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Section 8. Procedures for Special Review and Grievances

The Blaine County Housing Authority is committed to creating and maintaining a user-friendly process that provides the long-term supply of desirable and affordable Community Home choices in all areas of Blaine County for those who work and subsequently retire here. However, situations may arise where either a Grievance needs to be addressed or a Special Review is appropriate to provide resolution to a situation. BCHA will respond to Applicants, Tenants, Sellers or Owners of Community Homes who are experiencing difficulty through one of the two processes described below:

A. Petition for a Special Review

1. Any Applicant/Tenant/Owner petitioning for a Special Review may file a petition in writing with BCHA stating 1) the ground(s) for the Special Review request, 2) the action requested, and 3) the name, address, and telephone number of the petitioner, and similar information about his/her representative, if any.
2. Upon receipt of the petition BCHA Board of Commissioners may delegate the Special Review to staff or BCHA will convene a Special Review Committee to review the petition and additional evidence, if any, presented by the petitioner at the next regularly scheduled meeting of BCHA. The Special Review Committee, shall be appointed and report back to BCHA Board pursuant to Article IV, Section 11 of BCHA by-laws.
3. BCHA will provide petitioner a written decision and include therein the reasons for its determination. BCHA will make every attempt to render a decision within thirty (30) days after the filing of the petition; however, the matter may be continued at the discretion of BCHA.
4. BCHA will make its determination on the basis of these Community Housing Guidelines, BCHA Policies, and relevant BCHA-drafted Deed Covenants attached to the land.

B. Grievance Procedure

1. Any Grievance must be presented in writing to BCHA. It may be simply stated, but must specify:
 - (a) the particular ground(s) upon which it is based;
 - (b) the action requested; and
 - (c) the name, address, telephone number of the complainant and similar information about his/her representative, if any.
2. Upon presentation of a written Grievance, a hearing before BCHA shall be scheduled. The complainant shall be afforded a fair hearing providing the basic safeguard of due process, including notice and an opportunity to be heard in a timely, reasonable manner.
3. The complainant and BCHA shall have the opportunity to examine and, before the hearing at the expense of the complainant, to copy all documents, records, and regulations of BCHA that are relevant to the hearing.
4. Any document not made available by BCHA or the complainant, as applicable, after written request may not be relied upon at the hearing.
5. The complainant has the right to be represented by counsel. The matter may be continued at the discretion of BCHA.

C. Grievance Hearing

The Grievance Hearing shall be conducted by BCHA as follows:

1. Oral or documentary evidence may be received without strict compliance with the rules of evidence applicable to judicial proceedings.
2. The right to cross-examine shall be at the discretion of BCHA and may be regulated by BCHA as it deems necessary for a fair hearing.
3. Based on the records of proceedings, BCHA will provide a written decision and include therein the reasons for its determination.
4. The decision of BCHA will be binding and BCHA shall take all actions necessary to carry out the decision.
5. Every attempt shall be made to settle a Grievance with BCHA within six months after the date the Grievance is filed.

6. The decision of BCHA may be appealed to the Blaine County Commissioners in writing within ninety (90) days after the date the decision is rendered.
7. If the complainant fails to appear at the scheduled hearing, BCHA may make a determination to postpone the hearing, dismiss the complaint, or make a determination based upon the written documentation and the evidence submitted.
8. BCHA will make its determination on the basis of these Community Housing Guidelines, BCHA Policies, and relevant BCHA-drafted Deed Covenants attached to the land.
9. BCHA shall have the authority to enforce its determinations, as provided by law and put forth in these Community Housing Guidelines, BCHA Policies and BCHA-drafted Deed Covenants attached to the land.

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