

**ABC HOUSING AUTHORITY
BOARD OF COMMISSIONERS
AGENDA MEMO
October 1, 2008**

FROM: Suzy Just Doit, PHM, Executive Director

MEETING: October 15, 2008

SUBJECT: Section 8 Informal Review and Hearing Procedure

BACKGROUND

The Department of Housing and Urban Development requires Housing Authorities to develop and implement a Section 8 Informal Review and Hearing Policy and Procedure.

Currently, the ABC Housing Authority utilizes the Grievance Policy and Procedure to ensure due process to Section 8 participants. The federal regulations governing the implementation of this policy and procedure are contained in 24 CFR 982.554-555, and differ significantly from the requirements of the Grievance Policy and Procedure currently utilized.

DISCUSSION

The purpose of the Section 8 Informal Review and Hearing Procedure is to set forth the requirements, standards and criteria that will be implemented by the ABC Housing Authority to assure that a Section 8 participant is afforded an opportunity for a hearing if the participant disputes, within a reasonable time, certain Housing Authority decisions relating to the individual circumstances of a participant family in accordance with the law, HUD regulations and ABC Housing Authority policies.

In the event a participant requests to exercise his/her rights of due process under this policy, and the Housing Authority determines that allowing the Complainant to pursue such a grievance will unduly jeopardize the safety or security of staff, or other residents, the Executive Director may find that the Policy is not applicable to that specific grievance. However, such a determination shall not prevent the Complainant from pursuing his/her complaint against the ABCHA in a court of competent jurisdiction.

Nothing contained herein shall be deemed to grant any court jurisdiction, to hear such a matter, that does not already have such jurisdiction under the law of the State of Kansas.

The current Grievance Policy and Procedure has been in use since its' approval in 2004 for the Public Housing and Section 8 programs; however, it has come to the attention of management that the Section 8 program is, by federal regulation, to have a separate policy and procedure (Section 8 Informal Review and Hearing Policy and Procedure).

The Section 8 Informal Hearing and Review Policy and Procedure varies from the Grievance Policy and Procedure utilized in the Public Housing program significantly, since the Housing Authority does not have the capability or responsibility in the Section 8 program to enforce the lease or manage the property in which the participant resides. Therefore, the Housing Authority will only be making decisions regarding the participant's assistance, but not the resident's ability to continue occupancy in a unit.

The Section 8 Informal Review and Hearing Procedure will be incorporated into the Section 8 Administrative Plan and replace the Grievance Policy and Procedure currently included in that document, if adopted.

ALTERNATIVES

It appears the Commission has the following alternatives concerning the issue at hand. The Commission may:

1. Approve Resolution No. 101508-B, adopting the Section 8 Informal Review and Hearing Policy and Procedure for ABC Housing Authority.
2. Do not authorize the Resolution No. 101508-B, adopting the Section 8 Informal Review and Hearing Policy and Procedure for ABC Housing Authority.
3. Modify the request to meet the needs of the Commission.

RECOMMENDATIONS

The Housing Authority staff recommends the Board of Commissioners approve Resolution No. 101508-B, adopting the Section 8 Informal Review and Hearing Policy and Procedure for ABC Housing Authority.

POSSIBLE MOTIONS

Approve Resolution No. 101508-B, adopting the Section 8 Informal Review and Hearing Policy and Procedure for ABC Housing Authority.

Attachments:

1. Resolution No. 091708-B
2. Section 8 Informal Review and Hearing Procedure (proposed)

jrs