



NEW YORK CITY HOUSING AUTHORITY
OFFICE OF IMPARTIAL HEARINGS
803 Atlantic Avenue, Brooklyn NY 11238 (718) 218-1182/1184
on.nyc.gov/OIH

(11/9/2021)

REMOTE HEARINGS PROCEDURE

In addition to in-person hearings, the New York City Housing Authority's ("NYCHA") Office of Impartial Hearings ("OIH") is also offering remote hearings as an option.

ALL APPLICABLE COVID-19 RESTRICTIONS WILL STRICTLY BE ADHERED TO.

This document is intended to provide guidance for how OIH is conducting Remote Hearings.

The OIH is an administrative tribunal which conducts hearings for the following:

- Termination
 - Tenancy
 - Leased Housing/Section 8 Subsidy
- Grievances
 - Remaining Family Member
 - Tenant Initiated, such as Rent Grievances
 - Leased Housing/Section 8 Voucher Holders
 - Leased Housing/Section 8 Reasonable Accommodation Requests
- Appeals
 - Applicant
 - Trespass
 - Tenant Reasonable Accommodation Requests

GUIDE FOR PARTICIPATING IN REMOTE HEARINGS

The Remote Hearing will be scheduled by the OIH. All parties and their representatives will receive notification of the scheduled Remote Hearing by U.S. mail and will receive a Microsoft Teams email invite from NYCHA (Law Department or the OIH). The Microsoft Teams email invite will also be sent to all witness(es). All pertinent information and instructions for participating in a Remote Hearing will be attached to the notification and Microsoft Teams email invite.

Definitions:

- **"Document Sharing"** is where Parties are able to upload, download, and view documents intended to be submitted for consideration as evidence at the Remote Hearing.
- **"On-Site Remote Hearing"** is a hearing where NYCHA provides the necessary devices, technology, and space for a Participant in a scheduled Remote Hearing at the OIH or at another location selected and specified by NYCHA.
- **"Participant"** is anyone who takes part in a Remote Hearing, including attorneys, parties, and witnesses.
- **"Party"** is a Tenant, Grievant, Leased Housing/Section 8 Voucher Holder, Applicant, and NYCHA.
- **"Reasonable Accommodation"** is a change, modification, or alteration in policy, procedure, practice, or program, that provides a qualified individual with a disability an equal opportunity to participate in, or benefit from, a program or activity, as exists for individuals who are not disabled. The reasonableness of a given accommodation depends upon the individual circumstances of the Participant(s) for whom the request is made to have an equal opportunity to participate in a Remote Hearing. In addition, an accommodation may not create an undue administrative or financial burden upon NYCHA or fundamentally alter the nature of the Remote Hearing.
- **"Remote Hearing"** is a hearing conducted either via video conference or by voice only (telephone) and is not conducted in the physical presence of opposing parties and the Hearing Officer. Video conferencing can be accessed using a desktop computer ("desktop"), laptop, or tablet equipped with a camera and microphone, or other mobile device equipped with a camera and microphone ("mobile device").
- **"Telephone Hearing"** is where a Party participates in a Remote Hearing solely via telephone. This is also known as a Voice Only Option.
- **"Virtual Meeting Room"** is where all Remote Hearing Participants may be seen and/or heard during the Remote Hearing.
- **"Virtual Waiting Room"** is where, upon joining the Remote Hearing, all Participants will remain until the Hearing Officer admits the Participants into the Virtual Meeting Room.

Notice of Remote Hearing:

The Remote Hearing Notice sets forth the hearing date, time, and instructions on how to participate in the Remote Hearing and will be mailed to you at least thirty (30) days before your Remote Hearing is scheduled.

