

Mountain View Rental Housing Committee
Interim Petition Regulations

Discussion Draft

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**CHAPTER 4
PETITION PROCESS**

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A. Petition Purpose

1. Any Landlord, Tenant, group of Tenants, or an authorized representative, who seeks an Individual Rent Adjustment (e.g., an increase or decrease in Rent for one or more Rental Units) must file a Petition for an Individual Rent Adjustment under this Chapter on a form provided by the Rental Housing Committee.
2. A Petition may request an Individual Rent Adjustment for one or more Rental Units. If the Petition requests an Individual Rent Adjustment for more than one Rental Unit, then the Petition may not apply to more Rental Units than the total number of Rental Units located on a single parcel.
3. Notwithstanding Subsection (2) of Section (A), if more than one physical structure contains Rental Units on a single parcel, then one Petition may be limited to apply only to the Rental Units contained in one of the separate physical structures on the parcel.

B. Authority to File a Petition

A Petition for an Individual Rent Adjustment may be filed by a Landlord, Tenant, or group of Tenants of one or more Rental Units that are subject to the CSFRA, or by an authorized representative of a party eligible to file a Petition.

1. Representation or Assistance to File a Petition. Any party eligible to file a Petition may seek the assistance of or representation by an attorney, Recognized Tenant Organization, Landlord, or Tenant advocacy group, or any other person or organization designated by the party.
2. Required Documentation. To be recognized as an authorized representative of a party filing a Petition, the representative must file an official authorization form provided by the Rental Housing Committee that is signed by each party seeking representation and expressly authorizing the representative to act on behalf of the party with respect to the Petition. The same form may provide continued authorization during a Hearing and/or an appeal that results from the Petition. If the party filing a petition is a group of Tenants, then an authorized representative will be authorized to represent only those Tenants who sign and expressly authorize the representative to act on their behalf.

C. Petition Forms

1. Form Required. Any Petitioner seeking an Individual Rent Adjustment under this chapter must do so on a form provided by the Rental Housing Committee, with supporting documentation as described in Section D.
2. Incomplete Petition Forms. Receipt of a Petition does not mean the Petition has been accepted by the Rental Housing Committee, or its designee. Petitions must meet the requirements set forth in this chapter prior to acceptance. A Petition submitted for an Individual Rent Adjustment will not be accepted if the Petition is illegible, incomprehensible, erroneously completed, or incomplete. Submitted Petitions that are not accepted will be returned to the Petitioner and no further action will be taken.

D. Petition Requirements: All Petitions

1. Documentary Evidence. Petitioner must provide copies of all documentary evidence that Petitioner expects to present at the hearing. Such copies must be clear, legible, easily readable, and organized by category, following the organization of the petition format.
2. Witness List. Petitioner must include a witness list and provide the name, address, and subject matter(s) of testimony of any person the Petitioner expects to testify on behalf of the Petitioner.
3. Disclosure of Intended Expert Testimony. If the Petitioner intends to call an expert witness to offer an expert opinion at the hearing, Petitioner must provide the name of each expert witness and must also include a brief narrative statement setting forth the qualifications of the expert and the general substance of the expected expert testimony. If an expert witness report will be submitted at the hearing (e.g., an economic analysis, property appraisal, or property inspection report), one copy of the report must be submitted either together with the Petition or at least ten (10) business days prior to the hearing.
4. Untimely Submissions. All documents, reports, writings, and testimony not submitted or disclosed when submitting the Petition, or with respect to expert witness reports that are not disclosed at least ten (10) business days prior to the hearing, will be excluded from evidence in any hearing, except upon good cause shown for late submission or nondisclosure.
5. Proof of Notice. Petitioner must provide proof of delivery of notice to opposing party with submission of Petition, as described in Section I.

E. Petition Requirements: Rent Reduction for Habitability of Premises

A Petition for an Individual Rent Adjustment that would reduce Rent based on an alleged failure to maintain habitable premises must include:

1. City Report. A copy of any relevant City code inspection report from the City of Mountain View department responsible for the residential rental inspection program;
2. Valuation. Petitioner's determination of the estimated value of the failure to maintain habitable premises, including the basis for any such determination;
3. Dates. The dates when the failure began and ended, if applicable;
4. Agreement. A copy of the Rental Housing Agreement, if available; and
5. Rents. The amount of the Base Rent and Current Rent.

F. Petition Requirements: Rent Reduction for Reduced Housing Services

A Petition for an Individual Rent Adjustment that would reduce Rent based on an alleged reduction in Housing Services, including maintenance, must include:

1. Explanation. A statement setting forth the nature of the decrease in Housing Services or failure of maintenance for which the downward adjustment is sought and the date on which the Landlord was given notice of the conditions or problems, or the time frame in which the Landlord had knowledge or should have had knowledge of the conditions or problems, providing the basis for the petition;
2. 30-Day Notice to Landlord. A copy of a written notice to the Landlord identifying the reduction in Housing Services or failure of maintenance and request for remediation, and a declaration that the Petitioner served this written notification on the Landlord at least thirty (30) days before filing a Petition and no remediation of the condition or services has occurred;
3. Valuation. Petitioner's determination of the estimated value of the decrease in Housing Services or failure to maintain the premises including the basis for such determination;
4. Dates. The dates when the decrease in Housing Services or failure to maintain the premises began and ended, if applicable;

5. Agreement. A copy of the Rental Housing Agreement, if available; and
6. Rents. The amount of the Base Rent and Current Rent.

