



Jacksonville Public Housing: The Grievance Procedure

All tenants living in public housing operated by the Jacksonville Housing Authority (JH) have the right under federal law to challenge adverse JH action and/or inaction through the “Grievance Procedure.” Don’t be afraid to use this important right!

IMPORTANT NOTE: Even if you have contacted JALA, DON’T wait to request a Grievance!

WHAT IS A GRIEVANCE?

A Grievance is a complaint a tenant may have about an action, decision, or inaction by JH which violates a tenant’s lease and/or a tenant’s rights. You can have a Grievance or complaint about:

- Rent or income calculations
- a lease termination
- a maintenance charge
- a late fee
- a lease violation
- excess utility bills
- lack of repairs
- any other adverse action by JH

Exceptions: The Grievance Procedure cannot be used to negotiate JH policy changes or for disputes between tenants not involving JH.

WHAT IS THE PURPOSE OF THE GRIEVANCE PROCEDURE?

The purpose of the Grievance Procedure is to provide an opportunity for tenants to dispute JH decisions which adversely affect (harm) the individual tenant's rights, duties, welfare or status. It’s a process to resolve disputes between a tenant and a housing authority. **In other words, it’s an official way to complain about your problems with JH and try to work out the problems.**

As a tenant, you can use the grievance procedure in at least two different ways:

- To oppose some action JH wants to take against you (example, JH is trying to evict you).
- To hold JH staff accountable for the way they have acted or not acted (for example, if JH does not respond to your repair request).

HOW DO I SUBMIT MY GRIEVANCE?

A Grievance can be made orally OR in writing to JH. However, it is best to make the Grievance in writing and keep a copy. The Grievance Procedure is time sensitive in some cases. If you miss the deadline for submitting a Grievance, JH may not have to let you participate. However, you should still submit all complaints because JH may still let you bring the Grievance even if your request is made late. When you make a Grievance, tell JH why you are requesting the Grievance, and tell JH what relief you seek (in other words, what you want JH to do if you win the Grievance).

HOW DOES THE GRIEVANCE PROCEDURE WORK?

A housing authority’s Grievance Procedure must be included in, or attached to, a tenant’s lease. The Grievance Procedure can be divided into two parts:

- an Informal Conference with the property manager, and
- a Formal Grievance Hearing with an impartial hearing officer.

WHAT HAPPENS AT THE INFORMAL CONFERENCE?

The purpose of the Informal Conference is to discuss and resolve the dispute without moving to a Formal Grievance Hearing. You and JH may be able to solve the disagreement before the Hearing. This is called a settlement. You should attend the Informal Conference regardless of whether you think you will be able to find a solution to the problem.

After the Informal Conference, JH must prepare a summary of the discussion, and give the tenant a copy. The summary must include:

- the names of all participants;
- the date of the meeting;
- the proposed solution, and the specific reasons for it; and
- the procedure the tenant must follow to request a Formal Grievance Hearing if the tenant is not satisfied with the results of the Informal Conference.

HOW DO I REQUEST A FORMAL GRIEVANCE HEARING?

Follow the procedure explained in the Informal Conference summary.

HOW WILL THE FORMAL HEARING GRIEVANCE BE SCHEDULED?

The Formal Grievance Hearing must be scheduled promptly for a time and place reasonably convenient for the tenant. The tenant must receive a notice specifying the time, place, and procedures governing the Formal Grievance Hearing.

WHAT RULES APPLY BEFORE THE FORMAL GRIEVANCE HEARING?

JH must give you the opportunity before the Formal Grievance Hearing to examine any JH documents, including records and regulations, that are directly relevant to the Hearing. JH must let you copy the documents. If you examine JH documents directly relevant to the Hearing, at the Hearing JH may only rely on those documents it made available to you.

HOW DO I PREPARE FOR THE FORMAL GRIEVANCE HEARING?

After you submit your request for a Formal Grievance Hearing, you should immediately prepare your case. This means collecting evidence, finding witnesses, and getting ready to argue your case at the Hearing.

WHAT HAPPENS AT THE FORMAL GRIEVANCE HEARING?

At your Formal Grievance Hearing, you will need to present your case using the evidence and/or witness testimony you prepared. Your goal is to show why you deserve the solution you are proposing. JH has the burden of explaining why you do not deserve the solution you are proposing. You must be provided a fair hearing. You must be given a chance to defend yourself. You have the right:

- to be represented by an attorney or other person you choose to make statements on your behalf,
- to a private hearing unless you request a public hearing,
- to present evidence and arguments in support of your complaint,
- to challenge evidence relied on by JH,
- to confront and cross-examine the witnesses upon whose testimony or information JH relies; and
- to a decision based solely and exclusively upon the facts presented at the Hearing.

You also have the right to hire someone at your own expense to make a written record of the Hearing.

WHAT HAPPENS AFTER THE FORMAL GRIEVANCE HEARING? IS THE HEARING OFFICER’S DECISION FINAL?

The Hearing Officer must prepare a written decision within a reasonable time after the Hearing and send a copy to the tenant. The written decision must include the reasons for the decision.

If you win at the Formal Grievance Hearing, in most cases, JH must follow the hearing decision. If your Formal Grievance Hearing involved a proposed lease termination, and the Hearing Officer ruled in favor of JH, JH will ask you to move out. You can move voluntarily by the deadline JH gives to avoid an eviction lawsuit. If you do not move out, JH has the right to file an eviction lawsuit against you in court. You still have the right to contest JH’s actions in court even if you lost at the Formal Grievance Hearing. If you lose in court, JH can evict you.

The decision of the Hearing Officer is binding on JH, unless the JH Board of Commissioners reverses the Hearing Officer’s decision because:

- The complaint filed did not qualify as a Grievance, or
- The hearing decision violated federal or state law regulations or requirements.

Even if the JH Board of Commissioners reverses the Hearing Officer’s decision, you still have the right to contest JH’s actions in court if you or JH files a lawsuit.

WHAT HAPPENS IF I FAIL TO APPEAR AT THE FORMAL GRIEVANCE HEARING?

If you fail to appear at the Formal Grievance Hearing, the Hearing Officer can postpone the Hearing for no more than 5 business days or can decide that you have waived your right to a Hearing. Even if you fail to appear at the Formal Grievance Hearing, you still have the right to contest JH’s actions in court.

HOW DO I KNOW IF I LIVE IN JH PUBLIC HOUSING?

The following properties are JH public housing:

Anders Park	Anders Scattered Sites	Baldwin Apts.	Blodgett Homes
Brentwood Lake*	Carrington Place	Centennial Townhouse	Colonial Village
Fairway Oaks	Forest East	Forest West	Lindsey Terrace*
Oaks at Durkeeville	Riviera North	Riviera South	Scattered Sites
Southwind Villas	Twin Towers	Victory Pointe	

***some units**

If you live in a RAD converted property that is no longer public housing (Centennial Towers, Hogan Creek, Jax Beach Redevelopment, or The Waves), JH provides similar grievance rights.

This fact sheet is for general education only it is not intended to be used to solve individual problems. If you have specific questions contact a lawyer. The laws described here may change without notice. You may find additional resources at: <https://www.jaxlegalaid.org/get-help/self-help/pamphlets-videos/>. September 2024.

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