



## **Baltimore Regional Housing Partnership**

### **Request for Proposal**

**Legal Services**

**Issue Date: Friday, February 9, 2024**

**Proposal Date: Friday, March 22, 2024**

#### **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-opportunity 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 provides housing mobility counseling services to families. The program currently provides access to quality housing, high-quality education, and employment opportunities to over 4,300 families in the region.

## **II. OVERVIEW**

The purpose of this Request for Proposals (RFP) is to select the most qualified firm(s) that can provide one or more of the Legal Services listed under the Scope of Work, and who should be licensed to practice law in the state of Maryland, are in good standing, and maintain an office in the Baltimore/Washington, DC Metropolitan Area. BRHP is seeking the services of the firm(s), for a two-year term with an option to extend for an additional two-year term.

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.

**A. Equal Opportunity Policy.** BRHP does not discriminate against any employee, applicant or sub-contractor because of race, sex, color, religion, age or national origin. BRHP takes affirmative steps to ensure that applicants are employed or sub-contracted, and that employees and sub-contractors are treated fairly during employment or for the term of their contract, without regard to their race, sex, color, religion, age or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfers; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

## **III. SCOPE OF WORK**

BRHP is seeking a firm(s) to provide legal representation or advice in one or more of the areas listed below.

### **Areas of Legal Services**

- General Legal Services
  - Nonprofit law
  - Contract review and/or drafting

- Draft pre-litigation demand letters to third parties arising from contracts or debt owed
  - Provide collection services
- General Litigation
  - Advise on responses to subpoenas, court orders and requests for information for third parties
  - Legal defense for cases brought by BRHP landlords
  - Legal defense for cases brought by BRHP residents
- Employment Law
  - Advise on policies for consistency with local, state, and federal law
  - Represent BRHP for any employment-related lawsuits or administrative claims
  - Investigate personnel-related claims that rise or may rise to a legal claim
  - Provide relevant training to BRHP staff on Employment law
- Federal Regulatory Law
  - Provide legal advice, counsel, and consultation related to the Housing Choice Voucher and other HUD programs
  - Provide legal advice, counsel, and consultation related to purchasing and procurement
  - Services related to real-estate closings
- Housing Choice Voucher Program
  - Represent BRHP in any inquiry or dispute with HUD or local PHA partners
  - Defend BRHP in administrative or other legal claims brought by governmental or semi-governmental entities
  - Train BRHP staff on due process relating to Housing Choice Voucher administration
- Hearing Officer Services
  - Conduct informal termination hearings
  - Prepare written decisions with the reasons according to the “Administrative Plan” for the BRHP section for “Informal Review and Hearing Policy”; see copy presented below under Attachment A.

The full spectrum of legal services is to be determined based on the needs of BRHP during the term of the contract. The Offeror shall be readily available to perform the following services, if applicable to the areas of legal services proposed in your response, including, but not limited to:

- A. Provide legal advice, counsel, services and consultation to the Executive Director, Board of Directors and senior management team on a wide variety of matters, including, but not limited to: general nonprofit law, employment law, general state and federal laws relating to grant and contract issues, real property law, public disclosure issues, contract law, compliance with federal and state regulations concerning public housing, Housing Choice Vouchers, purchasing and procurement questions.

- B. Prepare and review legal opinions, contracts, leases, inter-creditor agreements, loan documents, security interest filings, legal memoranda, and other related documents upon request.
- C. Advise on responses to subpoenas, court orders and requests for information from third parties.
- D. Attendance at meetings when requested, as well as, availability to hold conference calls.
- E. Defend lawsuits, administrative or other legal claims, which may necessitate appearances before courts and administrative agencies to represent BRHP's interest.
- F. Perform legal research, fieldwork, and other work and communicate the results to the appropriate person(s).
- G. Review, analyze, draft, and revise policies, manuals, and other memoranda for BRHP to ensure they are coherent, enforceable, and consistent with State and Federal law; advise BRHP when revisions and changes need to be made.
- H. Engage in litigation-related matters including drafting, discovery, court attendance, mediation, investigation, hearings and trials, and similar activities.
- I. Assist with resolving outstanding legal cases in a timely and strategic manner.
- J. Provides oral and written recommendations when necessary.

#### **IV. GENERAL SPECIFICATIONS**

The following provision will also apply.

