

NORTHERN PONCA HOUSING AUTHORITY

SECTION K

APPEAL POLICY

SECTION K-1: DEFINITIONS

1. APPEAL - shall mean any dispute, which a tenant may have with respect to the Authority action or failure to act in accordance with the individual tenant's lease, or Authority regulation, which adversely affect the individual rights, duties, welfare or status.
2. COMPLAINANT - shall mean any tenant whose appeal is presented to the Authority in accordance with SECTIONS (B) of the policy.
3. HEARING OFFICER - shall mean a person selected in accordance with SECTION (C) of this policy to hear appeals and render a decision with respect thereto.
4. HEARING PANEL - shall consist of the NPHA Board of Commissioners.
5. TENANT - shall mean any lessee or the remaining head of household of any tenant family residing in housing accommodations covered by this policy.

SECTION K-2 INFORMAL SETTLEMENT OF APPEAL

1. Any appeal shall be personally presented, orally and in writing, to the Authority so that the appeal might be discussed informally and settled without a hearing.
2. The complainant shall present the appeal only, within a reasonable time, not in excess of ten (10) days of the Authority action or failure to act, which is the basis of the appeal.
3. The authority shall schedule the informal discussion as promptly as possible thereof in writing.
4. A summary of the discussion, dated and signed by the Executive Director, or other appropriate official, shall be prepared within a reasonable time, not in excess of five (5) working days of the informal discussion. One copy shall

be given to the tenant and one copy retained in the Authority office tenant file. The summary shall specify the nature of the complaint, and names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and shall specify the rights of the complainant to a hearing and the procedures by which a hearing may be obtained if the complainant is not satisfied.

SECTION K-3: PROCEDURE TO OBTAIN A HEARING

1. Request for Hearing - If the complainant is dissatisfied with the proposed disposition of his complaint, as stated in the Executive Director's informal discussion summary, he may submit a written request, to the Authority within a reasonable time, not in excess of ten (10) days of the date of the summary.
The request shall specify:
 - a. The reasons for the appeal, and;
 - b. The action or relief sought.

2. Selection of Hearing Officer or Hearing Panel - Appeal shall be presented before a hearing officer or panel. A hearing officer or panel shall be selected as follows:
 - a. The hearing officer shall be an impartial, disinterested person selected jointly by the Authority and the complainant. If the Authority and the complainant cannot agree on a hearing panel and the members so appointed shall select a third member, such member shall be appointed by an independent arbitration organization, or by any other third party agreed upon by the Authority and the complainant.
 - b. In lieu of the procedure set forth in paragraph (1.) of this subsection, the Authority may provide for the appointment of a hearing officer or hearing panel by any method, which is approved by the majority of tenants (in any building, group of buildings, or project, or group of projects to which the method is applicable) voting in an election or meeting of tenants held for the purpose.

- c. There shall be no relatives of the complainant on the panel which hears his/her complaint, nor shall any Authority officer or employee whose duties and responsibilities involve him/her in any way with the appeal at issue, sit as a member of the hearing panel for that particular hearing.
3. Failure To Request A Hearing - If the complainant does not request a hearing), then the Authority's disposition of the appeal under Section (B) shall become final, provided, that failure to request a hearing shall not constitute a waiver by the complainant of his/her right thereafter to contest the Authority's action in disposing of the complaint in an appropriate judicial proceeding.
4. Hearing Prerequisite - All appeal shall be personally presented orally and in writing pursuant to the informal procedure prescribed in Section (II) as a condition precedent to a hearing under this section. Provided, that if the complainant shall show good cause why he failed to proceed in accordance with Section (B) to the hearing officer or hearing panel, the provisions of the subsection may be waived by the hearing officer or hearing panel.