



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 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: 22230012

Name of Hearing Officer: Derek W. Chantler

Decision Date: 2/28/2023

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

1826

Higdon Ave.

1

(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: Maria Guadalupe Roque

Phone: (650) 215-3142

Mailing Address: 2921 Monroe St., Santa Clara, CA 95051

Email: mariaroque4@yahoo.com

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)

According to Chapter 4, Section E, 6. Notice to Landlord. "Tenant must demonstrate that the landlord was provided with reasonable notice."

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:

Date: 7/12/23

Print Name: Guadalupe M. Roque

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)

The decision states that sometime in 2017, the repairs needs were reported to the owner and not retified until 2021. Therefore, tenant petition for downward adjustment of rent for failure to maintain habitable premises and/or reduction or elimination in housing services or maintenance was granted to the tenants at 1826 Higdon Ave. #1.

The scope of repairs included:

- Basement Flood and Smell
- Broken window in bedroom
- Cracks/gap in property
- Pest infestation
- Sewage leak
- Water heater and other plumbing issues

All of the above repairs have been addressed as evidenced n a City of Mountain View Building Permit, dated April 17, 2023. A combination of non-cooperativeness from the tenants in unit 1 and added delays as my contractor was obligated to wait for the City of Mountain View to issue and later sign off the repairs.

Unfortunately as was the case from 2017 to 2021, the tenant in unit 1 continued to be uncooperative as it related to repairs, maintenance and rental lease obligations. On more than one occasion I was unable to get cooperation from the tenants as related to:

1. Scheduling contractor repairs or maintenance work
2. Scheduling, canceling and rescheduling pest control services
3. Scheduling City of Mountain View inspections
4. Lease/city violations related to no smoking policy

I have a healthy relationship with the other tenants at the property. The residents in units 2 and 3 contact me in a timely matter when they have repair or maintenance needs. Furthermore, they have expressed their dismay about the residents in unit 1 about smoking complaints.

As of June 1, 2023, all repairs and maintenance have been addressed. Nonetheless, the residents in unit 1 continue to passively report repair needs while not allowing access to their home in a timely matter.

I have invested over \$20,000 in repairs and owe the general contractor an additional \$5,000. A combination no rental income from unit #1 and non cooperative behavior to address ongoing repair demands have created a negative income flow. Please let me know if you can review this case and immediately determine that I have followed adhered to the order of the hearing officer. Concurrently, I am requesting the immediate resumption of tenant monthly rental payments.

attachments:

1. 1826 Higdon Ave. #3 residents concerns about smoking complaint related to unit 1 (Petitioner)/12-15-22
2. 1826 Higdon Ave. #3 residents expression about quality hot water service/3-10-23
3. Income Ledger for 1826 Higdon Ave. #1 indicating no rent payments from 1/2020 to 2/2021
4. Finalized Building Permit (Scope of work Completed)
for 1826 Higdon Ave. Apt. #1 on 5/30/23
5. Proof of expenses on repairs for Apt. #1
6. Email from Mt. View Fire Dept. regarding tenants in Apt. #1 Smoking.

Attachment #1

December 15, 2022

Francisco Flores
1826 Higdon Ave unit 3
Mountain View, CA 94041

Dear Maria Guadalupe Roque,

I am writing to inform you of ongoing issues with the neighbors in unit 1 of this complex.

As you know, in January 1, 2022, smoking was prohibited within the units, on private balconies and in all common areas. However, the neighbors in unit 1 keep smoking all day long in the parking lot which is right below our unit and therefore get affected by it.

Also, my lease states that we can only park up to 2 vehicles in the parking area, yet, the neighbors in unit 1 constantly park 3 to 4 vehicles and block the entrance to the stairs that give us access to our unit.

As you already know, we have attempted to speak with these individuals directly from the beginning, even the police got involved and city officials have come and put up "not smoking" signs around the premises, but the issue remains unresolved.

I am hopeful that you can resolved these issues. As I am sure I am not the only tenant that is affected by this.

You can contact me at (650) 906-4766 if you have any more questions regarding this matter.

Sincerely,

Francisco Flores
Francisco Flores

Attachment #2

March 10, 2023

To whom it may concern:

My name is Francisco Flores, I am a tenant at 1826 Higdon ave #3 in Mountain View, CA 94041.

We have been at this unit since 2010.

In regards of hot water in the complex, our unit has always had hot water, except for one time, when the water heater broke but it was replaced within a few days.

Sincerely,

Francisco Flores

Francisco Flores #F.6.

