



REQUEST FOR PROPOSALS

for

Housing Choice Voucher (Section 8) Program Hearing Officer Services Roster

(Solicitation # 3952)

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ATTACHMENTS:

- Proposal Cover Page
- Section 3 Business Certification
- Section 3 Resident Employment Plan
- Administrative Plan for the Seattle Housing Authority Housing Choice Voucher Program, Chapter 20 – Complaints and Appeals

RFP Issued on:	Proposals Due:
Thursday, November 13, 2008	OPEN ROSTER – Apply at Any Time

Seattle Housing Authority

Request for Proposals (Solicitation No. 3952)

Housing Choice Voucher (Section 8) Program Hearing Officer Services Roster

A. INTRODUCTION

- 1) **General:** The Seattle Housing Authority (SHA) is seeking proposals from qualified professional firms and/or individuals interested in serving as Section 8 Hearing Officers who will preside at Section 8 Hearings as set forth in SHA's Administrative Plan for the Seattle Housing Authority Housing Choice Voucher Program, Section 20 – Complaints and Appeals (attached).

The purpose of this Request for Proposals (RFP) is to select the most qualified individuals for placement on a Roster that will be used for future assignments. Each individual selected for the Roster will have at a minimum, qualifications and experience necessary to perform the scope of work as described herein, will sign an On-Call Contract for these Services that will not include any specific scope of work, and shall be able to provide the services described in this RFP within a time frame required by SHA.

As work assignments arise, SHA will select a qualified Section 8 Hearing Officer from the Roster on a rotation basis. Work assignments shall be formalized in a Work Order to the On-Call Contract.

The initial term of the Roster to be created by this RFP shall be for three years. At SHA's option, a Change Order may be executed extending each On-Call Contract for up to two additional one-year periods, along with appropriate adjustments in compensation. In submitting for placement on the Roster, the firm/individual understands that there is no guarantee of any dollar amount under any On-Call Contract resulting from this RFP.

- 2) **Cooperative Purchasing:** RCW 39.34 allows cooperative purchasing between public agencies (political subdivisions) in the State of Washington. Public agencies that file an Interlocal Joint Purchasing Agreement with SHA may also wish to procure the services herein offered by the successful party. The successful party shall have the option of extending its offer to SHA to other agencies for the same cost, terms and conditions.

SHA does not accept any responsibility for agreements, contracts or purchase orders issued by other public agencies to the successful party. Each public agency accepts responsibility for compliance with any additional or varying laws and regulations governing purchase by or on behalf of the public agency. SHA accepts no responsibility for the performance of the successful party in providing services to other public agencies, nor any responsibility for the payment price to the successful party for other public-agency purchases.

- 3) **Seattle Housing Authority Background:** SHA is an independent municipal corporation that provides affordable housing to about 26,000 low-income people in Seattle. SHA owns and operates approximately 5,200 conventional public housing units subsidized by the U.S.

Department of Housing and Urban Development (HUD), nearly 1,100 additional units for seniors and people with disabilities as part of the Seattle Senior Housing Program, and almost 900 low- and mixed-income units developed and acquired primarily through the use of debt financing. SHA also administers more than 8,300 HUD-subsidized Housing Choice Vouchers (also known as Section 8), which make it possible for residents with low incomes to live anywhere in the city.

SHA houses nearly 12,000 residents in housing it owns and operates and about 14,000 residents through its Housing Choice Voucher Program. Approximately 8,500 of the residents are children and approximately 4,500 are seniors and people with disabilities.

SHA owns and operates housing in neighborhoods throughout Seattle. These include the four large family communities of New Holly and Rainier Vista in Southeast Seattle, High Point in West Seattle, and Yesler Terrace in Central Seattle.

SHA was established by the City of Seattle under State of Washington enabling legislation in 1939. SHA is governed by a seven-member Board of Commissioners appointed by the Mayor and confirmed by the City Council. The Executive Director is appointed by, and reports to, the Board and is responsible for staff hiring and direction. SHA has approximately 600 employees and a total budget of approximately \$261 million for Calendar Year 2008.

B. SCOPE OF WORK

SHA is soliciting Proposals for Section 8 Hearing Officer Services. The selected firms/individuals shall have qualifications and experience to perform the tasks related to this Category of Service.

- 1) Description of Work:** Qualified firms/individuals selected for the Seattle Housing Authority's Housing Choice Voucher (Section 8) Program Hearing Officer Services Roster and assigned work under the Roster will be required to:
 - Attend a SHA established "Hearing Officer Training Program" within three (3) months of admission to this roster. The Training Program shall consist of at least six hours of instruction on the Section 8 Housing Choice Voucher Program and SHA's Section 8 Administrative Plan.
 - Conduct informal hearings at locations determined by SHA, generally the PorchLight facility located at 907 N.W. Ballard Way, Seattle, WA 98107, or the Central Office located at 120 – 6th Avenue N., Seattle, WA 98109.
 - Within ten business days after the conclusion of the hearing, prepare a written decision together with the reasons therefore based solely upon information presented at the hearing. The written decision shall present the issues and an analysis of the rules to the issues and conclusion.
 - Submit an original hard copy of the written decision to SHA's Hearings Coordinator.
- 2) Detailed Work Requirements:** The Section 8 Hearing Officer shall preside at the hearing and conduct the hearings pursuant to the "Administrative Plan for the Seattle Housing Authority Housing Choice Voucher Program, Chapter 20 – Complaints and Appeals" (attached).

C. INFORMATION TO BE PROVIDED

To be considered responsive to this RFP and to facilitate evaluations, submittals should address and be organized in the order of the outline given below and include the following information. Please refer to Section E.2) of this RFP for information on Required Number of Copies.

