







Remote Hearings & Briefings

- PHA policy could require remote hearings (and reviews, briefings or informal settlements) in certain circumstances, could also conduct remotely upon request in certain circumstances



Accessibility Requirements for Persons with Disabilities

- Must ensure effective communication for persons with disabilities, which may include:
 - An accessible platform
 - Individualized auxiliary aids or services (AA/S)
 - Give primary consideration to requested AA/S
 - Granting reasonable accommodations



Accessible Platform

- Includes ensuring any information, websites, emails, digital notifications, and platforms are accessible for persons with vision, hearing, and other disabilities



Individualized Auxiliary Aids or Services (AA/S) Examples

- Audio descriptions, captioning, sign language and other interpreters, keyboard accessibility, screen reader support, transcripts
- Qualified readers, audio recordings, notetakers, magnification software, large print materials

PIH 2020-32, 28 CFR 35.104 (ADA), 24 CFR 8.3 (504)

Auxiliary Aids/Services

- Type of auxiliary aid or service necessary to ensure effective communication will vary with the individual, and the nature, length, and complexity of the communication involved
 - PHAs must give primary consideration to the auxiliary aid or service requested by the individual with a disability



Auxiliary Aids/Services

- For example, individuals with cognitive or learning disabilities may require assistance from an advocate who may not be in the same location as that individual
- Individuals with vision disabilities may request documents in different formats in order to increase the font size and to use with assistive technologies



Auxiliary Aids/Services

- Some persons who are deaf do not use sign language and may request captioning, which must be professionally prepared and not auto-generated by the hearing platform, since that would not result in effective communication
- 28 CFR 35.160(b)(2); 24 CFR 8.6



PIH 2020-32

- PHAs may never request or require individuals with disabilities to provide their own auxiliary aids or services, including for remote hearings



PIH 2020-32

- PHAs may not rely on an adult or minor child accompanying a person with a disability to interpret or facilitate communication, except in an emergency
 - However, someone with a disability may specifically request an accompanying adult interpret or otherwise assist communication



Auxiliary Aids/Services

- Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability



LEP

- PHAs must take reasonable steps to ensure full and meaningful access to a remote hearing for LEP persons
 - PHA will generally need to coordinate with a remote language interpretation service prior to the remote hearing



LEP

- If video technology is available, remote interpretation using video is generally preferred to voice-only because video offers additional visual cues
- PHAs cannot rely on minors to interpret
- Language line!



LEP

- For written materials, PHAs should use a language translation service
 - All written materials related to the remote hearing, whether paper or electronic, and whether provided before, during or after (i.e., the hearing decision) the hearing, may need to be translated



Resolving Technological Barriers

- Lack of technology or inability to use technology can impose a disadvantage for families
 - Platform must be accessible to all
 - PHA may need to provide technical assistance before and during hearing



Technology Barriers

- PHA should determine if barriers exist *before* scheduling a remote hearing



Technology Barriers

- If a family does not have proper technology that will allow them to fully participate, then a remote hearing should be postponed, or an in-person alternative must be provided
 - Includes if an individual's witness for the remote hearing is unable to participate due to a lack of access to technology



Technology Barriers

- PHA may not hold against the individual their inability to participate in the remote hearing or briefing
- For use of videos or telephones, all materials to be presented during the remote hearing, whether paper or electronic, must be provided to the individual or family prior to the remote hearing



Resolving Barriers – Best Practices

- Survey the family to identify barriers
 - For example, PHA could ask if family has a computer, phone, tablet or laptop that has a camera, if the family has internet or can go to a place with privacy *and* internet access (family, friend or neighbor's home) or can technology be borrowed



Resolving Barriers – Best Practices

- 1. PHA supplied devices or private PHA office space
 - For PH, PHA could use PH operating funds to establish community rooms with computers and internet
 - Could use a portion of the CARES Act funds to purchase one or more devices that could be delivered or made available at family’s residence
 - PHAs could offer private room in PHA office



Resolving Barriers – Best Practices

- 2. Smartphone apps (zoom, etc.)
- 3. Community resources - research broadband internet providers, local charities or other resources for free or low-cost phones or computers
- 4. Assess personal resources – supportive services, family members, friends
- 5. Voice only (telephone) – least preferred option



PIH 2020-32

- Voice-only communications, such as using a telephone without video, is the least preferred option
 - Documents cannot be seen, and many low-income people have restricted data plans
- However, a family may choose to proceed with a voice-only remote hearing
 - If so, PHA should provide a consent form



Presenting Documents Prior to Hearing

- All materials presented must be provided to the family and hearing officer *prior to hearing*
 - Consider how will the PHA will do this – PIH 2020-32 states that some families may prefer paper printouts
 - Not everyone has a printer
 - Viewing documents on a phone or small screen can be difficult



Establish Procedures

- PHAs must incorporate policies for remote procedures in the admin plan and ACOP
 - Including how documents will be presented prior to hearing
 - Must meet all due process requirements and the appropriate CFR regulations



Personally Identifiable Information (PII)

- For documents that contain PII and are provided prior to a remote hearing, PHA is responsible for minimizing the risk of exposure or misuse of the data
 - Includes name, social security number, biometric records, date and place of birth, mother’s maiden name
 - PHA must transmit through secured systems




