

Housing Choice Voucher Program Participant Informal Hearing

A Housing Choice Voucher participant may appeal certain decisions made by GCHA in the administration of the program. The appeal process is found in federal regulations at 24 CFR 982.555. The CFR is available with any search engine using this citation.

Eligible Hearing Topics. GCHA will provide an Informal Hearing for the following types of determinations.

- A determination of the family's annual or adjusted income and the use of such income to compute the family's rental portion. If not previously reviewed by other agency staff.
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the utility allowance schedule.
- A determination of the unit size assigned to participants under GCHA's subsidy standards.
- A decision to terminate assistance because of the participant's actions or failure to act.
- A decision to terminate assistance because the participant has been absent from the assisted unit for longer than the period permitted under GCHA's policies.
- A decision to terminate assistance due to a family's violation of National Standards for the Physical Inspection of Real Estate (NSPIRE).
- A decision not to grant a reasonable accommodation request for a family member with a disability.
- A denial of a hardship exemption to the minimum rent requirement (24 CFR 5.630).

Ineligible Hearing Topics. GCHA will not provide an Informal Hearing for any of the following reasons.

- GCHA discretionary administrative determinations, general policy issues, or class grievances.
- Establishment of GCHA's subsidy standards and schedule of utility allowances.
- A determination not to approve an extension or suspension of a voucher term.

- A determination not to approve a unit or tenancy.
- Failure by the family to utilize the voucher prior to the expiration date.
- A determination that an assisted unit is not in compliance with the Housing Quality Standards.
- A determination that a unit is not in accordance with National Standards for the Physical Inspection of Real Estate because of the family size or composition.
- A determination to exercise or not to exercise any right or remedy against the owner under a Housing Assistance Payments contract.

Requesting an Informal Hearing. GCHA notifies a participant in writing when it takes an action against the family. The notice tells the family:

- what action was taken and includes any backup information
- If the participant has the right to request an Informal Hearing.

Participant completes and returns this Informal Hearing Request to GCHA postmarked or received by GCHA within ten (10) business days of the date of GCHA's notice.

The Informal Hearing Process. In some circumstances a meeting with the family will not be scheduled. Determinations of annual income if previously reviewed by another agency staff member, reviewing the appropriate utility allowance, appropriate unit size will be reviewed by additional agency staff to determine if any agency errors were made. If a meeting is required, GCHA will contact the family by writing with a hearing date and time within a reasonable time, ten (10) business days. The hearing may be rescheduled for good cause if requested at least one (1) business day prior to the hearing. Only one (1) rescheduled appointment will be allowed. Approval to reschedule the hearing and the good cause must be approved by the Informal Hearing Officer.

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A friend, lawyer, or helper(s) may assist the family at the hearing. Attorney fees or other expenses are at the family's expense.

Informal Hearing Documentation. Prior to the hearing, the family may review any GCHA records or documents the agency intends to present at the hearing. The participant **must provide GCHA with verifiable documents or records that clearly dispute, contradict or overturn GCHA's reason for the adverse action being taken against the family.**

This documentation must be provided no later than one (1) business day prior to the hearing appointment for review by GCHA and the Informal Hearing Officer. No unsubmitted or new documentation will be accepted into evidence by the Informal Hearing Officer at the hearing. At the hearing, the family may present oral objections to GCHA's decision, call any witnesses the family would like to support their position. The Informal Hearing Officer may consider evidence without regard to its admissibility under the rules of evidence applicable to judicial proceedings.

The purpose of the Informal Hearing is to determine if GCHA has the authority under a Federal Regulation, has cited that Regulation and has evidence whether actual or circumstantial to support the violation being cited in the termination of assistance letter. **The Family must be able to provide verifiable documentation or other evidence which clearly disputes, contradicts or overturns GCHA's position.**

The Informal Hearing Officer will provide a written decision within ten (10) business days, stating the reason for the decision. The Informal Hearing Officer will mail the decision to the family and to the agency.

Informal Hearing Officer. GCHA will select a knowledgeable person who has experience, training, and knowledge of the Federal Regulations to function as the Informal Hearing Officer. The person acting as the Informal Hearing Officer was not involved in making or approving the action determination, nor is the Informal Hearing Officer a subordinate of the person

who made or approved the decision being made by GCHA.

If the family has reason to believe the person acting as the Informal Hearing Officer has bias regarding the matter being decided, and can show just cause, the family may ask to have the hearing officer replaced.

Your Section 8 Benefits Pending Your Hearing

GCHA must give the family the opportunity for an Informal Hearing before it stops making payment to the landlord, provided the family receives assistance under a current HAP contract.

Outcome of Hearing. If the Informal Hearing Officer overturns the GCHA action, the assistance may continue uninterrupted. If the Informal Hearing Officer upholds the agency's action, the original contested notice remains in force.

Reasonable Accommodation. GCHA will provide reasonable accommodation to enable persons with disabilities to participate in the informal hearing process. Ask the staff at GCHA for information and assistance with this process.

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I certify mailing this document to _____, informing them of their due process rights and responsibilities regarding the Informal Hearing process.

Signature

Date

If the applicant wishes to request a Housing Choice Voucher Program Informal Hearing Review, please fill out this form and return it to GCHA within ten business days from the date above.

I do not agree with GCHA's decision because: _____

Signature

Date

Stamp date and time document was received by GCHA: