

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if the PHA determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by the PHA [Notice PIH 2018-24].

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability.

BCHA Policy

Families selected from the waiting list are required to participate in an eligibility interview.

The head of household and the spouse/cohead will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/cohead may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to BCHA.

The head of household or spouse/cohead must provide acceptable documentation of legal identity. (Chapter 7 provides a discussion of proper documentation of legal identity.) If the family representative does not provide the required documentation at the time of the interview, they will be required to provide it within a deadline set by BCHA between 10 business days up to 30 calendar days.

Pending disclosure and documentation of social security numbers (SSN), staff will allow the family to retain its place on the waiting list or in the lottery pool for 30 days.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, as well as completing required forms, providing required signatures, and submitting required documentation. If any materials are missing, staff will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (See Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English and Spanish as requested. For limited English proficient (LEP) applicants, BCHA will provide translation services in accordance with its Administrative Plan, as stated in Chapter 2.

If the family is unable to attend a scheduled interview, the family should contact BCHA staff in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, staff will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without prior approval will be denied assistance based on the family's failure to supply information needed to determine eligibility. A notice of denial will be issued in accordance with policies contained in Chapter 3. Good cause for rescheduling a missed briefing is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. Requests to reschedule an intake interview must be made orally or in writing prior to the intake interview date. At its discretion, BCHA may request documentation of the "good cause" prior to rescheduling the appointment.

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule
- A determination of the family unit size under the PHA's subsidy standards
- A determination to terminate assistance for a participant family because of the family's actions or failure to act
- A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules
- A determination to terminate a family's Family Self Sufficiency contract, withhold supportive services, or propose forfeiture of the family's escrow account [24 CFR 984.303(i)]

Circumstances for which an informal hearing is not required are as follows:

- Discretionary administrative determinations by the PHA
- General policy issues or class grievances
- Establishment of the PHA schedule of utility allowances for families in the program
- A PHA determination not to approve an extension of a voucher term
- A PHA determination not to approve a unit or tenancy
- A PHA determination that a unit selected by the applicant is not in compliance with the HQS
- A PHA determination that the unit is not in accordance with HQS because of family size
- A determination by the PHA to exercise or not to exercise any right or remedy against an owner under a HAP contract

BCHA Policy

BCHA will only offer participants the opportunity for an informal hearing when required to by the regulations, and if BCHA denies a request for a reasonable accommodation (see Chapter 2).

Remote Informal Hearings [Notice PIH 2020-32]

There is no requirement that informal hearings be conducted in-person, and as such, HUD allows PHAs to conduct all or a portion of their informal hearings remotely either over the phone, via video conferencing, or through other virtual platforms. If the PHA chooses to conduct remote informal hearings, applicants may still request an in-person informal hearing, as applicable.

BCHA Policy

BCHA has the sole discretion to require that informal hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.

In addition, BCHA will conduct an informal hearing remotely upon request as a reasonable accommodation for a person with a disability, if a participant does not have child care or transportation that would enable them to attend the informal hearing, or if the participant believes an in-person hearing would create an undue health risk. BCHA will consider other reasonable requests for a remote informal hearing on a case-by-case basis.

Additionally BCHA provides all applicants this document during initial intake and then this document is provided again whenever a participant or applicant requests an informal review or hearing. This document is also available in Spanish.

GUIDE TO INFORMAL HEARINGS FOR PARTICIPANTS

This Guide outlines the basic procedures for informal hearings for participants as governed by applicable law, regulations and the Boulder County Housing Authority Section 8/Housing Choice Voucher Administrative Plan (the “Plan”). It is meant as a guide only and if any provision of this Guide conflicts with the Plan, the Plan supersedes this Guide.

A copy of the Plan is available at www.bouldercountyhousing.org under “Housing Choice Vouchers” and then on the “Plans/Policies” tab or you may request a copy at the Front Desk at the address listed above.

1. Scheduling of a Hearing

- a. **How to Request a Hearing:** A request for an informal hearing must be made in writing and delivered to Boulder County Housing Authority (“BCHA”) staff either in person or by first class mail, by the close of business, no later than 10 business days from the date of BCHA’s decision or notice to terminate assistance.
- b. **Scheduling:** After receiving a proper request, BCHA will schedule and send written notice of the informal hearing to the family within 10 business days of the family’s written request.
- c. **Rescheduling:** The family may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

Requests to reschedule a hearing must be made verbally or in writing prior to the hearing date. At its discretion, staff may request documentation of the “good cause” prior to rescheduling the hearing.

