



# Maudelle Miller Shirek Community Marketing and Resident Selection Plan

## I. General Information

Maudelle Miller Shirek Community (“Maudelle Miller”) is a new construction, six-story, 87-unit affordable housing community located at 2925 Adeline Street, Berkeley CA, near the Berkeley Ashby BART Station. Maudelle Miller provides permanent supportive housing for twelve (12) households exiting homelessness with serious mental disorder per the State’s No Place Like Home program (NPLH). Twenty-two (22) apartments are subsidized with Project-Based Vouchers administered by the Berkeley Housing Authority (BHA), which include the 12 NPLH apartments. Additionally, fourteen (14) apartments are designed for residents with mobility impairments, of which two (2) are also for residents with auditory or visual impairments, and seven (7) more apartments are for residents with auditory or visual impairments.

Beyond the 87 apartments, the ground floor includes a community room, manager’s office, services offices, and courtyard. Residents will have access to on-site support services such as educational workshops and community gatherings (at no cost to residents).

Financing for Maudelle Miller Shirek Community comes from: the City of Berkeley; Berkeley Housing Authority; the California Tax Credit Allocation Committee; California Department of Housing and Community Development’s Affordable Housing and Sustainable Communities, Infill Infrastructure Grant, and No Place Like Home programs; California Debt Limit Allocation Committee; Bank of America and Federal Home Loan Bank – San Francisco.

On July 11, 2023, the Berkeley City Council adopted Resolution No. 70, 698-N.S., creating an Affordable Housing Preference Policy that is applicable to new housing units created via the Housing Trust Fund. The City adopted Preference Guidelines to administer the policy. This Marketing and Resident Selection Plan is required to identify processes for ensuring that applications for City-Assisted units with preferences are processed in compliance with the City’s Preference Guidelines.

## II. Qualifying for Residency

Maudelle Miller Shirek Community is an affordable multifamily housing property regulated by various subsidy programs. Income-qualified applicants (individuals or families) must qualify based on the maximum allowable income limits, adjusted for household size. Applicants will be screened and processed by The John Stewart Company (JSCo), RCD’s Management Agent, to determine eligibility for housing (See Resident Selection Criteria, Attachment 1, and Grounds for Denial, Attachment 3, for more detailed information).

All income and asset information will require third-party verification as part of meeting the regulatory requirements of the housing programs involved. In relation to the NPLH apartments, all applicants must be homeless and have a qualifying disability of a serious mental disorder.

### Units Set Aside for People with Special Needs:

Homeless with a serious mental disorder: per the State’s NPLH program, twelve (12) units provide permanent supportive housing for homeless persons with serious mental disorder. Applicants for these apartments are referred by Home Stretch, Alameda County’s Coordinated Entry administrator, and, therefore, will not be leased per the marketing, application, and lottery procedures detailed in this Plan.

Please see Attachment 1: Resident Selection Criteria for definitions and more information on qualifying criteria.

Accessible Units

Persons with disabilities are encouraged to apply.

Fourteen (14) apartments are designed for residents with mobility impairments, of which two (2) are also for residents with auditory or visual impairments, and seven (7) more apartments are for residents with auditory or visual impairments. All the other units are adaptable.

Accessible features in the property include:

- 36” wide entries and doorways.
- Kitchens built to the accessibility standards of the California Building Code, including appliance controls and switch outlets within reach, and work surfaces and storage at accessible heights.
- Bathrooms built to the accessibility standards of the California Building Code, including grab bars, flexible shower spray hose, switch outlets within reach, and in-tub seats.
- Closet rods and shelves at mobility height.
- Window blinds/shades able to be used without grasping or twisting.
- Units for the Hearing & Visually Impaired will have a horn & strobe for fire alarm and a flashing light doorbell.

Affordability Requirements and Programming

Area Median Income (AMI) affordability requirements and programming are as follows:

No. of Units	Unit Type	AMI	Homeless	SB35	PBV
2	Studio	20%	2	2	2
4	Studio	30%	2	4	4
7	Studio	50%		7	
5	Studio	60%			
3	1BR	20%	3	3	3
5	1BR	30%	4	5	5
5	1BR	50%		5	
8	1BR	60%			
6	2BR	30%	1	6	6
7	2BR	50%		7	
12	2BR	60%			
1	2BR	Staff			
5	3BR	30%		5	2
9	3BR	50%			
8	3BR	60%			
87	Total Units		12	44	22

### Applicant Screening

In the application of the City of Berkeley’s Fair Chance Access to Housing Ordinance, criminal background checks will not be performed on applications for the 64 apartments not supported by the Project-Based Section 8 Vouchers (PBVs). For the 22 PBV units, the Berkeley Housing Authority will perform background checks as mandated under federal and state laws.

Credit and rental history checks will be conducted but findings are not automatic grounds for denial. For the 12 NPLH apartments, Housing First principles will be applied and applicants will not be rejected on the basis of poor credit or financial history, poor or lack of rental history, criminal convictions unrelated to tenancy, or behaviors that indicate a lack of "housing readiness". RCD and JSCo will evaluate the individual circumstances of each homeless applicant, consider alternative forms of verification and additional information submitted by the applicant, and provide reasonable accommodations when requested if verified and necessary.

### Occupancy Standards

Household size must be appropriate for the apartment. The size of the apartment that an applicant qualifies for is dependent on their household size and any verifiable special needs. In general, maximum occupancy is calculated as two people per bedroom, plus one additional person. Furthermore, the occupancy standard is based on the family composition of the applicant (e.g. is the head of family a single person or is there a spouse/significant other). The Berkeley Housing Authority has its own requirements, partially reflected below and with additional considerations per the Authority’s Administrative Plan, Chapter 5, Part II.

<b>Occupancy Requirements for the 22 Berkeley Housing Authority Section 8 Project-Based Voucher Apartments</b>		
<b>BR Size</b>	<b>Minimum Number of Persons in Household</b>	<b>Maximum Number of Persons in Household</b>
Studio	1	2
1BR	1	4
2BR	2	6
3BR	4	8

BHA’s standards vary based on household composition per the Administrative Plan.

<b>Occupancy Requirements for the 64 non-subsidized units</b>		
<b>BR Size</b>	<b>Minimum Number of Persons in Household</b>	<b>Maximum Number of Persons in Household</b>
Studio	1	2
1BR	1	3
2BR	2	5
3BR	4	7

### Pets

Given the involvement of State financing, residents are authorized to own or otherwise maintain one or more common household pets within the resident’s dwelling unit, subject to applicable state laws and local government ordinances related to public health, animal control, and animal anticruelty.

