

C. Conference Panels

- 1. A conference panel is available for certain CHA determinations relating to the individual circumstances of a participant household or for those applicants that have been denied emergency status by the Emergency Review Committee. A participant household is one that has been admitted to a leased housing program and is having or had assistance paid to a landlord directly on his/her behalf, and whose subsidy was not terminated.**
- 2. The purpose of the conference panel is to determine whether CHA's decisions related to the family's circumstances are in accordance with the law; HUD regulations and CHA policies.**
- 3. CHA will not terminate ongoing subsidy payments until the time allowed for the household to request a conference panel has lapsed and any requested hearings have been completed. Ongoing subsidy payments relates only to existing contractual obligations with an owner.**

- i. If a household moved after a notice to terminate but before a conference panel, CHA will not be obligated to enter a new agreement with a new owner**

EXAMPLE: CHA seeks to terminate the participation of a household that is currently leased in an apartment where there is ongoing subsidy payment being made on the household's behalf. If the household were to appeal. CHA would be required to continue Payments for that apartment.

- 4. A participating household will be given the opportunity for a conference panel in the following situations:**
 - a. To contest the calculation of annual income; or**
 - b. A denial of an exemption of bedroom size standards; or**
 - c. A determination to terminate the participation of a household based on a household's actions or failure to act.**
 - d. A determination that the household has been absent from the apartment for three (3) or more months;**
 - e. Other determinations excluding those included below (item 5.).**
- 5. A participating household will not be given the opportunity for a conference panel in the following situations:**
 - a. Discretionary administrative determinations by CHA including suspension of HAP payment based on a failure to act by the household, please see Chapter 10, Section A.2.; or**
 - b. General policy issues or class grievances; or**
 - c. A determination of the voucher size; or**

- d. **A determination that the household's income is such that a subsidy payment has not been made during the previous (180) days; or**
 - e. **A determination that the apartment does not meet HQS, however, a family is entitled to a hearing if the reason for failure to meet HQS is based on the family; or**
 - f. **A determination that the apartment does not meet HQS based on family size or composition; or**
 - g. **A determination that the apartment is too expensive based on the applicant's reported income; or**
 - h. **A determination that the rent is not reasonable; or**
 - i. **The determination by CHA to exercise or not exercise any right or remedy against an owner under the HAP contract.**
 - j. **The participant has been evicted for cause from a Project-Based unit.**
- 6. Only applicants that are denied emergency status after review by the Emergency Review Committee are given access to a conference panel.**
- 7. For cases involving Hardship Waivers, only participants who have been denied a hardship waiver after review by the Hardship Review Committee are given access to a conference panel.**
- 8. CHA must provide written notice when it seeks to terminate the participation of a household. The notice must provide the reasons for the action and supporting facts in sufficient detail to enable the participant to prepare a defense (including source information, subject to considerations related to safety of witnesses or victims, or unless legally barred from disclosure) , the specific regulation or policy that was violated, the effective date of termination, the right to appeal to a Conference Panel and notice of the opportunity to meet with the Director of Leased Housing or his/her designee for reconsideration, contact information for legal services, response deadline and notification of VAWA and Reasonable Accommodation Policies.**
- a. **The effective date must provide for a notice of at least one calendar month.**
 - b. **A notification of termination — without specification of detail — will be sent to the owner.**
 - c. **Both the copy to the household and the owner must be sent certified/return receipt mail and first class mail.**
- 9. A request for a reconsideration meeting and conference panel must be made at the same time, in writing, and delivered in person to the Director of Leased Housing or his/her designee or by first class mail within fifteen (15) days of the date of notice. Appeal requests will be accepted by fax or email, with confirmation of receipt.**

10. As requests for a Conference Panel are submitted, they are placed chronologically on a waitlist with denials of emergency status weighted higher than requests from participating households,

11. Once the household reaches the top of the list, CHA will schedule the hearing.

- a. Notice of hearing will be mailed first class mail.**
- b. The family must receive notice at least thirty (30) calendar days prior to the hearing date unless the family agrees to an earlier date.**
- c. The Notice must inform the household that they have the right to discovery, meaning that they will:**
 - i. Be given the opportunity to examine any and all documents that CHA will rely upon at the hearing; and**
 - ii. Be given access to the entire household file if requested; and**
 - iii. Be allowed to make copies of any and all documents related to the hearing (at their own expense); and**
 - iv. Be supplied with an overview of any proposed testimony from CHA witnesses; and**
 - v. The household may initiate discovery requests and access will not be unreasonably delayed by CHA.**
- d. The notice must also inform the household that any documents that they plan to utilize and rely upon at the hearing should be submitted to CHA no later than two (2) business days prior to the hearing. But see Section D below. Where possible, the CHA and the household shall prepare a joint packet of documents for consideration by the Panel members.**

12. Once the hearing is scheduled and the notice sent, the household may only request to reschedule a hearing for good cause or as a reasonable accommodation for a person with disabilities.

