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**REQUEST FOR QUALIFICATIONS FOR
RENT STABILIZATION PROGRAM HEARING OFFICER SERVICES
UNDER THE CITY OF MOUNTAIN VIEW
COMMUNITY STABILIZATION AND FAIR RENT ACT (“CSFRA”)**

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 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. Project Sentinel has been designated by the RHC to administer the hearing process established by the CSFRA.

II. RFQ SCHEDULE:

RELEASE DATE:	February 7, 2020
RFQ PROPOSALS DUE:	Proposals will be screened on a continuous basis with an initial cut-off date of Monday, March 9, 2020 at 4:00 PM (applicants are encouraged to apply early). Proposals received after this date will be considered depending on need.
CONTACT INFO:	Emily Hislop Rent Stabilization Programs Manager Project Sentinel 1490 El Camino Real Santa Clara, CA 95050 ehislop@housing.org 408-470-3736
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:	Project Sentinel will determine which candidates should be interviewed, depending in part on whether a candidate was previously interviewed. The agency will notify those candidates who will be interviewed at any point after receiving proposals, with interviews being scheduled between March 2, 2020 and March 27, 2020 .
ACCEPTANCE:	Project Sentinel will notify candidates if they have been accepted no later than April 2, 2020 .
MANDATORY TRAINING:	A mandatory orientation and training session will be scheduled during the month of April 2020 in accordance with candidates' availability.

III. BACKGROUND

On November 8, 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 affordability for renters in the City of 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 program. 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 from the RHC for an individual rent adjustment, in order to balance the benefits and burdens of rent stabilization. Tenants may file a Petition for a Downward Rent Adjustment to address a landlord's: (1) failure to maintain habitable premises; (2) decrease in housing services or maintenance; or (3) demand for or a retention of rent in excess of the lawful rent permitted by the CSFRA. Under certain conditions, a tenant may file an Undue Hardship Petition. 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.

The CSFRA provides that petitions for individual adjustments will initially be heard and decided by Hearing Officers, with a right to subsequently appeal to the RHC. The RHC is vested with the responsibility to appoint these Hearing Officers and has designated that charge to Project Sentinel. Sections 1710 and 1711 of the CSFRA charges the RHC with promulgating regulations to clarify the petition process.

The RHC has adopted Regulations Chapters 4, 5, 6 and 7 governing the petition process, the hearing process, the applicable fair return standard and procedures for "banked" increases and tenant claims of undue hardship. The CSFRA and RHC regulations can be found here:

https://www.mountainview.gov/depts/comdev/preservation/rentstabilization/ordinances_n_policies.asp

IV. QUALIFICATIONS AND SCOPE OF WORK

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 has held that position for more than two years and has issued written decisions in that position.
- iv. Completed a CSFRA Training and Orientation Program presented by the City of Mountain View.
- 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. Hearing Officers Authority - Pursuant to the CSFRA 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 [RHC Regulations Chapter 5](#), 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.

C. Hearing Officer Will Expected to:

- i. Conduct Hearings and issue written decisions that are consistent with the CSFRA and the rules and regulations promulgated thereunder, including adherence to pre-Hearing, Hearing and post-Hearing timelines outlined in RHC Regulations, including Chapter 5.
- ii. Follow procedures outlined in [RHC Regulations Chapter 5](#), 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, and the burden of proof and required findings for the type of hearing they are conducting.
- iv. Hearing Officers will also be expected to:
 - a. contact Project Sentinel immediately in event of an apparent conflict or inconsistency regarding procedure under the CSFRA and/or its regulations;
 - b. coordinate with Project Sentinel and the City on the scheduling of hearings;
 - c. participate in any required CSFRA trainings subsequent to the initial orientation;
 - d. arrive at scheduled hearings on time and be fully prepared;
 - e. maintain their neutrality in all proceedings and hold fair and impartial hearings, including promptly disclosing to Project Sentinel and/or the City any fact which may create a conflict or an appearance of conflict in any particular case;
 - f. prepare reports, voluntary agreements, decisions and all other related documents and submit them to Project Sentinel 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, its 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 Project Sentinel Hearing Administrator, who manages dissemination of materials to parties;
 - i. ensure that due process procedures are followed (e.g., limit ex-parte contacts); and
 - j. respond in a timely manner to Project Sentinel or RHC requests for input or action to be taken.

V. SUBMITTAL OF PROPOSAL

- A. A proposal for consideration pursuant to this RFQ 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 and logical;
 - v. Ability to establish and maintain effective communications with staff and the public who may be from diverse ethnic and economic groups.
- B. Minimum Qualifications: The proposal submitted to qualify under this RFQ must demonstrate the proposer's ability to meet the criteria set forth in Section IV.A. above through a cover letter and resume or curriculum vitae. In addition, the proposal 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: Provide at least three references including name, title, organization, address, and phone number and/or email address.
- C. All proposals shall be complete in all respects as required by this RFQ. A submittal may be rejected if conditional or incomplete. Proposals 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. It is the desire of Project Sentinel to select the most qualified hearing officers to support the CSFRA Program.

VI. COMPENSATION

The current compensation structure, shown on Exhibit A, was approved by the RHC on March 25, 2019.

VII. INSURANCE COVERAGE

- A. It is preferred, though not required, that proposer 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.

VIII. CONFLICT OF INTEREST

In order to avoid a conflict of interest or the perception of a conflict of interest, proposer(s) selected to provide services under this RFP must identify any potential conflicts of interest he or she, or his or her 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.



Proposed Remuneration Schedule

In light of the needed expertise to hear petitions under the CSFRA and the challenge in recruiting qualified Hearing Officers, the program will benefit from adjusting the compensation to be commensurate with the work performed and in-line with other local jurisdictions. The following adjusted remuneration schedule is proposed:

Table 2: Proposed Hearing Officer Remuneration Schedule

ACTIVITY	HOURLY RATE	HOUR CAP	FLAT RATE	NOTES
Uncontested Tenant Hardship Petition (stand-alone)	\$250 Hearing \$200 Prep and Writing	4 hr*	n/a	*unless prior express authorization
Tenant Petitions A/B, Contested Hardship Petition (stand-alone)	\$250 Hearing, Pre Hearing, Site Visit \$200 Prep and Writing	8 hr*	n/a	*unless prior express authorization
Landlord Petition	\$250 Hearing Pre Hearing, Site Visit \$200 Prep and Writing	20 hr*	n/a	*unless prior express authorization
Decision on Remand after Appeal (Same Hearing Officer)	\$150	5 hr*	n/a	*unless prior express authorization
Decision on Remand after Appeal (New Hearing Officer)	\$200	10 hr*	n/a	*unless prior express authorization
Attending Trainings	\$100	n/a	n/a	n/a
Settlement Conference Facilitator	n/a	n/a	\$400	Assumes 4 hours (including prep); \$50/hr if additional conferences or time, with express authorization

The flat rate for a Settlement Conference Facilitator remains unchanged, with an addition of an hourly rate with prior approval when the conference exceeds 4 hours total prep and conference time.