## **III. Fair Housing**

To comply with Affirmative Fair Housing Marketing Guidelines, prospective renters will be recruited in a strategy designed to ensure equal access to units at Maudelle Miller Shirek Community for all persons in any category protected by federal, state, or local laws governing discrimination. This strategy includes the

marketing of any available units by distributing flyers/announcements through numerous local social service agencies and organizations and by placing advertisements in local newspapers and on the internet. **All advertising will include the Equal Housing Opportunity logo and the ADA logo.**

The John Stewart Company, as Management Agent, shall be responsible for all marketing efforts in accordance with the Resident Selection Criteria (Attachment 1). Management staff receive Fair Housing training materials and refresher trainings are provided periodically. In consultation with the Sponsor (RCD), the Management Agent may amend these criteria and procedures for the selection of residents. These criteria will conform to requirements set forth by the lenders. With respect to the treatment of applicants, the Management Agent will not discriminate against any individual or family because of race, color, creed, national or ethnic origin or ancestry, religion, sex, sexual preference, gender, gender identity, gender expression, age, disability, genetic information, handicap, source of income, marital status or presence of children in a household, acquired immune deficiency syndrome (AIDS) or AIDS-related conditions (ARC), receipt of or eligibility for housing assistance under any government housing assistance program, or other status protected by state, federal, or local law or arbitrary basis, including Title VI of the Civil Rights Act of 1964 (Public Law 88-352) and the regulations issued pursuant thereto (24 CFR Part I), Executive Order 11063 and the regulations issued pursuant thereto (25 CFR 570.601), and Title VIII of the 1968 Civil Rights Act (Public Law 90-384), or the Fair Housing Amendments Act of 1988. No criteria will be applied, or information considered pertaining to attributes of behavior that may be imputed by some to a particular group or category. All criteria shall be applied equitably, and all information considered on an applicant shall be related solely to the attributes and behavior of individual members of the household as they may affect residency.

The City of Berkeley Affordable Housing Preference Policy shall only be implemented subject to applicable fair housing law, and in the event HUD or HCD finds that the preference violates fair housing law, the requirement to comply with the City of Berkeley Affordable Housing Preference Policy shall immediately terminate.

#### **IV. Marketing/Outreach**

##### *Outreach:*

Informational flyers and marketing material will be distributed throughout Alameda County, the City of Berkeley, Berkeley Housing Authority offices, numerous social service agencies, including those that serve Veterans, local disability organizations, and a variety of other local organizations such as Swords to Plowshares, BOSS, Healthy Black Families, Operation Dignity, Center for Independent Living, Insight Housing, East Bay Community Recovery Project, Building Futures with Woman and Children, St. Mary's Center, BANANAS, Bay Area Community Resources, Bay Area Hispano Institute, Berkeley High Bridge Program, Berkeley Youth Alternatives, Biotech Partners, Ephesian Childrens Center, Lifelong Family Resource Center, Multicultural Institute, Nia House, Pacific Center for Human Growth, R.I.S.E., Through the Looking Glass, St. Mary's Center, the UC Berkeley Public Service Center's BUILD Literacy and Bridging Berkeley programs, the City of Berkeley's Housing and Community Services, Aging Services and Mental Health divisions, Berkeley Scholars to Cal, and Berkeley NAACP. Distribution of the marketing material will also be to JSCo's comprehensive Marketing List for Alameda County.

The informational & marketing materials will clearly state the method for the sixty-four (64) non-supportive housing units to submit an application on-line. The marketing materials will comprise:

- A cover letter detailing the target populations and corresponding eligibility criteria, preferences, the ADA features of the property, and the application procedures.
- The income restrictions for the various unit types, the corresponding rents, and the occupancy limits for the various unit types.

- A flyer/announcement that includes all the above detailed information, though in a more abbreviated fashion, with web-address for the application materials and other contact information.

The twelve (12) NPLH permanent supportive homeless housing units are referred directly by Alameda County’s Home Stretch program, through Alameda County’s Coordinated Entry System. Households experiencing homelessness should call 211 to get connected to an Access Point/Housing Resource Center to learn more about Coordinated Entry resources that may be available.

*Print Media*

Print advertisement will list the RCD website and the Alameda County Housing Portal where cover letters in Spanish, Vietnamese, Traditional Chinese and English and applications in English can be obtained.

Advertisements will be taken out in the following publications:

- East Bay Times
- Post News Group
- La Opinion (Spanish)
- Sing Tao Daily Newspaper (Chinese)
- Mo Magazine (Vietnamese)
- Eden I&R, Inc. 2-1-1 Information and Referral Line

*Internet advertisements*

Craigslist and other webpages will have information similar to the flyer and will contain the website information for RCD. Internet advertisements will be in English only.

- Craigslist
- RCD website
- Berkeley Housing Authority (BHA) website
- Eden I&R’s Housing Choices for Alameda County website

*Marketing:*

On January 4, 2024, Maudelle Miller will be publicized by:

- A banner at the building with a link to the on-line application and a phone number to call with questions and to request a Reasonable Accommodation.
- A project flyer and narrative that is emailed to the JSCo Marketing List that includes requirements for tenancy and information for accessing the on-line application.
- Marketing materials will be distributed to those agencies and locations listed above and in the Berkeley Housing Authority Administrative Plan, pages 4-6 to 4-8.

*Phone service*

An answering service provider (Direct Line) will be set up by January 4, 2024, with a recording in Spanish, Vietnamese, Traditional Chinese, and English stating the nature of the program and a message for interested parties with information on how to access the on-line application. A TDD line is available at (415) 345-4470.

*Cover Letter and Marketing Flyer*

The project cover letter and marketing flyer will state that Maudelle Miller is an “Equal Housing Opportunity” and encourage those with disabilities and mitigating circumstances to apply. The marketing flyer will be distributed widely to individuals and organizations that provide services to clientele who may be eligible for occupancy.

The cover letter and flyer will have application information with a link to the Alameda County Housing

Portal for the on-line application; the web address is <https://housing.acgov.org/>. Cover letters, marketing flyers and other project and application information will be available at in Spanish, Vietnamese, Traditional Chinese, and English at RCD's website at [maudelle.rcdhousing.org](http://maudelle.rcdhousing.org). The application will only be made available on-line at the Alameda County Housing Portal.

Persons with disabilities who are unable to access the on-line application may request a Reasonable Accommodation by calling 510-841-2319 for assistance. An Accommodation must be requested no later than February 9, 2024. A TDD line is available at (415) 345-4470.

Applicants will have two weeks to submit the on-line application and participate in an initial lottery. The application will be available starting January 29, 2024, at 9:00am, and the deadline to apply will be February 12, 2024, by 5:00pm. All applications received by the application deadline will be placed in a computer-administered lottery conducted by John Stewart Company. Applicants will be placed on the waiting list in order of their lottery number and processed for eligibility in that order. Preference points will be applied to the prioritization of the waiting list for the applicable preferences from the Berkeley Housing Authority for those applicants interested in a Project-Based Section 8 apartment and for the other apartments, the City of Berkeley preferences will be applied (more details in Attachment 1: Resident Selection Criteria).

