

CHAPTER 13 - Informal Reviews and Informal Hearings

LHA provides a copy of the Informal Review and Hearing procedures in the family briefing packet. When possible and allowed by regulation/law, LHA may conduct administrative reviews of informal hearing/review requests and provide alternate resolutions at its discretion before proceeding with the family's request for a review or hearing.

13.1 Informal Review Policy

Links: [24 CFR 982.554](#);

An applicant may request an informal review of the LHA's decision to deny the applicant's participation in the Housing Choice Voucher Program. Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance for citizen or eligible immigrant status, the applicant is entitled to an informal hearing.

An applicant may request an informal review if the applicant:

- Is denied listing on the waiting list or for a preference
- Is denied a voucher
- Is denied participation in the Program including portability

Informal reviews will not be granted to applicants who dispute:

- The unit size (number of bedrooms) stated on the voucher.
- A determination that a unit does not comply with Housing Quality Standards including space requirements.
- A determination that a proposed lease is unacceptable.
- A decision to not approve a request for an extension of the term of the voucher.
- General policy issues, class grievances, or discretionary administrative determinations.

When the LHA determines that an applicant is ineligible for the program LHA will notify the applicant of their ineligibility in writing. The notice will contain:

- Reason(s) the family is ineligible
- Procedure for requesting a review if the applicant does not agree with the decision
- Time limit for requesting a review: The applicant must submit the written request for an informal review within 15 calendar days of the date of the denial notice.
- If the request is not submitted timely, it will mean that the applicant waived his/her right to request an informal review.

Informal review requests must be made in writing within the 15 calendar days from the date of the LHA's Denial. The informal review will be conducted by a person or panel including other than the one who made the decision under review or a subordinate of this person. The applicant will be provided an opportunity to present written or oral objections to the decision of the LHA. The review decision will be

based only on evidence presented at the review by both parties. The LHA may provide additional time to produce required/requested documentation.

The person or panel conducting the informal review will make a recommendation to the LHA, but the LHA Executive Director is responsible for making the final decision as to whether admission should be granted or denied. If the informal review decision overturns the denial, processing for admission will resume.

If the family fails to appear for their informal review, the denial of admission will stand and the family will be so notified.

13.2 Informal Hearing Policy

Link: [24 CFR 982.555](#)

Informal hearings may be requested for the following reasons:

- Determination of the amount of the total tenant payment or tenant rent
- Determination of hardship regarding minimum rent
- Decision to terminate assistance
- Decision to deny a family move
- Appropriate utility allowance used from schedule
- Family unit size under LHA subsidy standards
- Termination of a family's FSS Contract, withholding supportive services, or proposing forfeiture of the family's escrow account

LHA is not required to provide an informal hearing in the following cases:

- Discretionary administrative determinations by LHA, or to consider general policy issues or class grievances
- Determination that the unit does not comply with LHA's Housing Quality Standards including space requirements for family size, that the owner failed to maintain the unit in a decent, safe, and sanitary manner in accordance with the Housing Quality Standards (HQS), (including all services, maintenance, and utilities required under the lease).
- Decision to exercise any remedy against the owner under an outstanding contract, including the termination of Housing Assistance Payments to the owner
- Decision not to approve a family's request for an extension of the term of the Voucher issued to an assisted family which wants to move to another dwelling unit with continued participation
- Establishment of LHA schedule of utility allowances for families in the program
- Disapproval of unit or lease

When the LHA determines that a participant should be terminated from the program, LHA will notify the participant of their proposed termination in writing. The notice will contain:

- Reason(s) for and timing of termination,

- The date the proposed action will take place
- Procedure for requesting a hearing if the participant does not agree with the decision

Time limit for requesting a hearing: The participant must submit the written request for an informal hearing within 15 calendar days of the date of the termination notice.

13.3 Conducting Informal Hearings

LHA hearings will be conducted by a single hearing officer or a panel. The Executive Director will appoint a person or panel who has/have been selected in the manner required under the hearings procedure.

Hearings may be attended by the following applicable persons:

- A LHA representative(s)
- Any witnesses for the LHA
- The participant
- Any witnesses for the participant
- The participant's counsel or other representative
 - If the participant is bringing legal counsel to the informal hearing, the participant must notify LHA at least 24 hours in advance of the hearing.
- Any other person approved by the LHA will be as a reasonable accommodation for a person with a disability.

