

5735 AUTHORITY OF HEARING OFFICERS

5735.1 The hearing officer shall have all powers necessary to conduct a fair and impartial hearing, including the following:

- (a) To administer or direct the administration of oaths and affirmations;
- (b) To examine witnesses and direct witnesses to testify;
- (c) To rule upon offers of proof and receive relevant evidence;
- (d) To regulate the course of the hearing and the conduct of the parties, other participants, and their counsel;
- (e) To arrange a conference for settlement or to simplify the issues by agreement of the parties;
- (f) To consider and rule upon procedural requests; and
- (g) To take any action authorized by this chapter.

5735.2 The hearing officer shall have the power to grant appropriate relief not in conflict with controlling law and regulations, including the following:

- (a) Rental abatements;
- (b) Monetary damages;
- (c) Relocation of residents to other DCHA owned or operated housing units;
- (d) The ordering of repairs and/or accessibility features by DCHA;
- (e) Remanding to a program specialist for further review or recalculation;
- (f) Granting a voucher or voucher extension;
- (g) Participant recertification;
- (h) Adjustment to total tenant payment;
- (i) Reversal of termination; and
- (j) Scheduling continuances and rescheduling.

5735.3 Temporary relocation of residents to public housing units available to the agency shall be authorized and may be ordered if the hearing officer finds that the unit is

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so seriously deficient that it poses a significant threat to the health or safety of the resident.

- 5735.4 If DCHA does not take immediate action to correct the threat and fails to demonstrate that suitable public housing is available, the hearing officer may order DCHA to relocate the resident temporarily to a suitable private housing unit, providing DCHA fails to demonstrate that suitable housing is available.

SOURCE: Final Rulemaking at 64 DCR 12956 (December 22, 2017); as amended by Final Rulemaking published at 66 DCR 6831 (June 7, 2019).