

**CITY OF OAKLAND
HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD**

**Regular Meeting
October 9, 2014
7:00 p.m.
City Hall, Hearing Room #1
One Frank H. Ogawa Plaza, Oakland, CA**

MINUTES

1. CALL TO ORDER

The HRRRB was called to order at 7:05 p.m. by Board Chair, Edward Lai

2. ROLL CALL

MEMBER	STATUS	PRESENT	ABSENT	EXCUSED
Tyfahra Singleton	Tenant	X		
Beverly Williams	Homeowner	X		
Edward Lai	Homeowner	X		
Benjamin Scott	Landlord	X		
Noah Frigault	Tenant	X		
Ramona Chang	Landlord	X		

Staff Present

Richard Illgen	Deputy City Attorney
Connie Taylor	Rent Adjustment Program Manager

Homeowner, Michael Bowie arrived at 7:08

3. CONSENT ITEMS

i. Approval of Minutes for September 25, 2014

E. Lai made motion to approve minutes with revisions. N. Frigault seconded. The Board voted as follows:

MEMBER	STATUS	AYE	NAY	ABSTAINED
Tyfahra Singleton	Tenant	X		
Beverly Williams	Homeowner	X		
Edward Lai	Homeowner	X		
Benjamin Scott	Landlord	X		

Noah Frigault	Tenant	X	
Michael Bowie	Homeowner		X
Ramona Chang	Landlord	X	

The motion carried.

ii. Approval of draft decision in

a. Case T13-0356; Alemu et al v. Lewis

Draft decision to be brought back for approval at next meeting.

4. OPEN FORUM

Eddie Ytuarte

5. OLD BUSINESS

i. Michelsen et al v. Sherman

OPEN FORUM (i. item #5)

James Vann

Deputy City Attorney

Before Board discussion, Richard Illgen asked Board members who read e-mails and a newspaper article regarding the Michelson case. T. Singleton and E. Lai read some of the information. They were asked by Richard Illgen if reading the material affected their ability to make a decision. They both answered: no.

The parties in the Michelson case did not object to E. Lai and T. Singleton hearing the case.

Appearances in the Michelson case:

Landlord Representative

Gregory McConnell

Tenant Representative

Martina Cucullu Lim

After Board discussion, E. Lai made a motion to send the case back to the Hearing Officer to consider issues listed in bullet points on page 11 of the Board Packet, not

in reference to Mr. Sherman, whose case has been heard, but the other tenants in the building who were not noticed:

- Were there any other tenants residing in the property at the time the petition was filed? If so, determine the identity of these tenants.
- Serve the petition on any tenants who were not served with an explanation as to why they are being served now and that they have the right to respond to the petition.
- If other tenants have vacated since the petition was filed, attempts should be made to locate them to see if they wish to respond.
- If any tenants respond, hold a new evidentiary hearing on the petition.
- If no tenant or former tenant wishes to respond or participate at a new hearing, then the Hearing Officer can issue a new decision referencing the fact that no tenant responded and staff should report back to the Board for further action by the Board.

T. Singleton seconded. The Board voted as follows:

MEMBER	STATUS	AYE	NAY	ABSTAINED
Noah Frigault	Tenant	X		
Tyfahra Singleton	Tenant	X		
Beverly Williams	Homeowner	X		
Ramona Chang	Landlord		X	
Benjamin Scott	Landlord		X	
Michael Bowie	Homeowner (recused)			
Edward Lai	Homeowner	X		

The motion carried.

6. NEW BUSINESS

- i. Appeal Hearing in case:
 - a. L13-0052; U.S. Bank v. Savage

Appearances

Tenant Representative

James Coy Driscoll

Landlord Representative

Olin Meyer

Rebuttal

Both parties offered rebuttal

Board Discussion

After Board discussion and questions to landlord and tenant representatives, E. Lai made a motion to remand to Hearing Officer to determine one issue: what efforts were made to determine the status of any tenancies prior to the current tenancy. T. Singleton seconded. The Board voted as follows:

MEMBER	STATUS	AYE	NAY	ABSTAINED
Tyfahra Singleton	Tenant	X		
Beverly Williams	Homeowner	X		
M. Bowie	Homeowner		X	
Benjamin Scott	Landlord		X	
Noah Frigault	Tenant	X		
Ramona Chang	Landlord		X	
Edward Lai	Homeowner	X		

The motion carried.

At 9:05, a minute break was called. At 9:15 the meeting resumed.

ROLL CALL

MEMBER	STATUS	PRESENT	ABSENT	EXCUSED
Noah Frigault	Tenant	X		
Tyfahra Singleton	Tenant	X		
Edward Lai	Homeowner	X		
Michael Bowie	Homeowner	X		
Beverly Williams	Homeowner	X		
Benjamin Scott	Landlord	X		
Ramona Chang	Landlord	X		

- i. Appeal Hearing in case:
- b. T13-0229; Moore v. Raymond Investments

Appearances

No appearance by landlord appellant.

E. Lai made a motion to dismiss the appeal subject to the appellant showing good cause for non-appearance. B. Williams seconded.

The motion was approved by consensus.

i. Appeal Hearing in case:

c. T13-0252; Shannon v. 315 Park View Partners

Appearances:

Landlord Representative

Gregory McConnell

Tenant

Carol Shannon

Rebuttal

Gregory McConnell

Board Discussion

After Board discussion and questions to both parties, N. Frigault made a motion to affirm the Hearing Officer’s decision. T. Singleton seconded. The Board voted as follows:

MEMBER	STATUS	AYE	NAY	ABSTAINED
Noah Frigault	Tenant	X		
Tyfahra Singleton	Tenant	X		
Edward Lai	Homeowner		X	
Benjamin Scott	Landlord		X	
Ramona Chang	Landlord		X	
Michael Bowie	Homeowner		X	
Beverly Williams	Homeowner		X	

The motion failed.

B. Scott made a motion to remand the decision to the Hearing Officer for one issue: to adjust the amount of decreased services for heat to reflect the periods when the temperature falls below 68 degrees. R. Chang seconded. The Board voted as follows:

MEMBER	STATUS	AYE	NAY	ABSTAINED
Noah Frigault	Tenant		X	
Tyfahra Singelton	Tenant		X	
Benjamin Scott	Landlord	X		
Edward Lai	Homeowner	X		

Beverly Williams	Homeowner	X
Michael Bowie	Homeowner	X
Ramona Chang	Homeowner	X

The motion carried.

7. SCHEDULING AND REPORTS

- I. Program Manager announced the scheduling of a special meeting in November and December due to appeal backlog.

8. ADJOURNMENT

E. Lai made motion to adjourn. B. Williams seconded. The meeting was adjourned by consensus at 9:45 p.m.