

EUCALYPTUS GARDEN APARTMENTS  
100 BANNING DRIVE \* P.O. BOX 2229 AVALON, CA 90704  
(310) 510-9627 \*EGAlnbox@outlook.com

GRIEVANCE PROCEDURE

1. DEFINITIONS

- A. Eucalyptus Gardens is referred to as "the project in this procedure.
- B. Eucalyptus Investors, LP, is referred to as "management" or "we " / "us" in this procedure.
- C. The State of California, Department of Housing and Community Development, Rental Housing Construction Program, is referred to as "RHCP" in this procedure.
- D. 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 files 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" .
- E. 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 RHCP and management regulations, policies, or procedures that adversely affects the rights, duties, welfare, or status of the complainant.

2. DISTRIBUTION AND AMENDMENTS TO THIS PROCEDURE

We must give a copy of this procedure to you at the time you move into the project and to each prospective tenant who is rejected for tenancy. Whenever this procedure is changed, we must provide a revised copy to you, with 30—day notice of any change's effective] date.

3. Applicability

- A. This procedure shall apply to all individual grievances between you and us,
- B. This procedure shall not apply to:
  - 1 ) the validity or propriety of the terms and conditions of the residential lease,
  - 2 ) eviction or termination of tenancy based upon your creation or maintenance of a threat to the health or safety of other tenants or our employees
  - 3 ) class grievances, and
  - 4 ) disputes between you and other tenants not involving us.

4. RIGHT TO A HEARING

When you file a written or oral request as described in this procedure, you are entitled to a hearing, relative to any grievance as defined in Section I. of this procedure.

## 5 . TYPE OF HEARINGS

There are two types of hearings with respect to this procedure:

- A. Informal hearing. This is an informal meeting between you and us to discuss your grievance. The goal of the informal hearing is to settle the problem without the need for a formal hearing. In the event the problem is not settled, you are entitled to request a formal hearing as provided in this procedure.
- B. Formal hearing. This is a formal hearing with you, us, and a hearing officer or hearing panel. Decisions from this hearing are binding on you and us, subject to Section 9 below.

## 6 . INFORMAL HEARING

- A. Presentation of grievance. You must personally present your grievance either orally or in writing to us at 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 days from our action or failure to act which is the basis for your grievance. The grievance may be simply stated, but you should specify the particular ground(s) for the grievance and the action or relief you seek. We will schedule a meeting with you within five working days after we receive your request.
- B. Summary and answer We will prepare a written, and signed summary of OUT discussion and answer to your grievance within a reasonable time, not to exceed fourteen days. We will mail or deliver one copy to you and keep one in your file. Our answer shall specify 1) the names of the hearing participants, 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.
- C. Request for a formal hearing. If you are dissatisfied with the proposed disposition of the grievance as stated in the answer, you may submit a written request to us for a formal hearing. You should make your written request within a reasonable time after you receive the answer to the grievance, not in excess of ten days, and you must date and sign the request. We will place a copy of your request in your file along with the grievance and the answer.
- d. Failure to request a hearing. If you do not request a formal hearing in the time allowed in C, above, you waive your right to a formal hearing and the proposed disposition of the grievance becomes final . This shall not, however, constitute a waiver of your right thereafter to contest the disposition of the grievance in an appropriate judicial proceeding.

## 7 . FORMAL HEARING

- A. Selection of the hearing panel. When we receive your request for a formal hearing, we will contact you in person or by telephone to discuss the selection of a hearing officer. The hearing officer must be an impartial , disinterested person selected jointly by us and you. If we and you cannot agree on a hearing officer, we and you shall each appoint a representative and the two members so appointed shall select a third member, such member shall be appointed by an independent organization contacted by us, such as a local mediation board or chapter of the American Arbitration Association. The chairperson of a hearing panel shall be elected by the members of the panel .

The following guidelines govern the selection of hearing officers and panel members.

1 ) No relative of yours may serve as a hearing officer or panel member.

2) None of our officers or employees who directly proposed a disposition to the grievance or whose duties and responsibilities directly involve him/her in any way with the grievance at issue may serve as hearing officer or panel member for the formal hearing.

3) The third member of a panel may not be one of our officers or employees, nor a resident of any property under our jurisdiction.

