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Law gives tenants more time

BY FELICIA MELLO
CalMatters Writer

Tenants in California will have twice as much time to respond to eviction notices and potentially avoid losing their homes under a bill signed into law by Gov. Gavin Newsom. The new law, signed Tuesday, comes amid a statewide housing crisis, and after a surge in evictions followed the expiration of pandemic-era tenant pro-

Pandemic eviction rule to stay

tections. Tenant advocates say Assembly Bill 2347, which doubles the time to respond from five to 10 business days, will help renters who live in areas where legal help is scarce or face other life circumstances that make it hard to meet the current deadline. Under California law, landlords who

sue to evict tenants must serve them with a formal notice, called an unlawful detainer. If a tenant doesn't respond in writing within five business days, they can lose the case by default. The complex and technical answer form asks tenants to outline any disagreement about the facts or choose from more

than a dozen possible legal defenses, which often requires them to seek help from someone who understands housing law. "If you think about folks who are living in legal aid deserts, it may take them the entire five days just to get in the door and get that help," said Lorraine Lopez, a senior attorney with the Western Center on Law and Poverty, [See TENANTS, page 30]

THE UPDATE

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|---|---|----------------------------------|
| Dow -293.47 41,914.75 | Nasdaq +7.68 18,082.21 | Oil -1.75 69.72 |
| Gold 2,683.80 +2.60 NY COMEX futures courtesy of Mish Int'l (650) 324-9110 | | |

NYC MAYOR INDICTED: New York City Mayor Eric Adams has been indicted by a federal grand jury on criminal charges that are still sealed. The indictment yesterday night marks a stunning fall for Adams, a Democrat who won election nearly three years ago to become the second Black mayor of the nation's largest city. For much of the last year, Adams has faced growing legal peril, with multiple federal investigations into top advisers producing a drumbeat of subpoenas, searches and high-level departures.

IMMEDIATE CEASEFIRE CALL: The U.S., France and other allies jointly called yesterday for an "immediate" 21-day cease-fire to allow for negotiations in the escalating conflict between Israel and Hezbollah that has killed more than 600 people in Lebanon in recent days.

FINAL GAME: Tonight is the A's final game in Oakland. The team, which is headed to Sacramento after this season, is playing the Texas Rangers. The A's final destination is Las Vegas, but the team will be playing at the Giant's Triple-A team's [See THE UPDATE, page 30]

Contender plans to empower

BY BRADEN CARTWRIGHT
Daily Post Staff Writer



ROWENA CHIU is a candidate for Palo Alto School Board. Post photo by Dave Price.

Palo Alto school board candidate Rowena Chiu says she's become "rather infamous" for taking on Superintendent Don Austin. "It is no secret that certain groups of parents and students and teachers have felt disenfranchised, and I hope that with a different makeup of the board, there would be an opportunity to look again at culture and transparency and communication," Chiu said in an interview last week. Chiu said that she, "as a woman of color who drives consensus," has a different management style than Austin, who she said is more aggressive. "I hope that we could come to a compromise," said Chiu, one of five candidates running for three open [See EMPOWER, page 30]

Charter pushes back on investigation

BY BRADEN CARTWRIGHT
Daily Post Staff Writer

The superintendent of Bullis Charter School is pushing back on an investigation by the Santa Clara County Office of Education that will explore whether Bullis failed to provide special educa-

tion services to four disabled students from the Los Altos School District. Bullis Superintendent Maureen Israel said yesterday that the county office's investigator is not independent, because she comes from the same law firm that works for the county office.

"Hiring their already-contracted lawyers and claiming they are neutral is an actual violation of ethics rules, a conflict of interest, and an obvious attempt to engineer a predetermined outcome," Israel said in an email yesterday. The [See CHARTER, page 30]

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CHARTER

investigator is attorney Sara Young, who specializes in public education for the law firm Atkinson, Andelson, Loya, Ruud & Romo.

Young is looking into complaints from parents in the Los Altos School District who said their students were bullied at Bullis, and that Bullis didn't follow their individualized education programs, or IEPs.

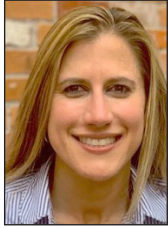
Young's coworker, Davina Harden, represented the county office on Aug. 26 when Bullis applied to renew its charter.

