

## **Exhibit 9-2**

### **Tenant Administrative Review Process**

AHFC **will** provide a tenant an opportunity for an Administrative Review to consider whether the following decisions relating to the individual circumstances of a tenant are in accordance with the law, HUD regulations, and AHFC policies:

- A dispute over any AHFC action or inaction involving the tenant's lease which adversely affects the individual family's rights, duties, welfare, or status;
- A determination of the tenant's annual or adjusted income and the use of such income to compute the tenant's rental portion;
- A determination of the appropriate utility allowance (if any) for the tenant-paid utilities from the utility allowance schedule;
- A determination of the unit size assigned to tenants under AHFC's occupancy standards;
- A determination of the disposition of the tenant's security deposit (24 CFR 880.608); and
- A decision to terminate assistance because of the tenant's action or failure to act.

AHFC **will not** provide a tenant with an Administrative Review for any of the following reasons:

- AHFC discretionary administrative determinations, general policy issues, or class grievances;
- Establishment of AHFC occupancy standards and schedule of utility allowances;
- Any disputes between tenants not involving AHFC;
- Complaints about problems suffered by other tenants - each tenant must report his or her own grievances;
- A forum for initiating or negotiating policy changes between a group or groups of tenants and AHFC;
- Failure of a tenant to request timely an Administrative Review.

#### **9-2.1 HUD DUE PROCESS DETERMINATION**

HUD has determined that Alaska law governing a Forcible Entry and Detainer (FED) action requires a pre-eviction hearing. That hearing meets all elements of HUD's regulatory due process definition. The basis for this determination is directive number GCH-0089, dated November 1, 1993. As a consequence of the HUD determination, AHFC may choose to not grant an Administrative Review for:

- Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of AHFC;
- Any violent or drug-related criminal activity on or off the property.

Grievances related to complaints about operational matters will be referred to the respective property manager where the complainant resides. Grievances involving complaints related to discrimination, harassment, or disability rights will be referred to the AHFC Section 504/ADA Compliance Officer.

### **9-2.2 CONTINUED ASSISTANCE DURING THE ADMINISTRATIVE REVIEW PROCESS**

If a tenant is eligible to participate in the Administrative Review process, AHFC will not move forward with a termination action until the tenant has completed the process.

AHFC may make changes in tenant rent or deny a transfer for a family that wants to move while the grievance process is pending.

### **9-2.3 TENANT NOTIFICATION**

AHFC will provide prompt notice of any decision to terminate a tenancy, re-determine the tenant's rent, or deny assistance. Any such notice will contain the following information:

- A brief statement of the reasons for the decision. If a denial is due to criminal screening, a copy of the criminal record is included.
- If eligible, a statement that the tenant may request an Administrative Review if they disagree with the decision.
- A statement that the tenant's written request must occur by the deadline stated in the notice.
- A statement that if the tenant fails to request the grievance procedure by the deadline, AHFC will continue with the action against them and the tenant has the right to contest the action in court.
- A copy of the *Section 8 New Multifamily Housing Tenant Administrative Review*, form SN516.

### **9-2.4 TENANT ADMINISTRATIVE REVIEW (FORM SN516)**

This form contains Administrative Review procedures as well as a request form a tenant can use. The form states:

- The tenant's written request must be postmarked or received by AHFC within ten (10) calendar days from the notice date.
- The tenant's rights during the process.
- Possible outcomes of the Administrative Review.
- How the tenant can request a reasonable accommodation to participate in the process.

Upon receiving the tenant's request, AHFC will proceed with the Administrative Review as described below.

## **9-2.5 CONDUCTING THE ADMINISTRATIVE REVIEW**

This is a meeting to enable the tenant to discuss the reasons for the AHFC notice and possible solutions to resolve the dispute. The person conducting the Administrative Review is typically the property manager or their supervisor.

1. Field staff will contact the tenant within ten (10) calendar days to schedule the review. The review will be scheduled as quickly as possible.
2. The Review may be conducted by telephone or in person.
3. The Review may be conducted by any AHFC staff person. The rules governing who may conduct the applicant "Informal Review" do not apply.
4. The tenant may ask someone to assist him/her at the Review. Any attorney fees or other costs are at the tenant's expense.
5. Tenants may review AHFC records at the meeting. Document copies are at the tenant's expense. See Exhibit 1-3 for exceptions.
6. The tenant 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.
7. AHFC field staff will prepare evidence for the Review.
8. Both parties may present additional evidence at the Review.

### **9-2.5.A Rights of the Tenant**

Prior to the review, the tenant will be given the opportunity to examine any AHFC documents that are directly relevant to the review.

- The tenant may copy any such document at the tenant's expense. The term "document" includes records and regulations. Refer to Exhibit 1-3 for Documentation Fee guidelines.
- At the tenant's own expense, a lawyer or other representative may represent the tenant.
- The tenant will be given the opportunity to present evidence, present objections, and may question any witness. Evidence may be considered without regard to admissibility.
- The tenant will be provided a written decision within ten (10) business days following the completion of the review stating the reasons for the decision.

### **9-2.5.B Administrative Review Decision**

The person conducting the review will prepare and issue a written summary of the review within ten (10) business days. The summary will include:

- The names of all the persons present;
- The date of the review;
- A brief discussion of the outcome and the reasons for such outcome.

### **9-2.5.C Notification to Tenant**

Staff will complete the *Administrative Review Result* (form SN528). The letter tells the tenant how the review decision affects their lease agreement, account balances, and occupancy of the unit. Staff will:

1. Call the client three calendar days after staff receipt (or mailing) of the decision to discuss the decision with the tenant. The delay gives time for the tenant to receive the decision in the mail.
2. If the decision was for termination and upheld, confirm that the tenant must vacate the unit or staff will proceed with an eviction action.
3. Staff will allow five calendar days for the tenant to vacate the unit. Staff may allow additional time for a tenant to vacate before beginning the eviction process, but no more than seven (7) calendar days.
4. Mail the tenant the *Administrative Review Result* with the moving deadlines specified in the letter.