

Houston Housing Authority Digital Hearing Guidelines

I. Purpose

During the COVID-19 pandemic, the Houston Housing Authority (“HHA”) will continue to process informal hearings on a limited basis as outlined below. The guidelines for informal hearings presented in this document have been modified to allow the HHA to proceed with informal hearing operations while continuing to adhere to Center for Disease Control recommended social distancing practices.

These modified hearing guidelines will impact Housing Choice Voucher (“HCV”) program participant families who are eligible for an informal hearing, Public Housing (“PH”) applicants who have been withdrawn from the waitlist and are eligible for an informal hearing, and PH tenants eligible for a formal hearing/grievance.

II. Current Policy

a) Housing Choice Voucher Program

In accordance with section (VI)(P) of the HHA Administrative Plan, the Authority will give a participant an opportunity for an informal hearing in disputes involving the following cases:

- A determination of the amount of the total tenant payment or tenant rent;
- A decision to terminate assistance;
- A decision to deny a family move;
- A decision to deny a request for reasonable accommodation.

b) Public Housing

1. *Informal Hearings – Applicants*

In accordance with section (II)(D) of the HHA Admissions and Continued Occupancy Policy, applicants removed from the waiting list will be sent notice in writing of their removal from the waiting list and their right to an informal hearing if requested in a timely manner. Not notice or informal hearing is required following voluntary withdrawal of an application. The HHA may only remove applicants from the waiting list because:

- They have been housed;
- They have requested in writing that their names be removed;
- Their applications have been withdrawn or rejected;
- They have refused an offer of housing without good cause.

2. *Formal Hearings – Tenants*

In accordance with section (2) of the HHA Public Housing Grievance Policy, the grievance policy is applicable to all individual grievances between tenant and the HHA with the following three exceptions:

- Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the HHA
- Any violent or drug-related criminal activity on or off such premises; or
- Any criminal activity that resulted in felony conviction of a household member.

c) Requesting a Hearing

1. *Housing Choice Voucher Program*

Requests for informal hearings must be submitted timely. Participants that wish to schedule an informal hearing must submit a request for hearing within fifteen (15) calendar days from the date of the Notice of Termination, the Notice of Move/Port Denial, the Notice of Denial of Reasonable Accommodation, and/or the date of the Rent Change Notice. Requests for informal hearings may be submitted by:

- E-mail: informalhearing@housingforhouston.com; or
- Fax: 713-260-0808; or
- Mail: Houston Housing Authority
Attn: Legal Department
2640 Fountain View Drive
Houston, Texas 77057

2. *Public Housing – Informal Hearings*

A request for an informal hearing must be made in writing and received by the PH office no later than fourteen (14) calendar days after the date of the application denial letter. Requests for informal hearings may be submitted by:

- E-mail: informalhearing@housingforhouston.com; or
- Fax: 713-260-0808; or
- Mail: Houston Housing Authority
Attn: Legal Department
2640 Fountain View Drive
Houston, Texas 77057

3. *Public Housing – Formal Hearings*

A tenant must submit a written request for a formal hearing to the management office of the development where the tenant resides no later than five (5) business days after the summary of the informal settlement is received.

d) The rights of each party during an informal or formal hearing, as outlined in the HHA 2020 Administrative Plan, pages 58-59 and page 5 of the ACOP, remain in full force and effect and are not affected in any way by this policy.

III. Temporary Guidelines for Informal Hearings

The HHA desires to conduct as many hearings as possible virtually via video conference or telephone conference. For the safety of participants and HHA staff, in-person hearings will not be immediately available until social distancing orders are lifted or relaxed.

a) Working Remotely Outside of the HHA Office

1. Notification of a scheduled informal hearing may be sent via e-mail provided by the participant and/or by regular U.S. mail. Hearing appointment letters will inform the participant of their scheduled date and time, the type of hearing they will participate in (via video or telephone), and will contain information regarding their rights to reschedule, interpreters, representation, Violence Against Women Act information and, Reasonable Accommodation information. The

appointment letter will also notify the participant of their deadline to submit any documentary evidence they want considered and reviewed during the informal hearing.

2. HHA staff and participants will be encouraged to submit their evidence for a scheduled hearing to evidence@housingforhouston.com.

- Evidence sent via email must be submitted at least 5 calendar days prior to the scheduled hearing.
- For cases in which the participant does not have e-mail access, evidence submitted via regular, certified or overnight mail must be received by the HHA at least 5 calendar days prior to the scheduled hearing.
- HHA staff may be asked to submit their evidence prior to the scheduling of a hearing to allow evidence to be mailed to the participant along with their hearing appointment letter.

3. The informal hearing will occur at the scheduled date and time.

- Hearings by Video Conference: the hearing officer will open a waiting room to allow the participant and the HHA representative to enter to begin the hearing. Both the HHA and the Participant will be allowed fifteen (15) minutes to enter the video conference waiting room to begin the hearing. If either party fails to enter the waiting room within fifteen (15) minutes of the scheduled hearing time, the absent party will have waived their right to a hearing.
 - It is recommended that a hearing in which a participant has representation be held by video conference.
 - If the participant experiences difficulties entering the videoconference waiting room at the time of their scheduled hearing, the participant may call the HHA main number at 713-260-0500 and inform a customer service representative of their issue.
- Phone Hearings: the hearing officer will contact the HHA representative first and merge the call with the participant to begin the phone hearing. If the HHA or the participant does not answer the call at the scheduled time, a second call will be placed fifteen (15) minutes from the initial call. Failure to answer at least one call will result in the absent party waiving their right to a hearing.

b) Requests to Reschedule an Informal Hearing

In accordance with the 2020 HHA Administrative Plan:

- The participant may request to reschedule the hearing by submitting a written request via one of the methods provided in section (II)(b) of this policy. The request should be submitted no later than three (3) business days before the scheduled hearing.
- If the participant failed to 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 HHA in writing within 24 hours of the missed hearing, excluding holidays and weekends.

- HHA will reschedule the hearing only if the participant can show good cause for failure to appear. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the participant. Good cause may also include unexpected technological issues that are out of the control of the participant and/or the HHA.

IV. Decisions

- a. Hearing officers will continue to issue decisions for all hearings except those related to eviction for non-payment of rent.
- b. Decision letters may be sent to participants via a designated e-mail address and/or by regular U.S. mail.