

HA DENIAL OR TERMINATION OF ASSISTANCE

The HA 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.

DENIAL OF ASSISTANCE FOR AN APPLICANT MAY INCLUDE THE FOLLOWING:

- Denying listing on the HA waiting list
- Denying or withdrawing a Voucher
- Refusing to enter into a HAP contract or approve a lease
- Refusing to process assistance under portability procedures

TERMINATION OF ASSISTANCE FOR A PARTICIPANT MAY INCLUDE THE FOLLOWING:

- Refusing to enter into a HAP contract or approve a lease
- Terminating Housing Assistance Payments under an outstanding HAP contract
- Refusing to process or provide assistance under portability procedures

The HA may at any time deny program assistance for an applicant or terminate program assistance for a participant for any of the following grounds:

1. If the family violates any Obligation of the Family under the Shelter Plus Care Choice Voucher Program.
2. If any member of the family has ever been evicted under the rental assistance program.
3. If a HA has ever terminated assistance under the Voucher program for any member of the family.
4. If any member of the family commits **DRUG RELATED OR VIOLENT CRIMINAL ACTIVITY**.
5. If any member of the family commits fraud, bribery or any other corrupt or criminal activity in connection with any Federal Housing programs.
6. If the family currently owes rent or other amounts to the HA or to another HA in connection with Section 8 or Public Housing Assistance under the 1937 Act.
7. If the family has not reimbursed any HA 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.
8. If the family breaches an agreement with the HA to pay amounts owed to a HA or amounts paid to an owner by a HA. (The HA at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a HA or amounts paid to an owner by a HA. The HA may prescribe the terms of the agreement.)
9. If the family has engaged in or threatened abusive or violent behavior toward HA personnel.

The HA must deny or terminate assistance if any member of the family fails to sign and submit consent forms for obtaining information in accordance with 24 CFR part 760 and 24 CFR part 813.

INFORMAL REVIEW FOR APPLICANT

The HA will give an applicant for participation prompt notice of a decision to denying assistance. The notice will contain a brief statement of the reasons for the HA decision.

The notice will also state that the applicant may request an Informal Review of the HA decision and will describe how to obtain an Informal Review.

The HA will give an applicant an opportunity for an Informal Review of the HA decision denying assistance to the applicant.

1. The Informal Review will be conducted by any person or persons designated by the HA other than a person who made or approved the decision under review or a subordinate of this person.
2. The applicant will be given an opportunity to present written or oral objections to the HA decision.
3. The HA will notify the applicant of the HA final decision after the Informal Review. Including a brief statement of the reasons for the final decision.

The HA is not required to provide the applicant an opportunity for an Informal review for any of the following:

1. Discretionary administrative determination by the HA.
2. General policy issues or class grievances.
3. A determination of the family unit size under the HA subsidy standards.
4. A determination not to approve an extension or suspension of a voucher term.
5. A HA determination not to grant approval to lease a unit under the program or to approve a proposed lease.
6. A HA determination that a unit selected by the applicant is not in compliance with HQS.
7. A HA determination that the unit is not in compliance with HQS because of the family size or composition.

INFORMAL HEARING FOR PARTICIPANT

The HA will give a participant family an opportunity for an Informal Hearing to consider whether the following HA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and HA policies:

- A. A determination of the family's annual or adjusted income, and the use of such income to compute the Housing Assistance Payment.
- B. A determination of the appropriate Utility Allowance (if any) for tenant-paid utilities from the HA utility allowance schedule.
- C. A determination of the family unit size under the HA Subsidy Standards.
- D. A determination to terminate assistance for a participant family because of the family's action.
- E. A determination to terminate assistance for a participant family has been absent from the assisted unit for longer than the maximum period permitted under HA policy and HUD rules.

The HA will give the opportunity for an Informal Hearing before the HA terminates housing assistance payments for the family under an outstanding HAP contract.

The HA is not required to provide a participant family an opportunity for an Informal Hearing for any of the following:

- A. Discretionary administrative determinations by the HA.
- B. General policy issues or class grievances.
- C. Establishment of the HA schedule of Utility Allowances for families in the program.
- D. A HA determination not to approve an extension or suspension of a voucher term.
- E. HA determination not to approve a unit or lease.
- F. A determination that an assisted unit is not in compliance with HQS. (However, the HA will provide the opportunity for an Informal Hearing for a decision to terminate assistance for a breach of the HQS caused by the family.)
- G. A HA determination that the unit is not in accordance with HQS because of the family size.
- H. A determination by the HA to exercise or not to exercise any right or remedy against the owner under a HAP contract.

The HA will notify the family of their right to ask for an explanation of the basis of the HA determination and that if the family does not agree with the determination, they may request an Informal Hearing.

The HA will give the family prompt written notice that the family may request a hearing. The notice will:

1. Contain a brief statement of reasons for the decision
2. State procedures for requesting an Informal Hearing
3. State the deadline for the family to request an Informal Hearing

INFORMAL HEARING/REVIEW PROCEDURES

1. The hearing may be conducted by any person or persons designated by the HA. (Other than the person who made or approved the decision under review or a subordinate of this person.)
2. The family may be represented by a lawyer or other representative at the family's cost.
3. The person who conducts the hearing/review may regulate the conduct of the hearing/review in accordance with the HA hearing procedures.
4. The HA and the family will be given the opportunity to present evidence, and may question any witnesses.
5. The person who conducts the hearing/review will issue a written decision stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of evidence presented at the hearing. A copy of the hearing/review decision shall be furnished promptly to the family.
6. The family will be given the opportunity to examine any HA documents that are directly relevant to the hearing/review prior to the Informal Hearing/Review. The family will be allowed to copy any documents at the family's expense. If the HA does not make documents available for examination on request of the family, the HA may not rely on the document at the hearing/review.
7. The HA must be given the opportunity to examine any family documents that are directly relevant to the hearing/review. The HA must be allowed to copy such documentation at the HA's expense. If the family does not make the document(s) available for examination, on request of the HA, the family may not rely on the document(s) at the hearing/review. The term "documents" includes records and regulations.