



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: C23240005
Name of Hearing Officer: Renee Glover Chantler Decision Date: 2/7/2025

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

258 Pamela Drive, Unit [REDACTED]
(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: Lam Family LLC 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)

Please 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 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: 2/21/2025
Print Name: Andrew Van Slyke

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*)

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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 21 day of February, 2025, 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 21 day of February, 2025, addressed as follows to the following individual(s).

Email

Emailing the documents on the 21 day of February, 2025, at the email address(es) as follows to the following individual(s).

Respondents

Daria Quintero & Jesse Moreno



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

Executed on this 21st day of February, 2025

Signature:

Andrew VanSlyke

Print Name:

Andrew VanSlyke

Address:





Programa de Estabilización de Renta

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Mountainview.gov/rentstabilization

ACTA DE ESTABILICACION COMUNITARIA Y RENTA JUSTA (CSFRA) SOLICITUD DE APELACIÓN DE PETICIÓN DE DECISIÓN DE AUDIENCIA

Comunicaciones y envíos durante la pandemia COVID-19: En la medida de lo posible, todas las comunicaciones, presentaciones y avisos se enviarán por correo electrónico u otros medios electrónicos.

Cualquier Parte de una petición puede apelar la Decisión *presentando una Solicitud de Apelación por escrito a todas las partes aplicables y luego presentando una copia del formulario completo ante la Ciudad* dentro de los **quince (15) días de calendario** posteriores a la fecha de envío de la Decisión de Petición. Si no se presentan las apelaciones dentro de los quince (15) días calendario, la decisión se considerará definitiva.

Por la presente presento una apelación a la decisión del Agente de la Audiencia para la siguiente Petición:

Numero del Caso de Petición: C23240005
Nombre del Agente de Audiencia: Renee Glover Chantler Fecha de Decisión: 2/7/2025

Para la siguiente dirección de propiedad, incluya el número(s) de unidad, si corresponde:

258 Pamela Drive, Unit [REDACTED]

Persona que Apela la Decisión del Agente de Audiencia (si más de una persona está apelando la decisión de la petición, adjunte su información de contacto según corresponda):

Nombre: Lam Family LLC Teléfono: [REDACTED]
Dirección: [REDACTED] Correo Electrónico: [REDACTED]

Yo soy: Un inquilino afectado por esta petición. Un propietario afectado por esta petición

Motivo de la apelación:

Utilice el espacio a continuación para explicar detalladamente qué asunto y parte de la decisión es el tema de la apelación (incluir títulos de la sección y subtítulos cuando sea necesario). Explique con detalles los motivos para la apelación. Para cada asunto que usted este apelando, provea las bases legales de porqué el Comité de Vivienda debe afirmar, modificar, revertir, o devolver a los Funcionarios de Audiencia. (Continúa en la siguiente página; agregue páginas adicionales si es necesario)

Please see attached.

Instrucciones de Presentación:

Una vez que haya completado este formulario y adjuntado todos los documentos pertinentes, entregue a todas las partes copias completas antes de presentar formalmente la apelación ante la ciudad. Una vez notificado, presente una copia del formulario completo a la ciudad de Mountain View por correo electrónico (método preferido) a patricia.black@mountainview.gov o por correo postal a 500 Castro Street, Mountain View, CA 94041.

Declaración: Por la presente presento una apelación a la decisión del Agente de la Audiencia para la siguiente Petición:

Yo (nosotros) declaramos bajo pena de perjurio bajo las leyes del Estado de California que lo anterior y todas las páginas adjuntas, incluida la documentación, son verdaderas, correctas y completas.

Firma: _____ Fecha: _____

Imprima Nombre: _____

This form is available in English and Chinese. | 此表格有英文和中文版本

DESCARGO DE RESPONSABILIDAD: Ni el Comité de Viviendas de Alquiler ni la Ciudad de Mountain View hacen ninguna afirmación respecto a la adecuación, validez o legalidad de este documento bajo la ley estatal o federal. Este documento no pretende ofrecer asesoramiento legal. Por favor, visite mountainview.gov/rentstabilization o llame al 650-903-6136 para más información.

