

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

**Special Meeting
August 13, 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 7:10 p.m. by Board Co-Chair, Jessie Warner

2. ROLL CALL

MEMBER	STATUS	PRESENT	ABSENT	EXCUSED
Edward Lai	Homeowner	X		
Benjamin Scott	Landlord	X		
Jessie Warner	Homeowner	X		
Tyfahra Singleton	Tenant			X
Noah Frigault	Tenant	X		

Staff Present

Jessica Leavitt	Deputy City Attorney
Richard Illgen	Deputy City Attorney
Connie Taylor	Rent Adjustment Program Manager

3. OPEN FORUM

Susan Schacher
Brian Geiser

Board Chair, Beverly Williams, arrived at 7:15

4. OLD BUSINESS

Discussion and Possible Action on Draft Ordinance, Regulations, and Resolution Regarding Seismic Retrofits

OPEN FORUM (Item #4)

Charles Brooks II
James Vann
Susan Schacher
Brian Geiser
Tay Hoang

Board Discussion

After Board discussion, N. Frigault made a motion to remove any reference to primarily benefitting the tenant. J. Warner second. The Board voted as follows:

MEMBER	STATUS	AYE	NAY	ABSTAINED
Noah Frigault	Tenant	X		
Benjamin Scott	Landlord		X	

The motion was withdrawn.

N. Frigault made motion to approve the legislation as drafted with the following revisions:

1. Resolution: Strike paragraph that reads, “Whereas, the Housing, Residential Rent and Relocation Board has considered seismic strengthening capital improvements to be capital improvements that primarily benefit the tenant...”
2. Regulations Appendix A: Modify 10.2.3(3)(a) as follows:
 - a. Strike paragraph regarding imputed interest
 - b. Strike any other reference to imputed interest.
3. Regulations Appendix A: Modify 10.2.3.(3)(b) to indicate that for Seismic Strengthening Capital Improvements, the amount calculated in subsection (a) will be divided by square footage.
4. Remove sentence from Appendix A, 10.2.3, item 1: “The same principle shall apply to landlord-occupied dwellings (i.e., exclusion of landlord’s unit).” Add language to Section 4 to state landlord occupied units are included when determining the average cost per unit.

E. Lai seconded.

Amendments to the Motion

After further Board discussion, N. Frigault offered a friendly amendment to the motion to strike from the Recitals and Regulations any sentence that states capital improvements primarily benefit the tenants. E. Lai seconded

B. Williams offered a friendly amendment to change the language from primarily benefitting the tenant to benefits landlords and tenants.

The friendly amendment was withdrawn.

The Board voted as follows on N. Frigault’s amendment:

MEMBER	STATUS	AYE	NAY	ABSTAINED
Noah Frigault	Tenant	X		
Jessie Warner	Homeowner	X		
Benjamin Scott	Landlord			X
Edward Lai	Homeowner	X		

The motion carried.

Next Motion

N. Frigault offered amendment to revise Appendix A 10.2.3 (3) (b) to change “divide equally,” to divide by square footage.

J. Warner offered friendly amendment to add clause that this only applies to seismic retrofits.

The motion was withdrawn.

Revised Motion: N. Frigault made a new motion to amend Appendix A 10.2.3(3) (b) to divide among the units by bedroom count. B. Scott seconded.

B. Williams offered friendly amendment to include the word “legal:” To divide the units by legal bedroom count. N. Frigault accepted both friendly amendments.

The motion was approved by consensus.

Next Motion

N. Frigault made a motion to amend Appendix A 10.2.3 (4) to include language that landlord’s Unit is also included, and to amend Appendix A 10.2.3 (1) to strike the first sentence.

The motion was withdrawn.

Next Motion

N. Frigault made motion to strike paragraph in 10.2.3(3) (A) regarding imputed interest.

The motion was withdrawn.

Revised Motion: N. Frigault made motion to amend 10.2.3(3) (A) to change language to say total costs, including imputing financing; also add language that additional imputed interest is only factored in when financing has been used for capital improvements.

Friendly Amendment: J. Warner offered amendment to add when landlords did not have financing, no interest, imputed or otherwise, is allowed. Amendment was accepted. J. Warner seconded the motion. The Board voted as follows:

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

The motion carried.

Next Motion

N. Frigault made a motion to add additional language to 10.2.3 (7) (b) to include the tenant’s right to petition in the event such reimbursement received by the landlord and the reimbursement was not deducted at the time of approval.

The motion was withdrawn.

Revised Motion: N. Frigault made motion that grounds for filing a petition in 8.22.090(A) of the Ordinance include filing a petition for proration or refund under Appendix A 10.2.3(7) (b). B. Scott seconded.

The motion was approved by consensus.

Vote on Original Motion With Amendments

The Board voted on the original motion with the amendments. The motion was approved by consensus.

5. SCHEDULING

N. Frigault asked that the following items be schedule for the next available meeting:

1. Discussion of amendments to Capital Improvement Regulations.
2. Discussion of three minutes given for Open Forum.

6. ADJOURNMENT

B. Williams made motion to adjourn. E. Lai seconded. The meeting was adjourned by consensus at 8:55 p.m.