

## Using BMHA Public Housing Grievance Procedure

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### **As a BMHA public housing tenant, is there anything I can do if I have a complaint against the Housing Authority or about my public housing tenancy in general?**

Yes. The Tenant Grievance Procedure can be used by any resident who does not agree with something the Housing Authority has done or plans to do. You may also use the grievance procedure if you feel that the Housing Authority should take action in situations where it has not. You can grieve a rent increase, a proposed eviction, bad conditions in your apartment, transfer denials, excess utility charges and anything else that effects your tenancy in public housing.

The Housing Authority should provide a **summary** of the tenant grievance procedure to all tenants. A copy of the entire grievance procedure is available at your Manager's office.

The Buffalo Municipal Housing Authority Grievance Procedure is a two step process starting with the manager. You, the resident, start the grievance process by informing the manager of your complaint by telling the manager, or by putting your complaint in writing.

### **Can I get someone to help me with my grievance?**

Yes. There is help available to get you through the grievance process. You have the right to legal representation throughout the entire process. Neighborhood Legal Services (NLS) may be able to provide legal representation. Call Neighborhood Legal Services at 847-0650.

### **How does the grievance process work?**

**STEP ONE** - Within **10 days** of the Housing Authority's action or failure to act you must give the Manager your written complaint or grievance. If you have problems putting your complaint or grievance in writing you should ask the Manager for help. She should read it back to you after she has written it. If you agree with what she has written you should sign the grievance and keep a copy of it for yourself. Your grievance is now on file and the process begins.

Your grievance/complaint should clearly state what your problem is and how you want it corrected. The Manager will not know how to respond with an answer or solution to your grievance if she does not understand what the problem is. The Manager may be able to resolve your problem right away and eliminate the need for a hearing. If she cannot resolve it quickly, a discussion of the problem must take place. The informal discussion must take place within **15 business days** from the date you submitted the grievance to the Manager.

A summary of the informal discussion including any proposed solution will be prepared by the Manager and a copy will be mailed to you. If you are satisfied with the proposed solution to your grievance there is no need for you to do anything else. If you are not satisfied with the proposed solution the summary will also explain how you can request a hearing to review the Manager's decision.

**STEP TWO** - If you are not satisfied with what happens in **STEP ONE** of the grievance process you can ask for a hearing. Your grievance will be heard by a panel of BMHA Commissioners. The panel consists of a minimum of three Commissioners. You can choose one of the Commissioners who will hear your grievance. A tenant-elected Commissioner must also be on the panel.

### **When do I have to request a hearing?**

The hearing should be requested within **10 business days** from the date you receive the informal discussion summary from the manager. You cannot ask to be heard by the BMHA Commissioners unless you have completed **STEP ONE** of the grievance process.

### **What will happen at the hearing?**

The hearing will be conducted informally. You will be able to present written evidence, bring in witnesses to speak on your behalf, and question witnesses who are there on behalf of the Housing Authority. Remember, you can bring a legal representative with you to the hearing.

### **When will I find out what the decision is?**

The Commissioners will prepare a written decision within **10 days** after the hearing and you will receive a copy of the decision in the mail. The Housing Authority must accept the decision of the Board of Commissioners except when that decision is contrary to Federal, State, Local Law or HUD regulations. If you are not satisfied with a decision by the Commissioners you may be able to appeal the matter in court. Contact Neighborhood Legal Services at 847-0650 for more information.

### **What should I do if I am told I cannot have a hearing?**

There may be times when you will not be allowed to use the BMHA Grievance Procedure. You may also be asked to meet certain requirements before you will be allowed to use the grievance procedure. If you are told that you are not entitled to use the grievance procedure you should seek legal representation immediately. Contact Neighborhood Legal Services at 847-0650.

### **Can I use the grievance procedure after I am evicted by the court from my public housing apartment?**

No. You must be a resident in one of the Housing Authority's developments to use the grievance procedure. If the Manager sends you a notice to move out of your apartment you should file your grievance **within 10 days** of receiving the notice to move. Do not wait until you receive court eviction papers to file your grievance.

### **Who can I contact if I have more questions?**

You may contact the Housing Unit of Neighborhood Legal Services, Inc. We will review your case and decide if we can represent you.