be included in the ACOP. Mandatory policies are those prescribed in statute and regulation that must be part of the ACOP and for which PHAs have no flexibility.



#### Discretionary Policies

Discretionary policies are areas where the PHA has flexibility to define policies, typically within a given set of parameters. They may be unique to the PHA and based on industry best practices. These policies must still comply with Federal, State and local laws as well as HUD guidance.

## TOPICS COVERED IN THIS CHAPTER

The following are key components of a typical ACOP chapter on Grievances that are described in this chapter.

- 7.1. Applicability
- 7.2. Informal Settlement
- 7.3. Grievance Hearing Requests
- 7.4. Grievance Hearing Procedures
- 7.5. Tenant Rights
- 7.6. Reasonable Accommodations for Persons with Disabilities and Limited English Proficiency
- 7.7. Decision of the Hearing Officer

### Learn More About Grievances in the Public Housing Occupancy Guidebook

This chapter discusses the most common types of transfers, how to prioritize transfers and a PHA's administrative responsibilities.



**GRIEVANCE PROCEDURES**

## 7.1. APPLICABILITY



### **Helpful Tips**

- ✓ The term “due process determination” means a determination by HUD that the law of the jurisdiction, generally the state in which the PHA is located, requires that the tenant be given the opportunity for a hearing in court which provides the basic elements of due process (as defined in 24 CFR § 966.53(c)) before eviction from the dwelling unit.
- ✓ Not all states require due process. When in doubt, PHAs may contact counsel in their local HUD office to find out whether HUD has issued a due process determination for their state.



## Mandatory Policies

- The PHA's grievance procedure must contain a statement of applicability, in which the PHA describes the situations where the grievance procedure is and is not applicable.
- The grievance procedure is applicable only to individual tenant issues with the PHA (24 CFR § 966.51(a)).
- PHA grievance procedures are not intended to resolve dispute between tenants on matters unrelated to the PHA or to resolve class grievances. Also, the grievance procedure is not to be used as a forum for initiating or negotiating policy changes with the PHA (24 CFR § 966.51(b)).



## Discretionary Policy Considerations

- If HUD has issued a due process determination under 24 CFR §966.51(a)(2) PHAs may exclude from the administrative grievance procedure any grievance concerning a termination of tenancy or eviction that involves:
  - a. Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the PHA;
  - b. Any violent or drug-related criminal activity on or off such premises; or
  - c. Any criminal activity that resulted in a felony conviction of a household member.
- If HUD has issued a due process determination, the PHA may evict the occupants of the dwelling unit through the judicial eviction procedures which are the subject of the determination. In this case, the PHA is not required to provide the opportunity for a hearing under the PHA's grievance procedure (24 CFR §966.51(a)(2)(iv)).

### *Sample ACOP Language*

#### APPLICABILITY

In accordance with Federal Regulation 24 CFR § 966.51, this Grievance Procedure shall be applicable to all individual grievances between the tenant and the **USA HOUSING AGENCY**. The PHA grievance procedure is not applicable to disputes between tenants not involving the **USA HOUSING AGENCY** or to class grievances. The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of tenants and the **USA HOUSING AGENCY's** Board of Commissioners.

## 7.2. INFORMAL SETTLEMENT



### Helpful Tips

- ✓ Grievances start with the tenant. PHAs need to determine their process for receiving and processing grievances.
- ✓ The first step in the process is to try to settle the issue through an informal settlement.
- ✓ Take note that informal settlements are specific to the public housing grievance review process and shouldn't be confused with informal hearings as described in 24 CFR § 960.208(a). Informal reviews is a term used in the Housing Choice Voucher program (24 CFR § 982.554), but some PHAs may also use this term for the public housing program grievance process.
- ✓ Some PHAs have separate methods for handling informal discussions on allegations of discrimination or harassment that differ from those for disputes about PHA operations. PHAs are reminded that allegations of discrimination or harassment may involve violations of and be the subject of complaints pursuant to the Fair Housing Act or other civil rights laws. (See 24 CFR Part 1 (Title VI of the Civil Rights Act), Part 8 (Section 504 of the Rehabilitation Act of 1973), and Part 100 (Fair Housing Act).)



