

## TENANT COMPLAINT PROCEDURE

### A. PURPOSE:

The purpose of these regulations is to provide a procedure for processing complaints by occupants of housing projects administered by Northern Circle Indian Housing Authority (NCIHA) regarding the violation of NCIHA rules and regulations. The goal of this program is to provide an orderly, fair and uniform procedure for abating violations of NCIHA rules and regulations through the use of consistent treatment of persons living in or visiting the projects.

### B. COMPLAINANT/ROUTINE INSPECTIONS:

#### 1. Contact the Complainant:

a. The NCIHA complaint designee shall discuss the complaint with the complainant in person, if possible, to obtain information about the alleged violation, including the complainant's name, address and phone number, the date, time and place of the violation, the circumstances and the identity of other witnesses to the violation. The identity of the complainant shall be confidential unless disclosure becomes necessary to pursue legal remedies.

#### 2. Open Enforcement File and Initiate Investigation Report:

a. Fill out Investigation Report (Form 1):

The Investigation Report is a form that provides the history of the complaint, investigation and disposition. The form should be the first page in the Enforcement File. The form contains the location of the violation, the tenant or homebuyer of the property, the date of the complaint, the rule or regulation violated, the name of the violator, the identify of the complainant, if any, the dates first and second warnings issued, notes of the investigation, contacts with the violator and/or the tenant or homebuyer, and dates of inspection.

b. Conduct Inspection:

Conduct and inspection to determine if a regulation violation has occurred.

1. If no objective evidence of a violation can be obtained that a violation has occurred, including eye witness statements from more than one witness, contact the complainant and explain that the housing authority cannot prove that a violation has occurred.

2. If inspection identifies a provable violation, shall contact the violator and the tenant or mutual help housing purchaser on whose property the violation occurred. Discuss the violation with the leasee or

purchaser and explain what must be done to abate or avoid future violations. If an agreement is reached, include the terms of the agreement in the Investigation Report. Normally, 10 working days should be given to abate a continuing violation.

3. Reinspect the property after the verbal warning to determine whether the violations have been abated. If compliance has been achieved, note that the fact in the Investigation Report.
4. If the violation continues or has been repeated, issue the First Notice of Violation (Form 2).

The following information should be provided in the blanks on the form:

Item # 1 – Date Issued

Item # 2 – Name and address to which notice sent

Item # 3 – Complaint or problem

Item # 4 – Number of rule violated

Item # 5 – Description of the rule

Item # 6 – Suggested corrective measure

Item # 7 – Date of previous contact

Item # 8 – Date by which correction was to have taken place

Item # 9 – Date on which the property will be reinspected for compliance

5. Reinspect property for compliance on date indicated on First Notice of Violation.
  - a. If the violation has been corrected, note in Inspection Report and notify complainant.
  - b. If the violation continues, contact the tenant/homebuyer and determine reasons for non-compliance. If violator is not making good faith effort to comply, issue the Final Notice of Violation (Form 3).
6. Reinspect property compliance on date indicated on Final Notice of violation. If the violation continues, initiate eviction hearing procedures as authorized by the Collection Policy of the Northern Circle Indian Housing Authority.
7. All violations shall be subject to review of the NCIHA Board of Commissioners prior to initiation of the eviction procedure.

**NORTHERN CIRLCE INDIAN HOUSING AUTHORITY  
REGULATIONS VIOLATION INVESTIGATION REPORT**

Location (1) \_\_\_\_\_  
Tenant/  
Homebuyer (2) \_\_\_\_\_  
\_\_\_\_\_  
NCIHA Rep. (3) \_\_\_\_\_  
Date (4) \_\_\_\_\_  
Problem (5) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Violation of (6) \_\_\_\_\_  
Section

**CONFIDENTIAL**

Complaint Received From:

Name (7) \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

ACTION BY  
IHA (8) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of 1<sup>st</sup> Contact (9) \_\_\_\_\_ by: \_\_\_\_\_

Date of 1<sup>st</sup> Notice (10) \_\_\_\_\_ by: \_\_\_\_\_

Date of Final Notice (11) \_\_\_\_\_ by: \_\_\_\_\_

Date Eviction  
Proceedings Initiated (12) \_\_\_\_\_ by: \_\_\_\_\_

DATE VIOLATION  
ABATED: (13) \_\_\_\_\_ by: \_\_\_\_\_

**NOTICE OF VIOLATION  
(1<sup>ST</sup> NOTICE)**

( 1 )

( 2 )

NCIHA has spent considerable time and effort to create decent, safe, sanitary and affordable housing for Indian tribes. To maintain these conditions, NCIHA has adopted certain rules for the housing projects it administers. Most of these rules are intended to protect the quiet and safe enjoyment of your neighbors and yourself.

In order to develop and promote a health housing community, NCIHA monitors the different projects to ensure compliance with its rules, which help keep your neighborhood both beautiful and safe.

Those rules are part of your lease/homebuyers agreement. If violations occur which are persistent or continuing, NCIHA can evict you from your house for these breaches or your rental/homebuyer agreement.

On occasion, the NCIHA receives a complaint or observes a violation of its rules, which must be corrected. In this case, a complaint has been received which states that

(3) \_\_\_\_\_  
This violation of Section (4) \_\_\_\_\_ of  
The NCIHA rules which (5) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Therefore, the NCIHA requires that the (6) \_\_\_\_\_  
I discussed this matter with you on (7) \_\_\_\_\_ and we agreed that  
The violation would be corrected (8) \_\_\_\_\_. The situation has  
still not been resolved.

A second inspection will be conducted on or about (9) \_\_\_\_\_  
to ensure compliance.

If you have any questions regarding this Notice of Violation or the requirements of the NCIHA rules, please contact me at 468-1336.

Sincerely,

NCIHA

By: \_\_\_\_\_  
(Title)

DATE:

TO:

SUBJECT: (Address, Complaint File #)

Mr(s) \_\_\_\_\_

Our records indicate that on \_\_\_\_\_ (Date) \_\_\_\_\_ you were notified of a violation on your property at above-referenced address in that \_\_\_\_\_

\_\_\_\_\_ (describe violation) \_\_\_\_\_

\_\_\_\_\_ (the time limit Form Letter #1) \_\_\_\_\_ has

passed and you have taken no action toward correcting the violation, please be advised

that failure to \_\_\_\_\_ (whatever he has to do) \_\_\_\_\_

within \_\_\_\_\_ days of the date of this letter will leave this office with no alternative

but to initiate eviction procedures. It is my sincere hope that your cooperation will preclude any such action on behalf of NCIHA.

If you have any questions, please contact this office.

Sincerely,

NCIHA

By: \_\_\_\_\_

Title: \_\_\_\_\_