Ways to Participate in a Remote Hearing:

You can participate in a Remote Hearing in the following ways:

- Using a desktop, laptop, tablet, or mobile device: If a Participant has a desktop, laptop, tablet, or mobile device and internet service, s/he should download the Microsoft Teams app from the App Store or Google Play Store before their scheduled Remote Hearing. Please see the Microsoft Teams Remote Hearings Participants' Guide link for detailed instructions. There is no cost to download Microsoft Teams.
- On-site Remote Hearing or telephone: If a Participant does not have access to a desktop, laptop, tablet, or mobile device with internet service, the Party may participate by either option below:

- **On-Site Remote Hearing:** NYCHA will offer an on-site Remote Hearing option at the OIH or another location determined by NYCHA. To request an on-site Remote Hearing, you may call the OIH at 718-218-1182 /1184. OIH staff will be available on-site to assist, as needed.
- **Telephone Hearing:** You may participate by telephone, by making a verbal or written request to the assigned Law Department representative as soon as you receive a Notice of Remote Hearing. Upon agreement by both Parties, the assigned Law Department representative will provide you with an "Agreement to Participate in an Administrative Hearing by Telephone" ("Agreement"), which will inform you of the challenges of participating in a Remote Hearing by telephone. You will be required to return the signed Agreement via mail. Once the Agreement is received by NYCHA, the hearing date in the Notice of Remote Hearing will be rescheduled and a new hearing date will be sent via mail to you. When you are appearing by telephone, the OIH will call you on the appointment date and time from 646-838-1534.

A Party will have fifteen (15) calendar days, from the date of the hearing notice, to decide to participate in the hearing remotely or in person. A Party must call the OIH at 718-218-1182/1184 to let OIH know of their decision. If a Party does not select an option within fifteen (15) calendar days, OIH will schedule an in-person hearing. If a Party then fails to appear at the in-person hearing, a default may be issued resulting in the termination of your tenancy/subsidy or dismissal of your grievance.

In addition, a default may be issued resulting in the termination of tenancy/subsidy or dismissal of your grievance if a Party fails to appear for the hearing either remotely or in-person.

Before the Remote Hearing:

- The OIH will send out the MS Teams email invite to the Party, the Party' s representative(s) and the Party' s known witnesses. The OIH will add witnesses to the invite upon notification to the OIH. The MS Teams email invite will provide the date and time to join the scheduled Remote Hearing.
- Document sharing - NYCHA has created a secure document-sharing site in Microsoft SharePoint called "Virtual Hearing" (the "Site"). The Site will allow the Parties to view, upload, and download all the documents that the Parties would like to be considered as evidence at the Remote Hearing, prior to the Remote Hearing
- When the Remote Hearing is scheduled, the Party and its representative(s) will receive two (2) emails generated from the Site.
 - Email # 1 will include two (2) links.
 - Link #1 will be to the Remote Hearing Participants' Guide which will provide instructions on how to join MS Teams and how to upload documents the Party would like to be considered as evidence at the Remote Hearing.
 - Link #2 will allow the Party to upload to a designated electronic folder, documents the Party would like to be considered as evidence at the Remote Hearing.
 - Email #2 will include a link to view and download the documents that the other Party would like to be considered as evidence at the Remote Hearing.
- **NOTE:** For security purposes, upon opening the electronic folder to upload documents, the Party will need to verify their identity by entering their email address as instructed in the Remote Hearing Participants' Guide. The Party will immediately receive an additional email from the Site with a secured numeric verification code for the Party to enter.
- If a Party, for any reason, is unable to upload documents to the Site:

- the Party should immediately notify the OIH by calling 718-218-1182/1184 for assistance, prior to the Remote Hearing; or
 - the Party may mail documents to the "Office of Impartial Hearings, 803 Atlantic Avenue, Brooklyn, New York 11238", prior to the Remote Hearing. Any documents mailed must include the Party's name, the Law Department file number (LID number) and, where available, the OIH case number. See Notice of Hearing for this information.
- If a Party, for any reason, is unable to view or download documents that the other Party intends to be considered as evidence at the Remote Hearing, from the Site, the Party should notify the NYCHA attorney assigned to your matter, if known, or the OIH by calling 718-218-1182/1184.
- The OIH will confirm with the Party, via telephone and/or email, that the Party's documents were received.
- It is the OIH's preference that all documents be uploaded and received by the OIH no later than seven (7) days before the scheduled Remote Hearing date.

