

Section 1709 CSFRA. - Rental housing committee.

(a)

Composition. There shall be in the City of Mountain View an appointed Rental Housing Committee comprised of Mountain View residents as set forth in this Section. The Committee shall consist of five (5) Committee members appointed by the City Council, and an alternate Committee member. The alternate Committee member shall be permitted to attend all Committee meetings and to speak, but not be authorized to vote unless a regular member of the Committee is absent at that meeting or is recused from voting on an agenda item. There shall be no more than two (2) members of the Committee that own or manage any rental property, or that are realtors or developers. Anyone nominated to this Committee must be in compliance with this Article and all other local, state and federal laws regulating the provision of housing. Annually, the Committee shall elect one of its members to serve as chairperson.

(b)

Eligibility and Appointment. Committee members shall be appointed by the City Council at a public meeting. Applicants for membership on the Committee shall submit an application to the City Council. The application shall include a statement under penalty of perjury of the applicant's interests and dealings in real property, including but not limited to, ownership, trusteeship, sale, or management, and investment in and association with partnerships, corporations, joint ventures, and syndicates engaged in ownership, sale, or management of real property during the three years immediately prior to the applicant's application. This documentation shall be made available to the public.

(c)

Term of Office. Committee Members shall serve terms of four (4) years and may be reappointed for a total of two (2) full terms. Committee member terms shall be staggered. Therefore, initial appointments shall consist of two (2) members with two-year terms, an alternate with a two-year term, and three (3) members with four-year terms.

(d)

Powers and Duties. The Committee shall have the following powers and duties:

(1)

Set Rents at fair and equitable levels to achieve the purposes of this Article. Notwithstanding any other provision of this Article, the Committee shall have the authority to adopt regulations authorizing Rent increases and/or adjustments required by state or federal law.

(2)

Establish rules and regulations for administration and enforcement of this Article.

(3)

Determine and publicize the Annual General Adjustment pursuant to this Article.

(4)

Appoint Hearing Officers to conduct hearings on Petitions for Individual Rent Adjustment pursuant to this Article.

(5)

Adjudicate Petitions pursuant to Sections [1710](#) and [1711](#) herein and issue decisions with orders for appropriate relief pursuant to this Article.

(6)

Administer oaths and affirmations and subpoena witnesses and relevant documents.

(7)

Establish a budget for the reasonable and necessary implementation of the provisions of this Article, including without limitation the hiring of necessary staff, and charge fees as set forth herein in an amount sufficient to support that budget.

(8)

Administer the withdrawal process for the removal of Rental Units from the rental housing market pursuant to Subsection [1705\(a\)\(8\)](#) herein.

(9)

Hold public hearings.

(10)

Conduct studies, surveys, investigations, and hearings, and obtain information to further the purposes of this Article.

(11)

Report periodically to the City Council on the status of Covered Rental Units. Reports shall include (a) a summary of the numbers of termination of tenancy notices served pursuant to [Section 1705](#) of this Article, including the bases upon which they were served, (b) a summary of any and all Petitions submitted to and/or decided by a Hearing Officer and/or the Committee pursuant to Sections [1710](#) and [1711](#), including the bases on which the Petitions were submitted and the determinations on the Petitions.

(12)

Publicize through reasonable and appropriate means the provisions of this Article, including without limitation the rights and responsibilities of Landlords and Tenants.

(13)

Establish a schedule of penalties that may be imposed for noncompliance with this Article or with rules and regulations promulgated under this Article.

(14)

Pursue civil remedies as provided by this Article in courts of appropriate jurisdiction, subject to City Council approval.

(15)

Intervene as an interested party in any litigation brought before a court of appropriate jurisdiction by a Landlord or Tenant with respect to Covered Rental Units, subject to City Council approval.

(16)

Any other duties necessary to administer and enforce this Article.

(e)

Rules and Regulations. The Committee shall issue and follow such rules and regulations as will further the purposes of the Article.

(f)

Meetings. The Committee shall hold regularly scheduled meetings as necessary to ensure the performance of its duties under this Article. All regular and special meetings shall be called and conducted in accordance with state law.

(g)

Quorum. Three (3) members shall constitute a quorum for the Committee.

(h)

Voting. The affirmative vote of three (3) members of the Committee is required for a decision, including on all motions, regulations, and orders of the Committee.

(i)

Vacancies. If a vacancy occurs on the Committee, a person qualified to fill such vacancy shall be appointed by the City Council in accordance with this Article.

(j)

Financing. The Committee shall finance its reasonable and necessary expenses, including without limitation engaging any staff as necessary to ensure implementation of this Article, by charging Landlords an annual Rental Housing Fee as set forth herein, in amounts deemed reasonable by the Committee in accordance with applicable law. The Committee is also empowered to request and receive funding when and if necessary, from any available source including the City for its reasonable and necessary expenses.

(1)

Rental Housing Fee. All Landlords shall pay a Rental Housing Fee on an annual basis. The first Committee convened after the effective date of this Article shall determine the amount of the Rental Housing Fee. The amount of the Rental Housing Fee may differ between Rental Units subject to the entirety of this Article and those that are Partially Exempt. The Committee may adjust the amount of the Rental Housing Fee at its discretion to ensure full funding of its reasonable and necessary expenses, in accordance with all applicable law.

(2)

City to Advance Initial Funds. During the initial implementation of this Article, the City shall advance all necessary funds to ensure the effective implementation of this Article, until the Committee has collected Rental Housing Fees sufficient to support the implementation of this Article. The City may

seek a reimbursement of any advanced funds from the Committee after the Rental Housing Fee has been collected.

(k)

Integrity and Autonomy of Committee. The Committee shall be an integral part of the government of the City, but shall exercise its powers and duties under this Article independent from the City Council, City Manager, and City Attorney, except by request of the Committee. The Committee may request the services of the City Attorney, who shall provide them pursuant to the lawful duties of the office in [Article 711](#) of the City Charter. In the period between the effective date of this Article and the appointment of the initial members of the Committee, the City shall take whatever steps necessary to perform the duties of the Committee and implement the purposes of this Article.

(l)

Conforming Regulations. If any portion of this Article is declared invalid or unenforceable by decision of a court of competent jurisdiction or rendered invalid or unenforceable by state or federal legislation, the Committee and not the City Council shall have authority to enact replacement regulations consistent with the intent and purpose of the invalidated provision and applicable law. Such replacement regulations shall supersede invalidated or unenforceable provisions of this Article to the extent necessary to resolve any inconsistency. The subject matter of such replacement regulations shall be limited to the matters addressed in this Article.

(m)

Designation of Replacement Committee. In the event the establishment of the Committee under this Section is adjudged to be invalid for any reason by a court of competent jurisdiction, the City Council shall designate one or more City departments, agencies, committees, or commissions to perform the duties of the Committee prescribed by this Article.

(n)

Conflict of interest. Committee members shall not necessarily be disqualified from exercising any of their powers and duties on the grounds of a conflict of interest solely on the basis of their status as a Landlord, realtor, developer, or Tenant. However, a Committee member shall be disqualified from ruling on a Petition if the Committee member is either the Landlord of the Property or a Tenant residing in the Property that is involved in the Petition. The provisions of the Political Reform Act, Government Code Sections 87100 et seq. shall apply.