### Mandatory Policies

- The **first step** in the hearing process is an informal settlement of grievance.
- **Who Can Present a Grievance:** To present a grievance, an individual must be a tenant, defined as the adult person(s), other than a live-in aide, who resides in the unit and executed the lease as the lessee. If there is no such person in the household, the person who resides in the unit or resides in the unit and is the remaining head of household (24 CFR § 966.53(f); 966.54) can present a grievance. An individual appointed power of attorney for a tenant or a legal guardian with legal authority to act for the tenant may also present a grievance.
- **How a Grievance Must Be Presented:** HUD has established that the person submitting the grievance must present it either orally or in writing to the PHA office or to the property management office where the tenant lives. There are options and combinations of these requirements, but PHAs need to determine processes that accommodate these requirements.
- **Ways PHAs Must Receive Grievances:** A PHA cannot require that a tenant present a grievance in writing (24 CFR § 966.54). So, it is important that PHAs establish a process by which tenants have an option to present a grievance orally.
- **What the PHA Provides:** The PHA must prepare a summary of the informal settlement discussion. It must be prepared within a reasonable timeframe, as established by the PHA, with a copy given to the tenant and a copy retained in the PHA's tenant file. The summary document needs to specify the names of the participants, date(s) of meeting, the nature of the proposed disposition of the complaint and the specific reasons thereof and shall specify the procedures by which a hearing may be obtained if the complainant is not satisfied.





## Discretionary Policy Considerations

- **Informal Settlement Process:** While an informal settlement is required, HUD does not prescribe a specific format for the informal settlement process. PHAs have the discretion to create the process by establishing informal settlement request requirements and forms, setting deadlines to respond (normally 10 days), setting times and dates for the review, determining the location of the hearing, assigning a hearing officer, establishing methods for documenting the outcome, and creating decision notices. Typically, the grievance is first reviewed to ensure that it is a type of dispute that can be appropriately addressed through the grievance process. If the type of dispute is appropriate, the grievance may be referred to the department or office responsible for the matter being grieved. The complainant typically is then contacted by a representative of that department or office and an informal discussion is arranged at a mutually agreeable time.
- **Submission:** To ensure the most efficient and expedient response to an informal settlement request, PHAs have the discretion to, and should, establish a policy outlining and identifying the department and staff member to receive the request and the process for scheduling through resolution.
- **Missed Appointments:** When a tenant fails to appear for an informal settlement appointment, PHAs have the discretion to determine whether to reschedule the appointment. The PHA also has discretion to determine if the tenant can request that the process be reinstated. If so, the PHA can set the conditions for reinstatement.

### *Sample ACOP Language*

#### INFORMAL SETTLEMENT

The first step in the hearing process is an informal settlement of grievance. If the grievance involves a lease termination for criminal activity or behavior that threatens the health, safety or right to peaceful enjoyment of the premises of the other residents or employees of **USA HOUSING AGENCY**, there is no informal settlement, and the resident must request a formal grievance hearing.

**USA HOUSING AGENCY** will accept grievances either orally or in writing, to the **USA HOUSING AGENCY** office within 10 business days of the event. Within 10 business days of receipt of the request the PHA will arrange a meeting with the tenant at a mutually agreeable time and confirm such meeting in writing to the tenant.

**USA HOUSING AGENCY** will prepare a summary of such discussion within 10 business days of the Informal Settlement meeting; one copy will be given to the tenant and one retained in the PHA's tenant file.

The summary will specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore and will specify the procedures by which a hearing may be obtained if the complainant is not satisfied.