See below for marketing/outreach timeline:

#### November 2023

- Marketing and Resident Selection Plan submitted to lenders for review and approval.
- Planning meetings with Homestretch, City of Berkeley, and Berkeley Housing Authority on the logistics of referrals, waiting lists, and preferences.
- Initiate listings on the Alameda County Housing Portal and the regional Doorway Housing Portal.

#### December 2023

- Marketing and Resident Selection Plan and marketing materials finalized.

#### January 2023

- Marketing and outreach conducted. Advertisements posted.
  - Install banner at Maudelle Miller and initiate call intake from Direct Line (Script: "Thank you for calling Maudelle Miller, an affordable community located in Berkeley near the City of Berkeley BART Station. We are scheduled to open in June 2024. If you are interested in applying for housing, application information can be found online at [Maudelle.rcdhousing.org](http://Maudelle.rcdhousing.org). For applicants with a disability unable to participate in these options please press #5 to speak with an operator.")
- Pre-application period opens on Monday, January 29, 2024 at 9:00am.

#### February 2023

- Pre-application period closes on Monday, February 12, 2024 at 5:00pm.
- Electronic lottery performed.
- Applicants notified if they made the waiting list and, if so, their priority number on the waiting list (prior to the application of preferences).
- Interview and screening process commences.

### **V. Rent-Up Procedures**

Each household applying for residency in the 74 non-supportive housing units must fill out an on-line application for rental via the Alameda County or Doorway Housing Portals. The application will permit

applicants to indicate an interest in the Project-Based Section 8 (PBV) units and this information will be used to lease those units.

Applicants submitting incomplete applications will be sent a denial letter and will be given an opportunity for correction within 14 days of the date of the denial letter (this applies to the Home Stretch referral applicants as well).

Each application for the non-supportive housing units will be processed in order according to the initial waiting list created by a computer-administered lottery of all applicants. Qualified applicants are then scheduled for a personal interview until all units are leased. All adult household members are required to attend the interview. Management will complete the necessary authorization for release of income and asset information and have applicants sign the verification. Verifications are mailed to the respective sources along with self-addressed stamped envelopes. The leasing office is accessible to persons with disabilities.

Applicants will be considered no longer interested if they fail to appear for an interview two times and will be removed from the waiting list unless there are mitigating circumstances.

At the interview, applicants will be required to provide verification of eligibility for the Housing Authority and City of Berkeley preferences the applicant indicated on the pre-application. If the applicant household is unable to provide required verifiable proof, the applicant will be denied the preference and be placed back on the waiting list and processed in the order without benefit of the preference(s).

Credit checks will also be run on all adult applicants who are applying. Results for credit and tenancy background checks arrive during the applicants interview with the property manager; for the 12 NPLH units, only credit checks will be run as these are necessary for asset & income verification. Applicants with an eviction or poor credit history are not automatically denied if that background can be shown to not affect tenancy (for the 12 NPLH units, in accordance with Housing First, findings from tenancy or credit background checks will not be a grounds for denial). If an eviction or poor rental history was due to a disability or additional consideration, the applicant will be encouraged to submit a Request for Reasonable Accommodation, which they will provide during the interview. If the history was due to circumstances that no longer apply, additional consideration may be requested on the Request for Consideration form (see Attachment 2). The applicant can submit a Request for Consideration form then, during the interview, or has seven (7) days after receiving the form to submit it. If the background check findings result in a denial, and the applicant has failed to submit a Request for Consideration form, the applicant has fourteen (14) days to appeal (see Attachment 4, Grievance & Appeal Procedure).

Applicants are encouraged to present mitigating circumstances at the beginning of the application and/or interview/eligibility review process, rather than after a denial and subsequent appeal of the decision. In application of Housing First principles, RCD and JSCo will evaluate the individual circumstances of each applicant, consider alternative forms of verification and additional information submitted by the applicant, and provide reasonable accommodations when requested if verified and necessary.

Otherwise, applicants with certain negative credit histories will be sent a denial letter, with an opportunity for correction and/or appeal within 14 days of the denial letter. See Attachment 3, Grounds for Denial, for more information.

For the 22 Project-Based Section 8 Voucher units, the Berkeley Housing Authority (BHA) will perform criminal and other background checks as mandated under federal and state laws. These 22 units are also subject to BHA Reasonable Accommodation policies as stated in the BHA Admin Plan, Chapter 2, Part II.

After applicants are interviewed, verifications returned from their source, and income and asset calculations completed, qualified applicants will be offered a unit based on eligibility and ability to move in. All other applicants will remain on the waiting list.

## **VI. Waiting List**

The initial waiting list will be capped at 3,000 applicants from the lottery. Applicants will be selected from the waiting list as vacancies occur. A preference will be provided to those applicants who require an accessible unit until all accessible units are filled.

The waiting list(s) will be updated periodically by the Management Agent to ensure that those applicants on the waiting list wish to remain on the list. Maudelle Miller will mail a postcard to or email each person on the waiting list at the time it is updated. People who wish to remain on the list should return the postcard to Maudelle Miller or reply to the email or otherwise notify the property. Each applicant will be instructed to report changes in family size or income as those changes may impact eligibility. The Maudelle Miller waiting list will be reopened as needed by unit type and/or income level. Applicants on the waiting list will be notified that it is their responsibility to advise the Project of any address changes and that if they cannot be contacted by mail, either for vacant units or in the course of a waiting list update, they will be dropped from the waiting list.

Prior to opening the waiting list, the Marketing Plan will be reviewed and updated as determined necessary. Part of that process will be reviewing the current demographics for the market area to determine if revision to advertising and marketing are needed to reach underrepresented demographic population groups.

Maudelle Miller will announce a re-opening of the waiting list at least 10 business days prior to the date applications will first be accepted. The announcement will specify where, when, and how applications are to be received and when the waiting list will be closed, and if the list is being re-opened only for a certain set-aside, unit type and/or income level. Maudelle Miller will share the announcement with the City of Berkeley ([AffordableHousing@berkeleyca.gov](mailto:AffordableHousing@berkeleyca.gov)) at least 14 days prior to the re-opening of the waiting list so that the notice can be posted on the City's website.

Local preferences will be applied, as applicable. Preferences are applied to the priority sorting of the waiting list with one point granted for each verified preference. Please see details in Attachment 1: Resident Selection Criteria for more information and definitions.

At or prior to the interview, the applicant will be required to provide verification of eligibility for the preference(s) indicated on the initial pre-application. If the applicant's household is unable to provide required verifiable proof, the applicant will be denied the preference and be placed back on the waiting list and processed in the order without benefit of the preference(s).

Preference is also provided to applicants who require an accessible unit until all accessible units are filled.

## **VII. Unit Selection**

After qualifying for occupancy, the selected applicants will be assigned units within the following limits: The applicant may turn down the first unit he/she is offered and retain his/her spot on the waiting list. The second time an applicant declines to move into a unit will result in the person being removed from the waiting list and the applicant will have to re-apply when the waiting list is reopened at a later date.



