

BERNAL HEIGHTS NEIGHBORHOOD CENTER (BHNC) RESIDENT SELECTION PLAN 3300 Mission – Bernal Heights Neighborhood Center

INTRODUCTION

The purpose of the Resident Selection Plan is to establish fair and equitable guidelines for selecting applicants to occupy housing units administrated by the San Francisco Mayor's Office of Housing and Community Development ("MOHCD").

I. POLICY ON NON-DISCRIMINATION

It is the policy of BHNC to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Fair Housing Amendments of 1988, the San Francisco Fair Chance Ordinance for People with a Prior Arrest or Conviction Records and any legislation which may subsequently be enacted protecting the individual rights of residents, applicants, or staff. BHNC shall not discriminate because of race, color, creed, religion, sex, gender identity, marital or domestic partner status, sexual preference, national origin, ancestry, age, physical disability, prior arrest or conviction records, Acquired Immune Deficiency Syndrome (AIDS) or HIV status in the leasing, rental, or other disposition of housing or related facilities.

II. POLICY ON PRIVACY

It is the policy of BHNC to guard the privacy of applicants as conferred by the Federal Privacy Act of 1974, and to ensure the protection of such applicants' records maintained by BHNC. Therefore, neither BHNC nor its agents or employees shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure. This Privacy Policy in no way limits BHNC's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy. Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on handicap or disability will be treated in a confidential manner.



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III. ELIGIBILITY REQUIREMENTS

UNIT SIZE	MINIMUM INCOME (at 2 x rent)	MAXIMUM INCOME 25%, 30%, and 35% respectively of SFMOHCD Area Median Gross Income for 2026
Studio Monthly Net Rent \$554	Household - \$1,108/ month	25% AMI One Person - \$28,350 /year Two person – \$32,450 /year Three person – \$36,500 /year
Studio Monthly Net Rent \$696	Household - \$1,392/ month	30% AMI One Person - \$34,050/year Two person – \$38,900/year Three person – \$43,750/year
Studio Monthly Rent \$838	Household - \$1,676/ month	35% AMI One Person - \$39,700 Two Person - \$45,400 Three person - \$51,050

- Applicant must be income eligible per the programs regulations.
- Applicant's household size must meet the property's occupancy standards.
- Applicant must meet other program regulated eligibility requirements.
- Applicant must establish that applicant does not own an interest in a housing unit as of the date of application.
- Applicant must agree to pay the rent required by the program regulations.
- The unit must be Applicant's only residence.
- If approved, applicants may chose only one apartment. Declining the offer of an apartment is considered to be a withdrawal of the application by the applicant. Exceptions will be made in the case of reasonable accommodation.
- Applicant must complete and sign an application form in order to be considered for occupancy. Applicant will be considered conditionally eligible for housing based



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solely on statements given on the application form. Each household member must provide consents for verification of all sources of income or other information relative to occupancy in the community. The information provided must contain enough information for BHNC to make an initial determination of the income eligibility of the household; the size of unit desired or needed and sufficient information to screen Applicant's prior landlord history.

- Applicant must consent to BHNC's requirement to obtain a credit and unlawful detainer background history and must provide sufficient information to enable BHNC to secure such reports.

Accessible and/or Sensory Unit Priority

Available units that include special accessible features will be held for applicants requiring these features before being leased to applicants who do not indicate a need. The pool of applicants who have disclosed their need will be processed in order of lottery and the stated preferences, ahead of those who have indicated no need for such a unit, should an accessible or sensory unit become available. Need for accessible and/or sensory units should be indicated on application and may be subject to verification.

IV. OCCUPANCY STANDARDS

Applicant's household size must be appropriate for the unit sizes available in accordance with the following occupancy standards and guidelines:

UNIT SIZE	# OF OCCUPANTS MINIMUM	# OF OCCUPANTS MAXIMUM
Studio	1	2

1. Units will be assigned so that a minimum of one person will occupy each bedroom.
2. Units will be assigned so as not to require more than two persons to occupy the same bedroom.
3. Households will not be required to use the living room for sleeping purposes.
4. When determining household size, every household member will be counted including foster children, unborn children and children living with separate parents or caretakers under a joint custody arrangement where the child lives with the household 30% or more of the time. As per San Francisco Housing Code, children under age of 6 years old, shall not be counted towards the maximum occupancy standards.



