



1-15-2008

TENNESSEE HOUSING DEVELOPMENT AGENCY, Petitioner, vs. STACEY WILLIAMS,, Respondent

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**BEFORE THE TENNESSEE
HOUSING DEVELOPMENT AGENCY**

IN THE MATTER OF:

**TENNESSEE HOUSING
DEVELOPMENT AGENCY,**

Petitioner

v.

STACEY WILLIAMS,

Respondent

DOCKET NO: 32.00-097042J

INITIAL ORDER

This contested administrative case was heard In Covington, Tennessee on January 15, 2008, before J. Randall LaFevor, Administrative Law Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Tennessee Housing Development Agency (“THDA” or “the Agency”). Mr. Bruce Balcom, General Counsel for THDA, represented the Petitioner. Stacey Williams, the Respondent, appeared *pro se*.

The subject of the proceeding was the proposed termination of the Respondent’s rental assistance for her alleged failure to maintain and pay for utilities at her subsidized housing. Upon full consideration of the record, it is determined that Respondent’s participation in the THDA Housing Choice Voucher Program should be terminated. This determination is based upon the following findings of facts and conclusions of law.

FINDINGS OF FACT

1. The Respondent participates in the THDA Housing Choice Voucher Program. As a condition of participation, the Respondent was required by law to maintain the utilities in her subsidized housing unit in her name, and to make necessary payments to keep those utilities connected and operational.
2. THDA discovered that the water and electric service to the Respondent’s subsidized housing unit had been disconnected in May 2007. Those utilities were reconnected briefly in June 2007 in the landlord’s name to allow him to make necessary repairs to the unit.

3. During the hearing, the Respondent admitted that the utilities were disconnected due to her failure to pay her bills. She testified that she got behind in her payments because her job did not pay enough to keep up with the bills.¹

4. Following an informal review, and a subsequent informal hearing, THDA sent the Respondent a letter notifying her of its decision to terminate her participation in the program. The Respondent appealed the agency's decision, resulting in the instant hearing.

CONCLUSIONS OF LAW & ANALYSIS

1. The Code of Federal Regulations [24 CFR 982.551(c)] states, in relevant part, that participation in the Section 8, Tenant Based Assistance, Housing Choice Voucher Program² may be terminated by the Public Housing Authority ["PHA"] for a breach of the prescribed Housing Quality Standards ("HQS").

2. Those Standards require that the program participant must connect and maintain utilities, including electricity and water service in the participant's name. *See*, 24 CFR 982.401 & 24 CFR 982.404.

3. The provisions of 24 CFR 982.551, *et seq.*, and 24 CFR 982.401, *et seq.* are incorporated in the THDA Section 8 Rental Assistance Administrative Plan, as required by Rule 0770-1-5-.10, TENN. COMP. R. & REGS., and govern the THDA Housing Choice Voucher Program. The Administrative Plan also provides that any HQS breach, including failure to pay utilities bills, will result in termination of plan participation. [*See* Chapter 15 – A. Family Requirements, THDA Section 8 Rental Assistance Administrative Plan.]

4. As explained by the THDA rental assistance manager in the Covington office, the agency receives limited government funding for its Housing Choice Voucher Program. As a result of that limited funding, if a program participant, such as the Respondent, is allowed to remain on the program after violating the rules of the program, others in the community must be denied

¹ It is noted that the Respondent also failed to report any income from employment during this time. Since the Agency did not allege that failure as a separate violation of its rules in the Notice of Hearing, that fact will not be considered as a ground for termination of the Respondent's participation in the program.

² The THDA Housing Choice Voucher Program qualifies as such a program.

assistance to which they might otherwise be eligible. Federal law and THDA policies, as reflected in the Administrative Plan, dictate that sanctions must be imposed on program participants who abuse the program, and prevent others from receiving its benefits. By failing to maintain utility service to the unit in her name, and pay utility bills when due, the Respondent has demonstrated her unwillingness to abide by THDA regulations and its Housing Choice Voucher Program requirements. In light of all the facts of this case, termination of the Respondent's participation in the program is an appropriate sanction.

Accordingly, it is hereby ordered that the Respondent's participation in the THDA Housing Choice Voucher Program is TERMINATED, due to her failure to comply with the requirements of that program.

This Initial Order entered and effective this 24th day of January, 2008.

J. Randall LaFevor, Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 24th day of January, 2008.



Thomas G. Stovall, Director
Administrative Procedures Division