



YOLO COUNTY HOUSING REASONABLE ACCOMMODATION GRIEVANCE PROCEDURE

I. Definitions

- A) Grievance: A grievance is any dispute a public housing applicant or tenant or Housing Choice Voucher (HCV) applicant or participant may have with Yolo County Housing (YCH) concerning the 504 Coordinator's decision regarding his/her request for reasonable accommodation.
- B) Complainant: Any public housing applicant or tenant or HCV applicant or participant whose grievance is presented to the 504 Coordinator in accordance with the requirements presented in this procedure.
- C) Hearing Officer: A person selected in accordance with 24 C.F.R. § 966.55 and this procedure to hear grievances and render a decision with respect thereto.

II. Applicability of this Grievance Procedure

This grievance procedure shall apply to grievances of the 504 Coordinator's denial or approval regarding a public housing applicant's/tenant's or HCV applicant's/participant's or household member's request for reasonable accommodation.

Any changes proposed in this grievance procedure must provide for at least thirty (30) days notice to the public housing tenant's, HCV participants, and resident organizations, setting forth the proposed changes and providing an opportunity to present written comments.

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Comments submitted shall be considered by YCH before adoption of any grievance procedure changes by the Yolo County Housing Board of Commissioners.

III. Informal Settlement of a Grievance

Any grievance initiated by a Complainant against YCH must be presented, either orally or in writing, to the 504 Coordinator **within seven (7) business days after the grieved event**. An “informal” hearing of the decision will take place between the 504 Coordinator and the Complainant, or a representative making the presentation, in person.

- A) The Complainant will be contacted to arrange a mutually convenient time **within ten (10) business days** to meet so the grievance may be discussed informally and settled without a formal hearing. The 504 Coordinator will attempt to settle the grievance to the satisfaction of both parties by explaining why the reasonable accommodation was denied. The Complainant will then have an opportunity to explain to the 504 Coordinator why he/she believes the request for reasonable accommodation should be reconsidered.

- B) **Within five (5) business days** following the informal hearing, the 504 Coordinator shall prepare a summary of the discussion and one (1) copy shall be given to the Complainant. One (1) copy shall be retained in YCH files. The summary must specify the names of the participants, date of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore. The 504 Coordinator may choose to reconsider the Request for Reasonable Accommodation based on new information from the Complainant or uphold the denial. The summary will also include the procedures for the Complainant to request a formal hearing under this procedure if the Complainant is not satisfied.

IV. Formal Grievance Hearing

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If the Complainant is dissatisfied with the decision arrived at in the informal hearing, the Complainant must contact the 504 Coordinator **and request a hearing within seven (7) business days from the date of the 504 Coordinator's denial or approval letter from the informal hearing.** The Complainant must provide several dates and times **in the following seven (7) business days** when the Complainant can attend a formal hearing and his/her contact information.

If the Complainant requests a formal hearing in a timely manner, YCH shall schedule a hearing on the grievance at the earliest time possible for the Complainant, YCH and the Hearing Officer, **but in no case later than seven (7) business days** after the 504 Coordinator receives the Complainant's request for a formal hearing.

If the Complainant fails to request a formal hearing within seven (7) business days of the date of the 504 Coordinator's denial or approval letter, the 504 Coordinator's decision becomes final and YCH is not obligated to offer the Complainant a hearing unless the Complainant can show good cause why he/she failed to proceed in accordance with this procedure.

Failure to request a formal hearing does not affect the Complainant's right to file a fair housing discrimination complaint with the following entities:

U.S. Department of Housing and Urban Development
Sacramento Field Office
John E. Moss Federal Building
Suite 4-200
Sacramento, CA 95814-3702
Phone: 916-493-5220
Fax: 916-498-5262
TTY: 916-498-5959

California Fair Employment and Housing Commission
455 Golden Gate Ave., Suite 10600
San Francisco, CA 94102
Phone: 415-557-2325
Fax: 415-557-0855

California Department of Fair Employment & Housing
2218 Kausen Drive, Suite 100
Elk Grove, Ca 95758
Housing Discrimination: 800-233-3212
TDD: 1-800-700-2320

V. Notice

Any notice required by these rules will be sufficient if delivered in writing to the Complainant personally, or to an adult member of the household who is listed on the lease, or if sent by regular mail, addressed to the Complainant. Notice to Yolo County Housing must be in writing, and delivered or mailed to the 504 Coordinator at 147 W. Main Street, Woodland, CA 95695.

