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Title: Resolution to Amend the Administrative Plan Regarding Chapter 16: Program Administration Part III: Informal Reviews and Hearings

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Resolution to Amend the Administrative Plan Regarding Chapter 16: Program Administration Part III: Informal Reviews and Hearings

The Ann Arbor Housing Commission's Housing Choice Voucher Administrative Plan details its policies and procedures for the management of its Housing Choice Voucher (HCV) Program. The AAHC periodically revises the Plan to reflect changes in HUD policies and changes in AAHC policies. Staff recommend that the AAHC Board add language to administrative plan to make it clear that applicants and participants who voluntarily withdraw from housing choice voucher programs are not entitled to an informal review or informal hearing. Applicants and participants would continue to have the right for an informal review and informal hearing when the AAHC initiates the denial of assistance or termination, as required under federal regulations.

Proposed Change 1: 16-III.B. Informal Reviews For Applicants

Decisions Subject to Informal Review

The PHA must give an applicant the opportunity for an informal review of a decision denying assistance [24 CFR 982.554(a)]. Denial of assistance may include any or all of the following [24 CFR 982.552(a)(2)]:

- Denying listing on the PHA waiting list
- Denying or withdrawing a voucher
- Refusing to enter into a HAP contract or approve a lease
- Refusing to process or provide assistance under portability procedures

Current PHA Policy

The PHA will only offer an informal review to applicants for whom assistance is being denied. Denial of assistance includes: denying listing on the PHA waiting list; denying or withdrawing a voucher; refusing to enter into a HAP contract or approve a lease; refusing to process or provide assistance under portability procedures.

Informal review will not be offered to applicants for disputes beyond 30 days of the reason for denial.

Proposed additional language:

When a program applicant self-terminates or withdraws, the PHA's policies for informal reviews are not applicable. Participants are only eligible to request an informal review to dispute an action taken by the PHA. The rules for informal reviews do not apply to a participant initiated self-termination, because the PHA did not take action to deny or terminate participation in the program when the participant self-terminates.

Proposed Change 2: 16-III.C. Informal Hearings For Participants

PHAs 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 HCV program 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.

The PHA is not permitted to terminate a family's assistance until the time allowed for the family to request an informal hearing has elapsed, and any requested hearing has been completed. Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP contract or approve a lease
- Terminating housing assistance payments under an outstanding HAP contract
- Refusing to process or provide assistance under portability procedures

Decisions Subject to Informal Hearing

Circumstances for which the PHA must give a participant family an opportunity for an informal hearing are as follows:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule
- A determination of the family unit size under the PHA's subsidy standards
- 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's subsidy standards, or the PHA determination to deny the family's request for exception from the standards
- A determination to terminate assistance for a participant family because of the family's actions or failure to act
- A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD

rules

- A determination to terminate a family's Family Self Sufficiency contract, withhold supportive services, or propose forfeiture of the family's escrow account [24 CFR 984.303(i)]

Circumstances for which an informal hearing is not required are as follows:

- Discretionary administrative determinations by the PHA
- General policy issues or class grievances
- Establishment of the PHA schedule of utility allowances for families in the program
- A PHA determination not to approve an extension or suspension of a voucher term
- A PHA determination not to approve a unit or tenancy
- A PHA determination that a unit selected by the applicant is not in compliance with the HQS
- A PHA determination that the unit is not in accordance with HQS because of family size
- A determination by the PHA to exercise or not to exercise any right or remedy against an owner under a HAP contract

Current PHA Policy

The PHA will only offer participants the opportunity for an informal hearing when required to by the regulations.

Informal review (including file review) will not be offered to participants for disputes beyond one year of the reason for termination or any decision subject to formal hearing.

Proposed additional language

When a program participant self-terminates, the PHA's policies for appeals and hearings are not applicable. Participants are only eligible to request a hearing to dispute an action taken by the PHA. The rules for hearings do not apply to a participant initiated self-termination, because the PHA did not take action to terminate participation in the program when the participant self-terminates.

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WHEREAS, The Ann Arbor Housing Commission's Housing Choice Voucher Administrative Plan details its policies and procedures for the management of its Housing Choice Voucher (HCV) Program; and

WHEREAS, Federal regulations require a PHA to give an applicant the opportunity for an informal review for denying or withdrawing a voucher as defined by the regulations; and

WHEREAS, Federal regulations require a PHA to give a program participant the opportunity for an informal hearing for terminating a voucher as defined by the regulations; and

WHEREAS, Applicants and participants may withdraw their applications or withdraw from the program voluntarily and the AAHC recommends that language should be added to the Administrative Plan to clarify that informal reviews and informal hearings only apply to terminations and withdrawals initiated by the AAHC; and

RESOLVED, that the Board of the Ann Arbor Housing Commission approve the revisions to Chapter 16 related to Informal Reviews and Informal Hearings in the Administrative Plan as described in the memorandum above to takes effect immediately.