



# Rent Stabilization Program

(650) 903-6149 | [mvrent@mountainview.gov](mailto:mvrent@mountainview.gov)  
[Mountainview.gov/rentstabilization](http://Mountainview.gov/rentstabilization)

## COMMUNITY STABILIZATION AND FAIR RENT ACT (CSFRA) REQUEST FOR APPEAL OF PETITION HEARING DECISION

**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.

Any Party to a petition may appeal the Decision by *-serving a written Request for Appeal on all applicable parties and then filing a copy of the completed form with the City within ten (10) calendar days after the mailing of the Petition Decision. If no Appeals are filed within ten (10) calendar days, the decision will be considered final.*

**I hereby Appeal the Hearing Officer's Decision for the following Petition to the Rental Housing Committee:**

Petition Case Number: C23240026

Name of Hearing Officer: E. Alexandra DeLateur Decision Date: 1/11/2024

For the following Property Address, including Unit Number(s), if applicable:

(Street Number)

**Person Appealing the Hearing Officer Decision** (if more than one person is appealing the petition decision, attach their contact information as applicable):

Name: Stephen A Welter Phone: [REDACTED]

Mailing Address: [REDACTED]

I am:  A tenant affected by this petition.  A landlord affected by this petition.

### Reason for Appeal:

Please use the space below to clearly identify what issue and part of the Decision is the subject of the appeal (include section headings and subheadings, as necessary). Thoroughly explain the grounds for the appeal. For each issue you are appealing, provide the legal basis why the Rental Housing Committee should affirm, modify, reverse, or remand the Hearing Officer's Decision. (continue on the next page; add additional pages if needed)

see attached

### Filing Instructions:

Once you have completed this form and attached all relevant documents, **serve all parties with complete copies** before formally filing the Appeal with the City. Once served, please file a copy of the completed form with the City of Mountain View via email (preferred method) to [patricia.black@mountainview.gov](mailto:patricia.black@mountainview.gov) or by mailing to 500 Castro Street, Mountain View, CA 94041.

### Declaration:

I (we) declare under penalty of perjury under the laws of the State of California that the foregoing and all attached pages, including documentation, are true correct, and complete.

Signature: \_\_\_\_\_ Date: 1/18/2024

Print Name: Stephen A Welter

Este formulario está disponible en inglés y español. | 此表格有英文和中文版本

**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](http://mountainview.gov/rentstabilization) or call 650-903-6136 for further information.

**Reason for Appeal (Continued)**

The above petition was filed for relief of the 5% banked rent increase that was added to the allowed 5% AGA increase on the noticed rent increase effective 10-1-2023 based on hardship only (nothing else was requested in the petition). The decision should have been limited only to the banked rent increase (can it be included yes or no). The decision that the banked rent increase can not be used was upheld in the decision but then the hearing officer decided to investigate further. The hearing officer took it upon themselves to go further back in this tenancy to make additional investigations, inquiries and make decisions unrelated to this petition. The original petition did not include any comments, concerns or questions about the rental amount, past or present. The hearing officer should not have taken it upon themselves to do anything more than determining if the banked rent increase could be allowed and should have ended their involvement after making that decision.

There is precedent in limiting the hearing officer decision to only what is addressed in the petition. See the attached last page from petition number 21220016 (specifically sec VII). I am sure there are many other petitions showing similar precedent.

The hearing officer on this petition was in error and had no legal authority to investigate anything beyond what was requested in the petition.

If the officer did have the authority to investigate further issues, I provide the following information.

The rent increase from \$1416.25 (the base rent determined via petition 21220016) to \$1444.58 in Dec 2022 was the legal allowable 2% increase on the base rent. Per the decision of petition 21220016 dated Oct 6, 2022 para VII.2 ("The Parties shall calculate the exact amount demanded and retained by Respondents and an appropriate refund or rent credit shall be issued to Ms. Williams within thirty (30) days of the date of this decision.). We coordinated with the tenant , adjusted the rent increase and provided the refund as required (see attached emails between R Rao & R Williams). If more formal documentation was required, the hearing officer decision from petition 21220016 should have indicated such, or that decision should have been completed to the same extent as the decision for this petition C23240026 was done. The end result is that rent and credits were agreed upon and implemented by both parties as directed by the petition decision 21220016.

