

**Project Sentinel**  
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Santa Clara, CA 95050  
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DATE: October 29, 2024

**REQUEST FOR QUALIFICATIONS FOR  
RENT STABILIZATION DIVISION HEARING OFFICER AND FACILITATOR SERVICES  
UNDER THE CITY OF MOUNTAIN VIEW'S COMMUNITY STABILIZATION AND FAIR  
RENT ACT (CSFRA) AND MOBILE HOME RENT STABILIZATION ORDINANCE (MHRSO)**

**I. OVERVIEW**

Project Sentinel, at the direction of the Rental Housing Committee for the City of Mountain View, ("RHC"), requests proposals for qualified Hearing Officers and Facilitators required by the Community Stabilization and Fair Rent Act amendment to the City of Mountain View Charter at Section 1702 et seq. (the "CSFRA"), and the Regulations adopted by the RHC to implement the Act as well as the Mobile Home Rent Stabilization Ordinance (MHRSO) and the Regulations adopted by the RHC to implement the Ordinance. Project Sentinel has been designated by the RHC to deploy Hearing Officers and Facilitators as established by the CSFRA and MHRSO and works closely with the City of Mountain View's Rent Stabilization Division.

**II. RFQ SCHEDULE:**

RELEASE DATE:	October 29, 2024
RFQ PROPOSALS DUE:	Proposals will be screened on a continuous basis with an initial cut-off date of <b>Friday, November 22, 2024 at 4:00 PM</b> (applicants are encouraged to apply early). Proposals received after this date will be considered depending on need.
CONTACT INFO:	Anky van Deursen, on behalf of Project Sentinel Division Director, Rent Stabilization Division, City of Mountain View 298 Escuela Ave. Mountain View, CA 94040 <a href="mailto:anky.vandeursen@mountainview.gov">anky.vandeursen@mountainview.gov</a> 408-903-6131

CONTRACT TERM:	The initial term of the contract will be for one (1) year with the option to renew the contract for additional year(s), subject to performance.
INTERVIEWS:	Rent Stabilization Division staff, on behalf of Project Sentinel, will determine which candidates should be interviewed, depending in part on whether a candidate was previously interviewed. The Division will notify those candidates who will be interviewed at any point after receiving proposals, with interviews being scheduled between <b>December 2, 2024 and December 6, 2024.</b>
ACCEPTANCE:	Candidates will be notified if they have been accepted no later than <b>December 11, 2024.</b>
MANDATORY TRAINING:	A mandatory orientation and training session will be held on <b>Monday, December 16, 2024 from 5:30p.m. to 8:30p.m.</b>

**I. BACKGROUND**

In 2016, the residents of the City of Mountain View voted to adopt Measure V, a City Charter Amendment also known as the Community Stabilization and Fair Rent Act (“CSFRA”), to regulate rent increases and to require just cause for evictions. The purpose of the CSFRA is to promote community stability in Mountain View by controlling excessive rent increases, while ensuring landlords receive a fair and reasonable return on their investments. The CSFRA establishes a Rental Housing Committee (RHC) to administer the Rent Stabilization Division. The CSFRA allows for one annual general rent increase equal to 100% of the Consumer Price Index (CPI). The CSFRA also provides for a petition process to request approval for an individual rent adjustment, in order to balance the benefits and burdens of rent stabilization.

In 2021, the Mountain View City Council adopted the Mobile Home Rent Stabilization Ordinance (MHRSO) to regulate space rent increase for mobile home owners and regulate rent increases and require just cause for evictions for mobile home renters. The purpose of the MHRSO is similar to the CSFRA and also promotes community stability by controlling excessive space rent and unit rent increases, while ensuring landlords receive a fair and reasonable return on their investments.

The CSFRA establishes a Rental Housing Committee (RHC) to administer the CSFRA and the City Council appointed the RHC to administer the MHRSO on behalf of the City.

Tenants may file a Petition for a Downward Rent Adjustment to address a landlord’s:

1. Demand for or a retention of rent in excess of the lawful rent permitted by the CSFRA or MHRSO
2. Failure to maintain habitable premises/decrease or elimination of housing services, maintenance, or Communal Facilities; or
3. Qualifying undue hardship.

A landlord may file a Petition for Upward Adjustment of Rent to ensure a fair and reasonable rate of

return from the investment in the rental property or mobile home park.

1. Maintenance of Net Operating Income
2. Specified Capital Improvements

Tenants and landlords may also request an Upward Adjustment of Rent through a Joint Petition initiated by the tenant.