## 7.3. GRIEVANCE HEARING REQUESTS



### Helpful Tips

- ✓ PHAs should attempt to address tenant disputes caused by lease violations prior to eviction proceedings unless the violation endangers the health, safety, and welfare of other tenants and PHA staff or involves criminal activity or administrative issues that render the tenant no longer eligible for occupancy at the PHA.



### Mandatory Policies

- After the first step of the Informal Settlement, the PHA must establish the procedures by which a complainant may obtain a grievance hearing if they are not satisfied with the outcome of the Informal Settlement (24 CFR § 966.54). To note, the original grievance request can be submitted orally, and it is not required to be submitted in writing.
- The hearing must be scheduled promptly for a time and place reasonably convenient to both the complainant and the PHA and held before a hearing officer. A written notification specifying the time, place, and the procedures governing the hearing must be delivered to the complainant and the appropriate official (24 CFR § 966.56).
- **Exclusions:** PHAs have discretion and may establish an expedited grievance procedure in the following circumstances, bypassing the requirement for informal settlement:
  - Terminations or evictions that involve any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the PHA's public housing premises by other residents or PHA employees;
  - Terminations or evictions that involve any drug-related or violent criminal activity on or off such premises (24 CFR § 966.53(d)).
- **Submission:** To ensure the most efficient and expedient response to Grievance Hearing requests, PHAs have the discretion and should establish a policy outlining and identifying the department and staff member to receive the request and the process for scheduling through resolution.



### Discretionary Policy Considerations

- **Hearing Process:** PHAs have discretion about how to set up the process. HUD recommends, but does not require, that the grievance procedure state the addresses of the PHA office and location where grievances will be accepted and state a reasonable length of time for how long after the adverse action the tenant has to file the grievance, for example, 10 working days.
- **Rescheduling Appointments:** PHAs have the discretion to establish policies that address rescheduling appointments, tenant requirement for rescheduling, and criteria under which an appointment can be rescheduled.
- **Missed Appointments:** When a tenant fails to appear for a Grievance Hearing appointment, PHAs have the discretion to determine whether to reschedule an appointment. The PHA also has discretion to determine if the tenant can request that the process be reinstated. If so, the PHA can set the conditions for reinstatement.

## ***Sample ACOP Language***

### **HEARING REQUESTS**

#### **Hearing Request**

Tenants must submit a written request for a Hearing to the property management office within 10 calendar days after receipt of the summary of discussion pursuant to Section above. The written request must specify:

1. The reasons for the Grievance; and
2. The action or relief sought.

The date on which said request was received in the property management office must be stamped on the request.

#### **Selection of Hearing Officer**

A Grievance Hearing shall be conducted by the **USA HOUSING AGENCY**. The appointment of a Hearing Officer shall be as follows:

3. The Executive Director of the **USA HOUSING AGENCY**, or his designee, shall appoint, in writing, a Hearing Officer within 10 calendar days of the receipt in the property management office of the written request for a Grievance Hearing. The Hearing Officer shall be an employee of the **USA HOUSING AGENCY**.
4. The **USA HOUSING AGENCY** shall consult the tenant organizations before appointment of each Hearing Officer (or panel member). Any comments or recommendations submitted by the tenant organizations shall be considered by the **USA HOUSING AGENCY** before the appointment.
5. The Hearing Officer shall, within 5 business days of his/her appointment, establish, and notify the tenant in writing of the date, time, and place of the Hearing. The Hearing date shall be no sooner than 10 calendar days or no later than 14 calendar days following the appointment of the Hearing Officer. The time frame for the Grievance Hearing may be extended by the Hearing Officer at his/her sole discretion.



## 7.4. GRIEVANCE HEARING PROCEDURES



### Helpful Tips

- ✓ PHAs are reminded that they are required to provide reasonable accommodation for persons with disabilities to participate in hearings. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations or attendants.
- ✓ Some PHAs choose to use a panel method to conduct the hearing. If using a panel method and only one panel member is available to meet on all the dates named by the complainant, the grievance procedure may state that the single panel member shall serve as the hearing officer. This is an important policy to ensure that the grievance process does not drag on too long.