Attachment #3
X

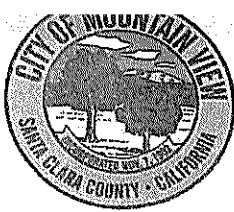
11:00 AM
03/06/23
Accrual Basis

RE/MAX Property Client Management
Income by Customer Detail
All Transactions

Type	Date	Num	Memo	Account	Clr	Split	Amount	Balance
1826 Higdon Ave								
Apt 1								
Invoice	01/01/2020	5358	Monthly Rent	Rental Income			0.00	0.00
Invoice	02/01/2020	5359	Monthly Rent	Rental Income	X	Accounts Receiv	0.00	0.00
Invoice	03/01/2020	5360	Monthly Rent	Rental Income	X	Accounts Receiv	0.00	0.00
Invoice	04/01/2020	5361	Monthly Rent	Rental Income	X	Accounts Receiv	0.00	0.00
Invoice	05/01/2020	5362	Monthly Rent	Rental Income	X	Accounts Receiv	0.00	0.00
Invoice	06/01/2020	5363	Monthly Rent	Rental Income	X	Accounts Receiv	0.00	0.00
Invoice	07/01/2020	5364	Monthly Rent	Rental Income	X	Accounts Receiv	0.00	0.00
Invoice	08/01/2020	5365	Monthly Rent	Rental Income	X	Accounts Receiv	0.00	0.00
Invoice	09/01/2020	5366	Monthly Rent	Rental Income	X	Accounts Receiv	0.00	0.00
Invoice	10/01/2020	5367	Monthly Rent	Rental Income	X	Accounts Receiv	0.00	0.00
Invoice	11/01/2020	5368	Monthly Rent	Rental Income	X	Accounts Receiv	0.00	0.00
Invoice	12/01/2020	5369	Monthly Rent	Rental Income	X	Accounts Receiv	0.00	0.00
Invoice	01/01/2021	5402a	Monthly Rent	Rental Income	X	Accounts Receiv	0.00	0.00
Invoice	02/01/2021	5403a	Monthly Rent	Rental Income	X	Accounts Receiv	0.00	0.00
Deposit	02/05/2021		Check Payable	Rent's Paid to Owner		Accounts Receiv	3,165.00	3,165.00
Invoice	03/01/2021	5424a	Monthly Rent	Rental Income		Journal Entry	3,165.00	6,330.00
Invoice	04/01/2021	5425a	Monthly Rent	Rental Income		Journal Entry	600.00	6,930.00
Invoice	05/01/2021	5426a	Monthly Rent	Rental Income		Accounts Receiv	600.00	7,530.00
Invoice	06/01/2021	5427a	Monthly Rent	Rental Income		Accounts Receiv	3,165.00	10,695.00
Invoice	07/01/2021	5428a	Monthly Rent	Rental Income		Accounts Receiv	3,165.00	13,860.00
Invoice	08/01/2021	5429a	Monthly Rent	Rental Income		Accounts Receiv	3,165.00	17,025.00
Deposit	08/05/2021	1-267	CA COVID-19	Rent's COVID Relief		Accounts Receiv	3,165.00	20,190.00
Invoice	09/01/2021	5459a	Monthly Rent	Rental Income		Journal Entry	-8,220.00	11,970.00
Invoice	10/01/2021	5474	Monthly Rent	Rental Income		Accounts Receiv	3,165.00	15,135.00
Invoice	11/01/2021	5492	Monthly Rent	Rental Income		Accounts Receiv	3,165.00	18,300.00
Credit Memo	12/01/2021	5484	Credit Outlets	Rental Income		Accounts Receiv	-3,165.00	15,135.00
Invoice	01/01/2022	5481	Monthly Rent	Rental Income		Accounts Receiv	3,165.00	18,300.00
Invoice	02/01/2022	5510	Monthly Rent	Rental Income		Accounts Receiv	3,165.00	21,465.00
Invoice	03/01/2022	5513	Rent not colle	Rental Income		Accounts Receiv	-1,155.00	20,310.00
Invoice	03/01/2022	5513	Monthly Rent	Rental Income		Accounts Receiv	3,165.00	23,475.00
Invoice	04/01/2022	5537	Rent not colle	Rental Income		Accounts Receiv	-1,155.00	22,320.00
Invoice	04/01/2022	5537	Monthly Rent	Rental Income		Accounts Receiv	3,165.00	25,485.00
Invoice	05/01/2022	5535	Rent not colle	Rental Income		Accounts Receiv	-3,165.00	22,320.00
Invoice	05/01/2022	5535	Monthly Rent	Rental Income	X	Accounts Receiv	0.00	22,320.00
Total Apt 1							12,615.00	12,615.00
Apt 2								
Invoice	01/01/2021	5401a	Monthly Rent	Rental Income		Accounts Receiv	3,415.00	3,415.00
Invoice	02/01/2021	5409a	Monthly Rent	Rental Income		Accounts Receiv	3,415.00	6,830.00
Invoice	03/01/2021	5412a	Monthly Rent	Rental Income		Accounts Receiv	3,415.00	10,245.00
Invoice	04/01/2021	5422a	Monthly Rent	Rental Income		Accounts Receiv	3,415.00	13,660.00
Invoice	05/01/2021	5429a	Monthly Rent	Rental Income		Accounts Receiv	3,415.00	17,075.00
Invoice	06/01/2021	5439a	Monthly Rent	Rental Income		Accounts Receiv	3,415.00	20,490.00
Invoice	07/01/2021	5450a	Monthly Rent	Rental Income		Accounts Receiv	3,415.00	23,905.00
Invoice	08/01/2021	5456a	Monthly Rent	Rental Income		Accounts Receiv	3,415.00	27,320.00
Invoice	09/01/2021	5460a	Monthly Rent	Rental Income		Accounts Receiv	3,415.00	30,735.00

