



# Chehalis Tribal HOUSING AUTHORITY

## RESOLUTION 2022 -10-1 To Approve and Adopt CTHA Grievance Policy

**WHEREAS**, the Chehalis Tribal Housing Authority (CTHA) is duly chartered per Tribal Ordinance Number One of the Confederated Tribes of the Chehalis Indian Reservation ("Tribe") as approved by the voting members of the Tribe; and,

**WHEREAS**, the purposes for which the CTHA was established include: (1) remedying unsafe and unsanitary housing conditions that are injurious to the public health, safety, and morals; (2) alleviating the acute shortage of decent, safe, and sanitary dwellings for persons of low income; and (3) providing employment opportunities through the construction, reconstruction, improvement, extension, alteration, or repair and operation of low income dwellings; and,

**WHEREAS**, the Board of Commissioners ("Board") of the CTHA, pursuant to Article V, section 3(r) of said Tribal Ordinance Number One, has been granted authority to take such actions as are commonly engaged in by public bodies of this character as the Board may deem necessary and desirable to effectuate the purposes of the Authority; and,

**WHEREAS**, the CTHA management has reviewed the attached CTHA Grievance Policy and, in consultation with the CTHA's legal counsel, has proposed the draft Grievance Policy that is attached as Exhibit A to this Resolution; and,

**WHEREAS**, the Board has reviewed the attached CTHA Grievance Policy and has determined that adopting the Grievance Policy is in the best interest of the CTHA.

**NOW, THEREFORE, BE IT RESOLVED**, that the CTHA Board hereby approves and adopts the CTHA Grievance Policy, as attached as Exhibit A to this Resolution; and,

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the CTHA Grievance Policy, attached as Exhibit A to this Resolution, shall supersede and replace any other policies addressing this same subject matter; and,

**BE IT FINALLY RESOLVED**, that the Board of Commissioners of the Chehalis Tribal Housing Authority have hereby authorized and directed Chehalis Tribal Housing Authority Executive Director, Glenda Comenout, to take any and all steps necessary to implement the CTHA Grievance Policy.

### CERTIFICATION

I, Connie Baker, Secretary, certify the above resolution was adopted at a regular scheduled meeting of the Chehalis Tribal Housing Authority held on the 18<sup>th</sup> day of October, 2022, at which time a quorum was present, and was passed by a vote of: 3 FOR, 0 AGAINST, and 0 ABSTAINED.

CBaker  
Secretary Connie Baker

P. L. Y. K. T.  
Chair



# **Chehalis Tribal HOUSING AUTHORITY**

## **CHEHALIS TRIBAL HOUSING AUTHORITY TENANT/HOMEBUYER GRIEVANCE POLICY**

**Updated October 18,2022**

### **Policy Statement**

The governing body (Chehalis Tribal Housing Authority) recognizes the need to establish procedures to resolve disputes between participants or applicants and the Chehalis Tribal Housing Authority in a fair and impartial manner. The purpose of these grievance procedures is to establish the general principles by which the Chehalis Tribal Housing Authority provides for and hears grievances and formal complaints by its program participants and applicants.

These policies and procedures are intended to provide due process to everyone involved along with being in compliance with all state, federal, and tribal laws, which have precedence. Nothing contained in these grievance procedures shall waive any sovereign immunity that the Chehalis Tribal Housing Authority may have.

This grievance process does not apply to Chehalis Tribal Housing Authority employees except as they may file a grievance as a participant, nor does it apply to vendors or contractors.

These policies and procedures shall be provided to all Participants who become residents or homebuyers of Chehalis Tribal Housing Authority owned or managed properties. It shall be made available to the public and shall be prominently posted in the Chehalis Tribal Housing Authority office.

### **Definitions.**

**Governing body** shall mean the Board of Commissioners of the Chehalis Tribal Housing Authority.

**Participant** shall mean any individual who has applied for, has been awarded, or is currently participating in any Chehalis Tribal Housing Authority housing program. Expressly excluded are individuals whose leases, homeownership agreements, or any other rights to occupancy are being terminated or who are being evicted. All such individuals are not allowed to file a grievance.

