

RESOLUTION NO. HA 81-110

ADOPTED BY THE HOUSING AUTHORITY OF THE CITY OF SACRAMENTO
ON DATE OF

December 15, 1981

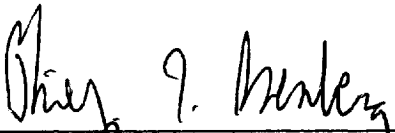
APPROVING AND ADOPTING APPELLATE PROCEDURE ON
SECTION 8 FAIR MARKET RENTS AND DESIGNATING
THE OFFICIAL HEARING BODY FOR SUCH APPEALS

BE IT RESOLVED BY THE HOUSING AUTHORITY OF THE CITY
OF SACRAMENTO:

Section 1. The Housing Authority hereby approves and adopts the "Rules for Appellate Procedure Concerning Establishment of Fair Market Rents on Section 8 Cases", as amended, attached hereto as Exhibit "A".

Section 2. The Authority hereby designates the Housing and Redevelopment Commission, or a duly appointed subcommittee thereof, as the Official Hearing Body for resolution of such disputes.

Section 3. Resolution No. HA 81-101 adopted by the Authority on November 17, 1981, is hereby rescinded.



CHAIRMAN

ATTEST:



ASSISTANT SECRETARY

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EXHIBIT "A"

RULES FOR APPELLATE PROCEDURE CONCERNING
ESTABLISHMENT OF FAIR MARKET RENTS ON SECTION 8 CASES

1. An owner may appeal from a determination by Agency staff of the fair market rental for his Section 8 unit by filing a notice with the Agency Clerk not more than five (5) business days after the setting of the rent and notice thereof to the owner.
2. The Agency Clerk shall establish a hearing on the appeal at the next regularly scheduled monthly meeting of the Committee (presently the second Friday of each month) or such earlier date as the Clerk is able to arrange with the members of the Committee.
3. At the hearing, the staff shall present all evidence tending to support the establishment of the fair market rent as determined by the staff, and the owner shall present such evidence as he may desire on the same issue.
4. The Committee shall weigh all of the evidence presented and determine by a preponderance of the evidence what level of fair market rent shall be established. The determination of the Committee shall be made on a de novo basis and without regard to the level previously established by the staff.
5. The determination of the Committee upon the appeal shall be final and binding on the parties. There shall be no further appeal from that decision.
6. Agency Counsel may represent the staff position before the Committee in the appellate procedure if the owner is represented by Counsel or is himself licensed as an attorney. The Committee may also from time to time present legal questions to the Agency Counsel relative to the proceedings.
7. Testimony before the Committee may be sworn or unsworn and preserved by tape recording or other method or not in the discretion of the Committee.

[As amended 12/1/81]

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