**VIII. Record Keeping**

- An Affirmative Marketing file will be created to hold advertisements, flyers, community outreach efforts and other marketing documents in order to document efforts made for compliance with applicable regulatory requirements.
- Marketing documentation as well as documentation of the tenant selection process will be maintained for five years following such activities.
- Such records will be presented to regulatory agencies upon request.
- Up-to-date records will be kept regarding the characteristics of persons applying for vacant units, persons selected to occupy units and residents of the project (including race, ethnicity, presence of children under the age of 18 in the household, requests for reasonable accommodation for a disability, income, and household size) and records about tenant selection or rejection.
- Each household member will be offered the opportunity to complete HUD Form 27061-h or a substantially equivalent form and the completed documents will be placed in the household’s file.
- Records will be maintained of all complaints, investigations, and corrective actions taken in relation to marketing efforts and the tenant selection process.
- Records will be kept of the location, description, and number of vacant and occupied accessible units in the properties.
- The Management Agent will track and keep records of accessible and non-accessible units that are occupied by tenants requesting reasonable accommodation for a disability.
- The Management Agent will document any reasonable accommodation given to, or requested by, tenants during the reporting year. Under no circumstance will an applicant be required to disclose a disability unless requesting accommodation for that disability.

**IX. Indemnification**

In the event of any lawsuit, investigation or other proceeding asserting potential fair housing violations associated with the City of Berkeley Affordable Housing Preference Policy articulated on Page 2 of Attachment 1, the City shall release Owner and Management Agent from its obligations to indemnify the City and hold the City harmless as otherwise required by Condition of Approval Paragraph 9. This release from the otherwise applicable Indemnification Agreement shall be construed narrowly and is limited to acts undertaken by Owner and Management Agent in good faith compliance with the City of Berkeley Affordable Housing Preference Policy and shall not otherwise apply to other acts or failures to act in compliance with this Resident Selection Plan. In the event of the release of indemnification obligations under this paragraph, the City, Owner and Management Agent shall each bear their own costs associated with liability, claims, penalties, fines, damages, etc., arising out of any lawsuit, investigation or proceeding related to potential fair housing violations.

**X. Owner and Management Agent Acknowledgement and Signature**

The undersigned hereby agrees to perform its obligations as outlined in this Marketing and Resident Selection Plan.

RESOURCES FOR COMMUNITY DEVELOPMENT, a  
California nonprofit corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

JOHN STEWART COMPANY, a \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**X. City of Berkeley Approval and Signature**

The undersigned approves this Marketing and Resident Selection Plan.

CITY OF BERKELEY, a California charter city

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**IX. Attachments**

Attachment 1: Resident Selection Criteria

Attachment 2: Request for Consideration

Attachment 3: Grounds for Denial

Attachment 4: Appeal and Grievance Procedure



# Attachment 1

## Maudelle Miller Shirek Community Resident Selection Criteria



The purpose of this document is to establish fair, equitable, and easily understood practices for accepting and rejecting applicants for occupancy in Maudelle Miller Shirek Apartments. These criteria are in compliance with requirements of the Federal Low Income Housing Tax Credit Program, the Tax Credit Allocation Committee of the State of California, and the Berkeley Housing Authority, as well as the regulatory agreements with the State of California and the City of Berkeley.

### **POLICY ON NON-DISCRIMINATION**

With respect to the treatment of applicants, the John Stewart Company (Management “Agent”) will not discriminate against any individual or family because of race, color, creed, national or ethnic origin or ancestry, religion, sex, sexual preference, gender identity, age, disability, handicap, military status, source of income, marital status or presence of children in a household, acquired immune deficiency syndrome (AIDS) or AIDS-related conditions (ARC), or any other arbitrary basis. No criteria will be applied or information considered pertaining to attributes of behavior that may be imputed by some to a particular group or category. All criteria shall be applied equitably and all information considered on an applicant shall be related solely to the attributes and behavior of individual members of the household as they may affect residency.

### **APPLICATION PROCESSING PROCEDURES**

A waiting list will be established for the Property by a lottery process in accordance with the Marketing Plan. The waiting list will track applicant name and contact information, household size, household income or AMI (Area Median Income), status of application, regulatory agency preferences, if any, and any other information deemed necessary for the property or specified in regulatory agency requirements.

Applicants will be invited for an interview in the order of the waiting list and in accordance with the application of regulatory agency preferences (see below). Eligible applicants will be offered an apartment in the order in which their applications have been approved by Agent’s Compliance Department and their readiness to move-in. In other words, on a first-qualified, first-offered basis (exceptions to this are those applicants directly referred by Homestretch).

If an applicant is eligible for tenancy, but no appropriately sized apartment or AMI designation is available, they will be kept on the waiting list in their original position.

Agent will respect the bedroom size option chosen by the applicant unless such choice is contrary to the property’s occupancy standards. Persons with a disability that require an adaptable or accessible unit may select a standard unit or an accessible unit, at their discretion.

Periodically, letters will be sent to applicants to update their information and confirm they remain interested in applying for a unit. Failure to respond to the Agent’s notice to contact the project will result in removal from the waiting list. It is the obligation of the applicant to notify management of any changes to their address or phone number.

### **PREFERENCES**

The waiting list will be ordered by applying the City of Berkeley Affordable Housing Preference Policy to the ordering of the waiting list for 75% of the 74 lottery-allocated (56 apartments), the non-NPLH apartments. The waiting list will be sorted based on the number of total preference points per application.

For the 56 apartments preferences are being applied to, the leasing agent will first process, in waiting list order after application of the preference, applicants who are descendants of people displaced due to BART construction. Next, applications will be processed based on the total number of other preferences (granted one point each) for which applicants qualify, until all eligible units are filled. Applicants will provide supporting documentation of the preferences indicated at the interview; for the BART and Foreclosure preferences, the City will provide certifications to eligible applicant households.

The Berkeley preferences are:

1. Displacement due to BART construction: Direct descendant of someone who was displaced due to construction of BART in the 1960s and 1970s in Berkeley.
2. Displaced due to foreclosure: Displaced due to foreclosure in Berkeley since 2005.
3. Displaced due to eviction: Displaced in Berkeley due to no-fault or nonpayment eviction within the past seven years.
4. Families with children: Household with at least one child aged 17 or under.
5. Homeless OR at-risk of homelessness: Homeless in Berkeley, or homeless with a prior address in Berkeley, and not eligible and in the queue for Permanent Supportive Housing through CES OR At-Risk of Homelessness in Berkeley.
6. Ties to redlined areas: Residential ties to Berkeley's redlined areas – current or former address of applicant.
7. Ties to redlined areas – historical: Residential ties to Berkeley's redlined areas – applicant is a direct descendant (up to two generations) of someone who lived in redlined areas.