### Mandatory Policies

- PHAs must designate a hearing officer or officers to conduct grievance hearings. The hearing officer must be an impartial person or persons selected by the PHA, other than the person who made or approved the decision under review, or a subordinate of that person as described in 24 CFR § 966.53(e).
- PHAs must describe their policies for selection of a hearing officer in their lease forms. Any changes are subject to a 30-day comment period as described in 24 CFR § 966.52(c).
- The hearing must be scheduled promptly for a time and place reasonably convenient to both the complainant and the PHA and held before a hearing officer. A written notification specifying the time, place, and the procedures governing the hearing must be delivered to the tenant and, if any, to the appropriate officials that are acting in the interest of the tenant (24 CFR § 966.56(a)).
- If the tenant or the PHA fails to appear at a scheduled hearing, the hearing officer may decide to postpone the hearing for no more than 5 business days or may make a determination that the party has waived his right to a hearing. Both the complainant and the PHA must be notified of the determination by the hearing officer as described in 24 CFR § 966.56(c).



### Discretionary Policy Considerations

- **Hearing Officer Selection:** The hearing officer may be an individual or a panel consisting of more than one person.
- **Hearing Procedures and Protocols:** PHAs have the discretion to establish a procedure and protocol for conducting hearings provided the process is compliant with 24 CFR § 966.56(b). HUD establishes what needs to be covered during the hearing, but PHAs have flexibility to design the procedure used during the hearing. PHAs may wish to describe the categories of evidence that are permitted during the hearing. The PHA may also establish rules of decorum for how the hearing is handled and what behavior is permissible by the PHA, the tenant, counsel and other participants or spectators.

### *Sample ACOP Language*

#### THE HEARING PROCESS

At the Hearing, the tenant must first make a showing of an entitlement to the relief sought and thereafter the **USA HOUSING AGENCY** must sustain the burden of justifying the **USA HOUSING AGENCY**'s action or failure to act against which the grievance is directed.

The Hearing must be conducted informally by the Hearing Officer and oral or documentary evidence pertinent to the facts and issues raised by the tenant may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The Hearing Officer must require the **USA HOUSING AGENCY**, the tenant, counsel and other participants or spectators 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 interests of the disorderly party and the granting or denial of the relief sought, as appropriate.

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

1. Oral evidence: the testimony of witnesses.
2. Documentary evidence: documented evidence which is relevant to the case, for example, a letter written to the PHA. It includes all forms of written and/or recorded communication or representation, including letters, emails, words, pictures, sounds, videotapes or symbols or combinations thereof.
3. Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.
4. Real evidence: A tangible item relating directly to the case.

## 7.5. TENANT RIGHTS



### Helpful Tips

- ✓ It is useful to include a section within the grievance policy that describes the rights tenants have throughout the process. In this sample ACOP, this is a standalone section. On the other hand, PHAs can include a discussion of tenant rights throughout the other parts of this chapter.



### Mandatory Policies

- Tenants requesting Grievance Hearings have the right to be afforded a fair hearing as described in 24 CFR § 966.56(b). Those rights include:
  - Opportunity to examine and copy documents prior to the hearing. Tenants must be provided an opportunity to examine any PHA documents, including records and regulations, that are directly relevant to the hearing. Tenants must be allowed to copy documents at the tenant's expense.
  - The right to be represented by counsel or other persons chosen as the tenant's representative and to have such person make statements on the tenant's behalf.
  - The right to a private hearing unless the complainant requests a public hearing.
  - The right to present evidence and arguments in support of the tenant's complaint, to controvert evidence relied on by the PHA or project management, and to confront and cross-examine all witnesses upon whose testimony or information the PHA or project management relies.
  - A decision based solely and exclusively upon the facts presented at the hearing.
- Prior to the hearing, either the tenant or PHA may arrange for a transcript of the hearing to be made. The cost of the transcript will be paid by the party requesting the transcript. Any interested party may purchase a copy of the transcript (24 CFR § 966.56(e)).