Motivo de la apelación (Continuación)

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Prueba de Entrega de la Solicitud de Apelación

Declaro que tengo más de dieciocho años de edad y que entregué una copia del Aviso de Apelación adjunto adjunto **a la(s) parte(s) afectada(s) mencionada anteriormente por:**

Servicio Personal

Entrega de los documentos en persona el 21 día de February, 2025, en la(s) dirección(es) o ubicación(es) arriba a la(s) siguiente(s) persona(s).

(Escriba el nombre y la dirección de cada parte a la cual se le aviso).

Correo

Se colocan los documentos, encerrados en un sobre sellado con franqueo de primera clase totalmente pagado, en un buzón del servicio postal de EE.UU. El 21 día de February, 2025, dirigido de la siguiente manera a las siguientes personas.

(Escriba el nombre y la dirección como se muestra en el sobre de cada parte a la cual se le aviso).

Correo Electrónico

Enviando los documentos por correo electrónico el 21 día de February, 2025, a la(s) siguiente(s) dirección(es) de correo electrónico a la(s) siguiente(s) persona(s).

(Escriba el nombre y la dirección como se muestra en el sobre de cada parte a la cual se le aviso).

Encuestados

Daria Quintero & Jesse Moreno



Declaro bajo pena de perjurio bajo las leyes del Estado de California que lo anterior es verdadero y correcto:

Ejecutado en este _____ día de _____, 20____

Firma: _____

Imprima Nombre: Andrew VanSlyke

Dirección: _____

1 **SPENCER FANE LLP**
2 **Andrew H. VanSlyke, Esq.** (State Bar No, 312741)
3 225 West santa Clara St, Suite 1500 | San Jose, CA 95113
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6 Attorney for Landlord
7 Lam Family, LLC

8 **RENTAL HOUSING COMMITTEE**
9 **CITY OF MOUNTAIN VIEW**

10 Daria Quintero & Jesse Moreno
11 Petitioner,
12 v.
13 Lam Family LLC.
14 Respondent.

REQUEST FOR APPEAL OF PETITION
HEARING DECISION

Rental Housing Committee Case Nos.
C23240005

Date: February 21, 2025

15 This Request for Appeal of the Hearing Decision on the Petition of Daria Quintero & Jesse
16 Moreno (“Petitioner”) is submitted on behalf of Lam Family LLC. (“Landlord”) respondent in the
17 above referenced petitions concerning 258 Pamela Drive, Unit [REDACTED] in Mountain View, CA. This
18 Appeal is of the Decision dated February 7, 2024 (the “Decision”), issued in the above referenced
19 combined cases, specifically in regards to the orders on Section C, Odors at the Unit Due to
20 Deteriorated Cabinetry, and B, Cockroach Infestation, of the Analysis Section. The related orders
21 include Orders number 1, 3, 4, 5, 6, 7, 10, 11, 13, 14 and 17.

22 **DECISION**

23 The Decision concludes that the ongoing cockroach infestation began on the day Petitioners
24 began their tenancy and posed a health and safety risk allegedly violating Civil Code section 1941.1
25 and Health and Safety Code section 17920.3. It also finds a 5% reduction of rent because of a
26 claimed odor in an otherwise usable cabinet, which was similarly deemed a violation of these legal
27 standards. Consequently, the Decision determines that these conditions rendered the unit below the
28 required habitability standards, asserting that the Respondent received reasonable notice of these

1 issues but failed to address them in a timely manner.

2 Based on these findings, the Petitioner was awarded a 33% rent reduction of \$16,498.90 for
3 the cockroach infestation, and a 5% rent reduction of \$2,499.78 for odors in the cabinetry.

