

CSFRA PETITION FOR ADJUSTMENT OF RENT APPEAL HEARING INFORMATION SHEET

- Deadline to Appeal:** Any party (both landlords and tenants) to a petition may appeal a Petition Decision by serving a written Appeal Request on all parties and then filing a copy of the completed form with the Rental Housing Committee (RHC) within ten (10) calendar days after the mailing of the Petition Decision. If no appeals are filed within ten (10) calendar days, the Petition Decision is considered final. It is possible for both a landlords and tenants to appeal the same decision, in which case the Appeal Hearings may be consolidated.
- Right to Assistance:** Any party filing an appeal has the right to seek assistance from or be represented by an attorney, legal worker, Recognized Tenant Organization, translator or other designated third party, if they so choose. Any party with a representative must complete a Representative Authorization Form (mountainview.gov/rentstabilization/forms) and submit it to the RHC. Rent Stabilization Program staff will provide copies to all parties prior to the Appeal Hearing.
- Public Record:** The appeal process, including the Appeal Hearing, is public. The proceedings and the resulting Appeal Decision issued by the RHC are a public record. Therefore, any member of the public may submit a request for copies of the documents submitted by the Parties to the appeal, but personal information is redacted to protect individual privacy.
- Appeal Hearing Schedule:** Every effort is made to schedule the Appeal Hearing within thirty (30) days after the date of determination that an Appeal form is complete. Appeal Hearings are heard at an RHC meeting and can only be held with a quorum of the RHC present, meaning there must be at least three (3) members present. The Appeal Hearing will be rescheduled as necessary to obtain a quorum.

Appeal Process	Deadline or Action
14 Calendar Days before Hearing	Last day for RHC to inform all parties to Appeal of Appeal Hearing Date. <i>CSFRA Regs. §5(H)(2)(b).</i>
10 Calendar Days before Hearing	Last day for RHC to issue Tentative Decision (RHC may choose not to issue Tentative Decision). <i>CSFRA Regs. §5(H)(3)(b).</i>
5 Calendar Days before Hearing	Last day for parties to file supplemental written material in response to Tentative Decision (if applicable). <i>CSFRA Regs. §5(H)(3)(c).</i>
<i>Date of Hearing</i>	Appeal Hearing before RHC

- Standard of Review:** Appeal decisions are based on the Hearing Record. The RHC is unable to hear or find facts beyond those presented to the Hearing Officer, unless a majority of the Committee determines to reopen the record and allow for a full factual hearing (called a De Novo Hearing). The RHC can only review

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the claims raised in the Appeal Request. Any part of the decision of a Hearing Officer not addressed in an Appeal Request is not part of the appeal hearing, becomes final and cannot be reopened by the RHC during the appeal process.

6. **De Novo Hearings**: If the RHC decides to hold a De Novo Hearing, the Appeal Hearing is conducted in the same manner as a Petition Hearing (CSFRA Regulations Ch. 5, Section E). A De Novo Hearing is when the Hearing process resets for new findings of fact. The parties may submit new evidence, witnesses, and testimony for the Committee to establish the facts of the case, creating a new Hearing Record. The Committee may, but is not required to, consider the previous Hearing Record. Committee members will act as Hearing Officers during a De Novo Hearing. The issues subject to the De Novo review by the Committee may be limited as specified by a majority of Committee members or by the issues raised in the appeal.
7. **Tentative Decision**: The RHC may issue a Tentative Decision at least ten (10) calendar days before the Appeal Hearing. Parties may respond in writing to the Tentative Decision at least five (5) calendar days before the Appeal Hearing by serving a copy of their reply to the Rental Housing Committee’s designee using one of the following methods below **and** by serving a copy simultaneously on all other parties by email, if possible, or otherwise by mail.

by mail

Rental Housing Committee
500 Castro Street
Mountain View, CA 94041
to the attention of Patricia Black

OR

by email (preferred method)

patricia.black@mountainview.gov

8. **Appeal Hearing Procedures**: At the appeal hearing, each party to the appeal can present their positions and respond to another party’s arguments; however, they are not required to do so. Each side is limited to the specific time limits below, regardless of the number of individuals in a party.
 - Parties have 10 minutes each to present their positions, not including answering any questions posed by members of the Rental Housing Committee. Appellants present their argument first.
 - Parties then have 5 minutes each to respond or rebut the arguments offered by the other party to the appeal, not including answering any questions posed by members of the RHC. Appellants present their rebuttal first.
 - Appeal Hearings are conducted and determined pursuant to CSFRA Regulations (Chapter 5, Section H).

Appeal(s) of Hearing Officer Decision(s)

- Public Comment Period applicable for all Appeals on the agenda

Appeal Hearing	
Staff Report (if applicable)	
Appellant Presents Argument	10 minute maximum
Respondent Presents Argument	10 minute maximum
Appellant Presents Rebuttal	5 minute maximum
Respondent Presents Rebuttal	5 minute maximum
RHC Deliberates and Decides	

- Conclude Appeal Hearing

9. **Ruling on Appeal:** The RHC can affirm, reverse, or modify the Petition Hearing Decision, or remand the matters raised in the Appeal to a Hearing Officer for further findings of fact and a revised Decision, if applicable. If the RHC remands all or a portion of an appealed decision to a Hearing Officer, the Hearing Officer must issue and provide all parties with a written, revised Decision within forty-five (45) calendar days after the Remand Order from the RHC is delivered to the Hearing Officer and all parties.

10. **Appeals:** Remanded Decisions may be appealed to the Rental Housing Committee. Any requests for a Remanded Decision to be appealed to the Rental Housing Committee must be made within ten (10) days of the date the Decision was sent to the parties.

City of Mountain View Rent Stabilization Program

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Virtual Office Hours
Every Tuesday 10:00 am-12:00 pm or by appointment
mountainview.gov/rspofficehours