

RESOLUTION NO. HA 81-101

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

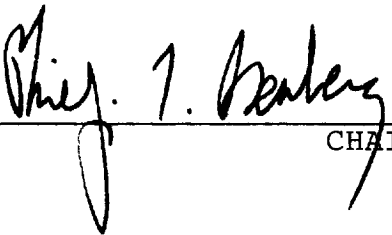
November 17, 1981

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 Estab-
lishment of Fair Market Rents on Section 8 Cases", attached
hereto as Exhibit "A".

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



CHAIRMAN

ATTEST:



SECRETARY

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(3)

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 the finding which it reached relating to the rent on the owner's property and such evidence as it has which tends to support that finding. Then the owner shall have an opportunity to present such evidence as he may have as to the arbitrariness or lack of foundation of the Agency's finding.
4. The staff finding as to the amount of the fair market rent on the owner's property shall be sustained by the Committee unless it shall find by a majority vote of the members present and hearing the evidence that:
 - (a) The setting of the fair market rent by the staff was arbitrary and capricious; or
 - (b) There was no substantial evidence supporting the staff's finding.
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.
6. 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.