

You also have the opportunity to ask questions to witnesses presented by the Housing Authority. The hearing officer should tell you when you have this opportunity. Pay close attention to the hearing officer at all times during the hearing, and do not interrupt the hearing officer or persons appearing for the Housing Authority.

Similarly the hearing officer will let you know when it is your turn to present your side, including showing any documents you have and allowing witnesses you bring to the hearing to state what information they have about your issue. The representative for the PHA will be given an opportunity to question you and your witnesses.

It is very helpful if you can identify rules that support your position. Helpful rules or information might be found in your lease agreement, in the Housing Authority policy manual that you can request to review, or from applicable laws or regulations.

What will happen after the hearing?

You are entitled to receive a decision in writing informing you whether your appeal is approved or denied, along with some statement of the reasons for the decision. In some instances you may have further appeal rights, and a description of those rights should be contained in the notice. If you are not satisfied with the outcome, you have the right to contest the issue in court.



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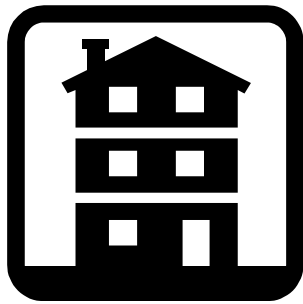


**Public Housing
Authority
Appeal Procedures**

This pamphlet contains general information and not specific legal advice. Although the information is believed accurate at the time of preparation, individual situations may require individual analysis, such that it may be advisable to consult with a lawyer. June 2011

Public and Subsidized Housing– Appeal Procedures

If you live in a house or apartment owned by a Public Housing Authority (PHA) or if you have a Housing Choice Voucher and receive a rent subsidy that is administered by the PHA or if you have applied to a PHA for admission into public or subsidized housing, you have a right to appeal many decisions or actions taken by the PHA if you disagree with them. The names for the appeal differ depending on the program and can be called a **grievance hearing**, an **informal hearing**, or an **informal review**. All appeals require making a request for a hearing, usually in writing.



When can I file an appeal?

In general, you can ask to appeal a decision by the Housing Authority that is particular to you. For example, if you think that the calculation of your family portion of rent is too high, you may ask that the calculation be reviewed in an appeal. Most typically (and importantly), you can appeal a Housing Authority determination to evict you, stop giving you your subsidy, or deny your application for program admission. General policies that apply to everyone usually cannot be challenged in an appeal.

How do I request an appeal?

If the Housing Authority proposes to terminate your subsidy or deny your application, you should find appeal instructions on the notice you receive

about the adverse action. Your appeal request should be in writing and it should contain the following information:

- A description of the action or decision of the PHA that you disagree with;
- Why you don't agree with the decision; and
- How you want the problem to be resolved.

Your appeal request should be brief. For example, "I want to appeal the decision to terminate my tenancy for having an unauthorized occupant living in my unit. The only people living in my household are the people listed in my lease. I want the housing authority to reverse the termination decision and permit my family to stay."

If you delay, you may lose your appeal rights. If you are appealing a decision from a notice, pay close attention to the appeal instructions contained in the notice. Rules vary. In most cases, appeals must be made within ten days from the date of the notice. It is a good idea to keep a copy of your appeal request. If you hand deliver your appeal, your copy should be date stamped to show when it was received. If your appeal is mailed, it is advisable to make a copy of the envelope showing the correct address and proper postage.

What should I do before the hearing takes place?

Usually, the PHA will have written records relating to the appeal. You have a right to see what records and information the PHA has before your hearing takes place. You should request an appointment to inspect your tenant file. You have a right to make copies of documents you select; usually a fee is charged per page.

In addition to reviewing the housing authority documents, you may present your own documents and call people as witnesses who have information about your appeal issue. For example, if the issue involves whether or not a certain person resides in your household, it would certainly be helpful to present a copy of a lease agreement for the person for rental property elsewhere. You also want to think about persons who have firsthand information helpful to your side who could testify at the hearing.

Again, using the same example, your neighbor who comes over to your house for coffee every morning would have knowledge of who lives in your home. If you wish to submit any documents at your hearing, you should provide the PHA with copies of your documents prior to the hearing. If you do not do this, your documents may be excluded.

You can have a person you choose assist you at the hearing. The representative can be an attorney, but does not have to be. You may want to consult MidPenn Legal Services to see if you are eligible to receive advice or representation with regard to your appeal.

Finally, you should request a copy of the appeal procedure. The procedure should be posted. At a minimum you should read a posted copy of the policy. A good time to do this is when you go to review your tenant file.

What happens at the hearing?

Hearing procedures vary, this is why it is important to review the policy for your Housing Authority. Most are informal, and often take place in a conference room. The hearing is conducted by a hearing officer or panel. The hearing officer's job is to conduct the hearing, be neutral, and then make a decision either granting or denying the relief you request based on information presented at the hearing.

It is very important to be respectful to the hearing officer, and listen to his or her instructions about how the hearing will be conducted. Usually, but not always, the PHA will present its side first. You can object to evidence offered by the PHA, for example, if the Housing Authority fails to prove how a document is connected to you, or if a person testifying is not in a position to know what he or she is testifying about.