Please find more detail on the City of Berkeley Affordable Housing Preference Policy here:

<https://berkeleyca.gov/community-recreation/affordable-housing-berkeley/apply-affordable-housing-preferences>

For the ten (10) apartments that have Project-Based Section 8 Vouchers from the Berkeley Housing Authority (BHA) but are not the NPLH units, applicants who indicated on the pre-application an interest in the PBV units will be drawn from the waiting list in order of their lottery number and without consideration of the City of Berkeley preferences. The following BHA preferences, from 4.III.-C of the Administrative Plan, will be applied:

1. Households/families that reside in the City of Berkeley, formerly resided in Berkeley, or include a member who works or has been hired to work in the jurisdiction.
2. Veterans: granted to households with one or more active member(s) of the military, or a Veteran discharged or released under conditions other than dishonorable, or a surviving spouse (as defined by the Department of Veterans Affairs)
3. Elderly (62 or older), and/or disabled, based on head of household
4. Family status (any 2- or more person household)

## **OCCUPANCY GUIDELINES**

The following guidelines dictate the number of occupants per dwelling unit and are set to avoid overcrowding or underutilization of limited affordable housing opportunities. Section 8305 (b) of the Uniform Multifamily Regulations states that the minimum number of persons in household per the chart below. However, it also states that a sponsor may assign tenant households to units of sizes other than those indicated as appropriate if the Sponsor reasonably determines that special circumstances warrant such an assignment and the reasons are documented in the tenant's file.

Units will be occupied in accordance with the following standards:

<b>Occupancy Requirements for the 22 Berkeley Housing Authority Section 8 Project-Based Voucher Apartments</b>		
<b>BR Size</b>	<b>Minimum Number of Persons in Household</b>	<b>Maximum Number of Persons in Household</b>
Studio	1	2
1BR	1	4
2BR	2	6
3BR	4	8

BHA’s standards vary based on household composition per the Administrative Plan.

<b>Occupancy Requirements for the 64 non-subsidized units</b>		
<b>BR Size</b>	<b>Minimum Number of Persons in Household</b>	<b>Maximum Number of Persons in Household</b>
Studio	1	2
1BR	1	3
2BR	2	5
3BR	4	7

A household whose composition no longer meets the above guidelines may be required to move to the next available unit of the appropriate size.

These guidelines may also be waived to:

- Conform to Local, State and Federal law regarding Fair Housing and Equal Opportunity.
- Accommodate a household member with a disabling or medical condition.
- Comply with local Housing Authority requirements.

Every household member regardless of age is to be counted as a person. This includes household members in the military or in school and anyone that will occupy the unit during the upcoming 12 months. In accordance with the Low-Income Housing Tax Credit Program and the Tax Credit Allocation Committee of the State of California, unborn children will be counted for family size in determining annual income.

Fourteen (14) apartments are designed for residents with mobility impairments, of which two (2) are also for residents with auditory or visual impairments, and seven (7) more apartments are for residents with auditory or visual impairments.

Wherever possible, we will offer an accessible unit to an eligible individual whose disability requires the accessibility features of the particular unit; when offering an accessible rental unit to applicants without disabilities, we will require such applicants to agree to move to a non-accessible unit when the accessible unit is needed by a disabled household.

**UNIT MIX:**

<b>Number of Units</b>	<b>Maximum Tenant Income (Expressed as AMI)</b>	<b>Rents*</b>
Studio (2 units) PBV	20%	Determined by BHA
Studio (4 units) PBV	30%	Determined by BHA
Studio (7 units)	50%	\$1192
Studio (5 units)	60%	\$1442
One Bedroom (3 units) PBV	20%	Determined by BHA
One Bedroom (5 units) PBV	30%	Determined by BHA

One Bedrooms (5 units)	50%	\$1252
One Bedrooms (8 units)	60%	\$1520
Two Bedrooms (6 units) PBV	30%	Determined by BHA
Two Bedrooms (7 units)	50%	\$1492
Two Bedrooms (12 units)	60%	\$1814
Three Bedrooms (2 units)	30%	Determined by BHA
Three Bedrooms (3 units)	30%	\$978
Three Bedrooms (9 units)	50%	\$1720
Three Bedrooms (8 units)	60%	\$2092

\*Approximate rental rates based upon current income limits published by the U. S. Dept. of Housing & Urban Development. Rental rates subject to change.

### ELIGIBILITY CRITERIA

Twelve (12) units are set aside for homeless households with a serious mental disability referred through the County of Alameda Coordinated Entry System (CES); each of these units is supported by a Berkeley Housing Authority Project-Based Section 8 Voucher (PBV). Ten (10) additional units are also supported by BHA PBV's and will be filled from the waiting list with applicants who indicated an interest in such units on the pre-application. The remaining 64 units will be filled through the property waiting list via application process and lottery.

All applicants must meet the minimum income requirement (and demonstrate rent paying ability) and not to exceed the maximum income limits (as published and determined by the applicable funding source).

MINIMUM INCOME for this property is set at 2 times the monthly rent. If appealed, the household must demonstrate the ability to pay rent, which shall be reviewed and considered by the Management Agent. Minimum income limits are not applicable to Section 8 units, PBV units, Housing Choice Vouchers or Section 8-like units.

MAXIMUM INCOME limits will be adjusted as published by HUD yearly to reflect changes in the Area Median Income. Applicant households whose annual income exceeds the limits published at the time of move in will not be eligible for occupancy. Gross annual income as defined by HUD includes the gross amount (before deductions for taxes, insurance, etc.) of income, including income from assets and all anticipated income being received by all household members in accordance with the Low-Income Housing Tax Credit Program. Below are the 2023 published limits, which are subject to change annually.

Number of Household Members	Maximum Income for units at 20% AMI	Maximum Income for units at 30% AMI	Maximum Income for units at 50% AMI	Maximum Income for units at 60% AMI
1 person	\$20,720	\$31,080	\$51,800	\$62,160
2 persons	\$23,680	\$35,520	\$59,200	\$71,040
3 persons	\$26,640	\$39,960	\$66,600	\$79,920
4 persons	\$29,580	\$44,370	\$73,950	\$88,740
5 persons	\$31,960	\$47,940	\$79,900	\$95,880
6 persons	\$34,320	\$51,480	\$85,800	\$102,960
7 persons	\$36,680	\$55,020	\$91,700	\$110,040
8 persons	\$39,060	\$58,590	\$97,650	\$117,180

The applicant and all household members 18 and older must supply a valid photo I.D., birth certificates for all minors, and sufficient information to enable the housing provider to request and receive written third-party verification from all income sources including, but not limited to: a) Employment; b) Public

Assistance programs; c) Savings and Checking accounts; d) Pensions; e) Disability income; f) All assets including property, stocks, bonds, annuities, retirement accounts, etc.

Households comprised entirely of full-time students must meet special eligibility requirements to live in a Tax Credit unit in accordance to Section 42 or the IRS.

For the following, Housing First principles will be applied for the CES referred applicants. In practice, this means that CES-referred households can be subject to checks of rental history, credit, and background comparable to all other households, however, with the exception of denials issued by the Berkeley Housing Authority, the outcomes of these checks will not be used as grounds for denial.

