



## **HOW TO REQUEST A SECTION 8 INFORMAL HEARING**

You have the right to request a fair hearing and decision by an impartial hearing officer. You must state why you disagree with our intended action. Your request for a hearing must be made within 10 days from the date of your Tenant Notification of Termination of Program Assistance and Housing Assistance Payment Contract. If you wish to request a hearing, please send your request to: The Detroit Housing Commission, 2211 Orleans, Detroit, Michigan. 48207. If you need any assistance in making this request, contact your Housing Specialist, who will help you.

If you make your hearing request within 10 days from the date that you have received a Tenant Notification of Termination of Program Assistance and Housing Assistance Payment Contract, your Section 8 benefits if any, will continue at the current level, at least until the hearing decision is issued.

If you request a hearing based on receipt of a Tenant Notification of Termination of Program Assistance and Housing Assistance Payment Contract stated above, the Detroit Housing Commission will send you a Hearing Notification Letter, scheduling the date and time of the hearing. Before the scheduled hearing, the Detroit Housing Commission must be given the opportunity to examine, at our office, any family documents that are directly relevant to the hearing, if the family intends to rely on these documents at the hearing. This process is known as "Discovery".

These documents must be submitted to DHC within three (3) work days from the date of the scheduled hearing explained in your Hearing Notification letter. The Detroit Housing Commission must be allowed to copy any such document (s). If the family does not make the document(s) available for examination by DHC, the family may not rely on the document (s) at the hearing. The family and/or family representative have the right to view any documents the DHC will rely on at the hearing. These documents will be copied, upon request by the family.

## **WHAT RIGHTS DO YOU HAVE AT THE INFORMAL HEARING?**

A complete list of your rights at the hearing will be sent to you when the Detroit Housing Commission receives your hearing request. You may review the Complete Section 8 regulations at our office. Please call for an appointment. This is a summary of your rights at an information hearing:

1. The right to be represented by an attorney or any other person of your choice (free legal advice may be available from a variety of local agencies);
2. The right to present any evidence on your behalf, including the right to bring and question your own witnesses, the right to cross-examine our witnesses; and
3. The right to review contents of our hearing packet prior to the hearing.

You have the right to request a reasonable accommodation if there is a limitation posed by a disability that affects your ability to participate in the hearing. You may request interpretation or translations if you do not speak, read, write, or understand English well.



**REQUEST FOR INFORMAL HEARING**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_

Date of Request: \_\_\_\_\_

Reason for requesting a review: \_\_\_\_\_

\_\_\_\_\_

If you need morning or afternoon, please specify and the reason for such. You may be asked to verify the need.

\_\_\_\_\_

Special time of day needed and reason why:

PLEASE MAIL REQUEST TO:

DHC-Section 8  
2211 Orleans  
Detroit, Mi. 48207

You will receive notification by mail as to the date and time you will be required to appear for your hearing. Please make sure that you attend your hearing or a decision will be made without your presence with any further right to a hearing. All hearing decisions are final. If you do not request a hearing by the date given in your letter, you will forfeit your right to a hearing, and will be terminated on the given date.

If you have a disability that could affect your ability to participate at the grievance hearing, you have the right to request a reasonable accommodation. Please list the specific type of assistance you need: The hearing coordinator will notify you that the requested accommodation is granted and will be provided, that more information is required, or that the request is denied.

If necessary, you may request in advance of the housing authority an interpreter or mechanical facility to overcome language or other communication disabilities.



Equal Housing Opportunities

Rev4/12



## **NOTIFICATION OF RIGHTS and RESPONSIBILITIES REGARDING the GRIEVANCE HEARING**

You have a right to request a grievance hearing to decide whether the action taken against you was justified. You have the right to a fair hearing, which will be decided by a duly appointed, independent hearing officer. The hearing will be less formal than a court trial, but is an official proceeding where both sides present evidence. Please be aware of your rights and responsibilities.

**The DHC must be given the opportunity to examine at the housing authority offices before the scheduled hearing, any family documents that are directly relevant to the hearing. This process is known as “discovery”. These documents must be submitted to [identify DHC position and office location] at least three (3) workdays before the date of the scheduled hearing. The housing authority must be allowed to copy any such document(s). If the family does not make the documents available for examination on request of the housing authority, the family may not present on the documents at the hearing.**

The housing authority shall present the facts supporting the action proposed in the notice of intended action. The housing authority bears the overall burden of proving the allegations by a preponderance of evidence. The housing authority must establish that the participant violated one or more Section 8 housing choice voucher program rules, regulations, or policies.

### **YOUR RIGHTS**

1. **Types of Evidence:**
  - a. **Your testimony:** What you have to say about your side of the case.
  - b. **Documents:** You may present letter(s), doctors' reports, receipts, official notices, etc.
  - c. **Witnesses:** You may bring witnesses who have personal knowledge of the facts of the case to give their testimony. A list of witnesses must be submitted to [identify DHC position, office location, and phone number] at least three (3) workdays before the date of the hearing.

