

From: Nancy Willis [REDACTED]  
Sent: Monday, October 16, 2023 2:43 PM  
To: MVRent <MVRent@mountainview.gov>  
Subject: Water and renters

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Dear Mountain View Rental Housing Committee,

As a resident of Mountain View, I oppose your efforts to roll back water conservation programs and put the burden of conservation solely on homeowners.

The effort to eliminate utility billing in rent-controlled units is unfair. Our city has been a leader in addressing climate change and resource conservation. This proposal is a step backwards and borders on climate change denial.

It is critical that we use all possible tools to encourage conservation and have residents pay their fair share of utility costs for the resources they consume.

Please look for a solution that promotes equity for all Mountain View residents and doesn't create more bureaucracy, red tape, or invitations to waste our natural resources.

Nancy Willis

**From:** Budiyono Kuntoro [REDACTED]  
**Sent:** Thursday, October 12, 2023 4:09 PM  
**To:** MVRent <[MVRent@mountainview.gov](mailto:MVRent@mountainview.gov)>  
**Subject:** Please stop punishing Landlords

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Dear Chair Keating and Members of the Rental Housing Commission,

As a rental housing provider, I have seen how the costs of operating rental housing in California grow significantly every year. One of the faster-growing expenses is the cost of utilities. For now, I can share the cost of water consumption with my residents utilizing RUBS. RUBS allows me to inform my residents about the water they are using and when they are responsible for paying for the water they use, they are further encouraged to reduce water and conserve our precious natural resources.

As we consume more water at home, it becomes imperative that we find ways to conserve water where we live. Removing the obligation to pay for water consumed will eliminate the necessity for residents of certain buildings to conserve. Your decision to eliminate RUBS shifts the responsibility for conservation from all residents to only homeowners. The 40% of homeowners in the city will be responsible for 100% of the conservation.

The decisions your committee makes have citywide implications, extending your purview to matters beyond rental housing. I would ask that you consider your actions through a broader lens before casting your vote, thank you.

**Budiyono Kuntoro**

[REDACTED]

[REDACTED]

From: Emily Fang <[REDACTED]>  
Sent: Friday, October 13, 2023 9:56 AM  
To: MVRent <[MVRent@mountainview.gov](mailto:MVRent@mountainview.gov)>  
Subject: Please Maintain RUBS

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Dear Chair Keating and Members of the Rental Housing Commission,

As a rental housing provider, I have seen how the costs of operating rental housing in California grow significantly every year. One of the faster-growing expenses is the cost of utilities. For now, I can share the cost of water consumption with my residents utilizing RUBS. RUBS allows me to inform my residents about the water they are using and when they are responsible for paying for the water they use, they are further encouraged to reduce water and conserve our precious natural resources.

As we consume more water at home, it becomes imperative that we find ways to conserve water where we live. Removing the obligation to pay for water consumed will eliminate the necessity for residents of certain buildings to conserve. Your decision to eliminate RUBS shifts the responsibility for conservation from all residents to only homeowners. The 40% of homeowners in the city will be responsible for 100% of the conservation.

The decisions your committee makes have citywide implications, extending your purview to matters beyond rental housing. I would ask that you consider your actions through a broader lens before casting your vote.

Thanks for your consideration,

Emily Fang

**From:** McFarland, Tessa <T[REDACTED]>  
**Sent:** Saturday, October 14, 2023 11:33 AM  
**To:** Rental Housing Committee <RHC@mountainview.gov>; edie.keating100@gmail.com  
**Cc:** van Deursen, Anky <Anky.vanDeursen@mountainview.gov>  
**Subject:** October 16, 2023, Agenda Item #6 Study Session: Rent and the Treatment of Utilities in the CSFRA and Ratio Utility Billing Systems

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Dear Chair Keating, Vice-Chair Rosas, Committee Member Cox, Committee Member Ma, and Alternate Committee Member Brown,  
Please see attached letter and RUBS Billing Process for your review and consideration.  
Thank you,  
Tessa

Theresa "Tessa" McFarland | General Counsel  
**PROMETHEUS REAL ESTATE GROUP, INC. | Est. 1965 | Certified B Corporation™**  
p: 650.931.3658 | [prometheusapartments.com](http://prometheusapartments.com) | [REDACTED]