### Discretionary Policy Considerations

- **Reproduction Fees:** PHAs have the discretion to charge a tenant, tenant representative a nominal fee per page or set document price to for duplicating records, correspondence, and any other documents used for conducting the hearing

### ***Sample ACOP Language***

#### **TENANT RIGHTS**

The Tenant must be afforded a fair Hearing, which shall include:

1. The opportunity to examine before the Grievance Hearing any **USA HOUSING AGENCY** documents, including records and regulations relevant to the hearing. The tenant will be allowed to copy any such document at a cost of \$.05 per page or request the documents be sent electronically via email. The family must request copies of **USA HOUSING AGENCY** documents no later than 10 a.m. on the business day prior to the hearing. If the **USA HOUSING AGENCY** does not make the document available for examination upon request by the Tenant, the **USA HOUSING AGENCY** may not rely on such document at the Grievance Hearing.
2. The right to be represented by counselor other person chosen as the tenant's representative, and to have such person make statements on the tenant's behalf.
3. The right to a private Hearing unless the tenant requests a public hearing.
4. The right to present evidence and arguments in support of the tenant's Grievance, to controvert evidence relied on by the **USA HOUSING AGENCY**, and to confront and cross-examine all witnesses upon whose testimony or information the **USA HOUSING AGENCY** relies.
5. A written decision based solely and exclusively upon the facts presented at the hearing.

## 7.6. REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES AND LIMITED ENGLISH PROFICIENCY



### Helpful Tips

- ✓ PHAs should consult the agency's Reasonable Accommodation, Limited English Proficiency, and Fair Housing policies to ensure that the grievance policy is in alignment.
- ✓ PHAs should consider its dominant limited English proficient (LEP) tenant population when developing written materials used for the grievance process and translate those documents into language appropriate for said population. Further LEP guidance can be found at: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/promotingfh/lep-faq](https://www.hud.gov/program_offices/fair_housing_equal_opp/promotingfh/lep-faq)



### Mandatory Policies

- **Reasonable Accommodations:** PHAs must provide reasonable accommodation for persons with disabilities to participate in the hearing (24 CFR § 966.56(f) and 966.56(g)). Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants.
- **Visual and Auditory Aids:** For the auditory or visually impaired, PHAs must provide, at the PHA's expense, appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large-print, optical readers on computers available for viewing, assistive listening device systems, and sign language interpreters.
- **Document Translations:** PHAs also must take reasonable steps to ensure meaningful access to their programs and activities to individuals with limited English proficiency (LEP).



### Discretionary Policy Considerations

- There is no requirement that grievance hearings be conducted in-person, and as such, HUD allows PHAs to conduct all or a portion of their hearings remotely either over the phone, via video conferencing, or through other virtual platforms. If the PHA chooses to conduct remote hearings, the platform must be accessible to persons with disabilities and be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. See Notice PIH 2020-32.

### Sample ACOP Language

#### ACCOMMODATION OF PERSONS WITH DISABILITIES

The **USA HOUSING AGENCY** must provide reasonable accommodation for persons with disabilities to participate in the Hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the tenant is visually impaired, any notice to the tenant, which is required pursuant to this Grievance Procedure, must be in an accessible format.



## 7.7. DECISION OF THE HEARING OFFICER



### Helpful Tips

- ✓ It is important to determine how and when the final decision will be made by the hearing officer. To facilitate fairness for both the PHA and tenant, it is important that the written final decision include a clear summary of the information presented in the hearing and clearly communicate the final decision.



