

## APPEALS DECISION INDEX TABLE OF CONTENTS

| <b>SUBJECT</b>   | <b>PAGE</b> |
|--|-------------|
| <b>ADMINISTRATIVE DECISION</b>   | 1           |
| Appeal   |             |
| Deficient Response   |             |
| Failure to Appear  |             |
| Failure to File Response   |             |
| Failure to Use RAP Form  |             |
| Inactivity   |             |
| Timely Petition  |             |
| <b>ANNIVERSARY DATE</b>  |             |
| <b>APPEAL PROCEDURE</b>  | 2           |
| Board Inaction   |             |
| Board Jurisdiction   |             |
| Calculation Error  |             |
| City-Provided Interpreter as Representative; English Required<br>For Written Documents |             |
| Invalid Grounds for Appeal   |             |
| <b>CITATION HEARING</b>  | 4           |
| <b>CONTINUANCE</b>   |             |
| <b>DECREASED HOUSING SERVICES</b>  |             |
| Burden of Proof  |             |
| Cable TV   |             |
| Carpet   |             |
| Code Citation  |             |
| Complaint Specificity  |             |
| Current in Rent  |             |
| DHS Allegation of Garbage  |             |
| Denial   |             |
| Denial of Access   |             |
| Documentation Required   |             |
| Emotional Distress   |             |
| Evidence   |             |
| Failure to Appear  |             |
| Garage   |             |
| Habitability   |             |
| Heat   |             |
| Hot Water  |             |
| Key to Basement  |             |
| Lack of Code Citation  |             |
| Late Response  |             |
| Loss of Use of Unit  |             |
| Mold   |             |
| Noise  |             |
| Quiet Enjoyment  |             |
| Lack of Code Citation  |             |
| Late Response  |             |
| Loss of Use of Unit  |             |

## APPEALS DECISION INDEX TABLE OF CONTENTS

| <b>SUBJECT</b>                        | <b>PAGE</b> |
|---------------------------------------|-------------|
| Mold                                  |             |
| Noise                                 |             |
| Quiet Enjoyment                       |             |
| Notice to Abate                       |             |
| Notice to Owner                       |             |
| Pests                                 |             |
| Parking                               |             |
| Prior Settlement Agreement            |             |
| One Lump Sum                          |             |
| RAP NOTICE                            |             |
| Rent Underpayment                     |             |
| Security                              |             |
| Specificity                           |             |
| Storage                               |             |
| Stove                                 |             |
| Substantial Evidence                  |             |
| Sufficiency of Allegations            |             |
| Successor Owner                       |             |
| Temporary Interruption of Services    |             |
| Timeliness                            |             |
| Value                                 |             |
| <b>DISMISSAL</b>                      | <b>12</b>   |
| Error in Notice of Hearing            |             |
| Failure to Appear                     |             |
| Good Cause                            |             |
| Moot                                  |             |
| No Inspection Report                  |             |
| Timeliness                            |             |
| Withdrawal of Appeal                  |             |
| <b>EVIDENCE</b>                       | <b>23</b>   |
| Admissions in Prior Case              |             |
| Bias-Evidence                         |             |
| Evidence Standard                     |             |
| “Finaled” Permit for New Construction |             |
| Government Code §11513                |             |
| New Evidence                          |             |
| Not Allowed                           |             |
| Presumption                           |             |
| Substantial Evidence                  |             |
| Timeliness                            |             |
| <b>HEARING DECISION</b>               | <b>26</b>   |
| Failure of a Party to Appeal          |             |
| Limitation on Order                   |             |
| Modification of Hearing Decision      |             |
| Ordinance in Effect                   |             |
| Other Tenants                         |             |
| Prior Decision                        |             |