Proposal Contents: The Proposal must:

- Provide proof of legal training and experience (see Section C. Sub-Section 1)a) below). Proposals will not be reviewed without proof of legal training and experience.
- Include a cover letter
- Address each of the evaluation criteria noted in Section D
- Provide resume(s)
- Include a list of three references

Submittals should be limited to a total of 3 pages in not less than 11 point type (Proposal Cover Page, Cover Letter, Resume(s), proof of legal training and experience, and Section 3 forms are not included in the page limitation.)

1) Firm's / Individual's Experience, Qualifications and Knowledge (relates to Evaluation Criterion 1)

- a) Outline relevant experience of personnel who will serve as Section 8 Hearing Officers. To be qualified to respond, each individual to be assigned as a Section 8 Hearing Officer must possess a Juris Doctorate from an accredited law school and must possess at least three years of relevant experience as an attorney, law clerk, judge, arbitrator, administrative law judge, or other legal professional.
- b) Outline additional experience which could include experience presiding over, or as an advocate in contested administrative proceedings, arbitration, mediation, or other relevant proceedings and. three years experience with landlord/tenant matters, or three years experience with federally funded low-income housing programs and/or the Section 8 Housing Choice Voucher Program.
- c) Outline relevant knowledge of personnel who will serve as Section 8 Hearing Officers. To be qualified to respond, firms/individuals must have knowledge of State of Washington and City of Seattle Landlord/tenant law, knowledge of federal low-income housing programs and the Section 8 Voucher Program.
- d) Provide a brief professional resume for each person who will serve as a Section 8 Hearing Officer indicating the extent of his/her experience on related work.

2) Availability/Project Timeline (relates to Evaluation Criterion 2)

- a) Describe your ability to perform the required services on an on-call basis, often under very short deadlines, as required by SHA.

3) Proposed Hourly Rate (relates to Evaluation Criterion 3)

- a) Submit your *"All-Inclusive Hourly Rate" for Section 8 Hearing Officer Services. The estimated range of All-Inclusive Hourly Rates is between \$85.00 and \$100.00 per hour. The minimum payment is for a one hour proceeding. When hearings last longer than one hour, then the time is billed in half-hour increments and rounded up to the half hour. In the event of a No-Show by the party requesting the hearing or if the hearing is cancelled

with less than a 24-hour notice, the Section 8 Hearing Officer will be compensated for one hour.

- b) If SHA requests the Section 8 Hearing Officer attend training sessions on topics such as the role of the hearing officer, the conduct of hearings or the preparation of hearing decisions, the Section 8 Hearing Officer will be compensated for the time spent in such training.
- c) Submit your *‘‘All-Inclusive Hourly Rate’’ for Section 8 Hearing Officer Services.

* The ‘‘All-Inclusvie Hourly Rate’’shall include anticipated costs for your base rate, overhead and/or fringe benefits, profit and any anticipated administrative and/or non-salary direct costs for performing these services.

4) References (references may be checked for those individuals found qualified)

- a) Provide three recent references (agency or buisness name, contact person, address, telephone number and e-mail address if available) who may be contacted concerning your performance on this type of service.

D. CONSULTANT EVALUATION CRITERIA

Submittals will be evaluated based on the criteria listed in this section. In preparing your proposal to SHA, it is important to clearly demonstrate expertise in the areas described in this document.

You are encouraged to identify and clearly label in your proposal how each criterion is being fully addressed. Evaluation of responses to this RFP will be based only on the information provided in the proposal, and if applicable, interviews, and reference responses. SHA reserves the right to request additional information or documentation from you regarding your submittal documents, personnel, financial viability, or other items in order to complete the selection process. If you choose to provide additional materials beyond those requested, those materials should be included in a separate section of the proposal. In submitting, you agree that any costs or prices proposed shall be valid for a minimum of 90 days from the date of the proposal.

The following criteria with a point system of relative importance with an aggregate total of one hundred points will be utilized to evaluate each proposal:

PASS/FAIL TEST: Proof of a Juris Doctorate from an accredited law school and at least three years relevant experience as an attorney, law clerk, judge, arbitrator, administrative law judge, or other legal professional as outlined in Section C.1)a) above is required to be considered for these services, and must have no other affiliation with SHA other than as a Hearing Officer.

Evaluation Criteria		Weighting (Max. Points)
1	<u>Relavent Experience, Qualifications and Knowledge</u> of personnel who will serve as Section 8 Hearing Officers	50
2	<u>Availability / Project Timeline:</u> Ability to perform the required services on an on-call basis, often under very short deadlines, as required by SHA	25
3	<u>Proposed All-Inclusive Hourly Rate</u>	25

E. SUBMISSION REQUIREMENTS

- 1) **Due Date and Place For Submission of Proposals:** At any time during the term of the Roster, SHA will accept proposals for placement on the Roster. Proposals will be evaluated, based on the evaluation criteria contained herein, as time allows.

All Proposals should be clearly marked when delivered or mailed. *NOTE: A faxed or e-mailed Proposal is not acceptable.*

Upon receipt of each proposal, SHA's Purchasing Division will date-stamp it to show the exact time and date of receipt. Upon request, Purchasing will provide the proposer with an acknowledgment of receipt. All proposals received will become the property of the Seattle Housing Authority and will not be returned to the firm.

- 2) **Required Number of Copies:** Sealed proposals (**one original and six copies**) must be received at SHA's street address below. All Proposals should be clearly marked when delivered or mailed. Proposals sent by U.S. Mail should be addressed to the P.O. Box. Faxed or e-mailed submittals will not be accepted.

