



Housing and Development Law Institute

Presents:

**Informal Hearings
How Small PHAs Can Comply
With Limited Staff**

**Presented to SERC-NAHRO Annual Conference
*June 26, 2017 10:45 AM –12:00 PM***

BIOGRAPHY OF LISA L. WALKER –Trainer & Speaker

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Since July 2002 Lisa Walker has been the Executive Director and General Counsel of the Housing and Development Law Institute (“HDLI”), a legal think tank and training organization in the public and affordable housing industry.

Ms. Walker designed and implements HDLI’s successful interactive fair housing training program, directed toward the unique job responsibilities and challenges of public housing and redevelopment agencies, their management companies, and development partners. She has trained more than 4,500 front-line, maintenance, managerial, executive, and legal staff of housing agencies and developers of all sizes, including The CT Group, (D.C.), Dwayne Henson Investments, Inc. (TX), KG Residential, LLC (TX), HFI Management Company (TX), LBK Limited (TX), Dallas Hous. Auth. (TX), Fort Worth Hous. Auth. (TX), Abilene Hous. Auth. (TX), Candletree Apartments (TX), Denton Housing Authority (TX), Integrated Housing Solutions LLC (TX), Monarch Properties (TX), Orion Residential Properties (TX), Overton Park Townhomes (TX), Pace Realty (TX), Tarrant County Housing Assistance (TX), Seattle Housing Authority (WA), Housing Authority of the City of Los Angeles (CA), Los Angeles County Community Development Commission (CA), Housing Authority of the County of Ventura (CA), Housing Authority of the City of Ventura (CA), and Housing Authority of the City of Oxnard (CA), Lucas Metro Housing Authority (OH), Orlando Housing Authority (FL), Tampa Housing Authority (FL), Sanford Housing Authority (FL), Pinellas County Housing Authority (FL), Owensboro Housing Authority (KY), Bowling Green Housing Authority (KY), Beaver Dam Housing Authority (KY), Housing Authority of Henderson (KY), Housing Authority of Madisonville (KY), Charleston Housing Authority (SC), Newark Housing Authority (NJ), NorthBend/Coos/Curry Counties Housing Authority (OR), Henry County Housing Authority (IL), Richland County Housing Authority (IL), St. Mary’s County Housing Authority (MD), Altoona Hous. Auth. (PA), Harrisburg Housing Authority (PA), Denver Hous. Auth. (CO), Syracuse Housing Authority (NY), Milford Hous. Auth. (CT), Roanoke Hous. Auth. (VA), Warner Robbins Hous. Auth. (GA), Public Housing Association Directors Association (PHADA-nationwide), Pacific Northwest Regional Council, and states of Michigan (MI), Indiana (IN), and Nebraska (NE) affiliates of the National Association of Housing and Redevelopment Officials (NAHRO). Ms. Walker also has a broad knowledge of federally-assisted public and affordable housing programs, applicable federal regulations (such as those implemented by HUD and the Justice Department), and the fair housing obligations implicit therein. HDLI is certified as a fair housing trainer by the Texas Department of Housing and Community Affairs (TDHCA).

Prior to joining HDLI, Ms. Walker was a partner at Whiteford, Taylor & Preston, L.L.P, a large regional law firm servicing the Washington, D.C.-Maryland-Virginia corridor. As a commercial litigator, Ms. Walker handled the business disputes of corporations, partnerships, organizations, and individuals in the areas of contracts, employment, torts, intellectual property, and product liability, among other areas. Developing a particular interest in and knowledge of fair housing issues, Ms. Walker actively represented the Housing Authority of Baltimore City and City of Baltimore in *Thompson v. HUD*, major federal public housing reform litigation, and with respect to a wide variety of fair housing issues.

Ms. Walker is licensed to practice law before the United States Supreme Court, the federal Fourth and Fifth Circuit Courts of Appeals, and the state and federal courts of Maryland and the District of Columbia. Ms. Walker holds a Bachelor of Science degree in Finance from the University of Maryland, College Park, where she received a four-year academic scholarship from the university. She holds a Juris Doctor from the University of Maryland School of Law, where she received a three-year academic fellowship and was a member of the competitive Moot Court Board. She has been active in local and national bar associations, on nonprofit boards of directors, as well as a number of other service and civic organizations. Ms. Walker serves as *pro bono* counsel to the Miss Black U.S.A. Pageant & Scholarship Foundation, Inc. She also is a frequent speaker, trainer, and presenter at industry meetings across the country.



