Procedure on Informal Hearings

This section describes when an informal hearing may be requested by a applicant and the informal hearing process that will be followed by PHA staff.

**1.00 Informal Hearings May be Requested for the Following**

Certain determinations will be made by PHA staff based upon:

* review of documents (such as verifications of eligibility);
* receipt of mail (such as rent checks);
* lack of a response (such as not providing information regarding an income increase).

In certain cases applicants may believe that they have evidence, or an explanation or were affected by mitigating circumstances which, if made available to PHA staff could change the determination.

The tenant or applicant may request an informal hearing to discuss or present evidence regarding any of the following events:

* the applicant has been rejected as ineligible for assistance;
* the applicant has been rejected because they have failed to meet the PHA’s screening requirements.

**1.01 Notice to the Tenants**

If PHA staff is taking any of the actions mentioned above, they will notify the applicant of their right to an informal hearing. The notification will be in writing and will include the following information:

* the specific grounds for the determination;
* the applicant has 10 days to request a hearing in writing to discuss the determination;
* if the applicant is an individual with handicaps, they may inform PHA staff of this fact and request a reasonable accommodation in a nonessential policy or practice in order to gain equal access.

The 10 days during which the tenant/applicant may request an informal hearing begins on the day a determination notice is hand delivered to the tenant/applicant or the day after it is mailed. The 10 days includes only business days.

**1.02 The Tenant/Applicant Response**

The applicant request for an informal hearing must be received in writing and must be received within 10 business days or it will not be considered by PHA staff.

**1.03 The Informal Hearing**

Upon receipt of a proper request for an informal hearing, PHA staff will schedule the hearing within 2 weeks and will notify the tenant/applicant of the following:

* the time and location of the meeting;
* PHA staff will reasonably try to accommodate schedule conflicts;
* the applicant is not allowed legal representation at an informal hearing;
* all relevant evidence and documents should be brought to the meeting;
* if the applicant is a person with disabilities, they may bring a representative to assist them in fully participating in the hearing process;
* if no attempt is made to reschedule and the tenant/applicant does not appear as scheduled, a finding against the tenant/applicant will be made.

PHA is responsible to designate the hearing officer. It may be:

* the employee who made the original determination;
* a subordinate of the employee who made the original determination; or
* any other individual as determined by PHA.

At the informal hearing;

* all documents that resulted in the determination will be made available for review by the applicant;
* the applicant will be allowed to present any documented evidence which may contradict the documents PHA staff has;
* the applicant will be allowed to present any mitigating circumstances in an attempt to change the determination made by PHA staff.

**1.04 Informal Hearing Follow Up**

PHA staff will carefully consider all evidence and explanations presented by the tenant/applicant and will make a final determination that the original determination was correct or based on explanations received will change the original determination. This final decision will be communicated to the tenant/applicant within 2 weeks of the date of the informal hearing. This notice must be hand delivered or mailed to the applicant in writing.

**1.05 Filing Requirements**

All documents related to an informal hearing must be kept on file for 3 years. This includes:

* all documents and evidence which resulted in the original determination;
* a copy of the notice of the original determination;
* a copy of the applicant’s request for an informal hearing;
* a copy of the letter scheduling the hearing;
* copies of all evidence provided at the hearing;
* a written summary of explanations provided at the hearing;
* a copy of the final determination letter to the applicant.