



Baltimore Regional Housing Partnership

Request for Proposals Hearing Officer

Issue Date: 05/19/2021

Proposal Due Date: 06/18/2021

Contact Information:

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I. INTRODUCTION

The Baltimore Regional Housing Partnership, Inc. (BRHP) is a private nonprofit organization committed to opening pathways to a better future for low-income families in Baltimore City. As Regional Administrator of the Baltimore Housing Mobility Program (Program) since 2013, BRHP has supported thousands of families in finding housing in high opportunities areas throughout the Baltimore region. Uniquely, BRHP is one of the few agencies who administer the Housing Choice Voucher Program on a regional scale and provide housing mobility counseling services to families. The program currently provides over 4,000 families access to housing, educational, and employment in high opportunity areas.

BRHP is optimistic about our future growth and current opportunities to continue providing much needed services to the Greater Baltimore Region, and accordingly, we are seeking to obtain professional relationships that will participate and provide value added services enabling us to be effective, program compliant, and relevant in this 21 Century.

II. OVERVIEW

BRHP is seeking proposals from qualified professional firms and/or individuals interested in serving as Housing Choice Voucher Hearing Officers who will preside at Informal Hearings as set forth in BRHP'S Administrative Plan for the Baltimore Regional Housing Partnership's Housing Choice Voucher Program.

BRHP's leased offices are located in downtown Baltimore at 20 South Charles Street, Suite 801. The current lease agreement covers approximately 12,000 square feet and expires in April of 2022. BRHP maintains a staff of approximately 60 employees. These services are needed to assist BRHP in identifying the best course of action for housing the BRHP offices at the expiration of the current lease agreement, whether through a lease renewal of the current space or locating and leasing a new space.

The purpose of this Request for Proposals (RFP) is to select the most qualified vendors who should have at a minimum, qualifications and experience necessary to perform the scope of work as described herein, and shall be able to provide the services described in this RFP within the time frame required by BRHP.

BRHP strongly encourages locally owned, minority-owned and women-owned businesses, socially and economically disadvantaged business enterprises, and small businesses to submit a proposal, in response to this RFP.

III. SCOPE OF WORK

BRHP is soliciting Proposals for Housing Choice Voucher Hearing Officer Services. Hearing Officers are responsible for conducting fair hearings and rendering fair and reasonable decisions based upon the evidence introduced at each hearing as it applies to the law and BRHP's Administrative plan. The selected firms/individuals shall have qualifications and experience to perform the tasks related to this Category of Service.

- 1) Description of Work: Qualified firms/individuals selected for the Baltimore Regional Housing Partnership's Housing Choice Voucher (Section 8) Program Hearing Officer Services will be required to:
 - Conduct informal hearings at least twice per month at locations determined by BRHP.
 - Within ten business days after the conclusion of the hearing, prepare a written decision together with the reasons therefore based solely upon information presented at the hearing. The written decision shall present the issues and an analysis of the rules to the issues and conclusion.
 - Submit an electronic and original hard copy of the written decision to BRHP's Managing Director of Program Administration.

- 2) Detailed Work Requirements: The Housing Choice Voucher Hearing Officer shall preside at the hearing and conduct the hearings pursuant to the "Administrative Plan" for the Baltimore Regional Housing Partnership Section for "Informal Review and Hearing Policy," see copy presented below under Exhibit A.

IV. PROPOSAL CONTENTS.

In order to simplify the review process and to obtain the maximum degree of comparability, the proposals should include the following items and be organized in the manner specified below, pages numbered (where applicable), sections tabbed and in an electronic format:

A. Cover Letter

A cover letter briefly outlining the firm's understanding of the Hearing Officer Services requested by BRHP, as well as general information regarding the firm, should be included. The letter should clearly identify the firm's address the telephone number, email and name of the contact person. Please also provide a statement regarding the types of corporate insurance your firm carries and the limits on each policy.

B. Table of Contents

Include a table of contents that identifies the material by section and page number.

C. Profile of Firm Proposing

Provide a brief overview of the firm including whether the firm is a local, national or international firm. Also provide the number of employees and number of years the firm has been in existence.

