Rental Housing Committee
Tentative Appeal Decision

Petition No. 21220012

The Rental Housing Committee of the City of Mountain View (the "**RHC**") finds and concludes as follows:

I. Summary of Proceedings

On May 24, 2022, Tenant Steven Goldstein ("**Petitioner**") filed a petition for downward adjustment of rent based on failure to maintain a habitable premises or reduction in housing services or maintenance (the "**Petition**") (Hearing Officer's Exhibit #1) related to the property located at 184 Centre Street, Apt. 6, Mountain View ("**Property**"). The Property is owned by David Anvy ("**Respondent**"). Petitioner and Respondent are collectively referred to herein as the "**Parties**." On June 14, 2022, a notice of hearing was issued with a hearing date scheduled for July 27, 2022.

The Petition requested a rent reduction related to habitability and repair issues, including that the balcony at the Property is not up to building codes and there are cracks in the walkways of the complex. Additionally, the Petition alleged that the building has lost value since Respondent took ownership, constituting a reduction in housing services. Finally, at the hearing, the Petitioner raised the issue of the floor in the Property being unstable.

On July 8, 2022, a pre-hearing conference was conducted telephonically by the Hearing Officer. Thereafter, the Hearing Officer issued an Order and Summary of the Pre-Hearing Conference, dated July 8, 2022, permitting the Parties to submit briefing about whether the doctrine of *res judicata* should apply to bar the Petition in whole or in part. Both Parties subsequently submitted briefs on the *res judicata* issue. The Hearing Officer issued an Order, dated July 21, 2022, limiting the scope of the scheduled hearing on the Petition to the evidence available after July 28, 2021 relating to the issues in the Petition.

Also on July 8, 2022, Petitioner submitted a request for postponement of the hearing due to the availability of his witnesses. The Hearing Officer issued an order denying that request for postponement on July 11, 2022. On July 25, 2022, Petitioner submitted an additional request for postponement based on his letter to the RHC and the City of Mountain View ("**City**") requesting a reasonable accommodation for a recently diagnosed disability. The assessment of Petitioner's request for reasonable accommodation required additional review and could not be completed prior to the scheduled hearing date of July 27, 2022. The Hearing Officer issued an Order, dated July 26, 2022, postponing the hearing to August 10, 2022; an additional Order, dated August 8, 2022, was issued *sua sponte* postponing the hearing to September 20, 2022.

On or about August 24, 2022, the Chair of the Committee, pursuant to authority delegated by the Committee, denied Petitioner's request for reasonable accommodation.

A hearing was held on September 20, 2022, at 10:00 a.m. before the Hearing Officer. The hearing record was closed on September 20, 2022. The Hearing Officer issued a decision on October 20, 2022 ("**HO Decision**"). The HO Decision was served on the Parties on October 20, 2022.[1] A timely appeal of the HO Decision was received from the Petitioner on October 26, 2022 ("**Appeal**").

[1] Also on October 20, 2022, Hearing Officer Derek Chantker reissued his decision in Petition Nos. 202100021 and 20210022 (hereinafter "2021 Decision"), which involved the same Parties and the same Property. The 2021 Decision contained a minor clerical error whereby the Petitioner's first name was listed as "William" rather than

Procedural Posture

CSFRA section 1711(j) states in part that "[a]ny person aggrieved by the decision of the Hearing Officer may appeal to the full Committee for review." Regulation Chapter 5 section H(5)(a) provides that the RHC "shall affirm, reverse, or modify the Decision of the Hearing Officer, or remand the matters raised in the Appeal to a Hearing Officer for further findings of fact and a revised Decision" as applicable to each appealed element of the decision.

II. Summary of Hearing Officer Decision

In the July 21st Pre-Hearing Order, the Hearing Officer determined that the doctrine of *res judicata* applies to exclude all claims and evidence by Petitioner which were already presented at a hearing held on July 28, 2021, on Petition Nos. 202100021 and 20210022. As such, the Pre-Hearing Order provided that the hearing on the Petition would be limited to new and relevant evidence discovered since the hearing on the prior petition and regarding the complaints asserted in the Petition.

After the hearing on the Petition, the Hearing Officer issued a detailed decision on the Petition summarizing the evidence and making findings of fact and conclusions of law.

The Hearing Officer found the following:

1. Petitioner did not meet his burden of proof in order to obtain a downward adjustment of rent as to the allegations of unsafe conditions of the balcony/deck in the Property.

