

**MILLE LACS BAND OF OJIBWE
HOUSING DEPARTMENT
GRIEVANCE POLICY AND PROCEDURE**

The following policy has been adopted to provide applicants, prospective and current tenants, and prospective home buyers with a procedure to appeal a negative decision, action or failure to act by the Housing Department. At all times, it shall be the responsibility of the individual to file an appeal on his/her behalf.

1. **Definitions:**

- a. **Complainant** means any tenant, home buyer or applicant who feels that his/her rights, duties, welfare or status has been affected by Housing Department's action, decision, or failure to act. In addition, Complainant must be a person who files a timely grievance or appeal with the Commissioner of Community Development with respect to such action, decision or failure to act.
- b. **Complaint** means any written grievance or appeal addressed to the Commissioner of Community Development.
- c. **Grievance** means any dispute regarding a negative decision by the Housing Department dealing with an application for tenancy, mortgage application, or any Housing Department action or failure to act involving an interpretation or application of Housing's regulations, policies or procedures which affect the rights, duties, welfare or status of the Complainant.
- d. **Hearing** means a hearing before the Administrative Policy Board ("A.P.B.") or the Housing Board, if the grievant is not satisfied with the written decision of the Commissioner of Community Development. If a grievance hearing cannot be scheduled during normal Housing Board meeting times, the Housing Board is able to meet outside of the two allowable meetings per month and will be paid for this hearing as they would be paid for any other meeting.
- e. **Hearing Body** means the particular Board responsible for conducting a hearing for the particular complaint. The A.P.B. shall hear complaints of decisions made by the Housing Board regarding a mortgage or home renovation loan application. The Housing Board shall hear complaints regarding an application for tenancy or any Housing Department action or failure to act involving an interpretation or application of Housing's regulations, policies or procedures which affect the rights, duties, welfare or status of the Complainant.

- f. **Housing Department** means the Mille Lacs Band of Ojibwe entity that is under the Commissioner of Community Development that is responsible for all housing related matters. *See* Title 12 of the Mille Lacs Band Statutes.
- g. **Timely** means the time period(s) stated in this policy that an individual must file his/her grievance. Under this policy, days shall be defined as working days.

2. **Procedure:**

- a. Any individual wishing to file a grievance or appeal of action must present a written document in the form of a letter addressed to the Commissioner of Community Development (“Commissioner”) within ten (10) days of the negative decision, action or occurrence of the failure to act. The individual may choose to copy the Housing Board within the letter.
- b. The Commissioner of Community Development will investigate the circumstances and must attend the next Board meeting in order to do so. The Commissioner will have five (5) working days from the Board meeting, but not less than ten (10) working days from the date of receipt of the written complaint to determine if any action is required. The Commissioner will answer in writing each action that will be taken to resolve the complaint. The Commissioner does not have the authority to overturn a loan approval or denial. The Commissioner will copy responses to the Housing Board.
- c. If the Complainant believes that his/her complaint has not been adequately resolved by the Commissioner, the Complainant may request a formal hearing before either A.P.B. or the Housing Board at the next scheduled meeting. The Complainant shall file this request within five (5) days of receipt of the Commissioner’s decision.
- d. The Hearing Body shall hear the complaint and hear from the Commissioner as to the investigation conducted in response to the initial complaint. After a thorough review of the complaint and the investigation, the Hearing Body shall make a decision to resolve the issue. Whenever the Commissioner of Community Development receives indication of the decision from A.P.B., the Commissioner will inform the Board. Whenever the Board makes a decision, it will inform the Commissioner.
- e. If the Complainant believes that the decision of the Hearing Body violates Band law or Housing Department policies, that individual may proceed to the Court of Central Jurisdiction to review the decision of the Hearing Body.