Informal Hearings – How Small PHAs Can Comply With Limited Staff

June 27, 2017 10:45AM – 12:00PM

Prepared by:
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HDLI CEO/General Counsel
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***BACKGROUND...
OVER-ARCHING CONCEPTS***





*A complainant always has the right
to file suit in court to challenge a
PHA decision.*

Nothing in the administrative review
process waives that right . . .
Even a decision in favor of the PHA.

*Things Small
Housing Authorities Can
Do To Comply
With Limited Staff
"TSHACD"*

TSHACD #1: *Fully Understand the Difference Between the Public Housing and Section 8 Review Processes*

Two <i>Different</i> Procedures:	
Public Housing Program	Section 8 Program
<p data-bbox="386 1430 748 1503">Complainants get "two bites of the apple":</p>  <ul data-bbox="391 1612 753 1766" style="list-style-type: none">• Administrative review with PHA• Brand new hearing in court (de novo)	<ul data-bbox="836 1430 1230 1503" style="list-style-type: none">• Complainants get "one bite of the apple":  <ul data-bbox="836 1612 1230 1766" style="list-style-type: none">• Administrative review with PHA• On the record review in court

Public Housing Grievances

Two Step Process: 24 CFR 966.

Step 1: Informal Settlement Discussion
(1-on-1 Meeting)

Written Summary Provided



Step 2: Informal Hearing
(Hearing officer, witnesses, etc.)

Written Decision Provided



Section 8 Reviews

One Step Process:

Informal Hearing
Written Decision Provided



TSHACD #2:

*Have Updated and Relevant
Administrative Review Policies
& Staff Procedures*

Recent Changes to HUD Grievance Regulations

Effective April 7, 2016, HUD amended a number of public housing grievance regulations in order to streamline the PH HCV and other HUD programs.

PHAs are now permitted to establish their own procedures for **informally settling grievances, obtaining a hearing, and preparing and distributing the decisions** of the IHO.

Streamlining Administrative Regulations for Public Housing, Housing Choice Voucher, Multifamily Housing, and Community Planning and Development Programs; Final Rule, 81 FR 12374 (March 8, 2016)

PHA Review Policies

Make Sure That Your Policies Are Tight

For example, the Section 8 regulations have a very narrow list of categories of disputes that reviewable. Therefore, clients are only entitled to review if their dispute falls under the list set forth in the regulations.

Decide whether your policies should go beyond those set forth in the regulations. If not, then ensure that your policies don't inadvertently provide for additional categories of review.

PHA Review Policies

Criminal and Drug-Related Behavior

Another example: all states **except Florida** have HUD's blessing to leave out of their administrative review process denials or terminations based upon criminal activity. *(See ahead for categories)*

Clients are not entitled to PHA administrative review of those actions and have to go to court to have those adjudicated **UNLESS your policies provide otherwise.**

Now's a good time to review your policies...

TSHACD #3:

*Don't Do Unnecessary Work: Know What
Types of Actions Are Reviewable
In The First Place:*

Reviewable v. Non-reviewable Decisions

Persons With a Review Right

Persons With a Review Right

1. **DENIED APPLICANTS.** Public housing and Section 8 applicants **who are denied admission.**

Persons With a Review Right

2. Public housing tenants who dispute any PHA action or PHA failure to act in accordance with the individual tenant's lease or PHA regulations which adversely affect the individual tenant's rights, duties, welfare or status.

