

OPTION A: HUD FMR – Per Unit Adjustment

Mountain View Rental Housing Committee Fair Return Standard Regulations

Vega Adjustment Standard Regulation

Chapter 1	General
Chapter 2	Definitions
Chapter 3	Rules of Conduct
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CHAPTER 6 FAIR RETURN STANDARD

Tenant Hardship Regulation

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K. Tenant Hardship.

1. Purpose. While a Landlord's Petition for Upward Adjustment of Rent is pending, any Tenant household that may be affected by the Petition may claim that the proposed upward adjustment would create an undue Tenant hardship, and so request that the Hearing Officer consider a substantiated Tenant hardship as one factor when ensuring that a Landlord may earn a fair return.
2. Procedure.
 - a. Pre-Hearing Settlement Conference. Tenants are encouraged to discuss any potential tenant hardship during a Pre-Hearing Settlement Conference, as described in Section N of Chapter 3.
 - b. Petition. Each claim of a Tenant hardship must be submitted to the Hearing Officer assigned to the Landlord's Petition for Upward Adjustment of Rent, with supporting documentation as described in Chapter 7, subsection (C)(2) of the Regulations.
 - c. Petition Due Date. Any claim of a Tenant hardship must be submitted to the Hearing Officer no more than ten (10) days prior to the scheduled Hearing date, in accordance with Chapter 5, subsection (C)(6). Notwithstanding that subsection, the hardship Petition and supporting

documentation must be sent only to the Hearing Officer, with a copy of the Petition submitted to the Landlord; the Tenant's hardship Petition does not need to be sent to other potentially affected Tenants. A redacted copy of the Tenant's hardship Petition and supporting documentation will be made available upon request.

- d. Burden of Proof. Any Tenant household claiming a hardship must demonstrate, by a preponderance of the evidence, the existence of one or more conditions defined as a hardship in Chapter 7, subsection (C)(2).
- e. Landlord Right to Respond. Each Landlord potentially affected by a claimed Tenant hardship may contest the validity of the claimed hardship and/or propose a means of potential relief for the Tenant household during the Hearing.
- f. Valid Tenant Hardship is One Factor when Deciding a Petition for Upward Adjustment of Rent. Hearing Officers shall consider a valid Tenant hardship as one factor when issuing a Decision regarding a Petition for Upward Adjustment of Rent. A valid Tenant hardship may be considered when calculating an upward adjustment and/or when allocating an upward adjustment among Rental Units in accordance with Section J of this Chapter 6. The Hearing Officer's consideration of a valid Tenant hardship shall be included as one component of the written Decision in accordance with subsection (F)(2)(b) of Chapter 5.

L. Partial Invalidity. [Previously Adopted as Subsection K.]

If any provision of this Chapter 6, or the application thereof to any person or circumstance, is held invalid, this invalidity shall not affect other provisions or applications of this Chapter 6 or these Regulations that can be given effect without the invalid provision or application, and to this end the provisions of this Regulation are declared to be severable. The Regulation shall be liberally construed to achieve the purposes of the Act.