Charter recently renewed

Harden and the county office recommended renewing the charter for another five years, on the condition that Bullis take steps to diversify its student body.

The board followed the recommendation on a 4-3 vote.

Israel opposed the conditional approval, saying the county office isn't allowed to impose conditions on a high-performing school like Bullis.



ISRAEL

A family's experience

One family reported on Sept. 17 that their seventh grader left Bullis because he or she was being bullied and wanted a fresh start at Egan Junior High School.

Despite a good start to the year at school, the parents reported that the student was "extremely explosive at home," so the parents unilaterally placed the student in a short-term residential program through their insurance, Los Altos Superintendent Sandra McGonagle said.

The student will be absent from Egan anywhere from two weeks to 90 days, McGonagle said in an email to the county office that was forwarded to Harden.

McGonagle said the student's IEP from Bullis didn't reflect their actual needs: The student qualified for special education for emotional disturbances, with help from a psychologist or therapist.

Didn't get counseling

However, Bullis was only giving the student specialized academic instruction and no counseling, McGonagle said.

"Once again, Bullis Charter School has mismanaged this IEP and it now falls on our laps to clean up," McGonagle said in her email.

Israel said Bullis welcomes a neutral third-party investigator.

"We don't exclude or disenroll anyone, and despite the many years of false narratives, no one has ever produced a single shred of evidence otherwise," Israel said.

EMPOWER

spots on the board. Chiu, 50, was PTA president at Ohlone Elementary School when Austin's administration closed Room 19, a special education classroom that served eight families.

The class was moved to Nixon Elementary School so that students could be in more age-appropriate groups, Austin said in May 2023.

"This has been a recommendation before my arrival. Many have questioned why it took so long," Austin said.

Protested with parents

But parents wanted to stay at Ohlone and were upset that the district made the decision without their input.

Chiu joined them, protesting in front of the campus and eventually submitting a case to the U.S. Department of Education's Office for Civil Rights.

With help from Stanford Law School students, Chiu and five families argued that Ohlone is a "choice school," where students are enrolled through a lottery and learn on a farm with goats, sheep, chickens and a vegetable garden.

It's a violation of civil rights when a distinct kind of education is only available to neurotypical kids, Chiu said.

Chiu said she's fighting not only for the families

who were moved around, but for future families who can't attend Ohlone. The case is still at the Office of Civil Rights, with no timeline for a decision being made, Chiu said.

About Chiu

Chiu has worked at the World Bank, the BBC and the Bay Citizen, a defunct nonprofit news outlet.

Chiu has four kids in the district — two at Ohlone Elementary School, one at JLS Middle School and her oldest at Middle College, an alternative high school program on the Foothill College campus.

Chiu has a history of activism on a global stage through the #MeToo movement.

Called out Weinstein

She wrote an op-ed in the New York Times in October 2019 about Harvey Weinstein grooming her, attempting to rape her, and then pressuring her to sign a non-disclosure agreement. Chiu talked about the decades of silent grief that followed and the decision to finally come forward.

Chiu said she is now transitioning from an advocate to an administrator on the school board, if she gets elected.

"Professionally, I understand that sometimes when you're administering something very complex, there are huge amounts of restrictions — bylaws, laws, policies — that one has to abide by," Chiu said. "You have to work within a very limited range of what change that you can make. But that doesn't mean I don't hold to certain principles that I feel driven by."

Pick up the Post tomorrow for a look at another one of the five candidates for Palo Alto school board.

TENANTS

which sponsored the bill. "Or they're going 40 or 50 miles to their nearest courthouse to try to get there before 5 p.m. to file that paperwork."

Language barriers, lack of transportation and work schedules can also slow tenants' ability to respond, Lopez said. About 40% of California tenants lose their cases by default, researchers have estimated.

CAA didn't oppose

The state's major landlord lobby, the California Apartment Association, didn't formally oppose the new law, which takes effect Jan. 1. But some local landlord groups have objected that any delay in evictions allows more unpaid rent to pile up, a cost that property owners will pass on to the new tenant.