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5. Verified live-in aide(s) care provider(s) will be included in the household size in order to determine unit size but will not be counted in income determinations and may not appear on the lease.

V. OUTREACH AND MANAGEMENT OF THE LOTTERY and WAITLIST(S)

A. Affirmative Fair Marketing

All outreach must be in accordance with the MOHCD approved Marketing Plan (“Plan”). Any outreach material developed for the City units shall display the Equal Housing Opportunity logo and Handicapped/Accessibility logo and include the following; general information describing the units and the property’s amenities, asking rents, the eligibility requirements specific to the units, and BHNC’s Resident Selection Plan.

B. Submitting applications

Applications must be submitted online at housing.sfgov.org

Only one application per household will be accepted. Submitting more than one application will be grounds for denial.

C. Lottery procedures

All applications received by the deadline will be placed in a public, random electronic lottery organized by BHNC and MOHCD. All applications drawn in the lottery will be ranked on a list in lottery rank order according to the applicable preferences listed below.

D. Preferences

BHNC will observe preferences listed below, prioritized in the order listed below. Households with US Military Veterans will get priority within the below preference categories.

1. Applicants with a “Certificate of Preference” or are descendants of someone who was displaced issued by the former San Francisco Redevelopment Agency. COP holders are primarily households displaced in Redevelopment Project Areas during the 1960’s and 1970’s.
2. Applicants with a “Displaced Tenant Housing Preference Certificate”, issued



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by Mayor's Office of Housing and Community Development.

3. For households in which at least one member either lives within Supervisor district of the project District 9, or within a half-mile of the project. Requires submission of proof of address.
4. Applicants with at least one member of the household who lives in San Francisco or works for 75% of their working hours in San Francisco.

All preferences indicated will be verified. An applicant found to be ineligible for the preference indicated on their application will have their position re-ranked on the Lottery Results List but they would still retain any other preferences for which they are eligible.

VI. PROCEDURES FOR RESIDENT SELECTION

A. Applicant Interviews

BHNC will interview applicants in the order placed on the lottery results list(s). All members of the household who are 18 years of age or older will be required to attend the interview. BHNC will clarify any information provided and answer any questions the applicant may have.

B. Selection Criteria

The ability of the applicant to abide by the lease agreement and the community rules will be assessed by BHNC. BHNC will verify all housing application data.

The following screening criteria will be used for each adult applicant:

1. Credit screening is a requirement for all applicants over the age of 18 and will be completed after determination of income and student status eligibility. Student loans and medical expenses are excluded from screening.

Criteria include:

- Total unmet credit problems, including government tax liens, within the last two (2) years must not be in excess of \$2,500.
- May not have unresolved bankruptcy filed within the last two (2) years.
- May not have a total of seven (7) or more unmet credit problems of any value within the last two (2) years.
- Applicants without credit history will not be impacted negatively.



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- Unmet credit standards with mitigating circumstances that are approved will require an additional deposit equal to one month's rent.
- 2. All income/assets will be verified in writing from the income/asset sources on appropriate income verification forms.
- 3. Both the current and previous landlords (going back two years) will be contacted for information concerning the applicant's history of complying with lease requirements, including any documented lease violations and For Cause evictions. Ellis Act or Owner Move In evictions will not be held against an applicant. Applicant may not have an unmet obligation owed to a previous landlord within the last two (2) years. Applicants must have made timely payments of the last year's rental payments.
- 4. Applicant must demonstrate the ability to pay the asking rent as defined in the Lease Agreement by meeting the minimum rent to income ratio set at 2x the monthly rent. Applicant will not be disqualified for any lack of previous rent paying history.
- 5. Applicant must have the ability to maintain the housing unit in accordance with local health standards. No distinction will be drawn between a person who keeps his/her own house and one who does so with the assistance of an attendant.
- 6. Applicant must be income eligible per Program regulations and meet other Program eligible requirements. Residents are required to perform Annual recertification and annual unit inspection to continue qualifying for the program.
- 7. Applicant's prior arrest and conviction records will not be considered until Applicant has been qualified for housing in accordance with the San Francisco Fair Chance Ordinance for People with Prior Arrests or Convictions records.

