

**MUSCOGEE (CREEK) NATION  
DIVISION OF HOUSING**

**GRIEVANCE POLICY AND PROCEDURE**

**I. Purpose:**

To establish policy and procedural requirements for applicants, homebuyers or residents who wish to appeal a determination of the Housing Division of the Creek Nation policies that affect Mutual Help and Occupancy Agreement, Lease Agreement, Lease with Option to Purchase or any other program operated by and for the Muscogee (Creek) Nation.

**II. Definitions:**

**Grievance:** Any dispute which the applicant, homebuyer or resident may have with respect to the Muscogee (Creek) Nation Housing Division’s policies, action or failure to act.

**Complainant:** Any applicant, homebuyer or resident whose grievance is presented to the Muscogee (Creek) Nation Housing Division under these procedures.

**Hearing Panel:** The Hearing Panel designated to hear the grievances and render a decision with respect thereto.

**Resident:** The adult person or persons who reside in the home or unit and who executed the Mutual Help and Occupancy Agreement, Lease with Option to Purchase, or Lease Agreement.

**Applicant:** The adult person or persons who have made application for services through the Housing Division of the Creek Nation Affordable Housing Programs.

**Drug-Related Criminal Activity:** The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as such term is defined in Section 102 of the Controlled Substance Act).

**III. Applicability of the Housing Division of the Creek Nation Grievance Procedure.**

This Grievance Procedure will be applicable to all individual grievances between applicant, homebuyer or resident and the Housing Division of the Creek Nation with the following two (2) exceptions:

1. The Grievance Procedure will not be applicable to any denial of an application or termination of the tenancy or eviction that involves:

Any criminal (major crimes list), activity that threatens the health, safety or right to peaceful enjoyment of the premises of other homebuyers, residents or employees.

- a. Any documented reports of drug-related or criminal activity regarding an applicant, resident or homebuyer.
2. The Muscogee (Creek) Nation Housing Division Grievance Procedure will not be applicable to disputes between homebuyers or residents not involving the Housing Division or to class grievance. The Grievance Procedure is not intended as a forum for initiating or negotiating policy changes with a group or groups of homebuyers, residents or applicants with the Muscogee (Creek) Nation Housing Division.

This Grievance Procedure is incorporated by reference into all Mutual Help and Occupancy Agreements and Lease Agreements as well as all Admission Policies and is available for viewing the Housing Division of the Creek Nation's main office and each project office.

**IV Elements of Due Process:** The following elements of due process regarding an eviction action, termination of tenancy or denial of assistance will be adhered to in all cases;

1. Adequate notice to the homebuyer or resident of the grounds for terminating the tenancy and for eviction;
2. Right of the Homebuyer or resident to be represented by counsel;
3. Opportunity for the homebuyer or resident to refute the evidence presented by the Muscogee (Creek) Nation Housing Division, including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense which the homebuyer or resident may have; and
4. Denial of an applicant for housing assistance offered by the Housing Division:
  - a. Applicant will be informed in writing detailing the reason(s) for denial;
  - b. Applicant will be informed of time limitations for the right to grieve the decision of the Housing Division.

**V. Informal Settlement of Grievance**

1. The applicant, homebuyer or residents must, within ten (10) calendar days of the grievance event, request an informal settlement of grievance in writing to the appropriate Manager and Deputy Director at the following address:

Housing Division of the Creek Nation  
P.O. Box 297  
Okmulgee, Ok 74447
2. When the written request for an informal settlement of grievance is received, review of the

request will be made to determine the following:

- a. If any criminal activity that threatens the Health, safety, or rights to peaceful enjoyment of the premises of other homebuyers, residents or employees of the Muscogee (Creek) Nation Housing Division is involved.
- b. If any documented reports of drug-related or criminal activity regarding an applicant, resident or homebuyer is reported by law enforcement agencies.

Should one of the exclusions apply, the complainant will be notified by certified mail, return receipt requested, that the matter raised is not subject to the Muscogee (Creek) Nation Housing Division Grievance Procedures, with the reason thereof.

