



FAIRFIELD HOUSING AUTHORITY INFORMAL HEARING PROCEDURES FOR HOUSING CHOICE VOUCHER PARTICIPANTS

Federal regulations require Housing Authorities (PHAs) to offer Informal Hearings for certain Housing Authority determinations "relating to individual circumstances of a participant family". Hearings are held to consider whether the PHA's decisions are in compliance with the law, HUD regulations and PHA policies.

Reasons for Informal Hearings

1. A determination of the family's income.
2. A determination of the appropriate utility allowance (if any) for tenant paid utilities from the PHA Utility Allowance Schedule.
3. A determination of the family unit size for the family under the PHA subsidy standards.
4. A determination that a certificate program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the PHA subsidy standards, or the PHA determination to deny the family's request for exception from the standards.
5. A determination to terminate assistance for a participant family because of the family's action or failure to act.
6. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules.
7. A determination to terminate a family's Family Self Sufficiency contract, withhold supportive services, or propose forfeiture of the family's escrow account.

How to Obtain a Hearing

The Family must submit a written request to the PHA office and state the reason the Hearing is desired. Once scheduled, the family must request in writing to reschedule the hearing which will only be approved for good cause.

Please Note: A scheduled hearing will proceed even if the family does not attend.

Preponderance of Evidence

According to HUD regulations, the PHA may terminate assistance for criminal activity by a household member as authorized in this section if the PHA determines, based on a preponderance of the evidence, that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted for such activity.

Admissibility of Evidence

Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. The PHA and Family may question any witnesses. The Family may, at their personal expense, be represented by a lawyer or other representative of their choice.

Discovery

The family and the Housing Authority must be given an opportunity to examine all relevant documents that are going to be used during the Hearing. The PHA must allow the family time to examine documents prior to the hearing and the family must provide copies of their supporting documents no later than 48 hours prior to the scheduled hearing. If the documents are not made available for examination they cannot be used at the Hearing.

Informal Hearing Decision

The PHA is not bound by the decision of the hearing officer for matters in which the PHA is not required to provide an opportunity for a hearing, decisions that conflict with or contradict HUD regulations, requirements, or are otherwise contrary to Federal, State, or local laws. If the PHA determines that it is not bound by the hearing officer's decision in accordance with HUD regulations, the PHA must promptly notify the Family of the determination and the reason for the determination.

Sensitive information is often discussed during an informal hearing. Please do not bring your minor children unless requested to do so.