### Mandatory Policies

- The hearing officer must prepare a written decision, including the reasons for the PHA's decision, within a reasonable time after the hearing (24 CFR § 966.57). A best practice is to produce the written decision no later than 10 business days of the hearing.
- A copy of the decision must be sent to tenant and the PHA. The PHA must retain a copy of the decision in the tenant's folder.
- The PHA must maintain a log of all hearing officer decisions and make that log available upon request of the hearing officer, the tenant, or a tenant's representative (24 CFR § 966.57(a)).
- A decision by the hearing officer or Board of Commissioners in favor of the PHA or which denies the relief requested by the tenant in whole or in part will not constitute a waiver of any rights the tenant may have to a trial or judicial review that may be brought after the final decision of the PHA.



### Discretionary Policy Considerations

- **Documents and Tools:** PHA have the discretion to design forms and tools to standardize and memorialize grievance hearing transactions. This may include but not be limited to logs, spreadsheets, form letters, instructions, standard operating procedures, and process maps.
- **Written Decision Notice:** PHAs have the discretion to determine the content in written decision notices prepared for tenants. Although HUD does not prescribe the content that must be included in a written decision, common content for a written decision may include, but is not limited to:
  - The names of the complainant, hearing officer, other participants, including complainant's counsel or representative, and witnesses.
  - The date, time, and location of the hearing.
  - A summary of the grievance.
  - A summary of the results of the informal discussion (preferably quoting the informal settlement summary letter).
  - A summary of the evidence, argument and testimony presented at the hearing.
  - The reason(s) for the hearing decision, citing the policy or regulation that supports the decision made.

## *Sample ACOP Language*

### **DECISION OF THE HEARING OFFICER**

#### **Written Decision**

The Hearing Officer must prepare a written decision, together with the reasons therefore, no later than 10 business days after the Hearing. A copy of the decision must be sent to the tenant, in the same manner as required herein for Notice to the tenant, and the **USA HOUSING AGENCY**. The **USA HOUSING AGENCY** must retain a copy of the decision in the tenant's folder. A copy of such decision, with all names and identifying references deleted, shall also be maintained by the **USA HOUSING AGENCY** and made available for inspection by a prospective grieving tenant, his/her representative, or the Hearing Officer.

#### **Final Decision**

The decision of the Hearing Officer shall be binding on the **USA HOUSING AGENCY** which shall take all actions, or refrain from any actions, necessary to carry out the decision unless the **USA HOUSING AGENCY** Board of Commissioners determines within a reasonable time, and promptly gives notice to the tenant of its determination, that:

1. The Grievance does not concern **USA HOUSING AGENCY** action or failure to act in accordance with, or involving, the tenant's lease or **USA HOUSING AGENCY** regulations which adversely affect the tenant's rights, duties, welfare, or status; 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 between HUD and the **USA HOUSING AGENCY**.

In rendering a decision, the hearing officer will consider the following matters:

1. PHA Notice to the Family: The hearing officer will determine if the reasons for the PHA's decision are factually stated in the notice.
2. Discovery: The hearing officer will determine if the family was given the opportunity to examine any relevant documents in accordance with PHA policy.
3. PHA Evidence to Support the PHA Decision: The evidence consists of the facts presented. The hearing officer will evaluate the facts to determine if they support the PHA's conclusion.
4. Validity of Grounds for Termination of Tenancy (when applicable): The hearing officer will determine if the termination of tenancy is for one of the grounds specified in the HUD regulations and PHA policies. If the grounds for termination are not specified in the regulations or in compliance with PHA policies, then the decision of the PHA will be overturned.
5. Background: A brief, impartial statement of the reason for the hearing and the date(s) on which the informal settlement was held, who presided over it, and a summary of the results of the informal settlement. Also includes the date the complainant requested the grievance hearing.

### ***Sample ACOP Language***

The hearing officer will issue a written decision to the family and the PHA no later than 10 business days after the hearing. The report will contain the following information:

- Hearing information
- Name of the complainant
- Date, time, and place of the hearing
- Name of the hearing officer
- Name of the PHA representative(s)
- Name of family representative (if any)
- Names of witnesses (if any)