G. Petition Requirements: Rent Reduction for Unlawful Rents

A Petition for an Individual Rent Adjustment that would reduce Rent based on the alleged collection of unlawful Rents must include:

1. Itemization of Payments. An itemization of each payment to the Landlord that includes excessive or unlawful rents. Each itemization should identify each of the following:
 - a. the approximate date of payment and the dates for which the payment was applicable;
 - b. the form of payment (e.g., cash, electronic funds transfer, goods, or services);
 - c. the Landlord to whom the Payment was made (e.g., current or previous Landlord of Rental Unit); and
 - d. the alleged amount of overpayment.
2. Documentation of Payments. Copies of all receipts, cancelled checks, or similar documentation available to the Petitioner to establish the alleged payment and acceptance of unlawful Rent by the Landlord.
3. Other Occupants. The name(s) and contact information (current address, e-mail address, and telephone number, if available) of each person(s) who lived in the Rental Unit during the period(s) in which unlawful Rents were accepted by the Landlord.
4. Agreements. A copy of each Rental Housing Agreement, if available, and any other written agreement between the Landlord and Tenant(s) related to the Rent and/or the Rental Unit that was in effect during the period(s) in which unlawful Rents were accepted by the Landlord (including a security deposit, finder's fee, broker's fee, or other agreement, or contract for services in lieu of all or a portion of Rent).

5. Notices; Other Documents. A copy of each notice altering the amount of Rent due for the Rental Unit and any other document, or correspondence that is relevant to the Petition.

If any of the documents identified in Subsections 1 through 6 of Section G exist but are not readily available, then the Petitioner must identify the document to the greatest extent feasible and explain why the document cannot be obtained by Petitioner via ordinary means.

H. Petition Requirements: Rent Increase

A Petition for an Individual Rent Adjustment that would increase Rent must include:

1. The requested Rent increase for each Rental Unit;
2. The proposed effective date of Rent increase;
3. A description of the facilities on the property, including the number of Rental Units, number of bedrooms and bathrooms for each Rental Unit, and an explanation of other relevant facilities and Housing Services;
4. A description of the allocation of utility costs;
5. The purchase date and purchase price;
6. A Rent roll identifying current Rents received itemized by Unit;
7. Documentation of Base Year and Current Year Operating Expenses, sorted by category, and labeled in order to enable prompt location of any expense documents;
8. Income and expense summaries for three (3) years preceding the Petition;
9. A description and documentation of property tax increases or decreases for three (3) years preceding the Petition;
10. A description and documentation of increases and/or decreases in Maintenance Costs and Operating Expenses;
11. The cost of planned or completed Capital Improvements to any Rental Unit to which the Petition applies, but only where such Capital Improvements are necessary to bring the Property into compliance or maintain compliance with

applicable local codes affecting health and safety, and where such Capital Improvement costs are amortized as defined under the CSFRA and implementing Regulations;

12. A description and documentation of increases or decreases in the number of tenants occupying the Rental Unit and receiving Housing Services to which the Petition applies;
13. A description and documentation of any substantial deterioration of the Rental Unit other than that resulting from normal wear and tear;
14. Confirmation that the Landlord provides adequate Housing Services, and substantially complies with applicable State rental housing laws, local housing codes, health and safety codes, and the Rental Housing Agreement;
15. A description of Rent increases or decreases per Rental Unit during the occupancy of the current Tenant for each Rental Unit to which the Petition applies; and
16. Any additional explanation relevant to justify the Petition (including any expert documentation prepared in support of the Petition).

I. Petitioner Notice of Submission

Upon submitting a Petition to the Rental Housing Committee or its designee, the Petitioner must provide a copy of the Petition form described in Section C and an informational notice form produced by the Rental Housing Committee to any party that may oppose a Petition (e.g., a Landlord must provide notice to a Tenant of each Rental Unit to which the Petition applies, and a Tenant must provide notice to a Landlord of the Rental Unit to which the Petition applies).

J. Consolidation of Petitions

At the sole discretion of the Rental Housing Committee, or its designee, any Petition may be consolidated with any other Petition related to the: (1) same Rental Unit; or (2) one or more other Rental Unit(s) located in the same structure as the Rental Unit.

K. Petition Response

1. Right to Respond. A party to a Petition, or that party's authorized representative, may submit a response to a Petition.