2. Petitioner did not meet his burden of proof in order to obtain a downward adjustment of rent as to the allegations of cracks in the walkways of the complex.

3. Petitioner did not meet his burden of proof in order to obtain a downward adjustment of rent as to the allegations of the floor of Property being unstable.

4. A decrease in the assessed value of the building does not constitute a reduction in "housing services" as that term is defined in the CSFRA. Specifically, CSFRA §§ 1710(b)-(c) regarding loss of rental value is based on the use and occupancy of the rental unit and the attendant housing services that a tenant receives in exchange for the rent they pay the landlord, not on the assessed value of the residential real property. Therefore, Petitioner did not meet his burden of proof in order to obtain a downward adjustment of rent as to allegations of a decrease in housing services or maintenance.

5. Based on the foregoing, the Hearing Officer concluded that the Petitioner was not entitled to any downward adjustment of rent.

III. Appealed Elements of Hearing Officer Decision

Regulation Chapter 5 section H(1)(a) states that "[t]he appealing party must state each claim that he or she is appealing, and the legal basis for such claim, on the Appeal request form." Section III of this

"Steven" in the caption. Mr. Chantler reissued the 2021 Decision solely to correct this clerical error; no other elements of the 2021 Decision were changed or affected in the reissuance.

Appeal Decision identifies the elements of the Decision that are subject to appeal by the Respondent. The Appeal Decision regarding each appealed element is provided in Section IV of this Appeal Decision.

The Petitioner raises seven issues in the Appeal.

A. Respondent Appeal Elements

1. **The Order revising the Hearing Officer's Decision in Petition Nos. 20210021 and 20210022 made the doctrine of *res judicata* inapplicable and reset the timeline for appeal to October 21, 2022.** Petitioner argues the reissuance of the Hearing Officer's Decision in Petition Nos. 20210021 and 2021022 (hereinafter "2021 Decision") to correct a clerical error related to the Petitioner's name in the caption of the decision was impermissible. Petitioner asserts that the reissuance indicates that the 2021 Decision was so defective that it required another hearing officer to reissue the decision. As such, the reissuance of the 2021 Decision restarted the time to appeal that decision on October 21, 2022. Petitioner thereafter goes on to resubmit arguments from his untimely appeal of 2021 Decision.

2. **The current rental agreement for the Property is wholly unlawful**. Petitioner argues that the current rental agreement for the Property is unlawful and void because the assessed value of the Property has decreased since 2018. As such, Petitioner argues that the CSFRA requires that the current rental rate for the Property be reduced to reflect the reduced value of the Property. Without such a reduction, the entirety of the rental agreement is void.

3. **The Hearing Officer erroneously interpreted and applied Section 1710(c) of the CSFRA.** Petitioner argues that the Hearing Officer's interpretation and application of Section 1710(c) of the CSFRA was erroneous because the Hearing Officer held that Petitioner must demonstrate a lack of maintenance to establish a reduction in housing services. Petitioner asserts that Section 1710(c) requires either a decrease in housing services *or* maintenance, or deterioration beyond ordinary wear and tear to justify a downward adjustment of rent. Therefore, Petitioner was not required to demonstrate a lack of maintenance; the devaluation of the Property was sufficient to constitute a reduction in housing services and justify a downward adjustment of rent.

4. **The Hearing Officer improperly permitted the testimony of the City Inspector.** Petitioner further argues that the Hearing Officer improperly permitted and considered testimony from Mr. John Carr, a Senior Building Inspector for the City of Mountain View. Specifically, Petitioner asserts that city inspectors cannot be held legally liable for any false statements or errors made in the performance of their duties. As a result of this immunity, Mr. Carr's oath at the hearing to testify under penalty of perjury was legally unenforceable. The invalidity of the oath necessarily invalidated his testimony. Moreover, Petitioner claims that Mr. Carr's testimony at the hearing constitutes improper interference by the city in the affairs of the Rental Housing Committee in contravention of the CSFRA.

5. **The Hearing Officer improperly permitted submissions from Respondent-Landlord's contractor.** Petitioner states that the documentary evidence prepared by Respondent's contractor, Mr. Peter von Clemm, regarding the work done on the balcony/deck was self-certified. Petitioner purports that self-certification raises conflict of interest issues and is thus illegal. Therefore, the Hearing Officer should have excluded this evidence.