1826 Higdon Ave
 Apt 1
 01/01/2020
 02/01/2020
 03/01/2020
 04/01/2020
 05/01/2020
 06/01/2020
 07/01/2020
 08/01/2020
 09/01/2020
 10/01/2020
 11/01/2020
 12/01/2020
 01/01/2021
 02/01/2021
 03/01/2021
 04/01/2021
 05/01/2021
 06/01/2021
 07/01/2021
 08/01/2021
 09/01/2021
 10/01/2021
 11/01/2021
 12/01/2021
 01/01/2022
 02/01/2022
 03/01/2022
 04/01/2022
 05/01/2022





BUILDING INSPECTION DIVISION
 COMMUNITY DEVELOPMENT DEPARTMENT
 500 Castro Street • Mountain View, California 94039-7540
 Phone: (650) 903-6313
 WWW.MOUNTAINVIEW.GOV/BUILDING

DATE ISSUED: 04/17/2023

Attachment #
4

BUILDING PERMIT: 2023-0291

Site Address: 1826 HIGDON AV Apt. 1
APN: 154-02-016
Construction Type: V-B
Use / Occupancy: R / R-2
Sprinkler Status: NS
Project Value: \$10,000.00
Permits: BL, CH, EL, PL, ME
Scope of Work: KITCHEN REMODEL IN SAME LOCATION, R/R (4) STUDS IN THE BATHROOM, R/R SLIDING DOOR IN FAMILY ROOM (PER FIRE INSPECTION)

Contractor:
 ROQUE GUADALUPE M
 2921 MONROE ST
 SANTA CLARA, CA 95051-1703
 (650) 215-3142
 CSLB #:

Owner:
 ROQUE GUADALUPE M
 2921 MONROE ST
 SANTA CLARA CA
 95051
 Phone number not provided

CONSTRUCTION NOISE

Mountain View Civil Code SEC.1.2 and SEC.8.70.1

SIGN REQUIRED

The general contractor, applicant, developer or owner shall erect a sign at a prominent location on the construction site to educate subcontractors and material suppliers of the working hours.

ADDRESS SIGN SPECIFICATIONS

- Address Number: Minimum Size 24"x36" (in contrasting colors)

CONTACT INFORMATION SIGN SPECIFICATIONS

- Minimum Size 24"x36" and contrasting colors
 - Construction Hours: List approved construction hours for job site
 - Contact Information: Name and Phone Number
 - Contractor Information: Company Name, Phone Number & CSLB Number

HOURS OF CONSTRUCTION

No construction activity shall commence prior to 7:00 a.m. nor continue later than 6:00 p.m. Monday through Friday. The term "construction activity" shall include any physical activity on the construction site or in the staging area, including the delivery of materials or equipment. No work is permitted on Saturday unless prior written approval is granted by the Chief Building Official. In approving modified hours, the Chief Building Official may specifically designate and/or limit the activities permitted during the modified hours. Approvals must be kept at job site and presented upon request to City Staff.
 No construction activity is allowed on recognized holidays (see definition of holiday below).