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October 14, 2023

Via Email

City of Mountain View Rental Housing Committee

Re: October 16, 2023, Agenda Item #6 Study Session: Rent and the Treatment of Utilities in the CSFRA and Ratio Utility Billing Systems

Dear Chair Keating, Vice-Chair Rosas, Committee Member Cox, Committee Member Ma, and Alternate Committee Member Brown:

We write this letter to urge you to vote No on terminating RUBS in Mountain View. The agenda item for the study session proposes to eliminate RUBS altogether and proposes a time-consuming, expensive, and bureaucratic petition process for a “one time utility adjustment” which adjustment would not incorporate the City’s future annual increases for water, sewer and trash. The elimination of RUBS will result in reduced conservation of water and other scarce resources, increased City bureaucracy, and it would unfairly put the burden of conservation solely on homeowners. The anticipated new regulations pertaining to the elimination of RUBS would significantly increase the costs and the administrative burdens on housing providers, disincentivize updating existing housing, and ultimately discourage new housing in Mountain View at a time when Mountain View must meet its state-mandated Regional Housing Needs Allocation (RHNA). See below for the background on Prometheus, additional detail and points on why to vote No on eliminating RUBS, and a solution.

1. Background.

Prometheus Real Estate Group, Inc. provides 2,893 apartment homes in Mountain View (860 are rent controlled or below market rentals) and employs over 60 people in Mountain View and over 225 in Santa Clara County. Prometheus is a California company, headquartered in San Mateo, is family-owned and has been developing and managing multifamily housing in Mountain View for over 40 years. Prometheus’s commitment to providing housing and advancing causes that benefit the communities in which it operates is exemplified in its leadership at the Housing Industry Foundation (<https://www.hifinfo.org/>), and by its Certified B Corporation status. <https://www.bcorporation.net/en-us/certification/> Prometheus is in good company, as the vast majority of housing providers in Mountain View - whether they rent a single unit or hundreds of units - endeavor to do the right thing for their residents and to comply with the complex layers of laws and regulations that govern rental housing. Housing providers are important contributors to Mountain View’s and Santa Clara County’s economy and communities. Additional details and considerations are provided below.

2. Additional detail and considerations on why to vote No on eliminating RUBS.

First, the elimination of RUBS would also eliminate conservation of scarce resources. A similar policy in San Jose increased multifamily water usage as much as a whopping 43%.

(<https://stopmvwaste.com/>) It is self-evident that when someone has responsibility for something, they take care of it. Not passing through the costs of water usage to the end user removes the responsibility for the use altogether and will result in lack of reporting of water leaks, overuse of water, and will expose the housing providers and the Mountain View homeowners to increased costs and penalties associated with water overuse. Moreover, it is unfair that some residents pay for water and other utilities, while other residents who are subject to CSFRA do not pay.

Second, the increased City bureaucracy necessary to process the proposed “one-time utility adjustment petitions” for the over 14,000 CSFRA covered units<sup>1</sup> increases the City bureaucracy considerably. **The proposed administrative process that will be handled by City staff includes at least a dozen steps for 14,000 units.** The process contemplates that these 14,000 plus petitions are completed on a form to be provided by Staff, accompanied by the list of required “documentation”, including “an overview sheet with the calculation of each unit’s allowed adjustment and current and new rent, including the number of rooms of each unit, taking into account the guidelines [again presumably to be developed by Staff] for calculating the number of rooms in each unit”. Once the petition is completed by the housing provider, a copy is “served” on tenant and the petition is “filed” with the RHC. Then, Staff determines “completeness” or marks it “incomplete” and provides housing provider with a list of issues to be addressed and a date by which housing provider is to comply. Once the petition is determined to be complete, “and the response period by tenants has expired” then the Staff would examine each adjustment or “a sample of the rent adjustments” and would send housing provider and tenants a “confirmation letter”. If the petition is challenged by the tenants, then the process is reviewed by either Staff, a Hearing Officer or “other”. If a petition results in a one-time increase, then it is not effective for 12 months and housing provider must send a copy of the Administrative Decision/confirmation letter to tenant. In addition, the Staff memo indicates that since a petition may “result in a downward adjustment of rent (i.e., because the tenant has been overpaying)” then RHC would determine whether to require housing providers to refund tenants and for how many years the tenant will be permitted to recover.

