



Pathways Asset Management, Inc.

A Wholly Owned Governmental Instrumentality of the Housing Authority of the City of Austin

House Rules- Grievance Process Section

Proposed effective date: 01/01/2024

GRIEVANCE PROCESS

HUD's Housing Notice on the Rental Assistance Demonstration (RAD) program provides guidance on incorporating additional resident procedural rights to comply with Section 6 of the Act, including the opportunity for residents to participate in an informal hearing or grievance process. Specifically, the RAD program requires that:

- Residents be provided with written notice of the specific grounds of the Project Owner's proposed adverse action, as well as their right to an informal hearing with the Project Owner;
- Residents will have an opportunity for an informal hearing with an impartial member of the Project Owner's staff within a reasonable period of time;
- Residents will have the opportunity to be represented by another person of their choice, to ask questions of witnesses, have others make statements at the hearing, and to examine any regulations and any evidence relied upon by the Project Owner as the basis for the adverse action. With reasonable notice to the Project Owner, prior to hearing and at the residents' own cost, resident may copy any documents or records related to the proposed adverse action; and
- Project Owners provide the resident with a written decision within a reasonable period of time stating the grounds for the adverse action, and the evidence the Project Owner relied on as the basis for the adverse action.
- Project Owners will be bound by decisions from these hearings, except if:
 - the hearing concerns a matter that exceeds the authority of the impartial party conducting the hearing, or
 - the decision is contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.

If the Project Owner determines that it is not bound by a hearing decision, the Project Owner must promptly notify the resident of this determination, and of the reasons for the determination.

This policy outlines the procedures Pathways Asset Management, Inc. (PAMI) will follow to implement the required informal hearing process (also referred to as the grievance process). The informal hearing process is applicable only to individual resident issues relating to the Project Owner. It is not applicable to disputes between residents not involving the Project Owner. Class grievances are not subject to the grievance procedure and the grievance procedure is not to be used as a forum for initiating or negotiating policy changes of the Project Owner.

ADVERSE ACTION

Adverse action is defined as:

- Placement on probation
- Termination of tenancy

PAMI does not discriminate on the basis of disability status in admission or access to, or treatment or employment in, its federally assisted programs and activities. The following person has been designated to coordinate compliance with the nondiscrimination requirements contained in HUD's regulations implementing Section 504: Compliance Analyst, Low Income Housing Department, 1124 S. IH 35, Austin, TX 78704, (512)477-4488; TTY: (800) 735-2989 or 711 Voice Relay.



- Termination of assistance
- Denial of a Reasonable Accommodation request
- Denial of a Violence Against Women Act protection or emergency transfer request

REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process and PAMI will consider such accommodations. Reasonable accommodations may include qualified sign language interpreters, readers, accessible locations, or attendants. Additionally, grievance hearing requests do not have to be submitted in writing if there is a disability-related need for an accommodation. PAMI will also consider reasonable accommodation requests pertaining to the adverse action related to the person’s disability. See the Reasonable Accommodation Policy for more detail pertaining to reasonable accommodation requests.

LIMITED ENGLISH PROFICIENCY

PAMI will provide communication assistance, such as translated documents or verbal interpreters, to residents with Limited English Proficiency (LEP) to ensure meaningful access to participate in the grievance process.

INFORMAL HEARING PROCEDURES

The resident must submit a written request for a grievance hearing to PAMI within 10 calendar days of the date of the written notification of the adverse action. If the resident does not request a hearing, PAMI will proceed with the adverse action. Failure to request a hearing does not constitute a waiver by the complainant of the right to contest PAMI’s action in a judicial proceeding, if applicable.

PAMI will make every effort to coordinate and schedule the hearing within 15 calendar days of receiving the written request for a hearing. PAMI will endeavor to hold the hearing within 30 calendar days of receiving the hearing request. PAMI will send the resident written notification stating the time, place and the procedures governing the hearing.

PAMI will permit the resident to request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict that seriously affects the health, safety or welfare of the family. Requests to reschedule a hearing must be made orally or in writing at least 48 hours prior to the hearing date. At its discretion, PAMI may request documentation of the “good cause” prior to rescheduling the hearing.

