



EXECUTIVE  
DIRECTOR

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## **Housing Authority Regulations Regarding Informal Hearings For Section 8 Participants**

The following regulations are found in the Housing Authority's administrative plan for the Section 8 Program. They explain the procedures by which a participant may seek an Informal Hearing.

### **1) Actions Subject to Informal Hearing Request**

A Participant (as defined by HUD) has the right to request an Informal Hearing solely for the purpose of determining whether an Authority decision relating to individual circumstances of the Family are in compliance with law, HUD regulations and the Authority's rules in the following cases:

- a) A decision to deny or terminate assistance.
- b) A determination of the number of bedrooms to be included in a new Certificate of Family Participation or Voucher, whether the new Certificate or Voucher is determined necessary because of a change in the Family's circumstances.
- c) A determination of the Total Tenant Payment, Tenant Rent, or Housing Assistance payment (both as defined by HUD) but not the determination of the Schedule of Utility Allowances.

### **2) Notification of Right to Informal Hearing**

In taking any of the actions indicated in 1a or 1b above, the Housing Authority shall provide the Participant with a written notice of the action, the reasons for the action, the right to request an Informal Hearing on the action, and the need to make such a request within twenty days of the date of Authority's Notice.

In taking actions relating to 1c above, the Authority shall notify the Participant of the right to request an explanation of the basis for the action and that, if the Participant does not agree with the determination, the Participant may request an Informal Hearing on the decision. The request for the explanation must be made within twenty days of the date of the notice or the participant will not be entitled to subsequently request an Informal Hearing.

### **3) Actions not Subject to Informal Hearing**

A participant (as defined by HUD) does not have the right to request an Informal Hearing in order to:

- a) Review discretionary administrative determinations by the Authority or to consider general policy issued of class grievances.
- b) Review the Authority's determination that a unit does not comply with HQS requirements, that the Owner has failed to maintain or operate a unit under contract to provide decent, safe and sanitary housing in accordance with HQS, or that the unit under contract is not decent, safe and sanitary because of an increase in family size or change in family composition.



- c) Review the Authority's decision nor to approve a participant's request for an extension of the term of a Certificate or Voucher issued to a participant desiring to move.

#### **4) Request for Informal Hearing**

- a) The request for the Informal Hearing must be in writing and must be received by the Authority within twenty (20) days of the date of the notice, except when an explanation has been requested in which case it shall be within twenty (20) days of receipt of the Authority explanation.
- b) The written request must indicate:
  - 1) The action or actions taken by the Authority for which the Informal Hearing is requested.
  - 2) The reason(s) why the Participant feels the action(s) was(were) improper or incorrect.
  - 3) The corrective actions desired by the Participant.

#### **5) Conduct of Informal Hearing**

- a) The Authority shall schedule the Informal Hearing for a mutually convenient time provided that the Informal Hearing must occur within thirty (30) days of the Authority's receipt of the Participant's request.
- b) The Informal Hearing will be conducted by a Hearing Officer designated by the Authority.

The Hearing Officer shall be an employee of the Everett Housing Authority or another public official other than the person who made or approved the decision under review or a subordinate of such person.
- c) The Participant may retain legal counsel or another representative, if desired, at his own expense.
- d) At the Informal Hearing, the participant will be given an opportunity to examine evidence and question witness and to present testimony and evidence applicable to judicial proceedings.
- e) The hearing shall be closed to all persons except the Participant, the Participant's legal counsel or representative, representatives of the Authority and the Hearing Officer conducting the Hearing. Except upon mutual consent of the Participant and the Authority, all other witnesses shall be present only during that portion of the Hearing in which they are providing evidence.
- f) The order of business at the Hearing shall be as follows:
  - 1) Outline of Hearing Procedure and comments by Hearing Officer.
  - 2) Comments by Participant or Participant's counsel or representative.
  - 3) Comments by representative of Housing Authority.
  - 4) Presentation of evidence by Housing Authority.
  - 5) Presentation of evidence by Participant.

- 6) Presentation of rebuttal evidence by Authority.
  - 7) Presentation of rebuttal evidence by Participant.
  - 8) Closing comments by Housing Authority.
  - 9) Closing comments by Participant.
  - 10) Closing comments by Hearing Officer.
- g) During the Informal Hearing, the Hearing Officer:
- 1) Shall afford both parties an opportunity to examine evidence and witness presented by the other party.
  - 2) May participate on questioning any witnesses.
  - 3) May take any steps necessary to insure that the Informal Hearing is conducted in a civil manner.
  - 4) May recess or continue the proceedings as necessary to insure that all pertinent information is presented while considering the need to reach a final decision expeditiously.
- h) Failure of the Participant to appear at the time and place designated for the Informal Hearing shall constitute grounds for an immediate termination of the Informal Hearing procedure. In such case, the Participant may not request an additional Informal Hearing on any matters included in the original request.
- i) The decision of the Hearing Officer must be in writing, and must state the legal and evidentiary grounds for the decision. Factual determinations relating to the individual circumstances of the Participant within 15 days of completion of the Informal Hearing.

**6) Review of Decision of Hearing Officer**

- a) The Authority may review the decision of the Hearing Officer. If the Authority's Executive Director or Board of Commissioners determines that the decision, or a portion thereof, of the Hearing Officer:
- 1) Involves a matter for which the Authority is not required to provide an opportunity for an Informal Hearing; or
  - 2) Is contrary to HUD regulations or requirements, or otherwise contrary to Federal, State, or Local Law,
- then the Authority shall not be bound by the decision or portion thereof.
- b) If the Executive Director or the Board of Commissioners determines that the Authority is not bound by a decision, or portion thereof, the Authority shall promptly notify the Participant of this determination, and of the reason(s) for the determination.