

HOUSING AUTHORITY OF THE COUNTY OF DAUPHIN

INFORMAL HEARING PROCEDURE FOR  
PARTICIPANTS IN THE SECTION 8 PROGRAM

I. PURPOSE AND SCOPE

Participants in the Section 8 Housing Program will be given an opportunity for an informal hearing to consider whether decisions relating to the individual circumstances of the family are in accordance with law, HUD regulations and Housing Authority rules, in the following cases:

- A. A determination of the amount of the Total Tenant Payment or Tenant Rent (not including determination of the Housing Authority's Schedule of Utility Allowances for Families in the Housing Authority's Section 8 Program).
- B. A decision to deny or terminate assistance on behalf of the participant.
- C. A determination that participant family is residing in a unit with a larger number of bedrooms than appropriate under the Housing Authority's standards, and the Housing Authority's determination to deny the family's request for an exception from the standards.
- D. In the case of an assisted family which wants to move to another dwelling unit with continued participation in the Housing Authority's Program, a determination of the number of bedrooms entered on the Certificate under the standards established by the Housing Authority.

The Housing Authority is not required to provide for an informal hearing "to review discretionary administrative determinations by the Housing Authority, or to consider general policy issued or class grievances."

II. PROCEDURES TO REQUEST AN INFORMAL HEARING

A participant who receives a notification from the Housing Authority regarding B or C stated under "Purpose and Scope" above and who disagrees with the decision, may request an informal hearing on the decision. Such requests must be made in writing within ten (10) days from the date that the participant receives such notification.

When the Housing Authority determines the amount of Total Tenant Payment or Tenant Rent or determines the number of bedrooms entered on the Certificate of an assisted family which wants to move to another dwelling unit, the Housing Authority will notify the participant that the participant may ask for an explanation of the basis of the Housing Authority's determination. If the participant does not agree with the determination, the participant may request, in writing within ten (10) days from the date that the participant receives such notification, an informal hearing on the decision.

In all cases in which an informal hearing is requested and the participant is entitled to such a hearing, the Housing Authority will proceed with the hearing in a reasonable expeditious manner upon the request of the participant.

III. CONDUCT OF THE HEARING

- A. The hearing will be conducted by a person or persons who is/are designated by the Executive Director of the Housing Authority, who did not make or approve the decision under review and who is/are not a subordinate of such person.

- B. The participant may, at his/her own expense, be represented by a lawyer or other representative.
- C. The person who conducts the hearing will regulate the conduct of the hearing in accordance with these hearing procedures.
- D. The Housing Authority and the participant will be given the opportunity to present evidence and may be considered without regard to admissibility under the rules of evidence to judicial proceedings.

IV. HEARING DECISIONS

The person who conducts the hearing shall issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the participant shall be based on the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the participant.

V. IMPLEMENTATION OF HEARING DECISION

- A. If the result of the informal hearing is contrary to prior determination(s) of the Housing Authority Section 8 representative, then the appropriate changes will be made in the participant's file and then routine procedures will be followed.
- B. If the result of the informal hearing sustains the prior determination(s) by the Housing Authority Section 8 representative, then routine procedures will be followed under current HUD regulations to complete the actions required under the original determination.

VI. CASES IN WHICH THE HOUSING AUTHORITY IS NOT BOUND BY HEARING DECISION

- A. The Housing Authority is not bound by a hearing decision: (1) concerning a matter for which the Housing Authority is not required to provide an opportunity for an informal hearing, or otherwise in excess of the authority of the person conducting the hearing under the Housing Authority hearing procedures; or (2) contrary to HUD regulations or requirements, or otherwise contrary to Federal, State or local law.
- B. If the Housing Authority determines that it is not bound by a hearing decision, the Housing Authority shall promptly notify the participant of the determination and of the reason(s) for the determination.

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*My signature above indicates that I have read (or) have been briefed on the content of this document*