**Section 395.310 Conduct of Hearings**

a) Hearings may begin within 45 Days after the Initial Pleading is filed, unless the Board determines that a settlement conference is underway and is likely to resolve the matters in dispute to the satisfaction of both parties.

b) The Affordable Housing Developer shall present its case first, followed by questions from the Board.

c) The Approving Authority shall present its case second, followed by questions from the Board.

d) In the event that a Local Government's exempt or non-exempt status under the Act is appealed and the issue has not been disposed of by motion of either of the parties, then, pursuant to Section 395.401, IHDA shall produce all written guidance and any other relevant materials regarding the Local Government's exempt or non-exempt status for the Board's review.

e) With respect to Non-Appealable Local Government Requirements, if there is disagreement between the Approving Authority and the Affordable Housing Developer as to whether a particular requirement is a Non-Appealable Local Government Requirement, the Board may make that determination based on whether the specific requirement in question meets the statutory definition of Non-Appealable Local Government Requirements.

f) Both parties shall be permitted to cross-examine witnesses; however, the scope of any such cross-examination shall be limited to the scope of the direct examination.

g) Both parties shall be permitted to make closing statements; closing statements shall not include facts not previously introduced.

h) The Board, upon motion of any Member or on the motion of a party, may amend a complaint to conform to the evidence presented in the hearing or to include uncharged allegations supported by the evidence at any time prior to the issuance of the Board's decision and order.