

5733 REQUEST FOR HEARING

5733.1

- (a) If after the informal settlement conference the complainant is not satisfied with the proposed disposition of his or her complaint, he or she may submit in person or by mail a written request for a hearing. Upon request, DCHA or the Project Owner will assist a complainant in putting his or her request for a hearing in writing. The written request shall be provided:

- (1) To the Office of Fair Hearings (OFH); or
- (2) To the OFH through the office of the property in which the complainant resides.

A complaint form will also be available to residents at the OFH and at the office of the property in which the complainant resides.

- (b) On determinations of ineligibility for applicants for RAD Covered Projects, applicants may submit a written hearing request in person to the OFH or by mail to the OFH. The notice will include the complaint form by which families can request a hearing and return it to DCHA. The complaint form will also be available to applicants and residents at the OFH.
- (a) For a determination to terminate assistance, DCHA shall provide the resident with written notice of the determination to terminate assistance within thirty days (30) days of the determination. The notice shall include the complaint form by which residents can request a hearing. The written hearing request shall be provided to the OFH.

5733.2

A complainant's request for a hearing shall be in writing and shall be filed as follows:

- (a) If the complainant is a resident, within seven (7) business days from the date the answer is served;
- (b) If the complainant is an applicant, within ten (10) business days from the date the answer is mailed; or
- (c) If the participant's hearing request concerns a determination to terminate assistance, within thirty-five (35) calendar days from the date of the issuance of the recommendation for termination of assistance by DCHA.

District of Columbia Municipal Regulations

- 5733.3 If a complainant does not request a hearing within the time specified in §§ 5733.2(a)-(b), the Project Owner's disposition of the complaint under § 5732.4 shall become final. If a participant does not request a hearing within the time specified in § 5733.2(c), DCHA's determination to terminate assistance shall become final. This shall not constitute a waiver of the complainant's right to contest DCHA's or Project Owner's actions in an appropriate judicial proceeding.
- 5733.4 For hearing requests made pursuant to § 5733.1(c), once a participant files a timely request for a hearing, the Housing Assistance Payments (HAP) will continue to the Project Owner in accordance with the current HAP contract in effect at the time of the request for a hearing until a final determination has been made in accordance with this chapter.
- 5733.5 Upon receipt of a request for a hearing, OFH shall assign a hearing officer to the complaint from the pool of hearing officers selected pursuant to § 5734.1, on a rotating basis to the extent possible.
- 5733.6 Within fifteen (15) business days, OFH shall schedule a hearing time, date and place, reasonably convenient to both the complainant and DCHA, and shall notify the complainant and DCHA.
- 5733.7 Within thirty (30) days of the date the hearing is scheduled, OFH shall convene the hearing, unless rescheduled for good cause.
- 5733.8 Requests to reschedule a Hearing shall be subject to the following conditions:
- (a) Either party may request to reschedule an Informal Hearing any time prior to the first scheduled Informal Hearing date or prior to any subsequent hearing date, only if the requesting party can demonstrate good cause and if delay will not result in harm or prejudice to the other party.
 - (b) Notwithstanding the paragraph above, OFH will reschedule a Hearing as a reasonable accommodation if the complainant can demonstrate that a disability prevented them from rescheduling within the prescribed time periods.

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