



"Committed to Safe and Affordable Housing"

Yakima Housing Authority's Informal Hearing Policy

1. When can I ask for a hearing? The Housing Authority will give a participant family an opportunity for an informal hearing when the YHA makes a decision which you feel is not in accordance with the law, HUD regulations, or YHA policy. **Applicants** are entitled to Informal Review, but not a hearing. For example, you might disagree with the following:
 - A. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
 - B. A determination of the appropriate utility allowance (if any) for tenant paid utilities from the Housing Authority's utility allowance schedule.
 - C. A determination of the family unit size under the Housing Authority subsidy standards.
 - D. A determination that a family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the Housing Authority subsidy standards, or the Housing Authority's determination to deny the family's request for an exception from the standards.
 - E. A determination to terminate assistance for a participant family because of the family's action or failure to act.
 - F. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted (60 days) and has not requested an exception due to verifiable and documented personal circumstances, as per the Housing Authority's policy.
2. No right to a hearing. The Housing Authority is not required to provide an opportunity for an Informal Hearing to review the following:
 - A. Discretionary administrative determination by the Housing Authority.
 - B. General policy issues or class grievances.
 - C. Establishment of the Housing Authority's schedule of utility allowances for families in the program.
 - D. The Housing Authority's decision not to approve an extension or suspension of a Voucher term.
 - E. The housing Authority's determination not to approve a unit or lease.
 - F. The Housing Authority's determination that an assisted unit is not in compliance with HQS. (However, the Housing Authority will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family.)

- G. The Housing Authority's determination that the unit is not in accordance with HQS because of the family size.
- H. A determination by the Housing Authority to exercise or not exercise any right or remedy against the owner under a HAP Contract.
- 3. How do I ask for a hearing? In the cases listed above, the Housing Authority will notify the family that the family may ask for an explanation of the basis of the Housing Authority's determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision. All requests for an informal hearing must be in writing and must be received by the Housing Authority within ten (10) business days from the date of the decision. The Housing Authority will not terminate housing assistance if you ask for a hearing within ten (10) business days of our decision unless the hearing officer agrees with our decision.
- 4. Who will be the hearing officer? The Executive Director will conduct the hearing or appoint someone who did not make or approve the initial decision. Neither you, your representative, nor our staff may discuss the decision with the hearing officer except with the consent of the other party or at the hearing.
- 5. When are hearings scheduled? The hearing officer shall schedule the hearing as soon as possible and in no case more than 30 days after you ask for a hearing. You will be given at least five (5) working days notice of the date, time, and location of the hearing. If necessary, the hearing officer may postpone the hearing upon request of either party.
- 6. Can I examine my file before the hearing? You have the right, before the hearing, to examine, and at your own expense, copy your file documents, records and regulations that are relevant to the hearing. The Housing Authority cannot use any documents at the hearing that we refuse to make available.
- 7. How will the hearing be conducted? The hearing will be informal. Each side will have an opportunity to present evidence and witnesses, to cross-examine the other party's witnesses and to make an argument at the conclusion of the evidence. The hearing officer must make a written decision within ten (10) working days after the hearing. This decision must be based upon the evidence presented at the hearing and applicable law, HUD regulations, and YHA policy.
- 8. Effect of the decision. The Housing Authority is not bound by a hearing decision:
 - A. Concerning a matter for which the Housing Authority is not required to provide an opportunity for an informal hearing pursuant to 882.216(b), or otherwise in excess of the authority of the person conducting the hearing under the Housing Authority's hearing procedures, or
 - B. Contrary to HUD regulations or requirements, otherwise contrary to federal, state, or local law.
- 9. May I be represented at the hearing? A lawyer or other representative of their own choice at their own expense may represent each party. If you cannot afford to hire an attorney, you may be eligible for free legal assistance from Evergreen Legal Services.
- 10. You may inspect a complete copy of the Hearing Procedures at the Yakima Housing Authority's office at 810 N. 6th Ave, Yakima, WA 98902 between 8:30 a.m. and 4:00 p.m. Monday through Friday.