INFORMAL HEARINGS FOR PARTICIPANTS
[24 CFR 982.555]

Public Housing Agencies (PHA’s) must offer an informal hearing for certain PHA determinations relating to the individual circumstances of a participant family. A participant is defined as a family that has been admitted to the PHA’s Housing Choice Voucher programming and is currently assisted in the program. The purpose of the informal hearing is to consider whether the PHA’s decisions related to the family’s circumstances are in accordance with the law, HUD regulations, and PHA policies.

A request for an informal hearing must be made in writing and delivered to the PHA either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the PHA’s decision or notice to terminate assistance.

The PHA must schedule and send written notice of the informal hearing to the family within 10 business days of the family’s request.

The family may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, the PHA may request documentation of the “good cause” prior to rescheduling the hearing.

If the family does not appear within 20 minutes of the scheduled time and was unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact the PHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The PHA will reschedule the hearing only if the family can show good cause for the failure to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

Participants and the PHA are permitted pre-hearing discovery rights. The family must be given the opportunity to examine before the hearing any PHA documents that are directly relevant to the hearing. The family must be allowed to copy any such documents at their own expense. If the PHA does not make the document available for examination on request of the family, the PHA may not rely on the document at the hearing.

The PHA hearing procedures may provide that the PHA must be given the opportunity to examine at the PHA offices before the hearing, any family documents that are directly relevant to
the hearing. The PHA must be allowed to copy any such document at the PHA’s expense. If the family does not make the document available for examination on request of the PHA, the family may not rely on the document at the hearing.

At its own expenses, the family may be represented by a lawyer or other representative at the informal hearing.

Informal hearings will be conducted by a person or persons approved by the PHA, other than the person who made or approved the decision or a subordinate of the person who made or approved the decision.

The person who conducts the hearing will issue a written decision, stating briefly the reason for the decision, to the family and the PHA no later than 10 business days after the hearing.

Albemarle County Office of Housing is not bound by a hearing decision concerning:

1. A matter of which Albemarle County Office of Housing is not required to provide for an informal hearing
2. Decisions which conflict with or contradict HUD regulations or requirements
3. Decisions which conflicts with contradict Federal, State or Local laws
4. Decisions which exceed the authority of the persons conducting the hearing

If Albemarle County Office of Housing should determine it is not in bound by such a hearing decision, it will promptly notify the family of the decision in writing and of the reasons for the determination.