Current landlord references will be requested along with a third-party unlawful detainer search. All previous landlords during the past two years will also be contacted (inability to provide landlord references is not, alone an obstacle to applying). Landlord references will help to determine whether or not there have been any disturbing behavior patterns including repeated lease violations, destruction of property, etc. Any documented behavior which would constitute a material violation of the standard lease to be used at this location may be considered grounds for ineligibility.

A credit check will be required for all household members 18 years or older, except for the 12 NPLH Units in the application of Housing First principles. No background checks are permitted in the City of Berkeley, however the Berkeley Housing Authority may apply limited criminal background checks in accord with federal regulations.

Any applicant may be deemed ineligible for the following reasons:

- Failure to present all members of the applicants' household at the scheduled interview(s).
- Failure of any household member to behave in an *orderly, non-violent, non-combative* manner during an interview or while on the property.
- Falsification of any information provided on an application.
- Household income exceeds the set Income Limits.
- Household income does not meet the Minimum Income required to ensure ability to pay rent.
- Household size does not fit the Occupancy Standard
- Failure to provide requested information and proof of income and assets.

Reasonable Accommodations will be made to meet the needs of disabled applicants.

## **APPEALS PROCEDURES**

If an applicant household is deemed ineligible for occupancy, they will be notified in writing of the determination, and the notification will include the reasons for the determination. All applicants who are determined to be ineligible will also be notified of their right to appeal the determination. This appeal is preferred in writing, but verbal appeals will also be accepted. The written appeal must be received within 14 days of the date that the determination letter was mailed. If the applicant(s) does not exercise their appeal right in writing and within the required period, the applicant(s) will be ineligible for housing and their application removed from the processing list as well as from the waiting list.

Applicants who appeal the initial decision of ineligibility will meet with the Property Representative. The applicant may bring to this meeting any documentation, evidence, or additional information. The Property Representative will also confer with staff and review the applicant's file in its entirety. If the appeal fails, a Regional Manager who had no involvement in making the original decision of ineligibility will review. The Owner's Representative will make a decision based on the merits of all information reviewed. A written decision will be placed in the applicant's file. All decisions on appeals will be made

within 20 days from the appeals meeting date. The application may also request a formal appeal to be conducted by an impartial third party per the property Grievance policy.

**Security Deposits (subject to change):**

	Security Deposits
Studios	Equal to One Month’s Rent (tenant portion for PBV units)
1 Bedroom	Equal to One Month’s Rent (tenant portion for PBV units)
2 Bedroom	Equal to One Month’s Rent (tenant portion for PBV units)
3 Bedroom	Equal to One Month’s Rent (tenant portion for PBV units)

**RESIDENT ACCEPTANCE**

Applicants will be offered only one apartment based upon the time of their approval and readiness to move in. They will be offered the first appropriately sized unit for the household’s income (AMI). All offers of units will be made in writing.

The applicant may turn down the first unit he/she is offered and retain his/her spot on the waiting list. The second time an applicant declines to move into a unit will result in the person being removed from the waiting list and the applicant will have to re-apply when the waiting list is reopened at a later date.

If an applicant has been unable to accept a unit due to a disability or mitigating circumstances (i.e. medical reasons), the applicant shall retain his/her position on the waiting list and will be referred to JSCo’s “Reasonable Accommodation Policy – Notice to All Applicants and Residents”.

Detailed records of all units offered and refused will be kept by the Management Agent.

**REASONABLE ACCOMMODATION**

The application and interview process will take place at Maudelle Miller Shirek Community or a temporary leasing office which is easily accessible to people with special needs. Accommodation will be made for individuals with disabilities including hearing and/or sight impairment to ensure their full access to the application process.

Resources for Community Development (RCD) and John Stewart Company (JSCo) will follow all reasonable accommodation laws and regulations as provided for in the Federal Fair Housing Act and the State Fair Employment and Housing Act in its tenant selection process and throughout its property management operations.

RCD and JSCo will provide a notice to all applicants that they may be entitled to a Reasonable Accommodation in the tenant selection and admission process. The notice will encourage those whose negative history was caused by a disability or was due to a circumstance that no longer exists to provide a request for Reasonable Accommodation or Request for Consideration along with an application.

For applicants with special needs whose applications are initially rejected because they do not meet the Resident Selection Criteria, an accommodation may be made on the basis that the applicant’s commitment to work with service providers to address the reasons for the applicant’s initial rejection makes such an accommodation reasonable.

The 22 Project-Based Section 8 Voucher units are also subject to Berkeley Housing Authority (BHA) Reasonable Accommodation policies as stated in the BHA Admin Plan, Chapter 2, Part II.



## **VIOLENCE AGAINST WOMEN ACT**

The Violence Against Women and Justice Department Reauthorization Act of 2013 protects residents who are victims of domestic violence, dating violence, sexual assault, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. In accordance with the Violence Against Women Act (VAWA) Management will not penalize victims of domestic violence, stalking, dating violence, or rape.

Some key protections provided by the Act include:

- A potential resident who certifies they were the victim of domestic violence may be allowed to be admitted even with poor credit and poor landlord evaluations if he/she can show those negative factors were caused by domestic violence.
- It assures that victims of domestic violence, sexual assault, etc., can have access to the criminal justice system without facing eviction.
- Where someone is abusive to other members of the household, only the abuser may be evicted. Furthermore, the standards for eviction due to imminent threat have been strengthened.
- Residents in assisted housing who face violence may be allowed early lease termination for a matter of safety.

Victims must certify their status as victims and that the incident in question was a bona fide incident of domestic violence by presenting appropriate documentation to the Property Manager. Nothing prevents a victim who has committed a crime or violated a lease from being denied, evicted or terminated.



**Attachment 2**  
**Maudelle Miller Shirek Community**  
**Request for Consideration**



**TDD #(415) 345-4470**  
**or California Relay**  
**Service (711)**

Date: \_\_\_\_\_

Dear Applicant,

As a part of our Housing First approach at Maudelle Miller Shirek Community, we want to discuss with you some items that were discovered on your initial background check. These items are: \_\_\_\_\_

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In order to continue the application process, please provide further information regarding your circumstances within 7 days from the date of this letter. In order for Management to evaluate your application, you must provide an explanation and supporting documentation as to why the adverse history listed above is not an indicator of your ability to pay your rent in full and on-time, maintain your apartment according to the lease, and be a good neighbor (adhering to the community rules and avoiding disturbances).

Types of documentation that may assist Management in the review of your application may include, but are not limited to:

- A written explanation regarding past poor credit and why it's not relevant now;
- A written explanation regarding a prior eviction and proof of remedies in place, such as a protective payee for past nonpayment issues;
- Third-party documentation that shows an adverse record did not belong to you;
- Documentation showing a criminal conviction was overturned, reduced, expunged or dismissed;
- Documentation showing you complied with all court requirements related to a conviction and that you have support in place to ensure your future success.

