

Tenant Petition for Downward Adjustment of Rent: Unlawful Rent, Failure to Maintain Habitable Premises, and/or Reduction in Housing Services or Maintenance

Petition Overview

CSFRA regulations allow tenants of units covered by rent stabilization protections to file petitions with the City requesting a downward adjustment of rent should their landlord be in violation of a section of the CSFRA or if a banked rent increase may pose an undue tenant hardship.

Tenants requesting adjustments in rent do so by filing petitions with the City and entering into a formal process. This process includes filing of forms and documentation, pre-hearing meetings, pre-hearing settlement conferences (if requested), hearings overseen and adjudicated by a Hearing Officer and the issuing of a formal decision by the same Hearing Officer. The process also allows parties to the petition to file appeals with the Rental Housing Committee (RHC) should they dispute the outcome of the decision.

Tenants may file petitions requesting a downward adjustment of rent with the City for three main reasons:

1. Unlawful Rent
2. Failure to Maintain Habitable Premise and/or Reduction in Housing Services
3. Tenant Hardship

Reasons to File Petitions

A. Unlawful Rent Increases

Tenants can file petitions to dispute rent increases or to recuperate excess rent payments. Reasons to file petitions for unlawful rent increases may include:

- Increases given above the Annual General Adjustment (AGA)
- Banked rent increases given above the AGA or given when not allowed or available
- Proposed rent increase is unlawful
- More than one rent increases given within a 12-month period
- Property is or was out of compliance with the CSFRA when the increase was given

Each year, the Rental Housing Committee (RHC) sets the maximum amount of rent that can be raised, also known as the Annual General Adjustment (AGA). The AGAs effective since 2017 are listed in the table to the right.

Rents can only be raised above the AGA with a banked rent increase, landlord petition, or joint petition.

| Allowed Rent Increases (AGAs) from 2017-present | | |
|--|----------------|-------------------------------------|
| AGA Year | Percent | Timeframe |
| 2024 | 2.4% | September 1, 2024 – August 31, 2025 |
| 2023 | 5.0% | September 1, 2023 – August 31, 2024 |
| 2022 | 5.0% | September 1, 2022 – August 31, 2023 |
| 2021 | 2.0% | September 1, 2021 – August 31, 2022 |
| 2020 | 2.9% | September 1, 2020 – August 31, 2021 |
| 2019 | 3.5% | September 1, 2019 – August 31, 2020 |
| 2018 | 3.6% | September 1, 2018 – August 31, 2019 |
| 2017 | 3.4% | September 1, 2017 – August 31, 2018 |

B. Failure to Maintain Habitable Premise and/or Reduction in Housing Services

Tenants can file this petition to request a rent decrease for two reasons:

1. The landlord fails to maintain a livable, healthy and safe premise

Reasons to file may include:

- Water/hot water, heat, and electrical/gas are not in good working order
- Plumbing facilities, including cold and hot water, are not in good working order (hot water must be at least 120 degrees)
- Roof, windows, walls and/or doors are not water/weatherproof
- Building and property are not clean and free from vermin and/or bug infestations

2. There is a reduction in housing services and/or maintenance for the tenant's unit and/or at their property

Reasons to file may include:

- New charges for services, like a parking spot or utilities, that were once included in the rent amount but are now being charged in addition to the rent
- Amenities closure or removal (for instance, a pool being closed or filled in)

C. Tenant Hardship

If you receive a lawful rent increase above the AGA using one of those methods, and qualify as having a “hardship condition,” you can file a petition for undue tenant hardship to request the increase amount that is above the AGA not be allowed. Below are the hardship conditions as defined by the CSFRA Regulations. Tenant Hardship Petitions require a separate form. Please visit mountainview.gov/rentstabilization or contact staff for a copy of the form or more information.