4 The Decision misinterprets both the facts and the applicable legal standards, leading to
5 unjustified findings and rent adjustments. The lack of substantiated evidence regarding the insect
6 infestation and the misapplication of the law undermines the conclusions reached, resulting in an
7 incorrect assessment of the Landlord's responsibilities and the Petitioner's claims.

8 **ARGUMENT**

9 **A. The Decision Regarding the Alleged Cockroach Infestation Should Be Appealed**
10 **Because It Misinterprets Evidence and Legal Standards.**

11 The Hearing Officer's conclusion regarding a cockroach infestation lacks solid evidentiary
12 support and misapplies relevant legal standards. Despite the Petitioner's claims, it is undisputed that
13 Respondents had attempted to rectify all cockroach issues and had engaged Orkin regularly to
14 complete treatment. This is not a matter where the problem was ignored or unaddressed, as the
15 Hearing Officer's alleged. Further, the Decision overlooks critical details, such as the Petitioner's
16 refusal to allow pest control access, which hindered effective resolution of the alleged infestation.
17 Overall, the evidence fails to substantiate a claim of severe infestation, warranting a reversal of the
18 Decision.

19 1. Lack of Evidentiary Support

20 The Hearing Officer's conclusion that a cockroach infestation constitutes a habitability
21 violation is fundamentally unsupported by evidence. Despite the Petitioner's claims, multiple pest
22 control inspections consistently failed to identify a significant infestation in the unit, and Petitioner's
23 own testimony that the amount of cockroaches, and the severity, changed over time.

24 Additionally, the Hearing Officer heavily relied on the Petitioner's testimony while
25 dismissing the significant uncontested time and effort that Respondents took in rectifying the
26 cockroach infestation. While the Petitioner's testimony was found to hold significant weight, it
27 should be scrutinized in light of contradicting evidence. Notably, multiple Orkin treatments were
28 done on the unit, and interior work was done to repair cracks and fill caulking in an effort to reduce

1 the presence of cockroaches in the unit, however, the Hearing Officer issues an order on the
2 assumption that Respondents failed to address the issue whatsoever and stating that it remained
3 “unresolved for almost two years before the Hearing (Decision Following Hearing, p. 25, lns. 20).

4 Little consideration is given to the frequent treatments in the unit for pests, the regular
5 exterior pest control services, and the ongoing efforts of Respondents to complete repairs. The text
6 messages provided confirm that Respondents were in constant contact with Petitioners regarding
7 ongoing service requests (T-4). Respondents made multiple, continued, attempts to resolve this
8 issue but were frustrated by a lack of petitioner cooperation and a persistent infestation.

9 2. Error in Application of Health and Safety Code § 17920.3

10 The Decision fundamentally misinterprets Health and Safety Code § 17920.3 by suggesting
11 that any hazardous condition automatically constitutes a violation of habitability standards.
12 However, the statute specifies that a dwelling unit is deemed substandard only when one of the listed
13 conditions exists to a degree that endangers the health or safety of occupants or the public. This
14 critical requirement is overlooked in the Decision, which fails to acknowledge that not all conditions
15 are inherently hazardous; they must specifically match one of the enumerated criteria in the statute.
16 In this case, while the Petitioner reported the presence of cockroaches, the evidence does not support
17 a finding of a serious health risk sufficient to classify the unit as substandard. The Hearing Officer’s
18 failure to apply this essential statutory threshold renders the finding unjustified and legally flawed.

19 Specifically, § 17920.3(a)(12) mandates that any infestation must be determined by a health
20 officer or, in the absence of such an assessment, by a qualified code enforcement officer. The
21 testimony and evidence presented did not establish that a qualified assessment had been conducted
22 in this instance. The City of Mountain View did note the presence of cockroaches in a 6/29/2023
23 inspection (HO-8) but this matter was not recommended to a health officer to make a determination
24 of an infestation and was not found as a violation by a code enforcement officer who has successfully
25 completed a course of study in the appropriate subject matter. § 17920.3(a)(12). This procedural
26 requirement is crucial, as it ensures that any determination of a substandard condition is based on a
27 proper evaluation by an authorized professional. Without satisfying this procedural benchmark, the
28 foundation for declaring the unit substandard is significantly weakened.

