

# UNITED STATES VIRGIN ISLANDS HOUSING FINANCE AUTHORITY

## CDBG-DR CITIZEN COMPLAINTS POLICIES AND PROCEDURES



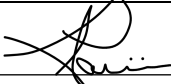
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Prepared by:

Virgin Islands Housing Finance Authority

The policies and procedures stated in this manual are current as of September 14, 2022. This Manual represents the current version of the Virgin Islands Housing Finance Authority's (VIHFA) policies which shall provide general guidance for the operation of the CDBG-DR Program. All manuals will be reviewed periodically and will be updated. Therefore, you are strongly urged to visit our website [www.vihfa.gov/cdbg-dr](http://www.vihfa.gov/cdbg-dr) to ensure that you have the latest version. There may be times, however, when a policy or procedure will change before the manual is revised.

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| 1.0                   | 03/01/2019          | CDBG-DR Citizen Complaints Policy and Procedures |
| 2.0                   | 02/16/2020          | Updated Policy and Procedures                    |
| 3.0                   | 8/20/2022           | Updated Policy and Procedures                    |

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## **SECTION I: POLICIES**

### **1.0 POLICIES**

#### **1.1 Version History**

Version history is tracked in the table on the Version History page, with notes regarding version changes. The dates of each publication are also tracked in this table. The first version of this document is 1.0.

Substantive changes within this document that reflect a policy change will result in the issuance of a new version 4.0, an increase in the primary version number. Future policy changes will result in additional revision and the issuance of a new primary version number.

Non-substantive changes such as minor wording and editing, or clarification of existing policy that do not affect the interpretation or applicability of the policy will be included in minor version updates denoted by a sequential number increase behind the primary version number. Such changes would result in a version number such as 1.1, 1.2, etc.

#### **1.2 Policy Change Control Board**

Policy review and changes for a program are considered through a change control process. When policy clarifications, additions, or deletions are needed to more precisely define the rules by which the Program will operate, Program staff will submit a Policy Change Request Form or a Request for Decision Form for internal review by the Policy Change Control Board (PCCB). Within the PCCB, two members will separately perform a review to verify that all relevant information and any supporting documentation are included in the request. Upon PCCB concurrence by these two members that the request raises a policy issue, rather than a process issue, the Policy Change Request Form or Request for Decision is forwarded to the Policy Change Control Board for consideration. The requests are compiled and brought before the entire PCCB for a final policy change determination.

The PCCB is composed of the Special Counsel for Disaster Recovery, the Senior Policy Manager, Senior Program Manager and at least one Subject Matter Expert, and other program staff members representing Program leadership as needed.

The PCCB meets biweekly, as needed, to consider all pending requests but may meet as frequently as necessary to consider critical policy decisions. The schedule for PCCB meetings is expected to move to a lower frequency as the Program matures.

#### **1.3 Policy**

The federal statute that governs CDBG-DR programs requires for local governments, as part of its citizen's participation, to "provide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within fifteen (15) working days where practicable." 24 C.F.R. § 91.115(h). Federal Register Vol. 83 No. 28 (February 9, 2018), 83 FR 5844 introduces citizen participation waiver (which include the statute) and alternative requirements; however, it keeps the fifteen (15) days language: "the grantee will provide a timely written response to every

citizen complaint. The response must be provided within fifteen (15) working days of the receipt of the complaint.” 83 FR 5844.

Citizens have the right to offer their views and positions at any moment during the development and implementation of the CDBG-DR program. VIHFA CDBG-DR implements this Policy to address complaints received in a prompt, responsible, and confidential manner. The complainant's identity and circumstances will be held in confidence unless prior written authorization is granted. VIHFA will treat citizens in a fair, transparent, and courteous manner when responding to a complaint. The goal of this policy is to address such issues in a manner that is both fair and sensitive of the complainant's needs and is fully compatible with applicable Federal and local laws, regulations, codes, and ordinances.