(a very broad standard)

Persons With a Review Right

3. Section 8 participants who have the following enumerated disputes:

(a very narrow standard)

- Income. PHA's determination of the family's annual or adjusted income, and the use of such income to compute the HAP;

Persons With a Review Right

3. Section 8 participants cont'd-

- Utility Allowances: PHA's determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule
- Unit Size: PHA's determination of the family unit size under PHA's subsidy standards

Persons With a Review Right

3. Section 8 participants cont'd-

- Over-housing: PHA's determination that a family is over-housed under PHA's subsidy standards or the PHA's determination to deny the family's request for an exception from the standards
- Family's Action/Failure to Act: PHA's determination to terminate assistance because of the family's action or failure to act

Persons With a Review Right

3. Section 8 participants cont'd-

- Absence From the Unit: PHA's determination to terminate assistance because of the family's absence from the unit for longer than the maximum period permitted under PHA policy and HUD rules

If the dispute does not fall within one of the foregoing categories, then the participant is not entitled to administrative review.

Persons With **NO** Review
Right

Applicants
With **NO** Review Right

Persons With **NO Review** Right

For Section 8 applicants:

- 1) Discretionary administrative determinations
- 2) General policy issues or class grievances
- 3) Determination of the family unit size under PHA's subsidy standards
- 4) Determination not to approve an extension or suspension of a voucher term
- 5) Determination not to grant approval of the tenancy (a specific unit)

...

Persons With **NO Review** Right

For Section 8 applicants:

- 6) Determination that a unit selected by the applicant is not in compliance with HQS
- 7) Determination that the unit is not in accordance with HQS because of the family size or composition

Persons With **NO Review** Right

For Public housing applicants:

Unlike the Section 8 regulations, HUD's public housing regulations do not specify any circumstances under which a public housing applicant is not entitled to administrative review.

Thus, one can infer that public housing applicants are entitled to administrative review of all decisions denying them admission to the program without qualification.

Clients
With **NO** Review Right

Persons With **NO Review** Right

For Public housing tenants:

When PHA Has Excluded Four Criminal Behaviors From the Review Process:

1) Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of *other tenants* or PHA *employees*;

Persons With **NO Review** Right

2) Violent Criminal Activity

3) Drug-related criminal activity

4) Any criminal activity that resulted in a felony conviction of a household member

Persons With **NO Review** Right

The foregoing criminal activity can take place "on or **off**" public housing premises (broad)

-or-

"on or **near**" Section 8 premises (narrow)

Persons With **NO Review** Right

For Section 8 participants: **8 categories**

- 1) Discretionary administrative determinations
- 2) General policy issues or class grievances
- 3) Establishment of PHA's utility allowances
- 4) Determination not to approve an extension or suspension of a voucher term

. . .

Persons With **NO Review** Right

For Section 8 participants: cont'd

- 5) Determination not to approve a unit or tenancy
- 6) Determination that a unit is not in compliance with HQS
- 7) Determination that the unit is not in accordance with HQS because of family size
- 8) Determination to exercise or not any right or remedy against the owner under a HAP



TSHACD #4:
*Provide All Requisites of
Due Process*

Lack of Due Process = Reversal

The consequence of omitting **any element** of required due process is that a court can **reverse your decision**.

- Unfair to, and can be hardship for, applicant/client
- Can be costly in time and money for the PHA!

Lack of Due Process = Reversal

Example:

- Hearing conducted perfectly
- Written hearing decision written perfectly
- But **initial termination notice** was improperly written.

Whole process could be reversed on that basis, alone...

Due Process
Element #1:
Timely & Adequate
Notice

Timely & Adequate Notice

The notice element is one of the most important elements of due process!

An improper notice can unravel an otherwise lawful termination.

Courts will dismiss a termination where the notice was not done properly.

Timely & Adequate Notice

Who is Entitled to Receive Notice?

- Denied Applicants
- Terminated tenants or participants of record, not other members of the household
- Not Squatters

Timely & Adequate Notice

If Complainant is **visually impaired**, s(he) has a **right to receive required notices in an accessible format**

Query: Do your forms inquire as to visual impairments for notice purposes?

- May include:
 - Large print
 - Braille
 - Reader
 - Sign language interpreters
 - Readers
 - Other (not exhaustive list)

Timely & Adequate Notice

Parroting of Notice Requirements:



- **DO** parrot, or track verbatim, the specific language of the HUD regulations that were violated in your notices

Timely & Adequate Notice

NO Parroting of
Bases for
Termination/
Eviction

Must also **state the**
specific conduct that
serves as basis for the
denial

WHO
WHAT
WHEN
WHERE

Timely & Adequate Notice

What is *not* "specific enough" information?

