

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

**September 28, 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 Ingram at 6:10 p.m.

**2. ROLL CALL**

<b>MEMBER</b>	<b>STATUS</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
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.			

*\*Vice Chair Oshinuga joined the meeting at 6:12 p.m.*

*\*Member D. Williams joined the meeting at 6:15 p.m.*

**Staff Present**

Kent Qian

Marguerita Fa-Kaji

Briana Lawrence-McGowan

Deputy City Attorney

Senior Hearing Officer (RAP)

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, 8/24/2023: Chair Ingram moved to approve the Board Minutes from 8/24/2023. Member M. Escobar seconded the motion.

The Board voted as follows:

**Aye:** D. Ingram, M. Escobar, J. deBoer, K. Brodfuehrer, C. Jackson  
**Nay:** None  
**Abstain:** None

The minutes were approved.

**5. APPEALS\***

- a. T22-0113, Reyes Santiago et al. v. Hernandez

Appearances:	Rafael Hernandez	Owner
	Alexis Reyes	Tenant Representative

This case involved an owner appeal of a tenant petition. The tenant filed a petition on June 30, 2022, contesting a series of rent increases from May 2015 to May 2022 on the basis that the rent increases were unlawful. The owner filed an untimely response on September 5, 2022, more than two months after petition was filed—claiming the reasons for the rent increases were due to costs of labor. The hearing was held on January 17, 2023, and the hearing decision was issued in June 2023. The Hearing Officer first ruled that the owner did not have good cause for the untimely response—and therefore, was not allowed to introduce evidence at the hearing. However, the owner was allowed to testify and cross examine.

Regarding the RAP notice, the Hearing Officer credited the tenant’s testimony that they had never received the RAP notice—despite the owner’s claim that the RAP notice was served in February 2016. Since the Hearing Officer determined that the RAP notice was never served, all prior rent increases were invalidated, and restitution was awarded to the tenant. The owner appealed the hearing decision on two grounds. First, the owner had good cause for the late response because the tenant never served the

petition. Second, the hearing decision contained inaccuracy that could have been corrected if the owner was able to present evidence at the hearing.

The owner contended that the reason he did not respond to the tenant's petition is because it was not received. The owner argued that the tenants claimed that they dropped the petition in the mail—but he did not get it. The owner contended that he has never raised the rent above the CPI. The owner argued that regarding the RAP notice, it was served, and that the tenants never complained about not receiving it.

The owner argued that when he previously provided the RAP notice, he requested for the tenants to sign it—but they refused. The owner contended that when he increased the rent and asked for the tenants to pay half of the RAP fee they never complained. The owner argued that the tenants are only paying \$1702 for a full house, that he has completed multiple repairs on the property, and that the tenants are paying less than what they're supposed to pay.

The tenant representative contended that the petition was mailed to the owner's address in San Francisco and that they have receipts as proof. The tenant representative argued that the petition was sent to the same address where rent payments are submitted, and that the owner never complained about not getting their rent checks. The tenant representative contended that regarding the RAP notices, they only received a written document from the owner and not the official RAP notice from the City of Oakland. The tenant representative contended that when they received the most recent rent increase notice, they reached out for legal assistance and found out that the previous rent increases were invalid, that the rent was being increased incorrectly, and that they weren't receiving the correct RAP notice.

The tenant representative argued that they never questioned the owner previously because they thought he knew what he was doing and how to handle the rent increase process properly. The tenant representative contended that when they saw the official RAP notice from the City of Oakland, they realized that what the owner had been giving them was not the official RAP notice and that the official RAP notice was different from what he had been providing. The tenant representative argued that they have resided at the property for ten years but did not feel comfortable seeking assistance for this matter because the owner stated that he has done this before and because he always gets his way.

The tenant representative contended that the owner has only done repairs to half of the house, that he paints over mold, and that there are a lot of things wrong with the property. The tenant representative argued that her parents did not feel safe enough to try and take the owner to court or to reach out to RAP because they were afraid of their residency status being exposed and were fearful of being deported. The tenant representative contended that she urged her parents to get help because the situation was not okay and that she offered to help and support them through the process.

After parties' arguments, questions to the parties, and Board discussion, Vice Chair Oshinuga moved to affirm the Hearing Officer's decision based upon substantial evidence. Member C. Jackson seconded the motion.

The Board voted as follows:

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

The motion was approved.

## **6. SERVICE BY MAIL REQUIREMENT DISCUSSION**

- a. Vice Chair Oshinuga and fellow Board members discussed the current service by mail requirement and potentially bringing forth a resolution to recommend changes to City Council.

## **7. INFORMATION AND ANNOUNCEMENTS**

- a. Chair Ingram asked for a status update on the Board's tree pins and asked if all fellow Board members have completed their doodle poll for their availability for the next quarter.
- b. Member K. Brodfuehrer announced that there is a monthly training series on fair housing being administered by her day job at the California Civil Rights Department and mentioned that this is a resource available to the public.
- c. Chair Ingram announced that there is a new program that was announced by the county for small property owners to provide mortgage

assistance and foreclosure prevention. The program's application website is [www.a1chs.org/fpp](http://www.a1chs.org/fpp) .

## **8. SCHEDULING AND REPORTS**

- a. None

## **9. OPEN FORUM**

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

## **10. ADJOURNMENT**

- a. The meeting was adjourned at 7:30 p.m.