

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

**Regular Meeting
December 10, 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 Co-Chair, Jessie Warner.

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 | | |
| Jessica Warner | Homeowner | X | | |
| Ubaldo Fernandez | Tenant Alt | X | | |

Staff Present

| | |
|-----------------|---------------------------------|
| Jessica Leavitt | Deputy City Attorney |
| Connie Taylor | Rent Adjustment Program Manager |

3. CONSENT ITEMS

- i. Approval of Minutes for November 12, 2015
- ii. Approval of draft decisions in:
 - a. L14-0053; Bader v. Harris
 - b. T14-0079; Desta v. Wong

N. Frigault made a motion a motion to approve the draft minutes with correction on page 5.

The motion was approved by consensus.

E. Lai made a motion to approve the draft decisions. N. Frigault seconded.
The motion was approved by consensus.

4. OPEN FORUM

Speakers:

David Denton
Arlinda Bedford

5. NEW BUSINESS

i. Appeal Hearing in case:

a. L14-0004; Taylor v. Kvam

Appearances:

Tenant

Sue Taylor

Landlord Representative

Craig Crawford

Rebuttal

Sue Taylor

Board Discussion

After Board discussion and questions to both parties, N. Frigault made a motion to affirm the decision based on the Hearing Officer's rationale. B. Scott seconded.

The motion was approved by consensus.

b. T14-0366; Geren v. Lew
T14-0367; Kaplan v. Lew
T14-0380; Chow v. Lew

Neutral Board member, Edward Lai, recused himself from participating in this case.

Appearances:

Tenant Representative (Tenant Appeal)

James Vann
Richard Kaplan

Landlord

Debra Lew

Rebuttal

James Vann
Richard Kaplan
Debra Lew

Landlord Appeal

Debra Lew

Tenant Representative

James Vann
Richard Kaplan

Rebuttal

Debra Lew
James Vann
Richard Kaplan

Board Discussion

After Board discussion and questions to all parties, B. Scott made a motion to bifurcate the vote by the following issues: the roof; number of unit on the property; whether or not the roof should be included; the fence; and the plumbing issues (the sink). N. Frigault seconded.

The motion was approved by consensus.

1. **Payment for Roof included.** N. Frigault made a motion to remand the case back To Hearing Officer to recalculate expenses for first roof – exclude costs paid for in Escrow. U. Fernandez seconded. The Board voted as follows:

| MEMBER | STATUS | AYE | NAY | ABSTAINED |
|------------------|------------|-----|-----|-----------|
| Benjamin Scott | Landlord | | X | |
| Ramona Chang | Landlord | | X | |
| Noah Frigault | Tenant | X | | |
| Ubaldo Fernandez | Tenant Alt | X | | |
| Jessie Warner | Homeowner | | X | |

The motion failed.

B. Scott made a motion to allow the pass through of all costs for the roof based on the Hearing Officer's rationale. R. Chang seconded. The Board voted as follows:

| MEMBER | STATUS | AYE | NAY | ABSTAINED |
|------------------|------------|-----|-----|-----------|
| Benjamin Scott | Landlord | X | | |
| Ramona Chang | Landlord | X | | |
| Jessie Warner | Homeowner | X | | |
| Noah Frigault | Tenant | | X | |
| Ubaldo Fernandez | Tenant Alt | | X | |

The motion carried.

- Number of Units.** B. Scott made a motion to remand the decision to recalculate any pass through at 4 units, not five. B. Scott made a friendly amendment to his motion to remand the decision for recalculation without including the non-residential unit in the count. R. Chang seconded.

The motion was approved by consensus.

- Overlay Roof.** N. Frigault made a motion to affirm the decision based on the Hearing Officer's rationale. J. Warner seconded. The Board voted as follows:

| MEMBER | STATUS | AYE | NAY | ABSTAINED |
|------------------|------------|-----|-----|-----------|
| Benjamin Scott | Landlord | | X | |
| Ramona Chang | Landlord | | X | |
| Jessie Warner | Homeowner | X | | |
| Noah Frigault | Tenant | X | | |
| Ubaldo Fernandez | Tenant Alt | X | | |

The motion carried.

- Fence** - capital improvement or deferred maintenance. N. Frigault made a motion to affirm the Hearing Officer's decision. U. Fernandez seconded. The Board voted as follows:

| MEMBER | STATUS | AYE | NAY | ABSTAINED |
|--------|--------|-----|-----|-----------|
|--------|--------|-----|-----|-----------|

| | | | |
|------------------|------------|---|---|
| Noah Frigault | Tenant | X | |
| Ramona Chang | Landlord | | X |
| Benjamin Scott | Landlord | | X |
| Jessie Warner | Homeowner | X | |
| Ubaldo Fernandez | Tenant Alt | X | |

The motion carried.

5. **Sink – plumbing-** whether or not it is considered a capital improvement. N. Frigault made a motion to affirm the Hearing Officer’s decision. U. Fernandez seconded. The Board voted as follows:

| MEMBER | STATUS | AYE | NAY | ABSTAINED |
|------------------|------------|-----|-----|-----------|
| Noah Frigault | Tenant | X | | |
| Jessica Warner | Homeowner | X | | |
| Benjamin Scott | Landlord | | X | |
| Ramona Chang | Landlord | | X | |
| Ubaldo Fernandez | Tenant Alt | X | | |

The motion carried.

- c. T14-0361 & T14-0539; Mendus v. AMP Properties

No Appearance by Appellant. J. Warner made a motion to dismiss the appeal subject to a showing of good cause for non-appearance. N. Frigault seconded.

The motion was approved by consensus.

J. Warner made a motion to continue the Hearing past 10:00 p.m. E. Lai seconded.

The motion was approved by consensus.

- d. T15-0192 ; Gerrity v. Low
T15-0193; Shehk v. Low

Appearances:

Landlord

Michael Low

Tenants

Samantha Gerrity
Mohomad Shehk

Rebuttal

Michael Low
Samantha Gerrity
Mohomad Shehk

Board Discussion

After Board discussion and questions to both parties, N. Frigault made a motion to affirm the decision based on the Hearing Officer's rationale. B. Scott seconded.

The motion was approved by consensus

7. SCHEDULING AND REPORTS

1. A discussion of the Program Service Fee pass through will be scheduled after the Public is invited to submit written comments.

8. ADJOURNMENT

E. Lai made motion to adjourn. U. Fernandez seconded. The meeting was adjourned by consensus at 10:15 p.m.