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January 2016

## Bridgett Terry vs. THDA

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**Department of State**  
Administrative Procedures Division  
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Nashville, Tennessee 37243-1102  
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January 14, 2016

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Bridgett Terry  
271 Riverbrook Cove  
Brownsville, TN 38102

RE: In the Matter of: Bridgett Terry

Docket No. 32.00-133863J

Enclosed is an Initial Order rendered in connection with the above-styled case.

Administrative Procedures Division  
Tennessee Department of State

/aem  
Enclosure

**BEFORE THE TENNESSEE HOUSING DEVELOPMENT AGENCY**

**IN THE MATTER OF:**

**BRIDGETT TERRY**

**DOCKET NO. 32.00-133863J**

**NOTICE**

ATTACHED IS AN INITIAL ORDER RENDERED BY AN ADMINISTRATIVE JUDGE WITH THE ADMINISTRATIVE PROCEDURES DIVISION.

THE INITIAL ORDER IS NOT A FINAL ORDER BUT SHALL BECOME A FINAL ORDER UNLESS:

1. THE ENROLLEE FILES A WRITTEN APPEAL, OR EITHER PARTY FILES A PETITION FOR RECONSIDERATION WITH THE ADMINISTRATIVE PROCEDURES DIVISION NO LATER THAN **January 29, 2016**.

YOU MUST FILE THE APPEAL, PETITION FOR RECONSIDERATION WITH THE ADMINISTRATIVE PROCEDURES DIVISION. THE ADDRESS OF THE ADMINISTRATIVE PROCEDURES DIVISION IS:

SECRETARY OF STATE  
ADMINISTRATIVE PROCEDURES DIVISION  
WILLIAM R. SNODGRASS TOWER  
312 ROSA PARKS AVENUE, 8<sup>th</sup> FLOOR  
NASHVILLE, TENNESSEE 37243-1102

IF YOU HAVE ANY FURTHER QUESTIONS, PLEASE CALL THE ADMINISTRATIVE PROCEDURES DIVISION, **615/741-7008 OR 741-5042, FAX 615/741-4472**. PLEASE CONSULT APPENDIX A AFFIXED TO THE INITIAL ORDER FOR NOTICE OF APPEAL PROCEDURES.

**BEFORE THE TENNESSEE HOUSING DEVELOPMENT AGENCY**

**TENNESSEE HOUSING  
DEVELOPMENT AGENCY,**

*Petitioner,*

vs.

**BRIDGETTE TERRY,**

*Respondent.*

**Docket # 32.00-133863J**

**INITIAL ORDER**

This contested administrative case was heard at the Jackson Field Office of the Tennessee Housing Development Agency, on December 18, 2015, before Rob Wilson, Administrative Judge, assigned by the Secretary of State and sitting for the Tennessee Housing Development Agency. Bruce Balcom, Assistant General Counsel, represented the Tennessee Housing Development Agency (“THDA” or “the Agency”). The Respondent, Bridgette Terry, proceeded on her own behalf.

The subject of the hearing was the proposed termination of the Respondent’s rental assistance because, while receiving Housing Choice Voucher assistance from THDA, she failed to pay her re-payment agreement in a timely manner, and also had more than one debt at a time owed to the HCV Program. Upon full consideration of the record, it is determined that the Respondent’s participation in the THDA Rental Assistance Program should be terminated. This determination is based upon the following findings of facts and conclusions of law.

**FINDINGS OF FACT**

1. The Respondent, Bridgette Terry, was a participant of the THDA Section 8 Housing Choice Voucher program.

2. In August of 2014, Respondent entered into a Section 8 Rental Assistance Repayment Agreement with THDA. The agreement stated that Ms. Terry would repay the amount of \$711.00 in monthly installments of \$27.00 beginning on October 1, 2014.

3. The repayment agreement states:

Failure to make a monthly payment by the first (1<sup>st</sup>) day of the month in which it is due means this agreement is in default. If this agreement is in default for ninety (90) days, debtor's rental assistance shall be terminated. ...

4. As of May 1, 2015, through the present date, Ms. Terry has frequently been between one and five months in arrearages on her monthly repayment agreement. Currently, she is approximately 9 months behind.

5. Additionally, Ms. Terry accrued a second debt to THDA from an overpayment resulting from her failure to report her employment at Hibbett Sporting Goods. Participants may only have one debt under the HCV program at a time.

### CONCLUSIONS OF LAW

1. As the party asserting that certain allegations are true, the Tennessee Housing Development Agency has the burden of presenting evidence to prove, by a preponderance of the evidence, that the Respondent violated her obligations under the THDA program and that, as a result, her participation in the Housing Choice Voucher program may be terminated. *See, Winford v. Hawissee Apartment Complex*, 812 S.W. 2d 293, 295 (Tenn. App. 1991); Rule 1360-4-1-.02(3),(7), TENN. COMP. R. & REGS. The Tennessee Housing Development Agency has met that burden.

2. Section 8 of the Housing Act of 1937 was designed “[f]or the purpose of aiding low-income families in obtaining a decent place to live...” and authorizes rental assistance payments to eligible families who rent existing housing. U.S.C. § 1437f(a); *see also, Davis v. Mansfield Metropolitan Housing Authority*, 751 F. 2d 180, 183 (6<sup>th</sup> Cir.