VIHFA’s non-discrimination policy extends to the intake and handling of complaints. The Authority does not discriminate based on race, gender, color, religious beliefs, sex, sexual orientation, disability, familial status, marital status, national origin, political beliefs, trade union affiliation or any other unjustifiable factor, for example: language difficulties, age, pregnancy, etc.

No person (i.e., VIHFA employee) shall intimidate, threaten, coerce, or discriminate against any other person because they have made a complaint, testified, assisted, and/or participated in any matter, in an investigation, proceeding, or hearing related to a complaint.

## **2.0 Overview**

The Virgin Islands Housing Finance Authority (VIHFA), as grantee, has developed a Citizen Participation Plan in compliance with 24 C.F.R. § 91,115 and applicable U.S. Department of Housing and Urban Development (HUD) alternative requirements as published in Federal Register Notices for Community Development Block Grant - Disaster Recovery (CDBG-DR), which supersede/waive and replace certain requirements with respect to citizen participation. These alternative requirements can be found in the Federal Register Notices listed below, and in any additional notices as applicable:

CDBG-DR:

- Federal Register Notices Vol. 83, No. 28 (Friday, February 9, 2018), 83 FR 5844;
- Federal Register Notice Vol. 83, No.157 (Tuesday, August 14, 2018), 83 FR 40314.

As part of addressing the long-term recovery needs of the U.S. Virgin Islands and as per 24 C.F.R. § 91.115(h), citizen complaints on issues related to the general administration of CDBG-DR funds are welcomed throughout the duration of the grants. VIHFA’s goal is to provide an opportunity to address all complaints received and come to the best resolution possible. This is an essential responsibility for the Authority as it establishes the importance of an open communication and transparency regarding citizens' concerns, about VIHFA’s CDBG-DR program.

Equally important to VIHFA is ensuring accessibility and effective means to communicate from citizens with disabilities and language barriers. VIHFA will make every effort to effectively communicate our policies and procedures. VIHFA will make information available in alternate formats, as needed and upon request, to ensure adequate communication to persons with disabilities and language barriers.

### **3.0 Scope**

This policy applies to all VIHFA CDBG-DR complaints received regarding program administration, management, and/or operation procedures. This policy does not apply to anonymous complaints, CDBG-DR program decision reconsiderations, nor reports of fraud, waste, and abuse. Any complaint received regarding matters specifically covered in other standalone documents, will be addressed, or referred accordingly.

This Policy outlines the responsibility of the VIHFA CDBG-DR Program to ensure that all complaints are acknowledged and handled quickly and consistently. In accordance with 24 C.F.R. § 91.115(h), it also details VIHFA CDBG-DR Program's responsibility to provide a timely, substantive written response to every written and, in special cases, oral complaint within fifteen (15) working days, where practicable, as a CDBG-DR grant recipient. This policy is intended to serve as guidance for the responsible, efficient, and transparent oversight of citizen complaints through the implementation of a structure that properly organizes policy and systems necessary to uphold the responsibility of the Authority. This policy also serves to encourage individuals to express their complaints on any issues related to the general administration of CDBG-DR funds, for these to be addressed and, where appropriate, acted upon.

### **4.0 Definitions and Acronyms**

#### **4.1 Acronyms**

Action Plan – A comprehensive description of projects, including activities, accomplishments, sources of funds, and users of funding.

AFWAM Policy – Anti-fraud, Waste, Abuse, or Mismanagement Policy.

Anonymous Complaints – A complaint, written or oral in which the identity of the complainant is not revealed.

CDBG DR – Community Development Block Grant - Disaster Recovery.

Complainant – Any natural or legal person and/or authorized representative of such person who submits a complaint. Also known as the "aggrieved person" or the individual who is subject to the situation that is the basis for the complaint.

Complaint – A formal statement of grievance submitted in writing, which will be documented, processed, filed, and answered as per 24 CFR § 91.115(h).