**Grievance** shall mean any dispute which a Participant may have with respect to Chehalis Tribal Housing Authority action or failure to act with respect to any Chehalis Tribal Housing Authority housing program and which is presented to the Chehalis Tribal Housing Authority in accordance with these grievance procedures.

Expressly excluded are any matters involving the HUD 184 Loan Guarantee program. Also expressly excluded are disputes involving termination of leases, homeownership agreements, or any other rights to occupancy or evictions except that this does not alter any right of review or examination of documents under

certain such proceedings as provided by the Native American Housing and Self-Determination Act of 1996.

**The Grievance Committee** shall mean the Board of Commissioners or a group of no more than 5 people but no less than 3 people they designate to operate the grievance under their authority for the sole purpose of hearing the participant grievance.

**Complainant** shall mean any Participant who has presented a grievance to the Chehalis Tribal Housing Authority in accordance with these grievance procedures.

**Grievance Hearing** shall mean the presentation to the Board of Commissioners of the grievance and Chehalis Tribal Housing Authority's response to the grievance. The Chehalis Tribal Housing Authority's Executive Director and/or legal counsel along with other pertinent Chehalis Tribal Housing Authority's employees shall be present at the hearing along with the complainant's representative if applicable.

## **Procedures.**

### **Prior to a hearing**

- These grievance procedures allow decisions, actions or inaction or Chehalis Tribal Housing Authority staff or governing body to be appealed or reviewed by Participants who are directly impacted or affected so long as certain required procedures are followed.
- To facilitate the process, the complainant may first present his/her case in person to the Executive Director in an attempt to resolve the issue before it goes to a formal Hearing. If there is no resolution to the issue, the grievance will then be provided in written form.
- Prior to filing a complaint with the Executive Director, the complainant should review the program agreement he/she has with the Chehalis Tribal Housing Authority to assure that he/she has a valid complaint.
- The complainant should contact the Chehalis Tribal Housing Authority in an attempt to resolve the issue before contacting the Dept. of Housing and Urban Development (HUD).

The grievance may be simply stated, but shall specify at least the following:

- the specific grounds upon which the grievance is based; and
- the action requested;

- Any grievance must be in writing and signed by a Participant and personally delivered to the Executive Director, Housing or sent by certified mail no later than 10-days after the Chehalis Tribal Housing Authority decision, action or inaction occurs.
- The Executive Director and the complainant shall make every effort to attempt to resolve a grievance prior to the complainant requesting a grievance hearing.
- The Executive Director shall respond in writing 5-days after receiving a grievance. The response shall be personally delivered or delivered by certified mail to the complainant. A copy of the response shall be attached to complainant's grievance.

The Chehalis Tribal Housing Authority's response shall specify:

- the proposed action to be taken to resolve the grievance;
- the right of the complainant to a hearing before the 5-days and
- the procedure for requesting such a hearing;
- If the complainant is dissatisfied with the proposed action to resolve the grievance, the complainant may request a hearing before the Board of Commission for the Chehalis Tribal Housing Authority. The request for a hearing must be made within 5-days of the date on the Chehalis Tribal Housing Authority's written response. The request for a hearing must be in writing and personally delivered to the Chehalis Tribal Housing Authority office or sent by certified mail.
- If the complainant does not request a hearing within 5-days after receiving the Chehalis Tribal Housing Authority's response to the grievance, the complainant waives his/her right to a hearing and the Chehalis Tribal Housing Authority's proposed disposition of the grievance shall become final.

### **Hearing.**

- If the complainant requests a hearing within 5-days of the date of the Chehalis Tribal Housing Authority's written response, the Executive Director shall notify the Board of Commission Chairperson in writing of the request and shall schedule the hearing to be held within 10-days of the complainant's request for a hearing.
- Written acknowledgment of the request and notice of the scheduled Grievance Hearing date, time and place shall be provided by the (Executive Director or title of designated employee) to the complainant at least (insert # of days, for example, 10) days prior to

the hearing date. The written acknowledgement may be personally delivered or sent by certified mail.