If the family does not appear at the scheduled time, and was unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact staff within 24 hours of the scheduled hearing date, excluding weekends and holidays. BCHA will reschedule the hearing only if the family can show good cause for the failure to appear, or if it is needed as a reasonable accommodation for a person with a disability.

2. Documents to be Used at the Hearing (Discovery)

- a. All documents upon which BCHA will rely for the hearing will be made available to the family for pickup 2 business days in advance of the hearing. If BCHA does not make the document(s) available for examination on request of the family, then BCHA may not rely on the document at the hearing.
- b. The family must also submit any documents that are directly relevant to the hearing. All documents must be made available to BCHA for review no later than 2 business days in advance of the hearing. BCHA will be allowed to copy any such document at its expense. If the family does not make the document(s) available for examination, the family may not rely on the document at the hearing.

3. Representation of the Family and Right to Counsel

At its own expense, the family may be represented by a lawyer or other representative at the informal hearing.

4. The Hearing Officer

- a. The hearing will be conducted by a Hearing Officer. A Hearing Officer is a person or persons designated by BCHA. The Hearing Officer is someone who has not made or approved the decision under review or a subordinate of this person.
- b. The Hearing Officer has been trained to serve as a presiding person in housing termination hearings, and will follow the Boulder County Department of Housing and Human Services policies and procedures for hearings.
- c. The Hearing Officer will regulate the conduct of the hearing in accordance with BCHA's hearing procedures and the Plan.

5. Presentation of Evidence at the Hearing

BCHA and the family must have the opportunity to present evidence and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

6. Who May Attend the Hearing

In addition to the Hearing Officer, the following applicable persons may attend:

1. BCHA representative(s) and any witnesses for BCHA;
2. BCHA's legal counsel;
3. The participant and any witnesses for the participant;
4. The participant's counsel or other representative; and
5. Any other person approved by BCHA as a reasonable accommodation for a person with a disability.

7. Conduct at Hearings

The Hearing Officer 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 the Hearing Officer and guidelines for conduct. Any person demonstrating disruptive, abusive or otherwise inappropriate behavior will be excused from the hearing at the discretion of the Hearing Officer.

8. Issuance of Decision

The Hearing Officer must issue a written decision within 10 business days from the date of the hearing, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing.

A copy of the hearing decision will be furnished promptly to the family.

9. Effect of the Decision

BCHA is not bound by a hearing decision:

- a. Concerning a matter for which BCHA is not required to provide an opportunity for an informal hearing under this Section, or that otherwise exceeds the authority of the person conducting the hearing under BCHA's hearing procedures.
- b. Contrary to HUD regulations or requirements, or otherwise contrary to Federal, State or local law.
- c. If BCHA determines that it is not bound by a hearing decision, it will notify the family within 10 business days of the determination and of the reasons for the determination.

10. Considering Circumstances

In deciding whether to terminate assistance because of action or inaction by members of the family, BCHA may consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

BCHA may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure will not reside in the unit, BCHA may permit the other members of a participant family to continue receiving assistance.

If BCHA seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol, such use or possession or pattern of abuse must have occurred within one year before the date that BCHA provides notice to the family of BCHA determination to deny or terminate assistance. In determining whether to terminate assistance for these reasons BCHA will consider evidence of whether the household member:

- a. Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;
- b. Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or
- c. Is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.

**Attachment E -
Homeownership Program**

DRAFT

In 2003 Boulder County Housing Authority amended the Housing Choice Voucher Administrative plan to allow for the special housing type Homeownership. The pilot program ran from 2003-2004 and voucher households that qualified as elderly/disabled were allowed to participate in the program. At the conclusion of 2004 the program was discontinued. As of 2023 BCHA continues to have three households remaining from that initial program.

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**Attachment F -
Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare
Program Requirements**

DRAFT

Boulder County Housing Authority has operated a Family Self-Sufficiency Plan since 1984 originally as part of the pilot program (Project Self-Sufficiency). The BCHA FSS program is a joint program with Boulder Housing Partners (BHP) which runs a Moving To Work (MTW) program. At the beginning of July 2022, the BCHA FSS program has 58 HCV and 41 PBV. The Joint BHP FSS program has 35 PBV.

The educational goals of FSS participants are set and attained through the combination of financial assistance, case management, referral and linkage to community agencies that help with Academic Advising, Career Counseling, and in some cases, internships. Once education has been attained, FSS support specialists facilitate job search and job preparedness, and refer to other agencies that assist in this process.

