

8902 DCHA DETERMINATIONS SUBJECT TO INFORMAL HEARING

8902.1 DCHA shall provide written notice to participants and applicants with the opportunity for an informal hearing to contest any of the following DCHA determinations:

- (a) Qualification for a preference;
- (b) Listing on DCHA's Waiting List;
- (c) Issuance of a Housing Choice Voucher;
- (d) Continued participation in the Housing Choice Voucher or Moderate Rehabilitation Program;
- (e) Family and applicants annual or adjusted income and the computation of the Housing Assistance Payment;
- (f) Appropriate utility allowance used from schedule of utility allowances;
- (g) Family or applicant unit size under DCHA subsidy standards;
- (h) Unit underoccupied in the Housing Choice Voucher and Moderate Rehabilitation Program and the participant's or applicant's request for exception is denied;
- (i) Approval or denial of an extension or suspension of a voucher term;
- (j) Termination or denial of assistance for any reason;
- (k) Any other determination that affects eligibility or receipt of assistance in which the individual requesting the informal hearing alleges a misapplication of law or DCHA policy or a mistake of relevant fact(s);
- (l) Denial of request for a reasonable accommodation; and
- (m) Determinations of household and head of household status.

8902.2 Informal hearings are not permitted for established policies, procedures, and DCHA determinations such as:

- (a) Discretionary administrative determinations by DCHA;
- (b) General policy issues or class grievances;

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- (c) DCHA schedule of utility allowances for families or applicants in the Housing Choice Voucher Program;
- (d) Approval or denial of a unit or lease;
- (e) Non-compliance with HQS, except where there is a determination of a family or applicant breach of HQS;
- (f) Exercise of any remedy against an owner under a HAP contract.

8902.3 Except as provided in Section 8908 of this chapter, DCHA shall give the family or applicant written notice of determinations within thirty days (30) days of any determination that is subject to the provisions of Subsection 8902.1. Notices under § 8902.1(j) shall be sent by both certified and regular mail. All notices shall include:

- (a) The proposed action or decision of DCHA;
- (b) The date the proposed action or decisions will take place;
- (c) The basis for DCHA's decision;
- (d) The procedures for requesting an informal hearing if the family or applicant disputes the action or decision; and
- (e) The time limit for requesting the informal hearing; and
- (f) The form by which families or applicants can request an informal hearing.

8902.4 Copies of the informal hearing request form will be available at DCHA offices.

SOURCE: Notice of Final Rulemaking published at 49 DCR 7193-95 (July 26, 2002).; as amended by Final Rulemaking published at 67 DCR 9071 (July 24, 2020).