

## **Informal Review/Hearing Procedures**

In accordance with the HUD (Housing and Urban Development) Regulations and PHA (Public Housing Authority) rules, if a family disagrees with the way a rule or regulation has been administered by the PHA, the family has the right to request an administrative review/hearing of the decision.

Informal hearings may be requested by the family for one of the following PHA determinations:

- Determination of the family's annual or adjusted income
- Calculation of total tenant payment
- Determination of appropriate utility allowance from the PHA's utility allowance schedule;
- Termination of assistance;
- Determination of unit size for participants under the PHA's subsidy standards; and
- Denial of a hardship exemption to the minimum rent requirement;

A request for an informal hearing must be received in writing or by telephone no later than 12 days from the date of the PHA's notification of adverse action. The informal hearing will be scheduled within 14 business days of the date of request.

If the complainant does not request an informal hearing within the 12 days from the date of written notice, s/he waives his/her right to a hearing, and the PHA's proposed disposition of the grievance will become final.

The informal hearing may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.

The informal hearing may be conducted by:

- A staff person who is at the management level or above
- An individual from outside the PHA

The family has the right to:

- Present written or oral objections to the PHA's determination.
- Examine any PHA documents, which are the basis for the PHA's action, which were submitted to the Hearing Officer and may also copy at their expense.
- Present any directly relevant information or witnesses pertinent to the issue of the hearing. Any family documents which are directly relevant to the hearing should be provided to the PHA within (2) two business days of the scheduled hearing. If the family does not make these documents available upon the request of the PHA, the family may not rely on the documents at the hearing.

## **Informal Review/Hearing Procedures** **(cont.)**

- Request that PHA staff be available or present at the hearing to answer questions pertinent to the case.
- Be represented by legal counsel, advocate, or other designated representative at their own expense.  
(Must have legal Power of Attorney if HCV client participant is not available to attend the hearing).

Evidence will be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

A notice of hearing findings shall be provided by the Hearing Officer in writing to the family within 14 business days and shall include:

- A brief summary of the decision and the reasons for the decision.
- The date the decision goes into effect.

Factual determinations relating to the individual circumstances of the family shall be based on a “preponderance of evidence” presented at the hearing.

The PHA is not always bound by a decision made at an informal hearing. The PHA is not bound when a decision is made:

- Concerning a matter that exceeds the authority of the person conducting the hearing under the PHA’s hearing procedures; or
- That is contrary to HUD regulations or requirements, or otherwise contrary to federal, state, or local law.

If the PHA determines that it is not bound by a hearing decision, it must notify the family and inform the family of the reason the PHA has determined that the decision is not binding.