1 Moreover, the Decision’s reliance on the notion that any presence of insects constitutes a
 2 violation fails to recognize the statute’s clear language. As outlined, a condition must not only exist
 3 but must also reach a specific severity level that endangers health or safety. The evidence presented
 4 demonstrates that, despite the Petitioner’s discomfort, there was no clear indication that this
 5 discomfort amounted to a serious health risk for the entire two years that the rent was ordered to be
 6 reduced. The Hearing Officer’s interpretation of the statute effectively diminishes the critical
 7 standards set forth by law and ignores the need for substantial evidence of a hazardous condition.

8 Ultimately, the Hearing Officer’s misapplication of Health and Safety Code § 17920.3 and
 9 the failure to adhere to necessary procedural requirements undermine the integrity of the findings.
 10 A careful reevaluation of the evidence in light of the actual statutory requirements clearly supports
 11 the conclusion that the conditions in the unit do not meet the threshold for declaring it substandard,
 12 warranting a reversal of the Decision.

13 3. Abuse of Discretion

14 The Hearing Officer acknowledged the Landlord’s efforts to address the alleged infestation,
 15 including multiple pest control inspections and ongoing communication with the Petitioner.
 16 However, the decision to grant a 33% rent reduction appears arbitrary and lacks sufficient
 17 justification based on the evidence. The Hearing Officer, in their discretion, applied the 33%
 18 reduction from June 1, 2022, through May 16, 2024, despite significantly changing circumstances
 19 and conditions during that time, as well as ongoing pest control work. Further, the decision to issue
 20 a flat reduction over two years highlights a broader lack of clarity in determining a fair and
 21 reasonable adjustment that accurately reflects the circumstances. (Decision Following Hearing, p.
 22 25, lns. 20-24.) The chosen reduction does not correspond to the lack of substantiated evidence for
 23 a severe infestation.

24 Furthermore, the Decision wholly neglects to consider the Respondents testimony that
 25 Petitioner’s refused to allow pest control access in from July to September 2023, with additional
 26 cancellations in December 2023, which severely hindered the Landlord's ability to effectively
 27 address the claimed infestation. The Landlord’s continued efforts to resolve the alleged issues—
 28 despite the Petitioner’s refusal to fully comply—are documented in a an Orkin service report dated

1 12/12/2023. (LL-3A) confirming that the Petitioner did not fully empty their cabinets and comply
2 with treatment prep. A further Orkin report dated February 7, 2024, noted that Petitioners had left
3 food on the stove, open dog food, and that the lid of the garbage can was open and trash was
4 overflowing, and that this was a major attractant to roaches (LL-3A). This refusal not only
5 obstructed Landlord's ability to mitigate the situation but also undermines the justification for the
6 rent reduction awarded for that period.

7 Awarding reduced rent from June 1, 2022, when the Petitioner began their occupancy but
8 before Management had received reports of cockroaches in Petitioners unit, through May 16, 2024,
9 constitutes a significant abuse of discretion. The Hearing Officer finds that Respondent had notice
10 of the cockroach condition no later than August 1, 2022 (Decision Following Hearing, Order #6),
11 but orders a return of rent beginning June 1, 2022 (Decision Following Hearing, Order #17). This
12 decision, by its own findings, orders a reduction in rent beginning two months before Respondents
13 were found to have notice of the issue.

14 The cumulative impact of these factors—Petitioner obstruction, lack of substantiated
15 evidence for a severe infestation, and disregard for the Landlord's reasonable efforts—strongly
16 argues for the reversal of the rent reduction decision, as it does not accurately reflect the realities of
17 the situation.