Confidentiality – The protection of personal or sensitive information, as defined in the personally identifiable Information, Confidentiality, and Nondisclosure Policy.

HUD - Refers to the United States Department of Housing and Urban Development.

PII Policy - Personally Identifiable Information, Confidentiality; and Nondisclosure Policy.

POC – Point of Contact

Programmatic Area – Area/Department/Division of the VIHFA CDBG-DR Program responsible for implementing CDBG-DR funded programs and activities that will assist and

support citizens' complaints responses, as well as gather relevant information and documentation.

Recordkeeping Policy – Record Keeping and Retention Policy

VIHFA- Virgin Islands Housing Finance Authority

#### **4.2 Definitions**

Action Plan – A comprehensive description of projects, including activities, accomplishments, sources of funds, and users of funding.

Anonymous Complaints – Complaints with insufficient data and/or submitted by a third party with no standing in the matter being submitted, which do need not be accepted nor reviewed.

Complainant – Any natural or legal person and/or authorized representative of such person who submits a complaint. Also known as the "aggrieved person" or the individual who is subject to the situation that is the basis for the complaint.

Complaint – A formal statement of grievance submitted in writing, which will be documented, processed, filed, and answered as per 24 CFR § 91.115(h).

Confidentiality – The protection of personal or sensitive information, as defined in the personally identifiable Information, Confidentiality, and Nondisclosure Policy.

Programmatic Area – Area/Department/Division of the VIHFA CDBG-DR Program responsible for implementing CDBG-DR funded programs and activities that will assist and support citizens' complaints responses, as well as gather relevant information and documentation.

Recordkeeping Policy – Record Keeping and Retention Policy

### **5.0 Roles and Responsibilities**

#### **Frontline/Administrative Staff (Receptionist, Administrative Assistant, etc.)**

- Informally notify the complainant on the Citizen Complaints Process
- Gather preliminary information such as name, phone number, and e-mail addresses from the complainant
- Transmit information to the designated Compliance and Monitoring Specialist

#### **Compliance and Monitoring Specialist**

- Oversee the Citizen Complaints Process
- Complete the VIHFA Citizen Complaint Form - Internal
- Investigate the complaint
- Communicate with the program staff to outline an action plan
- Provide Citizens with a resolution to their complaint
- Ensure complaints are reviewed and handled within the established timeframe
- Log appeals and transmit to the Chair of the Appeals Committee

#### **Program Staff**

- Senior Manager assign the complaint to a program specialist to ensure timely resolution
- Research and provide documentation for investigations
- Provide resolutions and recommendations to the complaint



- Provide evidence of supporting document to justify outcome

### **Legal Staff**

- Responsible for any litigation matters relative to the complaints such as probate, lawsuits, title changes, etc...
- Provide support and advice to Senior Management on the complaint and potential outcomes

### **Senior Management Staff**

- Review the resolutions and recommendations to the complaint
- Address complex and escalated complaints
- Determine the best possible outcomes for the resolution

### **Special (Appeals) Committee**

- Review all appeals
- Determine whether the resolution given to the complainant is erroneous
- Provide a response to Senior Management on their decision

## **6.0 Complaints**

For the duration of the CDBG-DR program, citizens may wish to file a complaint through a written statement of grievance and/or, in special cases, an oral complaint. VIHFA will accept complaints related to any issue related to the general administration of the Program. A complaint can be filed by any person and/or authorized representative of such person.

