



MEMORANDUM

Rent Stabilization Program,
Community Development Department

DATE: February 28, 2022

TO: Rental Housing Committee

FROM: Karen M. Tiedemann, Special Counsel to the Rental Housing Committee
Nazanin Salehi, Special Counsel to the Rental Housing Committee
Anky van Deursen, Program Manager

SUBJECT: Draft Amendments to Chapters 5 and 7 of CSFRA Regulations

RECOMMENDATION

1. Amend CSFRA Regulations Chapter 5: Hearing Procedures to clarify the definition of “place” and “mailing.”
2. Amend CSFRA Regulations Chapter 7: Procedures for Annual General Adjustment to eliminate the income requirement to qualify for “Other Hardship” based on extenuating circumstances.

BACKGROUND AND ANALYSIS

The following changes are being proposed to provide greater clarity and to bring the Community Stabilization and Fair Rent Act (CSFRA) Regulations into alignment with the recently adopted Mobile Home Rent Stabilization Ordinance (MHRSO) Regulations.

Chapter 5 Amendments

Chapter 5 of the CSFRA Regulations outlines the hearing and appeal processes for Individual Rent Adjustment Petitions, as authorized by Sections 1710 and 1711 of the CSFRA. The proposed amendments to Chapter 5 of the CSFRA Regulations seek to clarify the definitions for the following terms:

- When referring to the location of a Hearing, “place” shall be defined to include a scheduled meeting on a virtual conference platform, such as Zoom. Where a Hearing will take place virtually, a link to the virtual Hearing must be provided to the parties and the public at least seventy-two (72) hours before the Hearing.

- For the purposes of Chapter 5, “mailing” includes both physical transmission of correspondence via the U.S. Postal Service, or other courier service, and electronic transmission of correspondence to a recipient's provided email address.

Chapter 7 Amendments

At the January 24, 2022 Rental Housing Committee meeting, the RHC eliminated, in the MHRSO Regulations, the income requirement when seeking a hardship determination under the “Other Hardship” category. The change allows Mobile Home Owner and Mobile Home Tenant households to apply for a hardship determination where the household income is over one hundred twenty percent (120%) of the Area Median Income (AMI) for Santa Clara County in case there are other circumstances that would make paying the proposed rent increase burdensome.

In making this change, the RHC directed staff to make the same change to the CSFRA Regulations. As such, the proposed amendment to Chapter 7 of the CSFRA Regulations would eliminate any income requirement for Tenants filing a Tenant Hardship Petition based on the “Other Hardship” category. To file a Tenant Hardship Petition based on “Other Hardship,” the Tenant household would need to demonstrate that it does not qualify under the other hardship definitions but has other extenuating circumstances.

FISCAL IMPACT

The adoption of the proposed amendments to Chapter 5 and Chapter 7 of the CSFRA Regulations is not anticipated to affect the budget of the RHC.

PUBLIC NOTICING – Agenda posting.

KMT-NS-AvD/JS/8/CDD/RHC

895-02-24-22M

- Attachments:
1. Draft Resolution to Adopt Amendment to Chapter 5 of the CSFRA Regulations Exhibit A: Amendment to Chapter 5
 2. Draft Resolution to Adopt Amendment to Chapter 7 of the CSFRA Regulations Exhibit A: Draft Amendment to Chapter 7