

NOTICE

The Cheyenne Housing Authority is proposing updates to the Administrative Plan. This Notice is to inform you that the Cheyenne Housing Authority Board of Commissioners has opened the Public Comment Period for acceptance of comments on the proposed updates.

Section(s) of the Administrative Plan proposed for update include:

- Section 4.7: Removal of Applicants from the Waiting List
- Section 4.8: Reinstatements
- Section 4.9: Grounds for Denial
- Section 4.10: Notification of Negative Actions
- Section 4.11: Informal Review
- Section 17.1: Overview of Complaints, Informal Reviews and Informal Hearings
- Section 17.2: Informal Review for the Applicant
- Section 17.3: Informal Hearing for Participants
- Section 17.4: Hearing and Appeal Provisions for Noncitizens

The proposed revisions are available for review on the Cheyenne Housing Authority website at www.cheyennehousing.org or at the Cheyenne Housing Authority's offices:

- In Cheyenne at 3304 Sheridan Street, Cheyenne, Wyoming. The office is open from 8:30 AM to 5:00 PM Monday through Friday, closed from 12:00 PM to 5:00 PM every Wednesday and closed all day on the second and fourth Wednesday of the month.
- In Laramie at 1265 North 3rd Street, Laramie, Wyoming. The office is open from 10:00 AM to 12 Noon, and from 1:00 PM to 5 PM Monday through Friday. The office is closed every Wednesday from 12 Noon to 5 PM for training.

Comments on the proposed revisions to the Administrative Plan are to be submitted in writing (US Mail, email, or hand delivered to the Cheyenne Housing Authority) before 12 NOON Monday July 6, 2020 to:

Sarah Smith
Deputy Director
3304 Sheridan Street
Cheyenne, WY 82009
ssmith@cheyennehousing.org

17.0 COMPLAINTS, INFORMAL REVIEWS FOR APPLICANTS, INFORMAL HEARINGS FOR PARTICIPANTS

17.1 OVERVIEW

Both applicants and participants have the right to disagree with, and appeal, certain decisions of the PHA that may adversely affect them. PHA decisions that may be appealed by applicants and participants are discussed in this section.

The process for applicant appeals of PHA decisions is called the “informal review.” For participants (or applicants denied admission because of citizenship issues), the appeal process is called an “informal hearing.” PHAs are required to include informal review procedures for applicants and informal hearing procedures for participants in their administrative plans [24 CFR 982.54(d)(12) and (13)].

17.2 INFORMAL REVIEW FOR THE APPLICANT

A. Informal Review for the Applicant

Informal reviews are provided for program applicants. An applicant is someone who has applied for admission to the program, but is not yet a participant in the program. Informal reviews are intended to provide a “minimum hearing requirement” [24 CFR 982.554], and need not be as elaborate as the informal hearing requirements [*Federal Register* 60, no. 127 (3 July 1995): 34690].

B. Decisions Subject to Informal Review

The PHA will 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.

C. Scheduling an Informal Review

A request for an informal review can be made, orally or in writing, to the PHA by the close of the business day, no later than ten (10) calendar days from the date of the PHA’s notice of denial of assistance.

Upon the Applicant's compliance with this section the Hearing Officer shall, within five (5) business days make its best efforts to convene a

hearing for a time and place reasonably convenient to both the tenant and the PHA.

D. Informal Review Procedures

The informal review must be conducted by a person other than the one who made or approved the decision under review, or a subordinate of this person.

The applicant must be provided an opportunity to present written or oral objections to the decision of the PHA.

E. Informal Review Decision

In rendering a decision, the PHA will evaluate the following matters:

Whether or not the grounds for denial were stated factually in the notice to the family

The validity of the grounds for denial of assistance: If the grounds for denial are not specified in the regulations or policy, then the decision to deny assistance will be overturned.

The validity of the evidence: The PHA will evaluate whether the facts presented prove the grounds for denial of assistance. If the facts prove that there are grounds for denial, and the denial is required by HUD, the PHA will uphold the decision to deny assistance.

If the facts prove the grounds for denial, and the denial is discretionary, the PHA will consider the recommendation of the person conducting the informal review in making the final decision whether to deny assistance.

The PHA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within 10 business days of the informal review, to the applicant and his or her representative, if any, along with proof of mailing.

If the decision to deny is overturned as a result of the informal review, processing for admission will resume.

If the family fails to appear for their informal review, the denial of admission will stand and the family will be so notified.

17.3 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

A. Decisions Subject to Informal Hearing

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

1. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment
2. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule
3. A determination of the family unit size under the PHA's subsidy standards
4. A determination to terminate assistance for a participant family because of the family's actions or failure to act
5. 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
6. 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)]

The PHA will offer participants the opportunity for an informal hearing as required to by the regulations listed above.