Seattle Housing Authority
Purchasing Division
Attention: Don Tucker
120 Sixth Avenue North
P.O. Box 19028
Seattle, Washington 98109-1028

The original of each of the forms indicated below must also be completed and submitted with the original proposal only. (Description of the Section 3 forms is found in Section G.2. below.) Do not send these forms with the copies.

- Section 3, Business Certification Form
- Section 3, Resident Employment Plan

- 3) **Rights Reserved by SHA:** SHA reserves the right to waive as an informality any irregularities in submittals and/or to reject any or all proposals.

F. SELECTION PROCESS

All responses to this RFP that are received will be screened for eligibility. As time permits, an evaluation panel will rate eligible proposals, according to the criteria listed in Section D. above, and may conduct reference checks as part of the process. If there is insufficient information, SHA reserves the right to request additional information, and to interview firms to discuss their proposal.

Based on its evaluation, the panel will make a recommendation to SHA's Executive Director (or other personnel as may be designated) to place qualified individuals/firms on a Roster. As work assignments arise, SHA will select a qualified Section 8 Hearing Officer from the Roster on a rotation basis. Work assignments shall be formalized in a Work Order to the On-Call Contract.

Any protest of the selection process shall be resolved in accordance with SHA's Procurement Policies, which may be reviewed at the following web site address: <http://www.seattlehousing.org/business/info/Policies/CurrentAdoptedProcurementPolicies.doc>

G. ADMINISTRATIVE INFORMATION

- 1) **Minority-owned and Women-owned Business Enterprises:** SHA strongly encourages minority-owned and women-owned businesses, socially and economically disadvantaged business enterprises, HUD Section 3 businesses, and small businesses to submit a proposal, to participate as partners, or to participate in other business activity in response to this RFP.
- 2) **Section 3 Requirements:** Section 3 of the Housing and Urban Development Act of 1968 (hereinafter "Section 3") requires SHA to the greatest extent feasible to provide employment opportunities to Section 3 residents. Section 3 residents include residents of SHA communities and other low-income residents of Seattle. Each proposer is required to submit with their proposal a Resident Employment Plan that will result in hiring Section 3 residents to perform the work contemplated by this RFP, and a Section 3 Business Certification form. The following language regarding Section 3 will be included as part of the contract to be executed based on this RFP.
 - A. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
 - B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
 - C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers representative of the contractors commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
 - D. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or

knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractors obligations under 24 CFR part 135.
 - F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
 - G. With respect to work performed in connection with Section 3-covered Indian Housing Assistance, Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this Contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this Contract that are subject to the provisions of Section 3 and Section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with Section 7(b).
- 3) **Basic Eligibility:** The successful firms / individuals must be licensed to do business in the State of Washington and must have a state Unified Business Identifier (UBI) number. In addition, the successful firms / individuals must not be debarred, suspended, or otherwise ineligible to contract with SHA, and must not be included on the General Services Administration's "List of Parties Excluded From Federal Procurement and Nonprocurement Programs" or the Department of Housing and Urban Development's "Limited Denial of Participation" list.
 - 4) **Payment Requirements:** Firms / individuals should be aware that SHA will only make payments on the Work Orders issued under this RFP after the work being billed has been completed. No advance payments will be made to the firms / individuals, who must have the capacity to meet all project expenses in advance of payments by SHA.
 - 5) **Utilization of Selected Firms / Individuals:** SHA does not guarantee utilization of contracts resulting from this RFP. Actual utilization will be based upon demand for services or other factors deemed important to SHA. Any work under a Roster Contract will be by Work Order to that Roster Contract.
 - 6) **Documents Produced:** All documents and products created by the firm / individual under any Work Order assignment shall become the exclusive property of SHA.
 - 7) **Other Contracts:** During the original term and all subsequent renewal terms of the contracts resulting from this RFP, SHA expressly reserves the right, through any other sources available, to pursue and implement alternative means of soliciting and awarding similar or related services as described in this RFP.

- 8) **Funding Availability:** By responding to this RFP, you acknowledge that for any contract signed as a result of this RFP, the authority to proceed with the work is contingent upon the availability of funding.
- 9) **Contract Requirements:** Firms / individuals may review SHA's standard contract language that will form the basis for any contract executed based on this RFP by visiting the following web site: <http://www.seattlehousing.org/business/info/Klanguage/KLanguage.html>.
- 10) **Insurance:** The following are the insurance requirements that will be included in the On-Call Contracts executed based on this RFP:

A. General Requirements:

1. Prior to undertaking any work assigned by Work Order under this Contract, the firm / individual shall procure and maintain continuously for the duration of this Contract, at no expense to SHA, insurance coverage as specified below, in connection with the performance of the work of this Contract by the firm / individual, its agents, representatives, and/or employees.
2. The firm's / individual's insurance shall be primary as respects SHA, and any other insurance maintained by SHA shall be excess and not contributing insurance with the firm's / individual's insurance.
3. Except with respect to the limits of insurance, and any rights or duties specifically assigned to the first named insured, the firm's / individual's Commercial Automobile Liability insurance coverage shall apply as if each named insured were the only named insured, and separately to each insured against whom claim is made or suit is brought.
4. Failure of the firm / individual to fully comply with the insurance requirements of this Contract will be considered a material breach of contract and, at the option of SHA, will be cause for such action as may be available to SHA under other provisions of this Contract or otherwise in law, including immediate termination of the Contract.

B. Required Insurance Coverage: The following are the types and amounts of insurance coverage that must be maintained by the firm / individual during the term of any Work Order to this Contract. The firm / individual must provide acceptable evidence of such coverage prior to beginning work on any Work Order under this Contract.

