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Everett Housing Authority Policies and Procedures Regarding Informal Reviews for Housing Choice Voucher Applicants

The following regulations are found in the Everett Housing Authority's Housing Choice Voucher (HCV) Administrative Plan (see Chapter 16.III.B) for the Section 8 Program. They explain the procedures by which an applicant may seek an Informal Review.

1) Actions Subject to Informal Review Request

- a. A decision to deny the applicant placement on a waiting list.
- b. A decision to deny or withdraw a voucher.
- c. A refusal to enter into a HAP contract or approve a lease.
- d. A refusal to process or provide assistance under portability procedures.

2) Actions not Subject to Informal Review Request

- a. Discretionary administrative determinations by the PHA.
- b. General policy issues or class grievances.
- c. A determination of the family unit size under the PHA subsidy standards.
- d. A PHA determination not to approve an extension or suspension of a voucher term.
- e. A PHA determination not to grant approval of the tenancy.
- f. A PHA determination that a unit is not in compliance with the HQS.
- g. A PHA determination that the unit is not in accordance with the HQS due to family size or composition.

3) Notification of Right to Informal Review

In taking any of the actions indicated in section 1 above, the PHA shall provide the applicant with prompt written notice of the decision, a brief statement of the reasons for the PHA decision and the right to request an Informal Review to appeal the adverse action.

4) Request for Informal Review

The request for an Informal Review must be made in writing and delivered to the PHA either in person, by fax, email or first-class mail, by the close of the business day no later than 20 business days from the date of the PHA's adverse action.

5) Remote Informal Reviews

The PHA has the sole discretion to require that informal reviews be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.

The PHA will conduct an informal review remotely upon request as a reasonable accommodation for a person with a disability, if a participant does not have child care or transportation that would enable them to attend the informal review, or if the participant believes an in-person review would create an undue health risk. The PHA will consider other reasonable requests for a remote informal review on a case-by-case basis.

The PHA will ensure that the platform for conducting remote informal reviews is accessible to persons with disabilities and conducted in accordance with Section 504 and accessibility requirements. If no method of conducting a remote informal hearing is available that appropriately accommodates an individual's disability, the PHA should consider whether postponing the remote informal review to a later date is appropriate, or whether there is a suitable alternative. Requirements for persons with limited English proficiency (LEP) apply to remote informal hearings, including the use of interpretation services and document translation.

The PHA will conduct remote informal reviews via a videoconferencing platform that includes an option to participate via audioconference only, or via telephone conferencing call-in. If the informal review will be conducted via a videoconferencing platform that includes an audioconference option, the PHA will ensure that all participants, participant representatives, advocates, witnesses, PHA representatives, and the hearing officer can adequately access the platform (i.e., hear, be heard, and/or see, and be seen).

If any participant, representative, advocate, witness, PHA representative, or hearing officer is unable to effectively utilize the videoconferencing platform, the platform for conducting the informal review will be shifted to telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in at any point, the remote informal review will be postponed, and an in-person alternative will be provided promptly within a reasonable time. Whether the informal hearing is to be conducted via a videoconferencing platform or telephone call-in, the PHA will provide all parties login information and/or telephone call-in information before the hearing. Additional requirements can be found in Everett Housing Authority's Housing Choice Voucher Administrative Plan (see "Conducting Informal Reviews Remotely," p. 16-14).

6) Conduct of the Informal Review

- a. The PHA will schedule and send written notice of the Informal review within 10 business days of the applicant's request.
- b. The Informal Review will be conducted by any person designated by the PHA, except the person who made or approved the decision under review, or a subordinate of that person.
- c. The applicant will have the opportunity to present written or oral objections to the PHA's decision.

- d. Following the Informal Review, the PHA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within 10 business days of the Informal Review
- e. If the applicant fails to appear for the Informal Review at the time and place designated, the denial will stand and the family will be so notified.