| Hardship Conditions Defined by the CSFRA Regulations | | |
|--|--|---------------------------------|
| Hardship Condition | Household Income Limit or Rent Burden Status* | Additional Criteria** |
| a. Inadequate Household Income | 100% of AMI or Severe Rent Burden | n/a |
| b. Families with Children | 120% of AMI or Severe Rent Burden | Children under the age of 18 |
| c. Senior Household | 120% of AMI or Severe Rent Burden | Person who is 62 or older |
| d. Persons with Disabilities | 120% of AMI or Severe Rent Burden | Person who is disabled |
| e. Persons who are Terminally Ill | 120% of AMI or Severe Rent Burden | Person who is terminally ill |
| f. Other | N/A | Other extenuating circumstances |
| * Severe Rent Burden means the household spends more than 50% of household income on rent. | | |
| ** The home must be the primary residence of the person with the hardship condition. | | |

The table below provides the 100% and 120% AMI limits based on household size.

| State Annual Area Median Income (AMI) for Santa Clara County in 2024 | | | | | | | | |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Household Size | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 100% AMI | \$129,000 | \$147,450 | \$165,850 | \$184,300 | \$199,050 | \$213,800 | \$228,550 | \$243,300 |
| 120% AMI | \$154,800 | \$176,900 | \$199,050 | \$221,150 | \$238,850 | \$256,550 | \$274,250 | \$291,900 |

Petition Filing Checklist

A quick overview of the steps to file and serve your petition are provided below. More detailed instructions for downward adjustment of rent petitions can be found online at mountainview.gov/rentstabilization.

1. Gather **supporting documents** (see Detailed Instructions for help)
2. Complete the **petition packet**:
 - Petition form
 - Workbook
 - Notice of Submission and Proof of Service
3. Undergo an **informal review (optional)**
Submit the following documents by email to Joann Pham at joann.pham@mountainview.gov:
 - Completed **petition packet**
 - Supporting documents
4. **Serve the petition** on the Landlord or Property Manager, including:
 - Before serving, make two copies, one for yourself and one for the Rent Stabilization Division*
 - Signed **petition packet**
 - Blank Response Notice form

Use one of the methods below:

- a. Mail
- b. Personal Service
- c. Email (can only be used if you regularly communicate with your Landlord by email)

5. **File the petition** with the Rent Stabilization Division, including:
 - Signed **petition packet**
 - Supporting documents

Use one of the methods below:

- a. Email (preferred method) to Joann Pham (joann.pham@mountainview.gov)
- b. Mail to Rent Stabilization Division, 500 Castro Street, Mountain View, CA 94041

What to Expect Next

- Within 30 days of filing, Rent Stabilization staff will notify all parties if the petition is accepted.
- If you marked interest in a Voluntary Settlement Meeting, Rent Stabilization staff will contact the Landlord or Property Manager to confirm their interest in the meeting.
- Rent Stabilization staff will schedule and notify affected parties of the Voluntary Settlement Meeting, Prehearing Meeting, and/or Hearing dates by email unless a party does not have access to email.
- Once the Hearing process concludes, a Decision will be issued within 60 days after the close of the Hearing Record.

For more information, including detailed instructions, about the petition process, please visit mountainview.gov/rentstabilization.

**TENANT PETITION FOR DOWNWARD RENT ADJUSTMENT:
UNLAWFUL RENT, FAILURE TO MAINTAIN HABITABLE PREMISES, AND/OR
REDUCTION IN HOUSING SERVICES OR MAINTENANCE**

I. General Information

A. Tenant Information

Name: _____ Phone: _____

Email: _____

Petition Address and Rental Unit Number:

(Street Address)

(Unit Number)

Current or Mailing Address (if different from above):

(Street Address)

(Unit Number)

(City)

(State)

(Zip Code)

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. Roommate Information

Please provide the contact information of adult roommates or any other person(s) above 17 years old who lived in the rental unit and paid rent during the time covered by this petition.

Name: _____ Phone: _____

Mailing Address: _____

Email: _____

Name: _____ Phone: _____

Mailing Address: _____

Email: _____

(Attach additional pages as needed.)

D. 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: _____

E. Landlord Information

Please provide contact information of property owner(s) and/or property manager(s) responsible for collecting rent.

Name: _____ Phone: _____

Mailing Address: _____

Email: _____

Name: _____ Phone: _____

Mailing Address: _____

Email: _____

II. Rent History (if applicable)

Definition of "Rent": All periodic payments, including additional payment for parking, utilities, pets, subletting, and all nonmonetary consideration provided under a rental housing agreement such as labor performed, services rendered, or goods provided for the benefit of the Landlord.