Denial of an application may result if a household member is:

- Subject to any state's sex offender lifetime registration requirement.
 - Convicted of violent criminal activity or drug related criminal activity that would threaten the health, safety or the right to peaceful enjoyment by other residents or employees and contractors who work with the project.
 - Convicted of any other criminal activity that would threaten the health, safety or the right to peaceful enjoyment by other residents or employees and contractors who work with the project.
- 8. **Unresolved Arrests (Active Pending Criminal Investigation or Trial That Has Not Been Resolved)**
The nature and severity of the conduct underlying charging history will be considered, if the unresolved arrest is for conduct that is (a) a drug related crime; (b) a person crime; (c) a sex offense; (d) a crime involving financial fraud, including



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identity theft and forgery; or any other crime if the conduct for which the applicant was convicted or charged is of a nature that would adversely affect; (i) property of the landlord or a tenant; or (ii) the health, safety or right to peaceful enjoyment of the premises of residents, the landlord or the landlord's agents.

In making a decision related to affordable housing based on a conviction history, BHNC shall conduct an individualized assessment from the information within the last 5 years from the date of application, consisting of only Directly-Related Convictions, the time that has elapsed since the Conviction of Unresolved Arrest, and any evidence of inaccuracy or Evidence of Rehabilitation or Other Mitigating Factors.

9. **Student Status.**

Full-time student households are not eligible for affordable housing funded with low income tax credits and multifamily housing revenue bonds unless the household meets certain exemptions allowed under these program requirements. A full-time student is defined as an individual who attends school full-time (as defined by the institution being attended) for some part of five (5) or more months in the current calendar year (months need not be consecutive).

Exception – If all members of the household are full-time students, the applicants may still qualify for residency if:

- Any member of the household is married and either filing or is entitled to file a joint tax return
- The household consists of a single parent and his or her minor children and neither the student nor the child(ren) are dependents of another individual
- At least one member of the household is currently receiving Title IV of the Social Security Act
- The student is currently enrolled in a job training program receiving assistance under the Work Investment Act (WIA) formerly known as the Job Training Partnership Act (JTPA) or similar Federal, State or local program

VI REASONS FOR DISQUALIFICATION

If Applicant is disqualified by BHNC, Applicant will receive a written Notice of Disqualification. The Applicant has five (5) calendar days or for Criminal or Drug related activity fourteen (14) calendar days from the date of the Notice to appeal and submit additional documentation to BHNC. BHNC shall respond by the end 7 business days from the date of receiving the appeal. Applications will be disqualified for any of the following reasons:



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1. Not all members of the household who are 18 years of age or older attended the interview.
2. Applicant or applicant's household exhibits blatant disrespect, disruptive or antisocial behavior toward BHNC's staff.
3. A negative landlord recommendation, encompassing any documented lease violations and For Cause evictions within the previous two years.
4. Any denial for prior arrest or conviction record must be in compliance with the San Francisco Fair Chance Ordinance for People with a Prior Arrest or Convictions records.
5. A derogatory credit report as defined previously.
6. Falsification of any information on the application.
7. Applicant's eligibility income exceeds the maximum allowed by Program regulations.
8. Applicant's household size does not meet the established occupancy standards.
9. Applicant does not meet Program regulated eligibility requirements.
10. Applicant declines a unit when offered.
11. Applicant fails to provide documents necessary to process the application.
12. Other good cause such as documented serious or repeated violation of the material terms and conditions of the Lease or a violation of applicable Federal, State or local law.

VIII. MITIGATING CIRCUMSTANCES

If an applicant fails to meet one or more of the Resident Selection Criteria, BHNC will determine whether it is possible to admit the applicant through consideration of mitigating circumstances or by applying reasonable accommodation.

