
GRIEVANCE PROCEDURES IN PUBLIC HOUSING, SUBSIDIZED HOUSING & SECTION 8 PROGRAMS

What is a grievance procedure?

It is a way to file complaints about issues you have with your Housing Authority or property manager. It is also a way to find out more about violations you are charged with.

Do all federal housing programs have grievance procedures?

No. And, the rules about grievance procedures are different depending on what program you are involved in.

What are the main federal housing programs?

The three main programs are Public Housing, Section 8 Projects and Section 8 Housing Choice Vouchers. Other programs include Section 221(d)(3), Section 236, Section 202, Low Income Tax Credit Housing, Rural Housing Section 515, Section 811, and HOME programs.

This brochure has information about the main categories of government housing programs, but you should contact your housing authority or seek legal assistance if you are unsure of your program or have questions not answered by this brochure.

PUBLIC HOUSING

What is it?

The Housing Authority (HA) owns and manages your housing.

As a public housing tenant, how can I protect my rights?

You can file complaints through the HA grievance procedure.

What does the grievance procedure do?

It gives you a chance to explain your side of the dispute.

What do I have a right to a grievance about?

Lease obligations, rules, things the HA does that you feel are not right and impact your rights.

How do I start a grievance?

Make a complaint to the property manager. You can do this in person, but it is best to make the complaint in writing. Keep a copy of all written complaints.

When do I start a grievance?

- If the grievance is related to an eviction, you have only 10 days to start a grievance after getting the eviction notice.
- If the grievance is about something else, the HA has set the time limit for making a complaint. You will need to find out how much time this is from the HA.

If my grievance is about the amount of my rent, do I have to pay rent during the grievance process?

Yes. If you do not pay rent, the grievance process will end. You can ask for a rent waiver. Waivers are sometimes granted for extreme hardship cases.

Can I be denied the right to a grievance?

Yes. If the HA is trying to evict you for criminal activity that is either drug related or threatens the health and safety of the other tenants. You can still ask for a grievance, but the HA does not have to give you one.

What happens after I start the grievance?

- There will be a discussion.
- The HA will make a decision.
- The HA must give you a written summary of the discussion and the decision. The summary must also include how to ask for a formal hearing if you do not like the decision.
- If you want to ask for a hearing, say so in writing. Include why you did not like the decision and what you want the HA to do. There are time limits so make sure you respond promptly.
- The HA must tell you the time, place, and procedure for any hearing.

What should I do before the hearing?

- Ask to see any documents that the HA will use at the hearing. If they do not show you a document, the HA cannot use it at the hearing.
- If you want to, get an attorney or other representative to speak for you.
- Ask to see past decisions (the HA must give you these if you ask, but they will take out other people's names for privacy).
- Let the HA know if you have special needs.

What will happen at the hearing?

- First, you tell your side. You must be able to show that you should get what you are asking for.
- Then, the HA explains why they did or did not do what you are asking for. They must justify their action or inaction.
- The hearing officer (or panel) will make a decision. The hearing officer must not have an interest in the outcome. The hearing must be fair.
- Note: You or the HA may have the hearing taped and then written down. If you want this done, you pay for it. If the HA wants this, they pay for it. Either side can buy a copy from the other.

What happens after the hearing?

The HA must give you a written copy of the decision. It must include the reasons for the decision.

What happens next?

- If you win, the HA must do what the hearing officer ordered in the decision. If the dispute was about an eviction, the eviction process stops.
- If you lose, the HA can continue to do what it was doing. If the dispute was about an eviction, the landlord may go to court and seek to evict you. You can contact an attorney if you need assistance.

PROJECT BASED SECTION 8 HOUSING

What is it?

Your apartment complex is owned by a private landlord and the complex gets money from the government. This type of housing is similar to Public Housing but the grievance process is different.

Do I have a right to a grievance hearing?

No. You only have the right to an informal discussion with your landlord for certain disputes.

When can I get an informal discussion?

- If your income is being recalculated
- If your rent amount changes
- If you were denied a chance to become a tenant
- If your rental assistance is being terminated
- If you have moved out and there is a dispute about the return of your deposit

What if I am being evicted?

- The landlord must tell you that he wants to evict you at least 10 days before he goes to court. During those 10 days you have a right to meet with your landlord to discuss the reasons for the eviction. A landlord can only evict you by taking you to court.

OTHER SUBSIDIZED HOUSING

What is it?

Your apartment complex is owned by a private landlord and the complex gets money from the government. These include Section 221(d)(3), Section 236, Section 202, Low Income Tax Credit Housing, Rural Housing Section 515, Section 811, and HOME programs.

When can I get a grievance?

In general, there are no formal grievance procedures, only informal processes.

SECTION 8 VOUCHERS

What is it?

You live in a private apartment complex or house and you get a voucher from the Housing Authority (HA) to pay your rent.

Is there a grievance procedure?

There is no formal hearing process but you are allowed to have both an informal review and an informal hearing for certain disputes.

When can I get an informal hearing?

HA actions that allow an informal hearing include:

- Termination of your assistance
- Determination of your income and calculation of your total housing payment
- Setting your utility allowance

- Establishing the number of bedrooms you get for you and your family
- Denying a hardship petition
- Denying a voucher because some members of your household are not citizens

What is the process for an informal hearing?

The HA needs to follow rules similar to those used for a Public Housing resident. Each HA will have their own rules. See the Public Housing section of this brochure for an example of what the rules should look like.

What if my dispute is with the landlord?

The HA is not required to help. You can ask the HA to use the hearing process to help you and your landlord resolve your troubles.

What if my landlord is trying to evict me?

The HA is not required to help. You can ask the HA to use the hearing process to help you and your landlord resolve your troubles. You should inform to HA if your landlord is trying to evict you.

GRIEVANCE PROCEDURE TERMS

Discussion – the first action between a public housing resident and the HA after a grievance is filed

Decision – the outcome of either a hearing or a discussion

Grievance – a formal process for resolving conflict

Hearing – the action where a Public Housing resident and the HA meet with a hearing officer (or panel)

Hearing Officer – the one who makes a decision after a hearing

Informal Discussion – the action between a project based Section 8 tenant and the landlord

Informal Hearing – the action between a Section 8 Housing Choice Voucher holder and the HA

Informal Review – the first action between a Section 8 Housing Choice Voucher holder and the HA

If you have problems with your landlord, housing authority, or have questions about your lease or housing program, you may want to contact your local legal services program by calling the Legal Aid Telephone Intake Service for a referral at 744-9430 in Columbia or (888) 346-5592 from other places in South Carolina.

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