## APPEALS DECISION INDEX TABLE OF CONTENTS

| <b>SUBJECT</b>                                    | <b>PAGE</b> |
|---|-------------|
| Recalculation                                     |             |
| Relief Not Requested                              |             |
| Substantive Requirement                           |             |
| Time Frame for Hearing Decision                   |             |
| <b>HEARING OFFICER AUTHORITY</b>                  | 28          |
| Bias  |             |
| <b>HEARING PROCEDURE</b>                          | 28          |
| Citation Hearing                                  |             |
| Continuance                                       |             |
| Due Process                                       |             |
| Failure to Appear                                 |             |
| Failure to File Timely Response                   |             |
| Failure to Provide RAP Notice                     |             |
| Hearing Must be Recorded                          |             |
| Issues Not Raised in Petition                     |             |
| Language Issue                                    |             |
| Late Tenant Response                              |             |
| New Evidence                                      |             |
| Notice of Hearing                                 |             |
| Notice  |             |
| Opportunity to Present Evidence                   |             |
| Postponement During Hearing                       |             |
| Remanded Decision with Recalculation              |             |
| Reliance on Hearing Officer and Staff             |             |
| Remand for Staff Recalculation                    |             |
| Scope of Hearing                                  |             |
| <b>Jurisdiction/Exemption</b>                     | 32          |
| Agreement to Exemption                            |             |
| Civil Rights Violations                           |             |
| Code Violation                                    |             |
| <b>Jurisdiction/Exemption</b>                     |             |
| Commercial Property                               |             |
| Costa-Hawkins-Single Family Residence/Condominium |             |
| Demand for Back Rent                              |             |
| Dormitories                                       |             |
| Employee v. Tenant Status                         |             |
| Eviction to Make Repairs                          |             |
| Houseboat   |             |
| Live-work Units                                   |             |
| Location of Unit in Oakland                       |             |
| Pre-1/1/96 Tenancy                                |             |
| Two Structures on Subject Property                |             |
| New Construction                                  |             |
| Failure to Appear                                 |             |
| Failure to Obtain Certificate of Occupancy        |             |
| Finalized Permit                                  |             |
| Non-Profit Entity                                 |             |
| No Prior Residential Use                          |             |

## APPEALS DECISION INDEX TABLE OF CONTENTS

| SUBJECT   | PAGE |
|---|------|
| <i>Owner Occupied</i>                                 |      |
| Payment by Insurance                                  |      |
| Public Entity   |      |
| Retaliation   |      |
| Security Deposits                                     |      |
| Section 8 Contract                                    |      |
| Substantial Retaliation                               |      |
| Owner Petition  |      |
| Tenant Move Out                                       |      |
| Tenancy-Owner as Co-Tenant                            |      |
| <b>Justification for Rent Increase</b>                | 39   |
| Additional Tenant                                     |      |
| Banking   |      |
| Base Rent   |      |
| Banking Calculation                                   |      |
| No Violation of Equal Protection                      |      |
| Owner Response  |      |
| Prior Agreement                                       |      |
| Recalculation   |      |
| Rental History  |      |
| Section 8   |      |
| Standard for Modification                             |      |
| Substantial Evidence                                  |      |
| Ten Year Accrual                                      |      |
| Timeliness  |      |
| Capital Improvements                                  |      |
| Allocation  |      |
| Amortization  |      |
| Apportionment   |      |
| Benefit to Tenant                                     |      |
| C.P.I. and Capital Improvements                       |      |
| Evidence  |      |
| Expenses Not Paid by Owner                            |      |
| Expired Capital Improvement Pass-Through              |      |
| Limit of 12 Months of Expenses                        |      |
| Notice  |      |
| Priority 1 or 2 Condition                             |      |
| Repair/Replacement                                    |      |
| Time Frame for Commencement and Completion            |      |
| Debt Service  |      |
| Failure to Provide Deed of Trust Excused              |      |
| Financial Information Calculation at Time of Purchase |      |
| Non Subject Property as Security                      |      |
| Ownership Interest                                    |      |
| Property Tax  |      |
| Refinancing   |      |
| Short Term Loan & Interest Only Loan Allowed          |      |
| Standard Financing Arrangement                        |      |