6. **The Hearing Officer should not have considered any documentary evidence or testimony from either the Respondent's contractor or the City Inspector.** Petitioner alleges that Mr.

Carr and Mr. von Clemm failed to submit documentary evidence required to support their opinions, and therefore their opinions and the evidence that was submitted should have been excluded by the Hearing Officer. In asserting that Mr. Carr and Mr. von Clemm were required to perform certain tests and inspections and maintain and provide records of those tests and inspections at the hearing, Petitioner relies on portions of the California Building Code. Ultimately, Petitioner concludes that the Hearing Officer improperly assumed the structural integrity of the Property in violation of the evidentiary requirements of the CSFRA.

7. **The Hearing Officer failed to follow proper procedure and therefore the HO Decision lacks compliance with state building codes.** Petitioner argues that the Hearing Officer was required to order an investigation and inspection of the Property under California Building Code. Because the Hearing Officer failed to order an investigation and inspection of the Property, the Hearing Officer's decision is unenforceable for lack of compliance with state building codes.

B. Issues Improper for Appeal Hearing

. In addition to the issues outline above, the Appeal also raises several issues and presents additional information that are improper for consideration on appeal. The allegations or information that are beyond the scope of consideration of this Appeal include, but are not limited to, the following:

1. The City failed to provide any records of periodic inspections of the seismic resistance of the structure at 184 Centre Street or of testing anchorage of the elevated walkway at the Property.

2. The City and the Respondent have failed to perform load testing of the building as required by the California Building Code.

3. The City is required to use ground penetrating radar (GPR) to detect faults in all wooden structures, including the balcony.

4. The City Inspector has failed to take reasonable actions, such as using the proper methods and tools when determining compliance with building codes, and therefore the City may be liable to the Petitioner for all rent collected by the Respondent for the Property.

These allegations raise questions regarding the standards and tools employed by City employees, and the City's liability to the Petitioner for use of those tools and standards. Neither the Hearing Officer in the Petition nor the Rental Housing Committee on Appeal have jurisdiction to decide these questions. Furthermore, none of these issues were raised at the hearing or discussed in the HO Decision so are not proper subject matter for an appeal.

IV. Decision Regarding Appealed Elements

A. Petitioner lacks legal authority for his arguments regarding reissuance of the 2021 Decision.

First, Petitioner claims the reissuance of the 2021 Decision to correct a clerical error related to the Petitioner's name in the caption of the decision was impermissible. Specifically, Petitioner argues that the Hearing Officer in the instant case did not have legal authority to reissue the 2021 Decision because she did not write that decision.

In fact, Petitioner's argument relies on a misunderstanding. The 2021 Decision was reissued by Derek Chantler, the Hearing Officer who was assigned to Petition Nos. 20210021 and 20210022 and wrote that decision. The 2021 Decision was reissued by Mr. Chantler at the same time that the HO Decision in the instant Petition was issued by E. Alexandra DeLateur, the Hearing Officer assigned to this Petition.

Next, Petitioner asserts that the reissuance of the 2021 Decision reset the timeline to appeal that decision. Petitioner cites no legal authority for this proposition.

There is precedent authorizing a court – or in this case, a Hearing Officer – to correct a clerical error in a judgment at any time after the decision is rendered. *Morgan v. State Board of Equalization* (1949) 89 Cal.App.2d 674, 677; see also *Bastajian v. Brown* (1941) 19 Cal.2d 209, 214. Furthermore, the test for whether an amended or corrected judgment (or order, in this case) restarts the period for appeal is whether the amended judgment "resulted in substantial modification of the original judgment." *Dakota Payphone, LLC v. Alcaraz* (2011) 192 Cal.App.4th 493, 504. A "substantial modification" means "one materially affecting the rights of the parties." *Id.* at 505.

In this case, the 2021 Decision was reissued to correct a clerical error. The clerical error was that the Petitioner's first name in the caption of the 2021 Decision was stated to be "William" rather than "Steven." although the Petitioner's first name was correct in all other references in the decision. The correction of this clerical error did not change or affect the rights of either Party under the 2021 Decision, i.e., the Hearing Officer's findings and conclusions remain the same. In fact, Petitioner has failed to demonstrate that original error prejudiced him in any manner. Therefore, the correction of the Petitioner's name in the caption of the 2021 Decision does not constitute a "substantial modification" sufficient to restart the period for appeal of the 2021 Decision. Since the appeal period for the 2021 Decision was not restarted by the reissuance of the 2021 Decision, Petitioner's arguments challenging elements of the 2021 Decision need not be addressed.

