



City of Mountain View

CITY HALL
500 CASTRO STREET

Minutes

Rental Housing Committee

Committee Members Honey, Ramos, Pardo de Zela and Vice Chair Grunewald

Monday, December 10, 2018

7:00 PM

Council Chambers - 500 Castro St.

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

2. ROLL CALL

Present 4 - Chair Evan Ortiz, Vice Chair Matthew Grunewald, Committee Member Vanessa Honey, and Committee Member Emily Ramos

Absent 1 - Committee Member Julian Pardo de Zela

3. CLOSED SESSION - None

4. MINUTES APPROVAL

4.1 Approve the minutes for November 26, 2018 RHC Meeting

MOTION: M/S - Ramos/ Grunewald - To approve the minutes of the November 26, 2018 RHC meeting subject to a request to provide a more detailed description of the direction the RHC provided regarding agenda item 9.4.

Yes: 4 - Chair Ortiz, Vice Chair Grunewald, Committee Member Honey, and Committee Member Ramos

Absent: 1 - Committee Member Pardo de Zela

5. CONSENT CALENDAR - None

6. ORAL COMMUNICATIONS FROM THE PUBLIC

Curtis Conroy explained that regulation revisions allowing the AGA be subject to tenant hardship petitions would likely bring a legal challenge by property owners.

Joan MacDonald stated that the RHC should reconsider the CPI index used to calculate MNOI and thanked Chair Ortiz for his ability to run impartial, objective and fair RHC meetings.

Chairperson Ortiz proposed to move agenda item 10.1, Update on CSFRA Project Manager Recruitment, before agenda item 7.1, CSFRA Case 17180015, 324 Camille Court, Mountain View, CA.

10.1 Update on CSFRA Project Manager Recruitment

Neighborhood and Housing Manager Wong presented and oral report and responded to questions.

SPEAKING FROM THE FLOOR WITH COMMENTS:

No public comments were received.

The RHC received an update regarding the recruitment of the Project Manager for the CSFRA Program.

7. APPEAL HEARINGS

7.1 CSFRA Case 17180015, 324 Camille Court, Mountain View, CA

Karen Tiedemann, Special Counsel, Goldfarb and Lipman, presented an oral presentation and responded to questions.

PRESENTATION AND ARGUMENTS BY PETITIONER APPELLANT LANDLORD Absent
PRESENTATION AND ARGUMENTS BY RESPONDENT TENANTS Chris Hohn

The respondent representative, Chris Hohn, waived the 5 minute rebuttal time because of appellant's absence.

SPEAKING FROM THE FLOOR WITH COMMENTS:

Curtis Conroy

MOTION: M/S - Grunewald/ Honey - To adopt the tentative decision to affirm the Hearing Officer's identification of the applicable CPI values for purposes of maintaining net operating income from the Property.

Yes: 4 - Chair Ortiz, Vice Chair Grunewald, Committee Member Honey, and Committee Member Ramos

Absent: 1 - Committee Member Pardo de Zela

8. PUBLIC HEARINGS - None

9. UNFINISHED BUSINESS - None

10. NEW BUSINESS

10.2 Draft Revisions to Regulations Providing Guidance to Hearing Officers Regarding Allocation of Upward Adjustments of Rent and Noticing Requirements to Tenants

Justin Bigelow, Special Counsel, Goldfarb and Lipman, presented an oral presentation and responded to questions.

SPEAKING FROM THE FLOOR WITH COMMENTS:

Curtis Conroy

Steven Goldstein

MOTION: M/S - Ramos/ Grunewald - To approve the proposed revisions to sections of Chapter 6 and Chapter 7 of the regulations as described below:

Renumbering Chapter 6, Section J and adding subsection J.2.a, as copied below:
Relative Unit Size. Generally, allocations of Upward Adjustments of Rents granted pursuant to a Petition should result in total Rents for individual Rental Units that reflect the relative size and amenities in the Rental Units as compared to other Rental Units in the same property. Specifically, Rent after allocation of any Upward Adjustments of Rents should generally be lower for smaller Rental Units with fewer or no bedrooms than Rents for larger Rental Units with a greater number of bedrooms. However, the condition of the Rental Units, including the state of repair, refurbishment, renovation, or rehabilitation may impact the application of this general guidance.

Adding Chapter 6, subsection J.2.b, as copied below:

Recent Tenancies. Generally, tenancies commenced within six (6) months of the acceptance of a Petition for Upward Adjustment should not be allocated any increase in Rent pursuant to the Petition. Generally, the Rent applicable to a tenancy commenced within six (6) months of the acceptance of a Petition for Upward Adjustment should be considered the maximum Rent for a Rental Unit in the same property of similar size and amenities. Specifically, any allocation of Upward Adjustment should not result in a total Rent for a Rental Unit that is greater than the Rent applicable to a tenancy commenced within six (6) months for a similarly sized unit with similar amenities.

Revising the title Chapter 7, renumbering Chapter, Section B, and adding subsection B.1, copied below, subject to the clarification that failure to provide the Mandatory Notice to Tenant with Rent Increase Note shall not be considered a failure to substantially comply with the CSFRA and implementing regulations for purposes of CSFRA Section 1707(f)(1): Mandatory Notice to Tenant with Rent Increase Notice. In addition to the notice requirement identified in California Civil Code Section 827, or any successor legislation, any notice requesting an increase in Rent must include a form notice to tenants regarding the CSFRA in substantially the same form as the form notice published by the Rental Housing Committee, as it may be updated from time to time.

Yes: 4 - Chair Ortiz, Vice Chair Grunewald, Committee Member Honey, and Committee Member Ramos

Absent: 1 - Committee Member Pardo de Zela

10.3

CSFRA Monthly Status Report November 2018

Administrative Analyst Black presented an oral report and responded to questions.

SPEAKING FROM THE FLOOR WITH COMMENTS:

Elizabeth Lindsey

Curtis Conroy

Steven Goldstein

The RHC heard a presentation regarding the CSFRA monthly status report for November 2018.

11. COMMITTEE/STAFF ANNOUNCEMENTS, UPDATES, REQUESTS, AND COMMITTEE

Committee Member Honey requested clarification on the upcoming RHC meeting dates and an update of the appointment process by the City Council of new RHC members.

Chair Ortiz announced his resignation from the RHC; thanked staff and fellow RHC members for their service and endorsed Vice Chair Grunewald as his replacement Chair of the RHC.

Vice Chair Grunewald thanked Chair Ortiz for his service on the Committee.

12. CLOSED SESSION REPORTS - None

**13. ADJOURNMENT - At 8:02 p.m., Chair Ortiz adjourned the meeting to the next RHC meeting to be held on Monday, January 28, 2019 at 7:00 p.m. in the Council Chambers,
500 Castro Street.**