- Before attending the Grievance Hearing, the complainant should review the Grievance Policy to acquaint himself/herself with the proceedings.
- The appointed Board of Commissioners Chairperson shall preside over the Grievance Hearing and shall make the final determination as to questions of rules and procedure. The Board of Commissioners Chairperson may be advised by and consult with Chehalis Tribal Housing Authority) staff or legal counsel on procedural matters during this process.
- The Board of Commissioners Chairperson, staff, and complainants shall treat each other respectfully and fairly when handling, hearing or presenting a grievance.
- The Board of Commissioners Chairperson shall require all in attendance to conduct themselves in an orderly fashion during the Grievance Hearing. Failure to comply with the directions of the Board of Commissioners Chairperson to obtain order may result in exclusion from the proceedings or in a decision adverse to the interest of the disorderly party and automatic granting or denying the action sought.
- Grievance matters including the Grievance Hearing shall be confidential and not open to the public.
- The complainant has the right to review all files and documents that were used by the Chehalis Tribal Housing Authority in its original decision. This includes name of witnesses or parties who have made complaints if such parties' statements were used by the Chehalis Tribal Housing Authority in its original decision.
- Both the complainant and a representative of the Chehalis Tribal Housing Authority, who may be the same person who is providing advice to the Board of Commissioners Chairperson, shall make verbal arguments at the Grievance Hearing. The complainant may have a representative speak on his/her behalf.
- The Grievance Hearing shall be conducted informally by the Board of Commissioners Chairperson and verbal or written evidence pertinent to the facts and issues raised by the complainant will be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.

- After due consideration is given to a Grievance, a final decision will be made by the Board of Commissioners Chairperson whether to sustain, reverse or modify the decision, action or inaction challenged. A written decision shall be promptly given to the Complainant no later than 5- days after the hearing.
- Failure to follow any requirement of these grievance procedures shall allow the Board of Commissioners Chairperson to dismiss the grievance with no further consideration.
- Filing a grievance shall not suspend, negate, delay or disrupt the implementation of a Chehalis Tribal Housing Authority decision or action.

The provisions of these procedures shall not apply when any grievance concerns:

- any criminal activity that threatens the health or safety of, or right to peaceful enjoyment of by other Participants, neighbors or Chehalis Tribal Housing Authority) employees, or
- any criminal activity, including drug-related activity, by Participants, their household members, guests or invitees affecting premises, or rights or well-being of any Participant's neighbors.

Should the complainant fail to appear at the Grievance Hearing, the Board of Commissioners Chairperson may:

- dismiss the Grievance
- proceed without the complainant, or
  - reschedule the hearing one time if the complainant has provided a valid reason for failing to appear;
- This Grievance process does not apply to Chehalis Tribal Housing Authority employees except as they may file a grievance as a participant, nor does it apply to vendors or contractors.
- These policies and procedures shall be provided to all Participants who become participants in any of the Chehalis Tribal Housing Authority programs. It shall also be prominently posted in the Chehalis Tribal Housing Authority office.

- Filing a grievance shall not affect the relationship between the Chehalis Tribal Housing Authority and the complainant with regard to the provision of other services.

### **Sequence of Events**

Task	Responsible Party	Timing
Grievance provided in writing to the Chehalis Tribal Housing Authority	Program Participant	Within 10 days of a decision, action or inaction by the Chehalis Tribal Housing Authority
Response in writing provided to the Program Participant	Executive Director	Within 10 days of receipt of written grievance.
Request a Hearing	Program Participant	Within 10 days of receipt of Executive Director's response.
Notify Board of Commissioners Chairperson & schedule Hearing	Executive Director	Within 10 days of request.
Notify Program Participant of Hearing date.	Executive Director	At least 10 days prior to Hearing.
Written decision given to Program Participant & Chehalis Tribal Housing Authority.	Board of Commissioners Chairperson	Within 10 days after Hearing.