D. Qualifications and References

This section may be organized as the vendor sees fit, but must include, at a minimum, the following information:

- Describe three recent projects that are similar in size and scope to the work described within this RFP.
- Include resumes and/or biographies of all key professional members who will be assigned to this engagement. Minimum education required is a bachelor's degree, advance degree preferred.
 - Key professional members must have at least three (3) years prior experience with law in some capacity such as, but not limited to, paralegal, attorney, hearing officer, arbitrator, mediator, judge or chair of judicial hearings and provide evidence of such.
- Firm must be familiar with reasonable accommodation requests, both physically and administratively.
- Describe the firm's policy on notification of changes in key personnel.
- Include three client references where the firm has executed a similar scope of services.
- Provide proof of legal and other related training, including any in-house training programs.
- Sample hearing decision letter (sensitive information redacted) with legal citations included
- Provide proof of knowledge of Violence Against Women Act (VAWA)
- Capable of remote hearings. Remote equipment should include but not limited to: computer, web cam, microphone, scanner, and printer.

E. Approach to Services

Please provide a narrative response that describes how the firm conducts Hearing Officer services. In particular, the response must describe how the work conducted outlined in the Scope of Work will be completed.

F. Fees and Compensation

Please provide a narrative cost proposal based on your firm's understanding of the scope of work. The cost proposal should include hourly rates and an estimate of travel

expenses based on your understanding of the scope of work. Finally, indicate the frequency and timing of the firm's billing process.

V. RFP SCHEDULE AND SUBMISSION REQUIREMENTS.

A. RFP Schedule.

Activity	Date
Issue RFP	05/18/2021
Questions Due	06/02/2021
Answers to Questions Posted	06/07/2021
Proposals Due	06/11/2021
Anticipated Award Date	06/18/2021

B. Closing Submission Date. Proposals must be submitted by electronic copy as specified in paragraph D below **no later than 5:00 PM EDT on June 11, 2021**. Proposals received after the deadline will not be accepted. It is neither BRHP's responsibility nor practice to acknowledge receipt of any proposal. It is the Offeror's responsibility to assure that a proposal is received.

C. Inquiries. Any requests for additional information, clarification or questions regarding this RFP may be sent via e-mail to Blaine Getachew at bgetachew@brhp.org. **All such communications must be received by 9:00 AM EDT by May 24, 2021.** All questions, as well as responses, will be posted on a rolling basis in the Request for Proposals section of BRHP's website.

D. Instructions to Offerors. All Offerors shall provide one (1) electronic copy.

Note, the e-mail subject line for the electronic copy must read "RFP, Hearing Officer Committee" to Blaine Getachew at bgetachew@brhp.org.

In order to ensure a fair review and selection process, firms submitting proposals are specifically requested not to make other contacts with BRHP staff or members of the Board of Directors regarding the proposal. Failure to comply with this request will result in disqualification of the proposal.

VI. EVALUATION CRITERIA AND PROCEDURE.

A. Evaluation Criteria. BRHP's Hearing Officer RFP Committee will evaluate all proposals received based upon the following factors with corresponding ranking points:

Evaluation Factor	Maximum Rating Points
Qualifications and Experience: Previous experience with similar scope of work, qualifications and knowledge of personnel who will serve as Housing Choice Voucher Hearing Officers.	40%
Approach to Scope of Work: Understanding of scope of services, quality of approach to meet scope of work in specified time frames.	25%
Cost proposal	35%

B. Evaluation Procedure.

1. Review Process. BRHP may, at its discretion, request presentations by, or a meeting with, any or all firms, to clarify or negotiate modifications to the firm’s proposal. However, BRHP reserves the right to make an award without further discussion of the proposals submitted. Therefore, proposals should be submitted initially on the most favorable terms, from both technical and price standpoints, that the firm can propose.

2. Notification of Award. It is expected that a decision selecting the successful firm will be made by June 11, 2021. Upon conclusion of the final negotiations with the successful firm, all Offerors submitting proposals to this RFP will be notified of BRHP’s final decision awarding the contract.

VII. CONDITIONS OF PROPOSAL

A. Right to Reject. BRHP reserves the right to reject any and all proposals, to waive irregularities and informalities, to request additional information from all Offerors and further reserves the right to select the proposal which furthers the best interests of BRHP. A contract for the accepted proposal will be drafted based upon the factors described in the RFP.

