

HOUSING DEPARTMENT GRIEVANCE/COMPLAINT PROCESS:

1. RIGHTS TO A HEARING:

Upon filing of a written request as provided herein, a complainant shall be entitled to an opportunity for hearing.

2. DEFINITIONS:

- a. "Complainant" means any tenant or participant in a HUD assisted or NAHASDA assisted Housing Project operated by the Housing Department of the Confederated Tribes of Siletz Indians of Oregon (CTSI), formerly Siletz Indian Housing Authority (SIHA), whose rights, duties, welfare, or status are adversely affected by CTSI action or failure to act and, who files a Grievance or Complaint with respect to such action. ("Complainant" may hereinafter be referred to as "You.")
- b. "Grievance" or "Complaint" means any dispute with respect to CTSI Housing Department action or failure to act pursuant to a lease or Mutual Help and Occupancy Agreement or CTSI Housing Department regulations, policies, or procedures which affects the rights, duties, welfare or status of the complainant.

3. EXCLUSIONS:

Grievances or complaints based upon the following are excluded from the grievance procedure:

- a. Any termination based upon activity that threatens the health or safety of, or right to peaceful enjoyment of the Indian housing development by, other residents or employees of the owner or manager of the housing; or
- b. Any termination based upon criminal activity (including drug-related activity) on or off the premises of the Indian Housing development.
- c. For grievances or complaints based on the above excluded matters, there is a 15-day appeal time to Siletz Tribal Court if a party wishes to challenge the action by the Housing Department.

Informal Dispute Resolution:

If you disagree with a Housing decision or action, please do not hesitate to call the Housing staff member whose decision or action concerns you. Perhaps your matter can be resolved informally or the decision or action can be explained to your satisfaction. While informal resolution is encouraged, it does not affect the time limits to formally complain, grieve and appeal. Administrative remedies must be exhausted, and you cannot skip in the formal process.

Formal Dispute Resolution:

1st Step: Review by Housing Director

If you disagree with a decision or action of the Housing Department, you have the right to file a complaint, grievance or request for review with the Housing Director within 30 days from the date of the department's decision or action complained of. The Housing Director will review your case and respond in writing within 30 days.

No particular form is required to do this as long as the complaint or grievance: (1) is in writing and is signed by the party or his or her spokesperson or attorney; and (2) is actually and timely delivered to the Housing Department. If you want additional information or documentation considered, please deliver them with your appeal.

2nd Step: Review by Housing Committee

If the Housing Director denies your complaint or grievance or appeal (or if the initial decision was signed by the Housing Director), you have the right to appeal to the Siletz Tribal Housing Committee in writing within 30 days from the date of the Housing Director's decision. The decision of the Housing Committee shall be the final administrative decision of the Tribe.

No particular form is required to do this as long as the complaint or grievance: (1) is in writing and is signed by the party or his or her spokesperson or attorney; and (2) is actually and timely delivered to the Housing Department. If you want additional information or documentation considered, please deliver them with your appeal or bring them in the hearing. If you appeal to the Housing Committee it is your responsibility to find out when the next Housing Committee meets and to attend if you wish to testify.

If the Housing Director's decision primarily concerns a for-profit tribal business available to the general public (for example, the 8-plex apartments), then the General Manager shall conduct this 2nd Step review.

3rd Step: Tribal Court

If the Housing Committee denies your appeal, you have the right to appeal to the Siletz Tribal Court within 30 days from the date of the response from the Siletz Tribal Housing Committee.

Ordinarily, you will not be able to present additional evidence to the Tribal Court and one requesting Tribal Court review has the burden of showing that based on the administrative record previously developed, the final administrative decision of the Tribe is erroneous as a matter of law.

If feasible, Complainant may choose to have Housing Committee review without disclosure of Complainant's name.