



# Rent Stabilization Program

(650) 903-6149 | [mvrent@mountainview.gov](mailto:mvrent@mountainview.gov)  
[Mountainview.gov/rentstabilization](http://Mountainview.gov/rentstabilization)

## Instructions for Landlord Petition for Upward Adjustment of Rent: Specified Capital Improvements as defined by the Community Stabilization and Fair Rent Act (CSFRA) and Regulations

### **Petition Overview**

The Community Stabilization and Fair Rent Act (“CSFRA”) of the City of Mountain View is a voter-approved tenant protection law that applies to most apartments built before February 1, 1995. The CSFRA regulates rent increases and decreases and provides “just cause” eviction protections. Landlords and tenants of fully covered CSFRA units can request rent adjustments through a City-managed petition process in accordance with the CSFRA, and implementing regulations adopted by the Rental Housing Committee. To learn more about tenant petitions, joint petitions or other types of landlord petitions, please visit [mountainview.gov/rentstabilization](http://mountainview.gov/rentstabilization).

### **Specified Capital Improvements**

Landlords may file a Specified Capital Improvement Petition to temporarily increase the rent for existing tenancies in CSFRA-covered units above the allowed Annual General Adjustment (AGA) for qualifying capital improvements. The maximum increase that can be authorized in a Specified Capital Improvement Petitions is five percent (5%) of the rent for any CSFRA-covered unit. Landlords may submit Specified Capital Improvement Petitions to be approved prior to installation of any improvements.

Under the CSFRA, Capital Improvements are additions to or modifications of a physical feature of a Covered Rental Unit or of a building or property containing a Covered Rental Unit that meets the following qualifications and categories (CSFRA Regulations Ch. 6 Subsection C.10.):

#### ***Qualifications:***

- Be necessary to bring the property or Covered Rental Unit into compliance, or to maintain compliance, with applicable building or housing codes;
- Primarily benefits the Tenant, rather than the Landlord;
- Be permanently fixed in place or relatively immobile;
- Have a useful life of at least five (5) years;
- Appreciably prolong the useful life of the property; and
- Not be excluded pursuant to Chapter 6, Subsection C.3., of the Regulations.

*Additionally, Capital Improvements that meet the above qualifications and also improve the environmental sustainability of the property while reducing costs to tenants may be considered.*

#### ***Categories***

Specified Capital Improvements must fall within one of the below categories (see attached Amortization Schedule for more details):

- New roof covering all or substantially all of a building or a structurally independent portion of a

building;

- Significant upgrade of the foundation of all or substantially all of a building or a structurally independent portion of a building, including seismic retrofits;
- New or substantially new plumbing, electrical or heating, ventilation, and air conditioning (HVAC) system for all or substantially all of a building;
- Exterior painting or replacement of siding on all or substantially all of a building;
- Repairs reasonably related to correcting and/or preventing the spread of defects which are noted as findings in a Wood Destroying Pest and Organisms Inspection Report;
- Installation of water conservation devices intended to reduce the use of water- or energy-efficient devices, such as solar roof systems; and/or
- Improvements or upgrades to a Rental Unit or the building/complex that meet or exceed disability/accessibility standards as required by law.

The following improvements do not qualify as a capital improvement under the CSFRA:

- improvements that could have been avoided by the Landlord's exercise of reasonable diligence in maintaining and making timely repairs;
- improvements that previously belonged to the Landlord or were inherited or borrowed by the Landlord;
- improvements done as ordinary or routine repair; and/or
- Over-improvements not approved by the Tenant(s) in writing.

Landlords considering filing a petition should carefully review the applicable sections in the CSFRA and the Program Regulations and contact City staff as soon as possible for assistance with the petition process. As a reminder, City staff is unable to provide legal advice. Please seek legal assistance, if necessary. **All forms for filing a petition, as well as the CSFRA and the Regulations, are posted on [mountainview.gov/rentstabilization](http://mountainview.gov/rentstabilization).**

### **PREPARE TO FILE A PETITION**

Here are a few things to do before starting the petition.

