

# Exhibit 9-1

## Applicant Informal Review Process

Alaska Housing Finance Corporation's informal review process for applicants is described below. For the grievance hearing process for participants, see the Tenant Administrative Review Process exhibit.

U.S. Department of Housing and Urban Development regulations reference an "informal hearing" for applicants. For purposes of this policy, the applicant informal hearing is called the applicant informal review.

### 1. Applicant Denial Notice

#### HUD Regulation 24 CFR 880.603(b)

(2) If the owner determines that an applicant is ineligible on the basis of income or family composition, or because of failure to meet the disclosure and verification requirements for Social Security Numbers (as provided by 24 CFR part 5), or because of failure by an applicant to sign and submit consent forms for the obtaining of wage and claim information from State Wage Information Collection Agencies (as provided by 24 CFR parts 5 and 813), or that the owner is not selecting the applicant for other reasons, the owner will promptly notify the applicant in writing of the determination and its reasons, and that the applicant has the right to meet with the owner or managing agent in accordance with HUD requirements. Where the owner is a PHA, the applicant may request an informal hearing. If the PHA determines that the applicant is not eligible, the PHA will notify the applicant and inform the applicant that he or she has the right to request HUD review of the PHA's determination. The applicant may also exercise other rights if the applicant believes that he or she is being discriminated against on the basis of race, color, creed, religion, sex, or national origin.

#### AHFC Policy

See the Admission and Eligibility chapter for applicant eligibility determinations.

### 2. Informal Review Not Required

#### AHFC Policy

AHFC **will not** provide an Informal Review to applicants for decisions concerning:

1. Establishment of preferences;
2. Establishment of AHFC's occupancy standards or schedule of utility allowances;

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| 3. General policy issues, class grievances, or AHFC discretionary administrative determinations. |
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### 3. Process

AHFC will provide an Informal Review for actions which adversely affect an applicant's position on or eligibility for the waiting list or eligibility for program participation. Examples include:

- Removal of a preference;
- Assignment of a bedroom size to a family;
- Denial of an application due to family failure to meet screening criteria; or
- Withdrawal of an application from the waiting list for any reason other than failure to respond to a waiting list letter or returned mail.

#### 3.A Family Requirements

An applicant family interested in appealing an AHFC decision must:

- Submit their written request within ten (10) calendar days of the AHFC notice date.
- Notify AHFC if they plan to have legal representation at the informal review.
- Notify AHFC in advance of the informal review if they need a reasonable accommodation to allow a family member with a disability to participate in the informal review.

Upon receiving the applicant's timely request, AHFC will proceed with the informal review.

#### 3.B AHFC Requirements

AHFC will promptly schedule the informal review with a written notice containing:

- The date, time, and location of the informal review.
- A listing of the applicant's rights including:
  - The right to request documentation from their applicant file (a fee may apply. See the Information Requests exhibit).
  - The right to have any witnesses or present documentation in support of their position.
  - The right to request legal or personal representation. Any attorney fees or other costs are at the applicant's expense.

### **3.C Conducting the Review**

AHFC will conduct an informal review as follows.

- The review may be conducted in person or by telephone.
- The review may be conducted by any AHFC staff person, other than the person who made or approved the decision or a subordinate of the person who made the decision.
- The person conducting the review shall notify the applicant, in writing, of AHFC's final decision within ten (10) business days of the Informal Review. The notification will include a brief statement of the reasons for the decision.

## **4. Informal Review Outcomes**

AHFC may choose to uphold the original decision or overturn that decision.

### **4.A Uphold the Decision**

- If the family was in the eligibility process, was not determined ineligible, and the decision is upheld, AHFC will apply the decision and rank the family appropriately on the waiting list.
- If the family was in the eligibility process and was determined ineligible, then the action stated in the Ineligibility Notice will be followed.

### **4.B Overturn the Decision**

If a decision is made to overturn an application withdrawal, AHFC will reinstate the application with the original date and time on the appropriate waiting list.

If the family was in the eligibility process, the disputed information is updated, and the application is reinstated to the waiting list with the original date and time of the application. AHFC will immediately resume the eligibility process.

## **5. Definitions**

### **HUD Regulations 24 CFR 5.100 and 5.403**

Definitions.

### **5.A Admission**

The point when the family becomes a participant in the program. The date used for this purpose is the effective date of the first lease agreement for a family (first day of initial lease term).

### **5.B Applicant**

An applicant means a person or a family that has applied for housing assistance.

### **5.C Family**

Family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
- (2) A group of persons residing together, and such group includes, but is not limited to:
  - (i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
  - (ii) An elderly family;
  - (iii) A near-elderly family;
  - (iv) A disabled family;
  - (v) A displaced family; and
  - (vi) The remaining member of a tenant family.

### **5.D Guest**

Guest, only for purposes of 24 CFR part 5, subparts A and I, and parts 882, 960, 966, and 982, means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The requirements of parts 966 and 982 apply to a guest as so defined.

### **5.E Household**

Household, for purposes of 24 CFR part 5, subpart I, and parts, 960, 966, 882, and 982, means the family and PHA-approved live-in aide.

### **5.F Other Person under the Tenant's Control**

Other person under the tenant's control, for the purposes of the definition of covered person and for parts 5, 882, 966, and 982 means that the person, although not staying as a guest (as defined in this section) in the unit, is, or was at the time of the activity in question, on the premises (as premises is defined in this section) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control.

## **Numbered Memo**

21-21 Grievance Policy and Procedures