

From: Serge Bonte [REDACTED]
Sent: Monday, August 22, 2022 6:20 PM
To: Rental Housing Committee <RHC@mountainview.gov>; van Deursen, Anky <Anky.vanDeursen@mountainview.gov>
Cc: Susyn Almond <susynalmond@yahoo.com>; nmhl.rhc@gmail.com; Julian Pardo de Zela <julian.pardo.de.zela@gmail.com>; Emily Ramos <emily00@gmail.com>; Guadalupe Rosas <grosas730@gmail.com>; Matthew Grunewald <matt.grunewald.rhc@gmail.com>
Subject: re 8/22/22 Meeting - Agenda Item 7.2 Misc. Compliance Issues and Remedies

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Dear RHC

First I found it odd that in the staff report, votes would include votes taken by the alternate RHC member. My understanding is that an alternate is a substitute voice/vote in case another RHC Member is not present. For example, when refereeing a soccer game I would never let 12 players on one side just because a substitute felt like they wanted to play with the other 11 players already on the field :).

Regarding the topic of your study session, I fully support fines and other measures for non compliance.

I would also like to suggest another incentive for compliance. If a landlord/developer plans any sort of redevelopment/remodel of their property, before any consideration of their application, the City should first obtain full CSFRA compliance (registration....).

As an example, the EPC (and soon the City Council) are being asked to approve a redevelopment at 870 East El Camino Real that is currently under the CSFRA. It's not clear if this landlord is in full compliance but I'm sure it's information the EPC or the City Council would like to have before approval. Having a current rental registry would also help the City in reviewing the application for relocation requirements and/or SB330 replacement units.

Sincerely

Serge Bonte

From: McFarland, Tessa <TMcFarland@prometheusreg.com>
Sent: Monday, September 19, 2022 10:59 AM
To: Rental Housing Committee <RHC@mountainview.gov>; Nicole Haines-Livesay <nmhl.rhc@gmail.com>; emily00@gmail.com; julian.pardo.de.zela@gmail.com; grosas730@gmail.com; matt.grunewald.rhc@gmail.com; susynalmond@yahoo.com
Cc: Sirajeddine, Amber <ASirajeddine@prometheusreg.com>
Subject: RHC Meeting Sept. 19, 2022 - COMMENTS FOR MEETING

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Dear Chair Haines-Livesay and Vice Chair Ramos, and RHC Committee Members Pardo de Zela, Almond, Rosas and Grunewald:

Agenda Item 9.2:

Agenda Item 9.2 discusses Compliance which includes unit registration. We agree 100% that units should be registered as applicable. **However, we must continue to point out that the issues raised regarding registration software for the CSFRA Portal have not been addressed.** We first raised the issue regarding the bulk upload feature in January 2022 at the very moment we learned that the feature was no longer available. We continued to ask for this feature including in the attached email from May 2022 (where we also identified other problems with the software). In July 2022, Anky advised as follows "We're in discussion with the technical team of 3Di, who developed our database, to discuss potential options and work arounds. Once we've received all technical options we'll report back in a RHC meeting." We have consistently followed up on this topic at all subsequent meetings. **Please advise when that report from the technical team will be made available and discussed in a RHC meeting.** Thank you.

CSFRA Portal (Registration Software) Barriers to Compliance:

Following up on the discussion at the August 22 RHC meeting, we wanted to thank you for your thoughtful consideration regarding potential barriers housing providers are experiencing in their efforts to comply with the various requirements under CSFRA, specifically the CSFRA Portal.

First, we wish to address an apparent misconception from the August 22 meeting regarding functionality of the site related to uploading bulk information in the portal. We would like to emphasize that Prometheus has been compliant with the mandatory unit registration in the portal since registration became required in 2021. When we sought to complete the first registration renewal in 2022, we had completed all of the preparation in January to provide our properties with completed spreadsheets matching the exact bulk upload format used the previous year, to ensure the accuracy of information and remove the potential for user-error at a community level. It was at this point in time that we became aware that the bulk upload functionality appeared to be either malfunctioning (which was our assumption) or no longer available.

Upon this discovery, our Director of Legal Compliance, Amber Sirajeddine, immediately contacted Andrea Kennedy by email and phone, as we wanted to ensure our registration was timely. Andrea was helpful and timely followed up after the initial conversations to notify us that after speaking with IT about bulk uploading, this functionality was not available for renewal registration and there were no

plans for it to be developed. Amber responded to this news on February 4, 2022, suggesting that this functionality (*which already exists at initial registration*) should be similarly considered by the RHC for availability to use at each annual renewal registration, given that manually updating units is an incredibly onerous process, leaving much room for data entry type errors as outlined in our previous follow up in May 2022. She also noted that, in spite of the additional challenges, we would move forward with completing the one-by-one, manual update process immediately. Working overtime on this process, our on-site teams completed the manual registration within a few additional weeks.

