



# REJECTED APPLICANT GRIEVANCE PROCEDURES

## **Purpose**

The Cumberland Housing Group has an obligation to meet with rejected applicants when requested to discuss the reason(s) for the rejection, determine if there are mitigating circumstances or an error in the information collected which led to the rejection of the application and would change the outcome. The following outlines the procedures for Informal Hearing.

## **Eligibility for Informal Hearing**

Any applicant that has been rejected by the CHG shall have the right to request an Informal Hearing to discuss the reason(s) that the decision was based upon and to present documentation that would provide mitigating or contradictory facts.

When denying eligibility for admission, the family will receive a notice of VAWA rights (form HUD-5380) as well as the HUD VAWA self-certification form (form HUD-5382) in accordance with the Violence against Women Act. The notice and self-certification form must accompany the written notification of the "Notification of Ineligibility for Housing" (CHG Form 159).

Prior to notification of denial based on information obtained from criminal or sex offender registration records, the family, in some cases, must be given the opportunity to dispute the information in those records which would be the basis of the denial.

## **Requesting Informal Hearing**

The request for an Informal Hearing must be personally presented, either orally or in writing, to the CHG's central office either in person, by first class mail, or electronic mail, no later than ten business days of the receipt of the "Notification of Ineligibility for Housing" (CHG Form 159). The request will be referred to the Director of Property Management Services.

The Director of Property Management Services will review the request when received to determine the eligibility and determine the validity of any facts submitted. The Applicant will be contacted to arrange a mutually convenient time within ten business days to meet so the reasons for the rejection can be discussed at an Informal Hearing.

If the informal hearing will be conducted remotely, at the time the notice is sent to the family, the family will be informed:

Regarding the processes involved in a remote informal hearing;

That CHG will provide technical assistance prior to and during the informal hearing, if needed; and

That if the family or any individual witness has any technological, resource, or accessibility barriers preventing them from fully accessing the remote informal hearing, the family may inform the hearing officer and they will assist the family in either resolving the issues or allow the family to participate in an in-person informal hearing, as appropriate.

The CHG has the sole discretion to require that informal hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.

In addition, the CHG will conduct an informal hearing remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have child care or transportation that would enable them to attend the informal hearing, or if the applicant believes an in-person informal hearing would create an undue health risk. The CHG will consider other reasonable requests for a remote informal hearing on a case-by-case basis.

## **Rescheduling an Informal Hearing**

If the applicant does not appear at the scheduled time of the hearing, the hearing officer will wait up to 15 minutes. If the applicant appears within 15 minutes of the scheduled time, the hearing will be held. If the applicant does not arrive within 15 minutes of the scheduled time, they will be considered to have failed to appear.

If the applicant fails to appear and was unable to reschedule the hearing in advance, the applicant must contact Cumberland Housing within 24 hours of the scheduled hearing date, excluding weekends and holidays. The hearing officer will reschedule the hearing only if the applicant can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities.

“Good cause” is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family.

Applicants who fail to attend two scheduled hearings will not be given another opportunity for a hearing, and the CHG’s original decision will stand.

## **Report of Informal Hearing**

Within 10 business days following the Informal Hearing, the applicant will be notified of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed, with return receipt requested, to the applicant and their representative, if any.

This report is a summary of the discussion that took place and must specify the names of the participants, the date of the meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore. A copy of this summary shall also be placed in the applicants’ file.

*\*For procedures regarding informal hearings for the denial of noncitizen applicants, please refer to the Admissions and Continued Occupancy Procedures.*