

## **EFFECTIVE COMMUNICATIONS POLICY**

### **1. GENERAL**

The Chattanooga Housing Authority ["CHA"], in administering all public and assisted housing programs is committed to ensuring that applicants, residents, employees, contractors and other members of the public with disabilities have an effective means to communicate. When requested, the CHA employees, agents, contractors and private management companies [e.g. Pennrose Management], shall furnish appropriate auxiliary aids and services to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of the programs, services and activities conducted by the CHA. All notifications, including approvals or denials of requests for effective communication referenced in this Policy, will be provided in an alternate format, upon request.

### **2. AUXILIARY AIDS AND SERVICES**

"Auxiliary aids and services" may include, but are not limited to: (1) qualified sign language interpreters, note-takers, transcription services, written materials, telephone handset amplifiers, telephones compatible with hearing aids, telecommunications devices for deaf persons (TDDs), or other effective methods of making aurally delivered materials available to individuals with hearing impairments; and, (2) qualified readers, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments.

### **3. REQUEST FOR EFFECTIVE COMMUNICATION**

When an auxiliary aid or service is required to ensure effective communication, the CHA will provide an opportunity for an individual with a disability to request the auxiliary aid or service of his or her choice. All requests for auxiliary aids and services must be made and received by the the CHA Section 504/ADA Coordinator a minimum of ten business days prior to the date the service is needed. If in emergency circumstances an auxiliary aid or service is needed less than ten business days prior to the date the service is needed, the CHA will take reasonable steps to secure the auxiliary aid or service in less than ten business days. The CHA will give primary consideration to the choice expressed by the individual. "Primary consideration" means that the CHA will honor the choice, unless it can show that another equally effective means of communication is available; or, that use of the means chosen would result in a fundamental alteration in the nature of its service, program, or activity or in an undue financial and administrative burden.

The individual with a disability will submit his/her request for auxiliary aids or services to the CHA'S Section 504/ADA Coordinator at the address listed below. All requests shall be dated and time-stamped upon receipt.

Mark Bell, Development Project Manager  
Chattanooga Housing Authority  
801 North Holtzclaw Avenue  
Chattanooga, TN 37404  
423.752.4839  
mbell@chahousing.org

If a person with a disability has an impairment that impedes him/her from mailing a request, he or she may use any other effective means to request an auxiliary aid or service that is necessary.

Upon receipt of the request, the Section 504/ADA Coordinator or designee will consult with the individual with a disability to determine the preferred type of auxiliary aid or service. If the preferred type of auxiliary aid or service is not available or not required, then the Section 504/ADA Coordinator will ascertain whether an alternative means of communication will ensure effective communication. Within five (5) days of the receipt of the request, the Section 504/ADA Coordinator will forward the request and the determination of the aid or service required to the Director of the Housing Choice Voucher Program, the Director of Asset Management, or other appropriate individual who will provide the requesting individual with a written notification of the proposed auxiliary aid or service to be provided. If the requesting individual is visually impaired, the CHA will provide such notification verbally. The approved request will be implemented no later than five (5) days after the CHA provides the requesting individual with the written notification of approval. The client or resident must provide forty-eight (48) hours prior notice to the CHA of any need to reschedule their meeting.

Upon disposition copies of the final disposition of the request shall be forwarded to the Section 504/ADA Coordinator who will maintain copies of all requests for effective communication and the CHA's response, including final disposition, for the duration of three years from the date of disposition.

#### **4. PROCEDURES**

##### **A. Notice to Applicants**

As a part of the application process, a notice will be posted for applicants to contact the Section 504/ADA Coordinator if auxiliary aids or services are needed. This notice will also be posted prominently in the CHA's intake and application offices as well as all site offices.

##### **B. Current Residents' Requests for Auxiliary Aids or Services**

Requests for auxiliary aids or services should be made directly to the the CHA Property Manager, the CHA contracted Private Property Manager or the CHA's Section 8 Contract Administrator who will forward the request(s) to the Section 504/ADA Coordinator within one (1) business day of receipt. All requests for auxiliary aids and services must be made and received by the the CHA Section 504/ADA Coordinator more than two weeks prior to the date the service is needed.

### **C. CHA Notices and Correspondence**

All the CHA letterhead will contain the TDD information. In addition, all meeting notices will contain a statement to, "Contact the Section 504/ADA Coordinator for reasonable accommodations for meetings." Individuals with disabilities, who request auxiliary aids or services for public events such as public hearings, Board hearings, public meetings, etc., must make their requests and the CHA Section 504/ADA Coordinator must receive their requests more than two (2) weeks prior to the event.