The CSFRA and MHRSO provide an optional meeting for the parties to explore settlement with the help of Facilitators at the start of the petition process. Hearing Officers may act as Facilitators; however, if a Hearing Officer acts as a Facilitator for a petition and the petition does not fully settle, a new Hearing Officer will be assigned to the petition to complete the hearing process. If the parties decline the Voluntary Settlement Meeting option, petitions for individual rent adjustments will initially be heard and decided by Hearing Officers, with a right to subsequently appeal to the RHC.

After the decision on a petition requesting individual rent adjustment becomes final, any party may file a Compliance Petition to seek further decision regarding ongoing disputes related to repeated violations or compliance with the final decision.

The RHC has adopted CSFRA and MHRSO Regulations governing the petition process, the hearing process, the applicable fair return standard, procedures for “banked” increases tenant claims of undue hardship, substantial compliance standards, and utility charges of units fully covered by the CSFRA. The CSFRA and MHRSO regulations can be found here: [mountainview.gov/rentstabilization](https://mountainview.gov/rentstabilization).

## **II. QUALIFICATIONS**

A. *Hearing Officers Selection Criteria – Hearing Officers appointed by the RHC must meet the following criteria:*

- i. Juris Doctor or Equivalent Degree
- ii. Active or Inactive Membership in the California State Bar in Good Standing or Other State Bar
- iii. Experience:
  - a. Served as a judge, commissioner, or other judicial officer for more than one year;
  - b. Served as a hearing officer or administrative law judge or equivalent position for a public entity for more than three years;
  - c. Served as an arbitrator and heard at least five arbitration proceedings that required hearing witnesses, examining evidence, and issuing a written decision;  
or
  - d. Served as a hearing officer or arbitrator for a binding rental dispute program and held that position for more than two years and issued written decisions in that position.
- iv. Complete a CSFRA/MHRSO Training and Orientation Program presented by the City of Mountain View (post-hire).
- v. Not currently be a member of a tenant or landlord advocacy group or trade organization.
- vi. Not be an owner of, or have a financial interest in, a rental property in the City of Mountain View which could currently qualify as a rent stabilized unit.

B. Applicants must demonstrate that the candidate meets the following requirements:

- i. Relevant professional experience, background, qualifications and licensing;
  - ii. Knowledge of and experience applying state and municipal laws, legal principles, statutes, court decisions, methods of research as applied to civil/administrative law, administrative hearings and legal procedure.
  - iii. Ability to plan, organize and conduct administrative hearings;
  - iv. Ability to prepare administrative decisions which are clear, logical, thorough, and accurately interprets the law;
  - v. Ability to establish and maintain effective communications with staff and the public who may be from diverse ethnic and economic groups.
- C. Applicants must demonstrate the ability to meet the criteria set forth in Section IV.A. above through a cover letter and resume or curriculum vitae. In addition, the applicant should provide:
- i. Two writing samples: Preferably these samples should show working familiarity with landlord/tenant issues, rent stabilization laws or matters concerning some level of financial complexity.
  - ii. References: At least three references including name, title, organization, address, and phone number and/or email address.
- D. An application may be rejected if conditional or incomplete. Applications which contain false or misleading statements, or which provide references which do not support an attribute or qualification claimed by the candidate, may be rejected.

### **III. SCOPE OF WORK FOR HEARING OFFICERS**

- A. *Hearing Officers Authority - Pursuant to the CSFRA and the MHRSO and the regulations promulgated by the RHC, a Hearing Officer shall have the authority to:*
- i. Administer oaths and affirmations;
  - ii. 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;
  - iii. Cause inspections to be made of the property that is the subject of a Petition, in accordance with the procedures of CSFRA Regulations Chapter 5, Section (C)(6) and MHRSO Regulations, Chapter 6, Section (C)(6);
  - iv. Rule on offers of proof and receive relevant evidence;
  - v. Control the course of the Hearing;
  - vi. Rule on procedural requests;
  - vii. Render written Decisions on Petitions; and
  - viii. Take other action authorized by the rules and regulations adopted by the Rental Housing Committee.
- B. *Hearing Officers are Expected to:*
- i. Conduct Hearings, issue pre-Hearing orders, written decisions and post-Hearing orders that are consistent with the CSFRA and MHRSO and the rules and regulations promulgated thereunder, including adherence to pre-Hearing, Hearing and post-Hearing timelines outlined in the CSFRA and MHRSO Regulations, including Chapter 5 and per the guidelines set forth in hearing officer training materials.
  - ii. Follow procedures outlined in CSFRA Regulations, Chapter 5, Section (C)(4) and (5) and MHRSO Regulations, Chapter 6, Section (C)(4) and (5) regarding holding a pre-Hearing teleconference and requests for additional evidence and/or argument.