Mitigating circumstances would be verifiable facts that would overcome or outweigh information already gathered in the resident screening process. Mitigating circumstances shall be verified. The verifier must corroborate the reason(s) given by the applicant for the disqualifying circumstances, and indicate that the prospect for lease compliance in the future is good because the reason for his/her disqualifying circumstances is either no longer



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in effect or otherwise controlled. If the evidence of mitigating circumstances presented by the applicant relates to a change in medical condition or course of treatment, BHNC shall have the right to refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstance(s).

Where an applicant claims that prior unsuitable behavior, including failure to meet financial responsibilities resulted from alcoholism or drug addiction, and that he/she is not currently engaging in alcohol abuse or use of illegal drugs, acceptable verification of mitigating circumstances would have to establish that:

- a) There is no current abuse of alcohol or use of illegal drugs. **For illegal drugs, use shall constitute abuse.** Current shall be defined as within the last 180 days.
- b) During the period for which the applicant has claimed no current use, the applicant's previously unsuitable behavior must have shown improvement. Unimproved behavior shall be taken to construe that the applicant's unsuitable behavior was not caused by alcohol or drug abuse. In any case, a lack of improvement in a previously unsuitable area shall result in a denied application for applicant(s) in this category.
- c) The applicant has successfully completed or is participating in a supervised drug or alcohol rehabilitation programs or has otherwise been rehabilitated successfully and is no longer engaging in the use of illegal drugs or abuse of alcohol.

BHNC shall also have the right to request further information reasonably needed to verify the mitigating circumstances, even if such information is of a medically confidential nature. If the applicant refuses to provide or give access to such information, BHNC will give no further consideration to the mitigating circumstances.

IX. **RIGHT TO REASONABLE ACCOMMODATION**

Reasonable Accommodations

BHNC is obligated to offer qualified applicants with disabilities additional consideration in the application of rules, policies, practices, services and structural alterations if it will enable an otherwise eligible applicant or tenant with a disability an equal opportunity to access and enjoy the housing program. BHNC is not required to make an accommodation or physical modification if the accommodation or modification creates undue financial or administrative burden, as determined by the Owner, to the building or if it requires BHNC to fundamentally alter or change the nature of the housing program. BHNC will require reliable (i.e. licensed medical provider) third party verification of the disability and the accommodation required. BHNC makes all efforts to comply with a requested accommodation, and if BHNC finds that



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the accommodation requested is not reasonable, all efforts will be made to find an accommodation that is both effective and reasonable. Reasonable accommodations will be made to meet the needs of all applicants with disabilities.

X. PET POLICY.

Pets allowed, no pet fees. Support and Companion animals are accepted based on reasonable accommodation and verification.

XI FINAL ELIGIBILITY DETERMINATION

BHNC will make a final eligibility determination on each applicant only after all the above factors have been adequately verified. Eligible applicants will be notified of their status and a move-in date and resident orientation will be scheduled. Ineligible applicants will be notified in writing of the reason for their ineligibility and will be informed that they may appeal the decision.

Grievance Policy

1. As used in this Grievance/Appeals Procedure the following definitions apply:

- A. 3300 Mission Street is referred to as “the Development” in this procedure
- B. Bernal Heights Neighborhood Center is referred to as “management” or “we”/”us” in this procedure.
- C. A complainant is defined as any applicant or prospective resident in the Development 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 “Applicant” “tenant.”
- D. 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 any program management regulations, policies, or procedures which adversely affects the rights, duties, welfare, or status of the complainant.

2. Applicability of Grievance Procedure

- A. This procedure shall apply to all individual grievances between you and us.
- B. This procedure shall not apply to:



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- 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 nuisance, or a threat to the health or safety of other persons including other tenants or our employees;
- 3) Class grievances; or
- 4) Disputes between you and other tenants not involving us.
- 5) Certain Housing and Rental Assistance Programs provide tenants with an alternate grievance and appeal procedure. This procedure does not apply if your Housing or Rental Assistance Program provides you with a grievance and appeal procedure.

