

Appendix D

Admission Hearing Procedure

1. Applicability

- A. The Admission Hearing Procedure applies to the informal hearing conducted at the request of an applicant for public housing when the PHA has determined that the applicant has been denied admission for non-economic reasons. It does not apply when an applicant is denied admission to public housing because the applicant's income or assets were over the allowable economic eligibility limits.

2. Definitions

- A. **“Applicant”** means any person who has applied to the Public Housing Agency of the City of Saint James (PHA) for admission to public housing.
- B. **“Complainant”** means any person who has been notified of ineligibility for admission to public housing for non-economic reasons and who wishes to contest the determination of ineligibility.
- C. **“Hearing Officer”** means a person selected in accordance with Section 4.B. of this Procedure to conduct a hearing requested by a Complainant and to make a decision based on the facts presented at the hearing.

3. Procedure Prior To A Hearing

- A. **Ineligible Applicants:** Each applicant determined to be ineligible for admission to public housing will be promptly notified by the PHA in writing of the reasons for the determination. Applicants who are denied admission for non-economic reasons will also be offered the opportunity to request an informal hearing to be conducted in accordance with this procedure.

4. Procedure To Obtain A Hearing

- A. **Request for Hearing:** A Complainant must submit a written request for a hearing to the PHA Hearing Officer within 10 calendar days from the date of the PHA's notification of ineligibility. An Informal Hearing will be conducted by Management first. If there is a need for a Formal Hearing someone other than management will conduct the hearing. A name will be chose from the list in the office. A City official, landlord or other Director will be on the list.
- B. **Hearings Conducted by the Hearing Officer:** Hearings held before the Hearing Officer are conducted on the date as determined by management. For each hearing, the management will select and notify the Hearing Officer.
- C. **Failure to Request a Hearing:** If an applicant does not request a hearing in accordance with this section, then the PHA's determination denying the applicant's admission into public housing will become final. However, the failure to request a hearing does not

constitute a waiver by an applicant of the right to contest the PHA's denial of admission in an appropriate judicial proceeding.

- D. Scheduling of Hearings:** If the Complainant requests a hearing in a timely manner, as required by this section, the Complainant will be notified of the time and date of the hearing. A written notification specifying the time, date, place, and the procedure governing the hearing will be mailed to the Complainant no less than seven (7) days prior to the scheduled hearing date.

5. Procedure Governing A Hearing

- A.** The hearing will be held before PHA Management.
- B.** The PHA will present its reasons for denying admission to public housing to the Complainant.
- C.** The Complainant will then have the opportunity to present information that might lead the Hearing Officer to reconsider the determination of ineligibility and reverse that determination.
- D.** The Complainant also has the right:
- a) Before the hearing, to examine all documents and regulations of the PHA that are relevant to the hearing. The Complainant may also copy such documents at the Complainant's expense.
 - b) To be represented by a lawyer or other person the Complainant chooses as Complainant's representative.
 - c) To a decision based solely on the information presented at the hearing.
- E.** If the Complainant fails to appear at a scheduled hearing, the Hearing Officer will make a determination that the party has waived the right to a hearing. A determination that the Complainant has waived the right to a hearing does not constitute a waiver of any right the Complainant may have to contest the PHA's denial of admission in an appropriate judicial proceeding.
- F.** The hearing is to be conducted informally by the Hearing Officer. The oral and documentary evidence pertinent to the facts and issues raised by the denial of admission may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The Officer will require the PHA, the Complainant, lawyers or other representatives and other participants and/or spectators to conduct themselves in an orderly fashion. Failure by a disorderly party to comply with the directions of the Officer to obtain order may result in exclusion from the proceedings or in a decision against the disorderly party, including granting or denying the requested relief.
- G.** The Complainant or the PHA may arrange in advance for a transcript of the hearing. Any interested party may purchase a copy of said transcript.

6. Decision of the Hearing Officer

- A.** The decision of the Hearing Officer shall be by majority vote. In the event of a tie, the decision of the PHA will be upheld.
- B.** The Hearing Officer will prepare a written summary of the hearing within 10 calendar days after the hearing. A copy of this decision will be mailed to the Complainant. The PHA will retain a copy of the summary to be included in the Complainant's file.
- C.** The PHA will abide by the determination of the Hearing Officer provided that the is not contrary to applicable federal, state or local law, HUD regulations, or the requirements of the Annual Contributions Contract between HUD and the PHA and provided that the Hearing Officer has not exceeded its authority.
- D.** A decision by the Hearing Officer in favor of the PHA or which denies the relief requested by the Complainant, in whole or in part, is not a waiver by the Complainant of the right to bring an action in a court of law or other appropriate forum.