B. Contract Ethics. No employee of BRHP who exercises any responsibilities in the review, approval or implementation of the proposal or contract shall participate in any decisions which affects his or her direct or indirect personal or financial interest.

It is a breach of ethical standards for any person to offer, give or agree to give any BRHP employee or board member, or for any BRHP employee or board member to solicit, demand, accept or agree to accept from another person or firm, a gratuity or an offer of employment whenever a reasonably prudent person would conclude that such consideration was motivated by an individual, group or corporate desire

to obtain special, preferential, or more favorable treatment than is normally accorded to the general public.

The firm shall not accept any client or project that places it in a conflict of interest with its representation of BRHP. If such a conflict is subsequently discovered, BRHP shall be promptly notified.

- C. Minority-Owned Businesses.** BRHP strongly encourages small, locally-owned, minority-owned, women-owned, socially and economically disadvantaged and service-disabled veteran-owned businesses to submit a proposal, in response to this RFP. Efforts will be made by BRHP to utilize these types of businesses.
- D. Consent.** By submitting a proposal to BRHP, Offeror consents to the Scope of Work and general requirements of this RFP noted herein. Exceptions desired must be clearly noted in the submitted proposal.
- E. Assignment.** Offeror shall not assign, sublet or transfer its interest, obligations or rights in any contract entered into with BRHP without BRHP's prior written consent.
- F. Retention Policy.** All submitted proposals become the sole and exclusive property of BRHP.
- G. Effective Period.** Each proposal shall be considered binding and in effect for a period of ninety (90) days following the proposal opening.
- H. Expenses.** BRHP shall not be liable for any expenses, including travel expenses, related to the preparation of the proposal and contract negotiation process.
- I. Media.** Written consent from BRHP must be obtained for any media releases or any other public disclosure regarding an award of the contract by BRHP and any work resulting from that award.

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Baltimore Regional Housing Partnership

Attachment A – Administrative Plan Excerpt

RFP Hearing Officer

18. INFORMAL REVIEWS AND HEARINGS

Both applicants and participants have the right to disagree with, and appeal, certain BRHP decisions that may adversely affect them.

The process for applicant appeals is the Informal Review. For a participant or an applicant denied admission because of citizenship issues, the appeal process is the Informal Hearing.

Informal Review for Applicants

An Informal Review is for a program applicant. An applicant becomes a participant on the effective date of the first HAP contract executed by BRHP for the family.

Decisions Eligible for Informal Review

BRHP must give an applicant the opportunity for an Informal Review of a decision denying assistance. Denial of assistance may include any or all of the following:

- denying listing on BRHP wait list
- denying or withdrawing a voucher
- refusing to enter into a HAP contract or approve a lease
- refusing to process or provide assistance under portability procedures
- While the regulations state that the PHA must prohibit admission for certain types of criminal activity and give the PHA the option to deny for other types of previous criminal history, more recent HUD rules and OGC guidance must also be taken into consideration when determining whether a particular individual's criminal history merits denial of admission.
- When considering any denial of admission, PHAs may not use arrest records as the basis for the denial. Further, HUD does not require the adoption of "One Strike" policies and reminds PHAs of their obligation to safeguard the due process rights of applicants and tenants [Notice PIH 2015-19].
- HUD's Office of General Counsel issued a memo on April 4, 2016, regarding the application of Fair Housing Act standards to the use of criminal records. This memo states that a PHA violates the Fair Housing Act when their policy or practice has an unjustified discriminatory effect, even when the PHA had no intention to discriminate. Where a policy or practice that restricts admission based on criminal history has a disparate impact on a particular race, national origin, or other protected class, that

policy or practice is in violation of the Fair Housing Act if it is not necessary to serve a substantial, legitimate, nondiscriminatory interest of the PHA, or if that interest could be served by another practice that has a less discriminatory effect [OGC Memo 4/4/16].

- PHAs who impose blanket prohibitions on any person with any conviction record, no matter when the conviction occurred, what the underlying conduct entailed, or what the convicted person has done since then will be unable to show that such policy or practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest. Even a PHA with a more tailored policy or practice that excludes individuals with only certain types of convictions must still prove that its policy is necessary. To do this, the PHA must show that its policy accurately distinguishes between criminal conduct that indicates a demonstrable risk to resident safety and property and criminal conduct that does not.

