

**HAWAII PUBLIC HOUSING AUTHORITY**  
**SECTION 8 HOUSING CHOICE VOUCHER PROGRAM**  
**INFORMAL REVIEW/HEARING PROCEDURES**

The Hawaii Public Housing Authority (HPHA) shall give participants in this: Section 8 Housing Choice Voucher Program an opportunity for an informal hearing to review certain HPHA determinations relating to the individual circumstances of the participant. The hearing process is designed to assure that decisions by HPHA comply with applicable rules. The participants may not claim a hearing merely because the family objects to a law or rule. The right to a hearing applies only when the family is claiming that the law or rules has been incorrectly applied by HPHA.

**Informal Review for Applicants [24 CFR 982.554]**

The PHA will only offer an informal review to applicants for whom assistance is being denied for denying listing on the PHA waiting list; denying or withdrawing a voucher; refusing to enter into a HAP contract or approve a lease; refusing to process or provide assistance under portability procedures.

HPHA shall give the participant a written notice of the decision. The notice shall also state that if the participant does not agree with the decision, the participant may request an informal review.

Request for an informal review must be made in writing and delivered to the PHA either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the PHA's denial of assistance.

The PHA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision.

**Informal Hearing for Participants [24 CFR 982.555]**

A participant may request an informal hearing to consider the following types of decisions:

1. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment
2. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule
3. A determination of the family unit size under the PHA's subsidy standards
4. A determination that a certificate program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the PHA's subsidy standards, or the PHA determination to deny the family's request for exception from the standards
5. A determination to terminate assistance for a participant family because of the family's actions or failure to act
6. A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules
7. A determination to terminate a family's Family Self Sufficiency contract, withhold supportive services, or propose forfeiture of the family's escrow account [24 CFR 984.303(i)]
8. A determination to deny admission based on an unfavorable history that may be the result of domestic violence, dating violence, or stalking.

The Hawaii Public Housing Authority will not provide participants an opportunity for hearing in the following cases:

1. Discretionary administrative determinations by the PHA.
2. General policy issues or class grievances.
3. Establishment of the PHA schedule of utility allowances for families in the program.
4. A PHA determination not to approve an extension or suspension of a voucher term,
5. A PHA determination not to approve a unit or lease.
6. A PHA determination that an assisted unit is not in compliance with HQS (PHA must provide hearing for family breach of HQS because that is a family obligation determination).
7. A PHA determination that the unit is not in accordance with HQS because the family size.
8. A PHA determination to exercise or not exercises any right or remedy against the owner under a HAP contract.

For the decisions in which a participant is provided an opportunity for an informal hearing, HPHA shall give the participant a written notice of the decision. The notice shall also state that if the participant does not agree with the decision, the participant may request an informal hearing. The deadline for the family to request the informal hearing. To whom the hearing request should be addressed. A copy of the PHA's hearing procedures.

A request for an informal hearing must be made in writing and delivered to the PHA either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the PHA's decision or notice to terminate assistance.

The PHA must schedule and send written notice of the informal hearing to the family within 10 business days of the family's request.

The family may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, the PHA may request documentation of the "good cause" prior to rescheduling the hearing.

If the family does not 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 the PHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The PHA will reschedule the hearing only if the family can show good cause for the failure to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

A hearing shall be scheduled by the hearing officer. The informal hearing shall be held before a hearing officer as appropriate. The participant has the right to be represented by counsel or another person chosen as his/her representative. HPHA and the participant shall be given 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 hearing officer shall prepare a written decision stating briefly the reasons for the decision. A copy of the decision shall be sent to the participant within reasonable time after the hearing.