

Legal Opinion: GCH-0053

Index: 2.245  
Subject: Lease and Grievance

April 8, 1992

Ms. Hazel Mosley  
Assistant City Attorney  
800 City Hall  
200 East Wells Street  
Milwaukee, Wisconsin 53202-3551

Dear Ms. Mosley:

This is in response to your letter of February 13, 1992, concerning 24 CFR section 966.55(e) of the HUD "lease and grievance" regulation, which defines tenancy and hearing requirements in the public housing program. Under section 966.55(e) of this regulation, a housing authority is not required to schedule an administrative grievance hearing "involving the amount of rent" claimed by the housing authority unless the tenant pays to the housing authority in escrow the amount due. (See discussion of escrow requirement in the enclosed letter of December 19, 1986 to Denise Heberle.)

We are happy to confirm, as requested, that a public housing tenant is not entitled to an administrative grievance hearing to challenge an eviction for nonpayment of rent unless the tenant deposits the required escrow in accordance with section 966.55(e). The escrow requirement applies to any grievance concerning the amount of rent, including a claim by the tenant that the housing authority erred in determining the amount of rent at reexamination, or that the rent has been paid, or that the rent is not payable for some reason. In all these cases, the tenant challenges the "amount of rent" owing to the housing authority. Therefore the tenant must deposit the escrow payable pursuant to section 966.55(e), or is not entitled to grieve.

Enclosure

Very sincerely yours,

Michael H. Reardon  
Assistant General Counsel  
Assisted Housing Division