

Housing Choice Voucher Program Participant Informal Hearing



A Housing Choice Voucher participant may appeal certain decisions made by AHFC in the administration of the program. The appeal process is found in federal regulations at 24 CFR 982.555. The CFR is available at www.gpo.gov.

Eligible Hearing Topics. AHFC **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;
- 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 AHFC's subsidy standards;
- A decision to terminate assistance because of the participant's action 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 AHFC's policies;
- A decision to terminate assistance due to a family's violation of Housing Quality Standards (HQS);
- 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. AHFC **will not** provide an Informal Hearing for any of the following reasons.

- AHFC discretionary administrative determinations, general policy issues, or class grievances;
- Establishment of AHFC'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 Housing Quality Standards 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. AHFC 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 back-up information
- if the participant has the right to request an Informal Hearing.

Participant written requests for an Informal Hearing must be postmarked or received by AHFC within fifteen (15) business days of the date of the AHFC notice.

Prior to the hearing, AHFC will invite the family to a meeting called an "administrative review" to try to resolve the disagreement short of a hearing. The family may accept or decline the invitation. If the family is not satisfied with the outcome of this informal meeting, the family is still entitled to the hearing.

The Informal Hearing Process. AHFC will provide the family with a hearing within 30 calendar days of the family's request. The hearing may not be delayed unless approved for good cause by the PHD Director or designee.

A friend, lawyer, or helper(s) may assist the family at the hearing. Attorney fees or other expenses are at the family's expense. Prior to the hearing, the family may review any AHFC records in their file. AHFC possesses a similar right to examine documents the family plans to submit.



At the hearing, the family may present written or oral objections to AHFC's decision, call any witnesses the family would like, and give the hearing officer any documents the family thinks are relevant. The hearing officer may consider evidence without regard to its admissibility under the rules of evidence applicable to judicial proceedings.

The hearing officer will provide a written decision within ten (10) business days, stating the reasons for the decision. AHFC will promptly furnish the family with a copy of the finding.

Your Section 8 Benefits Pending Your Hearing. AHFC must give the family the opportunity for an Informal Hearing before it stops making payments

to the landlord, provided the family receives assistance under a current HAP Contract.

Outcome of Hearing. If the hearing officer overturns the AHFC action, the assistance may continue uninterrupted. If the hearing officer upholds the AHFC action, the original contested notice remains in force.

Reasonable Accommodation. AHFC will provide a reasonable accommodation to enable persons with disabilities to participate in the informal hearing process. Ask the local AHFC office for information and assistance with this process.

If the family wishes to request a Housing Choice Voucher Program Informal Hearing, please fill out this form and return it to AHFC in accordance with the deadlines described above.

Your Printed Name

Telephone Number

Mailing Address

- I would like to meet with AHFC at an Administrative Review
- I do not want to meet with AHFC at an Administrative Review; I just want an Informal Hearing.

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

Your Signature

Date