Participants receive personal support and tailored guidance through their work with the FSS support specialist. Support specialists assist in the creation of a holistic life plan that can lead participants to a more desirable lifestyle. Support specialists address family, health, personal, financial and educational challenges that are key areas to troubleshoot while on the path to goal achievement. Support specialists refer participants to parenting/financial classes and professional counseling services that can aid them in their process toward attaining self-sufficiency. Participants are encouraged to attend a variety of life skills classes: Financial Workshops, such as, Budgeting on a Small Income or Thoughtful Money Management or parenting classes. FSS participants are encouraged to become involved with a variety of support networks and actively participate in community groups or in other activities in which they have an interest, such as, P.E.R.L. (People Engaged in Raising Leaders) training, Single-Parenting Support Groups or the Thrive Program.

As defined in the FSS Contract of Participation and for the purposes of the BCHA FSS program, "Self-Sufficiency" is defined as: maintaining suitable employment after the completion of a job training and/or academic program, being free of TANF for the last 12 months of FSS program enrollment, and moving toward the ultimate goal of being free of a housing subsidy. The Family Self-Sufficiency Program Action Plan governs and provide guidance to the operation of the program and can be found on our website at www.fssbouldercounty.org.

Boulder County Housing Authority's Administrative Plan for the housing choice voucher program details how income and assets are calculated and is in compliance with the regulations required under section 12(c) and (d) of the 1937 Act (42 U.S.C. 1437j(c) and (d)). For treatment of income changes in tenant-based assistance recipients resulting from welfare program requirements.

**Attachment G -
Significant Amendment and Substantial Deviation/Modification**

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SIGNIFICANT AMENDMENT AND SUBSTANTIAL DEVIATION/MODIFICATION

As described in 24 CFR 903.21, the PHA may amend, modify or change any policy, rule, regulation or other aspect of its Annual or Five-Year Plan after submitting the plan to HUD. It further describes that if the modification or change is considered a "significant amendment" or "substantial deviation/modification" as defined by the PHA, then the PHA must comply with a number of requirements similar to those required at initial development and submission of the PHA Plan.

Although HUD has afforded PHAs local discretion in defining the terms "significant amendment and "substantial deviation, in the Final Rule for the PHA Plan, HUD indicated that these terms should be defined at the local level as part of the public participation in the PHA Plan process. The PHA must state the basic criteria for the definitions in its annual plan and must provide its definition of significant amendment and substantial deviation/modification in the appropriate section of the PHA Plan template or as an attachment to the PHA Plan.

Boulder County Housing Authority hereby defines "substantial deviation" and "significant amendment/modification" as any change in policy which significantly and substantially alters the Authority's stated mission and the persons the Authority serves.

This would include admissions preferences, demolition and/or disposition activities, and conversion programs. Discretionary or administrative amendments consistent with the Authority's stated overall mission and basic objectives will not be considered substantial deviations or significant modifications. If a significant amendment and/or substantial deviation/modification occur, the public process will include: consultation with the Resident Advisory Board, a public comment period, public notification of where and how the proposed change can be reviewed, and the approval by the Housing Authority Board.

**Attachment H -
Resident Advisory Board**

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The Boulder County Housing Authority (BCHA) held a hybrid virtual/in person public hearing on Tuesday, October 1, 2024, from 9:30 AM to 10:00 AM inviting the public and residents to comment and participate in reviewing BCHA's 2025 Annual PHA Plan and PHA Five-Year Plan for 2025-2029. A subsequent virtual/in person public hearing on Tuesday October 1, 2024, from 10:00 AM to 10:30 AM was held to allow for public comment in reviewing BCHA's 2025 MTW Supplement.

Notices were published on BCHA's website and printed in the Longmont Times Call, The Daily Camera and the Mountain Ear (various local newspapers operating in Boulder County) on *[Date of publication will go here]*. *[Number of participants will go here in the final version of the plan]* in the public hearing for the 2025 Annual Plan. The Resident Advisory Board was convened to include resident input on the 2025 Annual Plan on *[Date of meeting will go here in final version of the plan]*.

Any BCHA voucher holder living in any rental in Boulder County and any BCHA tenant living in a BCHA owned unit with or without voucher assistance may participate on the Resident Advisory Board (RAB). At this time there is not a defined membership for the RAB. All voucher holders and tenants are encouraged to participate and invited to join. BCHA uses both text message and emails to reach out to tenants and voucher holders to invite them to participate. The RAB was convened in person on *[Date of the meeting and location will go here in the final version of the plan]* to review and comment on the 2025 Annual Plan.

The 2025 Annual Plan, Five Year Plan for 2025-2029 and 2025 MTW Supplement are published on BCHA's website for public review.

As these efforts demonstrate, all residents and the public have been given the opportunity to comment on the 2025 Annual Plan, Five Year Plan for 2025-2029 and 2025 MTW Supplement.

Resident comments:

[comments will go here in the final version of the plan]