



Kansas City, Kansas Housing Authority

APPEALS HEARING POLICY AND PROCEDURES

Kansas City, Kansas Housing Authority Appeals Hearing Policy and Procedures

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Appeals Hearing Policy and Procedure

I. Purpose of Appeals Hearing Policy

To set forth the requirements, standards and criteria to assure that applicants and residents are not subject to discriminatory acts, actions, or behaviors by employees that constitute sexual harassment when requesting an appeal, attending a hearing or in the judgment or ruling by an Appeals Officer.

II. Applicability

This policy and procedures are applicable to all Public Housing and Sections 8 Housing Choice Voucher applicants and residents.

III. Limitation on Policy

This policy supplements the KCKHA policies and procedures governing resident grievances and appeals policy and procedures as contained in the Public Housing Admissions and Continued Occupancy Policy and the Section 8 Administrative Plan.

IV. Procedures to Obtain a Hearing

An applicant or resident who wishes to appeal an adverse housing decision must make a written request directed to the individual who communicated the adverse housing decision, and mailed or delivered to the address listed in the official correspondence conveying the adverse housing decision. The correspondence will contain the date by which the applicant or resident must make the request.

An applicant or resident who makes a verbal request for a hearing by phone or in person will be referred back to the official correspondence that they received and directed to make the request in writing.

Upon receipt of a written request for a hearing, the applicant or resident will be provided with a copy of this Appeals Hearing Policy and Procedure.

The KCKHA will schedule the hearing in conformance with the timeframes listed in the Public Housing Admissions and Continued Occupancy Policy and Section 8 Administrative Plan.

The applicant or resident will be informed of the hearing date and time in writing and the procedures to follow if a request for a delay is desired. The applicant or resident will be informed that they have the right to examine any documents in

the KCKHA's possession relevant to their case, and to provide any written documents of evidence to KCKHA prior to the hearing. The applicant or resident may request copies of KCKHA relevant documents at their expense per the Public Housing Admissions and Continued Occupancy Policy and Section 8 Administrative Plan.

The applicant or resident will be informed that they have the right to have a witness or advocate present at the hearing, and that they may bring evidence and make arguments in support of their position.

V. Procedures Governing the Hearing

The hearing will be held before the Appeals Officer in a private room in the Administration Office of the KCKHA.

A representative from the KCKHA will be present to present information, documents, and evidence to support the adverse housing decision.

The hearing shall be conducted in an orderly fashion. Failure to comply with the Appeals Officer's directions for order may result in exclusion from the proceedings and could result in an adverse decision against the interests of the disorderly party.

The applicant or resident may present evidence and arguments in support of his/her position, and may ask questions regarding any evidence presented and cross-examine all witnesses on whose testimony or information the KCKHA relies.

The Appeals Officer has the right to ask questions about the information, testimony, documents and evidence presented.

If the applicant or resident fails to appear at a scheduled hearing, the Appeals Officer may make the determination that the party has waived their right to a hearing. The applicant or resident and the KCKHA must be notified of the determination by the Appeals Officer. If the applicant or resident does not appear at the scheduled time of the hearing, the Appeals Officer will wait for up to 15 minutes. If the applicant or resident appears within 15 minutes of the scheduled time, the hearing will be held. If the applicant or resident does not arrive within the 15 minutes of the scheduled time, they will be considered to have failed to appear.

There may be times when the applicant or resident does not appear due to unforeseen circumstances which are out of their control and are no fault of their own. An applicant or resident can make a request to reschedule the hearing provided it is done no later than 24 hours of the scheduled hearing date. The

Appeals Officer will reschedule the hearing only if the applicant or tenant can show good cause for the failure to appear.

VI. Decision of the Appeals Officer

The Appeals Officer shall prepare a written decision which must include:

The date, time, location and people in attendance at the hearing.

Summary of the documents, evidence, testimony and information presented at the hearing.

A finding of fact and the reasons for the finding of fact.

The written decision shall be prepared within a reasonable time and provided to the KCKHA Public Housing or Section 8 Supervisor who will distribute the decision to the applicant or tenant.

The applicant or resident's right to appeal the hearing decision shall be in conformance with the Public Housing Admissions and Continued Occupancy Policy and the Section 8 Administrative Plan. If the applicant or resident is seeking to appeal the Appeals Officer's decision, they will be notified by KCKHA in writing as to whether or not such an appeal can be made.

Where an appeal of decision of the Appeals Officer is permitted, it will be conducted by KCKHA personnel or different outside counsel/professional, who will maintain written records of the proceedings, including a write-up of evidence that was presented on appeal and a statement of findings.

VII. Review of the Appeals Hearings By the Executive Director

Each month the KCKHA Executive Director shall randomly review the records of three (3) appeals hearings to insure compliance with this policy. A written record of the reviews shall be kept.

VIII. Notification and Distribution of Appeals Hearing Policy and Procedures

The KCKHA will notify all current employees, applicants and residents, by letter of the approved policy and procedures.

The letter shall include a summary of the policy and procedures and inform the recipient of the locations where the full policy and procedures statement may be found.

The policy and procedures shall be posted and available for distribution at all KCKHA offices including administrative, management and service offices as well as on the agency's web site at www.kckha.org.

The Public Housing and Section 8 Housing Choice Voucher program applications shall include notice of this policy and procedures.

The Public Housing Resident Handbook shall be amended to include notice of this policy and procedures and distributed to all residents at lease signing.

Upon receipt of a request for a hearing the applicant or resident will be provided with a copy of this Appeals Hearing Policy and Procedures.

XI. Definitions

For the purposes of this policy:

“Adverse Housing Decision” means denial of Public Housing or Section 8 housing assistance; or any dispute a Public Housing or Section 8 resident may have with respect to any action the KCKHA has taken under the tenant's Public Housing lease, Section 8 Housing Assistance Voucher contract, or housing authority regulations which adversely affects a resident's rights, duties, welfare or status.

“Appeal” is a request to the KCKHA by a resident or applicant for reconsideration of an adverse housing decision.

“Appeals Officer” is the individual(s), other than a KCKHA employee, hired by the KCKHA for the expressed purpose of hearing appeals from applicants and tenants of adverse housing decisions. The Appeals Officer shall be an attorney or other professional in the housing industry who has executive director experience. The KCKHA shall set the rate of pay for the Appeals Officer. Appeals Officers shall be considered agents of the KCKHA as defined in the Nondiscrimination policy.

“Applicant” is any individual who has begun the application process for either the Public Housing or Section 8 Housing Choice Voucher program whether or not the application has reached completion. The KCKHA policies, procedures and timeframes governing the requirements for an application for housing and housing assistance are contained in the agency's Admissions and Continued Occupancy Policy and The Section 8 Administrative Plan and are not affected or altered by this policy or this definition. The definition used here is to communicate to all parties that the protections of this policy extend to the full continuum of the application processes.

“Employee” is any full-time, part-time, temporary, seasonal, special projects person who is a regular employee of the KCKHA, whose position is adopted in

the annual budget or other KCKHA program or grant budgets, and who receives a regular pay check.

“Good Cause” is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

“Hearing” is a formal or informal administrative procedure where an applicant or resident appears before an “Appeals Officer” to present information and/or evidence refuting the adverse housing decision made by the KCKHA.

“Resident” or “Tenant” is any head or member of a household that has executed a Public Housing lease or under agreement as part of the Section 8 Housing Choice Voucher program.