

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

**PANEL Meeting  
March 31, 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 7:15 p.m. by Panel Chair E. Lai.

**2. ROLL CALL**

MEMBER	STATUS	PRESENT	ABSENT	EXCUSED
Noah Frigault	Tenant	X		
E. Lai	Homeowner	X		
Benjamin Scott	Landlord	X		

Staff Present

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

**3. OPEN FORUM**

James Vann

**4. NEW BUSINESS**

i. Hearing in appeal cases:

a. L15-0002 & L15-0003-McGrath v. Tenant

Appearances:

Owner Appellant

Terry McGrath  
No Appearance by Tenants

## Procedure

The Hearing Decision determined that the two dwelling units were not “sold separately” by the subdivider to a bona fide purchaser for value. The owner appellant purchased both properties from the subdivider.

The owner filed appeals on both cases on May 26, 2015 on the grounds that he was denied a sufficient opportunity to present his claim and the decision denies him a fair return on his investment. The owner appellant contends that he provided a certificate of occupancy for new construction at the hearing because the subject property located at 5810 Ayala was constructed after February 1, 1995, pursuant to Civil Code Section 1954.52 (a) (1). However, the certificate of occupancy was not accepted by the Hearing Officer at the Hearing.

## Panel Appeal Decision

After Board Panel discussion and questions to the owner appellant, N. Frigault moved to affirm the Hearing Decision based on substantial evidence. E. Lai seconded.

The Board Appeal Panel voted as follows:.

Aye: N. Frigault, B. Williams, B. Scott  
Nay:  
Abstain: 0

The Motion was approved by consensus.

b. T15-0176-Graves v. Claridge LLC

James Graves Tenant Appellant  
No appearance by owner  
Barbara Kong-Brown recused herself from consideration of this matter.

## Procedure

The Hearing Decision denied the tenant petition on the grounds that the subject unit was exempt from the Rent Ordinance on the grounds that the subject property rents are controlled, regulated, or subsidized by a governmental unit, agency or authority.

## Appeal

The tenant filed an appeal on August 24, 2015, and contends that there are several decreased housing service claims

## Appeal Decision

After questions to the tenant and Board discussion, B. Scott moved to affirm the Hearing Decision based on the Hearing Officer's rationale. E. Lai seconded.

The Board panel voted as follows:

Aye: N. Frigault, E. Lai, B. Scott

Nay: 0

Abstain: 0

The motion was approved by consensus.

## 6. ADJOURNMENT

E. Lai made motion to adjourn. B. Scott seconded. The meeting was adjourned by consensus at 7:45 p.m.