



## PROCEDURES FOR FILING A GRIEVANCE

When a client requests an accommodation which appears, on its face, to be reasonable in relation to the client's visible disability, staff should handle the request informally. "Informally," means that the request can be granted without further review. All decisions to grant or to deny reasonable accommodations will be communicated in writing within fifteen (15) business days of the receipt of the request, provided that all required information has been provided.

If a request has been denied by GHURA supervisory level managers, applicants, residents or employees may appeal this decision within ten (10) business days.

If a request for reasonable accommodation is denied, GHURA will inform the applicant/resident in writing, utilizing **"Form GHURA 504.4" along with the stand-alone grievance procedure.**

## FORMAL GRIEVANCE PROCEDURE

A grievance shall be made in writing to the Section 504 Coordinator or his/her designee unless the individual's disability prevents him or her from filing a written grievance, in which case alternative means of filing a grievance shall be allowed as a Reasonable Accommodation (e.g., personal interview, tape recording, email, etc.).

At a minimum, the complaint form shall contain the following: (a.) the name, address and phone number of the person filing the complaint; and, (b) describe the nature of the complaint, and, why you believe this constitutes discrimination.)

The grievance request shall be submitted to the Section 504 coordinator or his/her designee within ten (10) business days of the date the person filing the grievance became aware of the alleged discriminatory action.

There is no requirement to use a standard form and requests shall be made in writing or alternative means as noted above.

## PROCEDURES FOR GRIEVANCE RESOLUTION

Within 10 business days of receiving the grievance, the Guam Fair Housing Coordinator, or his/her designee shall contact the claimant to discuss the grievance and possible resolutions. If the Section 504 Coordinator/designee and the claimant cannot agree upon a satisfactory resolution, the formal process will begin.

A formal hearing shall be scheduled by a Hearing Officer. The location and time of the hearing shall be jointly agreed upon by all parties involved. A written notification of the date, time, place and procedures governing the hearing shall be sent to the claimant. Every effort shall be made to hold the hearing at a location fully accessible to persons with physical impairments. If the claimant seeking relief under this process needs a Reasonable Accommodation to fully participate in the hearing, i.e. sign language interpreter, reader, etc., the PHA must be notified within three (3) days of the scheduled hearing date and such services shall be provided at no cost by the (recipient).

All hearings shall be conducted by an impartial Hearing Officer. The designated Hearing Officer shall be a person other than the person who made or approved the PHA action under review, or a subordinate of such person. The claimant or his or her representative shall have the opportunity to examine before the start of the hearing all relevant materials. The claimant has the right to present any and all pertinent documentation or evidence and cross-examine any witnesses. The claimant shall have the right to secure aid in representation from attorneys, health professionals, or any other person beneficial to the presentation of the case. The hearing shall be held privately unless the claimant requests a public hearing. The Hearing Officer's decision shall be based upon the merits of the evidence presented by the claimant and the PHA at the hearing.

Within ten (10) business days of the date of the hearing, the Hearing Officer shall mail a written notification of the decision to the claimant. If requested by the claimant as a Reasonable Accommodation, the decision shall be provided in an accessible format (e.g., large print, audio tape, Braille, etc.).

The determination shall include the Hearing Officer's findings, conclusions and recommendations for any proposed resolution of the matter.

### Other Remedies

The Section 504 Coordinator or his/her designee shall contact the claimant to discuss the grievance and possible resolutions. All denials of reasonable accommodation by Section 504 Coordinators will be forwarded to the Section 504 Administrator for further review to ensure policy and assure due diligence.

If the Section 504 Coordinator/designee and the claimant cannot agree upon a satisfactory resolution, an applicant/participant may request an administrative review through the Section 504 Administrator.

An applicant/participant can expect a written response within five (5) business days of the request.

The right of an individual with a disability to a prompt and equitable resolution of the grievance shall not be delayed by the individual's pursuit of other remedies such as the filing of a disability complaint with a responsible federal or state agency. Use of this grievance procedure is not a prerequisite to an individual's pursuit of other remedies.

The individual with a disability shall be notified of his/her right to file with:

<http://www.hud.gov/fairhousing/fileacomplaint>

HUD FHEO..... (800) 669-9777

TDD..... (800) 877-8839

### Reasonable Accommodation

The Section 504 Coordinator will make appropriate arrangements to ensure that individuals with disabilities are provided Reasonable Accommodations if needed to participate in the grievance process. Such arrangements may include, but are not limited to, providing interpreters for the hearing impaired, providing taped cassettes of materials for the visually impaired, or assuring a barrier-free location for the mobility impaired.

### Retention of Records

The Guam Fair Housing Coordinator shall maintain files and records of all grievances filed under this grievance procedure.

### Confidentiality

To the extent possible, confidentiality will be maintained throughout the investigation of a complaint of unlawful discrimination.