Hearing Decision

In rendering a decision, the hearing officer/panel will consider the following matters:

- LHA Notice to the Family
- LHA Evidence to Support the LHA Decision
- Participant Presented Evidence
- Validity of Grounds for Program Termination

Invalid Decisions

When the LHA considers the decision of the hearing officer/panel to be invalid based on HUD regulations and LHA Policy, the Executive Director will send a notice to all parties attending the hearing that the decision is null and void. The notice will set a date and time for a new hearing.

Rights of the Applicant/Participant and LHA

The applicant/participant must appear in person at the review/hearing and may be represented by an attorney, or other representative, at his/her own expense. If the family is being represented by an attorney, the family must notify LHA of such 24 hours in advance of the review/hearing.

- The applicant/family and LHA have the right to present evidence, both oral and written.
- The applicant/family and LHA have the right to question any witnesses, and the right to state his/her case prior to the hearing officer's decision.

- The applicant/family has the right to arrange for an interpreter to attend the review/hearing, at his/her own expense.
- The applicant/family has the right to seek redress directly through judicial procedures of the court.

The applicant/family and LHA have the right to review any documents directly relevant to the review/hearing. Review of documents will take place at the LHA office. Copying of any documents will be at the expense of the requesting party at the then current OPRA rates. If the applicant/family or LHA does not make the document available for examination on the request of the other party, that document may not be relied on during the review/hearing.

Review/Hearing Process

The review/hearing will follow the following guidelines:

- The review will be conducted by any person or persons designated by LHA, other than a person who made or approved the decision under review or a subordinate of this person.
- All LHA Denial and Termination notices will advise the applicant/family of his/her right to a review/hearing and the process to request a review/hearing.
- The applicant/family must request the informal review/hearing in writing within the required time frame (15 calendar days after receipt of notice from the LHA).
- LHA will schedule the hearing within a reasonable timeframe, preferably before the effective termination date. If the hearing cannot be scheduled before the effective termination date, the effective termination date may be extended, based solely on the reason for the delay and at the sole discretion of LHA.
- The notification of hearing will contain:
 - Date and time of the hearing
 - Location where the hearing will be held
 - Family's right to bring evidence, witnesses, legal or other representation at the
 - Right to view any documents or evidence in the possession of LHA and upon which LHA based the proposed action and, at the family's expense, to obtain a copy (at the then current OPRA rates) of such documents prior to the hearing. Requests for such documents or evidence must be received no later than 5 business days before the hearing date.
 - Notice to the family that the LHA may request a copy of any documents or evidence the family will use at the hearing be provided to LHA by 12:00 p.m. 2 business days prior to the scheduled hearing date.
- If a family does not appear at a scheduled review/hearing and has not rescheduled the hearing in advance, the hearing officer will assume the family is no longer interested in the program and will uphold the denial/termination.
- The applicant/family will be given an opportunity to present written or oral objections to LHA's decision.

- LHA will notify the applicant/family of the LHA final decision within 10 calendar days after the informal review/hearing, including a brief statement of the reasons for the final decision.
- The Notice will contain the following information:
 - Applicant/family name
 - Applicant/family address
 - Date and time of review/hearing
 - Names of everyone in attendance at review/hearing
 - Final decision
 - Brief statement of the reason(s) for the final decision
 - HUD regulation for the denial/termination (if upholding the denial/termination)
 - Effective date of denial/termination (if applicable)
- A hearing decision letter will also be sent to the owner, stating whether the termination was upheld or overturned. The notice to the owner will contain the following information:
 - Family name
 - Unit address
 - Effective date of termination or
 - Effective date of re-instatement
- All requests for review, supporting documentation, and a copy of the final decision will be filed in the family's file.

Decisions Not Binding to LHA

LHA is not bound by a review/hearing decision on the following matters:

- A matter for which LHA is not required to provide an opportunity for an informal review/hearing or otherwise in excess of the LHA of the person conducting the review/hearing.
- A decision given contrary to HUD regulations, requirements, or otherwise contrary to Federal, State or Local law.

In the event that a review/hearing decision is not binding to LHA, the Executive Director or his/her designee will send a notice to all parties attending the review/hearing that the decision is null and void. The notice will set a date and time for a new hearing.

Hearing Provisions for Restrictions on Assistance to Non-Citizens

Assistance to the family will not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision of the USCIS appeal.

Assistance to a family will not be terminated or denied while the LHA hearing is pending; however, assistance to an applicant may be delayed pending the LHA hearing.