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GENERAL NEWS

PIH Issues Notice on Remote Hearings and Briefings

Late last Friday, HUD's Office of Public and Indian Housing ([PIH](#)) issued Notice [PIH 2020-32](#) to provide guidance to PHAs on the allowability of remote hearings and briefings as the COVID-19 and social distancing requirements present significant challenges to conduct them in person.

Under the notice, a *remote hearing* in public housing refers to the informal hearing for a denial of admission, the informal settlement of a grievance for a participant, and the grievance hearing for a participant. In the HCV program, a *remote hearing* refers to the informal review for denial of assistance and an informal hearing for a participant. In the Moderate Rehabilitation program, a *remote hearing* refers to the informal hearing for denial of assistance or termination of assistance. On the other hand, a *remote briefing* under the notice refers to the oral briefing PHAs are required to provide to every new HCV program applicant, including project-based voucher applicants and the TPV family briefing. It also refers to the briefing PHAs are required to provide to every new Moderate Rehabilitation applicant.

Remote hearings and briefings may be conducted telephonically, via video-teleconferencing, or through other virtual platforms. Today's notice establishes the accessibility requirements for the technology platform:

Requirements for persons with disabilities: Under [Section 504](#) of the Rehabilitation Act of 1973, the Americans with Disabilities Act ([ADA](#)), and the [Fair Housing Act](#), PHAs are obligated to take appropriate steps to ensure effective communication with applicants, participants, members of the public, and companions with disabilities through the use of appropriate auxiliary aids and services.

- **Accessible platform:** A remote hearing or briefing should ensure that any information, websites, emails, digital notifications, and platforms are accessible for persons with vision, hearing, and other disabilities.
- **Individualized auxiliary aids or services:** To provide effective communication in a digital context, individualized AA/S may include audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts.
- **Reasonable accommodations:** PHAs are required to make reasonable accommodations in policies, practices, and procedures to ensure persons with disabilities have a full and equal opportunity to participate in and benefit from all aspects of the hearing or briefing process. If no method of conducting a remote hearing or briefing is available that appropriately accommodates an individual's disability, the PHA should consider whether postponing the hearing or briefing or whether there is a suitable alternative to meet the participant's satisfaction more expeditiously.

Requirement for persons with limited English proficiency (LEP): PHAs must take reasonable steps to ensure full and meaningful access to the remote hearing or briefing for LEP persons consistent with its obligations under [Title VI of the Civil Rights Act of 1964](#). A PHA will generally need to coordinate with a remote language interpretation service prior to the remote hearing or briefing.

The notice also provides best practices to identify and resolve technology barriers prior to conducting the remote hearing or briefing:

- **Survey the family:** To determine if there are technology barriers, the PHA should ask the family what technology resources they have to conduct a remote hearing or briefing. For example, a PHA could ask if the resident has a computer, phone, tablet, or laptop that has a camera, if the resident has internet access or can go to a place with sufficient privacy and internet access (family, friend, or neighbor's home) or if the resident can borrow technology.
- **Resolve barriers:** Depending on the barriers identified, HUD offers the following best practices that PHAs could consider when resolving a barrier and proceeding with scheduling a remote hearing or briefing:
 - **PHA supplied devices or private PHA office space:** A PHA can provide a community laptop/tablet, building Wi-Fi, mobile hot spot, or a private room in the PHA office building. PHAs could also consider using a portion of the CARES Act funds (Notice [PIH 2020-07](#)) to purchase one or multiple devices that could be delivered or otherwise made available at the participants' residences.
 - **Smartphone apps:** Many video conferencing platforms have smartphone apps, which can be used where the individual or family does not have access to computers. In addition, smartphone apps can operate on Wi-Fi, and this may be advantageous for individuals with restricted data plans.
 - **Community resources:** Research community resources, such as broadband internet providers offering free or low-cost internet access, find local charities or other resources for free or low-cost phones or computers.
 - **Personal resources:** Assess personal resources for technology access, such as supportive services, family members, mentors, or friends who could lend the individual or family a phone or computer.
 - **Voice only option (telephone):** Most individuals have, or can use, a telephone. However, conducting a remote hearing or briefing by telephone is the least preferred option due to the lack of visual cues.

If the participant does not have proper technology access, then the PHA should postpone the remote hearing or briefing or provide an in-person alternative.

The notice applies to all PHAs, including Moving to Work agencies, administering public housing, HCV/PBV, and Moderate Rehabilitation programs, and it **will remain in effect post COVID-19**. Further details on each of the above topics and other relevant information can be found in the [notice](#).



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