

# FACT SHEET #10

## Resident Grievance and Termination Rights



*After a RAD conversion, if you have a dispute with the property manager or owner, you will continue to be able to request a hearing to resolve a dispute and in most cases you must be provided advanced written notice if your lease will be terminated.*

### What Is the Grievance Process?

A **grievance** is any dispute you may have with the PHA about an action involving your lease, or other PHA actions that you believe negatively affect you. The **grievance process** involves **Procedural Rights** or steps the property owner must follow when taking specific actions that may have a negative effect on you. These steps are established for you and the PHA to follow to resolve disputes.

### How Will RAD Affect the Grievance Process?

The RAD Program continues similar grievance and lease termination provisions available under the public housing process (under Section 9 of the Housing Act of 1937). The **RAD Final Implementation notice (Revision 4)** details residents' rights related to the grievance process.

Whether your property is a part of the public housing program, or has been converted to Section 8 through RAD, you will receive a written notice of the reasons for an action. The notice must also tell you how to request a hearing where you can present the reasons why you think the action is wrong.

If your property converts under RAD, you are still entitled to receive a fair hearing and a written decision within a reasonable timeframe, just like under public housing. The PHA must follow the grievance hearing decision unless it notifies you that the:

- The grievance hearing covered issues outside the scope of the hearing officer's authority or the hearing officer proposed a solution outside their authority; or
- The hearing officer's decision conflicts with laws or HUD regulations.

Requesting or participating in a hearing does not affect your right to take your case to trial if you think your dispute was not settled correctly.



### What if I Receive a Termination Notice?

Similar to public housing, under RAD the property owner may only **terminate your lease** or not renew your lease if it follows certain procedures and if it has **cause**. An owner has cause if you seriously or repeatedly violated your lease terms, including:

- Not making payments due under the lease, such as rent or utility payments;
- Not following the rules listed in the lease, such as keeping your unit clean and safe;
- Involvement in criminal activity or alcohol abuse, depending on the seriousness of the activity; or
- Making false statements in your initial application or during your annual recertification, for example about your income or family size.

Converted properties must follow the PBV and PBRA rules regarding notification and termination of the rental subsidy. Generally, you must receive adequate written notice of termination of lease:

- At least 14 days for nonpayment of rent;
- No more than 30 days if other tenants' health and safety is threatened;
- No more than 30 days for any drug-related or violent crime activity;
- No more than 30 days for a felony conviction.



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