The grievance hearing will be conducted by an impartial person or persons appointed by PAMI. The hearing officer will be someone other than the person(s) who made or approved the adverse action that is being grieved. Typically, the hearing will be conducted by a single hearing officer and not a panel. The Housing Authority of the City of Austin’s Department of Compliance Oversight has a designated Hearing Officer that also serves as the hearing officer for PAMI.

The resident will be afforded a fair hearing. This includes:

- The opportunity to examine any owner or PAMI documents before the grievance hearing, including records and regulations that are directly relevant to the hearing. For hard copies, the resident may be charged \$.10 per page. If PAMI does not make the document available upon request by the resident, PAMI may not rely on the document at the grievance hearing.

- The right to be represented by counsel, or other person chosen as the tenant’s representative, and to have this person make statements on the resident’s behalf.
- The right to a private hearing unless the resident requests a public hearing.
- The right to present evidence and arguments in support of the resident’s complaint, to dispute evidence relied on by the owner or PAMI .
- The right to confront and cross-examine all witnesses upon whose testimony or information the owner or PAMI relied on.
- A decision based solely and exclusively upon the facts presented at the hearing.

If the resident does not appear at the scheduled time of the hearing, the Hearing Officer will wait up to 15 minutes. If the resident appears within 15 minutes of the scheduled time, the hearing will be held. If the resident does not arrive within 15 minutes of the scheduled time, they will be considered to have failed to appear. If the resident fails to appear and was unable to reschedule the hearing in advance (as outlined above), the resident must contact PAMI within 24 hours of the scheduled hearing date, excluding weekends and holidays. The Hearing Officer will reschedule the hearing only if the resident can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities. Good cause” is defined as an unavoidable conflict that seriously affects the health, safety or welfare of the family.

The resident and PAMI will be given the opportunity to present evidence pertinent to the facts and issues raised by the resident, and to question any witnesses. Any evidence to be considered by the Hearing Officer must be presented and/or discussed at the time of the hearing. At the Hearing Officer’s discretion, the Hearing Officer may grant the resident an extension to provide documents/evidence that was discussed at the hearing.

DECISION OF THE HEARING OFFICER

The Hearing Officer will make every effort to issue a written decision to the resident and PAMI within 15 calendar days after the hearing. PAMI will maintain a copy of the decision in the resident’s folder. The written decision will state the reasons for the decision, and will clearly state whether the adverse action that is being grieved is upheld or overturned. If it is overturned, the Hearing Officer will instruct PAMI to change the decision in accordance with the Hearing Officer’s determination. PAMI shall be bound by the decision of the Hearing Officer unless:

- the hearing concerns a matter that exceeds the authority of the Hearing Officer conducting the hearing, or
- the decision is contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law, including IRS Low-Income Housing Tax Credit requirements.

If PAMI determines that it is not bound by a hearing decision, PAMI must promptly notify the resident of this determination, and of the reasons for the determination.

A decision by the Hearing Officer which upholds the adverse action and denies the relief requested by the resident will not constitute a waiver of, nor affect in any manner whatever, any rights the complainant may have to a trial de novo or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

House Rules- Lease Obligations and Enforcement Section, Termination Notification

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TERMINATION NOTIFICATION

HUD's Housing Notice on the Rental Assistance Demonstration (RAD) program provides guidance on incorporating additional resident procedural rights to comply with Section 6 of the Act, including termination notification requirements. These supplement notification requirements in regulations at 24 CFR 880.607 and the Multifamily HUD Model Lease and are outlined below.

Termination of Tenancy and Assistance. PAMI will provide the resident with adequate written notice of termination of the lease. The notice will advise the resident of the grounds for the termination. The notice shall not be less than:

- A reasonable period of time, but not to exceed 30 days:
 - If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
 - In the event of any drug-related or violent criminal activity or any felony conviction; or
- Not less than 30 days in the case of nonpayment of rent (per HUD Housing Notice H 2021-06); and
- Not less than 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period of time shall apply.

The notice will include all other required contents outlined in the Multifamily HUD Model lease and any other HUD multifamily administrative guidance. It will state that the resident has the right to request an informal hearing within ten calendar days of the date of the termination letter.

Termination of Assistance. PAMI will provide the resident with a written notice of termination of assistance. The notice will advise the resident of the grounds for the termination. The notice will state that the resident has the right to request an informal hearing within ten calendar days of the date of the termination letter. The requirements at 24 CFR 880.603, the Multifamily HUD Model Lease, and any other HUD multifamily administrative guidance shall apply.