"Every time there is an elongation of the process it creates more loss to owners," said Daniel Bornstein, a San Francisco real estate attorney who represents landlords. He said that while the five-day window might seem short, it's part of a larger eviction process that can take months and often begins only after tenants are months behind on their rent.

That process, however, still unfolds much more quickly than a typical lawsuit. For example, defendants in other civil suits have 30 days to file a response. Tenants facing eviction are much less likely than their landlords to get help from an attorney — fewer than 5% nationwide have legal representation compared to more than 80% of landlords, the National Coalition for a Civil Right to Counsel estimates.

Shortens other timeframes

While the new law, carried by Assemblyman Ash Kalra, D-San Jose, gives tenants more time to respond to an eviction notice, it also shortens the timeframe for their lawyers to file certain motions alleging errors in a landlord's complaint.

Nancy Wiles, who narrowly avoided an eviction judgment over an apartment she left in the Contra Costa County city of Oakley, said the new law could help tenants like her.

Wiles was already moving out of an apartment that she said was infested with mold when her landlord served her with an eviction notice. By the time she realized she had to respond, the five-day timeline had elapsed and a court had ruled that Wiles had to pay her landlord \$7,000.

"It was very stressful," said Wiles, a retired hairstylist on a fixed income. She later sought help from a pro bono attorney who got the case withdrawn.

More breathing room desired

Tenant activists have also attempted to create more breathing room during an earlier step of the eviction process, when landlords notify renters of a problem before they file a case. California law gives tenants three days to correct the issue — for example, by paying back rent or fixing damage to the property — before an eviction can be filed.

San Francisco passed an ordinance in 2022 giving tenants an extra 10 days to correct problems. But a state appeals court judge last week overturned the local measure, ruling that cities have to defer to the state on eviction procedures.

And some California cities, including Los Angeles, are considering following in San Francisco's footsteps and guaranteeing a right to legal counsel for tenants facing eviction.

BOLD

[From page 6]

Caltrain has been discarded by council and advisory committees because of the high cost, but Etkowitz wants to bring the idea back.

Coalition with other cities

Palo Alto should band together with other cities to get federal infrastructure funding, and then build a linear park with a bike lane and gardens where Caltrain is now.

"We haven't tried hard enough ... It's a time to form a coalition and solve the problem once and for all," he said.

At the airport, Etkowitz wants to put a basketball court on the end of the runway and return the rest of the land to nature, with planes moved to Moffett Field in Mountain View.

"Let's make neighborly reparations to the environment and to the children of our neighboring communities," he said.

THE UPDATE FROM PAGE 1

stadium in West Sacramento for at least two years.

HUGE HURRICANE: Forecasters are warning that Hurricane Helene will intensify into a major storm before striking Florida and further inland as it heads northward across the Gulf of Mexico. The U.S. National Hurricane Center said yesterday that some areas of Florida's northwestern coast could see a storm surge of up to 20 feet when Helene makes landfall sometime late today. Hurricane warnings extend well into Georgia and tropical storm warnings extend up to North Carolina. Helene's tropical storm-force winds extend more than 300 miles from its center.

SECRET SERVICE GROPER: A U.S. Secret Service agent has been accused of groping and sexually harassing a vice presidential staff member during a trip last week. The agent was on a trip with members of Vice President Kamala Harris' official staff last week as the team scouted possible locations for a visit from the Democratic presidential nominee. Harris' office said in a statement that "we have zero tolerance for sexual misconduct," and that the office takes "safety of staff seriously."

TRAIN SETTLEMENT: A federal judge has approved a \$600 million class-action settlement involving last year's disastrous derailment in East Palestine, Ohio. Attorneys for the residents and a railroad spokesperson says the judge approved it yesterday despite the objections of a few residents who questioned the deal. The approval clears the way for payments to start going out quickly. The lawyers previously said they hoped to get the first checks in the mail before the end of the year.

SHORT-LIVED SODA: Coca-Cola Co. is discontinuing its newest "permanent" flavor a little more than seven months after putting the product on the market. The beverage giant said Wednesday that Coca-Cola Spiced and Coca-Cola Spiced Zero Sugar will be phased out and replaced with a new flavor that will be introduced next year. Coke didn't say yesterday what went wrong, but the product's name may have confused buyers, since it didn't taste spicy.