

**HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD
FULL BOARD SPECIAL MEETING**

October 12, 2023

6:00 P.M.

CITY HALL

1 FRANK H. OGAWA PLAZA, HEARING ROOM #1

OAKLAND, CA 94612

MINUTES

1. CALL TO ORDER

The Board meeting was administered in-person by B. Lawrence-McGowan from the Rent Adjustment Program (RAP), Housing and Community Development Department. B. Lawrence-McGowan explained the procedure for conducting the meeting. The HRRRB meeting was called to order by Chair Oshinuga at 6:16 p.m.

2. ROLL CALL

MEMBER	STATUS	PRESENT	ABSENT	EXCUSED
D. WILLIAMS	Tenant			X
Vacant	Tenant			
J. DEBOER	Tenant Alt.	X		
M. GOOLSBY	Tenant Alt.		X	
D. INGRAM	Undesignated			X
C. OSHINUGA	Undesignated	X		
M. ESCOBAR	Undesignated	X		
Vacant	Undesignated Alt.			
Vacant	Undesignated Alt.			
D. TAYLOR	Landlord			X
K. BRODFUEHRER	Landlord	X		
C. JACKSON	Landlord Alt.	X*		
Vacant	Landlord Alt.			

**Member C. Jackson joined the meeting at 6:18 pm.*

Staff Present

Braz Shabrell	Deputy City Attorney
Marguerita Fa-Kaji	Senior Hearing Officer (RAP)
Briana Lawrence-McGowan	Administrative Analyst II (RAP)

3. PUBLIC COMMENT

- a. No members of the public spoke during public comment.

4. CONSENT ITEMS

- a. Approval of Board Minutes, 9/28/2023: Member J. deBoer moved to approve the Board Minutes from 9/28/2023. Member M. Escobar seconded the motion.

The Board voted as follows:

Aye: C. Oshinuga, M. Escobar, J. deBoer, K. Brodfuehrer
Nay: None
Abstain: None

The minutes were approved.

5. APPEALS*

- a. T23-0019, Barragan et al. v. Mead Holding LLC

Appearances: Khalid Said Property Manager
Grant Kirkpatrick Tenant Representative

After parties’ arguments, questions to the parties, and Board discussion, Member M. Escobar moved to affirm the Hearing Officer’s decision based upon substantial evidence and to remand the case back to the Hearing Officer for calculation of restitution for the period of 36 months prior to the petition being filed up until October 12, 2023. Member C. Jackson seconded the motion.

The Board voted as follows:

Aye: C. Oshinuga, M. Escobar, J. deBoer, K. Brodfuehrer, C. Jackson
Nay: None
Abstain: None

The motion was approved.

- b. T22-0015, Fleurentin v. Meridian Management Group

Appearances: Gregory McConnell Owner Representative
Christa Conry Tenant Representative

After parties' arguments, questions to the parties, and Board discussion, Member C. Jackson moved to remand the case back to the Hearing Officer. Member M. Escobar seconded the motion.

Chair Oshinuga made a friendly amendment to include that:

- 1) The Hearing Officer is to make a finding on whether the petitioner was an original occupant, tenant, lawful occupant, assignee, and/or subletter while considering Civil Code Section 1954.53.(d)(2) and (d)(3).

If it is found that the individual was a tenant, make a finding as to:

- 2) When did they become a tenant?
- 3) Consider the doctrine of privity of contract and whether or not a subtenant can have privity of contract with the landlord and what the implications are of continuing the tenancy on privity of contract.

Member C. Jackson accepted the friendly amendment.

The Board voted as follows:

Aye: C. Oshinuga, M. Escobar, J. deBoer, K. Brodfuehrer, C. Jackson
Nay: None
Abstain: None

The motion was approved.

- c. K. Brodfuehrer moved to take a 5-minute break at 8:26 p.m. Member C. Jackson seconded the motion.

The Board voted as follows:

Aye: C. Oshinuga, M. Escobar, J. deBoer, K. Brodfuehrer, C. Jackson
Nay: None
Abstain: None

The motion was approved.

d. T23-0058, Brooks v. Campbell

Appearances:	Severin Campbell	Owner
	David Hall	Tenant Representative

After parties' arguments, questions to the parties, and Board discussion, Member J. deBoer moved to remand the case back to the Hearing Officer for a hearing.

Chair Oshinuga made a friendly amendment to affirm in part the Hearing Officer's decision related to the 2023 rent increase and subsequent award; and to include that the Hearing Officer may but is not required to keep the record open to accept new evidence. Member J. deBoer accepted the friendly amendment. Member C. Jackson seconded the motion.

The Board voted as follows:

Aye: C. Oshinuga, M. Escobar, J. deBoer, K. Brodfuehrer, C. Jackson
Nay: None
Abstain: None

The motion was approved.

e. Chair Oshinuga moved to reconsider the decision made in case T22-0015, Fleurentin v. Meridian Management Group. Member C. Jackson seconded the motion.

The Board voted as follows:

Aye: C. Oshinuga, M. Escobar, J. deBoer, K. Brodfuehrer, C. Jackson
Nay: None
Abstain: None

The motion was approved.

f. T22-0015, Fleurentin v. Meridian Management Group

After reconsideration of the decision made in case T22-0015, Fleurentin v. Meridian Management Group, Chair Oshinuga moved to remand the case back to the Hearing Officer and:

- 1) The Hearing Officer is to make a finding on whether the petitioner was an original occupant, tenant, lawful occupant, assignee, and/or

subletter while considering Civil Code Section 1954.53.(d)(2) and (d)(3).

If it is found that the individual was a tenant, make a finding as to:

- 2) When did they become a tenant?
- 3) Consider the doctrine of privity of contract and whether or not a subtenant can have privity of contract with the landlord and what the implications are of continuing the tenancy on privity of contract.
- 4) After making the determination of the status of the petitioner, the Hearing Officer is to then rule on the issues presented in the petition. No new hearing is required.

Member K. Brodfuehrer seconded the motion.

The Board voted as follows:

Aye: C. Oshinuga, M. Escobar, J. deBoer, K. Brodfuehrer, C. Jackson
Nay: None
Abstain: None

The motion was approved.

6. INFORMATION AND ANNOUNCEMENTS

- a. None

7. SCHEDULING AND REPORTS

- a. None

8. OPEN FORUM

- a. No members of the public spoke during open forum.

9. ADJOURMENT

- a. The meeting was adjourned at 9:53 p.m.