### **6.1 Complaint Requirements**

For a complaint to be processed and reviewed by the CDBG-DR Complaints Department, it requires the following:

1. Must be in writing.
  - a. Except where accommodation is made for persons with disabilities for verbal statement.
  - b. For individuals with Limited English Proficiency a complaint form will be available in the language spoken by the complainant and written complaint will be accepted in language spoken.
2. Complainant's full name.
3. Complainant's Contact information and preferred method of notification for communications regarding complaint.
  - a. Telephone Number
  - b. Email, if applicable
  - c. Mailing Address (for correspondence)
  - d. Physical Address
  - e. Client Number, if applicable
4. Nature of complaint (CDBG-DR Program/Other, please specify).
5. Summary of complaint and desired remedy/resolution requested.
6. Previously contacted individuals concerning complaint i.e., CDBG-DR personnel, VIHFA personnel, political leaders, other agencies. (if applicable)
7. Any supporting evidence. (if applicable)

Actions 1-5 are mandatory for the complaint to be addressed. The complaint should be filed by the complainant, or by an authorized representative. Any individual filing a complaint on behalf of an individual or entity, shall present proper documentation confirming they have the authority to represent the complainant. This includes written statement by the complainant with

signature authorizing the individual/entity to speak on their behalf; notarized statements preferred.

To ensure sufficient communication with and from persons with disabilities, a complainant may request an alternate format, as needed. One of these may be to allow that a complaint be received verbally via interview with VIHFA CDBG-DR Complaints Staff. CDBG-DR personnel or other related CDBG DR parties receiving said complaint must assure compliance with all the requirements as described above.

## 6.2 Submitting Complaints

Citizens who wish to submit a complaint on any issues related to the general administration of CDBG-DR funds may do so in writing through any of the following methods:

- A. Email: [cdbginformation@vihfa.gov](mailto:cdbginformation@vihfa.gov)
- B. Complaint Form: <https://cdbgdr.vihfa.gov/home/citizens-complaint/>
- C. Mailing Address:

Virgin Islands Housing Finance Authority  
Community Development Block Grant-Disaster Recovery Program  
ATTN: Citizen Complaints  
1110 Beltjen Road  
ICMC Annex, Ste 200, 2nd Floor  
St. Thomas, VI 00802-6735

\* If the complainant is unable to submit a complaint in writing (this could be due to a disability and/or other special circumstance), the complaint should be formalized as a written complaint through an interview process. If requested, the complaint may be submitted verbally via:

- D. Telephone: (340) 715-5902
- E. Or in person, once scheduling an appointment at VIHFA CDBG-DR Program located at:

- St. Croix  
Virgin Islands Housing Finance Authority  
Disaster Recovery Division (St. Croix)  
Attention: Program Director  
100 Lagoon St. Suite 4 St. Croix, VI 00840-3912

- St. Thomas  
Virgin Islands Housing Finance Authority  
Community Development Block Grant-Disaster Recovery Program  
ATTN: Compliance and Monitoring  
1110 Beltjen Road  
ICMC Annex, Suite 200, 2nd Floor  
St. Thomas, VI 00802-6735

Complaints received by other parties including Subrecipients, Contractors, HUD, other agencies, and/or areas should be sent to VIHFA CDBG-DR CITIZEN COMPLAINTS via email or regular mail at the addresses mentioned above. Once received, the designated personnel will make contact that complaint received. Complaints will be evaluated by VIHFA

CDBG-DR upon receipt and handled appropriately. To be reviewed, there must be a link between other parties submitted the complaint and the complainant. Complaints with insufficient data or submitted by a third party with no standing in the matter being submitted will not be accepted or reviewed. Anonymous complaints will not be addressed.

## **SECTION II: PROCEDURES**

### **1.0 Citizen Complaint Procedures**

Upon the receipt of a complaint, VIHFA will acknowledge receipt of complaint and work to provide a timely, comprehensive written response within the established time frame of fifteen (15) working days, as per 24 CFR § 91.115(h).