- B. Time limits. Both you and we must act to avoid unnecessary delays in resolving grievances. The hearing officer or panel shall be selected and the hearing scheduled by us as promptly as possible, no more than five days after the receipt of your request for a hearing. We will make all reasonable efforts so that the date, time, and location of the hearing are convenient to you. We will inform you of the schedule for the hearing and the procedure governing the hearing by way of written notification delivered or mailed to you no less than five days in advance.
- C. Fair hearing. You are entitled to a fair hearing, providing the basic safeguards of due process before the hearing officer or panel and you may be represented by counsel or another person chosen as your representative. You must be personally present at the hearing.
- D. Private hearing. The hearing will be private unless you request a public hearing. The attendance of persons with a valid interest in the proceedings shall not be limited.
- E. Discovery. You or your authorized representative may examine before the hearing and, at your expense, request copies of all of our documents, records, and regulations that are relevant to the hearing. Any document not made available after your request it may be relied on by us at the hearing. You or we may request, in advance, and at your or our expense, a transcript of the hearing.
- F. Disputed rents or other charges. If the grievance involves the amount of rent or other charges that we claim as due, we may require you to pay to us up to 100% of any disputed rent or charges, and we will deposit the funds in a trust account until resolution of the dispute. If you fail to make the required payments, the hearing officer or hearing panel may determine that you have waived your right to a hearing. Your failure to make payments shall not constitute a waiver of your right to thereafter contest our disposition of the grievance in the appropriate judicial proceeding. On resolution of the dispute, or the decision of the hearing officer or hearing panel, the money shall be refunded to you or directed to us as is appropriate based upon the decision of the hearing officer or hearing panel.
- G. Proof. At the hearing, you must clearly state the facts and then be prepared to present evidence to support those facts. The burden of proof is then on us to justify the action or inaction we proposed in the answer to the grievance. You may present evidence and arguments in support of your grievance, raise arguments against evidence relied upon by us, and confront and cross—examine all witnesses on whose testimony or information we rely.

Hearings conducted by the hearing officer or hearing panel shall be informal, and any oral documentary evidence, as limited, however, to the facts and issues raised by the grievance and answer, may be received by the hearing officer or hearing panel without regard to whether that evidence would be admissible under the rules of evidence employed in judicial proceedings.

- H. Failure to appear at hearing. If either you or we fail to appear at a hearing, the hearing officer or hearing panel may postpone the hearing for up to five days, or make a determination that the absent party has waived its right to a hearing.

## 8. DECISION OF THE HEARING OFFICER OR HEARING PANEL

- A. Binding effect. The decision of the hearing officer shall be based solely and exclusively upon the facts presented at the hearing and upon applicable law and our and RHCP regulations and policies. To the extent that the decision is not inconsistent with applicable law and RHCP regulations and requirements promulgated thereunder, and to the extent provided in Section 9, below, the decision of the hearing officer or hearing panel shall be binding.
- B. Proposed decision. Both you and we may agree to prepare proposed decision to the hearing officer or hearing panel. If both agree to do so, each of us shall submit same to the officer or panel for consideration.
- C. Written decision. The hearing officer or hearing panel shall prepare a written decision, including a statement of findings and conclusions, as well as the reasons or basis of them, upon all material issues raised by you or us. This shall be done within a reasonable time after the date of the hearing, not to exceed five days. Copies thereof shall be delivered to parties and/or their representatives, and RHCP. Also, we will place a copy of the written decision of the hearing officer or hearing panel together with all documents related to the grievance, in your file.
- D. COSTS. If the hearing officer or hearing panel renders a decision in our favor and further specifically finds that the grievance was totally without basis and filed for the purpose of harassment or based on the same or similar facts as a grievance previously filed by you or a member of your household or on your or their behalf, the hearing officer or panel may, at its discretion, assess the cost and expenses of the hearing to you.

## 9. ENFORCEMENT OF HEARING OFFICER'S OR HEARING PANEL'S DECISION.

- A. Compliance with decision. If the decision is in your favor, we shall promptly take all actions necessary to carry out such decision or refrain from any action prohibited by such decision unless we determine or notify you in writing within thirty days that the hearing officer or hearing panel has acted contrary to law, or exceeded its authority, or the decision is contrary to applicable federal, state or local law, or RHCP regulations or requirements. In such event, the hearing officer's or hearing panel's decision may be judicially reviewed.
- B. Failure to comply with the decision. Should any of the parties to a decision fail to voluntarily comply with the provisions of a decision of the hearing officer or hearing panel, the aggrieved party may take appropriate legal action to enforce compliance.
- C. Enforcement of an eviction action. If you request a hearing on a proposed eviction and the hearing officer or hearing panel in its decision upholds our proposal to evict, we cannot start our action to regain possession until the expiration of the time period that was contained in our original notice to you.

#### 10 . RIGHT To GO TO COURT.

This grievance and appeal procedure has been established to provide all parties with a nonjudicial means of resolving problems and disputes. Neither use if or participation in any of the procedures included herein, nor a decision by the hearing officer or hearing panel, which is in favor of us and/or denies you your requested relief in whole or in part, shall constitute a waiver of, nor affect in any manner, whatever rights you or we may to any judicial proceedings which may thereafter be brought in the matter. In such proceedings, we shall, by stipulation or other appropriate means, be limited to invoking against you the grounds we originally relied on in our proposed disposition of the grievance.

EUCALYPTUS GARDEN APARTMENTS  
“Affordable Housing in Paradise”

TENANT DISPUTE/COMPLAINT by \_\_\_\_\_  
signature required

DATE/TIME \_\_\_\_\_

LOCATION \_\_\_\_\_

INCIDENT DETAILS \_\_\_\_\_

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for office use only

Contact

action taken

date

manager