

	Northwestern Band of the Shoshone Nation Housing Services	
	<b>Policy &amp; Procedures Manual</b> <b>Grievance Policy</b>	
	<b>Revision Number &amp; Date</b> Revision Number 3 – 13 February 2024	<b>Document Control Numbers</b> NWBSN HS-PM-G-003

## GRIEVANCE POLICY

### A. Purpose

The purpose of this policy is to establish the procedures by which the NWBSN Housing Services shall insure that all tenants are given the opportunity to dispute. Services action, or failure to act, and to receive within a reasonable period-of-time, not to exceed five (5) days a response to the dispute. This Grievance Procedure shall be the sole and exclusive means for a tenant to raise claims (including counterclaims and cross claims) or grievances against the Housing Services. Nothing herein shall limit the Housing Services' right to seek immediate judicial relief (in Tribal, State or Federal court) for any serious violation of the lease including, but not limited to, the non-payment of rent.

### B. Applicability

The NWBSN Housing Services Grievance Policy shall be applicable to all tenant disputes between the Housing Services and the tenant provided the disputes do not amount to serious violations of the lease. The Housing Services shall not be required to utilize the procedure set forth herein for "serious violations" of the lease and nothing herein shall be viewed as a waiver of the Housing Services' or Tribal Sovereign Immunity. No tenant may initiate grievance policy procedures unless they are current on all rent or other payment obligations.

### C. Definitions

For the purpose of this procedure the following definitions are applicable:

1. **Grievance:** "Grievance" shall mean any dispute which a tenant may have with respect to the Services action, or failure to act, in accordance with the individual tenant's lease, or Occupancy Agreement, or in accordance with Services regulations.
2. **Tenant:** "Tenant" shall mean any lessee or the remaining head of household of any tenant family residing in a Services Rental Project.
3. **Conciliation Meeting:** "Conciliation Meeting" shall mean an informal meeting between the Director of the Housing Services, or his/her designee, and a tenant, to attempt to resolve a complaint prior to scheduling a Grievance Hearing.

	Northwestern Band of the Shoshone Nation Housing Services	
	<b>Policy &amp; Procedures Manual</b> <b>Grievance Policy</b>	
	<b>Revision Number &amp; Date</b> Revision Number 3 – 13 February 2024	<b>Document Control Numbers</b> NWBSN HS-PM-G-003

4. **Grievance Hearing:** “Grievance Hearing” shall mean a formal presentation to the Housing Services Board of all the facts pertaining to a grievance and decision by the Board on the merits of the appeal.

#### **D. Documentation**

1. Housing Services staff shall keep a record of all tenant requests for assistance or other communications requesting a review of Services action or failure to act. A “Resident Request Form” shall be completed whenever there is a tenant complaint or grievance.
2. All action taken to respond to tenant communications shall be recorded with an indication of results achieved and further action required or anticipated.
3. Any grievance hearing before the Housing Board of the Services will be documented in the minutes of the meeting of the Board, with a copy of the minutes, plus any explanatory material, to be entered in the record kept regarding the appeal.

#### **E. Informal Settlement of Grievance**

1. The Housing Services staff shall make every effort to respond to tenant problems, requests for assistance, requests for action, or appeals of decisions, to avoid the necessity of formal Grievance Hearings before the Board.
2. After consulting with a tenant with a grievance or complaint and completing a “Resident Request Form” staff shall take no more than ten (10) working days to respond to the request, in writing.
3. If the tenant is not satisfied with the initial response, the Services staff, including the Housing Director, shall make an additional effort to satisfy the complaint, holding a conciliation meeting within an additional five (5) working days with the Tribal Executive Director.
4. Only if a conciliation meeting with the Tribal Executive Director fails to satisfy the complaint or grievance, and the tenant making the complaint requests it, will a Grievance Hearing with the Housing Board be conducted.

	Northwestern Band of the Shoshone Nation Housing Services	
	<b>Policy &amp; Procedures Manual</b> <b>Grievance Policy</b>	
	<b>Revision Number &amp; Date</b> Revision Number 3 – 13 February 2024	<b>Document Control Numbers</b> NWBSN HS-PM-G-003

5. Only if conciliation meetings with the Housing Director & Tribal Executive Director fails to satisfy the complaint or grievance, and the tenant making the complaint requests it, will a Grievance Hearing be conducted with the Housing Board.
6. All decisions made by the Housing Board (i.e.: eviction, etc.) will be final.

## **F. Grievance Hearing**

1. A tenant must request a Grievance Hearing within fifteen (15) days of receipt of a formal Services response to his Resident Request. A conciliation meeting is not required before a Grievance Hearing is requested, but is encouraged. If a hearing is not requested within the required fifteen (15) day period, the matter in dispute will not be considered further, and the tenant will be required to adhere to the action specified in the original response.
2. When a request for a Grievance hearing is received, a hearing will be scheduled at the earliest mutual convenience of the NWBSN Housing Services Board of Commissioners, and the complainant, not to exceed fourteen (14) days from the date of grievance.
3. If the tenant requesting the Hearing does not appear or is not excused from appearing, for reasons deemed valid by the Board at a scheduled Grievance Hearing, the matter in dispute will not be considered further. The tenant will be required to adhere to the action specified in the original Services response to his/her request.
4. At a formal Grievance Hearing before the Housing Board of Commissioners, the following procedure will be followed:
  - a. The hearing will take place after all other business to be conducted at the meeting has been completed.
  - b. All visitors and guests will be requested to leave the meeting room while the Hearing is in progress, except for any legal representatives or the complainant or Housing Services representative.

