



INFORMAL HEARING

(See Title 24 Code of Federal Regulations 982.555 Informal Hearing for Participants)

Participants will be afforded the opportunity for an informal hearing to consider whether the following Local Administrator decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and LA policies:

- 1) A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment;
- 2) A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the LA utility allowance schedule;
- 3) A determination of the family unit size under the LA subsidy standards;
- 4) A determination to terminate assistance for a participant family because of the family's action or failure to act;
- 5) A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the LA policy and HUD rules.

In cases described in paragraphs 4) and 5) above, the Local Administrator will give the opportunity for an informal hearing before the LA terminates housing assistance payments for the family under an outstanding HAP contract.

In the cases described in paragraphs 4) and 5) above, the Local Administrator will notify the family that the family may ask for an explanation of the basis of the LA's determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.

In the cases described in paragraph 4) and 5) above, the Local Administrator will give the family prompt written notice will contain a brief statement of the reasons for the decision; and state that if the family does not agree with the decision, the family may request an informal hearing on the decision within ten (10) business days of the notification. The LA will proceed with the hearing in a reasonably expeditious manner upon the request of the family.

When applicants are denied placement on the waiting list, or participants are being terminated from the CVR New York, Westchester Housing Choice Voucher Program, the presence of a disability may be considered as a mitigation circumstance during the informal review process.

The local Administrator and participants will adhere to the following procedures:

1) Discovery

- a. The family will be given the opportunity to examine before the hearing any LA documents that are directly relevant to the hearing. The family will be allowed to copy any such documents at the family's expense. If the LA does not make the document(s) available for examination on request of the family, the LA may not rely on the document at the hearing.
- b. The LA will be given the opportunity to examine, at the LA's office before the hearing, any family documents that are directly relevant to the hearing. The LA will be allowed to copy any such document at the LA's expense. If the family does not make the document(s) available for examination on request of the LA, the family may not rely on the document(s) at the hearing.

2) Representation of the Family

At its own expense, a lawyer or other representative may represent the family. If you cannot afford an attorney, you may be able to get legal help by contacting: Legal Services of the Hudson Valley, 90 Maple Ave., White Plains, NY 10601 (1-877-574-8529)

3) Hearing Officer

- a. The hearing will be conducted by any person or persons designated by the LA, other than a person who made or approved the decision under review or a subordinate of this person

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- b. The person who conducts the hearing will regulate the conduct of the hearing in accordance with the LA hearing procedure

4) Evidence

The LA and the family must have the opportunity to present evidence and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

5) Issuance of Decision

The person who conducts the hearing must issue a written decision within fourteen (14) calendar days from the date of the hearing, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing.

6) Effect of the Decision

The LA is not bound by a hearing decision:

- a. Concerning a matter for which the LA is not required to provide an opportunity for an informal hearing under this Section, or that otherwise exceeds the authority of the persons conduction the hearing under the LA hearing procedures:
- b. Contrary to HUD regulations or requirements, or otherwise contrary to Federal State or local law.

- 7) If the LA determines that it is not bound by a hearing decision, the LA will notify the family within 14 calendar days of the determination, and of the reasons for the determination.

Violence Against Women Act of 2005 (VAWA)

We would like to inform you of your rights under the Violence Against Women Act of 2005 (VAWA) that provides in part that criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenants household or any guest or other person under the tenants control, shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenants family is the victim or threatened victim of that abuse. The law also provides that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease by the victim or threatened victim of that violence and will not be "good cause" for termination of the assistance, tenancy, or occupancy rights of a victim of such violence. If you feel that you are eligible for consideration under VAWA, kindly complete HUD form 50066, Certification of Domestic Violence, Dating Violence, or Stalking, and submit within 14 business days from the date of the accompanying notice. This certification form was provided in the initial briefing packet and you may pick up a copy at our office or advise us of a safe address where one may be forwarded to you.

When a Hearing is Not Required

Informal Hearings are not required for the following Local Administrators determinations:

- 1) Discretionary administrative determinations by the LA;
- 2) General policy issues or class grievances;
- 3) Establishment of the LA schedule of utility allowances;
- 4) LA determination not to approve an extension or suspension of a certificate or voucher term;
- 5) LA determination not to approve a unit or lease;
- 6) LA determination that an assisted unit is not in compliance with HQS. (However, the LA will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family);
- 7) LA determination that the unit is not in accordance with HQS because of the family size;
- 8) A determination by the LA to exercise or not exercise any right or remedy against the owner under a HAP Contract.

HOH Name		Log #	
Signature		Date	