Once regulations have been adopted (and note that just the overview in the Staff’s Oct. 16, 2023 Study Session memo covers six and a half pages we would expect the regulations will greatly exceed that number of pages), then Staff “will also begin preparing for implementation ...This includes developing administrative practices and processes to execute ...the process, creating

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<sup>1</sup> “Almost all CSFRA covered rental units in Mountain View are master metered for water and/or other utilities. Many, if not most, landlords bill tenants a varying monthly charge separate from rent to cover the cost of these shared or master-metered utilities.” Oct. 16, 2023, Memo re Study Session from Anky van Deursen, Program Manager, Karen M. Tiedemann, Special Counsel to the RHC, and Nazanin Salehi, Special Counsel to the RHC.

forms and notices, and designing and implementing an outreach plan. **It is estimated that staff will need at least six months after the adoption of regulations to prepare for roll-out and accepting petitions.**" (See Staff's Oct. 16, 2023, Memo at page 10.) The bureaucratic undertaking is admittedly immense and will result in more City staff and more expense, not to mention that the requirements are so burdensome as to be environmentally irresponsible in terms of the number of "forms", "documentation" and "notices" required to be "served" or "filed".

Finally, it is appropriate to remind the RHC and Staff that RUBS is a **pure pass through**, as indicated on the attached PowerPoint showing the cycle of reimbursement from receipt of the City's invoice to payment by the housing provider to the City and reimbursement by the tenant. Housing providers do not profit from RUBS.

### 3. Solution

There is a very simple and effective solution that was proposed by Staff at its August 2023 study session. The solution is to allow housing providers to continue to pass through the cost of water, sewer and trash based on the tenant's usage but require the housing provider to limit the amount that can be passed through to tenant based on the City's utility rates. This solution complies with CSFRA, gives predictability and certainty for the renter, while also supporting conservation of resources. We request that the RHC articulate why it is no longer willing to consider this solution.

In closing, the above examples highlight just some of the challenges with terminating RUBS and the bureaucracy associated with a petition process for over 14,000 apartment homes in Mountain View. We ask that you allow RUBS to continue, subject to a limit on the amount that can be passed through to tenant, based on the City's utility rates. We ask that you seek a solution that works for housing providers, renters and homeowners as we recover from the effects of the pandemic, rather than enact a new set of burdensome and unfair regulations that will ultimately discourage new housing production in Mountain View.

Thank you,

Theresa McFarland  
General Counsel

Enclosure: PowerPoint on RUBS Cycle

### Mountain View is Paid

3

Housing provider pays City of Mountain View on behalf of residents and housing provider.

