

## **8904      INFORMAL HEARING PROCEDURES**

8904.1 Participant Families or applicants have the right to:

- (a) Examine any document in the applicant's or participant's file and any other documents that DCHA submits to the Hearing Officer;
- (b) Present written or oral objections to the DCHA's determination;
- (c) Present any information or witnesses pertinent to the issue of the informal hearing;  
and
- (d) Be represented by legal counsel, advocate or other designated representative at their own expense, provided that if the family has not notified DCHA in writing at least three business days in advance of their intention to be represented, the hearing officer shall grant any request from DCHA for a continuance.

8904.2 In addition to other rights contained in this Chapter, DCHA has a right to:

- (a) Present evidence and any information pertinent to the issue of the informal hearing;
- (b) Have its attorney present; and
- (c) Have staff persons and other witnesses familiar with the case present documents and provide testimony.

8904.3 The informal hearing may be conducted by any person designated by the DCHA, other than a person who made or approved the decision under review, a subordinate of that person or a person who is an employee in the Housing Choice Voucher Program. The designated hearing officer shall regulate the conduct of the informal hearing in accordance with these regulations.

8904.4 The informal hearing shall be conducted as follows:

- (a) The informal hearing shall concern only the issues for which the participant or applicant has received a notice in conformance with Subsection 8901.3.
- (b) DCHA and the participant or applicant shall be given the opportunity to present evidence and question any witnesses;
- (c) Evidence presented at the informal hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings;
- (d) Documents may not be presented or relied upon which have not been provided to the other party timely, except, in the case of an applicant or participant proceeding pro se without a representative where the hearing officer has determined that admission of such a document will not prejudice DCHA and a continuance is not practical;
- (e) The hearing officer may request the submission of additional documentation, verification or briefs or letters of explanation from the parties or their representatives, provided such request is responded to within five (5) business days;
- (f) The hearing officer shall have the power to grant appropriate relief not in conflict with controlling law and regulations, including remanding to a program specialist for further review or recalculation, granting a voucher or voucher extension, participant

recertification, adjustment to total tenant payment, reversal of termination, scheduling continuances and rescheduling.

SOURCE: Notice of Final Rulemaking published at 49 DCR 7193, 7197-7200 (July 26, 2002); as amended by Notice of Emergency and Proposed Rulemaking published at 52 DCR 6858 (July 22, 2005)[EXPIRED]; as amended by Notice of Final Rulemaking published at 52 DCR 10181, 10182 (November 18, 2005).