1. **Automobile Liability Insurance.** A policy of Automobile Liability Insurance, including coverage for owned, non-owned, leased or hired vehicles written on an insurance industry standard form (CA 00 01) or equivalent, with the following minimum coverage:

- \$500,000 combined single limit coverage

C. Proof of Insurance and Insurance Expiration:

1. The firm / individual shall furnish certificates of insurance as evidence of compliance with the insurance requirements of the Contract when work is assigned by Work

Order. Such certificates and endorsements must be signed by a person authorized by that insurance company to bind coverage on its behalf.

2. The firm's / individual's insurance shall not be reduced or canceled without thirty (30) days prior written notice to SHA. The firm / individual shall not permit any required insurance coverage to expire during the term of this Contract.
3. SHA reserves the right to require complete, certified copies of all required insurance policies at any time during the term of this Contract, or to waive any of the insurance requirements of this Contract at its sole discretion.

D. Carrier Review and Approval Authority: Insurance policies, deductibles, self-insured retentions, and insurance carriers will be subject to review and approval by SHA. All insurance shall be carried with companies that are financially responsible. Generally, all carriers of insurance or reinsurers must have and maintain a rating of "A VII" or better as identified in the *A. M. Best Insurance Rating Guide*, most recent edition. Insurance carriers or reinsurers who do not have a rating of "A VII" or better may not be used without written approval of SHA's Risk Manager.

**Request for Proposals (RFP) Cover Page
For SHA's**

**Housing Choice Voucher (Section 8) Program
Hearing Officer Services Roster**

Firm Name:	Firm Address:	Contact Person:	Title:
Telephone Number:	Fax Number	e-mail address:	

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Section

- 1 Cover Page
- 2 Cover Letter
- 3 Proposal

Attachments:

- Resumes
- References
- Section 3 Business Certification (in Original Copy only)
- Section 3 Resident Employment Plan (in Original Copy only)

NOTE: Use this Cover Page as a cover for your submittal. Proposals are limited to a total of 3 pages in not less than 11 point type. This cover page, cover letter, resumes and Section 3 forms are not included in this page limit. Proposals are to be stapled in the top left corner with no other bindings or binders.

Seattle Housing Authority

Section 3 Business Certification

Section 3 Business Criteria: Your business is eligible for Section 3 Certification if it meets any one of the following criteria. If your business meets one or more of these criteria, please circle the applicable criteria.

1. Fifty-one percent or more of your business is owned and managed by a Section 3 qualified person or persons. (See qualification guidelines below)
2. Thirty percent or more of your permanent, full time employees are Section 3 qualified persons.
3. You can provide evidence of a commitment to subcontract in excess of 25 percent of the amount of all subcontracts to Section 3 certified businesses.

Section 3 Person Criteria: A Section 3 qualified person must:

- A. Live in the City of Seattle.
- B. Earn no more than the following amounts :

Family Size:	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
Income	\$41,700	\$47,700	\$53,650	\$59,600	\$64,350	\$69,150	\$73,900	\$78,650

• **Section 3 Statement:** Please check the appropriate box below.

- My business is a Section 3 business in accordance with the criteria circled above under Section 3 Business Criteria.
- My business is not a Section 3 business.
- My Business has been certified as a Section 3 Business by:
 (name of agency) _____ (date of certification) _____

Signature:		Date Signed:
Name:		Title:
Company Name:		
Address:		
Telephone Number:		

Note: If you certify above that your business is a Section 3 business, and you qualify for award of the contract based on the preferences given to Section 3 businesses and described in the solicitation, SHA will request documentation and additional information as may be reasonably required to certify whether your business qualifies as a Section 3 business.

If you have any questions about this form, please call
 Samuel Pierce, SHA's Section 3 Coordinator, at (206) 937-3292

Seattle Housing Authority

Section 3 Resident Employment Plan

Section 3 of the Housing and Urban Development Act of 1968 (hereinafter "Section 3") requires SHA to the greatest extent feasible to provide employment opportunities to "Section 3 residents." Section 3 Residents include residents of SHA communities and other low income residents of Seattle. Each bidder is required to submit with their bid package a plan which will result in the hiring of Section 3 residents to perform the work contemplated by the bid. HUD has established an annual goal of 10% of all new hires by SHA Contractors. SHA residents, preferably residents of the SHA community in which the work is to be done, are favored over other low-income residents of Seattle. At a minimum, the Contractor and its subcontractors shall advertise new positions created in order to perform the work called for herein and will post notices of the Contractor's commitments under Section 3 in conspicuous places at the work site. In addition, the Contractor must notify each labor organization with whom it or its subcontractors have a collective bargaining agreement or other understanding of these Section 3 commitments. In order to fulfill its Section 3 obligations the Contractor may work with service providers on site at various SHA communities including, but not limited to, Neighborhood House and the Employment Opportunities Center. The plan should specify the number of positions the Contractor expects will be created and what minimum qualifications and skills will be required in order to perform the positions. The plan should also address the Contractor's strategy for recruiting SHA residents for the available positions.

Signature:		Date Signed:
Name:	Title:	
Company Name:		
Address:		Telephone Number:

1. How many new positions do you expect this contract will require you to create?

2. Describe each position and provide the name and provide the location of the person(s) taking applications for each such position.

3. What minimum skills will be required for each position?

4. Please describe any training opportunities which the contract may create and any agreements concerning training you have.

5. How will you advertise these positions to SHA residents?

If you have any questions about this form, please call
Samuel Pierce, SHA's Section 3 Coordinator, at (206) 937-3292.

Chapter 20

COMPLAINTS AND APPEALS

This Chapter describes the policies, procedures and standards to be applied when applicants, owners or participants disagree with an SHA decision.