Participating in a Remote Hearing:

- The Remote Hearing will be recorded by the OIH (video and audio). The recording by the OIH will be the official recording of the Remote Hearing.
- Any Party may request an interpreter prior to the Remote Hearing by contacting the OIH at 718-218-1182/1184, or during the Remote Hearing by advising the Hearing Officer.
- Participants who need a reasonable accommodation to participate in a Remote Hearing must notify the OIH, as soon as a Notice of a Remote Hearing is received, for consideration, by calling 718-218-1182/1184. Following are some examples of auxiliary aids and services that NYCHA can accommodate: closed captioning, sign language interpreters, large print, and translations of all hearing-related notices. In addition, the contents of documents that you wish to be considered as evidence at the Remote Hearing will be interpreted as needed during the Remote Hearing.
- All reasonable accommodation requests will be handled in accordance with NYCHA's current Reasonable Accommodation Standard Procedure: SP: 040:12:1.
- If the reasonable accommodation request cannot be accommodated for participation in a Remote Hearing, the OIH will provide the decision, in writing, to all Parties and the Remote Hearing will be adjourned until an in-person hearing can be conducted.
- When the Participant joins the Remote Hearing, the Participant will be taken directly into the Virtual Waiting Room until the Hearing Officer admits the Participant into the Virtual Meeting Room.
- Once the Hearing Officer admits the Participant into the Virtual Meeting Room, the Participant will be placed on mute.
- Once the Remote Hearing begins, if for any reason, the Participant gets disconnected from the Virtual Waiting Room or Virtual Meeting Room, they are to promptly attempt to rejoin by either clicking the "REJOIN/REJOIN NOW/REJOIN MEETING" button in Microsoft Teams or by calling the number located on the meeting invite. If the Participant cannot rejoin the Remote Hearing by either method, they should contact the OIH at 718-218-1182/1184.
- The Parties will have an opportunity to present witness testimony and documents that they would like to be considered as evidence at the Remote Hearing.
 - Witnesses will receive an email invite if the Party provides the Law Department or the OIH with its witnesses' email address(es) prior to the Remote Hearing. Witnesses who cannot be notified by email will be called, via telephone, during the Remote Hearing.

- o The Parties will have an opportunity to verbally object to witness testimony or documents presented by the opposing Party directly to the Hearing Officer during the Remote Hearing.
- o The Party that calls a witness to testify will ask the witness questions first ("direct examination"). After direct examination, the opposing Party will then have an opportunity to ask that witness questions ("cross examination").
- o Cross examination is limited to what the witness testified to and any documents received into evidence during the direct examination of the witness.
- At the conclusion of the presentation of evidence, each Party may present closing statements. Neither Party is required to do so. The closing statements are not evidence. They are the opinion of each Party as to how the evidence should be viewed and recommendations as to what the Hearing Officer should decide.
- If, at any time during the Remote Hearing, a Party wishes to speak off the record with their representative, or otherwise take a break, that Party may make that request to the Hearing Officer.
- At the end of the Remote Hearing, all Participants must exit the Virtual Meeting Room by clicking the "Leave" button.

After the Remote Hearing:

- Following a Remote Hearing, the Hearing Officer will provide a written decision which will be mailed to you. If you disagree with the Hearing Officer's written decision, you may appeal the decision within four (4) months to the Supreme Court in New York County or in the county where you reside.

A translation of this document is available in your Property Management Office.
La traducción de este documento está disponible en su Oficina de Administración de Propiedades.
您所居住區物業管理處辦公室提供本文件的譯本。
您所居住区物业管理处办公室提供本文件的译本。
Перевод этого документа находится в Офисе управления вашего жилищного комплекса.