- **One-sentence** summary notices;
- Did not **quote regulations** concerning the need to receive approval before adding other family member as an occupant of the unit;
- Did not **identify the "unauthorized individual;"**

Timely & Adequate Notice

What is *not* "specific enough" information?

- Did not **specify** whether the individual allegedly resided in the unit, or was just present there
- **Did not indicate when** the alleged violation took place
- **Did not indicate which family member** committed proscribed acts;
- Did not indicate the **nature of the alleged crime**;

Timely & Adequate Notice

What is *not* "specific enough" information?

- Did not indicate **when** (date) the relevant acts were committed;
- Used **nonspecific language** - "repeated incidents of intoxication and irresponsible use of the kitchen facilities in your Unit [which] have imposed a threat [to] the peaceful enjoyment and safety of your neighbors."

Timely & Adequate Notice



**And don't forget to add information
on how to seek administrative
review.**

Timely Delivery of Notices

Lease Termination Notices

Depends upon violation:

Time for Lease Termination Notices:

- (A) 14 days in the case of failure to pay rent;

24 CFR §966

Lease Termination Notices

Time for Lease Termination Notices:

A reasonable period of time considering the seriousness of the situation (but not to exceed 30 days):

- If the health or safety of others is threatened; or

...

24 CFR §966

Lease Termination Notices

Time for Lease Termination Notices:

- If any member of the household has engaged in any drug-related criminal activity or violent criminal activity; or

...

Lease Termination Notices

Time for Lease Termination Notices:

- If any member of the household has been convicted of a felony;

Lease Termination Notices

Time for Lease Termination Notices:

- 30 days in any other case, except that if a State or local law allows a shorter notice period, such shorter period shall apply.

Lease Termination Notices

Content of Lease Termination Notices:

[24 CFR §966](#)

- State specific grounds for termination
- Inform the resident of the resident's right to make such reply as the resident may wish

Lease Termination Notices

Content of Lease Termination Notices:

- Inform the resident of the right to examine housing agency documents directly relevant to the termination or eviction.

)

Lease Termination Notices

When the housing agency is required to afford the resident the opportunity for a grievance hearing:

- Notice shall also inform the resident of the resident's right to request a hearing in accordance with the housing agency's grievance procedure.

Lease Termination Notices

Combination with Notice to Vacate:

- A notice to vacate which is required by State or local law may be combined with, or run concurrently with, a notice of lease termination

Lease Termination Notices

Timing of Termination:

- The lease or tenancy cannot be terminated (even if any notice to vacate under State or local law has expired) until the time for the resident to request a grievance hearing has expired, and (if a hearing was timely requested by the resident) the grievance process has been completed.

Section 8 Notices

Content of Notices:

24 CFR §982.555(c)

- (i) Brief statement of reasons for the decision,
- (ii) Statement that if the family does not agree with the decision, the family may request an informal hearing on the decision, and
- (iii) State the deadline for the family to request an informal hearing.

Due Process Element #2: Opportunity to Be Heard (The Hearing)



Scheduling the Hearing

Opportunity to be Heard, Present Evidence & Confront Witnesses

Scheduling of Hearing

24 CFR §966.55(f)

If written request is made, and escrow is paid or waived, then the hearing must be scheduled
"promptly."

- "Promptly" not defined - 10 days?
- Promptly schedule or promptly hold hearing?

Opportunity to be Heard, Present Evidence & Confront Witnesses

Scheduling of Hearing

Time and place must be “reasonably convenient” to both the Complainant and PHA

- Central office will most often be reasonable
- Consider RAs for disabilities

24 CFR §966.55(f)

Opportunity to be Heard, Present Evidence & Confront Witnesses

Scheduling of the Grievance Hearing

Tenant “No-Show”

PHA has the discretion to determine:

- To postpone – not to exceed 5 “business days” -or-
- That the “complainant” has waived his right to a hearing
- Must notify all parties of determination
- Complainant retains right to file suit.

