

Housing Choice Grievance Procedure

Cheyenne Housing Authority

Informal Review Process for Applicants

The Cheyenne Housing Authority (CHA) will give an applicant for participation in the Section 8 Voucher Program prompt notice of a decision denying assistance to the applicant. The notice will contain a brief statement of the reasons for the CHA's decision. The notice will state that the applicant may request an informal review within ten (10) calendar days of the denial and will describe how to obtain the informal review.

When an Informal Review is not Required:

- Determination of the participant unit size under the CHA subsidy standards;
- General policy issues or class grievances;
- Establishment of the CHA schedule of utility allowances for participants in the program;
- CHA determination not to approve an extension or suspension of a voucher term;
- CHA determination not to approve a unit or lease;
- CHA determination that a unit is not in compliance with HQS
- CHA determination that the unit is not in accordance with HQS because of the family size or composition;
- Discretionary administrative determinations by the CHA.

Hearing Process

The Hearing will be conducted by a Hearing Officer: The CHA and applicant will adhere to the following procedures:

- The review will be conducted by any person or persons designated by the CHA, other than a person who made or approved the decision under review or a subordinate of this person.
- The applicant will be given an opportunity to present written or oral objections to the CHA decision.
- The CHA will notify the applicant of the CHA decision after the informal review within 10 calendar days from the date of the hearing, stating briefly the reasons for the final decision.

Termination of Housing Assistance

The Cheyenne Housing Authority (CHA) will, in writing, inform the participant a 30 day notice of termination of their housing assistance. The notice will contain a brief statement of the reasons for the CHA's decision to terminate assistance. The notice will state that the participant may request an informal hearing within 10 calendar days of the notice and will describe how to obtain the informal hearing.

The CHA will give a participant an opportunity for an informal hearing to consider whether the following CHA decisions relating to the individual circumstances of a participant are in accordance with the law, HUD regulations, and the CHA policies:

- Determination of the participant's annual or adjusted income, and the use of such income to compute the housing assistance payment;
- Determination of the appropriate utility allowance (if any) for participant-paid utilities from the CHA utility allowance schedule;
- Determination of the family unit size under the CHA subsidy standards; -Determination to terminate assistance for a participant family because of the participant's action or failure to act;
- Determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under the CHA policy and HUD rules.

The CHA will not terminate assistance until the Section 8 participant has been given the opportunity for an informal hearing.

CHA will not provide a participant an opportunity for an informal hearing for any of the following reasons:

- Discretionary administrative determinations by the CHA;
- General policy issues or class grievances;
- Establishment of the CHA schedule of utility allowances for participants in the program;
- CHA determination not to approve an extension or suspension of a voucher term;
- CHA determination not to approve a unit or lease;
- CHA determination that an assisted unit is not in compliance with HQS. (However, the CHA will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the participant);
- CHA determination that the unit is not in accordance with HQS because of the family size;
- Determination by the CHA to exercise or not exercise any right or remedy against the owner under a HAP contract.

The Hearing will be conducted by a Hearing Officer: The CHA and participants will adhere to the following procedures:

- The participant will be given the opportunity to examine before the hearing any CHA documents that are directly relevant to the hearing. The participant will be allowed to copy any such document(s) at the participants expense. If the CHA does not make the document(s) available for examination on the request of the participant, the CHA may not rely on the document(s) at the hearing.
- The CHA will be given the opportunity to examine, at the CHA's office before the hearing, any family documents that are directly relevant to the hearing. The CHA will be allowed to copy any such documents at the CHA's expense. If the participant does not make the document(s) available for examination on the request of the CHA, the participant may not rely on the document(s) at the hearing.
- At its own expense, a lawyer or other representative may represent the participant.
- The hearing will be conducted by any person or persons designated by the CHA, other than a person who made or approved the decision under review or a subordinate of this person.
- The person who conducts the hearing will regulate the conduct of the hearing in accordance the CHA hearing procedures.
- The CHA and the participant may have the opportunity to present evidence and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- The person who conducts the hearing must issue a written decision within 10 calendar days from the date of the hearing, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the participant shall be based upon a preponderance of the evidence presented at the hearing.