



DISABILITY GRIEVANCE POLICY/PROCEDURES- SECTION 504 OF THE REHABILITATION ACT

A. INTRODUCTION

The purpose of this policy is to set forth informal and formal grievance procedures for program participants who claim that were unfairly treated on the basis of a qualifying physical or mental disability (defined as a medical condition that substantially impairs one or more major life activities of that resident). Additionally, a resident who is denied a disability-related accommodation by the Housing Authority of Maricopa County may file a grievance to address the denial of their requested accommodation(s). This policy satisfies HUD's requirement for specific, separate grievance procedures related to the rights of program participants ("residents") under Section 504 of the Rehabilitation Act of 1973, as amended.

B. REQUIRED INFORMAL SETTLEMENT PROCEDURES

It is the goal of the Housing Authority of Maricopa County to informally and expeditiously resolve all disability related complaints brought by residents, whenever possible. A resident with a disability-related complaint shall complete and submit the attached written form (Exhibit A). If a resident's own disability prevents him or her from submitting this form, the resident (or the resident's duly appointed representative) may verbally convey the information being requested on the form to the Fair Housing Advocate/Section 504 Coordinator (the "Coordinator").

If the claimed disability is not previously known or obvious, the Housing Authority of Maricopa County may require the resident to provide supporting documentation from an appropriate healthcare provider. Upon request, a resident seeking a disability-related accommodation must provide the Housing Authority of Maricopa County with sufficient medical documentation to substantiate the nature and extent of the disability that is serving as the basis for the requested accommodation. The Housing Authority of Maricopa County may require an independent medical examination at its expense to verify the existence and/or attributes of any claimed disability. In addition, if the resident provides inadequate, incomplete, or inconsistent documentation to the Housing Authority of Maricopa County regarding a claimed disability, the Housing Authority of Maricopa County may require the qualifying individual undergo an independent medical examination at its sole expense. If the resident refuses to fully cooperate with and participate in the interactive process with the Housing Authority of Maricopa County, an accommodation request may be denied unless and until the requested information is provided.

Once an informal grievance has been submitted to the Housing Authority of Maricopa County, the resident's informal disability-related complaint is reviewed by the Coordinator, who then schedules a settlement meeting to address the resident's concerns.



The settlement meeting is informal in nature. The Coordinator will allow all relevant witnesses to speak. Additionally, the resident and the Housing Authority of Maricopa County may provide documents to the Coordinator for consideration. The Coordinator may also request that the parties produce specific documents. Following the conclusion of the informal settlement meeting, the Coordinator shall issue a written recommendation to the Administrator of the Housing Authority of Maricopa County within ten (10) business days regarding the issues involved in the grievance and whether any further action is warranted. The Administrator will then accept or reject the recommendations of the Coordinator within five (5) business days. The Administrator shall notify the resident in writing of his or her determination within (5) business days of the Administrator's decision.

In the notification letter, the Administrator will explicitly notify and advise the resident in writing that he/she may submit a timely, formal grievance related to the disability-related concerns that were the subject of the informal settlement proceeding within thirty (30) calendar days of the resident's receipt of the written notification. The Administrator will also inform the resident in the notification letter that the failure to file a formal grievance does not impact any legal rights that the resident may have under the Fair Housing Act (as amended), Section 504 of the Rehabilitation Act of 1973, as amended, the American's With Disabilities Act, as amended, or act as a waiver of any other statutory or legal rights that may possessed by the resident.

C. **FORMAL GRIEVANCE PROCEDURE**

If the informal procedures fail to satisfy a disability-related dispute to the resident's satisfaction, the resident may elect to submit a formal grievance with the Housing Authority of Maricopa County. The formal grievance procedure is set forth below:

1. **REQUEST FOR A HEARING**: Within thirty (30) calendar days of the resident's receipt of the notification letter from the Administrator regarding the conclusion of informal settlement process, the person or persons seeking relief from the Housing Authority of Maricopa County may pursue a formal grievance appeal by requesting this procedure, in writing. The resident shall include in this writing the nature of the relief being sought. If a resident's own disability prevents that person from initiating the formal grievance process in writing, the resident may verbally convey his or her desire to pursue an appeal to the Coordinator, and the nature of the requested relief.

2. **SELECTION OF A HEARING OFFICER**: Once a resident has initiated the formal grievance process, the Housing Authority of Maricopa County shall select an independent hearing officer to consider the dispute and make recommendations to the Director of the Housing Authority of Maricopa County. The Housing Authority of Maricopa County shall consider the following, non-exclusive criteria when selecting a Hearing Officer:

- No current or former employee of the Housing Authority of Maricopa County will be eligible to serve as the hearing officer.

- To the extent practicable, the hearing officer will have a background working with persons with disabilities, and he/she must be familiar with the relevant legal standards.
- The hearing officer may not possess any prior knowledge of the facts relating to the specific grievance at issue.

3. **FAILURE TO REQUEST A HEARING:** A resident waives his or her right to a formal grievance hearing if he or she fails to timely request a formal grievance in the manner specified in Section (C)(1), above.

4. **LOCATION AND TIME OF HEARING:** The date and time of the grievance hearing shall be set by the hearing officer. If the hearing is set for a date/time when the resident is not available, the resident may request an alternative hearing date. Every effort shall be made to locate the hearing in a fully accessible location, and at a time mutually convenient to all of the parties. If the party seeking relief under this policy requires sign language assistance or some other form of reasonable accommodation during the hearing, such services will be provided free of charge by the Housing Authority of Maricopa County if requested by the resident at least ten (10) working days in advance of the scheduled hearing date.

5. **PROCEDURES GOVERNING THE GRIEVANCE HEARING:** The grievance hearing will be an informal proceeding, where the rules of evidence do not apply. The hearing officer, at his or her discretion, may choose to limit the introduction of irrelevant or cumulative information and testimony. The parties shall have the opportunity to examine before the start of the proceedings all relevant materials and obtain copies of relevant materials at the expense of the party seeking to obtain that information. The resident shall have the right to representation at the resident's own discretion and expense. The grievance hearing shall be held in private, unless the resident requests a public hearing. At the hearing, the parties have the right to present any and all relevant information, and to cross-examine any and all witnesses.

Once the hearing has concluded, the hearing officer shall make a written recommendation to the Director regarding the merits of the grievance, and whether to provide the grieving party his or her requested relief. The hearing officer may also recommend some alternative relief. The recommendations of the Hearing Officer and the decision of the Director shall be based solely on facts presented at the grievance hearing. The Director will then accept or reject the recommendations of the hearing officer. The Director shall notify the resident in writing of his or her determination regarding the grievance, and any relief that may be provided to the resident. The decision of the Director is final, and it is not appealable. The Director shall also notify the resident that the Director's administrative determination of the grievance does not impact the legal rights of the resident to pursue any other legal remedies that may be available to him/her.

6. **FAILURE TO SHOW FOR THE HEARING**: In the event that any of the parties fail to show up for the scheduled hearing, the hearing officer may at his or her discretion postpone the hearing for up to five (5) working days, or elect to deny the grievance.

7. **RECORDS OF PROCEDURES OR TRANSCRIPTS**: The grievance hearing shall be recorded. Any party may request that a court report prepare a certified transcript of the proceedings at least five (5) business days in advance of the hearing. The party requesting the court reporter shall pay all costs/fees associated with securing the attendance of the court reporter and for obtaining transcripts.