Please complete this form, provide a detailed description of the mitigating circumstances, and attach all documentation that you would like us to consider. We ask that this Request for Consideration be submitted to our office in writing, either by mail or by personally delivering it. However, if you are unable to submit the appeal in writing, you may contact the Maudelle Miller Shirek Community Property Manager at 510-993-0454.

If you feel you have been discriminated based on a disability you may contact our 504 Coordinator, Jennifer Wood at 415-345-4400. **Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process. If the applicant is a person with disabilities, we will consider extenuating circumstances where this would be required as a matter of reasonable accommodation.**

(continued on next page)

**PLEASE SEND YOUR COMPLETED FORM TO:  
Maudelle Miller Shirek Community Leasing Office  
c/o The John Stewart Company  
2240 Oxford Street  
Berkeley, CA 94704  
REQUEST FOR CONSIDERATON**

\_\_\_\_\_  
Name of Head of Household (Please PRINT)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Alternate Telephone Number

\_\_\_\_\_  
Today's Date

**Please explain mitigating circumstances and a detailed description of any attached documentation:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



### Attachment 3 Maudelle Miller Shirek Community Grounds for Denial



We welcome your application to rent an apartment at Maudelle Miller Shirek Community. It is the responsibility of each applicant to provide any and all information required to determine eligibility. Maudelle Miller will consider each application on an individual basis. The following list provides the reasons why an application *may* be denied.

In application of Housing First principles for the 12 CES referred applicants, any findings of the following grounds for denial will not on their own be grounds for denial.

**Additionally, if you fall into any of the categories below due to a disability, you are encouraged to submit a Request for Reasonable Accommodation with your application.**

- 1) Credit
  - (a) Total unmet credit problems (including governmental tax liens) in excess of \$5,000.
  - (b) A bankruptcy within the last three years.
  - (c) A total of five unmet credit obligations of any value.

An exception for extraordinary medical and/or student loan expenses may be permitted. An exception for a foreclosure or short sale (not eligible for the City preference) may be permitted at the discretion of the Owner/Management Agent if prior credit history is acceptable and does not include those reasons for rejection detailed above.

- 2) Rental History
  - (a) A judgment against an applicant obtained by the current or previous landlord.
  - (b) An unmet obligation owed to a previous landlord.
  - (c) The applicant failed to make one or more timely payments during the last two year's rental payments.
  - (d) Negative landlord reference.
- 3) Criminal Background Check & Personal History  
The City of Berkeley Fair Chance Access to Housing Ordinance prohibits criminal background checks.

For the 22 Project-Based Section 8 Voucher (PBV) units, the Berkeley Housing Authority (BHA) will perform criminal and other background checks as mandated under federal and state laws. Findings may result in the applicant not being eligible for the PBV units. Appeals will need to be submitted directly to the Housing Authority.

- 4) Full Time Student Status  
Units comprised of full-time students do not qualify to reside in tax credit properties. However there are exceptions as outlined by the IRS under IRC §42(i)(3)(D) that include:
  - (a) Receiving assistance under Title IV of the Social Security Act (AFDC, TANF);
  - (b) Enrolled in a job training program receiving assistance under the Work Force Investment Act (WIA), (formerly the Job Training Partnership Act) or under another similar federal, state, or local laws;

- (c) Single parents with minor children, all of whom are full-time students and such parents and children are not dependents of another individual (children in household may only be claimed as dependents on the Applicant parent's tax return in order for the household to qualify).
  - (d) All members of household are married and have filed a joint tax return or are entitled to file a joint tax return.
- 5) Annual Income/Occupancy standard/other program regulations
- (a) Annual Income (including assets) not within the established restrictions of the property.
  - (b) Household size does not meet the established occupancy standard for the property.
  - (c) Applicant does not meet all program regulated eligibility factors.
- 6) Documentation
- Each potential occupant must provide all documentation required by the selection process. If an applicant does not show up for an interview, or provide at a minimum the following documentation, it is grounds for denying your application.
- (a) Completed and signed application, release of information, grounds for denial, and application fee (if required).
  - (b) Landlord references covering the last TWO (2) years of residency. Please note: Applicants who have not held a rental agreement for a minimum period of twelve months within the last five years will be required to provide references from a person not related to the applicant who has known the applicant for at least five years. This criterion is waived for applicants meeting any of the homeless-related eligibility requirements of the Resident Selection Criteria in application of Housing First.
  - (c) Proof of all income sources and assets, including the most recent income payments (e.g., paycheck stub, social security or other independent verifications).
  - (d) Copy of most recent bank statements and/or other accounts (IRA, stocks, mutual funds, etc.)
- 7) Offer of an Apartment
- The applicant may turn down the first unit he/she is offered and retain his/her spot on the waiting list. The second time an applicant declines to move into a unit will result in the person being removed from the waiting list and the applicant will have to re-apply.
- 8) Nondiscrimination
- In the performance of its obligations Owner and the Management Agent will comply with the provisions of any federal, state or local law prohibiting discrimination in housing.
- 9) **Program regulated eligibility**
- The Applicant will be denied if he/she does not meet all program regulated eligibility factors including but not limited to applicant qualification as homeless and at risk of homelessness.
- 10) **Appeal**
- Applicants who are not accepted will have 14 days to appeal. During the hearing, mitigating circumstances will be considered. Persons with a disability have the right to request reasonable accommodations to participate in the hearing process. No unit will be held**

**during the appeal process. If the appeal is successful, applicants will be offered the next available unit of the applicable unit type.**

**I HAVE READ AND UNDERSTAND THE FOREGOING AND FIND THEM TO BE REASONABLE REASONS MY RENTAL APPLICATION CAN BE DENIED. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE ATTACHED HOUSING AND INCOME STATEMENTS ARE TRUE AND CORRECT.**

Applicant #1: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant #2: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant #3: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTE: Any change to this document must be approved by the Regional Vice President in writing.**

**This document must be attached to all applications.**



## Attachment 4 Maudelle Miller Shirek Community Appeal and Grievance Procedure



### DEFINITIONS.

“Complainant” is defined as any resident or prospective resident in the project whose rights, duties, welfare, or status are or may be adversely affected by management’s action or failure to act and who file a grievance with management with respect to such action or failure to act. Complainant is referred to in this procedure as “complainant,” “you” or “tenant.”

“Grievance” is defined as any dispute with respect to management action or failure to act in accordance with lease requirements, or any management action or failure to act involving the interpretation or application of management regulations, policies, or procedures which adversely affects the rights, duties, welfare, or status of the complainant.

It is the policy of management that all residents’ grievances be given complete and objective consideration. Since, on rare occasions, this may require reference of a problem to higher levels of authority, this procedure has been adopted to assure that the opportunity for full and fair consideration is given to all residents.

This procedure applies to both applicants and residents of Maudelle Miller. All residents are encouraged to use it without concern that it will reflect on their status as a resident.

