

Pennington County Housing and Redevelopment Commission

1805 West Fulton Street
Rapid City, SD 57702-4358

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INFORMAL HEARING PROCEDURES

- A. Within ten (10) business days of receipt of a request for an Informal Hearing, in accordance with the Pennington County Housing and Redevelopment Commission (PCHRC) policies, the Hearing will be conducted by the PCHRC's Executive Director or his designee hereafter referred to as "Hearing Officer". The designee will not be a person who made or approved the decision under review or a subordinate of such person.
- B. The Hearing will be held at PCHRC's office located at 1805 West Fulton Street, Rapid City, South Dakota.
- C. At the participant's own expense, the Participant may be represented by a lawyer or other representative. Expenses incurred by the Participant and/or the Participant's representative will be the sole responsibility of the Participant.
- D. The Hearing will be held on the date and time specified in a notice to the Participant. Failure of the Participant and/or the Participant's representative to attend the Hearing, without prior approval of PCHRC will result in cancellation of the Hearing, which will not be rescheduled. Reasonable requests for re-scheduling of the Hearing will be granted if requested prior to the Hearing. Such requests must be for good cause such as illness or other unavoidable absence of a party, representative, or witness, or by agreement between PCHRC and the Participant.
- E. The Hearing will be conducted in accordance with the following guidelines:
 1. The PCHRC or its representative will first be given an opportunity to explain the decision. PCHRC may present evidence and question witnesses at this time.
 2. The Participant or their representative will then have an opportunity to present his/her objections to the decision in question, and only the specific decision pertinent to this Hearing. The Participant may present evidence or question witnesses at this time.
 3. The presentation of evidence and argument, and the questioning of witnesses will be limited by the Hearing Officer as provided in these Hearing Procedures and the Hearing Officer may:
 - a. Limit the time for oral argument.
 - b. Exclude the participation or testimony of any person who becomes belligerent or unruly, or any representative who attempts to harass any witness;
 - c. Refuse to hear testimony or argument if it is not relevant or is immaterial to the issues, e.g. to the basis for denial, termination, or reduction of the Participant's benefits.



4. The Informal Hearing is not intended to duplicate procedures under judicial review so the rules or admissibility under such proceeding will not be applied in the course of the Hearing. Factual decisions related to the individual circumstances of the Participant will be based on the evidence presented at the Hearing. Hearsay evidence may be used for the purpose of supplementing or explaining any director evidence but is not sufficient in itself to support a finding.
5. The Hearing Officer will issue a written decision within 14 calendar days from the date of the Informal Hearing, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstance of the family shall be based on the preponderance of evidence presented. A copy of the Hearing decision will be sent by mail to the participant.
6. An Informal Hearing will be conducted prior to termination of assistance if the family requesting the Hearing is currently receiving benefits under an existing Housing Assistance Payments Contract.
7. PCHRC is not bound by a Hearing decision:
 - a. Concerning a matter for which PCHRC is not required to provide an opportunity for an Information Hearing, or otherwise exceeds the authority of the person conducting the hearing under the PCHRC Hearing procedures; or
 - b. Contrary of HUD regulation or requirements, or otherwise contrary to Federal, State or local law.

If PCHRC determines that it is not bound by a hearing decision, PCHRC will notify the participant of the determination and of the reason for the determination within 14 calendar days.