



**MEMORANDUM**

CSFRA, Community Development Department

**DATE:** August 27, 2018

**TO:** Rental Housing Committee

**FROM:** Anky van Deursen, Associate Planner

**SUBJECT:** Request for Proposals: Administrative and Hearing Process Services

**RECOMMENDATION**

That the Rental Housing Committee review and approve requirements related to selection of an administrative and hearing process services provider through a Request for Proposals process to assist the Rental Housing Committee with the ongoing implementation and administration of the Community Stabilization and Fair Rent Act.

**BACKGROUND**

Since the inception of the Community Stabilization and Fair Rent Act (CSFRA), Project Sentinel has been providing administrative and hearing process services. The Rental Housing Committee (RHC) has requested staff conduct a Request for Proposals (RFP) process to select and retain an administrative and hearing process services provider to assist the RHC with its duties as set forth in the CSFRA.

**ANALYSIS**

Based on the types of services provided to date, staff has compiled an approximate scope of services for an administrator with experience in administrative and hearing process services for rent stabilized jurisdictions as follows:

a. First Point of Contact:

Function as a first point of contact for all inquiries regarding the CSFRA through a dedicated phone line and e-mail and online access with services in English and Spanish, during normal operating hours, Monday through Friday, 9:00 a.m. to noon and 1:00 p.m. to 4:00 p.m. and upon scheduled appointments and events, excluding Federal and State holidays.

b. Information, Education, and Referral:

Answer inquiries by phone, e-mail, and walk-ins where the administrator offers counseling regarding tenant/landlord rights and responsibilities under the California Civil Code, the CSFRA, and local Mountain View ordinances that may apply and referral to other agencies and service providers as appropriate;

c. Pre-Petition Conciliation:

This service relates to matters and disputes where a CSFRA Petition for Adjustment of Rent has not yet been accepted and the dispute appears to fall within the scope of CSFRA. At administrator's discretion, he/she may engage in conciliation through multiple contacts with one or both parties whereby the administrator discusses the dispute with each party separately by phone, e-mail, or in person (not in a formal mediation meeting) and reviews the relative desirability of available options to assist the disputing parties in coming to a resolution that would be in compliance with the CSFRA.

d. Mediation Referral:

Parties who wish to mediate tenancy issues not covered by the CSFRA will be referred to the Mountain View Mediation Program.

e. Hearing Process:

Administer the CSFRA hearing process after a petition has been accepted by City staff and acceptance letters have been sent to all parties.

f. Prehearing Settlement Conference preparation and conciliation:

Engage in education and conciliation involving multiple contacts with all parties whereby the administrator discusses the subject of the petition, as well as any other disputes related to the tenancy, with each party by phone or e-mail (not in a formal mediation), as well as engaging the parties in brainstorming solutions and discussing the relative desirability of the options.

g. Scheduling Prehearing Settlement Conferences:

Set Prehearing Settlement Conferences if so requested, pursuant to the CSFRA rules and regulations promulgated by the RHC, including setting the time and

place of the settlement conference and assigning an approved and qualified facilitator.

h. Establishing a panel of qualified facilitators:

Solicit applicants for facilitators, review the qualifications of those applicants, verify experience as appropriate, and establish a panel of qualified facilitators. Maintain a panel, adding facilitators if necessary and removing any facilitator from the panel as it deems appropriate and in the best interests of the City. Facilitators will be billed through your organization, but paid from a separate budget.

i. Facilitator Training:

In coordination with the City staff, prepare and conduct a training course for the Prehearing Settlement Conference on the CSFRA and related regulations to familiarize the facilitators with the laws and procedures as well as expectations for holding settlement conferences. The administrator is authorized to contract with an experienced trainer with the prior consent of the City.

j. Scheduling Administrative Hearings:

Administer the process for setting administrative hearings pursuant to the CSFRA, the rules and regulations promulgated by the RHC, including setting the time and place of the hearing and assigning a qualified Hearing Officer from a panel of qualified Hearing Officers. Rooms for Hearings and Prehearing Settlement Conferences will be scheduled in coordination with the City staff so the proceedings are held within the City of Mountain View at any appropriate city-provided location, for example: City Hall, Mountain View Library, Mountain View Community Center, etc., and any audio recordings of the proceedings are captured.

k. Hearing Officer Panel:

Solicit applicants for Hearing Officers, review the qualifications of those applicants, and verify experience as appropriate, and establish a panel of qualified Hearing Officers sufficient to hear matters under the CSFRA in a timely fashion. The administrator shall maintain the panel, adding qualified Hearing Officers if necessary and removing any Hearing Officer from the panel as it deems appropriate and in the best interests of the City. Hearing Officers will be billed through the administrator's organization, but paid from a separate budget.

l. Hearing Officer Training:

Assist and support the City's Hearing Officer training program.

m. Maintain records:

Maintain records of all matters referred by the City for hearing under the CSFRA.

n. Access to Services:

Make services available through a dedicated phone line, e-mail, and online access with services in English and Spanish, during normal operating hours, Monday through Friday, 9:00 a.m. to noon and 1:00 p.m. to 4:00 p.m. and upon scheduled appointments and events, excluding Federal and State holidays.

o. Prepare documents:

In conjunction with the City and its consultants, assist in drafting documents needed for services, including the City's forms and letters associated with the petition process.

p. Evaluations:

Solicit feedback of the services, by means of evaluation forms for services provided in an effort to monitor the quality of the services.

q. Workshops:

Organize and staff weekly office hours at City Hall for individual consultations with landlords and tenants requesting assistance as well as assist with the City's biweekly clinics regarding the petition process.

r. Outreach:

Assist the City with its outreach events, workshops, etc., on an as-needed basis.

s. Quarterly Reports on:

- 1) All CSFRA activities such as case management (contacts, type of service, type of case, demographics and statistical information, rent history, case outcomes,

- and any other relevant information for each case and an overview of administrator time spent);
- 2) Records of all outreach publications and public educational activities;
  - 3) Recruitment, panel information, meetings, and training of the CSFRA Facilitators and Hearing Officers;
  - 4) Process development and templates in order to provide updates to the City as to the progress and evaluation of the services.

t. Auditing:

- 1) Access to any books, documents, papers, or records of the CSFRA for purposes of making audits, examinations, or excerpts and transcriptions. Records shall be maintained for a period of seven (7) years. The City shall also be allowed to observe administrators taking CSFRA calls at their office.
- 2) Provide an annual audit report prepared by an independent auditor, along with the accompanying management letter, detailing the financial status of the organization.

In addition to the description of services, the RFP will also require providers to demonstrate their qualifications in the following areas:

- a. Previous experience in providing services similar to those described in the scope of services section, including for which specific rent stabilization jurisdictions, and length of time.
- b. Relevant accomplishments and outcomes when providing services similar to those described in the scope of services section.
- c. Organizational capacity, including staffing plan and resumes.
- d. Monthly estimated amount of time spent on the activities mentioned in the scope of services section and fee structure for each of the proposed staff.
- e. References.
- f. Work product samples related to services for rent stabilization jurisdictions.

Staff is seeking RHC approval of the proposed scope of services to be described in the RFP, including any input regarding additional desired services, and authorization to issue the RFP to services providers. After receiving RHC authorization, staff will finalize and publish the RFP.

### **NEXT STEPS**

After the RFP is issued, staff estimates approximately 12 weeks to allow time for administrators to respond, for the evaluation commission to evaluate and score proposals, and then ultimately recommend an administrator to the RHC. Staff anticipates executing a contract with the selected provider by January 1, 2019.

### **FISCAL IMPACT**

As the RFP process has not yet been conducted, an estimate of the expenses for contracting for administrative and hearing process services based on last year's budget has been incorporated into the Fiscal Year 2018-19 budget. The contract with the selected provider will include hourly and/or flat rates for tasks. The contract would also include a not-to-exceed amount of compensation based on the budget for administrative and hearing process services and estimated needs for each year. For reference, the current budget for Fiscal Year 2018-19 contains the following not-to-exceed amounts:

- a. Administrative support services in an amount not to exceed \$125,000;
- b. Deploy and reimburse Facilitators for the Pre-Hearing Settlement Conference in an amount not to exceed \$20,000; and
- c. Deploy and reimburse Hearing Officers for the Petition Hearing Process in an amount not to exceed \$250,000.

### **PUBLIC NOTICING** – Agenda posting.

AK/3/CDD/RHC  
896-08-27-18M-3