- 1. Timeliness of response and accessibility to the firm is an important aspect of this service. Accessibility includes the ability to be generally available to attend meetings in person on short notice and to be reached promptly by telephone and/or e-mail.
- 2. Service response is also of high importance. The firm is expected to provide an estimated time of completion for requested services and keep BRHP apprised of any delays or special considerations in a timely manner.
- 3. The firm is expected to have malpractice insurance coverage at all times and be able to provide proof of coverage upon request.
- 4. Detailed itemized statements shall be provided on a monthly basis by the firm for work performed and costs incurred.

#### **V. 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), and in electronic form:

- A. Cover Page.** The cover page should identify the RFP by its name and the area(s) of legal services you are responding to. It should also bear the Respondent's name, address, telephone number, and e-mail address.

- B. Table of Contents.** The table of contents should clearly identify the location of each section of the package by section number or letter and page number.
- C. Letter of Intent.** Letter should be signed by a principal of the submitting entity who is duly authorized to bind the entity to the performance of duties pursuant to this RFP.
- D. Letter of Introduction.** Proposal shall include one to two pages that include the following information:
1. Brief description of firm including its principals, organization, size, structure, areas of practice and office location(s).
  2. Date established and years of experience.
- E. Experience and Resources.** Please include the following information, if applicable to the areas of legal services proposed in your response:
1. Details of the firm's specific work, expertise, strategy, and outcomes with directly related projects. In particular, support your capacity to perform the Scope of Services.
  2. Description of two recent projects that are of similar nature and scope of work detailed within this RFP and any prior history of engagement with BRHP.
  3. Experience working with HUD programs, regulations and PHAs, specifically, with respect to the HOPE VI Grant and real-estate transactions involving Project Based Voucher subsidy and Low-Income Housing Tax Credits.
  4. Experience advising nonprofit organizations conducting similar programs and federally funded services.
  5. Resumes and/or biographies with headshots of all principals and key professional members including sub-contractors who will be assigned to this engagement which specifically outlines extent of their involvement in referenced experience along with anticipated percentage of work performed by principals.
  6. Identify any conflicts of interest that may arise as a result of business activities or ventures by your firm and associates of your firm, employees, or subcontractors as a result of any individual's status as a member of the board of directors of any organization likely to interact with BRHP.
  7. Describe how your firm will handle actual and/or potential conflicts of interest.
  8. Include at least two references where the firm has provided similar work within the last 24 months, one of which must be a PHA or nonprofit housing provider.
  9. If proposal includes the offer of hearing officer services, please provide two recent redacted decisions with submission.
  10. Optional for bonus scoring: Provide the number of hours per year the firm commits to providing pro-bono legal services to BRHP clients involving landlord disputes or legal services related training for BRHP.



- F. **Cost.** Information on the hourly billing rates of each attorney or other legal staff who is expected to work on this representation and charges for expenses, if any, such as legal research, copies, and the like. Also, include a monthly flat fee that would be charged to advise on routine matters that could be handled over the telephone and/or email or otherwise without extensive research or legal work. BRHP reserves the right to negotiate with the Offeror on the structure of the billing and/or retainer fee.

## VI. RFP SCHEDULE AND SUBMISSION REQUIREMENTS

### A. RFP Schedule.

Activity	Date
Issue RFP	2/9/2024
Questions Due	2/21/2024
Answers to Questions Posted	2/28/2024
Proposals Due	3/22/2024
Anticipated Award Dates	4/19/2024- 5/17/2024

- 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 March 22, 2024.** 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 Mary Rosario at mrosario@brhp.org. **All such communications must be received by 9:00 AM EDT by February 21, 2024.** All questions, as well as responses, will be posted on the Request for Proposals section of BRHP's website, no later than the close of business on February 28, 2024.
- 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, Legal Services" to Mary Rosario at mrosario@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 may result in disqualification of the proposal.

