

Following is a pre-hearing checklist template for the public housing program. *NOTE:* This is not a HUD form or a legal form. State law may affect some of these categories. In addition, your PHA may have particular policies or procedures that should be incorporated. Check with PHA authority or legal counsel before adopting form.

GRIEVANCE HEARING CHECKLIST – PUBLIC HOUSING		
Applicability		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Was this adverse action subject to the grievance hearing process per the PHA's ACOP and HUD regulations? If "No" to the above, why not? Consult with PHA authority or legal counsel before discontinuing the hearing process.
Due Process		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Is the PHA in a due process state? If "Yes", continue with this section. If "No", continue to "Informal Settlement"
If the adverse action is a termination action, Is the termination action for one of the following? (check applicable)		
1.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the PHA		
2.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Any violent or drug-related criminal activity on or off such premises		
3.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Any criminal activity that resulted in felony conviction of a household member		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	If "Yes" to #1, 2, or 3 above, did the notice of adverse action inform the tenant that the PHA is in a due process state and this issue is excluded from the PHA's grievance procedures, and how the tenant proceeds to judicial review? If "No" to #1, 2, and 3 above, continue to "Informal Settlement"
Informal Settlement		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did notice state the reasons for the adverse action in sufficient detail to enable the tenant to prepare a defense?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did notice explain that the tenant had the right to request a hearing and explain how the request should be made?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Was the grievance personally presented, either orally or in writing, to the PHA office or to the office of the project in which the tenant resides so that the grievance may be discussed informally and settled without a hearing?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	If the tenant requested a hearing, was an informal settlement held?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Was the informal settlement decision issued in writing by the person conducting the informal settlement?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Was the PHA's decision upheld? If "Yes", continue.
Review adequacy of and service of notice of adverse action		
Adverse action		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did notice state the reasons for the adverse action in sufficient detail to enable the tenant to prepare a defense?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the notice explain that the tenant had the right to request a grievance hearing and explain how this was done?

Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the notice state the deadline for the family to request a hearing and was the deadline consistent with the PHA's ACOP? (e.g., 10 business days) and reasonable?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the notice include or was it accompanied by notification of the family's right to request a reasonable accommodation if needed for a person with disabilities?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the notice include or was it accompanied by notification of the family's right to invoke VAWA protections for situations involving domestic violence, dating violence, sexual assault or stalking?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the notice include or was it accompanied by notification of the family's right to request an interpreter, free of charge?
Proper service		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the PHA have adequate proof of service or does tenant admit service?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Was notice served sufficiently in advance of effective date of adverse action as to comply with HUD regulations and the PHA's ACOP and satisfy any legal process concerns?
Did family request hearing in timely manner?		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the tenant request a hearing within deadline set forth in the notice of adverse action?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	If not, did the tenant have good cause for filing a late request for the hearing?
PHA's acknowledgement of hearing request		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the PHA adequately acknowledge the tenant's hearing request, preferably in writing?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the PHA provide the family with a copy of its grievance procedures?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the PHA explain the family's right to review relevant documents, including the PHA's ACOP and HUD regulations, before the hearing?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the PHA advise the family of the process it would use to select the hearing officer, advise the family that neither party may have separate contacts (ex parte) with the hearing officer in the interests of one side only, and inform the tenant that the hearing officer will decide the case solely on evidence presented during the hearing?
Selection of Hearing Officer		
4. Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the PHA select the hearing officer in accordance with its ACOP/grievance procedures?
5. Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did you, the hearing officer, make or approve the decision under review or are you a subordinate of the person who did make the decision?
6. Yes <input type="checkbox"/>	No <input type="checkbox"/>	Is there any evidence suggesting that you, as the hearing officer, should be disqualified for bias, prejudice, conflict of interest, or because of ex parte contacts with one of the parties?
If "Yes" to questions #5 or 6 above, excuse yourself from the hearing and refer the case to the PHA authority for reassignment.		
Discovery		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Was family given the opportunity to examine relevant documents prior to the hearing?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did family ask for opportunity to examine relevant documents prior to hearing; if so, were they allowed to copy such documents at their own expense? OR was hearing packet provided to all parties prior to the hearing?

Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did PHA fail to make any documents available to the family, which should now be excluded at the hearing?
Preparation of the Hearing Packet		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the PHA include in the hearing packet only those documents the hearing officer might need to prepare for the hearing and understand the legal and procedural issues likely to be presented, such as the notice of adverse action, the hearing request, other relevant documents, relevant excerpts from the PHA's ACOP, and HUD regulations?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the PHA withhold documents or exhibits that contain facts in dispute or those that might create confusion or pose a danger or unfair prejudice if considered out of context of without the benefit of cross-examination or rebuttal?
Notice of Hearing and Hearing Packet		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the PHA provide the family with reasonable notice of the hearing and give the family an opportunity to reschedule the hearing due to a scheduling conflict (per PHA's ACOP)?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the PHA serve a copy of the hearing packet with its notice of hearing so that the family might see what documents would be provided to the hearing officer prior to the hearing?
Witnesses		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did tenant request that any witnesses participate by telephone?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	If "Yes" to the above, did the PHA and tenant make arrangements needed so that witnesses could participate by telephone?
Hearing Decision		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the hearing decision go out on time (as defined in ACOP)?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the hearing decision address that all due process requirements were met?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the hearing decision address findings of fact and preponderance of the evidence?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the hearing decision inform the family how to file a judicial review?