- A. Acknowledgement of Complaint Submitted- Upon receiving the written complaint, our complaints team will respond back to each citizen via preferred method of contact followed by an email acknowledging complaint and outlining complaints process.
- B. Documenting a Complaint- When received in the VIHFA CDBG-DR office, The following information will be documented for the complaint:
  - The name of the person who filed the complaint.
  - The date the complaint was received.
  - A description of the complaint.
    - i. The details of the question or complaint should include the names of program personnel previously contacted and provided details of the query. Copies of any documents or correspondence received, including how any questions were answered, what information was provided and what action is required.
  - A summary of the results of the review or investigation of the complaint; and
  - An explanation of the reason the file was closed if the file was closed.
- C. Complaint Review- In those cases that VIHFA deems it necessary, we will follow up with any of the involved parties to obtain any additional information and/or evidence needed to responsibly answer the complaint. Delays in providing the additional information and/or evidence requested may result in an answer to a complaint after the fifteen (15) working-day period.
- D. Citizen Interview- To gain further background on the complaint, the complaints department will interview all citizens that have filed a complaint.
- E. Referrals and Assignment – Depending on the type of complaint filed and the requested remedy, in order to produce a timely and substantive written response, complaints will be assigned to the appropriate program/department Senior Program Manager with their respective Director copied on the assigned task. Each assignment will include complaint details, timelines for updates, the 7-day benchmark for internal update, and the 15-day resolution date.
- F. Resolution and Reporting – Citizens will receive a report of the outcome of the complaint with the remedy/resolution. VIHFA will also log the report in our Citizen Complaints System. If the complainant does not agree with the resolution/remedy, they will receive the Appeals steps for appealing the decision. This will be outlined in the decision letter sent to the complainant.
  - a. If Complainant does not respond within 30 days of resolution, complaint will be closed.

- b. Complainant Response- Complainant has thirty (30) days to respond if they are unsatisfied with the resolution.
  - c. Upon complainant response, an appeals committee will convene within 14 days of response to review the complainant’s response and final decision will be made.
    - i. Final decision letter will be sent to Complainant within 30 days of initial response.
- G. Closing the Complaint- Once the complaint has been resolved and/or decision made, the complaint will be closed and updated in the Citizen Complaints System and a copy of the response is emailed to HUD at [DisasterRecovery@hud.gov](mailto:DisasterRecovery@hud.gov).
  - a. Under circumstances, complaints will be closed but in a monitoring status. These complaints include:
    - i. Homes that are still in rehabilitation and reconstruction.
    - ii. Complainants that have been temporarily relocated.
- H. Records- The CDBG-DR Compliance and Monitoring Division keeps and maintains a log of complaints received and answered. All complaints received will be documented, processed, and filed in compliance with VIHFA’s Recordkeeping Policy. Completed Files will include:
  - Original Complaint
  - Interview(s) Record
  - Correspondence with Departments
  - Investigative Documents and Materials as applicable
  - Complaint Report (update)
  - Substantive Written Response/Decision Letter
  - Closure Checklist
- I. Protective Measures- Whistle blower protections prohibiting private entities and government officials from "harassing, discriminating, firing, threatening, or suspending any benefit, right or protection" to anyone who has provided information, cooperated, or has acted as a witness in any investigation leading to any complaint, accusation, conviction, civil, or administrative action, related to the illegal use or misappropriation of public funds or other acts of corruption. Whistle blowers can claim civil damages for violations to the retaliation prohibitions set forth. Furthermore, it recognizes the right of whistle blowers to request and receive free legal advice and/or representation necessary to initiate or participate in any civil, criminal, or administrative proceeding arising under the Code.

The Whistle blower Protection Enhancement Act of 2012 protects federal employees who disclose evidence of waste, fraud, or abuse. These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistle blower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.

In addition, as part of the National Defense Authorization Act of 2013, under 41 U.S.C. § 4712, it is illegal for an employee of a federal contractor, subcontractor, grantee, subgrantee, or personal services contractor to be discharged, demoted, or otherwise discriminated against as a reprisal for making a protected whistle blower disclosure. To be protected under 41 U.S.C. § 4712, a disclosure must be made (among others) to a management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.