



Rent Stabilization Program

(650) 903-6149 | mvrent@mountainview.gov
Mountainview.gov/rentstabilization

NOTICE OF RESCHEDULED APPEAL HEARING FOR DECISION OF PETITION REQUESTING ADJUSTMENT OF RENT AS DEFINED BY THE COMMUNITY STABILIZATION AND FAIR RENT ACT (CSFRA)

Date: 12/07/2022
To: Affected Parties
Re: Appeal Hearing Rescheduled for December 19, 2022

Property Address: 184 Centre St #6

Petition Numbers: 21220012

Communications and submissions during the COVID-19 Pandemic: To the extent practicable, all communications, submissions and notices shall be sent via email or other electronic means.

This notice is to inform you that the Rental Housing Committee cannot conduct business unless there is a quorum of the body present (*See CSFRA Regulations Chapter 3 Section C.2*). Unfortunately, previously unforeseen circumstances resulted in multiple members of the Rental Housing Committee being unable to attend the regularly scheduled meeting on December 5, 2022. As a result, the Committee did not have the required quorum of three members and was unable to proceed with the meeting.

The regular meeting of the Committee is *rescheduled to Monday, December 19, 2022*. Please note that this meeting will be held by video conference starting at 7:00 P.M. The agenda for this upcoming Rental Housing Committee will be published at least 72 hours before the meeting and available outside of City Hall, inside of the Mountain View Public Library, online at mountainview.gov/rentstabilization and also at mountainview.legistar.com/Calendar.

The meeting, and Appeal, will be held virtually. Affected parties may join the Zoom webinar by clicking <https://mountainview.gov/meeting> and entering the webinar ID 937 7306 8363 to participate.

Parties to the Appeal are encouraged to check the meeting agenda, which will be posted online at least 72 hours prior to the meeting, and to attend the entire meeting as the length of time for agenda item(s) prior to the Appeal Hearing will vary.

Please review the attached Appeal Hearing Information Sheet and the summary schedule for procedures on the reverse side of this Notice prior to the appeal hearing. Should you have any questions, you may contact Ms. Black at (650) 903-6149 or patricia.black@mountainview.gov.

Sincerely,

Patricia L. Black

Senior Management Analyst
 Rent Stabilization Program
 Community Development Department, City of Mountain View

Attachments Included:

Appeal Hearing Information Sheet

DISCLAIMER: Neither the Rental Housing Committee nor the City of Mountain View make any claims regarding the adequacy, validity, or legality of this document under State or Federal law. This document is not intended to provide legal advice. Please visit mountainview.gov/rentstabilization or call 650-903-6136 for further information.

Order of Appeal Hearings Presentations to the RHC

Pursuant to CSFRA Regulations Chapter 5 Section H (6) (f), the RHC generally conducts appeal hearings as described below. Please note that if more than one party affected by a hearing officer decision appeals the same decision, the first party to file the appeal is referred to as the Appellant and the second party to file an appeal is referred to as the Respondent in the table below.

Agenda Item: Appeal(s) of Hearing Officer Decision(s)

- Public Comment Period applicable for all Appeals on the agenda

1st Appeal Hearing	
Staff Report (if applicable)	
Appellant Presentation of Argument	10 minute maximum
Respondent Presentation of Argument	10 minute maximum
Appellant Presentation of Rebuttal	5 minute maximum
Respondent Presentation of Rebuttal	5 minute maximum
RHC Deliberation and Decision	
2nd Appeal Hearing (if applicable)	
Staff Report (if applicable)	
Appellant Presentation of Argument	10 minute maximum
Respondent Presentation of Argument	10 minute maximum
Appellant Presentation of Rebuttal	5 minute maximum
Respondent Presentation of Rebuttal	5 minute maximum
RHC Deliberation and Decision	

- Conclude Agenda Item



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CSFRA PETITION FOR ADJUSTMENT OF RENT APPEAL HEARING INFORMATION SHEET

- Deadline to Appeal:** Any Party to a petition may appeal a Petition Hearing Decision by serving a written Request for Appeal on all parties and then filing a copy of the completed form with the City Rental Housing Committee within ten (10) calendar days after the mailing of the Petition Hearing Decision. If no Appeals are filed within ten (10) calendar days, the Petition Hearing Decision is considered final. It is possible for both a Landlord and a Tenant to appeal the same Petition Hearing Decision, in which case the Appeal Hearings may be consolidated.
- Right to Assistance:** Any Party filing an appeal has the right to seek assistance from or be represented by an attorney, legal worker, Recognized Tenant Organization, translator or other designated third party, if they so choose. Any party wishing to have a representative must complete a Representative Authorization Form (which can be obtained at: www.mountainview.gov/rentstabilization/forms) and submit it to the Rental Housing Committee. Rent Stabilization Program staff will provide copies to all parties prior to the Appeal Hearing.
- Public Record:** The appeal process, including the Appeal Hearing, is public. The proceedings and the resulting Decision issued by the Rental Housing Committee are a public record. Therefore, any member of the public may submit a request for copies of the documents submitted by the Parties to the appeal, but personal information is redacted to protect individual's privacy.
- Appeal Hearing Schedule:** Every effort will be made to schedule the Appeal Hearing within thirty (30) days after the date of determination that an Appeal form is complete. Appeal Hearings will be heard at a Rental Housing Committee meeting and can only be held with a quorum of the Rental Housing Committee present, meaning there must be at least three (3) members present. The Appeal Hearing will be rescheduled as necessary to obtain a quorum.