The outcome of petition C23240026 should be the allowable 5% rent increase based on the previous rent of \$1444.58 or \$1516.81 and that the banked 5% increase is disallowed.

1           Nothing in this decision should be interpreted as changing Respondents' right under the  
2 CSFRA to impose a future rent increase based on the correct base rent above in the future,  
3 should they choose to do so.

4           **VII. DECISION**

5           1.       Petitioner's request for a rent refund based on Respondents demand and retention  
6 of rent in excess of that permitted by the CSFRA is GRANTED.

7           2.       The Parties shall calculate the exact amount demanded and retained by Respondents  
8 and an appropriate refund or rent credit shall be issued to Ms. Williams within thirty (30) days of  
9 the date of this decision.

10  
11  
12           DATED: October 6, 2022



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13           DEREK W. CHANTLER  
14           Hearing Officer

**From:** Reeta Rao [REDACTED]  
**Subject:** Fwd: Re: 511T post appeal credit due  
**Date:** November 17, 2022 at 9:59 AM  
**To:** Steve Welter [REDACTED]

RR

FYI

Thank You  
Reeta Rao CAM  
Regional Property Manager  
[REDACTED]

On Thu, Nov 17, 2022, at 9:56 AM, Rondeline Michelle Williams wrote:  
Hi Reeta,

I agree with these numbers.

Thank you,  
Rondeline

Rondeline Williams, MA  
[REDACTED]

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**From:** Reeta Rao [REDACTED]  
**Sent:** Thursday, November 17, 2022 9:04:21 AM  
**To:** Rondeline Michelle Williams [REDACTED]  
**Subject:** [REDACTED] post appeal credit due

Hello Rondeline,

Below is the credit we have come up with based on a 2% increase on the base rent of \$1416.25 starting on May 1 2022.

The calculation using 2.9% was in error and that it should have been 2%. Please respond and confirm that you agrees with these numbers and if so, we will issue a credit in the amount of \$702.98 towards your next months rent.

Below is the credit I have come up with based on a 2% increase on the base rent of \$1416.25 starting on May 1 2022.



Thank You  
Reeta Rao CAM  
Regional Property Manager  
[REDACTED]

Hello,

Per the hearing decision and CSFRA website, **the AGA for 9/1/21-8/31/22 was 2.0%, not 2.9%**. I mistyped in my last email and would like to update my last email to reflect this change.

According to the hearing decision, my base rent is **\$1416.25**.

My lease renewed for May 1, 2022. At that time, the max rental adjustment to base rent was **2.0%**.

**2.0% of \$1416.25 = \$28.33.**

From May 1, 2022-April 30, 2023, I should have paid/should pay **\$1444.58** per month.

You already credited me for the months that I paid \$1575 and rolled my rent back to

\$1545. This means that there was an overcharge of **\$100.42 x 7 months** (May-November) = **\$702.94**.

According to the hearing decision, you are able to refund that difference (**\$702.94**) or credit it to my rent. I personally prefer it to just be credited towards December's rent but it is ultimately your decision.

Let me know if these numbers seem right to you.

Thank you,  
Rondeline

**Rondeline Williams, MA**



	511-T	should have paid	
date	paid	2% inc	credit due
5/1/22	\$1,575.00	\$1,444.58	\$130.43
6/1/22	\$1,575.00	\$1,444.58	\$130.43
7/1/22	\$1,575.00	\$1,444.58	\$130.43
8/1/22	\$1,455.00	\$1,444.58	\$10.43
9/1/22	\$1,545.00	\$1,444.58	\$100.43
10/1/22	\$1,545.00	\$1,444.58	\$100.43
11/1/22	\$1,545.00	\$1,444.58	\$100.43
		Total Credit	\$702.98

## Proof of Service of Request for Appeal of Petition Hearing Decision

I declare that I am over eighteen years of age, and that I served one copy of the attached Appeal of Petition Hearing Decision after Remand on the affected party(ies) listed below by:

### Personal Service

Delivering the documents in person on the 18 day of January, 2024, 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 18 day of January, 2024, addressed as follows to the following individual(s).

### Email

Emailing the documents on the 18 day of January, 2024, at the email address(es) as follows to the following individual(s).

### Respondents

RESPONDENT NAME

RESPONDENT ADDRESS

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

Executed on this 18 day of January, 2024

Signature:

Print Name:

Stephen A Welter

Address:

PO Box 1058 Mt View, CA 94042