

Memorandum

Re: Hearing/Review Process Changes due to the Covid-19 Pandemic

Date: February 18, 2022

Pursuant to HUD PIH Notice 2020-32, HPD will be scheduling all appeals from the covered Division of Tenant Resources programs for **Video hearings/reviews (“Video Hearings/Reviews”)** conducted at 100 Gold Street, New York, NY 10038 (“HPD”), until further notice. Additionally, unless it is otherwise prohibited by governing laws, regulations, or rules, HPD will schedule Video Hearings/Reviews for all other DTR appeals, until further notice.

HPD will also offer three alternative hearing/review options:

- (A) Hearings and Reviews conducted in-person at HPD (“In-Person Hearings/Reviews”);
- (B) Hearings and Reviews conducted remotely by video (“Remote Hearings/Reviews”); and
- (C) Hearings and Reviews conducted by telephone (“Telephone Hearings/Reviews”).

Appellants may request one of the alternative hearing/review options by calling HPD.

The rights and general procedures described in Chapter 16 of the Housing Choice Voucher Program and Rental Subsidy Program Administrative Plans will apply to all four types of hearings/reviews, unless otherwise specified in this memo.

Video Hearings/Reviews

HPD will automatically schedule appellants for a Video Hearing/Review and mail a copy of the HPD Hearing/Review Exhibits to the appellant at least 2 weeks before the Hearing/Review.

If the appellant decides they do not want a Video Hearing/Review after they are scheduled for a Video Hearing/Review, they may request an In-Person or a Remote Hearing/Review by contacting the Appeals Unit at least 1 week before their scheduled Video Hearing/Review.

On the day of the Video Hearing/Review, the appellant, their representatives and/or witnesses, will come to HPD for their Video Hearing/Review. In accordance with HPD guidelines, they may be required to complete a health screening questionnaire before entering the building.

The appellant, their representatives and/or witnesses will then be shown to a sanitized room at HPD that contains video conferencing equipment. The Hearing Officer and the HPD Hearing Representative will appear at the Video Hearing/Review by video from different room(s) at HPD.

During the Video Hearing/Review, the appellant will be required to use technology that HPD provides, which will include video conferencing equipment, a scanner, and a printer. If significant technical issues occur during the Video Hearing/Review, the Hearing Officer may reschedule the Hearing/Review as a Video Hearing/Review or an In-Person Hearing/Review.

If the appellant does not appear for their scheduled Video Hearing/Review and does not contact the Appeals Unit within 7 days of the scheduled date, the appellant will be considered in default and HPD's original determination will be final.

If the appellant requests a continuance of their Video Hearing/Review and fails to appear for the scheduled continuance date, the Hearing/Review Record will be closed on the date of the scheduled continuance, and the Hearing Officer will make their decision based upon that Record.

In-Person Hearings/Reviews

If an appellant contacts the Appeals Unit to request an In-Person Hearing/Review, HPD will schedule an In-Person Hearing/Review and mail a copy of the HPD Hearing/Review Exhibits to the appellant at least 2 weeks before the Hearing/Review.

On the day of the Hearing/Review, the appellant, their representatives and/or witnesses, will come to HPD for their In-Person Hearing/Review. In accordance with HPD guidelines, they may be required to complete a health screening questionnaire before entering the building.

The appellant, their representatives and/or witnesses will then be shown to a sanitized room at HPD. The Hearing Officer and HPD Hearing Representative will be seated in the same room, at a safe distance, in accordance with HPD guidelines.

If the appellant does not appear for their scheduled In-Person Hearing/Review and does not contact HPD within 7 days to reschedule it, the appellant will be considered in default and HPD's original determination will be final.

If the appellant requests a continuance of their In-Person Hearing/Review and fails to appear for the scheduled continuance, the Hearing/Review record will be closed on the date of the scheduled continuance, and the Hearing Officer will make their decision based upon that Record.

If the appellant decides they do not want an In-Person Hearing/Review after they are scheduled for an In-Person Hearing/Review, they may request a Video Hearing/Review by contacting the Appeals Unit at least 1 week before their scheduled In-Person Hearing/Review.

Remote Hearings/Reviews

If an appellant contacts the Appeals Unit to request a Remote Hearing/Review, HPD will determine their eligibility for a Remote Hearing/Review through a Remote Survey and a Remote Test.

During the Remote Survey, HPD will ask the appellant questions to determine if they have the necessary technology to participate in a Remote Hearing/Review. If the appellant's responses indicate that they have the necessary technology, HPD will schedule the Remote Test to ensure that the appellant is able to use that technology for a Remote Hearing/Review.

If the appellant virtually appears for and passes the Remote Test, HPD will schedule a Remote Hearing/Review and mail a copy of the HPD Hearing/Review Exhibits to the appellant at least 2 weeks before the Hearing/Review.

If significant technical issues occur during the Remote Hearing/Review, the Hearing Officer at their discretion may reschedule the Remote Hearing/Review as a Remote Hearing/Review, a Video Hearing/Review, or an In-Person Hearing/Review.

If the appellant does not appear for their scheduled Remote Hearing/Review, and does not contact HPD within 7 days to reschedule it, the appellant will be considered in default and HPD's original determination will be final.

If the appellant requests a continuance of their Remote Hearing/Review and fails to appear for the scheduled continuance date, the Hearing/Review Record will be closed on the date of the scheduled continuance, and the Hearing Officer will make their decision based upon that Record.

If the appellant decides they do not want a Remote Hearing/Review after they are scheduled for a Remote Hearing/Review, they may request a Video or In-Person Hearing/Review by contacting the Appeals Unit at least 1 week before their scheduled Remote Hearing/Review.

If an appellant is not eligible for a Remote Hearing/Review based on the Remote Survey, or because they do not pass their Remote Test or do not appear for their Remote Test, the appellant will be rescheduled for a Video Hearing/Review.

Telephone Hearings/Reviews

If an appellant, who is determined to be ineligible for a Remote Hearing/Review, contacts the Appeals Unit and indicates that they cannot appear for a Video Hearing/Review for a good cause reason, HPD will provide them a Phone Waiver.

The Phone Waiver will advise the appellant about the potential limitations of a Telephone Hearing/Review, will allow them to waive the potential limitations of a Telephone Hearing/Review by signing and dating the Phone Waiver.

If the appellant waives the potential limitations of a Telephone Hearing/Review by signing and dating the Phone Waiver, HPD will schedule a Telephone Hearing/Review and mail a copy of the HPD Hearing/Review Exhibits to the appellant at least 2 weeks before the Hearing/Review.

If significant technical issues occur during the Telephone Hearing/Review, the Hearing Officer at their discretion may reschedule the Telephone Hearing/Review as a Telephone Hearing/Review, a Video Hearing/Review, or an In-Person Hearing/Review.

If the appellant does not appear for their scheduled Telephone Hearing/Review and does not contact HPD within 7 days to reschedule it, the appellant will be considered in default and HPD's original determination will be final.

If the appellant requests a continuance of their Telephone Hearing/Review and fails to appear for the scheduled continuance, the Hearing/Review Record will be closed on the date of the scheduled continuance, and the Hearing Officer will make their decision based upon that Record.

If the appellant decides they do not want a Telephone Hearing/Review after they are scheduled for a Telephone Hearing/Review, they may request a Video or In-Person Hearing/Review by contacting the Appeals Unit at least 1 week before their scheduled Telephone Hearing/Review.

If the appellant does not sign and date the Phone Waiver, and does not waive the potential limitations of a Telephone Hearing/Review, they will be rescheduled for a Video Hearing/Review.