

Preparing for An Administrative Hearing

If I live in public housing or I have Section 8, what can I do if I am told that my benefits are going to be cut off?

If you are a public housing tenant or Section 8 program participant facing termination of your housing benefits, you have certain rights:

- The right to ask for a hearing to oppose the loss of your housing benefits,
- The right to a notice explaining why your tenancy or subsidy is being terminated,
- The right to look at your file and the evidence against you,
- The right to confront and cross-examine witnesses who may testify against you, and
- The right to present evidence in your own defense.

The following information may assist you in preparing and presenting your case:

How will I know when to ask for my hearing?

You should receive a written notice telling you that your benefits are going to be cut off (or telling you that you have to move). The notice should tell you that you have a right to a hearing and how much time you have to ask for the hearing. Follow the directions in your notice. Make sure you ask for your hearing before the deadline passes. If you ask for your hearing the wrong way (e.g. by telephone, instead of in writing), or you ask for the hearing too late, you may lose your right to have a hearing.

What should I do to prepare for my administrative hearing?

One way to prepare for your case is to create the following outline (an example is attached on the following page):

- Identify your goals: Why do you want to go to the hearing? What do you want to achieve?
- Look carefully at the notice you received. Make sure you understand exactly why the agency or public housing authority took action against you.
- List any evidence that the agency or public housing authority has to support its decision. (You will probably need to review your file at the office of the public housing authority or Section 8 program in order to complete this list.)
- List the rules, regulations, or policies that you allegedly violated.
- Make sure you understand the rule, regulation or policy you allegedly violated.
- List any evidence you have to support your position (e.g.: statements from other people, documents, witnesses, etc.).
- List any evidence you need to locate.
- Identify any legal issues which need further research.

What will happen at the hearing?

The hearing is usually informal. It is usually conducted by a hearing officer. You may be asked to say briefly what you hope to prove at this hearing. This is sometimes called an "opening statement."

Often, there is no opening statement at an administrative hearing in a housing case. Someone from the public housing authority or the Section 8 program will begin by describing the case against you. Listen carefully to what is said and write down any questions that you would like to ask this person. Your questions should focus on the accuracy of the other side's information. For example, if the person from Section 8 says that she spoke with your landlord by phone but there was no note of her conversation in your file, you may question how the worker can remember the details of such a conversation.

What should I do when it is time for me to present my side of the story?

Describe your side of the story briefly.

You may wish to focus first on the facts by offering written documents or exhibits. Be sure to organize your paperwork or exhibits in advance, explain why your paperwork or exhibits are important, and be prepared to answer questions about each exhibit. Also, be sure to make a copy of each exhibit for the hearing officer and for your caseworker. If you choose to focus on the rules or regulations involved in your case, make copies of those rules as well. If you choose to call witnesses, prepare brief, specific questions in advance. Never ask a witness to answer a question if you do not know what the person's answer will be. Remember that the other side may cross-examine your witnesses.

End your case with the strongest argument in support of your position.

Be courteous, thorough and focused on what you are trying to communicate. Don't get angry or speak rudely to the hearing officer or to the other side.

What should I do if I think I need someone to help me with presenting my case?

Most tenants are their own best advocates because they know the facts and circumstances of their cases better than anyone else. However, if you think that you cannot present your case clearly and strongly enough to win, you may wish to ask someone to go to the hearing with you as your advocate. This person may be a friend, relative, or trained advocate; your choice depends primarily on who you think can do the best job for you. You can call Neighborhood Legal Services to see if someone is available to take your case. If you are working with a case manager, that person might be willing to go with you to your hearing if the staff at Neighborhood Legal Services is not available.

Prepare well and good luck!

HEARING PREPARATION GUIDELINE

1. Goal: I am going to this hearing to:
2. What the agency did or decided?:
3. Reason(s) given in notice for agency action or decision:
4. Agency evidence:
5. Rules, regulations, and/or policies involved and/or to be investigated:
6. Tenant's or applicant's position:
7. Evidence to support tenant's or applicant's position:
8. Evidence needed to support tenant's or applicant's position:
9. Legal issues requiring further research: