



New York State Housing Trust Fund Corporation  
Hampton Plaza  
38-40 State Street  
Albany, NY 12207

## Informal Hearings - NHTD Subsidy Assistance

### **General Requirements:**

- The purpose of hearing procedures is to resolve applicant/participant disputes with the LA without legal action and to correct LA errors.
- Informal hearings are not required for determinations required by HUD rules or decisions made in accordance with written LA policies on matters which the LA has discretion.
- All Hearings must be conducted by a non-involved person designated by the LA (must be someone not involved in the original decision or approval of the decision or their subordinates).
- All requests for hearing, supporting documentation and a copy of the final decision must be retained in the family's file.

### **Informal Hearing Required for Decisions Related to:**

- Calculation of Tenant Rent
- Denial or Termination of Assistance
- Bedroom Size Determinations

### **Informal Hearings Not Required:**

- Rejection of Unit that fails HQS
- Sanctions against Owner who is not in compliance with the contract.
- Other actions following LA or HTFC discretionary procedures.

### **Hearing Procedures:**

- Participants must request an informal Hearing within 10 days of issuance of LA notification of adverse action or termination
- The Hearing must be conducted by someone other than the person who made or approved the decision and their subordinates.
- The family has a right to legal counsel, at their own expense;
- The Hearing Officer may regulate the conduct of the hearing;
- Both the family and the LA have the opportunity to present evidence and/or witnesses;
- Factual determinations relating to the individual circumstances or the participant shall be based on a preponderance of the evidence presented at the hearing;
- A final decision stating the reasons issued by the Hearing Officer in a timely manner with a copy to the family.

### **Timing of the Hearing:**

- For decisions regarding termination of assistance the LA is required to conduct the hearing prior to terminating assistance.
- The LA may implement the following changes prior to the Hearing:
  - Changes in rent
  - Denial of move with continued assistance
  - Unit size determinations for a family wishing to move

### **LAs are not bound by a hearing decision:**

- Concerning matter in which the LA is not required to provide an opportunity for a hearing
- Contrary to program rules or requirements
- Contrary to Federal, State or Local laws
- That exceeds the authority of the person conducting the hearing
- Regarding matters falling under the jurisdiction of Medicaid or the Dept. of Health