MODIFICATION TO CONSTRUCTION HOURS

At any time before commencement of or during construction activity, the Chief Building Official may modify the permitted hours of construction upon twenty-four (24) hours written notice to the contractor, applicant, developer or owner. The Chief Building Official can reduce the hours of construction activity below the 7:00 a.m. to 6:00 p.m. time frame or increase the allowable hours.

VIOLATIONS

Violation of the allowed hours of construction activity, required signage, or any other section shall be a violation of this code and can result in receiving a Stop Work Notice.

Definition of Holiday: Every Saturday and Sunday; January 1st, known as New Year's Day; January 21st, known as Martin Luther King, Jr. Day; the third Monday in February, known as Presidents Day (Washington's birthday); the last Monday in May, known as Memorial Day; July 4th, known as Independence Day; the first Monday in September, known as Labor Day; November 11th, known as Veterans' Day; the fourth Thursday in November, known as Thanksgiving Day; the Friday following Thanksgiving Day; December 24 and 25th, known as Christmas Eve and Christmas Day; and every day appointed by the President of the United States, the Governor of California, or the Council. Should any of the previously designated holidays fall on a Saturday, the preceding Friday shall be deemed a holiday, and should any of the previously designated holidays fall on Sunday, the following Monday shall be deemed a holiday.
 (Ord. No. 19.66, 8/8/66; Ord. No. 6.71, 2/8/71; Ord. No. 29.74, 8/26/74.)

CERTIFICATE OF OCCUPANCY

2019 California Building Code SEC.111.2

CERTIFICATE ISSUED

The project job card issued by the City of Mountain View shall serve as the certificate of occupancy when properly signed; after the building official or his/her designee inspects the building or structure and finds no violations of the provisions of this code, City of Mountain View conditions and ordinances, or other laws that are enforced by the building inspection division, the building official or his/her designee shall issue a certificate of occupancy.

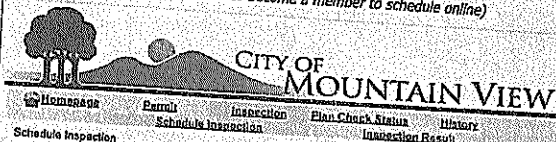
SCHEDULING INSPECTIONS

INSPECTION GUIDELINES

Inspection requests for Monday through Friday must be received before 3:00 p.m., to receive next business day inspection. Request received after 3:00 p.m., will be scheduled for the second business day. You will not receive a call back regarding your inspection unless it cannot be scheduled for your requested date/time. For each inspection to perform scheduled Division permit & stamped plans are required to be onsite and available to perform scheduled inspection. Also, changes in contractor or deviation from approved plans must be submitted for approval to the Building Division. At no time shall the construction be in violation of any Federal Law, State Law and Local Ordinance(s), or this permit may be revoked.

SCHEDULE - ONLINE

Our online service provides inspection scheduling 24 hours a day.
 Website address: <https://permits.mountainview.gov/aspix>
 (You will need to become a member to schedule online)



To schedule an inspection, if you are not logged in yet, please click here to login or to create a new account before returning to this page.

Please enter either a Permit Number or Address and then the required inspection fields below.

Inspection requests received before 3 PM today can be scheduled for the following business day. Requests received after 3 PM today will be scheduled two business days from today, % date. Inspections are given Monday through Friday only. Holidays and certain days are excluded. (Currently due to COVID-19, inspections will not be available.)

Permit Number Example: 20071234

OR
 Address Example: 500 Castro, 500 Castro St #438

THIS PERMIT BECOMES NULL AND VOID IF WORK IS NOT COMMENCED OR VALID INSPECTION PERFORMED WITHIN 365 DAYS FROM DATE ISSUED.

FINAL SIGNOFF	DATE	PRINT NAME	SIGNATURE
COMMUNITY SERVICES			
ENVIRONMENTAL SAFETY			
FIRE PROTECTION ENGINEERING			
HAZARDOUS MATERIALS			
COMMUNITY SERVICES			
PLANNING			
PUBLIC SERVICES			
PUBLIC WORKS			
BUILDING DIVISION	5/30/23		

If another Division(s) requires a final sign-off, it must be obtained prior to receiving the final signature from the Building Division. The Building Division shall be the final sign-off and once obtained serves as the Certificate of Occupancy.

On Tuesday, April 25, 2023, 8:27 AM, Olson, James <James.Olson@mountainview.gov> wrote:

Attachment # 6

Maria

Our office received a complaint of a person smoking on your property, the person said that the smoking was coming from the resident in unit #1, Please inform that resident that NO smoking is allowed on the property or inside any unit.

Jim Olson

Building Inspector II

Mountain View Fire Department

650-903-6450