Finally, Petitioner alleges that metadata in the document demonstrates the Hearing Officer in the 2021 Decision did not write the decision. The Petitioner states that the Hearing Officer's use of another individual's computer or login credentials constitutes a violation of the Computer Fraud and Abuse Act. As a result, in Petitioner's view, the 2021 Decision was entirely invalid and the doctrine of *res judicata* should not have applied in the instant Petition.

Petitioner raised this same issue in his pre-hearing briefing on the *res judicata* issue. Both then and now, he cites no legal authority for his conclusions. The Rental Housing Committee has no policy against hearing officers using devices registered to other individuals in practice with the hearing officer to draft decisions on petitions. As such, the Hearing Officer determined that the argument lacked merit and that *res judicata* did apply to narrow the issues and evidence in the instant Petition. Outside of restating his arguments from the earlier briefing, Petitioner has put forth no argument as to why the Hearing Officer's decision on the application of *res judicata* was erroneous or an abuse of discretion.

B. Petitioner's argument that the rental agreement for the Property is invalid is not an appropriate topic for appeal.

Petitioner argues that the current rental agreement for the Property is unlawful and void because the assessed value of the Property has decreased since 2018 and therefore, the CSFRA requires that the current rental rate for the Property be reduced to reflect the reduced value of the Property.

This argument merely constitutes a restatement of the Petitioner's argument at the hearing and is not an appropriate topic on appeal. The role of the Rental Housing Committee is not to rehear the arguments from the hearing on the Petition or to reweigh the evidence submitted in support of or opposition to the Petition. Rather, the role of the Committee is to review whether substantial evidence exists in the record to support an appealed element of the hearing officer's decision, i.e., whether there is adequate information to support the decision.

The Hearing Officer determined that the CSFRA did not require a downward adjustment of rent where the assessed value of the property has decreased. In reaching this conclusion, the HO Decision dismissed as irrelevant Petitioner's argument about the validity of the rental agreement. The argument formed no part of the basis for the decision on this issue. The Petitioner has put forth no basis as to why the Hearing Officer's decision to dismiss the invalid lease argument or her overall conclusion on this matter were erroneous or lacked substantial evidence.

C. The Hearing Officer correctly interpreted and applied CSFRA § 1710(c).

Petitioner argues that the Hearing Officer's interpretation and application of Section 1710(c) of the CSFRA was erroneous because the Hearing Officer held that Petitioner must demonstrate a lack of maintenance to establish a reduction in housing services. Petitioner asserts Section 1710(c) did not require him to demonstrate a lack of maintenance; the devaluation of the Property in and of itself constituted a reduction in housing services justifying a downward adjustment of rent.

Section 1710(c) states that "[A] decrease in Housing Services *or* maintenance, *or* deterioration of the Rental Unit beyond ordinary wear and tear, without corresponding reduction in Rent, is considered an increase in Rent…." (Emphasis added). This section goes on to state that a petition "must specify the circumstances allege[d] to constitute a decrease in Housing Services or maintenance." Section 1702(h) of the CSFRA defines "Housing Services" as follows:

> "Housing Services include, but are not limited to, repairs, *maintenance*, painting, providing light, hot and cold water, elevator service, window shades and screens, storage, kitchen, bath and laundry facilities and privileges, janitor services, Utility Charges that are paid by the Landlord, refuse removal, furnishings, telephone, parking, right to have a specified number of occupants, and any other benefit, privilege, or facility connected with the use or occupancy of any Rental Unit. Housing Services to a Rental Unit shall include proportionate part of services provided to common facilities of the building in which the Rental Unit is contained." (Emphasis added.)

While Petitioner is correct that the language of Section 1710(c) requires a Petitioner to demonstrate either a reduction in Housing Services or a reduction in maintenance, Petitioner's argument misstates the Hearing Officer's reasoning for analyzing whether there had been a reduction in maintenance. Specifically, the Hearing Officer noted the following:

> "'Maintenance' is not specifically defined in the CSFRA. However, Petitioner does not point to other specific housing services listed in the definition of Housing Services. He rests his arguments on a reduction in general 'maintenance' due to the Respondent's failure to hire a private inspector and perform structural work on the deck and walkway that meets the NACHI recommendations." (Pg. 9)

