



Rent Stabilization Program

(650) 903-6149 | mvrent@mountainview.gov
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 fifteen (15) calendar days* after the mailing of the Petition Decision. If no Appeals are filed within fifteen (15) 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: C23240043

Name of Hearing Officer: Barbara M. Anscher Decision Date: September 19, 2024

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

310 Gladys Ave

(Street Number)

(Street Name)

(Unit Number)

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

Name: Tom & Ivy Pothen

Phone: [REDACTED]

Mailing Address: [REDACTED]

Email: [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)

We are Appealing the Decision to obtain a bilateral consideration by the Committee. This Appeal is to make it more fair, practical, ethical housing service & with relevant consideration of justice to all parties .See additional two pages.

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 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: [Signature]

Date: October 03, 2024

Print Name: Tom Pothen

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 or call 650-903-6136 for further information.

Reason for Appeal (Continued)

(A) Due to unforeseeable circumstances, and our Manager's phone conversation with the City person,(whose name was not noted down at that time), we moved forward at that time, with the existing One year Lease Rent as the Base rent which was directed under the City's Ordinance, effective January 7th, 2016, as Superseding and firmly existing in Effect for ALL practical puposes.

1.The roll out of this process was not conducted by the City of Mt. View in a transparent and helpful way to the owners. There was no proper notifications or Reminders or Phone calls, as the City usually does in all other situations requiring owners' attention. As an example, if by any chance the Fire Inspections & preventative measures, invoice payments etc, are late, the City of Mt. View ensures that the owners are contacted by phone calls and reminders.

2. Also, since the Petitioners knew fully well about the roll back from the City's Lawyer, whose name is not identified anywhere by them, we feel that the Petitioners chose this unconscionable, deceitful & unfair path. We still have not been communicated by CSFRA, City of Mtn. View, as to the Statute of Limitations for tenants to file a petition from the date of Discovery.

(B) This missed opportunity, we understand, was also caused by the delayed formation of CSFRA. Even after the CSFRA came in to existence, all the owners were neither fully aware, nor fully informed through letters, communications, or E Mails & or phone calls about the Registration process in 2021.

(C) As owners, we continue to provide subsidized, utilities paid by the owners, and well below market level rents of units to the city's rental community. We feel, that this hearing decision is a very hard hit and punitive to the owners, and solely to the owners alone in a one sided manner.

The Petitioners after being treated by the owners in a participative responsive way, decided to selfishly exploit the cloudy situation in a " steal, loot, and punitive " ; damn the owners manner!!

To elaborate on The Petitioners (and all other 5 tenants in the Complex) always being treated by the owners in a participative, responsive way: Our Manager Mr.David Verbera, and the Owners always gave advanced 60 days notice with the Option to have a choice to Accept, Negotiate or Reject the Lease and or the CSFRA allowed once an year AGA Rent increase from 2012 to 2023,with the Petitioners. During ALL the 12 years of their tenancy, they gladly agreed, signed off acceptances, and never even once, approached the CSFRA Forum seeking any help, or petitioning. Instead, they decided to extort the situation until they comfortably made their stock portfolio grow!! They may have continued their tenancy, had it not been for the fact that their demand for installation of High speed WiFi Internet connection by the Owners in mid 2022, could not be granted.

We exhibited this good faith, mutually respectable, equitable and practical solutions coming to fruition through many examples for so many years!!

APPEALING : As such, the owners are appealing the Hearing decision for a reduction. As explained, this will make the CSFRA processes more Bi-lateral with consideration of Fairness and Equity to all parties. We hope, and believe that the CSFRA will be involved in resolving issues and circumstantial evidences and concerns of the Owners, as well. Section VIII,

We are appealing as part of the entire Decision and particularly Section VIII - 1:

For a fair and equitable application of this. As pointed out, the reference rent was set by the Owners, based on the fully signed and executed Lease by the Petitioners. At that time, this was confirmed by the City personnel, based on the City Ordinance.

Section VIII - 2:

As pointed out in our explanations, the lack of communication from CSFRA resulted in our late Registration. However,we are in full compliance with the CSFRA requirements ever since its formation, fully paid up all fees and dues. Hence, at the very least, the 2018 to 2023 AGA increases must be considered as an integral part of the Decision because of the practical relevance, applicability, and Fairness. This must not be taken and brushed aside as a moot point.

(See Additional page to Appeal)

Additional Page to appeal

The willful property destruction and damages by the Tenants should not be ignored, which is a serious crime under law.

(A) By allowing the CSFRA granted rental increases for years from 2018 till 10/2023, to the roll back rent amount of \$1,395 per month: This hardly covers the COLA for Utilities, Skyrocketing Insurance costs, etc. Also, we have provided all evidenciary documents the Petitioners had signed off on all of the 60 days advanced notices issued by our Manager, acknowledging and understanding that in Mountain View and in Silicon Valley, a rent of \$1,395 per month from 2012 for the next twelve years is not a practicality, and fair expectation!!

Therefore, with the CSFRA permitted AGA percentages, the monthly rents would only be for the years in question:

12/ 2015 : \$1,395 (with the Roll Back),

AGA Increases started : From 03/2018 @ \$1,442 (AGA 3.4%) till 03/2019 ; From 04/2019 @ \$1,494 till 03/2020 ;

From 04/2020 @ \$1,548 till 03/2022, since in 2021, No increases & the Year 2021 Was Banked ;

From 04/2022 @ \$1,615 till 03/2023 &. From 04/2023 @ \$1,696 till 10/2023 when the Petitioners left the unit destroyed and in unlivable conditions affecting other units!!

NOTE :The above adjusted rents are ALL \$800 to \$1,000 below Market rents for similar units!!

(B) By allowing appropriate consideration for the vindictive, willful destruction to the owners' properties. This uncalled for property destructional actions by the Petitioners are tantamount to Felony!!

We as owners are willing to resolve this issue, combined with this petition.

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 3rd day of October, 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 3rd day of October, 2024, addressed as follows to the following individual(s).

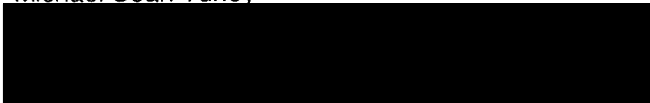
Email

Emailing the documents on the 3rd day of October, 2024, at the email address(es) as follows to the following individual(s).

Petitioner

Charisse Sare Turley

Michael Sean Turley



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

Executed on this 3rd day of October, 2024

Signature:

Tom Pothen

Print Name:

Tom Pothen

Address:

