

RENTAL HOUSING COMMITTEE
RESOLUTION NO. RHC - ____
SERIES 2022

A RESOLUTION OF THE RENTAL HOUSING COMMITTEE OF MOUNTAIN VIEW
AMENDING REGULATIONS CHAPTER 5 HEARING PROCESS, OF THE COMMUNITY STABILIZATION
AND FAIR RENT ACT (CSFRA)

WHEREAS, CSFRA section 1709(d) authorizes the Rental Housing Committee to establish rules and regulations for administration and enforcement of the CSFRA; and

WHEREAS, the Rental Housing Committee has held a publicly noticed meeting on October 17, 2022, and solicited input to amend Chapter 5, Hearing Process Regulations in furtherance of the CSFRA; and

NOW, THEREFORE, BE IT RESOLVED by the Rental Housing Committee that amendments to Chapter 5 (Hearing Process), as set forth in Exhibit A, are hereby adopted.

Community Stabilization and Fair Rent Act Regulations

Amendment to Chapter 5 - Hearing Procedure

Paragraph (a) of subsection (2) of Section F of Chapter 5 of the CSFRA Regulations is amended to add the following bullet point:

- A requirement that the Landlord provide at least 30-days' notice to any affected Tenants prior to the restoration of rent.

Paragraph (c) of subsection (2) of Section F of Chapter 5 of the CSFRA Regulations is amended to add the following bullet point:

- Information regarding the availability of the compliance hearing process as set forth in Section J of this Chapter 5 of the Regulations.

Chapter 5 of the CSFRA Regulations is amended to add Section J as follows:

"J. Compliance Hearings

1. Request for Compliance Hearing. If there is an ongoing dispute among the Parties as to whether there has been compliance with a previously issued decision on an Individual Rent Adjustment petition, any of the Parties to the original proceeding may request that a Compliance Hearing be noticed and held.
 - a. Form and Contents. Such request shall be submitted to Committee, or its designee, in writing on a form provided by the Committee for this purpose. The request shall set forth the area(s) of disagreement and may be accompanied by supporting documents and any other evidence in support of the requesting Party's position.
 - b. Service. A copy of the request shall be served upon all adverse Parties by the Party requesting the Hearing.
 - c. No Fee. There shall be no filing fee for compliance hearings.
2. Timing of Hearing.
 - a. Within ten (10) days of receipt of a request for a compliance hearing, the Committee, or its designee, shall mail a notice to all affected Parties, stating that the request has been filed and attaching a copy of the request and all supporting documentation

thereto. The notice shall also advise the affected Parties that they may file an objection to the request and shall advise them of the procedures for doing so.

- b. Within ten (10) business days of the date of the notice described in paragraph (a), any affected Party may file a written statement objecting to the request. The statement shall set forth the basis for the objection and may be accompanied by relevant documents or other evidence in support of the objection.
 - c. Upon receipt of a written request for a compliance hearing and written objection(s), the Committee, or its designee, shall assign the request to a Hearing Officer and schedule a hearing to take testimony and resolve any factual disputes regarding compliance. The procedures set forth in Sections C through F of this Chapter shall apply to compliance hearings.
 - d. If the Committee does not receive any written statements of objection, the Committee, or its designee, shall assign the request to a Hearing Officer to evaluate the statements and evidence submitted to determine whether the request should be granted, partially granted or denied.
3. Burden of Proof. The Landlord who was originally ordered to make repairs, pay back rent, properly register the Rental Unit, or otherwise comply with an order of the Hearing Officer or the Committee, shall be required to demonstrate compliance by a preponderance of the evidence submitted at the compliance hearing.
- a. Documentation. A Landlord may demonstrate compliance with the Decision by submitting copies of appropriate documentation. Such documentation shall include, but is not limited to, the following:
 - i. Copies of vendor receipts, invoices or cancelled checks that identify the nature and costs of the services performed and materials used.
 - ii. If the work was performed by the Landlord or the Landlord's employee, a statement under penalty of perjury identifying the person(s) who performed the work describing the work performed and stating the date of performances, in addition to the documentation described in subparagraph (i).

- iii. If the documentation described in subparagraph (i) is unavailable, a statement under penalty of perjury providing the information described in subparagraph (ii), and further stating the reasons why supporting documentation is unavailable.
- 4. Compliance Decision. The Hearing Officer shall issue an appropriate decision with sets forth the extent of compliance, the date of such compliance, and any adjustments to the original decision which are necessary in light of such compliance.
 - a. Repeated or Continued Violations. Where there is credible evidence of repeated or continued violations of provisions of the Act or the Regulations by any Party, the Hearing Officer may fashion an equitable remedy, including but not limited to, submittal of rent records and receipts on a quarterly basis.
- 5. Right of Appeal of Compliance Determinations. Any affected Party may appeal the compliance decision by the Hearing Officer to the Committee. The procedures set forth in Section H of this Chapter shall apply to appeals of compliance decisions."