### Mountain View Bills HP

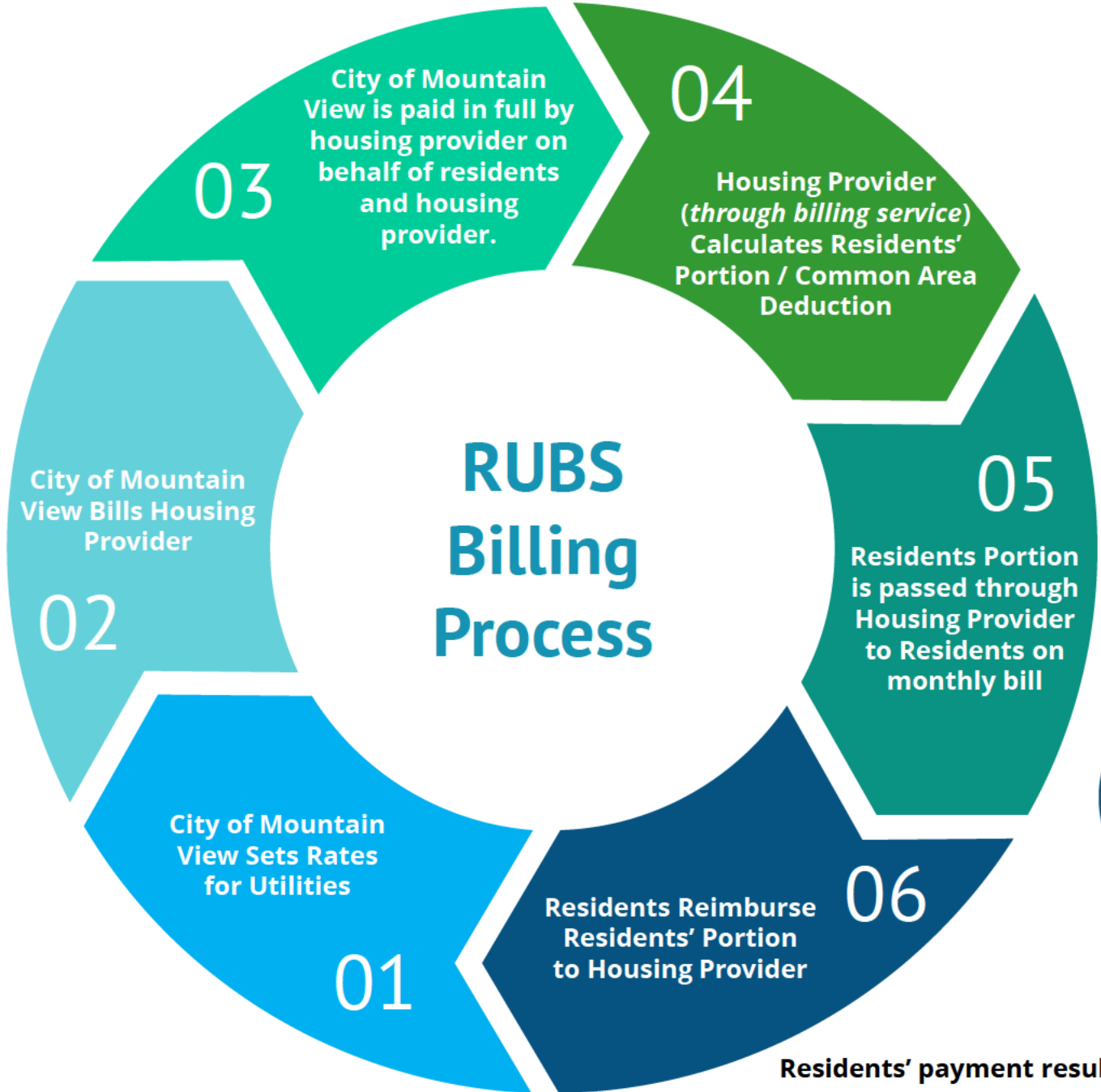
2

City of Mountain View bills Water/Sewer/Trash to housing provider on behalf of utilities used by residents in units and housing provider for maintenance and operation of common areas including amenities.

### Mountain View Sets Rates

1

City of Mountain View sets rates for utilities, which may fluctuate throughout the year.



4

### HP Calculates HP/Resident Cost

Housing Provider deducts Common Area Deduction (CAD) for common areas including amenities and calculates resident's portion.

5

### Utility Cost Passed Through To Residents

Residents' portion of bill is passed through to residents on monthly bill.

6

### Resident Reimburses

Residents reimburse housing provider for residents' portion of amount paid to Mountain View by housing provider on residents' behalf.

**Residents' payment results in no profit to housing provider**



From: Kevin Ma [REDACTED] >  
Sent: Sunday, October 15, 2023 4:34 PM  
To: Rental Housing Committee <RHC@mountainview.gov>  
Subject: Item 6.1 - Informational Materials

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Dear Colleagues,

To address concerns on this topic, I am attaching a letter from the EPA on their stance on the relationship between RUBS and conservation.

I am also providing a link to the EBMUD study that the EPA used to support their stance, a 438-page report with an executive summary (with pages xxiii-xxiv / 23-24 being the most relevant):

<https://www.ebmud.com/water/conservation-and-rebates/water-conservation-publications/multi-family-submetering-billing-allocation-study>

Sincerely,  
Kevin Ma



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

Arr

SEP 28 2005

OFFICE OF  
ENVIRONMENTAL INFORMATION

Dr. Eileen Lee  
Vice President of Environment  
NMHC/NAA  
1850 M Street, NW, Suite 540  
Washington, D.C. 20036

Re: Request for Reconsideration (#04017A) Regarding the "Applicability of the Safe Drinking Water Act to Submetered Properties" revised policy

Dear Dr. Lee:

This letter is in response to your Request for Reconsideration (RFR) of November 5, 2004, on behalf of the members of the National Multi Housing Council (NMHC) and the National Apartment Association (NAA), under the U.S. Environmental Protection Agency (EPA) *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency* (Information Quality Guidelines) concerning EPA's statement pertaining to Ratio Utility Billing Systems (RUBS) in the revised policy entitled "Applicability of the Safe Drinking Water Act to Submetered Properties" (68 FR 74233, December 23, 2003). In your RFR, you disagree with and seek reconsideration of EPA's August 5, 2004, response to your Request for Correction (RFC) dated March 10, 2004. Specifically, in your RFR, you state that you consider the Agency to have agreed with your RFC's position that RUBS encourages water conservation, so you do not believe that promising future Agency action is sufficient to address your concerns.

