



## INSTRUCTIONS FOR COMPLETING TENANT PETITION A: DOWNWARD RENT ADJUSTMENT - UNLAWFUL RENT UNDER THE CSFRA

The Community Stabilization and Fair Rent Act (“CSFRA”) of the City of Mountain View Section applies to multifamily rental properties, built before February 1, 1995. The CSFRA regulates rent increases and decreases. Tenants living in a unit covered by the CSFRA have a right to petition for an “individual” downward rent adjustment based on any of the following reasons: (1) payment in excess of lawful rent; (2) failure to maintain habitable premises and/or (3) decrease in housing services or maintenance in accordance with the CSFRA, and implementing regulations adopted by the Rental Housing Committee.

Tenants who are considering filing a petition are advised to carefully review the applicable sections in the CSFRA and the Regulations before filing a petition. **All forms for filing a petition, as well as the CSFRA and the Regulations, are posted on [www.mountainview.gov/rentstabilization](http://www.mountainview.gov/rentstabilization).**

**Please note two separate petition forms may be used for a Tenant’s Individual Downward Adjustment of Rent. A tenant may file either one or both of these petition forms, depending on the reason for filing the petition:**

1. Petition A: Payment in excess of lawful rent
2. Petition B: Failure to maintain habitable premises and/or decrease in housing services or maintenance

### **HOW TO COMPLETE THE PETITION**

- Complete the entire *Petition Packet*, including the *Petition Form* and provide all documentation requested;
- Be sure to check that you have:
  - ✓ Decided whether to designate a representative and completed the separate *Representative Authorization Form* if applicable;
  - ✓ Attached your documentation to support your claims as specified in the *Petition Form*, and identified any unavailable documents in the applicable section of the *Petition Form*;
  - ✓ Provided the names and identifying information for witnesses you intend to call at the hearing in the applicable section of the *Petition Form*;
  - ✓ Signed the *Declaration* in the *Petition Form*; and
  - ✓ Attached a copy of the *Notice of Submission and Proof of Service to Landlord of a Petition Requesting Downward Adjustment of Rent*.

## **HOW TO FILE THE PETITION**

- If desired, you may schedule an *optional and informal* preliminary meeting with a CSFRA program administrator prior to formally serving the petition to the landlord and filing the petition with the City; this preliminary meeting provides an opportunity for CSFRA staff to offer feedback regarding missing worksheets and documentation and clarify questions that you may have before filing the petition.
- Once the packet is ready, prepare the petition for filing with the City and serving on the landlord:
- *For serving on landlords:*
  - Complete the *Tenant Notice of Submission and Proof of Service to Landlord of a Petition Requesting Downward Adjustment of Rent* form and attach it as the cover of the *Petition* that you serve on the landlord of the affected units;
  - Serve a copy of the entire *Petition* with the *Notice of Submission and Proof of Service to Landlord of a Petition Requesting Downward Adjustment of Rent* form on the cover, at the address of lessor in Rental Agreement, if any, or at the address of an authorized property manager, or any other person entitled to receive rent, if any, or at the address where rent is typically delivered;
- *For filing with the City:*
  - Once you have served the petition on the landlord, submit two (2) **un-redacted** copies of the *Petition Packet (including all evidentiary documentation)* to the City of Mountain View with copies of the *Notice of Submission and Proof of Service to Landlord of a Petition Requesting Downward Adjustment of Rent* to:

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

## **THE FORMAL PETITION PROCESS**

A program administrator will closely evaluate each petition packet to make sure it meets the submission requirements of the CSFRA and Regulations. If the petition is deemed to be insufficient, the petitioner will be given an opportunity to supplement or revise the petition. A petition will only be considered properly filed when it has been submitted in substantially completed form with all material information necessary to be able to reach a decision on the petition.

## **AFTER THE PETITION HAS BEEN ACCEPTED**

Once the petition is formally accepted, the Mountain View Rental Housing Helpline will contact you to discuss the next stage of the petition and hearing process outlined by Chapters 4 and 5 of the CSFRA Regulations, including scheduling a settlement conference, if that option was elected. 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, 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.).

If all parties agree, a settlement conference will be scheduled and a notice of the conference date will be sent to all parties.

If no settlement conference is requested, or if the settlement conference is not successful, a hearing before a Hearing Officer will be scheduled. The hearing will be conducted in accordance with the CSFRA, its Rules and Regulations, and the directions set forth by the Hearing Officer. Parties affected by the petition may file a Response Notice. All parties have a right to participate in the hearing, and to designate an attorney representative, or any other person or organization they choose as a representative. Once the formal hearing

has concluded, the Hearing Officer will issue a written decision determining whether the adjustment should be granted.