YCH will provide reasonable accommodation for persons with disabilities to participate in the formal hearing. The Complainant must notify YCH of the need for an accommodation at the time the Complainant requests a grievance. Reasonable accommodation may include, but is not limited to, qualified sign language interpreters, readers, accessible locations, or attendants. If the Complainant is visually impaired, any notice to the Complainant that is required under this procedure must be in an accessible format.

VI. Selection of the Hearing Officer

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- A) The Hearing Officer shall be appointed by Yolo County Housing. The hearing officer shall be specially trained to hear and decide grievances concerning requests for reasonable accommodation.
- B) It is the responsibility of Yolo County Housing to notify the Hearing Officer for each particular case, and to have the Hearing Officer present at the time and place of the formal hearing.

VII. Procedures Governing the Grievance Hearing

The parties shall be entitled to a fair hearing of the grievance before the Hearing Officer that shall include:

- A) The opportunity to examine before the formal hearing any Yolo County Housing documents that are directly relevant to the requested accommodation. The Complainant must provide YCH with a minimum of three (3) business days notice to review any documents, and must schedule a mutually agreeable time for the review of such documents. The Complainant shall be allowed to copy any such documents at the Complainant's expense. If YCH does not make a document available for examination upon request by the Complainant, YCH may not rely on such document at the formal hearing.
- B) The right of representation by counsel or other person chosen as the Complainant's representative and to have such person make statements on the Complainant's behalf.
- C) The right to present evidence and arguments in support of the Complainant's position and to controvert evidence relied on by the 504 Coordinator. The parties may bring as a witness anyone they feel will be helpful to them in the formal hearing process. The Hearing Officer may consider any evidence, so long as it is related to the facts and issues involved in the grievance. No new evidence may

be presented at this formal hearing which has not been provided during the request for reasonable accommodation review or during the informal hearing process.

D) A decision based solely and exclusively upon the facts presented at the formal hearing.

E) The formal hearing proceedings will be recorded via audio recorder.

The Hearing Officer may render a decision without proceeding with the formal hearing if he/she determines that the issue has been previously decided in another proceeding.

At the formal hearing, the Complainant must first make a showing of an entitlement to the relief sought and, thereafter, YCH must sustain the burden of justifying YCH action of which the grievance was directed.

The Hearing Officer shall conduct the hearing informally. Oral or documentary evidence pertinent to the facts and issues raised by the grievance may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The Hearing Officer shall require YCH, the Complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the Hearing Officer 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.

VIII. Failure to Attend the Formal Hearing

If the Complainant or YCH fails to appear at the scheduled formal hearing, the Hearing Officer may make a determination to postpone the formal hearing, **not to exceed five**

(5) business days, or may make a determination that the party waived his/her right to a formal hearing.

Both the Complainant and YCH shall be notified of the determination by the Hearing Officer; provided, that a determination that the Complainant has waived his/her right to a formal hearing shall not constitute a waiver of any right the Complainant may have to contest YCH's disposition of the grievance in court.

IX. Decisions of the Hearing Officer

- A) The decision of the Hearing Officer shall be based only on the facts presented at the formal hearing, and upon applicable state and local laws and the rules and regulations of Yolo County Housing and the federal government.
- B) The Hearing Officer shall prepare a written decision, including a statement of his/her findings and conclusions, and the reasons for these conclusions, **within fifteen (15) business days** after the formal hearing date. Copies of the decision shall be mailed to the parties and their representatives, if any.
- C) A copy of the decision shall be maintained on file by Yolo County Housing.
- D) The decision of the Hearing Officer shall be binding on Yolo County Housing. YCH shall take actions, or refrain from any actions necessary to carry out the decision.