24 CFR § 966.55(d)

Opportunity to be Heard, Present Evidence & Confront Witnesses

Right to arrange in advance and at his/her expense for a transcript of the hearing

- PHA has same right
- *Either party may purchase a copy of such transcript*
- *PHA can determine terms for recording & copying*

Flexible Rules

Opportunity to be Heard, Present Evidence & Confront Witnesses

Since administrative hearings have very informal rules, PHA should give the *Complainant* the ability to **present evidence without regard to admissibility** in a court of law. Where practical, it is good practice to **allow virtually all relevant, non-repetitive evidence**.

Opportunity to be Heard, Present Evidence & Confront Witnesses

The most common violation of this element is when a *PHA* uses unreliable hearsay evidence which the *Complainant* is not able to cross-examine or confront.

Hearsay is discussed in more detail in the "Special Considerations" section later.

Pre-Hearing Discovery!

- ❖ Each party has a right to **an opportunity to examine before the hearing any relevant documents**
 - Includes **records**
 - Includes **regulations**

24 CFR 966.56(b)(1)

- ❖ Each party has a right to **copy any document at the party's expense**
 - *It's reasonable for PHA to decide copying manner and cost*
 - *Should be stated in policy*

Pre-Hearing Discovery!



Sanction for failure to provide discovery in advance of hearing:

Failure to provide means the party cannot use at hearing!

Pre-Hearing Discovery!

If failure is apparent before hearing:

HO could postpone hearing until opportunity provided



If failure is not apparent until hearing:

HO could ask other party if it wants to proceed or postpone to review.

If proceeding, document cannot be used.

Due Process
Element #3:
Impartial Decisionmaker

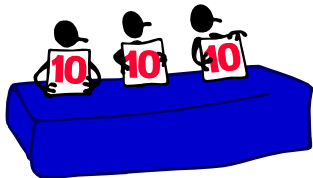
Hearing Officer v. Hearing Panel

Sole Hearing Officer



-or-

Hearing Panel?



- PHA has discretion to decide whether to utilize **one or more Hearing officers** -or-
- A hearing **panel** of two or more HO's at a time

Hearing Officer v. Hearing Panel

Advantages of Individual Hearing Officers

- Easier to schedule hearings - only 1 person's calendar to consider
- Potentially faster decision-making
- One set of eyes on all decision-making leads to consistency
- Can be less costly for PHA

Advantages of Hearing Panel

- May appear to be more fair to the Complainant - not just one person to cast their fate
- May have a cross-discipline of experience to share
- Can trade writing responsibilities among themselves

Hearing Officer v. Hearing Panel

Disadvantages of Individual Hearing Officers

- Could appear unfair to Complainant – 1 person casts his/her fate
- May be limited in his/her program and/or procedural knowledge
- Could repeat same mistakes over again due to lack of checks and balances

Disadvantages of Hearing Panel

- Harder to schedule hearings when having to consider multiple persons' calendars
- Potentially slower decision-making
- Personality conflicts
- May have different "agendas"

Hearing Officer Attributes

Must be:

- **Impartial**
- **Appointed by PHA** (within purview of E.D.)
- **Other than person who made or approved the PHA action under review, and cannot be the subordinate** of that person

24 CFR 966.55(a)

PHA Employee v. Outsider

HUD regulations specifically permit appointment of persons who are **officers** or **employees** of the PHA

24 CFR §966.55(b)(2)(ii)

BUT is it a good idea?

PHA Employee v. Outsider

Advantages of PHA Employee as HO

- Knows the PHA's policies
- Knows the PHA's clients
- Knows HUD regulations & guidance - at least in their area
- Other

Advantages of Outside Person(s) as HO

- Gives the PHA "cover"
- May appear to be less biased against the Complainant - not employed by the PHA
- May have hearing or court experience to offer
- May have more procedural comfort & experience

PHA Employee v. Outsider

Disadvantages of PHA Employee as HO

- May appear to be biased in favor of the PHA by virtue of their employment
- May have personal or professional conflicts with Complainants
- May feel conflicted in ruling against coworkers and/or PHA

