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SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

December 1, 1981
APPROVED
SACRAMENTO HOUSING AUTHORITY
CITY OF SACRAMENTO

CITY MANAGER'S OFFICE
RECEIVED
DEC 9 1981

Housing Authority of the
City of Sacramento
Sacramento, California

DEC 15 1984

Honorable Members in Session:

SUBJECT: Appellate Procedure on Section 8 Fair Market Rents

BACKGROUND

On November 17, 1981 the Housing Authority of the City of Sacramento approved an appellate procedure for the establishment of fair market rents on Section 8 cases which in essence allows the landlord to appeal the establishment of a fair market rent on a Section 8 property as established by the Agency staff, to a committee of the Sacramento Housing and Redevelopment Commission. However, on December 1, 1981, the Housing Authority of the County rejected those procedures and suggested that the burden of proof in such an appellate procedure be revised.

The previous procedure required the landlord to establish that there was no substantial evidence supporting the staff decision or that the staff decision was arbitrary and capricious. The Housing Authority of the County has suggested that the appropriate standard of proof should be a preponderance of the evidence after the presentation of evidence by both sides.

Accordingly, the attached procedures have been revised from those approved by the Housing Authority of the City on November 17, 1981 to provide for a hearing de novo upon the basis previously set forth will be available to any landlord upon the filing of the appropriate notice.

VOTE AND RECOMMENDATION OF COMMISSION

At its regular meeting of December 7, 1981, the Sacramento Housing and Redevelopment Commission recommended adoption of the attached resolution. The vote was recorded as follows:

AYES: Knepprath, Luevano, A. Miller, Teramoto, Walton
NOES: None
ABSENT: Coleman, Fisher, B. Miller
VACANCY: One

12-15-81
All Districts

SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

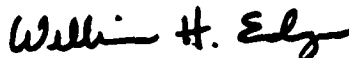
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RECOMMENDATION

In view of the prior action of the Housing Authority of the County of Sacramento, the staff now recommends the adoption of the attached resolution.

Respectfully submitted,



WILLIAM H. EDGAR
Interim Executive Director

TRANSMITTAL TO COUNCIL:



WALTER J. SLIPE, City Manager

RESOLUTION NO. 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 Estab-
lishment 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 sub-
committee 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:

SECRETARY

APPROVED
SACRAMENTO HOUSING AUTHORITY
CITY OF SACRAMENTO

DEC 15 1981

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.