A. Complaints

Processing Complaints

All complaints, other than HQS violation complaints, must be in writing. HQS complaints may be reported orally (by telephone or in person) or in writing.

SHA will respond to all properly documented complaints within 10 business days.

Complaints By or Concerning Participants

Complaints by or concerning program participants shall be referred to the Certification Specialist II. Any complaint not resolved by the Certification Specialist II shall be referred to the Occupancy Supervisor, and if still unresolved to the Section 8 Manager and then to the PorchLight Director of Rental Assistance Programs.

Complaints By or Concerning Applicants

Complaints by or concerning applicants shall be referred to the Issuance Supervisor. Any complaint not resolved by the Issuance Supervisor shall be referred to the Section 8 Manager and then to the PorchLight Director of Rental Assistance Programs.

B. Informal Reviews for Denials of Admission to Program [24 CFR 982.54(d)(12), 982.554]

An informal review is a review of an applicant's file and circumstances by an SHA staff person who has not had any previous material involvement with the applicant, to determine whether SHA's policies and procedures have been applied correctly in denying the application.

When Informal Reviews are Required

An applicant whose application is denied shall be provided an opportunity for an informal review of SHA's decision.

Exception: An applicant whose application is denied for reasons of citizenship or eligible immigrant status shall be provided an "informal hearing" (see procedures below).

When Informal Reviews are Not Required

Informal reviews are not required for the following:

1. Discretionary administrative determinations such as what constitutes a complete application, how and when applications will be assigned for review, and what resources will be devoted to the review of a particular application or applications in general;
2. General policy issues or class grievances such as local preferences and income eligibility;
3. The determination of the family unit size under SHA subsidy standards;
4. A refusal to extend or suspend a voucher;
5. A determination not to approve tenancy for a specific unit;
6. A determination that a unit selected by an applicant is not in compliance with HQS because of characteristics of the unit; or
7. A determination that a unit is not in accordance with HQS due to family size or composition.

Notice of Denial/Procedure for Requesting Informal Review

When SHA determines that an applicant is ineligible, the applicant must be notified of the decision in writing.

The notice must state:

1. The reason(s) for ineligibility;
2. A statement that the applicant may request an informal review if they disagree with the decision;
3. The procedure for requesting a review if the applicant does not agree with the decision;
4. The deadline for requesting a review.

When an application is denied because of criminal activity described in a criminal record, SHA must, on request, provide both the applicant and the person who is the subject of the record a copy of the criminal record upon which the denial decision is based (24 CFR 5.903 (f)).

Procedure for Informal Review

A request for an informal review must be submitted in writing to PorchLight by 4:00 p.m., no later than 10 business days from the date of SHA's denial notice. An informal review will be scheduled within 10 business days from the date the hearing request is received.

The review may be conducted by a supervisory level staff person who was not involved in the decision under review, and who is not subordinate to the person who made the decision.

The applicant will be given the opportunity to present oral or written objections to the decision. Both SHA and the applicant may present evidence and witnesses. The applicant may, at the applicant's own expense, be represented by an attorney or other representative.

The applicant may be present at the review to provide information, but the applicant's presence is not required.

The review may be conducted as a conference call at the discretion of SHA.

The decision of the review officer shall be provided to the applicant in writing within 10 business days after the date of the review, and shall include an explanation of the reasons for the decision.

All review requests, supporting documentation, and a copy of the final decision shall be retained in the applicant's file.

C. Informal Hearing Procedures for Participants [24 CFR 982.555(a-f), 982.54(d)(13)]

When Hearings for Participants are Required

A PHA must give a participant family an opportunity for an informal hearing to consider whether the following PHA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and SHA policies.

1. The determination of the participant's annual or adjusted income and the computation of the Housing Assistance Payment;
2. The determination of the appropriate utility allowance (if any) for tenant-paid utilities, from the SHA utility allowance schedule;
3. The determination of family unit size under SHA's subsidy standards;
4. A decision to terminate a participant's Family Self-Sufficiency (FSS) contract, withhold supportive services, or propose forfeiture of the participant's escrow account;
5. The determination that a certificate program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under SHA's subsidy standards, or a decision to deny the family's request for an exception from the standards;
6. A decision to terminate assistance for a participant family because of the family's failure to satisfy its family obligations; and
7. A decision to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under SHA policy and HUD rules.

An opportunity for an informal hearing must always be provided before terminating assistance.

Notice to Participants of SHA Decisions

Participants shall be notified in writing of decisions regarding the amount of their assistance or their eligibility for continued participation in the program. Participants will be given prompt notice of such decisions, which shall include:

1. The proposed action or decision;
2. The date the proposed action or decision will take place;
3. The participant's right to an explanation of the basis for the decision;
4. The procedures for requesting a hearing if the participant disputes the action or decision;
5. The deadline for requesting the hearing; and
6. The name of the person to whom the hearing request should be addressed.

When continued participation in the program is denied because of criminal activity described in a criminal record, SHA will, on request, provide the participant and the person who is the subject of the record a copy of the criminal record upon which the denial decision is based.

A copy of SHA's hearing procedures shall be provided if requested by the family.

Notification of Hearing

When a request for an informal hearing is received, a hearing shall be scheduled within 30 days from the date the request is received by SHA. The hearing notification shall state:

1. The date and time of the hearing;
2. The place where the hearing will be held;
3. That the participant has a right to present evidence and witnesses, bring translators, and be represented by legal or other representatives at the participant's expense;
4. That the participant has the right to view any available documents or evidence upon which SHA based the proposed action and, at the family's expense, obtain a copy of such documents prior to the hearing. Requests for such documents or evidence must be received no later than three business days before the hearing date. If the family requests copies of documents relevant to the hearing, SHA will make the copies for the family and assess a charge of 15 cents per copy. In no case will the family be allowed to remove the file from SHA's office.
5. That SHA shall have the opportunity to examine, at its offices, before the hearing, any of the participant's documents that are relevant to the hearing, and must be allowed to copy any such document at its expense. Any documents not requested by SHA may not be used in the hearing.

