

## PART VIII: DISCRIMINATION, GRIEVANCE PROCESS, EXEMPTION REQUESTS

### *Discrimination*

The requirements established in this section are designed to ensure that there is a fair and equitable process for addressing owner/tenant or prospective owner/tenant concerns and to ensure fair treatment of owners/tenants in the event that an action or inaction by the GVRHA Board or staff is perceived to adversely affect the owner/tenant of a housing project.

Protected classes in housing include race, color, religion, creed, national origin/ancestry, disability/handicap, sexual orientation (including transgender status), marital status and familial status (children under the age of 18 in the Household).

Any owner/tenant or prospective owner/tenant seeking to purchase or occupy housing administered by the GVRHA who believes he or she is being discriminated against because of a protected class may file a complaint in person with, or by mail to the U.S. Department of Agriculture's Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW., Washington DC 20250-9410 or to the Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development (HUD), Washington, DC 20410, and to the Colorado Department of Regulatory Agencies Civil Rights Division, 1560 Broadway, Suite 110, Denver, CO 80202, and to the GVRHA Board of Directors at 202 E. Georgia Avenue, Gunnison, CO 81230.

### *Grievance Process*

Any prospective owner/tenant seeking to purchase or occupy housing administered by the GVRHA, or an existing owner/occupant of housing administered by the GVRHA, who believes he or she is otherwise aggrieved (the Grievant") may request an alternative dispute resolution process through the GVRHA Board. A request form and these procedures are found at [www.gvrha.org](http://www.gvrha.org) in the GVRHA Documents dropdown menu. Such request must be made in a timely manner by delivering the request to the Executive Director of the GVRHA within fifteen (15) calendar days of the alleged grievance. The request shall clearly identify the nature and date of the grievance and state if they want a Grievance and Appeals hearing or use a voluntary mediation process, both as described herein. The Executive Director shall inform the Board President within one calendar day upon receiving such request.

### *Grievance and Appeals Hearing*

The Board President shall appoint three Board members as the Grievance and Appeals Committee. The Committee shall schedule a hearing with the Grievant within ten (10) calendar days of the request for an alternative dispute resolution.

The Grievant and the GVRHA may both present to the Committee any exculpatory or inculpatory records, documents and regulations pertinent to the request for the hearing. Both parties shall be given the opportunity to examine all such documents at minimum 48 hours prior to the hearing. Both parties may have legal representation at the hearing. Each party shall bear the costs of their respective legal representation.

The Committee shall determine the length of the hearing after review of the documents provided and shall inform the parties of the procedure during the hearing (which party presents first and for how long, comments from any public present, etc).

There are three possible outcomes from the Committee at the time of the hearing:

- The Committee can rule to uphold the GVRHA staff actions/determinations
- The Committee can over-rule or modify the GVRHA staff actions/determinations
- The Committee can defer their ruling until a future date, not to exceed five (5) business days from the date of the hearing unless mutually agreed by the parties.

A final ruling of the Committee will be delivered in writing to the Grievant and GVRHA staff within five (5) business days or a date mutually agreed upon by the parties.

#### Voluntary Mediation Process

The GVRHA will use a voluntary mediation process where the owner/tenant or prospective owner/tenant agrees that any and all claims, controversies, breaches or disputes arising from or related to an action or inaction of the GVRHA Board or staff is subject to a requirement to mediate prior to filing any lawsuit or filing for arbitration. The mediation shall take place in the County of Gunnison, State of Colorado utilizing a mediator provided by The Office of Dispute Resolution of the State of Colorado's Judicial Branch ("ODR"). The mediation proceedings will be conducted in compliance with the Colorado Dispute Resolution Act C.R.S. 13-22-301 et seq in effect at the time a demand for mediation is made. The parties to the mediation agree that there is no requirement to actually reach a settlement to the dispute in mediation, but agree that if a settlement is reached during mediation it shall be reduced to writing and shall be binding upon the parties, their heirs, executors, administrators, successors and assigns.

#### *Exemption Request*

A request for an exemption to the strict application of these Guidelines or any terms or conditions of an applicable Deed Restriction may be made to the GVRHA if an unusual hardship can be shown, and the variance from the strict application of the Guidelines is consistent with the Deed Restriction intent. In order to request an exemption, a letter must be submitted to the GVRHA Executive Director stating the request, with documentation regarding the unusual hardship.

The GVRHA may grant a request for an exemption to these Guidelines, with or without conditions. If the request is for an exemption to the terms and conditions of the Deed

Restriction, the GVRHA Executive Director will forward the request and supporting documentation to the jurisdiction that is the beneficiary of the Deed Restriction for a final decision.





**ALTERNATIVE DISPUTE RESOLUTION REQUEST**

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

Address: \_\_\_\_\_

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

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

***Nature of Dispute***

***Date of Occurrence***

\_\_\_\_\_ Lease Violation \_\_\_\_\_

\_\_\_\_\_ Early Termination of Lease \_\_\_\_\_

\_\_\_\_\_ Non-Renewal of Lease \_\_\_\_\_

\_\_\_\_\_ Eviction \_\_\_\_\_

\_\_\_\_\_ Disqualification for Ownership Housing \_\_\_\_\_

\_\_\_\_\_ Deed Restriction Violation \_\_\_\_\_

\_\_\_\_\_ Other \_\_\_\_\_

Specify Other: \_\_\_\_\_

\_\_\_\_\_

***Requested form of Alternative Dispute Resolution***

\_\_\_\_\_ Grievance and Appeals Hearing

\_\_\_\_\_ Mediation Process

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Date received by GVRHA Executive Director: \_\_\_\_\_

Date sent to GVRHA Board President: \_\_\_\_\_