Decisions Not Eligible for Informal Review

There is no Informal Review for the following reasons:

- denial of a voucher extension or suspension
- a decision that the unit does not meet Housing Quality Standards (HQS)
- a decision that the unit does not meet HQS due to family size or composition
- a decision about the family unit size under BRHP's subsidy standards
- BRHP's decision not to approve a unit or lease
- the utility allowance schedule
- any BRHP administrative practice
- a general policy issue or class grievance

Notice to the Applicant

BRHP will give an applicant prompt written notice of the Program's decision to deny assistance. The notice will contain a brief statement of the reasons for BRHP's decision. It will state that the applicant may request an Informal Review of the decision and describe how to obtain the Informal Review.

Requesting an Informal Review

The applicant must submit an **Informal Review Request** within 14 calendar days of the date of the written notice.

- The **Informal Review Request** form is enclosed with the notice of denial.

- The applicant must mail, email, fax, or bring the request to the Baltimore Regional Housing Partnership, 20 S. Charles Street, Suite 801, Baltimore, MD, 21201. Office hours are Monday through Friday 8:30 am to 5:00 pm.

If BRHP does not receive the Informal Review Request within 14 calendar days, the decision will be final.

BRHP will schedule and send written notice of the Informal Review within 10 business days of the family's request.

Rescheduling an Informal Review

The family may request to reschedule a review for good cause, or if it is needed as a reasonable accommodation for a person with disabilities.

- Good cause is an unavoidable conflict that seriously affects the health, safety, or welfare of the family.
- BRHP must receive a written request to reschedule prior to the review date.
- BRHP may request documentation of the "good cause" prior to rescheduling the review.
- BRHP will reschedule the review only if the family can show good cause for a failure to appear.

Attendance at Informal Review

If the applicant does not come to the Informal Review, the decision will be final.

If the applicant is more than 15 minutes late for the scheduled review time, the decision will be final and the Program will not grant another review.

Informal Review Process

- BRHP chooses the review officer. It may be anyone except the person who made the original decision or anyone who works for that person.
- You may bring a lawyer at your own expense, or other representative, who may be a family member. Let BRHP know before the review if you will bring a representative.
- Before the review, BRHP will provide you with copies of any related documents. BRHP may not rely on any documents unless they were available to you before the review.
- At the review, you will have the chance to question any witness, present evidence, and give testimony. You may bring your own documents and witnesses.
- The review officer will base the final decision only on the evidence given at the review.

- BRHP will give prompt written notice of the review officer's final decision that will state the reason for the decision. The notice must state the grounds for the decision and findings of fact that support it.

Informal Hearing for Participants

A participant is a person who BRHP has admitted to the program and whom BRHP currently assists. The purpose of the Informal Hearing is to consider whether BRHP's decisions related to the family's circumstances are in accordance with the law, HUD regulations, and BRHP policies.

BRHP will not terminate a family's assistance until the time allowed for the family to request an Informal Hearing has elapsed, and any requested hearing is complete.

Decisions Eligible for Informal Hearing

BRHP must give a participant family an opportunity for an Informal Hearing of the following:

- 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 BRHP utility allowance schedule
- a determination of the family unit size under BRHP'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 BRHP policy and HUD rules

Decisions Not Eligible for Informal Hearing

There is no Informal Hearing for the following reasons:

- denial of a voucher extension or suspension
- a decision that the unit does not meet Housing Quality Standards (HQS)
- a decision that the unit does not meet HQS due to family size or composition
- BRHP's decision not to approve a unit or lease
- the utility allowance schedule
- any BRHP administrative practice
- a general policy issue or class grievance
- BRHP's decision about an owner under a HAP contract

Notice to the Participant

BRHP must notify the family that they may ask for an explanation of the basis of the determination, and that they may request an Informal Hearing if they do not agree with the decision related to the following:

- annual or adjusted income
- determination of the appropriate utility allowance
- determination of the family unit size

BRHP must notify the family that they may request an Informal Hearing if they do not agree with the decision related to the following:

- termination of the family's assistance
- denial of a family's request for an exception to BRHP's subsidy standards

The termination notice must contain

- a brief statement of the reasons for the decision, a brief summary of the facts on which it is based, and the regulatory reference
- the date the proposed action will take place
- a statement that if the family does not agree with the decision the family may request an Informal Hearing of the decision
- a deadline for the family to request the Informal Hearing

Requesting an Informal Hearing

The applicant must submit an **Informal Hearing Request** within 14 calendar days of the date of the written notice.

