

# Exhibit 9-1

## Applicant Informal Review Process

Regulations for the Informal Review are at 24 CFR 982.554. 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 subsidy level to a family;
- Denial of an application due to family failure to meet any screening criteria; and
- Withdrawal of an application from the waiting list for any reason other than failure to respond to a waiting list letter or returned mail.

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

- Establishment of preferences;
- Establishment of the AHFC subsidy standards or schedule of utility allowances;
- A determination not to approve an extension or suspension of a voucher term;
- An administrative decision to deny tenancy in a particular unit;
- A determination that the unit selected by the family does not comply with HQS because of the family size or composition;
- A determination that a unit selected by the family does not comply with Housing Quality Standards (HQS); or
- Discretionary administrative determinations by AHFC, general policy issues, or class grievances.

### 9-1.1 APPLICANT NOTIFICATION

AHFC will provide prompt notification to an applicant regarding any decision to deny assistance. The notice will contain the following information:

- A brief statement of the reasons for the decision. If the denial is based on a criminal record screening, a copy of the criminal record is included.
- A statement that the family may request an Informal Review.
- A description of how to obtain an Informal Review.
- A copy of the *Applicant Informal Review*, form V702.

### 9-1.2 APPLICANT INFORMAL REVIEW (FORM V702)

This form contains Informal Review procedures as well as a request form an applicant can use. The Informal Review procedures state:

- The applicant's written request must be postmarked or received by AHFC within ten (10) calendar days of the notice date.
- The applicant's rights during the Informal Review process.

- Possible outcomes of the Informal Review.
- How the applicant can request a reasonable accommodation to participate in the process.

Upon receiving the applicant's request, AHFC will proceed with the informal review as described below.

### **9-1.3 CONDUCTING THE INFORMAL REVIEW**

AHFC will conduct an informal review as follows.

1. Field staff will contact the applicant within ten (10) calendar days to schedule the review.
2. The review will be scheduled within 30 calendar days of the request. The review may not be delayed unless approved for good cause by the PHD Director or designee.
3. The review may be conducted in person or by telephone.
4. 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.
5. The applicant may ask someone to assist him/her at the review. Any attorney fees or other costs are at the applicant's expense.
6. Applicants may review AHFC records prior to the review. Document copies are at the applicant's expense. See Exhibit 1-3 for exceptions.
7. The applicant will be given an opportunity to present written or oral objections to AHFC's position, call any witnesses she/he thinks are relevant, and present any documents she/he thinks support her/his position.
8. 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.

### **9-1.4 INFORMAL REVIEW OUTCOMES**

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

#### **9-1.4.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. Staff will follow the procedures in Appendix 3 to archive the application.

If the family was in the eligibility process, was not determined ineligible, and the decision is upheld, staff 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 staff will follow the instructions in the paragraph above.

#### **9-1.4.B Overturn the Decision**

If a decision is made to overturn an application withdrawal, staff 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. Staff will immediately resume the eligibility process. The applicant will not have to wait until the next waiting list pull. Staff must annotate the waiting list to document the applicant's continued processing.

#### **Forms**

V702 Applicant Informal Review

#### **Administrative Desk Manual**

None