B. Notice to the Family

When the PHA makes a decision that is subject to informal hearing procedures, the PHA must inform the family of its right to an informal hearing at the same time that it informs the family of the decision.

For decisions related to the family's annual or adjusted income, HAP calculation, the determination of the appropriate utility allowance, and the determination of the family unit size, the PHA must notify the family that they may ask for an explanation of the basis of the determination within ten (10) calendar days. The PHA will make its best efforts to provide an explanation within five (5) business days of the date the request was received. If the family does not agree with the decision, they will have ten (10) calendar days to request an informal hearing on the decision.

For decisions related to the termination of the family's assistance, the notice must contain a brief statement of the reasons for the decision, a statement that if the family does not agree with the decision, the family may request an informal hearing on the decision, and a statement of the deadline for the family to request an informal hearing.

C. Scheduling an Informal Hearing

A request for an informal hearing can be made orally or in writing to the PHA by the close of the business day, no later than ten (10) calendar days from the date of the PHA's notice to terminate assistance.

Upon the Participant's compliance with this section the Hearing Officer shall, within five (5) business days make its best efforts to convene a hearing for a time and place reasonably convenient to both the Participant and the PHA.

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, the PHA may request documentation of the "good cause" prior to rescheduling the hearing.

If the family does not appear at the scheduled time, and was unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact the PHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The PHA 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.

D. Pre-Hearing Right to Discovery

Participants and the PHA are permitted pre-hearing discovery rights. The family must be given the opportunity to examine before the hearing any PHA documents that are directly relevant to the hearing. The family must be allowed

to copy any such documents at their own expense. If the PHA does not make the document available for examination on request of the family, the PHA may not rely on the document at the hearing.

The PHA hearing procedures may provide that the PHA must be given the opportunity to examine at the PHA offices before the hearing, any family documents that are directly relevant to the hearing. The PHA must be allowed to copy any such document at the PHA's expense. If the family does not make the document available for examination on request of the PHA, the family may not rely on the document at the hearing.

For the purpose of informal hearings, *documents* include records and regulations.

The family will be allowed to copy any documents related to the hearing at a cost consistent with the CHA Public Records Rules. The family must request discovery of PHA documents no later than 12:00 p.m. on the business day prior to the scheduled hearing date.

E. Participant Right to Bring Counsel

At its own expense, the family may be represented by a lawyer or other representative at the informal hearing.

F. Informal Hearing Officer

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

The PHA has designated the following to serve as hearing officers:

- *Deputy Director or designee*

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

H. Conduct at Hearings

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.

I. Evidence [24 CFR 982.555(e)(5)]

The PHA and the family must 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. There are four categories of evidence.

Oral evidence: the testimony of witnesses

Documentary evidence: a writing which is relevant to the case, for example, a letter written to the PHA. Writings include all forms of recorded communication or representation, including letters, words, pictures, sounds, videotapes or symbols or combinations thereof.

Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.

Real evidence: A tangible item relating directly to the case.

Hearsay Evidence is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter. Even though evidence, including hearsay, is generally admissible, hearsay evidence alone cannot be used as the sole basis for the hearing officer's decision.

J. Hearing Officer's Decision [24 CFR 982.555(e)(6)]

The person who conducts the hearing must issue a written decision, stating briefly 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. A copy of the hearing must be furnished promptly to the family.

In rendering a decision, the hearing officer will consider the following matters:

PHA Notice to the Family: The hearing officer will determine if the reasons for the PHA's decision are factually stated in the Notice.

Discovery: The hearing officer will determine if the PHA and the family were given the opportunity to examine any relevant documents in accordance with PHA policy.

PHA Evidence to Support the PHA Decision: The evidence consists of the facts presented. Evidence is not conclusion and it is not argument. The hearing officer will evaluate the facts to determine if they support the PHA's conclusion.

Validity of Grounds for Termination of Assistance (when applicable): The hearing officer will determine if the termination of assistance is for one of the grounds specified in the HUD regulations and PHA policies. If the grounds for termination are not specified in the regulations or in compliance with PHA policies, then the decision of the PHA will be overturned.

The hearing officer will issue a written decision to the family and the PHA no later than five (5) business days after the hearing. The report will contain the following information:

K. PHA Notice of Final Decision [24 CFR 982.555(f)]

The PHA is not bound by the decision of the hearing officer for matters in which the PHA 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.

If the PHA determines it is not bound by the hearing officer's decision in accordance with HUD regulations, the PHA must promptly notify the family of the determination and the reason for the determination.

The PHA will mail a "Notice of Final Decision" including the hearing officer's report to the participant and their representative.

17.4 HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. Applicants who are denied assistance due to immigration status are entitled to an informal hearing, not an informal review.

Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States

Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while the PHA hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the PHA informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

The notice of denial or termination of assistance for noncitizens must advise the family:

- That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance.
- In the case of a participant, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing with the PHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal.
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

USCIS Appeal Process [24 CFR 5.514(e)]

When the PHA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, the PHA must notify the family of the results of the USCIS verification. The family will have 30 days from the date of the notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS. The family must provide the PHA with a copy of the written request for appeal and the proof of mailing.

PHA Policy

The PHA will notify the family in writing of the results of the USCIS secondary verification within 10 business days of receiving the results.

The family must provide the PHA with a copy of the written request for appeal and proof of mailing within 10 business days of sending the request to the USCIS.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to the PHA, of its decision. When the USCIS notifies the PHA of the decision, the PHA must notify the family of its right to request an informal hearing.

PHA Policy

The PHA will send written notice to the family of its right to request an informal hearing within 10 business days of receiving notice of the USCIS decision regarding the family's immigration status.

Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, the family may request that the PHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the PHA notice of denial, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for applicant families are described below.

Informal Hearing Officer

The PHA must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision. See Section 16-III.C. for a listing of positions that serve as informal hearing officers.

Evidence

The family must be provided the opportunity to examine and copy at the family's expense, at a reasonable time in advance of the hearing, any documents in the possession of the PHA pertaining to the family's eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

PHA Policy

The family will be allowed to copy any documents related to the hearing at a cost consistent with the CHA Public Records Rules. The family must request discovery of PHA documents no later than 12:00 p.m. on the business day prior to the hearing.

The family must be provided the opportunity to present evidence and arguments

in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by the PHA, and to confront and cross-examine all witnesses on whose testimony or information the PHA relies.

Representation and Interpretive Services

The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to arrange for an interpreter to attend the hearing, at the expense of the family, or the PHA, as may be agreed upon by the two parties.

Recording of the Hearing

The family is entitled to have the hearing recorded by audiotape. The PHA may, but is not required to provide a transcript of the hearing.

PHA Policy

The PHA will not provide a transcript of an audio taped hearing.

Hearing Decision

The PHA must provide the family with a written final decision, based solely on the facts presented at the hearing, within 14 calendar days of the date of the informal hearing. The decision must state the basis for the decision.

Informal Hearing Procedures for Residents [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, the family may request that the PHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the PHA notice of termination, or within 30 days of receipt of the USCIS appeal decision.

For the informal hearing procedures that apply to participant families whose assistance is being terminated based on immigration status, see Section 16-III.C.

Retention of Documents [24 CFR 5.514(h)]

The PHA must retain for a minimum of 5 years the following documents that may have been submitted to the PHA by the family, or provided to the PHA as part of the USCIS appeal or the PHA informal hearing process:

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results

- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

4.7 REMOVAL OF APPLICANTS FROM THE WAITING LIST

The Cheyenne Housing Authority will not remove an applicant's name from the waiting list unless:

- A. The applicant requests that the name be removed;
- B. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program or misses scheduled appointments. It is the applicant's responsibility to ensure that their current address is on file with the Cheyenne Housing Authority. Mail sent from the CHA to the address provided by the applicant that is returned as undelivered or undeliverable will be grounds for removal of the applicant from the waiting list;
- C. The applicant is denied (does not meet either the eligibility or screening criteria for the program).

4.8 REINSTATEMENTS

Applicants removed from the waiting list due to non-response can be reinstated upon request within 15 days of the cancellation. If the cancellation was due to non-response of action required, the completed action must accompany the request for reinstatement (i.e. completed paperwork must be returned in order to be reinstated). The reinstatement timeframe may be extended to 30 days in the case of extenuating circumstances beyond the applicant's control. At its sole discretion, CHA may request documentation to support the extenuating circumstances.

4.9 GROUNDS FOR DENIAL

The Cheyenne Housing Authority will deny eligibility to applicants who:

- A. Do not meet any one or more of the eligibility criteria;

E. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property, and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well-being of other tenants or staff, or cause damage to the property.

Applicants will be determined ineligible to receive rental assistance if the household consists of:

- a. Have any household member who has currently engaged in, or has engaged in during a reasonable time before the admission decision:
 1. Drug related criminal activity;
 2. Violent criminal activity;
 3. Other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or
 4. Other criminal activity that would threaten the health or safety of the Cheyenne Housing Authority or any of its employees, agents, contractors, or subcontractors.