In conformance with the Information Quality Guidelines, your RFR was presented to a three-member executive panel comprised of EPA's Acting Economics Advisor, Acting Assistant Administrator for Research and Development, and myself. The executive panel has carefully reviewed your RFR, your RFC, EPA's response to your RFC and other relevant materials. The panel finds that EPA's response to your RFC was consistent with EPA's Information Quality Guidelines.

Your RFC challenged a statement in the revised policy which read, "At this time, EPA believes that RUBS or other allocation billing systems do not meet the definition of submetering, as used in this policy, and do not encourage water conservation." In your RFC, you asserted that this statement did not appear to have been subject to pre-dissemination review and did not comply with the objectivity and utility components of the Information Quality Guidelines. Prior to issuing the revised policy, consistent with the Information Quality Guidelines, EPA took public comment on the issue of RUBS as it relates to water conservation. EPA also reviewed the available literature at that time. Subsequently, EPA has reviewed the most current study to date, "National Multiple Family Submetering and Allocation Billing Program Study," released in August 2004. Although this study was not available at the time EPA issued the revised policy, it provides additional information to support EPA's position with regard to RUBS and water conservation. In addition, as promised in our response to your RFC, EPA published an announcement in the Federal Register on January 11, 2005, again seeking public comment and requesting additional information or literature on RUBS as a mechanism to promote water conservation. The Agency did not receive information demonstrating that RUBS encourages water conservation in response to this announcement.

As mentioned above, the 2004 "National Multiple Family Submetering and Allocation Billing Program Study" was included in our thorough review. This peer review study stated that:

"[There was no evidence found] that Ratio Utility Billing Systems (RUBS) reduced water use by a statistically significant amount compared with traditional in-rent arrangements, and the data showed that the difference between water use in RUBS and in-rent properties was not statistically different from zero."

We also considered the 29 comments that we received on water metering and RUBS. Of these comments, six cited studies that EPA had previously reviewed and considered, 10 provided anecdotal evidence of water conservation, and five provided comments related to individual properties. The anecdotal and individual property data, although interesting, were not peer reviewed; data did not appear to be collected and analyzed by an impartial third party; and quality assurance and quality control procedures were not provided. Thus, for this determination, EPA did not rely on these data. The remaining comments either supported EPA's position on RUBS or only addressed submetering. Finally, EPA also looked at the 19 references cited in your original RFC. We were unable to find seven of these studies in the open literature; however, of the studies we did find, only a small portion appeared related to RUBS and eight were reviewed in the 2004 report mentioned above. In total, we did not find the body of evidence to be scientifically strong enough to support a revision of our submetering policy.

Ⓐ text here

EPA values input from the public on the quality of information it produces and embraces opportunities for improvement. EPA is committed to promoting transparency in our processes and providing the public with information that is objective and useful. If you have any questions about our decision on this RFR, please do not hesitate to contact Reggie Cheatham, Director, Quality Staff at (202) 564-6830.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kimberly T. Nelson', with a long horizontal flourish extending to the right.

Kimberly T. Nelson  
Assistant Administrator and  
Chief Information Officer

From: Peter F. Rusch <[REDACTED]>  
Sent: Monday, October 16, 2023 10:47 AM  
To: MVRent <MVRent@mountainview.gov>  
Subject: Reject Proposal

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Reject the pending proposal to allow multi-family residents to use as much water as they please without paying any amount.

This is a waste of water as well as being completely unfair to **taxpayers** who will fund this corrupt practice.