- The **Informal Hearing Request** form is enclosed with the notice of denial.
- The applicant must mail, email, fax, or bring the request to the Baltimore Regional Housing Partnership, 20 S. Charles Street, Suite 801, Baltimore, MD, 21201. Office hours are Monday through Friday 8:30 am to 5:00 pm.

If BRHP does not receive the Informal Hearing Request within 14 calendar days, the decision will be final.

BRHP will schedule and send written notice of the Informal Hearing to the family within 10 business days of the family's request.

Rescheduling an Informal Hearing

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 an unavoidable conflict that seriously affects the health, safety, or welfare of the family.
- BRHP must receive a written request to reschedule prior to the hearing date.
- BRHP may request documentation of the “good cause” prior to rescheduling the hearing.
- BRHP will reschedule the hearing only if the family can show good cause for a failure to appear.

Attendance at Informal Hearing

If the family does not come to the Informal Hearing, the decision will be final.

If the family is more than 15 minutes late for the scheduled hearing time, the decision will be final and the Program will not grant another hearing.

A hearing officer and the following persons may attend a hearing:

- BRHP representative(s) and any witnesses for BRHP
- the participant and any witnesses for the participant
- the participant’s counsel or other representative
- any other person approved by BRHP as a reasonable accommodation for a person with a disability

Informal Hearing Process

- BRHP chooses the hearing officer. It may be anyone except the person who made the original decision or anyone who works for that person.
- You may bring a lawyer at your own expense, or other representative, who may be a family member. Let BRHP know before the hearing if you will bring a representative.
- Before the hearing, BRHP will provide you with copies of any related documents. BRHP may not rely on any documents unless they were available to you before the hearing.
- At the hearing, you will have the chance to question any witness, present evidence, and give testimony. You may bring your own documents and witnesses.
- The hearing officer will base the final decision only on the evidence given at the hearing.

- BRHP will give prompt written notice of the hearing officer's final decision that will state the reason for the decision. The notice must state the grounds for the decision and findings of fact that support it.

Conduct at a Hearing

The hearing officer is responsible to manage the order of business and to ensure that the hearing proceeds in a professional and businesslike manner. Attendees must comply with all hearing procedures established by the hearing officer and guidelines for conduct. The hearing officer, at their discretion, will excuse from the hearing any person demonstrating disruptive, abusive, or otherwise inappropriate behavior.

Rehearing or Further Hearing Required

The hearing officer, at their discretion, may ask the family for additional information or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, BRHP's original decision will take effect and BRHP will not grant another hearing.

Hearing Officer's Decision

The Hearing Officer must issue a written decision stating briefly the reasons for the decision. The Hearing Officer will base factual determinations relating to the individual circumstances of the family on a preponderance of evidence presented at the hearing.

The hearing officer will issue a written decision to the family and BRHP no later than 10 business days after the hearing.

BRHP will mail a Notice of Hearing Decision to the participant by first-class mail. BRHP will keep a copy of the Notice of Hearing Decision in the family's file.

Authority to Overrule Final Decision

BRHP has the authority to determine that it is not bound by the decision of the hearing officer because BRHP was not required to provide a hearing, the decision exceeded the authority of the hearing officer, the decision conflicted with or contradicted HUD regulations, requirements, or the decision was otherwise contrary to federal, state, or local laws.

In such a case, BRHP will mail a Notice of Final Decision to the participant by first-class mail. BRHP will keep a copy of both the Notice of Final Decision and the Notice of Hearing Decision in the family's file.

Informal Hearing for Noncitizens

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. An applicant denied assistance due to immigration status is entitled to an Informal Hearing.

Assistance to a family may not be delayed, denied, or terminated based on immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while a BRHP hearing is pending, but assistance to an applicant may be delayed pending the completion of the Informal Hearing. For more information, see 24 CFR 5.514.