



MEMORANDUM

CSFRA, Community Development Department

DATE: May 13, 2019

TO: Rental Housing Committee

FROM: Karen M. Tiedemann, Special Counsel to the Rental Housing Committee
Justin D. Bigelow, Special Counsel to the Rental Housing Committee
Anky van Deursen, Program Manager

SUBJECT: Draft FAQ Regarding New and Additional Occupants

RECOMMENDATION

Review the draft frequently asked questions (FAQ) document regarding new and additional occupants under the CSFRA and state law and provide further direction to staff.

BACKGROUND

On March 4, 2019, the Rental Housing Committee ("RHC") held a study session regarding potential regulations addressing new and additional occupants, including the relationship between landlords, master tenants and subtenants. The study session was prompted by various calls to the Mountain View Rental Housing Helpline, as well as an appeal of a hearing officer decision filed by a tenant who continuously occupied one unit with various roommates since the CSFRA was enacted.

As discussed during the study session, both State law and the CSFRA provide some guidance regarding these issues, but significant ambiguity exists. The RHC instructed staff to prepare answers to frequently asked questions to the extent possible under the CSFRA and state law.

ANALYSIS

A draft document providing answers to frequently asked questions is attached. The draft FAQ document uses hypothetical scenarios to provide illustrative examples of how the CSFRA and state law address new and additional occupants.

The draft FAQ document addresses various issues related to:

- when a new spouse, child, or relative joins a household;
- replacing a roommate; and
- subletting and additional roommates (including significant others).

Notably, hypothetical scenarios are used to avoid using legal terms like tenant, co-tenant, subtenant, and master tenant. As indicated in *italicized text* in the draft FAQ document, significant questions remain regarding the application of the CSFRA and state law to new and additional occupants.

The RHC may wish to provide further guidance to staff and the general public regarding the following issues:

Housing Eligible Family Members (CSFRA § 1705 (a)(2)(b))

- verification of eligible family-member status
- notification to landlord

Replacing a Roommate (CSFRA § 1705 (a)(2)(a))

- application process and screening fees

Intra-roommate Issues

- legal status of individuals moving into an existing tenancy (i.e. interpreting interaction among CSFRA and Costa-Hawkins Rental Housing Act with respect to vacancy decontrol)
- application of CSFRA to subtenants

Most jurisdictions with rent stabilization regulate one or more aspects of the issues identified above. RHC guidance to the public could take the form of broadly applicable rules or the adoption of answers to frequently asked questions.

Does the RHC wish for staff to prepare additional guidance for the landlords, tenants, and potential tenants regarding new and additional occupants as:

- *regulations?*
- *additional answers to frequently asked questions (FAQs)*

FISCAL IMPACT – None.

PUBLIC NOTICING – Agenda posting.

ATTACHMENTS

1. Draft FAQ: New and Additional Occupants under the CSFRA and State Law