- Determine eligibility:
  - The improvements meet the requirements as listed above and in the Amortization Schedule for Specified Capital Improvements
  - A petition for individual upward adjustment of rent will only be accepted if:
    - The rental property substantially complies with all the provisions of the CSFRA and the Regulations, and all applicable orders of the Rental Housing Committee, including payment of the Rental Housing Fee(s) and registration of the property;
    - The rental property substantially complies with all state and local health and safety laws; and
    - There are no outstanding citations or notices of violation for the property.
- Gather the following information and documents:

- Petition Form and Workbook
  - Cost estimates, if seeking approval in advance
  - Invoices, receipts, contracts, loan agreements, or other similar documents, if applicable
  - Permits or approvals, if applicable
  - Compliance records
    - Rent roll back documentation
    - Code inspection and/or code violation records *(if available)*
      - Base Year (2015) and Petition Year
    - Proof of Rental Housing Fee payment
- **Worksheet 1:** Tenant Contact Information
  - Name(s) of affected tenant(s) on lease for each unit
  - Phone number and email address for each tenant *(if known)*
- **Worksheet 2:** Unit Information
  - Identification of affected units on property
  - For each affected unit on property
    - Number of bedrooms and bathrooms
    - Move-in date
    - Base rent amount
      - October 19, 2015 *(If applicable)*
      - or-
      - Initial rent amount on move-in date *(If this date falls after October 19, 2015)*
    - Last monthly rent before rent roll back *(if applicable)*
    - Current rent
    - Proposed pro rata, amortized cost per affected unit
- **Worksheet 3:** Capital Improvement Expenses
  - Maintenance records or logs
  - Invoices
  - Receipts
  - Cancelled checks
  - Contracts and/or bids
  - Other proof of payment
- Decide if you will:
  - Designate a representative to file this petition on your behalf or appear on your behalf
    - *Gather representative contact information if applicable*
    - *Complete the Representative Authorization Form*
  - Have any witnesses speak on your behalf

- Request a settlement meeting

### **COMPLETE THE PETITION PACKET**

- The petition packet includes the following documents:
  - Petition form
  - Workbook
  - Notice of Submission and Proof of Service form
- Complete the entire petition packet as thoroughly as possible and provide all necessary documentation
- Closely review the petition to check that you have:
  - Entered all information correctly
  - Completed the entire petition
  - Gathered and labeled all applicable documentation
  - Provided explanations for all missing documents
  - Clearly explained any unusual or complicated issues in your petition
  - Signed the petition

### **REQUEST AN INFORMAL REVIEW**

The next step is to formally serve the petition packet on your tenants. Before doing so, you may want to request an *optional and informal* preliminary review of your petition by Rent Stabilization Program staff.

The informal review provides an opportunity for staff to:

- Offer feedback regarding missing information and/or incomplete worksheets
- Provide information on documentation
- Answer your questions

By requesting an informal review, you reduce the likelihood of having to re-serve the petition if information is found to be missing or incomplete. Staff recommend informal reviews for all petitions.

### **SERVE THE PETITION**

Once you have filled out the petition packet and completed the informal review, it's time to serve it on the affected tenants.

#### **Complete the Notice of Submission and Proof of Service Form**

The Notice of Submission and Proof of Service Form must be completed before serving the petition on your affected tenants. This form notifies the affected parties that you are submitting a request to the City of Mountain View for a rent increase.

- Fill out and sign the Notice of Submission (front page)
- Determine how you will serve the petition
  - By Personal Service/Hand Delivery;
  - By Mail; and/or

- By Email (can only be used if you regularly communicate with your tenants via email)
- Complete and sign the Proof of Service Form (back page)
- Attach the Notice of Submission/Proof of Service Form to the cover of the Petition Summary; together these documents are your Petition Packet
- Make two additional copies of the full Petition Packet (one for your files and one for filing with the City)

**Serve on Affected Tenants**

Serve the signed Petition Packet on the affected tenants as indicated in your Proof of Service Form. Do not serve any supporting documents on your tenants. The City will review the supporting documents and redact (remove) any confidential information before providing a copy to the tenants.

**FILE THE PETITION AND ITS SUPPORTING DOCUMENTS**

Once you have served the petition packet on the tenant(s), submit the petition packet (including all evidentiary documentation) with copies of the Notice of Submission and Proof of Service to Tenant(s) of a Petition Requesting Upward Adjustment of Rent to:

City of Mountain View, Rental Housing Committee  
500 Castro Street  
Mountain View, CA 94041

-or submit by email (preferred method)-  
Patrica.Black@mountainview.gov

**NEXT STEPS**

*Formal Review and Acceptance*

Rent Stabilization Program staff will review the petition to make sure it is complete. If information or documentation appears to be missing, staff will contact the filing party to provide a chance to supplement or revise the petition. Staff will then accept the petition and notify all parties involved. The City of Mountain View will have redacted copies of the complete petition (*including all evidentiary documentation*) available for review by interested parties. Personal information (i.e., phone numbers, social security numbers, and dates of birth) will be redacted. The redacted copies (*including all evidentiary documentation*) are a public record and subject to the California Public Records Act (Government Code Section 6250, et seq.).

