

ADMINISTRATIVE HEARING PROCEDURE

Upon filing of a written request as provided herein, a complainant shall be entitled to a hearing before a hearing officer if the matter cannot otherwise be settled amicably.

1. RIGHT TO A HEARING

- A. Complainant is defined as any Housing Choice Voucher (HCV)/Section 8 participant who disagrees with one or more of the following:
 - a. Determination of annual or adjusted income to compute Housing Assistance Payments (HAP).
 - b. Determination of appropriate utility allowance for tenant-paid utilities from the Housing Authority (HA) utility allowance schedule.
 - c. Determination of family size under the HA subsidy standards.
 - d. Determination that an HCV/Section 8 family is over-housed or determination that the family is denied an exception to the subsidy standards.
 - e. Determination to terminate assistance for participant family because of family's action or failure to act.
 - f. Determination to terminate assistance because a participant family or family member(s) have been absent from the assisted unit for longer than HUD rules or HA policy allow.
- B. Hearing officer is defined as a person or persons designated by Greene Metropolitan Housing Authority (GMHA), other than a person who made or approved the decision under review or a subordinate of such person. The hearing officer may regulate the conduct of the hearing within HA hearing procedures.

2. PROCEDURE PRIOR TO A HEARING

- A. The complainant must submit a written request to GMHA for an informal hearing within ten (10) days of the date of notification that assistance is to be reduced or terminated.
- B. Upon receipt of the complainant's written request for an informal hearing, a hearing officer will be selected and the complainant will be notified of the hearing date which will be set at a time convenient to all parties.
- C. Prior to the hearing, the family has the opportunity to examine and copy, at the family's expense, documents directly relevant to the hearing, including records and regulations.
- D. Prior to the hearing, GMHA must be allowed to copy, at GMHA's expense, family documents/evidence. If the family does not make the documents available, the family may not rely on the documents at the hearing.
- E. If the complainant does not request a hearing within the time period allowed, he/she waives his/her right to the hearing, unless good cause can be shown to the hearing officer. This shall not, however, constitute a waiver of the complainant's right to contest GMHA's disposition of the complaint in an appropriate judicial proceeding.

3. THE HEARING

- A. The family shall be entitled to a fair hearing before a hearing officer and may be represented by counsel or a representative, at their own expense.
- B. Both the family and GMHA have the opportunity to present evidence and question all witnesses. The family or its counsel/representative must also be given an opportunity to present testimony and evidence in its favor.
- C. If a complainant or GMHA fails to appear at a hearing, without prior notice, the hearing officer may postpone the hearing for up to and including five (5) working days, or may make a determination that the party has waived his/her right to the hearing. Such a determination shall not constitute a waiver of complainant's right thereafter to contest GMHA's disposition of the complaint in an appropriate judicial proceeding.
- D. At the hearing, the complainant must show entitlement to the relief sought. The burden of proof is then on GMHA to justify the action or failure to act. GMHA may confront and cross-examine all witnesses on whose testimony or information GMHA relies to support their position.
- E. The hearing officer shall require GMHA, the complainant, counsel and other participants to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the participant in granting or denial of the appropriate relief.

4. DECISION OF THE HEARING OFFICER

- A. The hearing officer shall prepare a written decision, including a statement of findings and conclusions, based solely on evidence provided at the hearing.
- B. Copies of the written decision shall be mailed to the family and/or their representatives within a reasonable time [fourteen (14) working days] and a copy shall also be placed in the tenant's/complainant's file.
- C. Any judicial decision or related settlement pertaining to the decision of the hearing officer shall be maintained in the tenant/complainant's file.
- D. If the decision is in favor of the complainant, GMHA shall promptly take all actions necessary to carry out such decision or refrain from any action prohibited by such decision.
- E. If the decision is in favor of GMHA or denies any or all the relief requested by the complainant, such decision shall not constitute a waiver of, nor affect in any manner whatsoever, any rights of the complainant to a judicial proceeding through an Ohio court of law.

Warning: Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government. HUD, the PHA and any owner (or any employee of HUD, the PHA or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form. Use of the information collected based on this verification form is restricted to the purposes cited above. Any person who knowingly or willfully requests, obtains or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the PHA or the owner responsible for the unauthorized disclosure or improper use. Penalty provisions for misusing the social security number are contained in the Social Security Act at **208 (a) (6), (7) and (8). ** Violations of these provisions are cited as violations of 42 U.S.C. Section **408 (a) (6), (7) and (8). ** GMHA does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities.

