



**City of Mountain View
Rental Housing Committee
Meeting January 25, 2024, Agenda Item Questions**

Item 5.1 Rent Stabilization Division Fiscal Year 2022-23 Annual Report

Q: Is this report given to the council? If so, how? Does this fulfill the duty to report periodically to the council under Section 1709(d)(11)? If not, what are our plans for this, if any?

A: The CSFRA Section 1709(d)(11) states that the RHC reports periodically to the City Council on the status of Covered Rental Units. Reports shall include (a) a summary of the numbers of termination of tenancy notices serviced pursuant to Section 1705 of the CSFRA, including the bases upon which they were served, (b) a summary of any and all Petitions submitted to and/or decided by a Hearing Officer and/or the RHC pursuant to Sections 1710 and 1711 including the bases on which the Petitions were submitted and the determinations on the Petitions.

The RHC requested that staff prepare quarterly data reports on data related to rent stabilization covered units in the City of Mountain View. The quarterly report covering all quarters for Fiscal Year 2022-23 is attached to the current Annual Report. Staff submits the quarterly reports to the Council Connection communications. Additionally, Staff provide RHC with an annual update on the type and outcome of petitions submitted. The RHC may want to establish further guidelines on what, how and how often they would want to submit periodical summaries to the City Council.

Item 5.2 Annual Update of Outreach and Education Program:

Q: Why is this report dated June 2023 and the corresponding report we received at the November 2023 RHC meeting dated September 2023?

A: In November 2023 staff provided the RHC with its quarterly overview of data in its Quarterly Report for Quarter 1 (July-Sept) of Fiscal Year 2023-24. The current agenda item provides an annual update of the Outreach and Education Program, summarizing the activities of Fiscal Year 2022-23 (which runs through June 2023). Therefore, the attachment to this agenda item's staff report also refers to the same time period for Fiscal Year 2022-23, ending in June 2023.

Item 5.3 Annual Update on Relevant Legislation and Case Law in California

Q: Is RHC staff in contact with the City Attorney's Office regarding enforcement of the state Tenant Protection Act under the SB 567 authority delegation?

A: This law will take effect on April 1, 2024, and it makes changes to two specific types of evictions under AB 1482. Units that are subject to the CSFRA are not covered by AB



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1482. For rentals not covered by the CSFRA, SB 567 modifies no-fault evictions due to substantial remodeling and owner/family member move-in. SB 567 also gives city attorneys the authority to enforce the Tenant Protection Act but does not require such enforcement. The Rent Stabilization Division has not discussed the revisions to the Tenant Protection Act with the City Attorney. It will be up to the City Attorney to determine whether to take enforcement action under the Tenant Protection Act in the event of a violation occurring in Mountain View.

Q: Is the RHC able to implement AB 1620, or would such powers be reserved by council?

A: AB 1620 states that the jurisdiction may require the owner of residential rental property that is subject to an ordinance or charter provision that controls the rental rate, to permit a tenant who is not subject to eviction for nonpayment and who has a permanent physical disability related to mobility, to move to an available comparable or smaller unit, as defined, located on an accessible floor of the property if certain conditions are met. The bill does not specify the manner in which the jurisdiction would establish this requirement but elsewhere requires that the rent control board within the jurisdiction determine that the owner will receive a fair rate of return or offer an administrative process ensuring a fair rate of return for the new unit. Given that the statute references the rent control board and the fact that AB 1620 does not specify that it must be implemented by ordinance or by the City Council, it does not appear that AB 1620 reserves the power to implement the statute to the City Council.

Q: How is RHC staff involved with the Housing Crisis Act's "replacement of demolished rent-controlled units" provision? Do we just provide the data from our registrations to CDD?

A: Upon receipt of a redevelopment application by CDD, CDD staff works closely with Rent Stabilization staff and Affordable Housing Staff throughout the application process to determine compliance with the Housing Crisis Act.

Q: Regarding AB1620 - allowing disabled renters to switch units for greater accessibility. If the RHC was interested in adopting such a policy, would a good next step be to reach out to the MV City Attorney's Office to confirm they agree this is a valid action of the RHC?

A: This policy only applies to rent stabilized units. The RHC could adopt such a policy via regulation for CSFRA covered units.



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- Q: AB12 - if a current tenant has provided for example a two-month security deposit, does AB12 allow them to request a partial return of their security deposit without moving to a different apartment?
- A: AB 12 goes into effect on July 1, 2024, and does not provide for refunds. The statute explicitly states that it does not apply to any security deposits demanded or collected before July 1, 2024.
- Q: AB548 regarding code enforcement inspections - should our hearing officers refer cases they hear about to code enforcement, if for example mold is part of the findings of the petition? Can the RHC hear back about how MV code enforcement will respond to AB548?
- A: The Rent Stabilization Division already routinely refers habitability petitions to code enforcement for inspection. It is already the practice of the Division to refer cases to code enforcement when petitions raise habitability issues.
- Q: AB 1418 Please confirm my understanding - local governments may not require landlords to perform criminal background checks or the other actions listed, but landlords can still perform criminal background checks, and landlords can still for example interpret police calls or activity as a nuisance? Can you provide a few examples of jurisdictions with the policies that they will now need to cease because of AB1418?
- A: That is correct. AB 1418 only prohibits local governments from enacting or enforcing certain policies; it does not speak to whether a landlord may take such actions. However, some local jurisdictions have adopted their own policies prohibiting such actions, such as consideration of criminal background checks, etc. The laws that jurisdictions have passed do not conflict with AB 1418. For instance, Oakland has a law limiting criminal backgrounds checks on tenants. We are not aware of any jurisdictions with policies in California that now need to cease.
- Q: AB267 - I understand that this allows alternate ways for a tenant with a voucher such as section 8 to prove they can pay their share of rent, other than a credit report. Tenants without a voucher would also like to prove their ability to pay in ways other than a credit report. Does AB267 also support tenants who do not have a voucher?
- A: The new provision added by SB 267 applies only in case the tenant receives a government subsidy. While a tenant who does not have a voucher or other government subsidy might request to provide alternative evidence, the landlord is not required by law to permit this as they would be in the case of a tenant with a voucher or other government subsidy.