Disadvantages of Outside Person(s) as HO

- May not have knowledge of PHA policies, HUD regulations, guidance, etc.
- May misunderstand rules against the interest of the PHA

Small PHA Recruitment of HOs

Where Small PHAs Can Recruit Hearing Officers:

- Trade staff with other local PHAs
- Ask local bar associations for pro bono attorneys willing to serve
- Local law schools, college seniors
- Tenant Advocates
- Newspaper ads, public service announcements

Due Process Element #4: Representation

Representation

- Complainant has a right to be represented by **counsel** or **another person of his/her choice**
- Complainants with mental, emotional, or developmental disabilities may need **appointment of a guardian before the review can proceed**
- PHA **should inform the IHO** if the Complainant has any of the aforementioned disabilities

Representation

Representative can be:

- Attorney
- Family member
- Friend
- Advocate
- Other


- Representative can speak on "tenant's" behalf.
 - Rep. can pose questions, make objections, and make arguments
 - Rep. should not "testify" for Complainant

Due Process Element #5:

**Decision Based on Law &
Evidence From Hearing**

Decision Based on Law & Evidence Only From Hearing

❖ “Right to a (written) **decision based solely and exclusively upon the facts presented at the hearing**

- **QUERY:** Can HO consider other  evidence?
 - With the parties consent? Without their consent?
 - What “other”?
- 24 CFR §966.56(b)(5)

What about:

- Items of **general knowledge** – season, calendars, holidays, etc.
- Applicable **law & regulations**
- **PHA policies, plans**

Decision Based on Law & Evidence Only From Hearing

Making a Proper Administrative Record

It is VITAL for the decision to be thorough enough to make a proper record for appeal purposes.

This especially is important for Conference decisions, since the *Complainant* will not get a new trial.

Decision Based on Law & Evidence Only From Hearing

HUD's public housing regulations give tenants the right to a "decision based solely and exclusively upon the facts presented at the hearing."

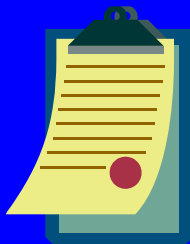
One can infer that this means that the *IHO* cannot consider evidence that is not presented at the hearing despite the fact that both the public housing and Section 8 regulations are silent as to whether the *IHO* may consider evidence provided or found outside of the hearing.

Decision Based on Law & Evidence Only From Hearing

Considerations:

- Can the IHOs review the tenant's file after the hearing?
- Can the IHOs consult the file to see if other facts support the Initial Decision?
- Can IHOs take a site visit?
- Can panel members contact witnesses who were unable to attend the hearing?

Due Process Element #6: Written Decision



Grievance Decision

When is the Written Decision Due?

24 CFR §966.57

Regs say "Within a reasonable time"

- *Some cases are harder. Policy should be more flexible and not absolute - sometimes PHA may need more time*
- Be up front with the parties if going to be late

USE A TEMPLATE

Written Decision

Decision Template

*Why reinvent the
wheel??*

- Hearing officers should all utilize the same decision template to ensure uniformity
- PHA should maintain a "master file" of decisions
Helpful to **index them by subject matter.**

Written Decision

Basic Components of the Decision:

1. Parties in Attendance
2. Summary of Evidence Produced and That Considered
3. Relevant Law, Regs, Guidance, Lease provision, etc.
4. Consideration of Any Mitigating Circumstances
5. Decision Made
6. Explanation of Right to Appeal

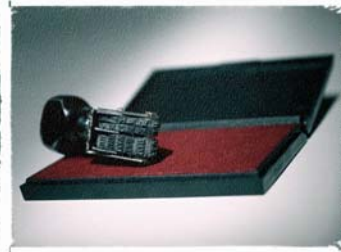
Grievance Decision

IHO should sign the decision



No HUD regulation

HO should date the decision **as of the date it is transmitted** to the Review Coordinator & Statistician, or to client, whichever is latest...



Accessible Format

Grievance Decision

Hearing Officer
should consider
whether decision
should be provided
in an **alternative,
accessible format**

Example:

Large Print

Translation/Interpretation (LEP)

Written Decision

Hearing Officer/panel should consider whether decision should be translated or interpreted for families with LEP.

