**Procedure for Informal Hearings for HCV and PBV Participants**

**Situations in which PHA will offer informal hearings**

An **informal hearing** is offered to a participating Family based on the PHA’s decision affecting the Family in the Housing Choice Voucher Program or the Project-based Voucher Program in accordance with the procedures described herein.

The PHA shall give a participant an opportunity for an informal hearing in disputes involving the following determinations:

1. the amount of the total tenant payment or tenant rent
2. appropriate utility allowance
3. family unit size under payment standard
4. termination of assistance

**Situations in which PHA will not offer informal hearings**

The PHA is not required to provide an opportunity for an informal hearing to review PHA determinations

 1. That are administrative determinations by the PHA, or to consider general policy issues or class grievances.

2. That a unit does not comply with the PHA’s Housing Quality Standards, that the owner has failed to maintain or operate a contract unit to provide decent, safe, and sanitary housing in accordance with the Housing Quality Standards (HQS), (including all services, maintenance, and utilities required under the lease), or that the contract unit is not decent, safe, and sanitary because of an increase in family size or change in family composition.

3. When PHA wishes to exercise any remedy against the owner under an outstanding contract, including the termination of Housing Assistance Payments to the owner.

4. Not to approve a family’s request for an extension of the term of the Voucher issued to an applicant or an assisted family that wants to move to another dwelling unit with continued participation in the PHA’s Housing Choice Voucher Program.

**Notice to Participant**

1. The PHA shall give the participant prompt written notice of the decision made regarding the above stated issues.
2. The written notice shall contain a brief statement of the reasons for the decision, and a statement that if the participant does not agree with the decision, she/he may request an informal hearing on the decision within ten (10) calendar days from the date of the notice.
3. If the request for an Informal Hearing is not submitted timely, the participant will have waived his/her right to request an informal hearing.
4. If an informal hearing request is submitted within the required timeframe, the PHA will timely schedule the informal hearing and send written notice to the client.
5. The written notice shall contain the date, time, and place where the informal hearing will be conducted.
6. The informal hearing shall occur prior to the date of termination of housing assistance payments unless the tenant has already vacated the unit.
7. If the informal hearing cannot be held before the scheduled date of termination of assistance, assistance will be paid until the hearing has been held and a decision rendered.

**The Hearing Officer**

1. The PHA will designate a hearing officer(s) to conduct the informal hearing.
2. The hearing officer shall be a person other than a person who made or approved the decision under review, or a subordinate of such person.
3. The hearing officer may be a staff person in the HCV program at another PHA.

**Rights of the Participant**

1. The participant must appear in person at the hearing and may be represented by an attorney at his/her own expense.
2. The participant shall have the right to review and copy (at his/her expense) any relevant information relied upon by the PHA.
3. The participant shall have the right to present both oral and written evidence.
4. The participant has the right to question any witnesses deposed herein and the right to argue his or her case prior to the hearing officer’s decision.
5. The participant shall have the right to arrange for an interpreter to attend the hearing, at the client’s expense. If a participant has a hearing impairment, or speaks a language other than English, PHA will provide an interpreter at PHA’s expense.
6. The participant shall have the right to have the hearing recorded by audiotape at the client’s expense subject to the hearing officer’s discretion.
7. The participant shall have the right to seek redress directly through judicial procedures of the court after receipt of the hearing officer’s decision.

**Rights of Public Housing PHA**

1. The PHA may be represented by an attorney at the informal hearing.
2. The PHA may introduce evidence, both oral and written.
3. The PHA shall have the right to question any witness examined in the informal hearing and to make final submissions.
4. The PHA shall have the right and must be given the opportunity to pre-hearing discovery, at PHA offices, of any family documents directly relevant to the hearing.
5. The PHA must be allowed to copy any such document at the PHA’s expense.
6. If the family does not make the document available for examination on request of the PHA, the family may not rely on the document at the hearing.

**Conduct of the Informal Hearing**

1. The hearing officer will regulate the conduct of the hearing in accordance with hearing procedures commonly accepted and followed.
2. If the participant fails to appear at the hearing without prior request to re-schedule the hearing based on legitimate and allowable grounds or is more than 10 minutes late for the scheduled hearing, the matter will be decided ex-parte, or dismissed forthwith with no right for its restoration.
3. Participants may not re-schedule a hearing more than once.

**The Decision**

1. Factual determinations relating to the individual circumstances of the participant shall be based on the evidence presented at the hearing.
2. The decision shall be in writing and based on the evidence, HUD regulations, PHA policies and rules, and any applicable law.
3. The decision shall briefly state the reasons on which the decision is arrived.
4. A copy of the decision shall be furnished promptly to the participant, but in most instances no more than 14 business days from the date of the hearing.

**Situations in which Informal Hearing Decisions are not binding on the PHA**

The PHA is not bound by a hearing decision on the following matters:

1. A matter for which the PHA is not required to provide an opportunity for an informal hearing or otherwise in excess of the PHA of the person conducting the hearing under these hearing procedures.

2. A decision is rendered that is contrary to HUD regulations, requirements or otherwise contrary to Federal, State, or Local law or to the PHA’s policies and procedures.

If the PHA determines that it is not bound by a hearing decision, the PHA shall promptly notify the participant of the determination, and the reasons for the determination.