1984). The Housing Act was amended by Congress in 1974 to add the voucher program. 42 U.S.C. § 1437f(o). The Housing Choice Voucher program is administered by local public housing agencies, such as Tennessee Housing Development Agency. Once issued a voucher, a participating family obtains a suitable residence, and the rent is subsidized by the federal government. *See generally, Wojcik v. Lynn Housing Authority*, 845 N.E. 2d 1160, 1162, n. 2 (Mass. App. 2006) [brief overview of Section 8 voucher program].

3. Among other reasons, a public housing agency may terminate a family's Housing Choice Voucher if the "family defaults under a plan of repayment as defined by the Repayment Agreement". 24 C.F.R. §982.552(b)(4).

4. The provisions of 24 CFR 982.552, *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 Rental Assistance Program. [See Chapter 15, Family Obligations/Responsibilities, THDA Section 8 Rental Assistance Administrative Plan.] Violation of the obligations imposed by the Federal Regulations and the Rental Assistance Administrative Plan provides sufficient grounds for termination of THDA assistance. [See Chapter 11, Termination of Assistance, THDA Section 8 Rental Assistance Administrative Plan.]

5. The Respondent signed an agreement to repay the overpayment amount, but failed to make timely payments shortly after the agreement was signed. Additionally, Respondent incurred another debt with THDA while the first debt remained unpaid. Based on default of her repayment agreement with THDA, the Agency made the decision to terminate her participation in the program.

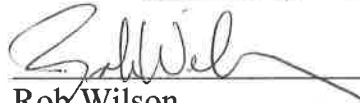
6. Defaulting on a Section 8 Repayment Agreement is a violation of THDA's Housing Choice Voucher program. This violation provides a sufficient basis for termination of Respondent's participation in the Rental Assistance Program.

7. THDA receives limited government funding for its Rental Assistance Program. As a result of that limited funding, when program participants, such as the Respondent, receive assistance while disregarding the rules of the program, others in the community must be denied assistance to which they might otherwise be eligible. 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 pay her repayment agreement in a timely manner, the Respondent has demonstrated her unwillingness to abide by THDA regulations and its Rental Assistance Program requirements. In light of all the facts of this case, termination of the Respondent's participation in the program is an appropriate sanction.

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

This Initial Order entered and effective this 14<sup>TH</sup> day of JAN, 2016.

  
\_\_\_\_\_  
Rob Wilson  
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,  
this the 14<sup>TH</sup> day of JANUARY 2016.



**J. RICHARD COLLIER, DIRECTOR  
ADMINISTRATIVE PROCEDURES DIVISION  
OFFICE OF THE SECRETARY OF STATE**

**APPENDIX A TO INITIAL ORDER**  
**NOTICE OF APPEAL PROCEDURES**

**Review of Initial Order**

This Initial Order shall become a Final Order (reviewable as set forth below) fifteen (15) days after the entry date of this Initial Order, unless either or both of the following actions are taken:

(1) A party files a petition for appeal to the agency, stating the basis of the appeal, or the agency on its own motion gives written notice of its intention to review the Initial Order, within fifteen (15) days after the entry date of the Initial Order. If either of these actions occurs, there is no Final Order until review by the agency and entry of a new Final Order or adoption and entry of the Initial Order, in whole or in part, as the Final Order. A petition for appeal to the agency must be filed within the proper time period with the Administrative Procedures Division of the Office of the Secretary of State, 8<sup>th</sup> Floor, William R. Snodgrass Tower, 312 Eighth Avenue N., Nashville, Tennessee, 37243. (Telephone No. (615) 741-7008). See Tennessee Code Annotated, Section (T.C.A. §) 4-5-315, on review of initial orders by the agency.

(2) A party files a petition for reconsideration of this Initial Order, stating the specific reasons why the Initial Order was in error within fifteen (15) days after the entry date of the Initial Order. This petition must be filed with the Administrative Procedures Division at the above address. A petition for reconsideration is deemed denied if no action is taken within twenty (20) days of filing. A new fifteen (15) day period for the filing of an appeal to the agency (as set forth in paragraph (1) above) starts to run from the entry date of an order disposing of a petition for reconsideration, or from the twentieth day after filing of the petition, if no order is issued. See T.C.A. §4-5-317 on petitions for reconsideration.

A party may petition the agency for a stay of the Initial Order within seven (7) days after the entry date of the order. See T.C.A. §4-5-316.

**Review of Final Order**

Within fifteen (15) days after the Initial Order becomes a Final Order, a party may file a petition for reconsideration of the Final Order, in which petitioner shall state the specific reasons why the Initial Order was in error. If no action is taken within twenty (20) days of filing of the petition, it is deemed denied. See T.C.A. §4-5-317 on petitions for reconsideration.

A party may petition the agency for a stay of the Final Order within seven (7) days after the entry date of the order. See T.C.A. §4-5-316.

**YOU WILL NOT RECEIVE FURTHER NOTICE OF THE INITIAL ORDER BECOMING A FINAL ORDER**

A person who is aggrieved by a final decision in a contested case may seek judicial review of the Final Order by filing a petition for review in a Chancery Court having jurisdiction (generally, Davidson County Chancery Court) within sixty (60) days after the entry date of a Final Order or, if a petition for reconsideration is granted, within sixty (60) days of the entry date of the Final Order disposing of the petition. (However, the filing of a petition for reconsideration does not itself act to extend the sixty day period, if the petition is not granted.) A reviewing court also may order a stay of the Final Order upon appropriate terms. See T.C.A. §4-5-322 and §4-5-317.