

Woman denied access to affordable senior apartment

By Kathryn Reed

Carol Stiles wants out of her hotel room and into Kelly Ridge.

American Baptist Homes of the West, which runs the affordable senior housing complex in South Lake Tahoe, isn't letting her in even though she had a signed agreement.

Now both parties are in court.



El Dorado County Superior Court Judge Steve Bailey on Wednesday granted a restraining order that in effect says the vacant unit – not the one she was to originally live in – must not be rented to someone else until the next court hearing on April 15.

With occupancy of the 30 one-bedroom and two two-bedroom apartments usually at capacity, getting into Kelly Ridge is difficult under normal circumstances.

Stiles left Jackson, Miss., in mid-January after she found out a unit was available. She had been on a waiting list since summer 2009.

During the drive to California with a family member, Stiles was notified by ABHOW she needed to provide more paperwork. She provided it. And kept providing what was requested.

“Despite the overwhelming evidence and their prior approval, on February 1, 2011, Respondent denied Ms. Stiles application on the grounds that her ‘Income exceeds the income limits established by the program.’ Ms. Stiles was given a handwritten sheet that was purportedly the basis for Respondent’s new calculations,” court documents read. “This

sheet contained numerous errors including consideration as income a category which Respondent called 'earnings/income.' They derived this title from a category on Ms. Stiles' financial statement which included both appreciation, and dividends. However, the denial letter indicated that Ms. Stiles could appeal, and she timely filed an appeal on February 2, 2011. It appeared to Ms. Stiles that Respondent made several errors in calculating her income level. Had they done the calculations correctly and as the law requires, she would have been eligible. Since February 2, 2011, Ms. Stiles has been forced to live in hotels pending resolution of these issues."

She is still in that hotel for at least another month.

Ancel Romero, senior vice president for ABHOW's affordable housing department, did not return a call.

Jacqueline Mittelstadt, who is representing Stiles, said, "They have not given the legal authority to justify why she is not qualified."

Mittelstadt said ABHOW approved all of the paperwork, which entails disclosure of all financial records to ensure all residents qualify.

"The reason she was denied is the amount she took out of her retirement account was over the limit," Mittelstadt said. "But the amount she took out shouldn't be looked at because regulations don't consider lump sum withdrawals."

According to Mittelstadt, ABHOW wants to regulate how residents withdraw their money. This is after the applicant's financial holdings have been scrutinized and verified to be accurate.

At the April 15 court hearing the judge is likely to determine if a restraining order should be in place until the financial issue is resolved and in doing so would determine if Stiles is

likely to prevail.

The more than \$9 million Kelly Ridge senior complex opened in August 2009. The bulk of the funding came from:

- California Housing Finance Agency – \$4.73 million in tax-exempt bonds.
- South Lake Tahoe through the California HOME Program – \$3.4 million loan.
- South Tahoe Redevelopment Agency – \$906,000 loan.