

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

**PANEL Meeting
February 18, 2016
7:00 p.m.
City Hall, Hearing Room #1
One Frank H. Ogawa Plaza, Oakland, CA**

MINUTES

1. CALL TO ORDER

The HRRRB Panel was called to order at 7:10 p.m. by Panel Chair, Beverly Williams.

2. ROLL CALL

MEMBER	STATUS	PRESENT	ABSENT	EXCUSED
Noah Frigault	Tenant	X		
Beverly Williams	Homeowner	X		
Benjamin Scott	Landlord	X		

Staff Present

Jessica Leavitt	Deputy City Attorney
Barbara Kong-Brown	Senior Hearing Officer

3. OPEN FORUM

No speakers

4. NEW BUSINESS

i. Hearing in appeal cases:

- a. T15-0003-Newman v. Lee Ware Trust
T15-0012-Harper v. Lee Ware Trust
T15-0013-DeVault v. Lee Ware Trust
T15-0014-Wallner v. Lee Ware Trust
- b. T14-0507-Quintero v. Hoessl
T14-0508-Ramirez v. Hoessl

Appearances:

Owner Appellant

Elizabeth Hart, Owner Representative
Carmen Lee-Ware, Owner

Tenant Appellees

Annmarie Harper
Fred Devault
Martha Devault
No appearance by tenant Newman

The owner representative contends that the tenant petitions were untimely filed, more than 60 days from the date the owner served the rent increase notice or the date the tenant first received the written notice of the Rent Adjustment Program. She also contends that there were no decreased housing services because the conditions were pre-existing. The issue centered on the installation and removal of a free washer-dryer during some of the tenants' tenancy, and a subsequent installation of a pay washer-dryer. Tenants Harper and Devault waited 18 months prior to filing of their petition for decreased housing services regarding the removal of the free washer-dryer. Tenant Harper moved into her unit in 1995 and tenant Devault moved into his unit in 2004. The free washer-dryer was installed in 2006 and removed in 2013.

The tenants contend that the hearing decision is supported by substantial evidence and they were afforded only sixty days of relief from the time they filed their petition.

Board Discussion

N. Frigault asked whether the timeliness issue was brought up at the hearing below and L. Hart responded: "No." He stated that the laundry service, which was added after tenants Harper and Devault moved in, continued for seven years before removal, and became part of the package of housing services and the lease.

B. Scott stated that he had been on the Board for 7 years and had never heard of such a policy or a Board decision, and there were cases involving parking which were not part of the lease agreement.

After Board discussion and questions to both parties, N. Frigault moved to affirm the Hearing Decision based on substantial evidence. B. Williams seconded.

The Board Appeal Panel voted as follows:

Aye: N. Frigault, B. Williams

Nay: B. Scott
Abstain: 0

The Motion carried..

- b. T14-0507-Quintero v. Hoessl
T14-0508-Ramirez v. Hoessl

No appearance by owners

B. Williams moved to dismiss the appeal pending a showing of good cause. N. Frigault seconded.

The Board panel voted as follows:
Aye: N. Frigault, B. Williams, B. Scott
Nay: 0
Abstain: 0

The motion was approved by consensus.

6. ADJOURNMENT

B. Williams made motion to adjourn. B. Scott seconded. The meeting was adjourned by consensus at 8:20 p.m.