2. Acceptance of Response. The Rental Housing Committee or its designee will accept one response from each party to a Petition entitled to respond if received within twenty (20) days of a Petition for an Individual Rent Adjustment that would reduce Rent, or within thirty (30) days of a Petition for an Individual Rent Adjustment that would increase Rent. All other responses will be accepted at the sole discretion of the Rental Housing Committee, or its designee.
3. Failure to Respond. A failure to respond by a party to a Petition does not waive that party's right to appear and present evidence at a hearing before a Hearing Officer or the Rental Housing Committee.
4. Landlord Acknowledgement and Correction of Condition. If a Landlord responds to a Petition for an Individual Rent Adjustment that would reduce Rent with:
 - a. an affirmative acknowledgement of the condition underlying the Petition (e.g., inhabitable premises, reduced Housing Services or maintenance, or receipt of unlawful rents);
 - b. proof of correction of the underlying condition (e.g., correction of condition or return of unlawful rent); and
 - c. compensation for period of underlying condition, if applicable; then the Rental Housing Committee or its designee may dismiss the Petition upon verification of items a. through c., as applicable, by the Petitioner.

L. Acceptance of Petition for Upward Rent Adjustment

The Rental Housing Committee cannot accept a Petition for Individual Rent Adjustment to increase Rent in any of the following circumstances:

1. The Property is not registered with the Rental Housing Committee.
2. A Rental Housing Fee or penalty for the Property is due and owing.
3. The submitted Petition is incomplete or lacks required documentation.
4. The Property is subject to an uncorrected citation or notice of a violation of any State or local housing, health, or safety laws as issued by a government official or agency.

5. A previously filed Petition involving the same Rental Unit or Property is presently pending before a Hearing Officer or the Rental Housing Committee. In this instance, the Petitioner may amend a previously accepted Petition so long as the amendment to the Petition includes a request for an extension of any applicable time limits to review the original Petition.
6. A Petition for Individual Rent Adjustment involving the same Rental Unit was accepted and adjudicated within twelve (12) months of the submission, unless the result of the adjudication is described in Section M.
7. A final Rental Housing Committee decision on a Petition for Individual Rent Adjustment is currently pending before a court of competent jurisdiction, unless the result of adjudication by the Rental Housing Committee or Hearing Officer is described in Section M.

The Rental Housing Committee or its designee will notify Petitioner in writing within thirty (30) days of filing the petition if the Petition is not accepted and provide an explanation why the Petition was not accepted, including an explanation of any information and/or documentation needed to complete the petition.

M. Acceptance of Petitions: Dismissal Prohibited

Notwithstanding any other provision of these Regulations, a Petition for Individual Rent Adjustment petition will not be dismissed if any of the following circumstances exists:

1. The grounds upon which the Petitioner seeks an Individual Rent Adjustment could not have been raised at the prior hearing;
2. Currently available evidence that supports an Individual Rent Adjustment was not available for good reason at the time of a prior hearing;
3. An Individual Rent Adjustment was not sought and could not have applied to the particular Rental Unit(s) to which the Petition applies; or
4. The Rental Housing Committee or its designee has explicitly stated in a prior written decision that the prohibition against filing a Petition within 12 months of adjudication will not apply to the Petitioner.

N. Prehearing Settlement Conference

1. Prior to a hearing regarding a Petition for an Individual Rent Adjustment, a mandatory prehearing settlement conference may be scheduled with a Settlement Conference Facilitator at the sole discretion of the Rental Housing Committee or Hearing Officer.
2. Failure of a Petitioner to participate in the prehearing settlement conference will bar the matter from proceeding to hearing. The purpose of the settlement conference is to provide an expeditious mechanism for the parties to resolve their differences informally, with the assistance of a skilled intermediary.
3. No record shall be made of any act, statement, or occurrence during the prehearing settlement conference.
4. Any settlement agreement entered into through the prehearing settlement conference will be a private record not subject to public disclosure. **[This incentivizes the prehearing settlement conference and is a reasonable interpretation of CSFRA §§ 1711(e) and (g) because this is explicitly not a part of the hearing process.]**
5. If the parties fail to reach an agreement on any issue underlying a Petition for Individual Rent Adjustment, the unresolved underlying issue(s) will be set for hearing.

O. Summary of Petition Processing

1. To the extent feasible, each Petition for Individual Rent Adjustment accepted by the Rental Housing Committee or its designee will be processed and responses will be accepted in accordance with the following schedule.

Timeline to Process Individual Rent Adjustment Petitions		
	Rent Decrease Petitions	Rent Increase Petitions
	Calendar Days from Date of Submission	
Review of Submission to Determine if Petition Complete	20	30
Mandatory Acceptance of Response to Petition	20	30
Date Set for Prehearing Settlement Conference (if applicable) after Petition Deemed Complete	30	45
Prehearing Settlement Conference Completed	45	60

2. Deadlines identified in Subsection 1 of Section O may be extended for good cause, which may be based on the following, nonexclusive list of factors: complexity of Petition, reasonable requests for continuance, scheduling difficulties, and/or allowing parties adequate time to obtain representation. Any good cause extension by the Rental Housing Committee or its designee will be set forth in writing, and written notice sent to all parties to the Petition by the Rental Housing Committee or its designee.

3. Any failure by the Rental Housing Committee or its designee to act in accordance with this Section O and the timelines set forth therein will not result in an automatic acceptance of a Petition, or grant of an Individual Rent Adjustment.