

APPEAL REQUEST / OR BREACH OF VOLUNTARY AGREEMENT

DATE: _____ CASE: _____ ADDRESS: _____

PURPOSE

This form may be used by the parties to a petition to file an appeal request of an issued Administrative Decision or Hearing Decision or file a breach of a Voluntary Agreement.

TYPE OF APPEAL Please select one of the boxes below and the reason for appeal on the following pages.

Administrative Decision: [Pursuant to Regulations 6.06](#), any Party to a Petition may appeal the Administrative Decision written by the Petition Examiner, as it may be revised, to the Director. Appeals must be made within 30 days of the mailing date of the revised Administrative Decision or notice that the Administrative Decision will not be revised. If no Party appeals to the Director within 30 days of said date, the Administrative Decision will be considered a Final Decision.

Hearing Decision: [Pursuant to Regulations 7.14](#), any Party to a Hearing may appeal the Hearing Decision to the Director. Appeals must be made within 30 days of the mailing date of the Hearing Decision. If no Party appeals to the Director within 30 days, the Hearing Decision will be considered a final Decision.

Breach of Voluntary Agreement: [Pursuant to Regulations 7.04.6](#), where the voluntary agreement contains a section making a violation of the material terms subject to review by a Petition Examiner under the Ordinance and Regulations, a written claim of violation may be filed within 90 days of the date of its filing, provided that the party filing the claim has sent a written request to the violating party to perform one or more specific material items to be performed under the voluntary agreement. The written claim must contain a copy of the request to the violating party and the party making the claim must send a copy to the violating party. If the Petition examiner determines that there has been a breach, a hearing will be scheduled under [Section 7.05](#).

Signature: I declare under penalty of perjury under the laws of the State of California that this information and every attached document, statement, and form is true and correct to the best of my knowledge and belief.

Signature

Date

Print Name

IMPORTANT INFORMATION:

- Appeals filed past the thirty (30) day timeline will not be considered
- You must provide all the information required, or your appeal cannot be processed and may be dismissed.
- The Hearing Decision will not be remanded for consideration of new claims or new evidence. All claims, except jurisdictional issues (rare), must have been made in the Petition, Response, or at the Hearing.
- You must sign and date this form or your appeal will not be processed.



APPEAL REQUEST OR BREACH OF VOLUNTARY AGREEMENT

REASON FOR APPEAL

The Decision provided explains the claims made in the petition and any awards based on those claims. For each part of the Decision you dispute, you must clearly identify the specific claim you are appealing and explain the legal reason for the appeal. You can only appeal 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. Each ground for appeal listed below includes instructions on what to include in your explanation.

The examples below show common reasons someone might file an appeal. Every case is different, so your appeal should only address the specific findings or outcomes in your decision. If you do **not** appeal a part of the hearing officer's decision, that part will be considered final unless another party appeals it.

Appeal Request Example 1

The Hearing Officer made a mistake in finding the rent was over the legal limit. The decision did not consider valid rent increase notices that were submitted at the hearing and properly issued under the annual rent increase rules.

Appeal Request Example 2

The Hearing Officer made a mistake by calculating the service reduction from a later date. The tenant submitted a maintenance request earlier as shown in the case file.

Appeal Request Example 3

The Hearing Officer made a mistake by granting the tenant a rent reduction due to loss of parking. The decision did not consider evidence showing the landlord provided the tenant with an alternative parking space.

Please select your ground(s) for appeal from the list below.

- As a party to this matter, I did not receive proper notice and/or other regulatory deadlines were not upheld.** *(Please clearly explain what deadlines or noticing requirements were not upheld.)*
- There are mathematical or other quantitative errors that require the Hearing Decision to be updated.** *(Please clearly explain the mathematical or quantitative errors.)*
- The Decision is inconsistent with San Jose Municipal Code Chapter 17.23 and/or the Apartment Rent Ordinance Regulations.** *(In your explanation you must identify the Ordinance section and/or Regulation section and describe how the Decision is inconsistent.)*
- The Petitioning Party did not meet their burden of proof.** *(In your explanation, you must explain why the Decision does not meet regulatory standards for burden of proof under the Apartment Rent Ordinance.)*
- Other.** *(In your explanation, you must attach a detailed explanation of your grounds for appeal.)*

Please use additional 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. No new documentation or evidence will be accepted or considered by the Rent Stabilization Program when reviewing the appeal request. Please provide the legal basis why the Decision should be remanded to the Hearing Officer for reconsideration. You may add additional pages as needed.



APPEAL REQUEST OR BREACH OF VOLUNTARY AGREEMENT