D. Conduct of Hearings Not Involving a Voucher Termination

Participant Rights

Participants have the right to:

1. Present written or oral objections to SHA's determination;
2. Examine the documents that are the basis for SHA's action, and all documents submitted to the Hearing Officer;
3. Present any information or witnesses on any pertinent issues;
4. Request that SHA staff be available or present at the hearing to answer questions pertinent to the case; and
5. Be represented, at their own expense, by legal counsel or other designated advocate or representative.

SHA Rights

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

1. Present evidence and information on any pertinent issue;
2. Three days' advance notice of the participant's intent to be represented by legal counsel or other advocate or representative;
3. Examine and copy any documents presented at the hearing;
4. Be represented by counsel; and
5. Have staff persons and other witnesses familiar with the case present.

Conduct of the Hearing

The informal hearing shall be conducted by a Hearing Officer appointed by SHA who is neither the person who made or approved the decision, nor a subordinate of that person.

Only the issues subject to appeal and raised by the participant in their notice of appeal shall be addressed at the hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence in judicial proceedings.

No documents may be presented at the hearing which have not been provided to the other party if requested before the hearing. "Documents" include all written records.

If the participant desires an audio recording of the hearing, the recording must be requested at least one business day prior to the hearing date.

The Hearing Officer may ask the family for additional information and/or may adjourn the hearing as needed. In the case of domestic violence, the hearing may be postponed pending further investigation.

The informal hearing shall be conducted by a Hearing Officer appointed by SHA who is neither the person who made or approved the decision, nor a subordinate of that person.

Only the issues subject to appeal and raised by the participant in their notice of appeal shall be addressed at the hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence in judicial proceedings.

No documents may be presented at the hearing which have not been provided to the other party if requested before the hearing. "Documents" include all written records.

If the participant desires an audio recording of the hearing, the recording must be requested at least one business day prior to the hearing date.

The Hearing Officer may ask the family for additional information and/or may adjourn the hearing as needed. In the case of domestic violence, the hearing may be postponed pending further investigation.

If the family fails to appear at the hearing, or fails to meet a deadline imposed by the Hearing Officer, the decision of SHA shall become final and take effect immediately. No new hearing will be granted unless the applicant is able to demonstrate to SHA, by clear and compelling evidence, that their failure to appear or meet the deadline was caused by circumstances beyond their control.

Standard of Review

The Hearing Officer will determine whether SHA's action or decision is consistent with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

Decision

The Hearing Officer will issue a written decision within 10 business days after the date the hearing is closed.

The decision shall include:

1. A clear statement of the Hearing Officer's findings, conclusion and decision;
2. A clear summary of the decision and explanation of the reasons;
3. If the decision involves money owed, a clear statement of the amount owed, and documentation of the calculation of the amount owed; and
4. The date the decision is effective.

E. Informal Voucher Termination Hearing Procedures

Participant Rights

SHA shall afford, at a minimum, the following procedural safeguards to any Housing Choice Voucher participant facing termination:

1. At least 30 days notice of the grounds for termination;
2. An opportunity to appear in person and present objections orally;
3. An opportunity to present any information or witnesses on any pertinent issues;
4. An opportunity to confront and cross-examine adverse witnesses;

5. An opportunity to have counsel (at the participant's expense);
6. A competent and impartial decision-maker;
7. Determination of relevant facts by a preponderance of the evidence;
8. A decision based solely on the evidence and arguments presented at the hearing;
9. A written decision that explains the legal reasoning and factual basis for the decision;
10. A record made of the hearing.

SHA Rights

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

1. Present evidence and information on any pertinent issue;
2. Three days' advance notice of the participant's intent to be represented by legal counsel or other advocate or representative;
3. Examine and copy any documents presented at the hearing;
4. Be represented by counsel; and
5. Have witnesses testify on any issue and have staff persons and other witnesses familiar with the case present.

Conduct of the Hearing

The informal hearing shall be conducted by a Hearing Officer appointed by SHA who is neither the person who made or approved the decision, nor a subordinate of that person, and who has the qualifications described in Section "H" below.

Only the issues subject to appeal and raised by the participant in their notice of appeal shall be addressed at the hearing. A participant family may present any relevant legal argument arising from any valid source of law at informal hearings, and hearing officers shall consider such arguments to the extent that they are relevant and germane to the case. An argument is relevant if the manner in which the contention is resolved could affect the outcome of the hearing. Relevance shall be determined by the Hearing Officer based on the specific facts and circumstances of each particular case. No legal theories or authorities shall be precluded from consideration at informal hearings or otherwise excluded on a categorical or near-categorical basis.

Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence in judicial proceedings; provided Hearing Officers may exclude evidence that is irrelevant, immaterial, or unduly repetitious, and; provided further that Hearing Officers shall consider evidentiary principles, including, but not limited to:

1. That the information offered is not relevant to the proceeding; "relevant" means having a tendency to prove that any fact of consequence to the outcome of the hearing more likely or less likely than without the information;

2. That the information offered presents a danger of unfair prejudice, confusion of the issues, undue delay, or other delay, or other deleterious effects that substantially outweighs the probative value of the information;
3. That the information is offered in violation of some public policy, such as evidence unlawfully obtained in violation of a family's legal or constitutional rights, or evidence obtained in the course of settlement negotiations, or evidence of a person's character offered to prove action in conformity therewith on a specific occasion; or
4. That the information lacks competence or is not based on personal knowledge.