## VII. EVALUATION CRITERIA AND PROCEDURE

**A. Evaluation Criteria.** BRHP will evaluate all proposals received based upon the following factors with corresponding ranking points:

Evaluation Factor	Maximum Rating Points
<b>Qualifications and Experience:</b> Level of experience and knowledge of the firm and individual(s) identified to work on matters described in Scope of Work.	<b>30</b>
<b>Approach to Scope of Work:</b> Understanding of scope of services, quality of approach to meet scope of work in specified time frames.	<b>20</b>
<b>Public Housing and/or Non-profit Experience:</b> Previous experience and similar work related to public housing, HUD regulations, public housing agencies, and/or non-profit 501(c)(3) organizations.	<b>25</b>
<b>Cost</b>	<b>20</b>
<b>Geographic Location and Accessibility</b>	<b>5</b>
<b>Bonus Scoring:</b> Commitment to provide pro-bono legal services to BRHP clients and/or training for BRHP.	<b>5</b>

### **B. Evaluation Procedure.**

1. Review Process. A Selection Panel comprised of at least three staff members will review the proposals received by the deadline based upon the evaluation criteria. BRHP may, at its discretion, request a meeting with any or all firms or contact an Offeror if materials are missing and/or if BRHP requires clarification of particular elements of the submission, allowing Offeror five business days to respond. However, BRHP is not obligated to do so and reserves the right to make an award without further discussion of the proposals submitted.
2. Notification of Award. It is expected that a decision selecting the successful firm(s) will be made on a rolling basis, from April 19, 2024, through May 17, 2024. Upon conclusion of the final negotiations with the successful firm(s), all Offerors submitting proposals to this RFP will be notified of BRHP's final decision awarding the contract.
3. Confidentiality. BRHP shall maintain the confidence of the information received, if requested, and to the extent possible. However, all information submitted as part of, or in support of any proposals in response to this RFP may be disclosed by BRHP if such disclosure is required by local, state or federal law.



## VIII. CONDITIONS OF PROPOSAL

- A. **Right to Reject, Waive, or Terminate the RFP.** Reject any or all proposals, to waive any informality in the RFP process, or to terminate the RFP process at any time, if deemed by BRHP to be in its best interests.
- B. **Right to Determine Time and Location.** Determine the days, hours, and locations that the successful proposer(s) shall provide the services called for in this RFP.
- C. **No Obligation to Compensate.** Have no obligation to compensate any proposer for any costs incurred in responding to this RFP.
- D. **Right to Not Award.** Not to award a contract pursuant to this RFP.
- E. **Right to Terminate.** Terminate a contract awarded pursuant to this RFP, at any time for its convenience upon 10 days written notice to the successful proposer(s).
- F. **Right to Negotiate.** Negotiate the fees proposed by the proposer entity.
- G. **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.

- H. **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.
- I. **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.



- J. 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.
- K. Retention Policy.** All submitted proposals become the sole and exclusive property of BRHP.
- L. Effective Period.** Each proposal shall be considered binding and in effect for a period of ninety (90) days following the proposal opening.
- M. Expenses.** BRHP shall not be liable for any expenses, including travel expenses, related to the preparation of the proposal and contract negotiation process.
- N. 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.

**IX. CONTRACT CONDITIONS**

The following provisions are considered mandatory conditions of any contract award made by BRHP pursuant to this RFP:

- A. Jurisdiction.** The Contract shall be governed by and construed in accordance with the laws of the State of Maryland applicable to contracts made and performed therein.
- B. Key Personnel.** BRHP shall retain the right to demand and receive a change in personnel assigned to the work if BRHP believes that such change is in the best interest of BRHP and the completion of the contracted work.
- C. Compliance with Law.** All work performed pursuant to this RFP must conform and comply with all applicable local, state and federal codes, statutes, laws and regulations.



BALTIMORE REGIONAL HOUSING PARTNERSHIP

# ATTACHMENT A – ADMINISTRATIVE PLAN EXCERPT

RFP LEGAL SERVICES

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# 18. INFORMAL REVIEWS AND HEARINGS

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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. An Informal Review and an Informal Hearing may be conducted remotely. If the meeting will be conducted remotely, the family will be informed and BRHP will ensure the family will have access to the virtual platform. If any individual has any technological or accessibility barriers preventing them from fully accessing the remote appointment, the family may inform BRHP and will be allowed to participate in an in-person Informal Hearing or Review as appropriate.

## 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 NSPIRE Standards
- a decision that the unit does not meet NSPIRE Standards 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, 100 N Charles Street, 2<sup>nd</sup> Floor, 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 NSPIRE Standards
- a decision that the unit does not meet NSPIRE Standards 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, 100 N Charles Street, 2<sup>nd</sup> Floor, 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.



## Evidence

The family and BRHP must be given the opportunity to present evidence and question any witnesses. In general, all evidence is admissible at an informal hearing. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. Any evidence to be considered by the hearing officer must be presented at the time of the hearing.

## 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.