A Hearing Officer's decision may be appealed to the Rental Housing Committee. The appeal must be filed within ten (10) days of the mailing date of decision by the Hearing Officer. If a Hearing Officer's decision is not appealed within this timeframe, it automatically becomes the final decision for this petition.

### **LOOKING FOR MORE HELP?**

The CSFRA Act and Regulations, as well as all program forms are available at the City's website: [www.mountainview.gov/rentstabilization](http://www.mountainview.gov/rentstabilization). If you have questions about the petition form which are not answered above or in the petition form itself, please contact the Mountain View Rental Housing Helpline at (650) 282-2514 or CSFRA@housing.org.



For Office Use Only	
Petition No:	Date Intake:
Site Address:	Date Filed:
Intake Staff Initials:	

**PETITION A: DOWNWARD RENT ADJUSTMENT - UNLAWFUL RENT AS DEFINED BY THE COMMUNITY STABILIZATION AND FAIR RENT ACT (CSFRA)**

**I. General Information**

**A. Tenant Information**

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

Address and Unit Number of Rental Unit for Which this Petition is Being Filed:

\_\_\_\_\_  
(Street Number) (Street Name) (Unit Number)

Current or Mailing Address (if different from above):

\_\_\_\_\_  
(Street Number) (Street Name) (Unit Number)

\_\_\_\_\_  
(City) (State) (Zip Code)

Email: \_\_\_\_\_  Yes, I opt in for email communication

**B. 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**. Also, please provide the following information for your Representative below:

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

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

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

**C. Landlord(s)/Owner(s)/Manager(s) Responsible for Receiving/Demanding Payment in Excess of Lawful Rent**

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

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

**C. Landlord(s)/Owner(s)/Manager(s) Responsible for Receiving/Demanding Payment in Excess of Lawful Rent (Continued)**

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

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

**II. Rent History**

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. **Dates and Amounts of Rent Increases Since October 19, 2015, or Since Your Move-In Date if this Date Falls After October 19, 2015:**

	Date of Rent Increase	Amount of New Rent	Percentage of Rent Increase
a.			
b.			
c.			
d.			
e.			

5. **Amount of Rent Currently Paid:** \$ \_\_\_\_\_

6. **Names and Addresses of Roommates or any Other Person(s) who have Lived in the Rental Unit and Paid Rent During the Time Covered by this Petition (Do not list petitioners):**

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

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

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

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

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

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

(Use additional pages if more than two roommates or other person(s) have lived in the rental unit and paid rent during the time covered by this petition)

### III. Ground(s) for Petition

This Petition is to recover unlawfully paid rent on the following basis(es): *(check each box that applies)*

- More than one rent increase** was imposed within a 12 month period.
- Rent roll back was not implemented.** As of December 23, 2016 rent for units subject to the roll back must equal the rent charged on October 19, 2015 (or the initial rent amount if the tenancy began after October 19, 2015), plus lawful rent increases (such as Annual General Adjustments).
- Bankable 2.6% rent increase** for inflationary effects experienced prior to September 1, 2016 was unlawfully imposed.

This "banked" increase may only be applied by Landlords for the following tenancies:

1. Landlord must have continuously owned the property since October 19, 2015; and
2. Current tenant must have continuously resided in the unit since October 19, 2015; and
3. No rent increase may have been imposed for that unit between October 19, 2015 and December 23, 2016; and
4. Landlord must be in full compliance with the CSFRA.

- Annual General Adjustment of Rent 2017:** 3.4% effective from September 1, 2017 onwards was unlawfully imposed.
- Annual General Adjustment of Rent 2018:** 3.6% effective from September 1, 2018 onwards was unlawfully imposed.
- Landlord failed to comply with the CSFRA:** *(Please describe below)*

- Other:** *(Please describe below)*

#### IV. Rent Payments

List amounts of rent paid for only those months for which you claim payment in excess of lawful rent. Begin completing the chart with the most recent date for which you have evidence that you made a payment in excess of lawful rent. Complete this chart carefully, using a new line for each month for which you have evidence of paying rent. *If you have roommates who also pay rent to the owner, include the total amount paid by everyone.*