Best Regards,

Peter F. Rusch

Tel/Fax [REDACTED]

e-mail: [REDACTED]

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From: Steve Welter <[REDACTED]>  
Sent: Monday, October 16, 2023 12:17 PM  
To: Rental Housing Committee <RHC@mountainview.gov>  
Cc: van Deursen, Anky <Anky.vanDeursen@mountainview.gov>  
Subject: Reconsider the "options" provided by Staff to attempt to fix the shortcoming within the CSFRA related to Utility Billing

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Good Day,

The CSFRA calls utility payments "rent". Fine, Conservice, the billing partner we use to implement our RUBS program, has issued thousands (close to 15K) of utility invoices for the two Mt View properties I manage since the CSFRA was passed and IF any of those violated the allowable AGA, they were few and far between. I provided the RHC 10-12 months of billing information from our two Mt View properties after one of the study sessions earlier in the year & the fluctuations were +/- 2.5%. Well below the 5% AGA (even when the City of Mt View utility increases exceeded the published AGA number). I provided copies of the addendums that every tenant has received since we began implementing a RUBS program that describes exactly how the tenants will be billed. If any tenant felt any of those billing invoices violated the CSFRA rules, there are provisions in place within the CSFRA for tenants to appeal/petition those invoices. Petitions were filed by some tenants (non of mine) as I understand but none of those petitions were held. Likely because the CSFRA is lacking in clarity in this area and the RHC was not equipped to hold these petition hearings. So why not clarify the items that are precluding these petitions from being held? This has not ever been a serious consideration by the CSFRA from what I can tell. Instead, the RHC & City Staff has come up with far fetched "options" to chose from. None of them were to clarify the noticing issues required to be compliant with the CSFRA and to clarify the issues and questions that would arise during a petition hearing in order to allow those hearings to take place.

I'm sure there are tenants that are being charged more for utilities than the CSFRA allows, let those tenants file a petition (I can't tell you how many times I have herd that ("file a petition, the CSFRA provisions exist exactly for you to do so") from the RHC when the question was related to a landlord recuperating capital improvement costs).

The "options" the RHC has been presented by City Staff are far reaching, irresponsible and place unreasonable burdens on the landlords (paying for utilities that tenants use, being held responsible, with financial penalties, for mandatory water rationing when over 75% of the water being used is by the tenants).

I ask you to stop considering the "options" provided by City Staff and focus on filling the holes within the CSFRA in order to allow tenants to use the existing provisions to file petitions.

Steve Welter

From: ly l [REDACTED] >  
Sent: Monday, October 16, 2023 12:24 PM  
To: MVRent <MVRent@mountainview.gov>  
Subject: free water

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This cannot continue. Stop supplying free water to these multi-family residences. We are the tax payers and we want this wastefulness to STOP!!!

E, Cathey

**From:** Kristina Pereyra [REDACTED]  
**Sent:** Monday, October 16, 2023 2:14 PM  
**To:** MVRent <MVRent@mountainview.gov>  
**Subject:** RUBS proposal

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I am writing to express my concern about the RUBS method of splitting utilities among tenants in multiple apartments. As you may know, some tenants are more wasteful with their usage of utilities such as water and electricity, while others are more conservative. However, under the current system, all tenants are charged an equal amount for these utilities regardless of their actual usage. This is unfair to those who are more mindful of their consumption, as they end up subsidizing the wasteful habits of others. It also creates a disincentive for tenants to conserve resources, as they know that their efforts will not be reflected in their utility bills.

In one recent example, a tenant in unit 1 had a leaking toilet that ran water constantly. It was a quiet leak so they never noticed. The tenants in all units saw a huge increase in their water bill that month, even though one of them had been out of town for a significant part of that period.

Instead of RUBS, a landlord who has not invested in separate meters should charge a flat rate, with increases allowed for inflation. The city should assist small landlords to help them convert to separate metering. Separate metering would ensure that each tenant is only paying for the utilities they actually use, and would provide an incentive for everyone to be more mindful of their consumption.

Thank you,  
Kristina Pereyra  
Mountain View resident since 1999



From: Alisa <[REDACTED]>  
Sent: Monday, October 16, 2023 2:48 PM  
To: MVRent <MVRent@mountainview.gov>  
Cc: Alisa <[REDACTED]>  
Subject: Oppose rolling back water conservation

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Hello,

I know that voting is tonight, and I wanted to let you know that I oppose rolling back water conservation.

Thanks,  
Alisa