3. Submitting Your Grievance Request

When you file a written or an oral request as described in this procedure, you are entitled to a hearing, relative to any grievance as defined in Section 2.

Your request should state your complaint with specificity including the date, time and description of any incident or incidents.

Your request should also include your desired resolution.

You should submit your grievance request within 10 days of the incident or incidents for which are the subject of your grievance request.

4. Meeting and Hearing.

- A. **On-Site Grievance Meeting.** You may meet with the on-site property manager to discuss your grievance with the goal of reaching a resolution without the need for a further grievance hearing with Bernal Heights Neighborhood Center Supervisorial Staff. The meeting shall be scheduled by the property manager to take place within 10 calendar days of your request for a grievance meeting. Following your grievance meeting, the property manager shall prepare a written, dated, and signed summary of your discussion and an 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.
- B. **Grievance Hearing:** If a satisfactory resolution is not reached in meeting with the on-site property manager, you may request a Grievance Hearing within 5 calendar days of a written response to your grievance. A Grievance Hearing with Bernal Heights Neighborhood Center will be conducted by a Senior Property Supervisor that does not have direct supervision of the Development in which you reside. The Grievance Hearing shall take place within 10 calendar days of your request for a Grievance Hearing. Following your Grievance Hearing, Bernal Heights Neighborhood Center Supervisorial Staff. shall prepare a written, dated, and signed summary of your hearing and an answer to your grievance within a reasonable time, not to exceed fourteen days. We will mail or deliver one copy to you and



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keep one in your file.

- C. **Further Action:** If you are dissatisfied with the resolution following your Grievance Hearing, you may direct your complaint to the Director of Property Management or the President of Bernal Heights Neighborhood Center for further action

5. Procedural Guidelines

- A. **Time limits.** Both you and we must act to avoid unnecessary delays in resolving grievances. We will make all reasonable effort so that the date, time, and location of the hearing are convenient to you. We will inform you of the schedule for the hearing by way of written notification delivered or mailed to you no less than three business days in advance.
- B. **Fair hearing.** You are entitled to a fair hearing and you must be personally present at the hearing. You may be represented by counsel or another person chosen as your representative.
- C. **Private hearing.** Grievance meetings and hearings are private and only persons with a valid interest in the proceeding shall be permitted.
- D. **Tenant File Review.** You or your authorized representative may examine your Tenant File maintained by Bernal Heights Neighborhood Center (other than privileged or confidential documents) before the Grievance hearing and, at your expense, request copies of any documents or records contained therein.
- E. **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, it may be determined 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 an appropriate judicial proceeding. On resolution of the dispute or a decision, the money shall be refunded to you or directed to us as is appropriate based upon the decision unless you contest the decision.

Distribution and Amendments to this Procedure.

Presentation of Your Grievance At the Grievance Hearing, you must clearly state the facts, and then be prepared to present evidence to support those facts. 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. Evidence may be considered regardless of whether it meets the strict rules of evidence employed in judicial proceedings

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



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that the
absent party has waived its right to a hearing.

Right to go to Court. This grievance and appeal procedure has been established to provide all

parties with a non-judicial means of resolving problems and disputes. Neither use of or participation in any of the procedures included herein, whether in your favor or ours shall constitute a waiver of, nor affect in any manner, whatever rights you or we may have to any judicial proceedings which may thereafter be brought in the matter.

Distribution and Amendments to this Procedure.

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

Waitlist

The waitlist will be maintained electronically. A numbering system corresponding to application date and lottery number will be used to track all applications, along with preferences and need for accessibility or sensory unit. Procedures will be followed to assure that the waitlist is current and has adequate number of applicants and is updated annually. The waitlist will include income, household size, request for accessible unit, lottery number, preferences and contact information.

A letter will be sent to all applicants annually asking them to advise BHNC of their continued interest and to update any contact information, income or household size.

Upon receipt of notice to vacate, the first five names from the waiting list who are eligible for the available unit type will be notified to set up a processing interview. Applicants who are in process but do not move into the unit may be returned to the wait list.

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