CONFIDENTIALITY/PRIVACY

Written Decision

**CONFIDENTIALITY &
PRIVACY!**

- Maintain confidentiality
Don't include personal or medical information
- Maintain privacy
Keep in private place

DISSEMINATE PROPERLY

Written Decision

A copy of the decision “shall be sent” to Complainant and the PHA

OLD RULE:

A **redacted copy** with all names and identifying references deleted “shall also be **maintained on file by PHA** and made available for inspection by a prospective complainant, his representative, or IHO members

NEW RULE:

Now only index must be provided to the public.

Filing of Decision

Grievance Decision

- A copy of the decision "shall be sent" to Complainant and the PHA
- A **redacted copy** with all names and identifying references deleted "shall also be **maintained on file by the PHA** and made available for inspection by a prospective complainant, his representative, or the HO
- This is the Review Coordinator & Statistician's job

24 CFR §966.57(a)



TSHACD #5:
*Know How/When to Disregard
Hearing Officer's Decision*

Binding Nature of Grievance Decision

The Hearing Officer's decision is binding on all parties (Complainant retains right to seek court review; PHA does not)

-UNLESS-

24 CFR §966.57(b) and (c)

Disregard of Public Housing Decisions

Disregard of Grievance Decision

1. Grievance does not concern **PHA action or failure to act** re: the Complainant's **lease** on PHA **regulations**, which **adversely affect** the Complainant's **rights, duties, welfare or status**
2. Decision is contrary to:
 - Applicable federal, state or local **law**
 - HUD **regulations**
 - Requirements of the **ACC**

These are for public housing grievances

Disregard of Section 8 Decisions

Disregard of Conference Decision

1. PHA is not required to provide an opportunity for an informal hearing
 2. Decision exceeds the authority of the person conducting the hearing under PHA's hearing procedures
 3. Decision is contrary to:
 - Applicable federal, state or local law
 - HUD regulations
- These are for Section 8 reviews

Binding Decision

If any of the foregoing circumstances apply, the Board of Commissioners can disregard the Panel's decision:

- Not the E.D.
- Not Another HO

- Must notify the Complainant that it does not intend to be bound.
- This is the end of the administrative review process.
- Complainant's only recourse is to seek further review in court.



Know Somebody Who
Missed This Training Or
Could Benefit From More
In-Depth Training?
HDLI Can Come to You!

SIX ON-SITE HDLI TRAINING OFFERINGS

HDLI Customizes All Trainings For Clients

1. **ON-SITE Commissioners Training**
 - Roles From A to Z (approx. 7 hours)
2. **ON-SITE Customized Fair Housing Trainings**
 - Protected Classes, Exemptions, AFFH, VAWA, LEP, Assistance Animals, Live-in Aids, Reasonable Accommodations & modifications
 - Half-Day Fair Housing Training (approx. 4 hours)
 - Full-Day Fair Housing Training (approx. 7 hours)
3. **ON-SITE Public Housing Evictions & Section 8 Terminations Training** (approx. 7 hours)

ON-SITE HDLI TRAINING OFFERINGS

4. **ON-SITE** Administrative Review Process Training

➤ Public Housing Grievances and Section 8 Reviews
(approx. 7 hours)

5. **ON-SITE** *Sexual Harassment* Training

➤ Half-Day Training (approx. 4 hours)

➤ Full-Day Training (approx. 7 hours)

6. **ON-SITE** "Excellence in Customer Service Training (approx. 2 hours)

Have other training needs? Contact us to discuss:
202-289-3400 or hdli@hdli.org

Prefer Online Training
At Your Desk Top?

HDLI Has It!

ONLINE HDLI TRAINING OFFERINGS

HDLI's *Online Fair Housing Training*

Give Your Staff the Training They Need:

- Full Course – Approx. 7 hours
- Individual Modules – From 20 minutes to 1 hour
 - Staff and Resident Development Courses
 - Trainee takes courses at his or her own pace
- Assessment tests given throughout to test comprehension
- Printable training certificates issued at end for those who pass
 - PHA receives final test results

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