In making the determination whether this section is applicable to conduct by a household member, the following guidelines shall be used:

1. A household member is “currently engaged in” the criminal activity if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current.
2. The period of time that constitutes “a reasonable time” shall be determined on a case-by case basis, applying the following guidelines, but in no case shall be a period of time less than five years (as measured from the commission of the crime to the date of the admission decision):
 - a. Time spent in prison or jail shall be excluded from the calculation of reasonable time;
 - b. The period of reasonable time may be extended beyond five years for a period of up to three additional years when the criminal activity at issue includes serious violent crimes (i.e. criminal activity resulting in death, disability, incapacitation or serious bodily injury) or sexual offenses (i.e. criminal activity

resulting in rape attempted rape, sexual assault, indecent liberties with a child, child pornography, etc.).

- c. The period of reasonable time may be extended beyond five years for a period of up to three additional years when the criminal activity at issue within the usual five year period involves a pattern of criminal activity to which this section applies.
 - d. In no case may the total extensions of time exceed three years, which means that the maximum length of “a reasonable time” is eight years.
3. Different criminal acts over a period of time may be considered individually and/or collectively in determining whether a member of the household has engaged in criminal activity covered by this section. In determining whether a series or pattern of different criminal acts constitutes criminal activity covered by this section, criminal acts which are beyond the determined “reasonable time” may be considered if they are part of that series/pattern, as long as there are criminal acts in the series/pattern which also fall within the period of “reasonable time.” In the event that a series or pattern of criminal acts is determined to be subject to this section, the date of the commission of the last act in the series/pattern shall be used to determine whether it falls into the period of “reasonable time” and for the determination of eligibility for reapplication.
 4. Consideration shall be given to the following factors relevant to the decision to provide or deny assistance: the resulting effect on the community if a decision to assist (or deny assistance) is made; the demand for assisted housing by families who meet assistance eligibility criteria; and the effect of the decision on the integrity of the Cheyenne Housing Authority’s housing programs.
 5. Consideration may be given to other circumstances relevant to the decision to provide or deny assistance, including, but not limited to, such factors as: the seriousness of the criminal activity; the extent to which the household member has taken (or has not taken) responsibility for the criminal activity; the extent to which the household has taken all reasonable steps to prevent or mitigate the criminal activity; the effect of a potential decision to deny assistance on household members not involved in the criminal activity; and mitigating circumstances causing or relating to the criminal activity.

If a determination is made that a household is ineligible for assistance under

the terms of this section, that household shall remain ineligible and may not reapply for assistance until the period of “reasonable time” since the offending criminal activity has expired.

- b. Have any household member who was evicted from federally-assisted housing within five years (measured from the date of eviction) for drug-related criminal activity. However, the Cheyenne Housing Authority may admit the household if it determines:
 - 1. That the evicted household member who engaged in drug related criminal activity has successfully completed a supervised drug rehabilitation program approved by the Cheyenne Housing Authority; or
 - 2. That the circumstances leading to the eviction no longer exist (for example, the criminal household member had died or is imprisoned).
- c. Have any household member who is currently engaging in the illegal use of a drug; or if any household member’s illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or if any household member’s abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

In determining whether to deny assistance for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such abuse, or for abuse or a pattern of abuse by a household member who is no longer engaging in such abuse, the Cheyenne Housing Authority may consider whether the household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated.

- F. Currently owes rent or other amounts to any housing authority in connection with the public housing or Section 8 Programs.
- G. Have committed fraud, bribery, or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- H. Have a family member who was evicted from public housing within the last year;
- I. Have engaged in or threatened abusive or violent behavior towards any

Cheyenne Housing Authority staff, agents or residents;

- J. Have a family household member who has been terminated for cause under the Certificate or Voucher Program during the last three years;
- K. **Denied for Life:** Have any household member who has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- L. **Denied for Life:** Have any household member who is subject to a lifetime registration requirement under any state's sex offender registration program.

4.10 NOTIFICATION OF NEGATIVE ACTIONS

Any applicant who is being denied assistance will be notified by the Cheyenne Housing Authority, in writing, that they have fourteen (14) calendar days, from the date of the written correspondence, to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the time frame specified. The Cheyenne Housing Authority's system of removing applicants' names from the waiting list will not violate the rights of persons with disabilities. If an applicant's failure to respond to a request for information or updates was caused by the applicant's disability, the Cheyenne Housing Authority will provide a reasonable accommodation. If the applicant indicates that they did not respond due to a disability, the Cheyenne Housing Authority will verify that there is in fact a disability and that the accommodation they are requesting is necessary based on the disability. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

4.11 INFORMAL REVIEW

If the Cheyenne Housing Authority determines that an applicant does not meet the criteria for receiving Section 8 assistance, the Cheyenne Housing Authority will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision, and state that the applicant may request an informal review of the decision within fourteen (14) calendar days of the denial. The Cheyenne Housing Authority will describe how to obtain the informal review. The informal review process is described in Section 16.2 of this Plan.