



Community Services Division
Office of Community Development
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Previously known as Policy Notice OHCP 09-04

SUBJECT: Community Housing Improvement Program (CHIP) Dispute Resolution and Conflict Management Policy

ISSUED: November 20, 2009

DISTRIBUTED TO: CHIP Award Recipients and their Affiliates

POLICY

The **Community Housing Improvement Program (CHIP) Dispute Resolution and Conflict Management Policy** applies to FY 2010 and future CHIP grantees.

Background

To protect the interest of the parties involved with the CHIP, the Office of Community Development (OCD) established the **Community Housing Improvement Program (CHIP) Dispute Resolution and Conflict Management Policy**. The policy outlines the responsibilities of the CHIP grantee, CHIP administrator, CHIP homeowners/applicants, and contractors responsible for completing CHIP-funded projects, CHIP mediator and CHIP arbitrator.

Requirement

To ensure that the appropriate parties are informed about the **CHIP Dispute Resolution and Conflict Management Policy**, FY 2010 and future CHIP grantees must provide a copy of the **CHIP Dispute Resolution and Conflict Management Policy** and **Dispute Resolution Form** to every CHIP administrator, CHIP homeowner/applicant, CHIP contractor, CHIP mediator and CHIP arbitrator. In addition, the homeowner applying for CHIP assistance must sign the document, with the original maintained in the program's administrative files and a copy provided to the homeowner/applicant. Once the contractor executes a contract to complete a CHIP-funded project, the contractor must also sign the previously executed **CHIP Dispute Resolution and Conflict Management Policy**, with the updated, original document maintained in the program's administrative files and a copy provided to the contractor.

During OCD's monitoring of a CHIP grant, compliance with this policy will be confirmed.

Questions

Questions regarding the **CHIP Dispute Resolution and Conflict Management Policy** and **Dispute Resolution Form** should be directed to the OCD Residential Revitalization Section at (614) 466-2285.

Community Housing Improvement Program Dispute Resolution and Conflict Management Policy

Introduction

To protect the interest of the parties involved with the CHIP, the Ohio Department of Development's (now known as the Ohio Development Services Agency) Office of Community Development (OCD) established the **Community Housing Improvement Program (CHIP) Dispute Resolution and Conflict Management Policy**.

The policy outlines the responsibilities of the CHIP grantee, CHIP administrator, CHIP homeowners/applicants, contractors responsible for completing CHIP-funded projects, CHIP mediator and CHIP arbitrator.

Grantee Responsibilities

The grantee is responsible for:

1. Distributing the **CHIP Dispute Resolution and Conflict Management Policy** to CHIP administrators for distribution to homeowners/applicants, contractors, mediators and arbitrators;
2. Ensuring the program administrator responds to a homeowner's/applicant's initial written dispute, in writing, within 15 working days of the date a written dispute is submitted by a homeowner/applicant;
3. Helping to resolve disputes prior to the submission of the dispute to mediation or arbitration;
4. Ensuring the program administrator contacts a mediator or arbitrator if a homeowner/applicant submits a written statement that the administrator's response is not accepted; and
5. Developing an alternative written method for communicating with an applicant if the applicant has a disability (e.g., physical, visual, hearing, speech and/or cognitive disability), is functionally illiterate, or has limited English proficiency and requests an accommodation and providing a copy of the written alternative method for communicating with a homeowner/applicant who is disabled to the administrator. For guidance regarding communicating with people with disabilities, visit <http://www.adagreatlakes.org/>. The cost of providing an accommodation to persons with a disability is the responsibility of the grantee.

Administrator Responsibilities

The administrator is responsible for:

1. Informing the homeowner/applicant of the dispute resolution policy at the time of application submission;
2. Attempting to identify homeowners/applicants who are disabled and working with those persons to ensure a complete understanding of the **CHIP Dispute Resolution and Conflict Management Policy**,
NOTE:
 - a. Each step of the procedure must be explained verbally to the homeowner/applicant.
 - b. Signatures of the homeowner(s)/applicant(s) on the **CHIP Dispute Resolution and Conflict Management Policy** must be acquired to acknowledge acceptance and understanding.
 - c. If the homeowner's/applicant's project is accepted to receive assistance, a clause shall be incorporated in the contract referring to the **CHIP Dispute Resolution and Conflict Management Policy**.

3. Providing a letter explaining the criteria that was used to determine that a homeowner's/applicant's project was deemed ineligible (i.e., income or rehabilitation exceeds limitations, ownership concerns, etc.), if such a decision was made;
4. Immediately attempting to resolve issues that may arise to prevent submission of a written dispute;
5. Responding, in writing, within 15 working days of the submission date of a written dispute by a homeowner/applicant. If the dispute is a result of the homeowner/applicant being denied assistance, the response must include a reference to the policy which deemed the project ineligible.
6. Deciding if a dispute will be submitted to mediation or arbitration*, if, within 15 working days, the homeowner/applicant replies to the administrator's statement, indicating the administrator's response is not acceptable;
7. Informing the grantee of any dispute the program administrator fails to resolve and the next step to resolution;
8. Helping to resolve disputes prior to submitting a dispute to mediation or arbitration; and
9. Identifying a mediator and submitting a dispute to mediation with the assistance of the Ohio Commission on Dispute Resolution and Conflict Management or identifying an arbitrator and submitting a dispute to arbitration with the American Arbitration Association (AAA), if necessary.

