

Project Sentinel

FY 2017-18 Scope of Work - Hearing Officers

Mountain View Community Stabilization and Fair Rent Act (“CSFRA”)

Project Sentinel shall secure and deploy Hearing Officers on an as-needed basis for petition hearings under the CSFRA. The Hearing Officers recruited through Project Sentinel shall have the following qualifications and experience and shall provide the following services:

Hearing Officers Qualifications and Experience

1. Juris Doctor or Equivalent Degree.
2. Active or Inactive Membership in the California State Bar in Good Standing or Other State Bar.
3. Experience:
 - Served as a judge, commissioner, or other judicial officer for more than one year;
 - Served as a hearing officer or administrative law judge or equivalent position for a public entity for more than three years;
 - Served as an arbitrator and heard at least five arbitration proceedings that required hearing witnesses, examining evidence, and issuing a written decision;
 - Served as a hearing officer or arbitrator for a binding rental dispute program, and has held that position for more than two years and has issued written decisions in that position.
4. Completed a CSFRA Training and Orientation Program Presented by the City of Mountain View.
5. Not Currently a Member of a Tenant or Landlord Advocacy Group or Trade Organization. This assures that Hearing Officers will have a neutral orientation toward the two populations subject to the CSFRA.

Hearing Officer Services

Hearing Officers shall provide the following services when assigned to preside over a Petition Hearing in accordance with Chapter 5 of the CSFRA Regulations, summarized as follows:

1. A Hearing Officer will conduct an administrative Hearing to resolve the issues raised by a Petition. The Hearing Officer shall control the conduct of the Hearing and rule on procedural requests. The Hearing shall be conducted in the manner deemed by the Hearing Officer to be most suitable to secure the information and documentation necessary to render an informed Decision, and to result in a fair Decision without unnecessary delay. During a Hearing, the Hearing Officer may adopt rules to encourage a timely and business-like Hearing, such as requiring the parties, rather than their counsel or other advisors, to be the primary speakers at Hearings, with adequate time given to consult with their counsel or advisor, or with a large group encouraging representatives, if any, to be the primary spokespersons.
2. A Hearing Officer may hold a Pretrial Meeting with all parties in advance of the Hearing either in person or by phone. The purpose of the Pretrial Meeting is to ensure a more orderly and efficient Hearing. The Hearing Officer will review with the parties all evidence that has been or will be submitted to the Hearing Officer and all parties and all witnesses will be identified whose testimony may be offered or requested. The Hearing Officer will also review how the Hearing will be conducted.
3. There shall be no oral communication outside the Hearing between the Hearing Officer and any party or witness, except at a prehearing conference, if any, to clarify and resolve issues. All discussion during the Hearing shall be recorded. All written communication from the Hearing Officer to a party after the Hearing has commenced shall be provided to all parties, or if the party has a proxy, to the proxy.
4. Following a Hearing, the Hearing Officer shall issue a written Decision on the issues raised in the Petition. The Hearing Officer shall issue, and have mailed, a written Decision to all parties within thirty (30) calendar days after the Hearing based on the Hearing record, in accordance with Chapter 5, Section (E)(8). The Decision shall include findings of fact and conclusions of law which support the Decision.
5. A Hearing Officer shall have the authority to:
 - a. Administer oaths and affirmations;
 - b. Cause the Rental Housing Committee to issue subpoenas for the attendance of persons to testify and to produce books, records, papers, and other material related to the issues raised in a Petition;
 - c. Cause inspections to be made of the property that is the subject of a Petition, in accordance with the procedures of Chapter 5, Section (C)(5);
 - d. Rule on offers of proof and receive relevant evidence;
 - e. Control the course of the Hearing;
 - f. Rule on procedural requests;

- g. Render Decisions on Petitions; and
 - h. Take other action authorized by the rules and regulations adopted by the Rental Housing Committee.
6. Hearing Officer shall, at all times, in the conduct of the Hearings and in otherwise performing the duties of the Hearing Officer act neutrally and impartially as between the landlord and the tenants.
 7. The Hearing Officer shall maintain an official Hearing record, which shall constitute the exclusive record for Decision.
 8. A Hearing Officer may reopen the Hearing record when she or he believes that further evidence should be considered to resolve a material issue, where the Hearing record has been closed and where a final Decision has not yet been issued by the Hearing Officer. In those circumstances, the parties may waive further Hearing by agreeing in writing to allow additional exhibits into evidence.

Hearing Officer Compensation:

Hearing Officers will be compensated according to the following schedule as established in the RHC meeting on June 8, 2017:

HEARING OFFICER RATE SCHEDULE	
TENANT PETITIONS	PER HEARING
• Covering 1 to 4 units	\$600
• Covering 5 to 9 units	\$750
• Covering 10 + units	\$900
• Petition includes issues of habitability and/or services reduction	Additional \$250
• Hearing Officer holds a pretrial meeting	Additional \$250
• Complex cases requiring more than one day of hearing, requiring advance approval of staff	Additional \$75 per hour
LANDLORD PETITIONS	PER HEARING
• Covering 1 to 4 units	\$ 750
• Covering 5 to 9 units	\$ 1000
• Covering 10 + units	\$ 1250
• Petition includes one or more tenants raise issues of habitability and/or services reduction	Additional \$250
• Hearing Officer holds a pretrial meeting	Additional \$250
• Complex cases requiring more than one day of hearing, requiring advance approval of staff	Additional \$75 per hour