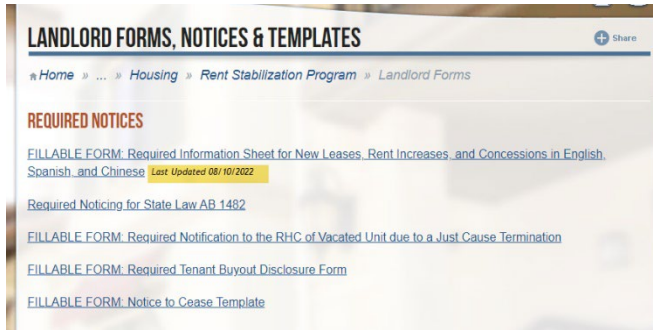
This detailed explanation is provided to disabuse the Committee of the notion that this issue was somehow only raised to serve as an excuse for non-compliance. On the contrary, we continue to prioritize compliance with CSFRA as an organization, and the goal was and continues to be to share these concerns and recommendations with the RHC from the standpoint of an informed user group from a different perspective, in the hopes that the required technology under CSFRA can enable housing providers to be successful and vastly improve their compliance efforts. We appreciate your emphasis on the importance of timely communication and response to housing providers upon receipt of constructive feedback, as well as the prioritization of IT funds towards the goal of proactively improving the CSFRA portal for all. As Amber mentioned during the public comments portion of the August 22 meeting, our goal is to collaborate with the RHC to provide the requisite information while minimizing the extreme administrative burdens placed on housing providers.

Second, we ask the RHC to consider hosting technology and/or compliance focus groups for two distinct types of housing providers:

- (1) those who are known to be compliant with registration requirements (and can therefore clearly speak to the technological challenges); and separately,
- (2) those who are not compliant to identify why they are either unable or unwilling to comply with registration (it appears that little effort has been spent exploring why certain housing providers have failed to comply, assuming only willful non-compliance.) Upon hearing during the meeting that most non-compliant housing providers were in fact small, “mom and pop” housing providers, it seems likely that it’s due more to a lack of understanding of the requirements and/or the technology required for compliance than a blatant disregard for the process.)

Third, areas which would support compliance would include simple additions to the Rent Stabilization Program website (likely at no implementation cost to the RHC), to assist with compliance such as calling out “last updated” dates below a form link (it is as simple as including the yellow highlighted text - that we added below to the screenshot of the forms page, as an example), and providing notification prompts when forms have been updated (as opposed to having to check weekly for updates) which could come through email or in the Portal (driving housing providers to the portal), etc. It is unusual and problematic that the RHC website does not indicate the date when last updated by the RHC – most City websites include this information as a matter of course. While some of the forms themselves have last updated dates at the bottom of the page, there is no way to tell which forms have been updated until you navigate through the various pages, then download the form.

Note, in the below screenshot *we have added in yellow highlight, as an example*, the information that should be added (this info is not currently included on the website) so that people know whether a form has been updated, so that they can be in compliance.



Fourth, in addition to the May 2022 email and the comments raised at the August 22, 2022 RHC meeting, here are additional questions:

- (1) Why are rents required to be reported for units that are not covered by the rent control protections of CSFRA? This exceeds RHC’s authority and raises privacy concerns.
- (2) Why does the “Submitters Information” (which is first name, last name, phone and email) have to be entered each time for each unit? Why no bulk upload feature? This requires the submitter to input this information hundreds of times.
- (3) When making changes throughout the year (vs during open registration), once the housing provider makes those updates and clicks submit, none of the changes appear on this page (screenshot below) until after the RHC admin has accepted/approved the change. This creates confusion as to what has been updated already or not.

Unit Number	Bedrooms	Bathrooms	Status	Occupied By	Move-In Date	Current Monthly Rent	Date of Last Rent Increase	Last Monthly Rent Increase Amount	Last Monthly Rent Increase Percent	Action
1414	1 Bedroom	1	Non-Exempt	Tenant	07/01/21	\$3,914.00	07/01/21	\$0.00	0.00 %	 

- (4) Why is there no “partial exempt” on a per unit basis. All units are either Exempt or Non-Exempt...this will create confusion and be misleading if the public can view this info, for example, if an increase could be for a unit that is subject to just cause protections only.

Fifth, in closing, we would like to share with the RHC the level of info that is required to be input (and this has changed over time). For an established unit (meaning the unit has been added at any point with unit #, bedrooms, bathrooms and status as exempt or non-exempt)...

If you were updating with a new Move In, 9 fields:

- Occupied by (select Tenant)
- Move In Date
- Currently monthly rent
- Base Rent for Unit
- Date of last rent increase
- Last monthly rent increase amount
- Last monthly rent increase percent
- Recheck the box to certify compliance with CSFRA
- Then fill in “Submitters Information” as first name, last name, phone and email

If ONLY updating for a renewal, 7 fields:

- Currently monthly rent
- Base Rent for Unit
- Date of last rent increase
- Last monthly rent increase amount
- Last monthly rent increase percent
- Recheck the box to certify compliance with CSFRA
- Then fill in the “Submitters Information” as first name, last name, phone and email

Thank you,

Tessa

Theresa “Tessa” McFarland | General Counsel

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September 18, 2022

Re: Item 9.2 – CSFRA & MHRSO Compliance and Enforcement Mechanisms

Dear Chair Haines-Livesay and Members of the Rental Housing Committee:

The LWV supports rent stabilization and just-cause programs that are fair and reasonable to landlords, tenants and the community, and the LWV additionally supports broad public participation in government.

We are concerned about the significant rate of landlord non-compliance with the CSFRA with regards to the unit registration and annual fee. As such, we are in support of the staff recommendations, as they provide tenants the information necessary to participate meaningfully with CSFRA/MHRSO processes and set reasonable fines whose sole purpose is to raise compliance rates.

We do ask that the non-compliance letters be made available in different languages that reflect tenant demographics.

(Please send any questions about this email to Kevin Ma at housing@lwvlamv.org)

Thank you for considering our input.

Karin Bricker, President of the LWV of Los Altos-Mountain View

cc: Andrea Kennedy

Anky van Deursen