18 **B. The Decision Regarding Odors at Unit Due to Deteriorated Cabinetry**

19 The Hearing Officer's decision here is precluded by their earlier decision to reduce the
20 Petitioner's rent by 7.5% due to mold and mildew. The Hearing Officer finds that odor can be
21 justified under the CSFRA due to a failure to correct moisture and mold, and to correct water
22 damage in the cabinetry. (Decision Following Hearing, p. 26, Ins. 21-26). The odor itself cannot
23 be deemed a breach of the warranty of habitability or support a reduction in rent. (Decision
24 Following Hearing, p. 26, Ins. 17-20). The Hearing Officer therefore links the odor to the
25 allegations of mold, which Petitioners already addressed in Analysis Section A, to order an
26 additional 5% reduction in rent. Because the odor itself is not sufficient for a reduction in rent it is
27 tied to other allegations, addressed elsewhere in the decision, in order to support a finding on
28 behalf of the Petitioner.

1 Crucially, this Analysis Section C does not find that the cabinets are unusable and does not
2 find that there is mold in the cabinets. It also acknowledges that Respondents performed repairs on
3 these cabinets during the relevant time period. The only confirmed condition of the cabinets
4 leading to the reduction in rent is the alleged odor, which on its own is not sufficient to warrant a
5 reduction.

6 As discussed above, the decision to order a 7.5% reduction issued for “issues of moisture and
7 mold in the Unit” (Decision Following Hearing, p. 22, ln 18) and then a separate 5% reduction for
8 similar moisture and odor issues in cabinetry which was “exacerbated by Respondent’s failure to
9 respond to moisture and mold in the bedroom carpet as well” (Decision Following Hearing, p. 26,
10 Ins. 24-25) creates a functional rent reduction of 12.5%. The decision to grant a 12.5% rent
11 reduction, where in the same issues already adjudicated are brought up again as evidence for
12 further reductions, appears arbitrary and lacks sufficient justification based on the evidence.

13 The Hearing Officer cannot use an alleged condition of the unit, which was already addressed
14 and resolved with a 7.5% rent reduction to then justify providing a second rent reduction of 5%
15 hinging on the same facts where a finding would not otherwise be permitted.

16 **C. Prejudice After the Hearing**

17 **A. Additional Documents**

18 After the Hearing ended Petitioners submitted additional documents to the in this matter in
19 July, 2024, making additional claims and allegations (T-13). These documents were submitted
20 outside of any specific order and contained inaccurate information regarding Petitioner’s ability to
21 move out. These documents were accepted and listed as one of Petitioner’s exhibits in the Hearing
22 Order. Respondents were not given a chance to respond to these new allegations, however these
23 documents were added to the Exhibit List in the Hearing Order and presumably were considered
24 in issuing the Hearing Order.

25 **B. Timing of Decision**

26 The hearing in this matter came before the Rent Board on February 27, 2024, but the
27 Decision After Hearing was not released until February 7, 2025. Much of the Hearing Order
28 relates to the condition of the Property and indicates that certain necessary work must be done to

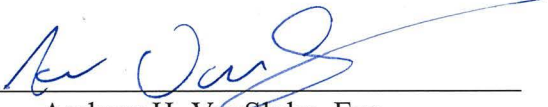
1 bring it into compliance. The substantial delay in issuing the Hearing Order creates the potential
2 for significantly increased costs to the Respondents as these conditions, and their resulting
3 liability, would remain unaddressed for almost a year after the hearing was completed.

4 **CONCLUSION**

5 Ultimately, the Hearing Officer’s Decision lacks a solid evidentiary basis and misapplies
6 relevant legal standards. The findings related to both the alleged insect infestation and odor issues
7 are fundamentally flawed, relying on unsubstantiated claims while ignoring critical evidence, such
8 as Landlord’s diligent efforts and the Petitioner’s obstruction. Given the absence of clear violations
9 of habitability standards, the appeal should be granted, overturning the unjustified rent reductions
10 and correcting the misinterpretations that led to this erroneous decision.

11 DATED: February 21, 2025

SPENCER FANE LLP

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13 By: 
14 Andrew H. VanSlyke, Esq.
15 Attorney for Respondent
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