*Administrative Review and Decision*

Upon acceptance of the Capital Improvement Petition by Rent Stabilization Program staff, a hearing officer will be assigned to the petition. Additionally, notice will be provided to all affected Tenants. Tenants will have thirty (30) days from the date of acceptance of the petition to request a hearing before a Hearing Officer, and to file a tenant hardship petition. If a hearing is requested by one or more affected Tenants, then a hearing will be scheduled. Within 30 days of closing the Hearing record, the Hearing Officer will issue a Decision. If no hearing is requested, the Hearing Officer will review the petition and associated documentation, and issue a Decision within 30 days of the deadline to request a hearing. The Decision will outline the allowed monthly increase and applicable amortization period, or one-time payment (if any), based on the submitted Capital Improvement Petition and accompanying documentation.

### *Implementation of Increase*

Landlords can apply temporary rent increases as approved by the Hearing Officer on the basis of the Capital Improvement Petition, pursuant to the following conditions:

- After the Landlord provides the Tenant(s) with no less than the greater of:
  - (i) sixty (60) days' notice prior to the due date of the first payment of the upward adjustment; or
  - (ii) ninety (90) days if an increase is above 10% as required by Civil Code Section 827
- At least 12 months after the last rent increase for the unit
- No earlier than the date the improvements are completed
- If the property is in compliance with the CSFRA and its regulations, including applicable health and safety codes (Civil Code Sections 1941.1, et seq., and Health and Safety Code Sections 17920.3 and 17920.10.)

Rent increases approved as part of a Capital Improvement Petition are not considered part of Rent when calculating the Annual General Adjustment (CSFRA Regulations Ch. 6 Sec. F.8.c.). Therefore, any AGA increase imposed by the Landlord should be calculated without factoring in the rent increase approved as part of the Capital Improvement Petition.

Example: A household is paying \$3,000 in rent per month for their unit. Their landlord determines that, in order to maintain the property, fumigation is required (as allowed under the Capital Improvement Petition Qualifications for preventing the spread of defects which are noted as findings in a Wood Destroying Pest and Organisms Inspection Report). Following the fumigation of the building, which benefits the tenant's unit, the Hearing Officer determines the household should pay an additional \$100 per month for 5 years in accordance with the amortization schedule to partially cover the cost of the capital improvement. Their new rent, including the temporary capital improvement increase, is \$3,100.

The following year, the Annual General Adjustment (AGA) is determined by the Rental Housing Committee (RHC) to be 5%. The Annual General Adjustment (AGA) is the allowed rent increase based on the rate of inflation and approved by the Rental Housing Committee (RHC) annually for fully covered CSFRA units. Twelve (12) months have passed since the last rent increase was given to the household. To correctly calculate the increase, the landlord should apply the 5% AGA to the rent prior to the temporary capital improvement increase of \$3,000.

New Rent including AGA and Capital Improvement =  $(\$3,000 \times .05) + \$3,000 + \$100$

New Rent including AGA =  $\$150 + \$3,000 + \$100$

New Rent including AGA =  $\$3,250$

The Landlord may increase the rent of this household by \$150, which is 5% of \$3,000—not \$155, which is 5% of \$3,100. The total rent the tenant will pay is \$3,250, which includes the \$150 AGA increase plus the \$100 per month for the approved capital improvement.

### *Appeals*

The Decision of a Hearing Officer on a Capital Improvement Petition may be appealed pursuant to CSFRA Regulations Chapter 5, Section H.

## **LOOKING FOR MORE HELP?**

The CSFRA and Regulations, including Chapters 4, 5 and 6 outlining the petition and hearing process, as well as all program forms are available at: [www.mountainview.gov/rentstabilization](http://www.mountainview.gov/rentstabilization). If you have questions, please contact Patricia Black at (650) 903-6149 or [patricia.black@mountainview.gov](mailto:patricia.black@mountainview.gov).

## LANDLORD PETITION FOR UPWARD ADJUSTMENT OF RENT: SPECIFIED CAPITAL IMPROVEMENTS AS DEFINED BY THE COMMUNITY STABILIZATION AND FAIR RENT ACT (CSFRA) AND REGULATIONS

### I. General Information

#### A. Owner Information

Name: \_\_\_\_\_ Phone: (    ) \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_

Owner is (please select one)

- |                          |                  |                          |                            |
|--------------------------|------------------|--------------------------|----------------------------|
| <input type="checkbox"/> | Individual Owner | <input type="checkbox"/> | Trust                      |
| <input type="checkbox"/> | LLC              | <input type="checkbox"/> | Corporation or Partnership |

If any type of ownership other than Individual Owner is selected, please provide the Name, Title and phone number for Trustee(s), CEO, and/or Managing Member or Partner:

Name: \_\_\_\_\_ Phone: (    ) \_\_\_\_\_

Title: \_\_\_\_\_ Email: \_\_\_\_\_

(Attach additional pages as needed.)

