

***ADMISSIONS AND CONTINUED
OCCUPANCY POLICY***

**for the
HUD-Aided Low Rent Public Housing Program
Operated by the
Housing Authority of Kansas City, Missouri**

Submitted by:

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3. **A monthly report shall be generated based on the above information indicating the following:**
 - a. Number of violations issued.
 - b. Number of grievance hearings held.
 - c. Number of settlement agreements reached.
 - d. Number of eviction petitions filed.
 - e. Number of eviction hearings held.
 - f. Number of evictions executed.

B. EVICTION PROCEDURES

1. Receipt of Complaint

Complaints will be received by and directed to the Evictions Coordinator. Complaints may come from property managers, security guards or reports, police, community members or tenants. The Evictions Coordinator will investigate these complaints and will try to resolve the complaint within one working week. A conference to resolve the matter or settlement conference may be scheduled.

2. Issuance of a Violation

Serious or repeated complaints or breach of settlement agreements will result in the issuance of a violation. The violation will be in writing and will specify the facts upon which the violation is being issued. The violation will also contain a notice of the tenant's obligation to schedule a grievance hearing within three days of receipt of the violation.

3. Pretrial Eviction Process

If the subject of the violation is not resolved at the conference, it shall be referred for eviction. A notice to quit and termination of the lease shall be delivered to the tenant.

- a. If a grievance hearing is requested in writing by the tenant within three working days after receipt of the violation, a grievance hearing will be conducted.
- b. In the case of non-payment of rent, a 14-day notice to quit shall accompany the violation. Following the 14-day period, or receipt of

a favorable grievance hearing officer's decision, which ever is longer, a petition for rent and possession shall be filed with the appropriate court.

- c. In all other cases, a 30-day notice to quit and 30-day notice of termination of tenancy shall accompany the violation. Following the 30-day period, a 10-day demand for possession will be served. Following the 10 days, or upon receipt of a favorable grievance hearing officer's decision, which ever is longer, a petition for unlawful detainer shall be filed with the appropriate court.

4. Associate Circuit Court

Following the procedures outlined in Paragraph 3 above, a petition shall be filed. Service of process shall be by personal service and by posting the unit. A hearing date will be set and HAKC will proceed with judgment in a timely fashion.

5. Judgment

Following a favorable and final judgment, a writ of execution and restitution will be filed. The sheriff will be notified and will contact the Evictions Coordinator to assist with the set out.

C. GRIEVANCE HEARING PROCEDURES

1. Eligible Persons

The following outlined grievance procedures shall be applicable to those hearings held for applicants to public housing and for current tenants who wish to appeal a violation.

2. Notice Procedures

Applicants and tenants shall be entitled to written notification specifying the reasons for the adverse decision and notifying them that they have the right to meet with HAKC personnel to discuss the issues. In the case of housing applicants, they will be notified that they have 10 days to request a grievance hearing. Current HAKC tenants have three days to request a grievance hearing.

3. Procedures Governing the Hearing

- a. The hearing shall be held before a hearing officer.

- b. The complainant shall be afforded a fair hearing, which shall include:
- i. The right to confront and cross-examine live adverse witnesses;
 - ii. The right to present oral and written evidence to refute the determination of ineligibility, termination or to show mitigating or extenuating circumstances in accordance with 24 CFR 960.205 (d);
 - iii. The right to review at the office of HAKC by prior arrangement all HAKC's files on the Resident which relate to the adverse action. The Resident may arrange for this viewing at anytime up to twenty (20) minutes prior to the hearing. Any documents not made available to the Resident after the request therefore, may not be relied upon by the HAKC at the hearing;
 - iv. The right to be represented by counsel at the Resident's own expense or to be represented or assisted by a person of the Resident's choice;
 - v. A tape recording of the original and one copy of the tape recording of the hearing will be made by HAKC. The original recording shall be retained by HAKC for three months following the final determination by the hearing officer. The duplicate tape recording shall be given to the Resident at the close of the hearing;
 - vi. The hearing shall be presided over by an impartial hearing officer who did not participate in making the determination under review. The hearing officer will not be an employee of HAKC;
 - vii. Hearsay evidence may be admissible but will not serve as the sole or primary basis for determination of any ultimate fact unless such evidence falls within the exceptions provided in Rules 801 (d), 803 or 804 of the Federal Rules of Evidence;
 - viii. Within ten working days after the hearing, the original or a copy of a written, signed, dated determination letter will be sent by first-class mail to the Resident, and, if represented, to counsel for the Resident. A copy will be placed in the Resident's file. The determination shall be based solely on

the evidence presented at the hearing and upon applicable laws and regulations;

- ix. The determination set forth in the letter shall constitute a final administrative determination; and
- x. The determination shall not limit either party's right to take the matter to a court of competent jurisdiction