	Northwestern Band of the Shoshone Nation Housing Services	
	<b>Policy &amp; Procedures Manual</b> <b>Grievance Policy</b>	
	<b>Revision Number &amp; Date</b> Revision Number 3 – 13 February 2024	<b>Document Control Numbers</b> NWBSN HS-PM-G-003

- c. There will be an opportunity for both Housing Services and the complainant to make an opening statement, present witness(es) and documents, and ask questions or cross-examine the other party.
- d. The format of the Hearing shall not imply that the burden of proof is more on one side than the other. The purpose of the Hearing is to present all information required in order to allow a decision by the Board based on the merits of the grievance.
- e. The Board decision shall be made in writing, on the grievance within ten (10) working days. The decision regarding initial grievance complaint of the Housing Board of Commissioners shall be final.
- f. The final decision of the Housing Board of Commissioners can be appealed to the Tribal Council through the Tribal Executive Director. If an appeal of the Housing Board final decision is requested, the complainant must contact the Tribal Executive Director in writing within five (5) business days of the final decision. Upon receipt of the appeal request, the Tribal Executive Director will schedule an appellate meeting with the Tribal Council to be held during Tribal Council Executive Session. Every effort will be made to schedule the appeal at the next meeting but cannot be guaranteed. An appellate meeting will be scheduled no later than the second Tribal Council meeting following appeal request.

### **G. Escrow Deposits of Rent or Monthly Payments**

Where a grievance involves payment of rent or monthly payments, the complainant may not withhold payment pending a grievance hearing by the Board. The complainant must make rent payments, monthly payments, and payments for other charges when due. The Services shall place these payments in an escrow account and shall not use them for any purpose until a grievance hearing is held and a decision is rendered.

	Northwestern Band of the Shoshone Nation Housing Services	
	<b>Policy &amp; Procedures Manual</b> <b>Grievance Policy</b>	
	<b>Revision Number &amp; Date</b> Revision Number 3 – 13 February 2024	<b>Document Control Numbers</b> NWBSN HS-PM-G-003

## RESIDENT REQUEST FORM

### Tenant Information

Tenant Name: \_\_\_\_\_

Unit Number or Location: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

Contact Email Address: \_\_\_\_\_

Preferred appointment date(s) and time(s) for meeting with Tribal Executive

Director/Housing Director &/or Staff: \_\_\_\_\_

### Resident Request:

Please summarize below the request for information or issue requiring resolution. Provide as much information and detail of your request to facilitate the situation being addressed in the timeliest fashion for scheduling a Conciliation Meeting.

---



---



---



---



---



---



---



---



---



---

Please note: Upon receipt of this document, the Housing Director and/or Housing Staff Member will schedule an appointment at an agreed to time and place. This is the first and required step in the Grievance Procedure as noted in the Grievance Policy. If additional space is needed to state issues requiring resolution, please attach a separate sheet(s).





Dennis A. Alex  
Chairman

Bradley J. Parry  
Vice Chairman

NORTHWESTERN BAND OF THE SHOSHONE NATION  
2575 Commerce Way  
Ogden, Utah 84401

**RESOLUTION OF  
THE NORTHWESTERN BAND OF THE SHOSHONE NATION  
HOUSING SERVICES**

**Resolution Number 02-16-2024-02**

**Approving a Grievance Policy UPDATE for the NWBSN Housing Services.**

At a duly called meeting of the Tribal Council of the Northwestern Band of the Shoshone Nation on **16 February 2024**, the following resolution was presented:

**WHEREAS:** The Tribal Council is the governing body of the NWBSNHS with the authority to adopt laws and rules to govern Housing Services; and

**WHEREAS:** The NWBSN Housing Services is a Tribal Program authorized to manage homeownership and rental housing programs and such management requires the adherence to Policies and Procedures set forth by The Department of Housing and Urban Development; and

**WHEREAS:** The Housing Services Board of Commissioners has received and reviewed an updated Grievance Policy at a duly called meeting on 13 February 2024 as prepared by the Housing Services Director and has been approved by vote of a quorum of the Housing Services Board of Commissioners.

**Vote of 5 in favor, 0 opposed, 0 abstentions and 0 absent on 13 February 2024**

**NOW THEREFORE, BE IT RESOLVED** that the NWBSN Tribal Council hereby approves the Grievance Policy as reviewed and corrected. (See Attached)



Dennis A. Alex  
Chairman

Bradley J. Parry  
Vice Chairman

**NORTHWESTERN BAND OF THE SHOSHONE NATION**

2575 Commerce Way

Ogden, Utah 84401

Authority for this resolution was duly adopted by the Tribal Council of the Northwestern Band of the Shoshone Nation at a duly called meeting on **16 February 2024**, by a vote of 7 in favor (DA, BP, AM, KH, JW, SW, CW), 0 Opposed, 0 Absent, 0 Abstain; pursuant to the authority contained under Article VI, Section 1 & 2 and Article XI, Section 2 of the Tribal Constitution and By-laws approved August 24, 1987; Tribal Housing Ordinance, ORD-95-001, Amended 09 April 1996.

DATED: 16 February 2024

DENNIS A. ALEX, CHAIRMAN  
CERTIFICATION:

I HEREBY CERTIFY that the foregoing resolution was passed while a quorum of the Tribal Council was present by a vote of # in favor, # opposed, # abstentions on the date this bears.

Alicia Martinez, Secretary