Complaint and Appeals

The Orange County Housing Authority (OCHA) will respond promptly to complaints from participants and owners and investigate the issue. OCHA may require that complaints be submitted in writing. Anonymous complaints are checked whenever possible. All written complaints or appeals will be responded to in writing by OCHA.

WHEN IS SOMEONE ENTITILED TO AN INFORMAL HEARING? [24CFR 982.555(a)(g)]

OCHA must give a participant the opportunity for an Informal Hearing if the participant wishes to have any of the following OCHA decisions or determinations reviewed for compliance with the law, HUD regulations, and OCHA rules or policies:

1. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.

2. A determination of the family unit size under OCHA's subsidy standards.

3. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the OCHA utility allowance schedule.

4. A determination to terminate assistance for a participant family because of the family's action or failure to act.

5. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under OCHA policy and HUD Rules.

Note that in cases described in items 1 and 2 above:

1. Requests involving the calculation of total tenant payment or tenant rent including minimum rent where a tenant believes that such rent would cause a hardship, the family will be contacted, and an explanation of the total tenant payment and tenant rent calculation will be made. If the family subsequently requests an Informal Hearing, the Informal Hearing procedures will be followed.

2. For bedroom size determination, the family will be sent a copy of the Occupancy Standards. If the family subsequently requests an Informal Hearing, the Informal Hearing procedures will be followed.

For actions that will terminate the participant from the program, OCHA will conduct the informal hearing prior to terminating assistance.

For termination due to criminal activity, the subject has the right to request the criminal report that the decision is based on, and the right to dispute the accuracy or relevance of the criminal record.

HOW TO REQUEST AN INFORMAL HEARING:

Within 15 calendar days of the date on the notification, a participant may file with Orange County Housing Authority (OCHA) a written Complaint and Request for Hearing, which shall state:

1. The basis or reasons for the Complaint and Request for Hearing.

2. The action requested to be taken by OCHA.

If you or anyone in your family is a person with disabilities, and you require a specific accommodation to fully utilize your right to receive an informal hearing, please include your request for reasonable accommodation in the written Complaint and Request for Hearing.

INFORMAL HEARING PROCEDURES:

If a Complaint and Request for Hearing is filed, OCHA shall designate:

1. An OCHA employee or other person not directly involved in the day-to-day administration of the Housing Choice Voucher Program and who did not participate in the original determination or decision as the Hearing Officer to

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conduct the informal hearing. OCHA usually contracts with retired professionals, who are not employed by OCHA or the County.

2. The day and time that the hearing shall be conducted.

3. The OCHA employee(s) or OCHA counsel or other representative who shall present information at the hearing to support the OCHA determination or decision.

4. The participant may retain counsel or other representative at his/her own expense and must provide OCHA with a five-day notice of the designated person who will be representing him/her.

5. Either the participant or their counsel/representative shall be given opportunity to examine evidence and copy relevant documents at their own expense, question any adverse witness(es) and the opportunity to present testimony and evidence in their favor.

6. Either OCHA or their counsel or other representative shall be given the opportunity to examine evidence and copy relevant documents at their own expense, question any adverse witness(es) and the opportunity to present testimony and evidence in support of the determination or decision.

7. The Hearing Officer shall decide based solely on evidence provided at the hearing and shall state the legal and evidentiary grounds for the decision. The decision and grounds shall be in writing, and all interested parties shall be notified within fifteen (15) days.

8. The decision of the Hearing Officer shall be final and no further administrative proceedings on the decision shall be required by OCHA.

EFFECT OF THE DECISION:

OCHA is not bound by Informal Hearing decisions in the following cases:

1. Matters in which OCHA is not required to provide an opportunity for a hearing.

2. Decisions contrary to HUD regulations or requirements.

3. Decisions contrary to federal, state or local laws.

4. Decisions that exceed the authority of the person conducting the hearing.

OCHA shall send a letter to the participant if it determines that OCHA is NOT bound by the Hearing Officer's determination within 15 calendar days of the receipt of the decision. The letter shall include OCHA's reasons for the decision.

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