

CITY OF SAN MARCOS CDBG AND CDBG-DR COMPLAINT AND APPEAL POLICY

A. Resolution of complaints and appeals

("Complaint(s)") will be handled sensitively and fairly. Complete and thorough program documentation and contractual agreements, careful implementation of policies and procedures, and clear and respectful methods of communication will help prevent and resolve complaints.

B. Information about the complaint process and how to file

A complaint shall be printed on all program applications, guidelines and subrecipient web sites in all local languages, as appropriate and reasonable.

C. Types of Complaints:

- a. Policy: There are two types of complaints; formal and informal.
 - i. Informal: Informal complaints may be verbal and can come from any party involved in the application process, including the homeowner or building contractor. A written procedure for handling these complaints is not required.
 - ii. Formal: Formal complaints are written complaints, including faxed and emailed statements. A written procedure for dealing with formal complaints is required.

D. Informal Complaints

- a. Informal complaints may be verbal, and can come from any party involved in the process, including the homeowner or building contractor.
- b. The person receiving the complaint will obtain all pertinent details including:
 - i. Name, address, and contact information for the person lodging the complaint;
 - ii. Address of the property that is the subject of the complaint;
 - iii. Details of the complaint to include the names of program personnel previously contacted;
- c. Program administration staff will provide a response that explains the relevant policy.
- d. A person who calls the City to file an Informal complaint ("Complainant") will be advised on how to file a formal complaint if their complaint cannot be immediately resolved.
- e. The person receiving the complaint will log all informal complaints into the City's complaint tracking system, including details of the response provided.

E. Formal Complaints

- a. Formal complaints are written statements of grievance and are resolved through a documented set of procedures that comply with federal regulations.
- b. The City will accept formal complaints as follows:
 - i. Appeals of eligibility determinations;
 - ii. Allegations of discrimination or other violations of the Fair Housing Act;
 - iii. Complaints regarding construction quality or methods;
 - iv. Appeals of an inspection result or interpretation of the City's construction codes and policies;
 - v. Complaints regarding the conduct of a contractor, construction personnel, or program support personnel.
- c. The Director of Planning and Development Services (Director) or her designee is responsible for resolving formal complaints.

- i. Allegations of Fair Housing Act violations will be referred to the San Antonio office of the FHEO Division of the U. S. Department of Housing and Urban Development. The complainant will be notified of this action and provided with contact information for the FHEO office.
 - ii. Complaints regarding construction quality or methods or appeals of an inspection result or interpretation of the City's construction codes and policies may be referred to the City's Construction Board of Appeals when appropriate. A meeting of this Board will be scheduled within 20 calendar days of acceptance of the complaint. The complainant will be informed that the complaint is being referred to the Board and will be provided written notice of the time and date of the Board's meeting.
 - d. Formal complaints must be in writing and may be submitted in the following ways:
 - i. By mail to City of San Marcos, Attention: Director, Planning and Development Services, 630 E. Hopkins, San Marcos TX 78666;
 - ii. By delivery to the attention of the Director of the City's Planning and Development Services Department, 2nd Floor of the Municipal Building, 630 E Hopkins, San Marcos TX 78666.
 - iii. By fax to the attention of the Director at 855-759-2843;
 - iv. By email to: floodrecovery@sanmarcostx.gov
 - e. The City will provide assistance in the preparation of the written complaint upon request for persons with a disability. Requests for assistance should be made to the City of San Marcos ADA Coordinator at 512-393-8065 (voice) or by e-mail to ADArequest@sanmarcostx.gov.
 - f. Formal complaints must be submitted within 15 calendar days of the occurrence of the event leading to the complaint/appeal.
 - g. Formal complaints shall include:
 - i. Name of the complainant;
 - ii. Contact information of the complainant;
 - iii. Description of the circumstances of the complaint and date of incident occurrence;
 - iv. Name(s) of any contractor, construction workers, and/or program administrative staff who have knowledge of the incident;
 - v. Address of the property that is the subject of the complaint;
 - h. Complaints with insufficient data or submitted by a third party with no standing in the incident about which the complaint is being submitted need not be accepted.
 - i. The Director or designee will review and investigate the formal complaint including making an initial determination that the complaint/appeal is complete, relevant, and has standing.
 - j. If the complaint is found to be incomplete, the complainant will be allowed a reasonable time, not to exceed ten calendar days, to provide the missing information.
 - k. When a complaint is not accepted, the City will notify the complainant in writing within 5 working days with an explanation of why the complaint was not accepted. The complaint that was not accepted will be logged into the City's complaint tracking system with a notation that the complaint was not viable.
 - l. Complaints that are accepted will be logged into the City's complaint tracking system with a notation of the date the complaint was accepted.
 - m. A written Notice of Complaint Resolution Determination will be provided to the Complainant within 20 calendar days of the complaint acceptance date. Complainants will receive review by the Construction Board of Appeals
 - n. The documentation of the complaint will include:
 - i. Name and contact information of the complainant;
 - ii. Description of the complaint;
 - iii. Name of each person contacted in relation to the complaint;
 - iv. Summary of the results of the review or investigation of the complaint;

- v. Summary of the resolution of the complaint and any corrective action that was implemented, where warranted; and,
- vi. Date the complainant was notified of the resolution of the complaint and the date the complaint was closed.

F. Complainant has the right to appeal

The resolution determination of the Director on the grounds that the determination did not follow the procedures outlined in this policy. The appeal should be submitted in writing to the U. S. Department of Housing and Urban Development within ten calendar days of the issuance of the Notice of Complaint Resolution Determination. The notice may be delivered:

- i. By mail to CPD Director, U. S. Department of Housing and Urban Development, H. F. Garcia Federal building, 615 East Houston St., Suite 347, San Antonio TX 78205
- ii. By delivery to the address listed above
- iii. By fax to the attention of the CPD Director at 210-472-6825
- iv. By email to: elva.f.garcia@hud.gov The City has the right to change, modify, waive, or revoke all or any part of this policy with the concurrence of the City Attorney.