

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

**Regular Meeting
May 28, 2015
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		
Jessie Warner	Homeowner	X		

Staff Present

Jessica Leavitt	Deputy City Attorney
Connie Taylor	Rent Adjustment Program Manager

3. CONSENT ITEMS

- i. Approval of Minutes for April 23, 2015 and May 14, 2015
- ii. Approval of draft decision in case:
 - a. Case T14-0020; Ramos et al. v. Sonstein

E. Lai made motion to approve consent items with revisions to April and May minutes. N. Frigault seconded.

The motion was approved by consensus.

4. OPEN FORUM

No Speakers

5. NEW BUSINESS

i. Presentation by City of Oakland Working Group on Seismic Retrofits

Chantel Cotton-Gates and Megan Horl appeared. Ms. Cotton-Gates gave an overview of the working group's recommendations regarding Seismic Retrofits that they plan to present to the City Council.

The written recommendations will be provided to RAP staff to include in the Packet for the June 11, 2015 Board meeting, and the discussion will continue.

ii. Appeal Hearing in cases:

a. T14-0135; Ruddy v. Denton

Landlord Waiving Grounds of Appeal

One of the grounds in the landlord's appeal was that the Hearing Officer abused her discretion in making substantive rather than solely clerical changes to the hearing decision following the landlord's initial appeal. Before the presentation began, the Board Chair commented to the landlord appellant that, if this issue were addressed by the Board, it might mean that the corrected decision would be vacated and a new appeal date would have to be set. The Board Chair asked the landlord appellant whether, given that, he would prefer to waive that issue. The landlord chose to waive that grounds of his appeal.

Appearances:

Landlord

David Denton

Tenant

Sean Ruddy

Rebuttal

Both parties offered rebuttal

Board Discussion

After Board discussion and questions to landlord and tenant representatives, the Board voted on the following issues:

Motion to Affirm Hearing Decision

N. Frigault made a motion to affirm the Hearing Officer’s decision because there was substantial evidence to support the decision. J. Warner seconded. The Board voted as follows:

MEMBER	STATUS	AYE	NAY	ABSTAINED
Jessie Warner	Homeowner	X		
Beverly Williams	Homeowner		X	
Edward Lai	Homeowner		X	
Noah Frigault	Tenant	X		
Ramona Chang	Landlord		X	

The motion failed.

Remand Hearing Decision

E. Lai made motion to remand the Decision back to the Hearing Officer to determine if Mr. Ruddy was the original tenant, a sub-tenant, or an assignee as of June 30, 2014. The Board voted as follows:

MEMBER	STATUS	AYE	NAY	ABSTAINED
Jessie Warner	Homeowner	X		
Beverly Williams	Homeowner	X		
Edward Lai	Homeowner	X		
Noah Frigault	Tenant		X	
Ramona Chang	Landlord	X		

The motion carried.

RAP Notice (inappropriate burden of proof for landlord per O.M.C. Section 8.22)

E. Lai made motion to affirm the Hearing Officer’s decision because it is consistent with Section 8.22 of O.M.C. regarding burden of proof. B. Williams seconded. The Board voted as follows:

MEMBER	STATUS	AYE	NAY	ABSTAINED
Jessie Warner	Homeowner	X		
Beverly Williams	Homeowner	X		
Edward Lai	Homeowner	X		
Noah Frigault	Tenant	X		

Ramona Chang Landlord X

The motion was approved by consensus.

Inconsistent with Prior Decisions (difficulty in getting access to past Hearing Decisions)

E. Lai made a motion to deny any credibility to the argument that unfettered access to prior Hearing Decisions is a basis for the appeal. B. Williams seconded. The Board voted as follows:

MEMBER	STATUS	AYE	NAY	ABSTAINED
Jessie Warner	Homeowner			X
Beverly Williams	Homeowner	X		
Edward Lai	Homeowner	X		
Noah Frigault	Tenant	X		
Ramona Chang	Landlord	X		

The motion carried.

8:45 Break

8:55 Roll Call

MEMBERS

Jessie Warner, Homeowner
Beverly Williams, Homeowner
Edward Lai, Homeowner
Ramona Chang, Landlord
Noah Frigault, Tenant

iii. Election of New Officers

Board Chair

E. Lai nominated Beverly Williams. Ms. Williams accepted. The Board voted as follows:

MEMBER	STATUS	AYE	NAY	ABSTAINED
Jessie Warner	Homeowner	X		
Noah Frigault	Tenant	X		
Beverly Williams	Homeowner	X		
Ramona Chang	Landlord	X		
Edward Lai	Homeowner	X		

The nomination carried by consensus.

Board Co-Chair

E. Lai nominated Jessie Warner. Ms. Warner accepted. The Board voted as follows:

MEMBER	STATUS	AYE	NAY	ABSTAINED
Jessie Warner	Homeowner	X		
Noah Frigault	Tenant	X		
Beverly Williams	Homeowner	X		
Ramona Chang	Landlord	X		
Edward Lai	Homeowner	X		

The nomination carried by consensus.

Jessie Warner, who appeared via telephone, exited the meeting after the election of new officers.

ii. Appeal Hearing in case:

b. T14-0150; Harris v. Sullivan Management

Appearances:

Landlord

Dean Miller

Tenant

No appearance by tenant

Board Discussion

After Board discussion and questions to Mr. Miller, E. Lai made a motion to remand the decision to determine jurisdiction. If the RAP has jurisdiction, the case should be heard on the merits. B. Williams seconded. The Board voted as follows:

MEMBER	STATUS	AYE	NAY	ABSTAINED
Noah Frigault	Tenant	X		
Ramona Chang	Landlord	X		
Beverly Williams	Homeowner	X		
Edward Lai	Homeowner	X		

The motion was approved by consensus.

6. ADJOURNMENT

E. Lai made motion to adjourn. B. Williams seconded. The meeting was adjourned by consensus at 9:25 p.m.