

# **MARSHALL HOUSE TENANT COMPLAINT AND GRIEVANCE PROCEDURES**

## **TENANT COMPLAINT PROCEDURES**

The following procedures have been established to address all other issues not covered under the above described "Tenant Grievances". Tenant complaints will be handled according to the following procedures:

- Tenant must file their complaints in writing with Marshall House Apartments administration.
- Marshall House will respond, in writing, to written complaints within 10 days of receipt of the complaint.
- Tenants will have the right to request a meeting with the administrator to discuss the issue and/or the decision.
- If the decision is found to be unsatisfactory to the tenant, the tenant will have the right to contact the Contract Administrator, Michigan Multifamily Asset Managers (MMAM), to intercede on the issue and conduct an investigation to determine if the Marshall House is acting in accordance with the approved policies and procedures for the housing.
- Marshall House will respond expeditiously to any inquiry received from MMAM, to present all requested information to address the issue.
- MMAM will, in writing, notify the Marshall House and the tenant the results of the investigation.
- Marshall House and the tenant will take the necessary actions, or refrain from any actions as specified in the decision from MMAM.
- Tenants may obtain contact information from the Marshall House office.

## **TENANT GRIEVANCE PROCEDURES**

The following procedures have been established to ensure that there is a fair and equitable process for addressing tenant or prospective tenant concerns and to ensure fair treatment of tenants in the event that an action or inaction by Marshall House adversely affects the tenants of a housing project.

### **REASONS FOR GRIEVANCE**

Acceptable reasons for filing a grievance may include:

1. Failure to maintain the premises in such a manner that provides decent, safe, sanitary, and affordable housing in accordance with CFR 3560.103 and applicable state and local laws;
2. Violation of lease provisions or occupancy rules;

3. Modification of the lease;
4. Occupancy rule changes;
5. Rent changes not authorized by the Department of Housing and Urban Development (HUD) according to CFR 3560.205
6. Denial of approval for occupancy
7. Notice of adverse action.

## **PROCEDURES**

Tenants and prospective tenants must communicate to Marshall House in writing any grievance or response to a notice within 10 calendar days after occurrence of the adverse action or receipt of a notice of intent to take an adverse action from the Marshall House administration.

Marshall House will offer to meet with tenants to discuss the grievance within 10 calendar days of receiving the grievance. If the grievance cannot be resolved during an informal meeting to the tenant or prospective tenant's satisfaction, Marshall House will prepare a summary of the problem and submit the summary to the tenant or prospective tenant and HUD and/or the Contract Administrator within 10 calendar days. The summary should include:

- Marshall House's position
- The applicant's/tenant's position
- The result of the informal meeting

*The tenant also may submit a summary of the problem to HUD and/or the Contract Administrator.*

## **HEARING PROCESS**

If a tenant or prospective tenant desires a hearing, a written request for a hearing must be submitted to the Marshall House office within 10 calendar days after receipt of the summary of any informal meeting.

### SELECTION OF HEARING OFFICERS/PANEL:

In order to properly evaluate grievances and appeals, Marshall House and the tenant must select a hearing officer or hearing panel. If Marshall House and the tenant cannot agree on a hearing officer, then they must each appoint a member to a hearing panel and the members selected must appoint a third member. If within 30 days from the date of the request for a hearing, the tenant and Marshall House have not agreed upon the selection of a hearing officer or hearing panel, Marshall House will notify HUD of the situation. HUD will appoint a person to serve as the sole hearing officer. HUD may not appoint a hearing officer who was earlier considered by either the Marshall House Apartments or the tenant, in the interest of ensuring the integrity of the process.

The tenant or prospective tenant will be afforded the opportunity, at a reasonable time before a hearing and at the expense of the tenant, to examine or copy all documents, records, and policies of Marshall

House Apartments that Marshall House intends to use at a hearing, unless otherwise prohibited by law or confidentiality agreements.

If a standing hearing panel has been approved, a hearing will be scheduled within 15 calendar days after receipt of the tenant's or prospective tenant's request for a hearing. If a hearing officer or hearing panel must be selected, a hearing will be scheduled within 15 calendar days after the selection or appointment of a hearing panel or officer. All hearings will be held at a time and place mutually convenient to both parties. If the parties cannot agree on a meeting place or time, the hearing officer or hearing panel will designate the place and time.

If the grievance involves a rent increase not authorized by HUD, or a situation where Marshall House fails to maintain the property in a decent, safe and sanitary manner, rental payments may be deposited by the tenant into an escrow account, provided the tenant's rental payments are otherwise current.

