



Bell Street Gardens
GRIEVANCE PROCEDURE



If an Applicant or a Resident feels any representative of management has acted in a discriminatory manner with respect to lease requirements, disability status, accommodation request, application processing, management policies, etc., which has adversely affected the rights of the complainant, the first step should always be informal discussion of the incident between the complainant and management. Day-to-day contact and honest communication between the manager and the residents or applicants are the most successful way to avoid misunderstandings and develop mutual respect. If this fails to resolve the grievance, the following steps should be taken:

1. Informal Grievance Review

The goal of the informal review is to settle the problem without the need for a formal review. If the resident or applicant has a complaint and requests a review, they will have an informal review with the Property Manager or Regional Manager of The John Stewart Company.

- The resident or applicant must personally present their grievance, either orally or in writing, to The John Stewart Company management office at Bell Street Gardens, so that management may discuss the grievance with them informally. While they can present their grievance orally, it is better to state the grievance in writing. The grievance may be simply stated but must specify both the specific ground(s) for the grievance and the action or relief sought.
- The resident or applicant must present their grievance within a reasonable time, not to exceed ten (10) working days following the incident or action upon which the grievance or dispute is based.
- Once requested, an informal review will be held between the resident or applicant and management within five (5) working days following management's receipt of the request.
- Management will prepare a written, dated, and signed summary of the discussion and its response to the grievance within a reasonable time, not to exceed fourteen (14) working days. Management will mail or deliver one copy to the resident or applicant and keep one in its file. Management's answer shall specify 1) the name of the review participants, 2) the date of the review, 3) the nature of the grievance, 4) Management's decision on the grievance (and the specific reasons for Management's decision), 5) the resident or applicant's right to request a formal review, and 6) the procedure to request such a formal review (if the resident or applicant is not satisfied with the Management's decision).

2. Formal Grievance Review

- 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.
- If the resident or applicant desires a formal review, they may submit a written request to jscosb@jsco.net within five (5) working days after receiving management's written summary of the

informal review. If the resident or applicant does not have access to e-mail, then the information may be delivered to the property or the John Stewart Company Regional Office at:

The John Stewart Company
104 Whispering Pines Drive Suite 200
Scotts Valley, CA 95066
Attention: Maya Powis

- As with the informal review, the resident or applicant must state the nature of their complaint or grievance, the reasons why they disagree with Management's decision resulting from the informal review, and the action or relief they seek.
- 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 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.

3. Procedures governing the hearing

- The following procedures are intended to protect your right to a fair hearing:
- 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.
- You can bring someone to represent you at the hearing, but you must also be present.
- You and management can have witnesses to support your respective positions, with the right to cross-examine each other's witnesses.
- 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.
- The hearing will be private unless you choose to have a public hearing.
- Either party may request that the hearing be tape-recorded at their own expense.
- 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.
- 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.
- 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.

- 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.

4. Written decision sent to all parties

- 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.
- At any time, the resident or applicant has the right to file a complaint with HUD’s Office of Fair Housing and Equal Opportunity.

San Francisco Regional Office of FHEO
 U.S. Department of Housing and Urban Development
 One Sansome Street, Suite 1200
 San Francisco, California 94104
 (800) 347-3739, TTY (415) 436-6594

TDD Telephone device for the deaf only California Relay Service (711).

 Signature

 Date

 Signature

 Date

 Signature

 Date

 Signature

 Date

 Signature

 Date

 Signature

 Date

To be attached to all applications and resident files.



BELL STREET GARDENS GROUNDS FOR DENIAL OF RENTAL APPLICATION



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

We welcome your application to rent an apartment at BELL STREET GARDENS. It is the responsibility of each applicant to provide any and all information required to determine eligibility.

In the application of Housing First principles for all applicants, any findings of the following grounds for denial will not on their own be grounds for denial, except where noted. Each finding will be assessed as it relates specifically to tenancy and/or behaviors that indicate "housing readiness."

The following lists the reasons why we might deny your application:

1) **Credit**

- (a) A credit reference and background check will be required for all household members age 18 or older.
- (b) Credit check will be run for the purposes of income and asset certification purposes only.

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) Termination from residential programs.
- (d) A negative landlord reference disclosing an applicant's inability and unwillingness to comply with the terms of the property's lease

3) **Personal History**

- (a) A record of disturbance of neighbors, destruction of property, or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other residents, or cause damage to the unit or development.

4) **Criminal Background Check & Personal History**

A check will be made of criminal conviction records for the past seven years for all adult Applicants of the household. Reports will be obtained from local and/or state records and may also include local Police records. If the Applicant has resided in a state other than California and has a past felony conviction, a report will be required from that state or federal organization. Serious felony offenses and/or continued and ongoing criminal activity will be grounds for rejection if such offenses involve:

- physical violence to persons or property
- domestic violence
- sexual abuse
- the manufacture or sale narcotics
- possession of an illegal weapon
- listing on the National Database for Sex Offender

Generally, public records of this sort are only available for the past seven (7) years. However, criminal background reports will return sex offender database results older than 7 years which can be considered as well as certain convictions with continuances. The Management Agent reserves the right to consider that information. The nature, severity and recency of such offenses and/or ongoing criminal activity will be considered when reviewing the Applicant and only those potentially impacting the health, safety, security or right to peaceful enjoyment of the property of and by other residents, visitors or employees will be considered.

Applicants will be provided the criminal background record and provided an opportunity to respond and to provide evidence of mitigating factors. Applicants will be given five (5) business days to provide a request for consideration to present mitigating factors before a denial is issued.

5) **Annual Income/Occupancy standard/other program regulations**

- (a) Annual Income (including assets) not within the established restrictions of the property.
- (b) Household size must meet the established occupancy standard for the property.
- (c) Applicant must meet all program regulated eligibility requirements.

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) Information covering the last two (2) years of residency.
- (c) Proof of all income sources and assets, including the most recent income payments (i.e. paycheck stub, social security or other independent verifications).
- (d) Copy of most recent bank statements and/or other accounts (IRA, stocks, mutual funds, etc.)



BELL STREET GARDENS
GROUNDS FOR DENIAL OF RENTAL APPLICATION



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

If, while processing an application, it becomes evident that an applicant knowingly has falsified or otherwise misrepresented any facts about his/her current situation, history, or behavior in a manner that would affect eligibility, applicant selection criteria qualification, allowances or rent, the application shall be rejected.

7) **Offer of an Apartment**

Applicants will be offered only one apartment. Declining the offer of an apartment is considered a withdrawal of the application by the applicant unless there are verifiable medical circumstances that prevent you from moving at the time of offer.

8) **Nondiscrimination**

In the performance of its obligations The John Stewart Company will comply with the provisions of any federal, state or local law prohibiting discrimination in housing on the basis of race, color, creed, ancestry, national origin, sex, sexual orientation, familial status, source of income, age, disability, AIDS, or AIDS related condition.

9) **Appeal**

Applicants who are not accepted will have fourteen (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 Signature #1: _____ **Date:** _____

Applicant Signature #2: _____ **Date:** _____

Applicant Signature #3: _____ **Date:** _____

Applicant Signature #4: _____ **Date:** _____

Applicant Signature #5: _____ **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.**