In essence, the Hearing Officer did not assess whether there had been a reduction in maintenance because, as Petitioner asserts, she misinterpreted Section 1710(c) to require both a reduction in housing services and a reduction in maintenance. Rather, the Hearing Officer assessed whether there had been a reduction in maintenance because the Petition failed to identify any other housing services that had

allegedly been reduced. Furthermore, the Hearing Officer concluded that the devaluation of the assessed value of the Property was not a per se reduction in housing services. Lastly, the Hearing Officer held that based on the evidence presented by Petitioner, it was impossible to conclude that a lack of maintenance was the main or overriding factor in the reduction of the assessed value of the Property. Based on the foregoing, the Hearing Officer's correctly interpreted and applied Section 1710(c) to the instant Petition. There has been no error of law.

D. The Hearing Officer did not abuse her discretion in permitting and considering the City Inspector's testimony.

Petitioner further argues that the Hearing Officer improperly permitted and considered testimony from Mr. John Carr, a Senior Building Inspector for the City of Mountain View. Specifically, Petitioner asserts that city inspectors have legal immunity for any false statements or errors made in the performance of their duties, and therefore Mr. Carr's oath at the hearing to testify under penalty of perjury was legally unenforceable. The invalidity of the oath necessarily invalidated his testimony.

In claiming that city inspectors cannot be held responsible for false statements or errors, Petitioner relies on an article from a law firm, Berding Weil. The article states, in relevant part: "Under current statutory schemes, local municipalities and city public agencies are essentially stripped of any responsibility for the work performed by their building inspector employees and the permits that these inspectors issue." From this statement, Petitioner makes a great leap – concluding that a city inspector who has legal immunity also cannot take an oath to testify under penalty of perjury because that oath is legally unenforceable.

Petitioner fails to provide any legal authority for the conclusion that whatever legal immunity a city inspector has for errors or omissions made in the performance of his job duties extends to committing perjury in a legal proceeding. The tort liability for committing professional errors and omissions is separate and apart from criminal liability for committing perjury.

Moreover, Petitioner claims that Mr. Carr's testimony at the hearing constitutes improper interference by the city in the affairs of the Rental Housing Committee in contravention of the CSFRA.

Section 1709(k) of the CSFRA states the following:

> "*Integrity and Autonomy of the Committee*. The Committee shall be an integral part of the government of the City, but shall exercise its powers and duties under this Article independent from the City Council, City Manager, and City Attorney, except by request of the Committee. The Committee may request the services of the City Attorney, who shall provide them pursuant to the lawful duties of the office in Article 711 of the City Charter…."

Petitioner's argument in this respect is fatally conclusory. Petitioner provides no legal or factual basis for his conclusion that the testimony of a City employee at the hearing on the Petition amounted to interference by or usurpation of the powers of the Committee by the City Council, City Manager or City Attorney. On the contrary, Petitioner's argument seemingly contradicts the language of the CSFRA. CSFRA Section 1711(d) provides "[i]f a Hearing Officer finds good cause to believe that a building or other inspection would assist in resolving the issues raised by the Petition, the Hearing Officer may conduct an inspection and/or *request the City to conduct an inspection*." Thus, not only does Mr. Carr's testimony at the hearing not constitute improper interference by the City in the affairs of the RHC, but rather it is authorized by the CSFRA.

E. The Hearing Officer had discretion to permit and consider self-certified reports from Respondent's witness.

Next, Petitioner argues that the Hearing Officer should have excluded documentary evidence prepared by Respondent's contractor, Mr. Peter von Clemm, regarding the work done on the balcony/deck because the reports were self-certified. Petitioner purports that self-certification raises conflict of interest issues and is thus illegal.

First, it should be noted that formal rules of evidence for court proceedings are not applicable in administrative hearings. *See* CSFRA Regulations Chapter 5 section E(4). Therefore, the authentication and certification requirements in the Evidence Code are not applicable to the evidence submitted in a petition hearing. Secondly, Petitioner fails to cite any legal authority for his conclusion that self-certification of work performed by a licensed contractor is illegal or constitutes a conflict of interest. Lastly, the Hearing Officer had discretionary authority both to permit the submission of the documentary evidence from Mr. von Clemm (Landlord's Exhibits #8 and #9) and to determine the weight she would afford to said evidence. The Hearing Officer determined that the letters submitted by Mr. von Clemm were reliable and afforded them significant weight in reaching her conclusions. Perhaps most importantly, the Hearing Officer noted that Mr. von Clemm was not certifying the work in his letters, but rather offering his educated opinion.[2] *See* HO Decision, pg.10, fn.4. The Hearing Officer determined that he was qualified to give his opinion. *Id.* As mentioned previously, the role of the Committee is not to reweigh the evidence in the record; as such, the Hearing Officer's consideration of Mr. von Clemm's letters stands.

