From: van Deursen, Anky
To: Nicole Haines-Livesay; Emily Ramos; Guadalupe Rosas; Susyn Almond; Matt Grunewald; Julian Pardo de Zela
Cc: KTiedemann@goldfarblipman.com; Nazanin Salehi; Kennedy, Andrea; Spikes, Jessica
Subject: Answers to RHC Questions for RHC meeting Monday, July 18, 2022
Date: Monday, July 18, 2022 3:06:25 PM

Dear RHC members,

Please find below Answers to RHC member Questions for the RHC meeting Monday, July 18, 2022:

1. For the petition, around the leaky toilet issue beyond what was cited in the decision, aren't we legally compelled, due to the drought, to timely repair leaky water fixtures such as toilet? The landlords say they didn't fix the toilet because they pay the water bill and weren't bothered by a small leak, but with our current water situation, I didn't think we had discretion to make that decision in Mountain View.

Answer: There is no requirement under the CSFRA to compel a landlord to repair a leaky toilet if the leak is not causing a habitability issue or other problems such as mold. However, the building inspection report for this property requires the repair of the toilet, which specifically states that all plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects.

And you are correct that the City of Mountain View has declared a Stage 2 water shortage emergency condition on June 28, 2022, with as one of the conditions that any leaks need to be fixed within 5 days. https://www.mountainview.gov/depts/pw/services/conserve/regulate.asp

2. For the landlord's arguments about needing to do a background check on any proposed subletter, I thought that's what our regulations were designed to allow, right? So no "new lease" is needed just to add a subletter.

Answer: A new lease is not needed for a subletter but if the subletter will be paying a portion of the rent to the landlord, then the landlord may require a credit check on the subletter. If the primary tenant remains fully responsible for the rent, and the subletter is not paying rent directly to the landlord then the landlord cannot refuse the subletter on the basis of credit.

3. For maintenance in a unit, I did think landlords could enter with 24 hour notice (or less if it is an emergency situation) and tenants must accommodate that. Am I wrong in that belief?

Answer: State law establishes the criteria for landlords to enter a unit and the require notice. Generally landlords can enter a unit for necessary repairs, agreed upon repairs, and certain inspections. Notice is proscribed by state law and must be in writing an set forth the date and time for the entry. 24 hours notice is presumed reasonable if served personally. If the notice is given by US mail then it has to be given six days in advance. The tenant has the choice to be present or not to be present at that time of entry. Just to note, the Landlord is asking the Hearing Officer and the RHC To give legal advice on their rights which is not appropriate.

4. For the concession Notice provided at the beginning of tenancy, is that applicable only to the leases from September 1 forward? I expect so, because otherwise how would it work going backwards in time, but just wanted to confirm.

Answer: That is correct. It will be applicable only to leases beginning on or after September 1, 2022.

5. In our Regs, I think we need to clean up the example for CSFRA Chapter 2B(2)(iv) and MHSRO Chapter 2C(s)(iv) to differentiate the 1-month free exclusion if that passes, otherwise that language is more confusing than clarifying.

Answer: Should a member of the RHC choose to make a motion to adopt staff's recommendation, they may also choose to include language in their motion directing staff the clarify the examples.

6. We have a member of the public who seems to be rather frustrated with the outcome of his previous petition and has sent quite a lot of emails about how he expects us to address his concerns tomorrow. I understand we can't since this item is not on the agenda, but since I expect him to bring this up during the open public comments, what can we say to address his comments and hopefully allow us to move forward from that item?

Answer: The Hearing for this petition is scheduled for July 27 and the Hearing Officer will address all issues that this petitioner has brought forward.

Anky van Deursen
Rent Stabilization Program Manager
650-903-6131