- a. **Tape recordings:** (Remember, it is illegal to make tape recording in certain cases such as over the phone unless it is with permission.)
2. **Representation:** You may have an attorney or other appropriate person represent you at a hearing. If you obtain representation, you must notify [identify DHC position, office location, and phone number] at least five (5) workdays prior to the hearing.
3. **DHC file:** You may review your file and have copies of anything pertinent to your case. We will send you a copy of our hearing packet at least five (5) workdays before the date of the hearing.
4. The opportunity to receive a **reasonable continuance for “good cause”** is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.
5. **Taped proceedings:** The hearing will be recorded. If you wish to have a recorded copy of the proceedings, you must supply a 120-minute blank tape to the housing authority after the final decision has been made.
6. **Questions:** You may ask questions of any witnesses who testify against you.
7. **Reasonable Accommodation:** As you have already been notified, if you have a disability that could affect your ability to participate at the grievance hearing, you have the right to request a reasonable accommodation. You must specify the request before the hearing by contacting [indicate DHC hearing coordinator or 504 coordinator, with phone number].
8. You may **withdraw** your hearing request at any time by informing the housing authority, in writing, of your request.
9. **Judicial review:** Hearing decisions shall be final and binding upon all parties unless either party seeks timely judicial review. Where the hearing decision is unfavorable to the participant, the participant may obtain judicial review of the decision under [cite state law or civil code].

## **YOUR RESPONSIBILITIES**

1. You have the legal duty to tell the truth at all stages of the proceedings just as if it were a court case.
2. You have the obligation to prepare your case and be ready on the date of the hearing.
3. If you need to delay the hearing, you must request and show good cause prior to the hearing date. If you fail to appear, the hearing will be considered abandoned and the housing authority shall follow through with the intended action.

If necessary, you may request in advance of the housing authority an interpreter or mechanical facility to overcome language or other communication disabilities.



Equal Housing Opportunities





In accordance with 24 CFR 982.552 PHA denial or termination of assistance for family.

DHC shall following the following guidelines:

(a) *Action or inaction by family.* (1) the DHC may deny assistance for an applicant or terminate assistance for a participant under the programs because of the family's action or failure to act as described in this section or §982.553. The provisions of this section do not affect denial or termination of assistance for grounds other than action or failure to act by the family.

(2) Denial of assistance for an applicant may include any or all of the following: denying listing on the DHC waiting list, denying or withdrawing a voucher, refusing to enter into a HAP contract or approve a lease, and refusing to process or provide assistance under portability procedures.

(3) 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, and refusing to process or provide assistance under portability procedures.

(4) This section does not limit or affect exercise of the DHC rights and remedies against the owner under the HAP contract, including termination, suspension or reduction of housing assistance payments, or termination of the HAP contract.

(b) *Requirement to deny admission or terminate assistance.* (1) For provisions on denial of admission and termination of assistance for illegal drug use, other criminal activity, and alcohol abuse that would threaten other residents, see §982.553.

(2) The DHC must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.

(3) The DHC must deny admission to the program for an applicant, or terminate program assistance for a participant, if any member of the family fails to sign and submit consent forms for obtaining information in accordance with part 5, subparts B and F of this title.

(4) The family must submit required evidence of citizenship or eligible immigration status. See part 5 of this title for a statement of circumstances in which the DHC must deny admission or terminate program assistance because a family member does not establish citizenship or eligible immigration status, and the applicable informal hearing procedures.

(5) The DHC must deny or terminate assistance if any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education as specified in [24 CFR 5.612](#).

(c) *Authority to deny admission or terminate assistance* — (1) *Grounds for denial or termination of assistance.* The DHC may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following grounds:

(i) If the family violates any family obligations under the program (see §982.551). See §982.553 concerning denial or termination of assistance for crime by family members.

(ii) If any member of the family has been evicted from federally assisted housing in the last five years;

(iii) If the DHC has ever terminated assistance under the program for any member of the family.

(iv) If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program (see also §982.553(a) (1));

(v) If the family currently owes rent or other amounts to the DHC or to another DHC in connection with Section 8 or public housing assistance under the 1937 Act.

(vi) If the family has not reimbursed any DHC for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

(vii) If the family breaches an agreement with the DHC to pay amounts owed to the DHC, or amounts paid to an owner by the DHC. (The DHC, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to the DHC or amounts paid to an owner by the DHC. The DHC may prescribe the terms of the agreement.)

(viii) If a family participating in the FSS program fails to comply, without good cause, with the family's FSS contract of participation.

(ix) If the family has engaged in or threatened abusive or violent behavior toward DHC personnel.

(x) If a welfare-to-work (WTW) family fails, willfully and persistently, to fulfill its obligations under the welfare-to-work voucher program.

(xi) If the family has been engaged in criminal activity or alcohol abuse as described in §982.553.

(2) *Consideration of circumstances.* In determining whether to deny or terminate assistance because of action or failure to act by members of the family:

(i) The DHC may consider all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

(ii) The DHC may impose, as a condition of continued assistance for other family members, a requirement that other family members who participated in or were culpable for the action or failure will not reside in the unit. The DHC may permit the other members of a participant family to continue receiving assistance.



(iii) In determining whether to deny admission or terminate assistance for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the DHC consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully ([42 U.S.C. 13661](#)). For this purpose, the DHC may require the applicant or tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

(iv) If the family includes a person with disabilities, the DHC decision concerning such action is subject to consideration of reasonable accommodation in accordance with part 8 of this title.

(v) *Nondiscrimination limitation and protection for victims of domestic violence, dating violence, or stalking.* The DHC's admission and termination actions must be consistent with fair housing and equal opportunity provisions of §5.105 of this title, and with the requirements of 24 CFR part 5, subpart L, protection for victims of domestic violence, dating violence, or stalking.

(d) *Information for family.* The DHC must give the family a written description of:

(1) Family obligations under the program.

(2) The grounds on which the DHC may deny or terminate assistance because of family action or failure to act.

(3) The DHC informal hearing procedures.

(e) *Applicant screening.* The DHC may at any time deny program assistance for an applicant in accordance with the DHC policy, as stated in the DHC administrative plan, on screening of applicants for family behavior or suitability for tenancy.

(Approved by the Office of Management and Budget under control number 2577-0169)

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