*If an administrator is unsuccessful in resolving a homeowner's/applicant's written dispute, the administrator may: submit the dispute directly to an arbitrator (see arbitrator contact information below); or submit the dispute to a mediator (see mediator contact information below). Note: Any dispute not resolved through mediation must be submitted to an arbitrator.

Homeowner/Applicant Responsibilities

The applicant/homeowner is responsible for:

1. Indicating, if applicable, a disability to the administrator (e.g., physical, visual, hearing, speech and/or cognitive disability), and requesting special assistance to fully comprehend the **CHIP Dispute Resolution and Conflict Management Policy**;
2. Understanding the program policies, which the administrator must follow regarding applicant and project eligibility;
3. Acknowledging receipt, acceptance and understanding of the **CHIP Dispute Resolution and Conflict Management Policy** by executing a copy of the policy when submitting an application;
4. Reviewing any decisions made by the administrator and sent to the homeowner/applicant regarding the project's eligibility, and, if appropriate, submitting a written appeal to the administrator, within 15 working days of the decision date;
Note: For projects deemed ineligible, after an appeal is submitted and the decision is re-reviewed, the dispute resolution process will cease at this point and no mediation or arbitration rights will exist.
5. Communicating with the contractor directly and immediately when a discrepancy occurs;
Note: If the applicant is not satisfied with the workmanship, an attempt at a resolution must be made before the work progresses.
6. Communicating with the administrator immediately when the discrepancy is not resolved between the contractor and the homeowner/applicant;
7. Submitting a written dispute to the administrator, on the **Dispute Resolution Form** provided, when the discrepancy is not resolved after the contractor and the administrator have been contacted;
8. Providing a good faith effort in working with the contractor and administrator to resolve the dispute and prevent mediation or arbitration submission;

9. Providing a statement, in writing to the administrator, either accepting or not accepting the administrator's written response within 15 working days of the administrator's response date; and
10. Understanding the signature and date on the certification of completion verifies satisfaction of the contractor's workmanship and validates final payment.
Note: No complaints, regarding workmanship, will be accepted after that date except for failed items covered under the warranties, which should be handled by contacting the contractor directly, in writing, detailing all warranty items that need addressed, within 12 months of work completion. The grantee and program administrator have no obligation to assist with warranty work issues.

Contractor Responsibilities

The contractor is responsible for:

1. Acknowledging the receipt of the **CHIP Dispute Resolution and Conflict Management Policy** and acknowledging acceptance and understanding of the policy by signing the policy upon contract execution;
2. Providing a good faith effort to resolve any issues that may arise during the project;
3. Communicating with the homeowner/applicant directly, when a discrepancy occurs;
4. Communicating with the administrator, if a discrepancy is not resolved between the homeowner/applicant and the contractor;
5. Submitting a written dispute, on the **Dispute Resolution Form** to the administrator, if the discrepancy is not resolved after the applicant and the administrator have been contacted; and
6. Providing a statement, in writing, either accepting or not accepting the administrator's response to the submitted **Dispute Resolution Form** within 15 working days of the administrator's response date.

Mediator Responsibilities

If the dispute cannot be resolved through negotiations with all parties and the administrator chooses, the dispute may be submitted to mediation. The mediator is responsible for assisting the parties, impartially, in reaching an agreement on the disputed matter within 30 days of receiving the dispute.

The administrator must use the assistance of the Ohio Commission on Dispute Resolution and Conflict Management to identify a mediator. The Commission is located at 77 South High Street, 24th Floor, Columbus, Ohio, 43215-6108, and can be contacted by telephone at (614) 752-9598, by fax at (614) 752-9682 and by email at website@cdr.state.oh.us. For more information regarding the Commission, visit <http://www.sconet.state.oh.us/JCs/disputeResolution/>.

Arbitrator Responsibilities

If the dispute cannot be resolved through negotiations with all parties **or** through the optional mediation process, the dispute **must** be submitted to arbitration. The arbitrator is responsible for providing a resolution to the dispute submitted by the applicant within 60 days of receiving the dispute.

Arbitration must be conducted by the American Arbitration Association (AAA). AAA is located at 250 East Fifth Street, Suite 330, Cincinnati, Ohio 45202-4173 and can be contacted by telephone at (513) 241-8434 or by fax at (513) 241-8437. For more information regarding AAA, visit <http://www.adr.org/>.

The arbitrator's decision is final and binding. No dispute or argument will be considered after this process is complete.

We hereby acknowledge receipt of this copy of the *Community Housing Improvement Program (CHIP) Dispute Resolution and Conflict Management Policy*. We understand and accept the outlined process for any and all disputes that may result from our involvement with the CHIP.

Homeowner Signature Date

Homeowner Signature Date

Contractor Signature (required at contract execution only) Date