#### B. Interpretation and Translations Support

Interpretation and translations support is available. If needed, please indicate language below.  
Se dispone de apoyo de interpretación y traducción. Si lo necesita, indique el idioma a continuación.  
可提供口译和笔译支持。如有需要, 请在下面注明语言。

#### C. Representative Information

If you wish to authorize a Representative to file this petition on your behalf or appear on your behalf, a **Representative Authorization Form must be completed and submitted with this petition.** Please provide the following information for your Representative below.

Name: \_\_\_\_\_ Phone: (    ) \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_



## II. Property Information

Property Address: \_\_\_\_\_

Parcel Identification Number: \_\_\_\_\_

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

Purchase Price: \_\_\_\_\_

Total Number of Residential Units on this Property: \_\_\_\_\_

Total Number of Units Affected by this Petition: \_\_\_\_\_

Property Unit Number(s) Affected by this Petition: \_\_\_\_\_

## III. Ground(s) for Petition

This Petition is to temporarily increase rent for rental units benefitting from specified capital improvements.

Date(s) of Capital Improvement(s)  
(or Planned Date(s) of Completion): \_\_\_\_\_

**I certify that the capital improvement(s) being considered in this petition for temporary upward adjustment of rent meet ALL the following conditions:**

- Are necessary to bring the property or Covered Rental Unit into compliance, or to maintain compliance with applicable building or housing codes
- Primarily benefit the Tenant(s)
- Have longevity of at least five (5) years
- Are permanently fixed in place or are relatively immobile

**The capital improvement(s) are within the following category(ies):** *(check all boxes that apply)*

- New roof covering all or substantially all of a building or a structurally independent portion of a building
- Significant upgrade of the foundation of all or substantially all of a building or a structurally independent portion of a building, including seismic retrofits
- New or substantially new plumbing, electrical or heating, ventilation, and air conditioning (HVAC) system for all or substantially all of a building
- Exterior painting or replacement of siding on all or substantially all of a building
- Repairs reasonably related to correcting and/or preventing the spread of defects which are noted as findings in a Wood Destroying Pest and Organisms Inspection Report
- Installation of water conservation devices intended to reduce the use of water- or energy-efficient devices, such as solar roof systems
- Improvements or upgrades to the Rental Unit or the building/complex that meet or exceed disability/accessibility standards as required by law

## IV. Missing Documents

If you are missing any documents that would have supported your entries in the workbook, please identify those documents in this worksheet and explain why they could not be obtained through ordinary means.

	Reason Document is Unavailable
<b>Proof of Compliance</b> (rent roll-back, code inspection reports, payment of annual Rental Housing Fee, and registration)	
<b>Cost estimate(s)</b> , if requesting approval in advance	
<b>Invoices, receipts, contracts, loan agreements</b> , or other similar documents	
<b>Permits or approvals</b> , if applicable	
<b>Worksheet 1 Tenant Contact Information</b>	
<b>Worksheet 2 Unit Information</b>	
<b>Worksheet 3 Specified Capital Improvements</b>	
<b>Worksheet 4 Proposed Increase</b>	

## V. Additions/Explanations

Use this section to add to or explain your entries on the coversheet or any of the prior worksheets. Be sure to identify which prior section(s) you are supplementing.

## VI. Availability for Meetings

Please provide your weekday availability for scheduling of the settlement meeting, prehearing conference, and hearing in the event any tenant(s) submit a Request for Hearing in response to this petition. (e.g., *Mondays and Tuesdays after 2 p.m., Wednesdays between 12-1 p.m., and Thursdays and Fridays between 10-11 a.m.*)

## VII. Landlord and/or Manager Declaration

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

- I (we) have complied with the provisions of the Community Stabilization and Fair Rent Act and implementing rules and regulations (please check all that apply):
  - have rolled back the rent on all units to either the rate charged on Oct. 19, 2015 –OR– to the amount charged at date of move-in if tenancy started after Oct. 19, 2015;
  - have only increased the rent by the amount allowed under the law since the CSFRA went into effect on Dec. 23, 2016; if I charged more than the allowed amounts, I have refunded the unlawful rent to my tenants;
  - have paid all applicable Rental Housing Fees;
  - have registered the property with the City; and
  - the condition of the rental property for which rent adjustment is sought, is in substantial compliance with all state and local health and safety laws and with any Rental Housing Committee orders or regulations pertinent thereto and that there are no outstanding citations or notices of violations for the property.

Signature of Landlord: \_\_\_\_\_

Print Name of Landlord: \_\_\_\_\_

Title: \_\_\_\_\_

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

Signature of Landlord: \_\_\_\_\_

Print Name of Landlord: \_\_\_\_\_

Title: \_\_\_\_\_

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

Este formulario está disponible en español y mandarín. | 此表格有西班牙语和中文版本。