

# **Exhibit I-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 882.514(f)**

Families determined by the PHA to be ineligible.

If a Family is determined to be ineligible in accordance with the PHA's HUD-approved application, either at the application stage or after assistance has been provided on behalf of the Family, the PHA shall promptly notify the Family by letter of the determination and the reasons for it and the letter shall state that the Family has the right within a reasonable time (specified in the letter) to request an informal hearing. If, after conducting such an informal hearing, the PHA determines, based on a preponderance of the evidence, that the Family is ineligible, it shall notify the Family in writing. The procedures of this paragraph do not preclude the Family from exercising its other rights if it believes it is being discriminated against on the basis of race, color, religion, sex, age, handicap, familial status, or national origin.

#### **AHFC Policy**

See the Admission and Eligibility chapter for applicant eligibility determinations.

### **2. Informal Review Not Required**

#### **AHFC Policy**

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

1. Establishment of preferences;
2. Establishment of NWA's occupancy standards;
3. Establishment of AHFC's subsidy standards or schedule of utility allowances;
4. General policy issues, class grievances, or discretionary administrative determinations by NWA or AHFC.

### **3. Process**

NWA 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 returned mail.

#### **3.A Family Requirements**

An applicant family interested in appealing an NWA decision must:

- Submit their written request within deadline of the NWA notice date.
- Notify NWA if they plan to have legal representation at the informal review.
- Notify NWA 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, NWA will proceed with the informal review.

#### **3.B NWA Requirements**

NWA 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.
- The person conducting the review shall notify the applicant, in writing, of NWA'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.

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

NWA will conduct an informal review as follows.

- The review may be conducted in person or by telephone.
- The review may be conducted by any NWA 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 NWA'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.

NWA will specify any additional procedures for conducting an Informal Review.

## **4. Informal Review Outcomes**

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

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

- If a decision is made to uphold an application withdrawal, waiting list withdrawal, or program ineligibility notice, the decision will be filed with the application.
- If the family was in the eligibility process, was not determined ineligible, and the decision is upheld, NWA 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, NWA 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. NWA will immediately resume the eligibility process.

## **5. Definitions**

<b>HUD Regulation 24 CFR 5.100 and 5.403</b>
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Definitions.
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### **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**

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