

**DUPAGE HOUSING AUTHORITY**  
**RESOLUTION NO. 2021 -17**  
**ADMINISTRATIVE PLAN REVISIONS**

***BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE DUPAGE HOUSING AUTHORITY (DHA), as follows:***

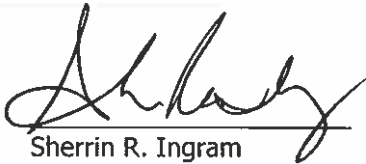
**Section 1:** It is in the best interests of the DuPage Housing Authority to take the following action:

Approve the attached revisions to the DuPage Housing Authority Administrative Plan (Chapter 16-III.B.)

**Section 2:** This Resolution is effective upon its adoption.

*Approved by the DuPage Housing Authority Board of Commissioners on the 16th day of September, 2021.*

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Sherrin R. Ingram  
Chair



Kenneth E. Coles  
Secretary

Ayes: 6

Nays: 0

Abstain: 0

### 16-III.B. Informal Hearings for Participants

[24 CFR 982.555]

DHA must give a participant family an *opportunity* for an Informal Hearing for certain DHA determinations relating to the individual circumstances of a participant family. A participant is defined as a family that has been admitted to DHA's HCV program and is currently assisted in the program. The purpose of the Informal Hearing is to consider whether DHA's decisions related to the family's circumstances are in accordance with the law, HUD regulations and DHA policies.

DHA is not permitted to terminate a family's assistance until the time allowed for the family to request an Informal Hearing has elapsed, and any requested hearing approved by DHA during that time has been completed. Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP Contract or approve a lease;
- Terminating housing assistance payments under an outstanding HAP Contract; or
- Refusing to process or provide assistance under portability procedures.

#### Decisions Subject to Informal Hearing

Circumstances for which DHA must give a participant family an *opportunity* for an Informal Hearing are as follows:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment;
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from DHA utility allowance schedule;
- A determination of the family unit size under DHA's subsidy standards;
- A determination to terminate assistance for a participant family because of the family's actions or failure to act [24 CFR 982.552];
- A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under DHA policy and HUD rules; or
- In the cases under HUD rules where DHA must give the opportunity for an Informal Hearing before DHA terminates housing assistance payments (HAP) for the family under an outstanding HAP Contract.

Circumstances for which an Informal Hearing is not required are as follows:

- Discretionary administrative determinations by DHA;
- General policy issues or class grievances;
- Establishment of DHA schedule of utility allowances for families in the program;
- A DHA determination not to approve an extension or suspension of a voucher term;
- A DHA determination not to approve a unit or tenancy;
- A DHA determination that a unit selected by the applicant is not in compliance with the HQS (However, DHA must provide the opportunity for an Informal Hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in [24 CFR 982.551(c)]);
- A DHA determination that the unit is not in accordance with HQS because of family size; or
- A determination by DHA to exercise or not to exercise any right or remedy against an owner under a HAP Contract.

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➤ **DHA Policy:** DHA will only offer participants the opportunity for an Informal Hearing when required to by the HUD regulations and this Plan.

## Remote Informal Hearings

[PIH Notice 2020-32; COVID-19-Related Frequently Asked Questions (FAQs) for Public Housing Agencies (PHAs) Version 7 Updated March 24, 2021]

The DHA's essential responsibility is to ensure informal hearings meet the requirements of due process and comply with HUD regulations. Therefore, all DHA policies and processes for remote informal hearings will be conducted in accordance with due process requirements and will be in compliance with HUD regulations.

➤ **DHA Policy.** The DHA has the sole discretion to require that informal hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather, natural disaster or the convenience of the parties.

*In addition, the DHA will conduct an informal hearing remotely upon request as a reasonable accommodation for a person with a disability, if a participant does not have child care or transportation that would enable them to attend the informal hearing, or if the participant believes an in-person hearing would create an undue health risk. The DHA will consider other reasonable requests for a remote informal hearing on a case-by-case basis.*

## Conducting Informal Hearings Remotely

In conducting any informal hearing remotely, the DHA shall ensure due process and that all parties are able to have full access to the hearing.

➤ **DHA Policy.** The DHA will conduct remote informal hearings via telephone conferencing call-in or via videoconferencing. If the informal hearing will be conducted via videoconferencing, the DHA will ensure that all participants, participant representatives, advocates, witnesses, representatives,