F. The Hearing Officer did not err or abuse her discretion in permitting Mr. Carr's testimony or Mr. von Clemm's letters.

Petitioner alleges that Mr. Carr and Mr. von Clemm failed to submit documentary evidence required to support their opinions, and therefore their opinions and the evidence that was submitted should have been excluded by the Hearing Officer. Specifically, Petitioner asserts that the California Building Code required both Mr. Carr and Mr. von Clemm to perform certain tests and inspections and maintain and provide records of those tests and inspections at the hearing. Ultimately, Petitioner concludes that the Hearing Officer improperly assumed the structural integrity of the Property in violation of the evidentiary requirements of the CSFRA.

As noted in Section E, formal rules of evidence for court proceedings are not applicable in administrative hearings. Despite Petitioner's claim that the Hearing Officer violated the evidentiary requirements of the CSFRA, in fact there are no such evidentiary requirements in the CSFRA or the Regulations. Section 1711(h) of the CSFRA provides that a petition shall be granted where "supported by a preponderance of the evidence submitted prior to and at the hearing." However, determination of what evidence to permit or consider is wholly within the discretion of the hearing officer.

Despite this, Petitioner claims that Mr. Carr and Mr. von Clemm were required by the California Building Code to perform certain tests and inspections and maintain and provide records of those tests and inspections at the hearing. The sections of California Building Code cited by Petitioner do require performance of certain tests and inspections by private and governmental actors and maintenance of the records of such tests and inspections. However, Petitioner fails to establish any of the following: (1) that these provisions of the California Building Code are applicable to the work performed on the

[2] It is worth nothing that there is no "certification" in the record whatsoever, thereby making the Petitioner's argument moot.

Property; (2) that the California Building Code required Mr. Carr or Respondent to submit copies of said records at the hearing; or (3) that the Hearing Officer was legally prohibited from considering Mr. von Clemm's letters or Mr. Carr's testimony unless the records were submitted.

If Petitioner's argument is merely that the Hearing Officer should have weighed Mr. von Clemm's letters or Mr. Carr's testimony differently in reaching her conclusion because they failed to provide certain documentation to support their conclusions, then the burden was on Petitioner to establish the significance of the purported omissions at the hearing. The Petitioner failed to do so. Accordingly, the Hearing Officer did not abuse her discretion in weighing only the evidence before her at the time of the HO Decision.

G. The Hearing Officer's Decision was not invalidated by her failure to order an investigation or inspection of the Property.

Lastly, Petitioner argues that the Hearing Officer was required to order an investigation and inspection of the Property under California Building Code, and the HO Decision is unenforceable due to her failure to order such investigation or inspection.

As outlined above, there are no specific evidentiary procedures or requirements proscribed by the CSFRA, outside of the "preponderance of the evidence" standard. Petitioner has not established why the Hearing Officer was legally obligated to order an inspection or investigation of the Property, or even how the requirements of the California Building Codes are applicable to the Petition hearing. While the requirements of the California Building Code might have provided the Hearing Officer with helpful guidance about habitability standards, the Hearing Officer was not legally bound or even authorized to enforce those requirements in the manner Petitioner asserts. Ultimately, it was wholly within the Hearing Officer's discretion whether to request or order an additional inspection. It is safe to assume that the Hearing Officer did not believe this additional information was necessary to assist in reaching her decision. The Petitioner has provided no basis for the Committee to reach a different conclusion, or to find that the Hearing Officer erred or abused her discretion.

V. Conclusion

As detailed above, the RHC denies the appeal in its entirety and affirms the Decision in its entirety:

1. Petitioner is not entitled to a downward adjustment of rent as to the allegations of unsafe conditions of the balcony/deck in the Property.

2. Petitioner is not entitled to a downward adjustment of rent as to the allegations of cracks in the walkways of the complex.

3. Petitioner is not entitled to a downward adjustment of rent as to the allegations of the floor of Property being unstable.

4. Petitioner is not entitled to a downward adjustment of rent based on a decrease in housing services and maintenance due to a decrease in the assessed value of the Property.