- a. Good cause includes an unavoidable conflict that seriously affects the health, safety or welfare of the family; the unavailability of a witness or advocate, a scheduling conflict with work or school; and illness. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. CHA may request documentation of the good cause.**
- b. Failure to obtain counsel is not considered good cause. Written requests by an advocate for postponement due to unavailability will be considered grounds to reschedule.**
- c. Failure to attend a scheduled hearing without prior notice is considered a default.**
 - i. In cases where the household had good cause for the default and contacts CHA within two (2) business days, CHA may, at its discretion, place the household back on the bottom of the chronological list for another hearing.**

- ii. **If the hearing in question was an appeal of a staff decision to terminate participation, the termination shall take effect on the first of the month following the month in which the household defaulted and no subsidy will be paid pending the outcome of the rescheduled hearing.**

13. Households have the right to seek and retain counsel at their own expense or may have another representative attend on their behalf.

D. Organization of the Conference Panel

- 1. The Conference Panel is made up of three individuals as follows:**
 - a. An impartial person who shall act as the Chairperson of the Panel;**
 - The CHA shall recruit and maintain a pool of impartial persons (for both the Conference and Grievance Hearing Panels). In advance of having any such person act as an impartial person on a Panel, the CHA shall provide ACT with his/her name and credentials..**
 - b. An employee of the Housing Authority (from a department with no direct involvement or contact with the case and, where possible, not from Leased Housing or Operations Departments) and appointed by the Executive Director; and**
 - c. A public housing tenant or a participant of the Housing Choice Voucher program.**
- 2. Chairperson is responsible to manage the order of business and to ensure that hearings are conducted in a professional and businesslike manner. Attendees are expected to comply with all hearing procedures established by Chairperson. Any person demonstrating disruptive, abusive or otherwise inappropriate behavior will be excused from the hearing at the discretion of Chairperson.**
- 3. All conference panels heard at CHA are recorded and stored for a period of twelve (12) months after the hearing. If requested, CHA will make a copy for a household or the household's representative at his/her expense.**
- 4. At the start of every conference panel, Chairperson will introduce the members of the panel and will then elicit introductions from other individuals in the room. Any member of the panel that has prior knowledge of the case or the household must disclose said knowledge, as soon as practicable. Depending upon the situation:**
 - a. The panel member may recuse himself/herself from the hearing, and both the household and CHA consent to a panel of only two (2) members; or**

- b. The household or CHA may request that the panel member recuse himself/herself and consent to a panel of only two (2) members; or**
 - c. Both parties may agree that the panel member participate; or**
 - d. Both parties agree that the hearing will be continued to another date.**
- 5. If the decision is to proceed with less than three (3) panel members or with the panel member in question, it is Chairperson's responsibility to assure that the household understands the implications of proceeding and agrees to do so while on the record. In the event that the hearing proceeds with two (2) panel members, the decision of the panel must be unanimous. If the result is a split panel, the hearing will be rescheduled before a new three (3) person panel.**
- 6. Once the parties have been introduced, CHA's representative will present the case to the panel and explain its position or action toward the household. The household is then given the opportunity to present the case and explain why he/she disagrees with CHA's decision, and why the action against them should be overturned. In doing so, the CHA must rely only on documents and witnesses that were previously disclosed to the household or the household's representative . If the household submits evidence that was not previously disclosed to the CHA, the CHA (at its option) may either proceed with the hearing as scheduled or obtain a postponement of the hearing.**
- 7. If either party presents witness testimony, the other party is free to cross-examine the witness. The timing of the cross-examination shall be at the discretion of the Chairperson.**
- 8. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. While panel members are free to ask questions at any point in the presentation, both the household and CHA may only direct questions to the other party at the end of their respective presentation.**
- 9. At the end of both presentations, either party may make a closing statement.**
- 10. Once complete, the recording is ended, both CHA and the household are asked to leave the room, and the panel members are given the opportunity to deliberate and make a decision. Any documents submitted by the CHA or household shall not be retained by the panelists.**
- 11. The Chairperson is responsible for issuing a written decision within seven (7) business days of the hearing which decision accurately reflects the Panel's decision and includes the panelists' signature. In rendering a decision, the Panel will consider the following matters:**
 - a. Were the reasons for CHA's action stated in the original notice to the household?**

- b. Was the household given a fair opportunity to examine any relevant documents prior to the hearing in accordance with CHA policy?**
- c. Did CHA present sufficient evidence to support its conclusion that the household violated a regulation or a policy using the preponderance of the evidence standard?**
- d. In cases where CHA is seeking the termination of participation, has CHA shown that termination is supported by either the regulations of the program or the policies of CHA?**

12. In a written decision, the Panel will include the following information:

- a. Name of the household;**
- b. Date, time and place of the hearing;**
- c. Name of Chairperson as well as the other two panel members;**
- d. Names of all other individuals in attendance;**
- e. A brief impartial statement of the reason for the hearing;**
- f. A summary of the evidence;**
- g. Findings of fact; and**
- h. A conclusion and order.**

13. Any finding of fact must be based on a preponderance of the evidence. This is defined as evidence that is of greater weight or more convincing than the evidence, which is offered in opposition to it, that is, evidence which as a whole shows that the facts sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all the evidence.

The decision of the conference panel is final; there are no further in-house remedies available to the household. Information of these decisions (with personal information redacted) is available upon request to CHA.