



HOUSING DEPARTMENT
RENT STABILIZATION DIVISION
 298 Escuela Avenue
 Mountain View, CA 94040
 650-903-6136 | MountainView.gov/RentStabilization

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.

Recently, you received a Hearing Officer Decision for a Petition for Adjustment in Rent. If you disagree with the outcome(s) of the decision, you can request an Appeal Hearing before the Rental Housing Committee. Any Party to a petition may file an appeal of the Decision by *-serving a written Request for Appeal on all applicable parties and then filing a copy of the completed form with the Rent Stabilization Division* within **fifteen (15) calendar days** after the mailing of the Petition Decision. If no Appeals are filed within fifteen (15) calendar days, the decision is final.

Please contact our office at 650-903-6136 if you have any questions or for more information about the appeal process. Please review the attached Appeal Information Sheet to learn more.

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

Petition Case Number: _____

Name of Hearing Officer: _____

Decision Date: _____

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

(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: _____

Phone: _____

Mailing Address: _____

Email: _____

I am: A tenant affected by this petition.

A landlord affected by this petition.

Instructions:

Please complete the information as requested on page 2. Once you have completed this form and attached all relevant documents, **serve copies on all parties to the petition**. Once served, please file a copy of the form with the Rent Stabilization Division via email (preferred method) to mvrent@mountainview.gov or by mailing to 298 Escuela Ave., Mountain View, CA 94040.

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: _____

Print Name: _____

Este formulario está disponible en inglés y mandarín. | 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.

Appeal Request Instructions and Examples:

The Hearing Officer Decision states specific claims and requests a rent adjustment based on those claims. For each part of the decision you dispute, clearly state each claim that you are appealing and the legal basis for the appeal. *You can only appeal the matters addressed in the decision. You may submit arguments to support your appeal and refer to the evidence in the record to support your arguments but new evidence that was not previously submitted as part of the hearing record will not be accepted. To clarify, no new documentation, or evidence will be accepted or considered by the Committee upon appeal.*

Appeal Examples by Petition Type

The below provide examples of appeal claims. Each decision presents unique facts and the appeal request for your particular decision must only address the outcomes that are in the decision. Any portion of the hearing officer decision that you do not appeal will be considered final unless appealed by another party to the decision.

Appeal Request Example 1: The hearing officer erred in finding that the rent violated the legally allowed rent because the hearing officer failed to consider proper rent increase notices that were included in the hearing record that were given consistent with the annual general adjustments.

Appeal Request Example 2: The hearing officer erred in finding that the landlord was not entitled to an upward adjustment of rent because the hearing officer failed to include in the calculation of Petition Year Operating Expenses valid operating expenses, evidence of which was submitted as part of the Petition and included in the hearing record, including specifically the failure to include self-performed labor expenses and management expenses.

Appeal Request Example 3: The hearing officer erred in finding that the tenant was entitled to a reduction in rent for a decrease in housing services resulting from tenant's parking space being unavailable because the hearing officer failed to consider evidence submitted by the landlord showing that an alternative parking space was made available to the tenant.

Reasons (Claims) 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 and reference to relevant evidence). Thoroughly explain the grounds for the appeal. For each issue you are appealing, provide the legal basis why the Rental Housing Committee should modify, reverse, or remand the Hearing Officer's Decision. *(Continue on the next page; add additional pages if needed.)*

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 ____ 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 ____ day of _____, 20____, addressed as follows to the following individual(s).

Email

Emailing the documents on the ____ day of _____, 20____, at the email address(es) as follows to the following individual(s).

Respondents

INSERT RESPONDENT NAME

INSERT RESPONDENT ADDRESS

INSERT RESPONDENT EMAIL

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

Executed on this ____ day of _____, 20____

Signature: Jill Hammond

Print Name: _____

Address: _____