No documents may be presented at the hearing which has not been provided to the other party if requested before the hearing. "Documents" include all written records.

SHA shall record all informal hearings by electronic means. If a participant objects to the recording of his or her informal hearing, the hearing officer will not make an official recording, but may make a person recording for his or her own use.

If a party seeks to record any informal hearing by means other than audio recording, such as by stenographic transcription or by audio/video recording, the hearing officer shall permit such alternative recording at the requesting party's expense, unless good cause exists to disallow the method of recording, in which case the hearing officer should state the reasons for denial on the record or in the written decision.

SHA shall provide a copy of a hearing recording to the family or its representative on request, provided that the family or its representative shall pay reasonable reproduction costs prior to receiving the recordings.

The Hearing Officer may ask the family for additional information and/or may adjourn the hearing as needed.

Hearing Officers shall not impose arbitrary limits on the length of time that a hearing may last, or the amount of time specific portions of the hearing may consume, or impose unreasonable limits on the number of witnesses that may be called or the number of exhibits that may be presented. Hearing Officers may impose such limits but only as warranted for cause in their discretion, in which case the Hearing officer should state the reasons for imposing the limits on the record or in the written decision.

If the family fails to appear at the hearing, or fails to meet a deadline imposed by the Hearing Officer, the decision of SHA shall become final and take effect immediately. No new hearing will be granted unless the applicant is able to demonstrate to SHA, by clear and compelling evidence, that their failure to appear or meet the deadline was caused by circumstances beyond their control.

Standard of Review

Hearing Officers presiding over SHA informal hearings shall consider all relevant facts and conform their rulings to all relevant legal authority, including, but not limited to:

1. The United States Constitution and U.S. Code;
2. All relevant federal regulations, particularly those codified at 24 CFR Part 982.1 et seq. (concerning the tenant based Housing Choice Voucher Program);
3. Other HUD policies, as applicable; see 24 CFR 982.52 (a);
4. Internal SHA policies in particular the Section 8 Administrative Plan;
5. All applicable State law, including Washington statutes and regulations and the common law of Washington State as reflected by judicial decisions;
6. All relevant charter provisions, ordinances, and other laws governing the City of Seattle, including the Seattle Municipal Code.

Hearing Officers presiding over SHA informal hearings shall adjudicate all material factual issues raised at an informal hearing. A factual issue is "material" if the adjudication of the fact tends to affect the outcome of the hearing.

In adjudicating factual issues at informal hearings, the burden of production and persuasion with respect to any fact shall be on the party asserting the fact.

Decision

The Hearing Officer will issue a written decision within 10 business days after the date the hearing is closed.

The decision shall include:

1. The names of all persons present at the hearing, and identification of their roles (whether as the hearing officer, a representative for SHA, a member of the family, a witness, interpreter, or other);
2. The date and location of the hearing (and if the hearing occurred over multiple days, the date the hearing began and the date it ended);
3. A summary of the factual allegations and the SHA action or decision under review;
4. A summary of any evidence and arguments presented by the parties;
5. A statement of the facts upon which the decision is based; and
6. A clear statement of the conclusions of law and any other relief ordered.

F. Decisions Not Binding on SHA

SHA shall not be bound by any informal hearing decision that:

1. Concerns matters for which no opportunity for a hearing is provided;
2. Conflicts with or contradicts HUD regulations or requirements;
3. Conflicts with or contradicts federal, state or local laws;

4. Exceeds the authority of the Hearing Officer; or
5. Involves issues not raised in the participant's appeal notice.

If SHA determines that it is not bound by the Hearing Officer's decision it shall, within 10 days of the date of the Hearing Officer's decision, so advise the participant in writing, which shall include the reasons for SHA's determination that it will not be bound by the decision.

G. Records

All non-termination hearing requests, supporting documentation, and a copy of the final decision shall be retained in the participant's file.

All voucher termination hearing requests, supporting documentation, and a copy of the non-redacted final decision shall be retained in the participant's file.

SHA shall safely keep and maintain the electronic recordings of all informal hearing involving voucher terminations as a public record on file for no fewer than thirty-seven (37) months after the decision date; if a family's Housing Choice Voucher program participation is terminated pursuant to an informal hearing decision, SHA shall keep the hearing recording for at least thirty-seven (37) months from the date of the last Housing Assistance Payment made on behalf of the family. SHA shall also keep, for the same duration as the hearing recording, copies of all exhibits and all other tangible materials presented to the Hearing Officer, whether or not admitted into evidence.

H. Hearing Officer Selection

Persons having no other affiliation with Seattle Housing Authority (SHA) (i.e., other than as Hearing Officers) shall serve as Hearing Officers in termination of Section 8 Housing Choice Voucher informal hearings; provided that, the PHA reserves the right to establish an in house Hearing Officer position, and; provided further, that such an in house Hearing Officer shall meet the Hearing Officer qualifications, will be selected, and will be subject to performance reviews.

SHA will maintain a roster of persons approved to serve as Hearing Officers. To the extent possible, the roster shall contain at least three (3) approved Hearing Officers at all times. SHA will assign Hearing Officers from the roster to specific cases through a blind rotating basis; exceptions will be made only for good cause, which shall include, but not limited to, scheduling difficulties and ethical conflicts. On written agreement of the parties, a person (or persons) not listed on SHA's roster of Hearing Officers may serve as the Hearing Officer for a particular case.

SHA shall solicit applications (through paid advertising) when the number of active hearing officers on SHA's roster falls below three (3).

Consistent with SHA hiring policies, SHA will advertise for Hearing Officer(s) periodically, in order to maintain a minimum of three (3) Hearing Officers on a roster to serve as Hearing

Officers for informal hearings.

