



RHC

December 18, 2023

Council Chambers and Video Conference, 500 Castro St., Mountain
View, CA 94041

1. CALL TO ORDER

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

2. ROLL CALL

Present 6 - Member Alex Brown, Member Robert Cox, Member Kevin Ma, Vice Chair Guadalupe Rosas, Chair Edie Keating, and Alternate Mark Balch

3. CONSENT CALENDAR

SPEAKING FROM THE FLOOR WITH COMMENTS:

No public comments received.

MOTION: M/S - Rosas/Cox - To approve the Consent Calendar

Yes: 5 - Member Brown, Member Cox, Member Ma, Vice Chair Rosas, and Chair Keating

3.1 Minutes for the November 13, 2023, RHC Meeting

4. ORAL COMMUNICATIONS FROM THE PUBLIC

No public comments received.

5. APPEAL HEARINGS

5.1 Appeal of Hearing Officer's Decision Re: Petition No. C22230052

Nazanin Salehi, Special Counsel, Goldfarb and Lipman, presented an oral report and responded to questions.

SPEAKING FROM THE FLOOR WITH COMMENTS:

No public comments received.

PRESENTATION AND ARGUMENTS BY APPELLANT-LANDLORD - Eva Sharp

PRESENTATION AND ARGUMENTS BY RESPONDENT-TENANT - Judith Hernandez

REBUTTAL BY APPELLANT-LANDLORD - Eva Sharp

REBUTTAL BY RESPONDENT-TENANT - Judith Hernandez

MOTION: M/S - Brown/Cox - To accept the Tentative Appeal Decision regarding Petition No. 22230052 in its entirety.

Yes: 5 - Member Brown, Member Cox, Member Ma, Vice Chair Rosas, and Chair Keating

6. NEW BUSINESS

6.1 Draft Regulations Chapter 13, Utility Charges Regulations, Clarifying Rent and the Treatment of Utilities in the CSFRA and Ratio Utilities Billing Systems

Nazanin Salehi, Special Counsel, Goldfarb and Lipman, presented an oral report and responded to questions.

SPEAKING FROM THE FLOOR WITH COMMENTS:

Anil Babbar

Philip Cosby

Reyna Dominguez

Sandrita Esparza

Steve Welter

Amber

Jeff Zell

Malia

The RHC conducted a straw poll on the following items:

1. Carries 6 - 0 in favor of using the Common Area Deduction percentage as recommended with the option for the landlord to submit evidence for a lesser Common Area Deduction percentage.
2. Carries 5 - 1 in favor of using a Common Area Deduction of 20% flat rate with the option for the landlord to rebut.
3. Carried 6 - 0 in favor of having a rebuttable presumption of 20% for the Common Area Deduction. Landlords can rebut the 20% presumption by providing evidence that they should receive up to a 5% reduction in each of the following categories: pool, landscaping, and laundry facilities.

MOTION: M/S - Ma/Brown - To adopt CSFRA Regulations Chapter 13 Utility Charges, as provided, with the following modifications:

- Section A(2) should be modified to read, "Upon adoption of these Regulations by the Committee, and in accordance with the schedule below, Landlords of Covered Rental Units are prohibited from using a Ratio Utility Billing System (RUBS) (or any similar system or methodology that is not based on a Tenant's actual usage) to allocate Utility Charges to their Tenants."

- Section A(2)(b) should be modified to read, "At the commencement of such Tenancy, the Landlord, in the Rental Housing Agreement, shall indicate the fixed dollar amount of the initial Rent and specify which Utility Charges and any Housing Services that have a discernible fee associated with them, are included in the initial Rent (such as water, garbage, sewer, parking or pet rent)."

- The straw poll outcome shall be incorporated in Section B(2)(ii) and B(2)(iii), as follows:

ii. Common Area Utility Charge Deductions The common area deduction for all properties shall be presumed to be twenty percent (20%). However, a Landlord may rebut the presumption of a twenty percent (20%) common area deduction by demonstrating that the common area deduction should be reduced for good cause (e.g., there is no pool or laundry facilities on the property) or special circumstances.

iii. The Landlord shall claim any reduction to the common area deduction on their Utility Adjustment Petition form and provide documentation to support the reduction with their Petition packet. Staff shall determine whether the Landlord is entitled to a reduction of the common area deduction.. However, in no case may Staff approve a total reduction greater than fifteen percent (15%) and in no case may Staff award a reduction greater in any category that exceeds the following percentages:

- Pool facilities: 5%
- Landscaping: 5%
- Laundry facilities: 5%

Yes: 5 - Member Brown, Member Cox, Member Ma, Vice Chair Rosas, and Chair Keating

7. COMMITTEE/STAFF ANNOUNCEMENTS, UPDATES, REQUESTS, AND COMMITTEE REPORTS

7.1 Upcoming Workshops and Housing and Eviction Help Center Dates

Analyst Kennedy presented a report and responded to questions.

8. ADJOURNMENT - At 11:00 p.m., Chair Keating adjourned the meeting to the next RHC meeting to be held on Thursday, January 25, 2024 at 7:00 p.m. in the Council Chambers and Video Conference.