Day-to-day contact and sincere communication between the manager and the residents are the most successful way to avoid misunderstandings and develop mutual respect. Should failings occur, the following steps shall be followed:

#### **A. Rights to a grievance hearing**

If you are a resident at Maudelle Miller and you believe that management has acted so that your rights or status are adversely affected, or you believe that management has not complied with the terms of the residential lease it entered into with you, then you are entitled to a hearing in accordance with this grievance and appeal procedure.

You may also request a hearing if you have a complaint about another tenant concerning your or others’ health and safety or if the complaint in reference to the other tenant involves the maintenance and management of the project.

If you applied for a unit and were rejected, you also have the right to request a hearing.

The grievance and appeal procedure does not apply if:

1. You have been given a notice to vacate because:
  - a. you are causing or permitting substantial damage to your unit;
  - b. you are using your unit for unlawful purposes; or
  - c. you have created or maintained an imminent threat to your health and safety or that of others.
2. You are disputing whether the terms and conditions in the lease are valid or proper.

## **B. Disputed rent or other charges**

1. If the grievance involves the amount of rent or other charges that management claims are due, you must pay the amount in dispute to management, unless management waives the requirement. You must continue to pay all rent and charges not in dispute as they become due.
2. If you fail to pay or deposit the funds as required, the hearing officer or panel may determine that you have waived your right to a formal hearing. If the hearing officer or panel decides that you have waived your right to a hearing you can still resolve your grievance in court.

## **C. Requesting a hearing**

1. **THE INFORMAL HEARING.** The goal of the informal hearing is to settle the problem without the need for a formal hearing. If you have a complaint and request a hearing, you will have an informal hearing with the individual designated by management to hear complaints (usually the resident manager). Once requested, the informal hearing must be held between you and management within five working days after your request. Furthermore, management is obliged to give you its decision on the matter in writing within five days of the hearing. If the decision is not in your favor or the problem is not settled, you are entitled to request a formal hearing. The written decision will also include the procedures you must follow if you want to appeal the decision in a formal hearing.
2. **PRESENT YOUR REQUEST FOR AN INFORMAL HEARING ON TIME.** You must personally present your grievance either orally or in writing to our office so that you and we may discuss your grievance informally. You must present your grievance within a reasonable time, not to exceed ten (10) working days after the reason for the grievance or dispute arose.

While you can present your grievance orally, it is better to state your grievance in writing. The grievance may be simply stated, but you must specify the particular ground(s) for the grievance and action or relief you seek.

We will prepare a written, dated, and signed summary of our discussion and answer to your grievance within a reasonable time, not to exceed fourteen (14) calendar days. We will mail or deliver one copy to you and keep one in your file. Our answer shall specify 1) the name of the hearing participant, 2) the date of the hearing, 3) the nature of the grievance, 4) the proposed disposition of the grievance and the specific reasons therefore, 5) your right to a formal hearing, and 6) the procedure by which you may request a formal hearing if you are not satisfied with the proposed disposition.

3. **THE FORMAL HEARING.** If you are dissatisfied with management's decision at the informal hearing, you have a right to a formal hearing. An impartial person who is mutually agreeable to you and management will conduct the formal hearing. In the event you cannot agree on such a person, a three-person hearing panel will be selected. You will select one person, management will select another, and the first two panel members will jointly select the third person. These three individuals will comprise the hearing panel. If the members appointed by you and management cannot agree on a third person, such member shall be appointed by an independent organization contacted by management, such as the American Arbitration Association.

4. **PRESENT YOUR REQUEST FOR A FORMAL HEARING ON TIME.** If you want a formal hearing, you may submit a written request to us within ten (10) working days after receiving the decision from the informal hearing. If you miss this 10-day deadline, the decision from the informal hearing will become final. This shall not, however, constitute a waiver of your right thereafter to contest the disposition of the grievance in an appropriate judicial proceeding.



As with the informal hearing, you must state the nature of your complaint or grievance, the reasons why you disagree with the decision resulting from the informal hearing and action or relief you seek.

5. **DO NOT MISS THE HEARING.** The hearing will be held no more than two weeks after management receives your request for a hearing. You will be given at least three calendar days' notice of the hearing date. If you or management's representative fail to appear, the hearing officer or panel can either declare that the absent party has waived the right to a hearing or reschedule the hearing for a later date.

#### **D. Procedures governing hearings**

The following procedures are intended to protect your right to a fair hearing:

1. You can bring as much evidence to the hearing as you think you need. However, the hearing officer or panel will determine if it relates sufficiently to the hearing to be considered, regardless of its admissibility in a court of law.
2. You can bring someone to represent you at the hearing, but you must also be present.
3. You and management can have witnesses to support your respective positions, with the right to cross-examine each other's witnesses.
4. You will be given the opportunity before the hearing to examine and copy at your expense all documents, records, and regulations that are relevant to the hearing.
5. The hearing will be private, unless you choose to have a public hearing.
6. Either party may request that the hearing be tape-recorded at their own expense.
7. At the hearing, you must present your side of the dispute and state what you want done. It will then be management's burden to justify its actions. If the hearing relates to an eviction or lease termination, management must also prove "good cause," as defined in the Program Regulations. Good cause includes, but is not limited to, nonpayment of rent, noncompliance with the terms of the lease, subletting, failing to maintain eligibility under the Program and remaining on the property after your tenancy is terminated.
8. Those present at the hearing must conduct themselves in an orderly fashion. Failure to do so is sufficient grounds for the hearing officer or panel to render an adverse decision to the unruly parties.
9. If you need an interpreter, you must provide your own. Failure to bring an interpreter will not be grounds for a postponement of the hearing.
10. During the pendency of the informal and formal hearing process and until the delivery of the written decision to you, management will extend the time period imposed pursuant to a formal eviction procedure arising out of the issues in dispute, including any court filing date required of you.

#### **E. Decision of the hearing officer or panel**

The hearing officer or panel must send a written decision to all parties within two weeks of the request for the hearing. The decision will be based solely upon a preponderance of the evidence presented at the hearing and in conformance with applicable laws and/or regulations. Provided that the decision is consistent with the applicable laws and regulations, it will be binding on all the parties.

If the decision is in your favor, project management must promptly take all actions necessary to carry out the decision or refrain from any action prohibited by the decision. If the decision is not in your favor, you must promptly comply with the decision, terminate your tenancy and move, if required, or take your complaint to court.

#### **F. Unresolved grievances or additional appeals**

If the parties and hearing officer or panel are unable to resolve the grievance or any party wishes to make an additional appeal, either party may direct their complaint to the local responsible agency for review and recommendation.

Upon a written request from the local agency for interpretation, JSCo shall be the final authority for purposes of interpretation of the procedures.

**G. Right to go to court**

Participation in any of the procedures described above will not waive, or affect in any manner whatsoever, any rights you or management may have to any judicial proceedings that may thereafter be brought on the matter.