3. **Grievances not drug related as outlined under III 1 a and b**

Within ten (10) calendar days following the informal discussion, the Deputy Director or his designee, of the Housing Division of the Creek Nation will prepare and either give or mail to the homebuyer, applicant or resident a summary of the discussion that must specify the names of the participants, the dates of the meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and will specify the procedures by which a formal hearing under this Procedure may be obtained if the complainant is not satisfied. A copy of this summary will also be placed in the homebuyers, residents, or applicant file.

4. If the complainant does not agree with the settlement of the informal hearing, the complainant must submit a written request within ten (10) days requesting a formal hearing.
5. If the complainant fails to request a formal hearing within the ten (10) calendar days after receiving the summary of the informal hearing or if the complainant fails to appear at the designated time and date of the formal hearing, the Housing Division of the Creek Nation's decision rendered at the informal hearing becomes final and the Housing Division of the Creek Nation is not obligated to offer the complainant a formal hearing.
6. If the complainant requests a formal hearing as per the above requirement, the Muscogee (Creek) Nation Housing Division will notify the complainant in writing of the time, place, and procedures governing the hearing within ten (10) calendar days of the request. The notice sent by certified mail, return receipt requested.
7. A formal grievance hearing will be conducted by the Housing Division Hearing Panel, which will be the final ruling body of the Housing Division of the Creek Nation. The complainant may present information relating to the complaint and be represented by a person(s) of choice. The complainant must be present at all formal hearings.

**VI. Formal Grievance Hearing Guidance**

- 1.1 Purpose. The purpose of the formal grievance hearing is to provide a final forum for a complainant to request reconsideration of an adverse action or decision of the administration of the Muscogee (Creek) Nation Housing Division.
- 1.2 Hearing Panel. The Hearing Panel shall consist of three members: 1) A Housing Authority Board Member 2) A Social Services Representative 3) A non supervisory employee of the Muscogee (Creek) Nation, all appointed by the Housing Division Deputy Director or his Designee. The department in which the complaint is filed will not be involved in the hearing except to clarify any questions the committee may have. The Hearing Panel shall be charged with the duty of rendering the decisions made by the hearing committee to the complainant. Each hearing panel shall be chosen three (3) days prior to the grievance hearing.
- 1.3 Structure of Hearing. The complainant, upon satisfying the requirements outlined within the Grievance Procedure, which are set forth in the Policies and Procedures of the Muscogee (Creek) Nation Housing Division, shall be given the opportunity to appear before the Hearing Panel to present any documentation or other evidence he/she would like to be considered by the Hearing Panel in determining whether to reverse an action or decision of the administration. Upon the completion of the complainant's presentation to the Hearing Panel, the Hearing Panel shall summarize the adverse decision and reasoning and/or rationale for such decision. The members of the Hearing Panel are allowed to question all parties present in order to gain all necessary information to reach a just decision. Upon the conclusion of the presentations of all parties, the Hearing Panel shall adjourn to chambers for deliberation. If possible, a decision shall be rendered at the time of the hearing and a written summary of said decision shall be forwarded to the complainant within three (3) business days thereof. However, if the Hearing Panel is unable to come to a decision within a reasonable time frame it may adjourn the hearing upon the stipulation that a written decision be issued within ten (10) calendar days of the hearing. The written decision shall, notwithstanding whether a decision is reached during the hearing or within the ten (10) days thereafter, be provided to the complainant as well as the Housing Deputy Director. Such decision shall provide a full explanation for the decision and identify corrective measures to the Housing Division Deputy Director where appropriate.
- 1.4 Decision Final. Decisions of the Hearing Panel constitute the final determination of the Housing Division of the Creek Nation. There shall be no further administrative action taken regarding the complaint, except that the Housing Division Director shall carry out any corrective measures identified by the decision and considered to be appropriate by the Hearing Panel.

Approved by:		
	A. D. Ellis, Principal Chief Muscogee (Creek) Nation	Date