## APPEALS DECISION INDEX TABLE OF CONTENTS

| SUBJECT   | PAGE |
|---|------|
| <ul style="list-style-type: none"> <li>Increased Housing Service Costs                             <ul style="list-style-type: none"> <li>Actual Expenses v. Standard Allowance</li> <li>Increased Housing Services not allowed</li> <li>Move to New Unit</li> <li>Remand for Staff Recalculation</li> <li>Undocumented Expenses</li> </ul> </li> <li>Notice of Rent Adjustment Program                             <ul style="list-style-type: none"> <li>Burden of Proof</li> <li>California Civil Code §827</li> <li>Concurrent RAP Notice</li> <li>Failure to Appear</li> <li>Failure to Provide RAP Notice</li> <li>Fair Return on Investment</li> <li>Failure to Give 6 Month RAP Notice</li> <li>Forfeiture of 6 Months</li> <li>Forfeiture of 6 Months Reversed</li> <li>Invalid Rent Increase</li> </ul> </li> <li>Notice to All Tenants Not Required</li> <li>Reliance on Staff Information</li> <li>Restitution Time Limit-Rent Rollback</li> <li>Substantial Compliance with RAP Notice</li> <li>Substantial Evidence</li> <li>Termination of Section 8 Subsidy Contract</li> <li>Timeliness</li> </ul> | 54   |
| <b>Parking</b>  |      |
| <ul style="list-style-type: none"> <li>Housing Service</li> <li>Tenant Estoppel Certificate</li> </ul>  |      |
| <b>Petition Filing Requirements</b>   |      |
| <ul style="list-style-type: none"> <li>Calendar Days</li> <li>Current in Rent</li> <li>Information Omitted</li> <li>Issues not Raised in Petition</li> <li>Late Charges</li> <li>Late Filing of Petition</li> <li>Late Tenant Response</li> <li>Information Omitted</li> <li>Postmark Insufficient</li> <li>RAP Prescribed Form Required</li> <li>Reimbursement In One Lump Sum</li> <li>Response to Deficiency Letter</li> <li>Specificity</li> <li>Standing</li> <li>Tenancy</li> <li>Timeliness</li> </ul>   |      |
| <b>Rent Increase</b>  | 62   |
| <ul style="list-style-type: none"> <li>Addition of Another Tenant</li> <li>Anniversary Date</li> <li>Back Rent</li> </ul>   |      |

## APPEALS DECISION INDEX TABLE OF CONTENTS

| SUBJECT  | PAGE |
|--|------|
| Base Rent  |      |
| Base Rent-Section 8  |      |
| Base Rent-HUD Fair Market Value  |      |
| Date of Rent Increase  |      |
| Deficient Response   |      |
| Failure to File Response   |      |
| Failure to Pay RAP Program Fee   |      |
| Failure to Provide RAP Notice  |      |
| Failure to Provide Notice Required by CC§827                                 |      |
| Increased Housing Services   |      |
| No Six-Month Forfeiture of Rent Increase                                     |      |
| Parking  |      |
| Pre-Existing Tenancies-1996  |      |
| Prior Agreement with Owner   |      |
| Reinstatement of Rescinded Rent Increase                                     |      |
| Rent Increase During Amortization Period while Tenant Is Paying Reduced Rent |      |
| Required RAP Notice  |      |
| Timeliness   |      |
| <b>Response Procedure</b>  | 68   |
| Agreement to Move Out  |      |
| Deficient Response   |      |
| Failure to File Response   |      |
| Failure to Provide RAP Notice  |      |
| Late Response  |      |
| No Response-Reliance on Staff Advice   |      |
| Time for Response  |      |
| <b>Restitution</b>   | 70   |
| Rent Rollback & 3 Year Limit for Restitution                                 |      |
| <b>Security Deposit</b>  | 71   |
| <b>Settlement</b>  |      |
| <b>Standing as Tenant</b>  | 71   |
| Acceptance of Rent   |      |
| Current in Rent  |      |
| Employee v. Tenant Status  |      |
| New Evidence Allowed   |      |
| Substantial Compliance   |      |
| Tenant Move Out  |      |
| Unlawful Detainer Judgment   |      |
| <b>Successor Owner Liability</b>   | 73   |
| Stands in Shoes  |      |
| Tenant Overpayment Received by Prior Owner                                   |      |
| <b>Timeliness of Claim</b>   | 73   |
| Late Tenant Response   |      |
| Untimely Claim   |      |
| <b>Utility Bills</b>   | 74   |
| Water  |      |