- 1. **Move-in Date:** _____
- 2. **Amount of Rent on October 19, 2015: (If applicable)** \$ _____
- 3. **Initial Rent Amount on Move-in Date:** \$ _____
(If this date falls after October 19, 2015)
- 4. **Current Rent Amount:** \$ _____

III. Ground(s) for Petition

This Petition is filed on the basis of one or more of the following conditions: *(check each box that applies)*

A. Unlawful Rent

I am disputing the rent increase(s) given below:

- | | | |
|--|--|--|
| <input type="checkbox"/> 2024 AGA (2.4%) | <input type="checkbox"/> 2023 AGA (5.0%) | <input type="checkbox"/> 2022 AGA (5.0%) |
| <input type="checkbox"/> 2021 AGA (2.0%) | <input type="checkbox"/> 2020 AGA (2.9%) | <input type="checkbox"/> 2019 AGA (3.5%) |
| <input type="checkbox"/> 2018 AGA (3.6%) | <input type="checkbox"/> 2017 AGA (3.4%) | |

Rent increase was calculated incorrectly

Banked rent increase was calculated incorrectly

Bankable 2.6% rent increase was unlawfully imposed

More than one rent increase was imposed within a 12-month period

Rent roll back was not implemented

Miscalculation of base rent

Improper notice of rent increase

Rent increase(s) given while substantially noncompliant with the CSFRA: *(Describe below)*

Other unlawful rent: *(Describe below)*

B. Habitability and Housing Service Reduction

Habitability issues

Examples of Habitability issues include broken heater, pest infestations, and water leaks

Reduction in Housing Services or maintenance

Examples of reduction in Housing Services include loss of use of laundry facilities and parking

IV. Documentation

Submit copies of the following documents in your possession (and any other documents you believe are relevant to your petition). Please submit copies only and keep the original documents for your records. Check the box(es) below to indicate the type(s) of documentation being submitted.

Documentation

For all claims

- Lease(s)/rental agreement(s)
- Lease Addendum(s)
- Relevant correspondence with Landlord or Property Manager

For unlawful rent issues

- Rent Increase notices
- Proofs of payment of rent

For habitability and housing service reduction issues

- Proof Landlord was aware of the condition or housing service reduction
- Photos, videos, or recordings of the conditions
- Other: *(Describe below)*

V. Witnesses

If you would like someone other than parties included in your petition, or your authorized representative, to provide documentation or speak on your behalf during the hearing, please fill out the section below.

A witness can be anyone with knowledge related to the condition(s) presented in your petition.

Witness List

Please indicate:

- Yes, there are additional witnesses other than the petitioner (fill out the witness information below.)
- No, there are not additional witnesses other than the petitioner

| | Name | Topic |
|-----------|------|-------|
| 1. | | |
| 2. | | |

- My witness(es) is(are) unable to attend the Hearing. I request that they be able to provide a written statement instead of verbal testimony.

VIII. Request for Voluntary Settlement Meeting

A voluntary settlement meeting allows you the opportunity to meet privately with a trained facilitator and the affected parties to discuss issues brought up in the petition. If a mutual understanding is reached, the facilitator will draft a binding agreement and the petition will be resolved without going to a hearing. Any settlement agreement will be a private record and is not subject to public disclosure.

- I request a voluntary settlement meeting
- I do not request a voluntary settlement meeting

IX. Availability for Meetings

Please provide your weekday availability for scheduling of the settlement meeting, prehearing conference, and hearing (e.g., *Mondays and Tuesdays at 2 p.m. or later, Wednesdays between 12 - 1 p.m., and Thursdays and Fridays between 10 - 11 a.m.*).

X. Declaration

I (we) declare under penalty of perjury under the laws of the State of California that the contents of the foregoing Petition and all attachments and accompanying documents, are true and correct and complete.

A completed *Notice of Submission and Proof of Service to Landlord of a Petition Requesting Downward Adjustment of Rent* is attached with a blank *Response Notice form*.

Signature: _____

Print Name: _____

Date: _____

Signature: _____

Print Name: _____

Date: _____

Este formulario está disponible en español y mandarín.

此表格有西班牙语和中文版本。