### **D. Requests from the Public**

Requests from members of the public who wish to participate in the CHA's programs, services and or activities shall submit their requests for auxiliary aids and services to the CHA's Section 504/ADA Coordinator. They must make their requests and the CHA must receive the requests more than two (2) weeks prior to the event.

## **5. GRIEVANCE PROCEDURES**

### **A. General**

If the requesting individual with a disability is not satisfied with the CHA's response to the individual's request for an auxiliary aid or service, the individual may file a formal grievance and request for a hearing, including appropriate supporting documentation with the Section 504/ADA Coordinator.

The grievance may be communicated orally or in writing within seven days after notification of the CHA's response to the request for an auxiliary aid or service. . However, all oral grievances must be reduced to writing and maintained in the CHA's files. In addition, the CHA shall provide assistance to any individual who requests assistance in filing a grievance, including assistance in reducing the individual's grievance to writing. All grievances shall be dated and time-stamped.

The CHA shall permit additional time for initiation of a grievance if the CHA shall find that there was a good reason for late initiation of the grievance and the late initiation would not cause prejudice to the CHA.

The grievance hearing shall be conducted by an impartial person appointed by the CHA's Executive Director or designee, other than a person who made or approved the action under review or subordinate of such person.

**B. Hearing Date and Notice**

The CHA shall schedule a grievance hearing within fourteen (14) days or as soon as reasonably practical after the CHA's receipt of the request.

The CHA is responsible for scheduling and other administrative matters, including delivering notices. The CHA shall give reasonable advance written notice of the time and place of the hearing to the grievant and to his or her representative (if any). The CHA may reschedule a hearing by agreement, or upon showing by the grievant or the CHA, that rescheduling is reasonably necessary.

If the grievant does not request that the hearing be rescheduled and does not appear at the hearing, the grievant has waived the right to a hearing.

**C. Pre-hearing Examination of Relevant Documents**

Prior to a grievance hearing, the CHA shall provide the grievant and/or his or her representative a reasonable opportunity to examine CHA documents that are directly relevant to the grievance. Following a timely request the CHA shall provide copies of such documents to the grievant and may waive the charge for the copies for good cause (including financial hardship).

**D. Persons Entitled to be Present**

The grievance hearing shall be private unless the grievant requests that it be open to the public. If the grievant requests an open hearing, it shall be open to the public unless the CHA otherwise directs. The CHA and the grievant shall be entitled to have a reasonable number of persons present at a grievance hearing. The Hearing Officer shall decide a challenge to the presence of any such person.

The CHA and the grievant may be represented by a lawyer or by a non-lawyer. Each person present at the hearing shall conduct him or herself in an orderly manner or shall be excluded. If the grievant misbehaves at the hearing, the Hearing Officer may take other appropriate measures to deal with the misbehavior, including dismissing the grievance.

**E. Procedure at the Hearing**

The Hearing Officer shall conduct the grievance hearing in a fair manner without undue delay. The hearing may be tape-recorded. Procedure at the hearing shall

be informal, and formal rules of evidence shall not apply. The Hearing Officer shall initially define the issues. Thereafter, relevant information, including testimony of witnesses and written material, shall be received regarding such issues. The grievant and the CHA shall be entitled to question each other's witnesses. The Hearing Officer may question witnesses and may take notice of matters of common knowledge and applicable laws, regulations and CHA policies and procedures. The Hearing Officer may request the CHA or the grievant to produce additional information which is relevant to the issues or which is necessary for a decision to be made provided that the other party is provided an opportunity to respond to such additional information.

## **F. The Decision**

### **i) Written Decision**

After the hearing, the Hearing Officer must make the decision. This decision must be based upon the evidence presented at the hearing, additional information requested and upon applicable laws, regulations, and CHA policies and procedures. The decision must be in writing, dated, and state the findings of fact and the reasons for the decision. Within fourteen (14) days following the hearing, or as soon as reasonably possible, the Hearing Officer shall provide the CHA and the grievant with the written decision by interoffice mail, US mail or hand delivery.

### **ii) Effect of a Decision on a Grievance**

The decision on a grievance shall be binding between the CHA and the grievant with respect to the particular circumstances involved in the grievance, provided that if a court has jurisdiction to determine a matter that has been subject to decision on a grievance, the court's determination on the matter shall supersede the decision on the grievance. The fact that a person may have failed to grieve a matter shall not affect any such jurisdiction by a court. As between the CHA and any person who was not a grievant, the decision on a grievance shall have no binding effect.