Whenever additional Hearing Officers are to be added to the roster, SHA will form a selection panel, composed of five members. The panel shall include housing authority officials and staff and non-housing authority personnel who have Section 8 expertise, legal training and/or experience in mediation/arbitration. One panel member shall be appointed by the Seattle Tenant's Union and one panel member shall be appointed by the King County Bar Association Housing Justice Project's Sponsor Group, provided that no one from the following organizations shall be selected to serve on the panel: The Northwest Justice Project, the Legal Action Center, Columbia Legal Services, or any other organization whose members or staff regularly represent Housing Choice Voucher participants in SHA informal hearing.

The panel will review Hearing Officer Applicant resumes, conduct in-person interviews and recommend candidates to the SHA hiring official or officials for selection.

SHA will advertise a rate of compensation for Hearing Officers reasonably calculated to attract qualified applicants to apply for the position. All advertisements shall be posted to the websites of the Seattle Housing Authority, the Washington State Bar Association, the King County Bar Association, and the Advocate Resource Center.

Advertisements for SHA Hearing Officers will indicate that qualified applicants must have legal training and experience defined as:

1. A Juris Doctorate from an accredited law school; and
2. At least three years relevant experience as an attorney, law clerk, judge, arbitrator, administrative law judge, or other legal professional.

I. Hearing Officer Evaluation

Consistent with SHA's Human Resource policies, each Hearing Officer will be subject to an annual performance evaluation.

To facilitate such reviews, SHA shall, at the conclusion of each informal hearing, distribute "Informal Hearing Evaluation Forms" to all persons in attendance; the form shall ask:

1. Whether the Hearing Officer was courteous and respectful;
2. Whether the Hearing Officer allowed the participant a fair opportunity to present his or her evidence and arguments;
3. Whether the Hearing Officer was neutral and impartial; and
4. Any other questions, as determined by SHA.

The Informal Hearing Evaluation form shall ask respondents to identify themselves as participants, advocates, witnesses, SHA staff, etc., but shall not ask persons to identify themselves by name, office or other identifying characteristics. The Informal Hearing Evaluation form shall contain information encouraging recipients to complete and deliver the

form to SHA by mail, fax, email, or hand delivery and contain instructions on how to do so.

SHA may share information collected in the Informal Hearing Evaluation Form with Hearing Officers for the purpose of assisting Hearing Officers in evaluating and improving their performance.

Prior to each Hearing Officer's annual review, SHA will send to any attorneys and other advocates who appeared before the Hearing Officer a "Hearing Officer Evaluation Form," which shall ask to evaluate the performance of SHA Hearing Officers in the following areas:

1. Professionalism/Demeanor/Conduct of the proceedings;
2. Skill at evaluating evidence and determining facts;
3. The soundness of legal rulings;
4. Fairness and objectivity;
5. Quality of analysis and clarity of written opinions; and
6. Any other criteria, as determined by SHA.

The Hearing Officer Evaluation Form may ask respondents to identify themselves as attorneys or other types of advocates, but shall not ask persons to identify themselves by name, office, or other identifying characteristics. The Hearing Officer Evaluation Form shall contain information encouraging recipients to complete and deliver the form to SHA by mail, fax, email, or hand delivery and contain instructions on how to do so.

J. Hearing Officer Training

SHA shall establish a "Hearing Officer Training Program." All persons admitted to SHA's roster of Hearing Officers shall complete the Hearing Officer Training Program within three (3) months of admission to the roster.

The Hearing Officer Training Program shall consist of at least six hours of instruction on the Section 8 Housing Choice Voucher Program and SHA's Section 8 Administrative Plan.

SHA shall create a training manual for Hearing Officers; SHA shall post an electronic copy of the manual on its website and shall distribute one copy, either in paper or electronic form, to each Hearing Officer.

K. Hearing and Appeal Provisions for "Restrictions on Assistance to Non-Citizens"

[24 CFR Part 5, Subpart E]

If there is an INS appeal, assistance to an applicant or participant may not be delayed, denied or terminated on the basis of the applicant's or participant's immigration status prior to receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while an SHA hearing is pending.

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the participant or applicant will be notified within 10 days of the right to appeal to the INS. Such an appeal must be filed within 30 days. The applicant or participant may also request an informal hearing with SHA.

If the applicant or participant appeals to the INS, he or she must provide a copy of the appeal and proof of mailing to SHA or SHA may proceed to deny the application or terminate assistance.

The time period for requesting an appeal may be extended for good cause.

Hearing Request

The request for an SHA hearing must be made within 14 calendar days of receipt of the notice of the right to appeal to the INS or request an informal SHA hearing.

Hearing Process

After receipt of a request for an informal hearing, SHA shall schedule and conduct the hearing in accordance with the procedures described in Section "C" above.

Ineligibility Determinations

If the Hearing Officer determines that the applicant or participant is not eligible, and there are no other eligible family members, SHA may:

1. Defer termination if the participant qualifies for deferral; or
2. Terminate the participant if they do not qualify for deferral.

If there are eligible members in the family, SHA will offer to pro-rate assistance or give the family the option to remove the ineligible members.

Other Complaints Related to Citizenship/Immigration Status

If any family member fails to provide documentation or certification as required by the regulations, that member shall be considered ineligible. If all family members fail to provide the required documentation, the family will be denied assistance or terminated for failure to provide the required information.

Participants terminated after a temporary deferral may not request a hearing.

Participants whose assistance is pro-rated (either because some members are ineligible or because of the failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing regarding tenant rent and Total Tenant Payment determinations.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same manner as terminations for any other fraud.