

AUG 22 2016

CITY CLERK

Impartial Analysis for Measure V

This measure is a charter amendment that would limit the amount that landlords could increase the rent, and prohibit landlords from evicting a tenant except for specified reasons.

The City of Mountain View does not currently regulate the amount of rent that a landlord may charge.

Under the measure, a landlord could not raise the rent in any year more than the percentage increase in the Consumer Price Index, and the annual increase could not be less than 2% or more than 5%. A landlord could “bank” rent increases. This means that if a landlord does not increase rent as much as legally permitted in a particular year, the landlord could accumulate and impose unimplemented rent increases, provided the rent increase in any 12-month period does not exceed 10%.

Single family homes, condominiums, companion units, duplexes, and certain other housing units would be exempt. Rental units with a certificate of occupancy after February 1, 1995, and certain affordable housing units, would be exempt from rent regulation but would be subject to just cause eviction provisions.

A landlord who failed to comply with the measure’s provisions, maintain rental units or make repairs could not increase rents.

The City Council would appoint a five member rental housing committee (“Committee”). Only two members could own or manage rental property, or be a realtor or developer. The Committee would set the base rent; establish regulations; determine allowable annual rent adjustment; establish the amount of penalties and go to court to enforce the measure. The Committee would exercise its powers and duties independent from the City Council, City Manager and City Attorney, except by request.

Landlords and tenants could petition the Committee to adjust rent. For rent increases, a landlord would be required to show that increases are necessary to provide a fair rate of return on the landlord’s investment. The Committee could not consider cost of debt service, penalties for violations, income taxes, or the cost of capital improvements unless they were necessary to bring the property into compliance with law. Rent could be decreased when a landlord fails to maintain units as liveable, decreases housing services or maintenance, or charges unlawful rents. Either party could sue to have a court review the Committee’s decisions.

Landlords could only evict tenants for just cause, which would include failure to pay rent; breach of lease; nuisance; criminal activity; failure to grant a landlord reasonable access; necessary repairs; owner move-in; withdrawal of the unit from the rental market; and demolition. Landlords must pay relocation assistance in certain circumstances. Tenants have the first right of return in some circumstances.

Landlords could not retaliate against tenants for reporting violations, exercising tenant rights or participating in tenant organizations.

If the average annual vacancy rate of rental units covered by the measure exceeds 5%, the Committee could suspend the measure.

The measure was placed on the ballot by an initiative petition signed by the requisite number of voters.

The above statement is an impartial analysis of Measure V. If you desire a copy of the measure, please call the City Clerk's office at 650-903-6304 and a copy will be mailed at no cost to you. Copies are also available in the City Clerk's Office and on the City's website at: www.mountainview.gov

Submitted by:



Krishan Chopra
Senior Assistant City Attorney
City of Mountain View

August 22, 2016