Appeal Process	Deadline or Action
14 Calendar Days before Hearing	Last day for RHC to inform all parties to Appeal of Appeal Hearing Date. <i>CSFRA Regs. §5(H)(2)(b).</i>
10 Calendar Days before Hearing	Last day for RHC to issue Tentative Decision (RHC may choose not to issue Tentative Decision). <i>CSFRA Regs. §5(H)(3)(b).</i>
5 Calendar Days before Hearing	Last day for parties to file supplemental written material in response to Tentative Decision (if applicable). <i>CSFRA Regs. §5(H)(3)(c).</i>
<i>Date of Hearing</i>	Appeal Hearing before RHC

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5. **Standard of Review:** Appeal decisions are based on the Hearing Record, and the Rental Housing Committee is unable to hear or find facts beyond those presented to the Hearing Officer, unless a majority of the Rental Housing Committee determines to reopen the record and allow for a full factual hearing (called a De Novo Hearing). The Rental Housing Committee can only review the claims raised in the Request for Appeal. Any decision of a Hearing Officer that is not addressed in a Request for Appeal becomes final and is not subject to being reopened by the RHC.
6. **De Novo Hearings:** If the Rental Housing Committee determines a De Novo Hearing should be held for the Appeal, the Appeal Hearing will be conducted in the same manner as a Hearing on a Petition for Adjustment of Rent pursuant to CSFRA Regulations Chapter 5, Section E. A De Novo Hearing is when the Hearing process resets for new findings of fact. The parties may submit new evidence, witnesses, and testimony for the Committee to establish the facts of the case, creating a new Hearing Record. The Committee may, but is not required to, consider the previous Hearing Record. The Committee members will act as Hearing Officers during a De Novo Hearing. The issues subject to the de novo review by the Committee may be limited as specified by a majority of Committee members or by the issues raised in the appeal.
7. **Tentative Decision:** The Rental Housing Committee may issue a Tentative Decision at least ten (10) calendar days before the Appeal Hearing. Parties may respond in writing to the Tentative Decision at least five (5) calendar days before the Appeal Hearing by serving a copy of their reply to the Rental Housing Committee's designee using one of the following methods below **and** by serving a copy simultaneously on all other parties by email, if possible, or otherwise by mail.

by mail

Rental Housing Committee
500 Castro Street
Mountain View, CA 94041
to the attention of Patricia Black

OR

by email (preferred method)
patricia.black@mountainview.gov

8. **Appeal Hearing Procedures:** The Appeal Hearing will be conducted and determined pursuant to the CSFRA Regulations Chapter 5, Section H. All Regulations are available on the City's website at www.mountainview.gov/rentstabilization or by request. Although oral presentations and responses are not required, each party to the Appeal will be given the opportunity to present their positions and respond to another party's arguments. Each side is limited to the specific time limits below, regardless of the number of individuals aligned with a party.
 - The parties will have 10 minutes each to present their positions, not including answering any questions posed by members of the Rental Housing Committee. The Appellant will be the first to present their Argument.

- The parties will then have 5 minutes each to orally respond or rebut the arguments offered by the other party to the Appeal, not including answering any questions posed by members of the Rental Housing Committee. The Appellant will be the first to present their Rebuttal.

Appeal(s) of Hearing Officer Decision(s)

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RHC Deliberation and Decision	

- Conclude Appeal Hearing

9. **Ruling on Appeal:** The Rental Housing Committee can affirm, reverse, or modify the Petition Hearing Decision, or remand the matters raised in the Appeal to a Hearing Officer for further findings of fact and a revised Decision, if applicable. If the Rental Housing Committee remands all or a portion of an appealed decision to a Hearing Officer, the Hearing Officer must issue and have provide all parties with a written, revised Decision within forty-five (45) calendar days after the Order from the Rental Housing Committee is delivered to the Hearing Officer and all parties.
10. **Appeals:** Remanded Decisions may be appealed to the Rental Housing Committee. Any requests for a Remanded Decision to be appealed to the Rental Housing Committee must be made within ten (10) days of the date the Decision was sent to the parties.

City of Mountain View Rent Stabilization Program

Patricia Black, Senior Management Analyst
 298 Escuela Ave, Mountain View, CA 94040 | mountainview.gov/rentstabilization
 (650) 903-6149 | patricia.black@mountainview.gov

Virtual Office Hours
 Every Tuesday 10:00 am-12:00 pm or by appointment
mountainview.gov/rspofficehours

PROOF OF SERVICE

I declare that I am over eighteen years of age, and that I served copies of the following documents on the affected party(ies) listed below by:

NOTICE OF RESCHEDULED APPEAL HEARING APPEAL HEARING INFORMATION SHEET

Personal Service

Delivering the documents in person on the ____ day of _____, 20____, at the address(es) or location(s) above to the following individual(s).

Mail

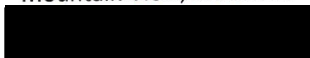
Placing the documents, enclosed in a sealed envelope with First-Class Postage fully paid, into a U.S. Postal Service Mailbox on the 7th day of December, 2022, addressed as follows to the following individual(s). *This method of service selected for the affected parties for which an email address was not provided or unknown by petitioner. All other affected parties were notified via email due to the COVID-19 Pandemic as noted above.*

Email

Emailing the documents on the 7th day of December, 2022, at the email address(es) as follows to the following individual(s).

Petitioner(s)

Steven Goldstein
184 Centre St #6
Mountain View, CA 94041



Respondent(s)

David Avny
3194 Stelling Dr.
Palo Alto, CA 94303



c/o Eric J. Stephenson
Pahl & McCay
225 W. Santa Clara St, Ste 1500
San Jose, CA 95113
estephenson@pahl-mccay.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Executed on this 7th day of December, 2022

Signature:

Print Name:

Patricia Black

Address:

298 Escuela Ave, Mountain View, CA 94040