- iii. Be familiar with the applicable limits on their jurisdiction, the allowed scope of award, burden of proof standards and required findings for the type of hearing they are conducting.
- iv. Hearing Officers are also expected to:
  - a. contact the City immediately in event of an apparent conflict or inconsistency regarding procedure under the CSFRA/MHRSO and/or their regulations;
  - b. coordinate with the City on the scheduling of hearings;
  - c. participate in any required trainings and meetings subsequent to the initial orientation;
  - d. arrive at scheduled hearings on time and be fully prepared to conduct hearings in a fair and efficient manner, which allows all parties the opportunity to disclose relevant facts and testimony;
  - e. maintain their neutrality in all proceedings and hold fair and impartial hearings in accordance with the code of ethics, including promptly disclosing to the City any fact which may create a conflict or an appearance of conflict in any particular case;
  - f. prepare reports, voluntary settlement meeting agreements, decisions and all other related documents and submit them to the City in the time and manner specified in hearing officer training materials;
  - g. comply with the applicable decision and agreement format guidelines as required by the CSFRA/MHRSO, their rules and regulations, and per the guidelines set forth in hearing officer training materials;
  - h. submit all written orders, requests, decisions or other communications intended for parties to the City, who manages dissemination of materials to parties.
  - i. ensure that due process procedures are followed (e.g., limit ex-parte contacts, swear-in the parties, obtain testimony, provide opportunity for cross-examination); and
  - j. respond in a timely manner to City or RHC requests for input or action to be taken.

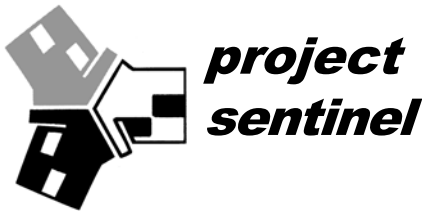
#### **IV. INSURANCE COVERAGE FOR HEARING OFFICERS**

- A. It is preferred, though not required, that the applicant maintain one or more of the following types and amounts of insurance listed below against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Hearing Officer and its agents, representatives, employees, and subcontractors:
  - i. Professional Liability Insurance: For costs or damages resulting from allegations of negligent acts, errors or omissions in the Hearing Officer's conduct of Hearings or dispute resolution services. Such insurance should be in an amount not less than \$100,000 per claim/\$300,000 aggregate and shall be kept in force for not less than one (1) year after completion of services described herein.
  - ii. Automobile Liability Insurance: Automobile liability insurance in the amount pursuant to the contract with Project Sentinel in an amount of not less than \$500,000 for each occurrence combined single limit or not less the \$500,000 for any one person, and \$1,000,000 for any one accident and \$100,000 property damage.
  - iii. Commercial General Liability: Bodily Injury Liability and Property Damage Liability

Insurance on an occurrence basis as shall protect the Hearing Officer while performing work covered in this RFQ, the CSFRA and its regulations from any and all claims for damages for bodily injury, including accidental death, as claims for property damage which may arise from the Hearing Officer's operations, or by anyone directly or indirectly employed by the Hearing Officer. The amounts of such insurance shall be not less than \$1,000,000 per occurrence and \$1,000,000, in aggregate, or \$1,000,000 combined single limit bodily injury and property damage for each occurrence.

**V. CONFLICT OF INTEREST**

- A. In order to avoid a conflict of interest or the perception of a conflict of interest, applicants must identify any potential conflicts of interest they, or their firm or employer, might have in providing services to the City, including but not limited to, representation of any party who has an interest adverse to the City, the RHC, or is a group or organization which have or are viewed by significant numbers of tenants or landlords as having taken advocacy positions in landlord/tenant matters.



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**COMMUNITY STABILIZATION AND FAIR RENT ACT (CSFRA) AND  
MOBILE HOME RENT STABILIZATION ORDINANCE (MHRSO)  
HEARING OFFICER AND SETTLEMENT CONFERENCE FACILITATOR APPLICATION**

**I. Applicant Information**

**A. Name and Contact Information**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Email: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
(Street Address) (Unit Number)  
\_\_\_\_\_  
(City) (State) (Zip Code)

**II. References**

**Reference 1**

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

**Reference 2**

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

**Reference 3**

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

### III. Availability

I am available to begin onboarding as a Hearing Officer and Facilitator as soon as described below:  
*(please provide your earliest approximate start date, general times of the day you are available to meet, any recurring conflicts in your schedule, or prior arrangements currently scheduled)*

### IV. Applicant Checklist and Declaration

I have provided:

- cover letter with resume
- three professional references
- two writing samples
- verification of good standing with the California State Bar Association
- proof of insurance

I declare under penalty of perjury under the laws of the State of California that:

- meet the minimum qualifications as outlined above
- am in good standing with the California State Bar Association

Signature of Applicant: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_