- i. Escrow account deposits must continue until the complaint is resolved through informal discussion or by the hearing officer or panel.
- ii. Escrow account must be in a federally-insured institution or with a bonded independent agent.
- iii. Failure to make timely rent payments into the escrow account will result in a termination of the tenant grievance and appeals procedure and all sums will immediately become due and payable under the lease.
- iv. Receipts of escrow account deposits must be available for examination by Marshall House.

If the tenant or prospective tenant does not request a hearing within the time provided above, Marshall House's disposition of the grievance or appeal will become final.

#### **REQUIREMENTS GOVERNING A HEARING**

- Evidence may be received without regard to whether that evidence could be used in judicial proceedings
- The hearing must be structured so as to provide basic due process safeguards for both parties involved, which must protect:
  - The right of both parties to be represented by counsel or other person chosen as their representative;
  - The right of the tenant or prospective tenant to a private hearing unless a public hearing is requested;
  - The right of the tenant or prospective tenant to present oral or written evidence and arguments in support of their grievance or appeal and to cross-examine and refute the evidence of all witnesses on whose testimony or information the Marshall House relies; and
  - The right of Marshall House to present oral and written evidence and arguments in support of the decision, to refute evidence relied upon by the tenant or prospective tenant, and to confront and cross-examine all witnesses in whose testimony or information to the tenant or prospective tenant relies.

- The tenant or prospective tenant must present evidence that they are entitled to the relief sought, and Marshall House administration must present evidence showing the basis for action or failure to act against that which the grievance or appeal is directed.
- The hearing officer or panel must require that Marshall House, the tenant or prospective tenant, counsel and other participants or spectators conduct themselves in an orderly manner. Failure to comply may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.
- If either party or their representative fails to appear at a scheduled hearing, the hearing officer or panel may make a determination to postpone the hearing for no more than five days or may make a determination that the absent party has waived their right to a hearing under this subpart. If the determination is made that the absent party has waived their rights, the hearing officer or hearing panel will make a decision on the grievance. Both the tenant and prospective tenant and Marshall House must be notified in writing of the determination of the hearing officer or panel.

## **DECISION**

Hearing decisions must be issued in accordance with the following requirements:

- The hearing officer or panel has the authority to affirm or reverse Marshall House's decision.
- The hearing officer or panel must prepare a written decision, together with the reasons thereof based solely and exclusively upon the facts presented at the hearing within 10 calendar days to allow time for a HUD review.
- The hearing officer or panel must send a copy of the decision to the tenant, or prospective tenant, Marshall House and HUD.
- The decision of the hearing officer or panel shall be binding upon the parties to the hearing, unless the parties to the hearing are notified within 10 calendar days by the Department of Housing and Urban Development that the decision is not in compliance with agency regulations.
- Upon receipt of written notification from the hearing officer or panel, Marshall House and the tenant must take the necessary action or refrain from any actions, specified in the decision.

**FOR ADDITIONAL INFORMATION, YOU MAY CONTACT:**

Michigan Multifamily Asset Managers  
2395 Jolly Rd. Suite 180  
Okemos, MI 48864  
517-267-9277

- HUD's National Multifamily Housing Clearinghouse at 1-800-685-8470 to report maintenance or management concerns
- HUD's Office of Fair Housing and Equal Opportunity at 1-800-669-9777, if you believe you have been discriminated against
- HUD's Office of Inspector General Hot Line at 1-800-347-3735 to report fraud, waste, or mismanagement
- HUD's Housing Counseling Service locator at 1-800-569-4287 for the housing counseling agency in your community
- The HUD-EPA National Lead Information Center 1-800-424-LEAD
- Your local government tenant/landlord affairs office, legal services office, or tenant organizations to obtain information on additional rights under local and state law

If appealing a local HUD Office decision, you may contact the Director of the Office of Asset Management and Portfolio Oversight in Washington, DC at 202-708-3730.

Persons who are deaf or hard of hearing or have speech disabilities may reach the numbers above through the Federal Relay (FedRelay) teletype (TTY) number, 800-877-8339, or by other methods shown at [www.gsa.gov/fedrelay](http://www.gsa.gov/fedrelay).

**ON-LINE RESOURCES:**

- Department of Housing and Urban Development website: [www.hud.gov](http://www.hud.gov)
- The local HUD Field Offices: <http://www.hud.gov/local> Note: To locate your local field office, select: Contact My Local Office (under the I Want To section)