Month and Year of Rental Payment		Amount of Rent Paid	Payment in Excess of Lawful Rent (For each line item, also explain why this amount exceeded the lawful rent)		Form of Payment	Type of Evidence Submitted (Include Check or Money Order Number)
1.		\$	\$			
2.		\$	\$			
3.		\$	\$			
4.		\$	\$			
5.		\$	\$			
6.		\$	\$			
7.		\$	\$			
8.		\$	\$			
9.		\$	\$			
10.		\$	\$			
11.		\$	\$			
12.		\$	\$			
13.		\$	\$			
14.		\$	\$			
15.		\$	\$			
16.		\$	\$			
17.		\$	\$			
18.		\$	\$			
19.		\$	\$			
20.		\$	\$			
<b>Total Payment in Excess of Lawful Rent</b>			\$			

#### IV. Rent Payments (Continued)

List amounts of rent paid for only those months for which you claim payment in excess of lawful rent. Begin completing the chart with the most recent date for which you have evidence that you made a payment in excess of lawful rent. Complete this chart carefully, using a new line for each month for which you have evidence of paying rent. *If you have roommates who also pay rent to the owner, include the total amount paid by everyone.*

Month and Year of Rental Payment		Amount of Rent Paid	Payment in Excess of Lawful Rent (For each line item, also explain why this amount exceeded the lawful rent)		Form of Payment	Type of Evidence Submitted (Include Check or Money Order Number)
21.		\$	\$			
22.		\$	\$			
23.		\$	\$			
24.		\$	\$			
25.		\$	\$			
26.		\$	\$			
27.		\$	\$			
28.		\$	\$			
29.		\$	\$			
30.		\$	\$			
31.		\$	\$			
32.		\$	\$			
33.		\$	\$			
34.		\$	\$			
35.		\$	\$			
36.		\$	\$			
37.		\$	\$			
38.		\$	\$			
39.		\$	\$			
40.		\$	\$			
<b>Total Payment in Excess of Lawful Rent</b>			\$			



**V. Documentation**

For your petition to be accepted for processing, you **MUST** attach copies of any of the following documents in your possession (and any other documents you believe are evidence) that show the amount of rent paid/retained. Submit copies only; keep the original documents and bring to any meeting or hearing in this matter. Check the box below to indicate the types of documentation being submitted.

Documentation		
1.	<input type="checkbox"/>	Copies of rent checks or money orders
2.	<input type="checkbox"/>	Receipts for payment of rent
3.	<input type="checkbox"/>	Bank statements
4.	<input type="checkbox"/>	Rental agreements and/or leases
5.	<input type="checkbox"/>	Notice of rent increase for all time periods
6.	<input type="checkbox"/>	Relevant correspondence with landlord/owner/manager
7.	<input type="checkbox"/>	Separate agreements (including parking, storage or other amenities)
8.	<input type="checkbox"/>	Other (explain):

**VI. Missing Documentation**

If there is a month or months for which you have not attached any documentation in the section above:

1. Identify the line number from Sections IV and V and the month.
2. Explain why you have not attached documentation, including why it was not readily available to you and/or what actions, if any, you took to try to get this documentation.
3. Describe any testimony in Section VI and V below that a witness would provide at a hearing to take the place of any missing documentation.

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**VII. Petitioner’s Witness and Expert Witness List**

If an expert witness report will be submitted at the hearing one copy of the report must be submitted either together with the Petition or at least ten (10) business days prior to the hearing.

**Witness List**

Please indicate:

- Yes, I wish to have the following witnesses (fill out the witness information below)
- No, I do not wish to introduce witnesses other than the petitioner

**Petitioner’s Witness List**

	Name of Witness	Address of Witness	Subject matter the Testimony of this Witness will Cover
1.			
2.			
3.			

**Expert Witness List**

	Name and Address of Expert Witness	Summary of the Expert Qualifications of this Witness	Subject Matter that the Testimony of this Witness will Cover
1.			
2.			
3.			

**VIII. Request for Settlement Conference**

Prior to the hearing regarding a petition for an individual rent adjustment, a voluntary settlement conference may be scheduled through the hearing administrator, to provide an expeditious mechanism for the parties to resolve their differences informally with the assistance of a skilled intermediary. Any settlement agreement will be a private record and is not subject to public disclosure.

- I wish to request a voluntary settlement conference
- I do not wish to request a voluntary settlement conference

**IX. Additions/Explanations**

Instructions: 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.

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**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 *Tenant Notice of Submission and Proof of Service to Landlord of a Petition Requesting Downward Adjustment of Rent* is attached.

Signature: \_\_\_\_\_

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

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

Signature: \_\_\_\_\_

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

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