

Grievance Procedures for Housing Choice Voucher Participants

Participants have the right to disagree with, and appeal, certain decisions of Columbia County Housing Authority (CCHA) that may adversely affect them. CCHA decisions that may be appealed by applicants and participants are discussed in this section. For participants the appeal process is called an “informal hearing.”

Right to a Hearing: Upon filing of a written request, a complainant shall be entitled to a hearing before the Hearing Officer for the below circumstances:

- 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 CCHA utility allowance schedule
- A determination of the family unit size under CCHA’s subsidy 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

CCHA considers all requests for reasonable accommodation to make informal hearings accessible to all parties. Any request for reasonable accommodation should be made to the Executive Director. In addition, CCHA has the sole discretion to require that informal hearings be conducted remotely in case of local, state, or national physical distancing orders, in cases of inclement weather or natural disaster, or whenever it is deemed appropriate by CCHA. CCHA will conduct an informal hearing remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have child care or transportation that would enable them to attend the informal hearing, or if the applicant believes an in-person informal hearing would create an undue health risk. CCHA will consider other reasonable requests for a remote informal hearing on a case-by-case basis.

Notice of the Family: In cases where CCHA makes a decision for which an informal hearing must be offered, the notice to the family will include all of the following:

- The proposed action or decision of CCHA.
- A brief statement of the reasons for the decision, including the regulatory reference.
- The date the proposed action will take place.
- A statement of the family’s right to an explanation of the basis for CCHA’s decision.
- A statement that if the family does not agree with the decision the family may request an informal hearing of the decision.
- A deadline for the family to request the informal hearing.
- To whom the hearing request should be addressed.

Scheduling an Informal Hearing: A request for an informal hearing must be made in writing and delivered to CCHA either in person, via email, or by first class mail, by the close of the business day, no later than 10 business days from the date of CCHA's decision or notice to terminate assistance. CCHA must schedule and send written notice of the informal hearing to the family within 10 business days of the family's request.

The family may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, CCHA may request documentation of the "good cause" prior to rescheduling the hearing.

If the family does not appear within 15 minutes of the scheduled time and was unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact CCHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. CCHA will reschedule the hearing only if the family can show good cause for the failure to appear, or if it is needed as a reasonable accommodation for a person with disabilities. If the family cannot show good cause for the failure to appear, or a rescheduling is not needed as a reasonable accommodation, CCHA's decision will stand.

Pre-Hearing Right to Discovery: The family will be allowed to copy any documents related to the hearing at no cost to the family. The family must request discovery of CCHA documents no later than 12:00 p.m. on the business day prior to the scheduled hearing date. Documents will be shared electronically whenever possible.

Participant Right to Bring Counsel: At its own expense, the family may be represented by a lawyer or other representative at the informal hearing.

Informal Hearing Officer: Informal hearings will be conducted by a person or persons approved by CCHA, other than the person who made or approved the decision or a subordinate of the person who made or approved the decision.

Attendance at the Informal Hearing: Hearings may be attended by a hearing officer and the following applicable persons:

- A PHA representative(s) and any witnesses for CCHA
- The participant and any witnesses for the participant
- The participant's counsel or other representative
- Any other person approved by CCHA as a reasonable accommodation for a person with a disability

Conduct at Hearings: The person who conducts the hearing may regulate the conduct of the hearing in accordance with CCHA's hearing procedures. The hearing officer is responsible to manage the order of business and to ensure that hearings are conducted in a professional and

businesslike manner. Attendees are expected to comply with all hearing procedures established by the hearing officer and guidelines for conduct. Any person demonstrating disruptive, abusive, or otherwise inappropriate behavior will be excused from the hearing at the discretion of the hearing officer.

Evidence: CCHA and the family will be given the opportunity to present evidence and question any witnesses. In general, all evidence is admissible at an informal hearing. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. Any evidence to be considered by the hearing officer must be presented at the time of the hearing.

Procedures for Rehearing or Further Hearing: The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of CCHA will take effect and another hearing will not be granted.

Hearing Officer's Decision: The person who conducts the hearing must issue a written decision, stating the reasons for the decision. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing.

Issuance of Decision: A copy of the hearing must be furnished promptly to the family. The hearing officer will mail a "Notice of Hearing Decision" to CCHA and to the participant on the same day. This notice will be sent by first-class mail. The participant will be mailed the original "Notice of Hearing Decision". A copy of the "Notice of Hearing Decision" will be maintained in CCHA's file.

Effect of Final Decision: CCHA is not bound by the decision of the hearing officer for matters in which CCHA is not required to provide an opportunity for a hearing, decisions that exceed the authority of the hearing officer, decisions that conflict with or contradict HUD regulations, requirements, or are otherwise contrary to federal, state, or local laws.

The Executive Director has the authority to determine that CCHA is not bound by the decision of the hearing officer because CCHA was not required to provide a hearing, the decision exceeded the authority of the hearing officer, the decision conflicted with or contradicted HUD regulations, requirements, or the decision was otherwise contrary to federal, state, or local laws. In such a case, CCHA will mail a "Notice of Final Decision" to the participant on the same day. The "Notice of Final Decision" will be sent by first-class mail. A copy of this notice will be maintained in CCHA's file.