

**HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD
REGULAR MEETING**

October 10, 2019

7:00 P.M.

**CITY HALL, HEARING ROOM #1
ONE FRANK H. OGAWA PLAZA
OAKLAND, CA**

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. CONSENT ITEMS

- a) Approval of Board Minutes from September 19, 2019

4. OPEN FORUM

5. APPEALS*

- a) L18-0086, Kingston Ave Partners LLC v. Tenants
- b) L18-0035, Lew v. Tenants

6. ACTION ITEMS

- a) Reformation of ad hoc committee
(Dry Rot – Capital Improvements vs. Deferred Maintenance)
- b) Formation of additional ad hoc committees, membership and review of issues identified in May 9, 2019, Board meeting
(see attached list on page 3)

7. INFORMATION AND ANNOUNCEMENTS

- a) Updates on SB 1482 (J. Warner)

8. COMMITTEE REPORTS AND SCHEDULING

9. ADJOURNMENT

Accessibility. This meeting location is wheelchair accessible. To request disability-related accommodations or to request an ASL, Cantonese, Mandarin or Spanish interpreter, please email sshannon@oaklandca.gov or call (510) 238-3715 or California relay service at 711 at least five working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en español,

* Staff recommendation memos for the appeals will be available at the Rent Program and the Clerk's office at least 72 hours prior to the meeting pursuant to O.M.C. 2.20.080.C and 2.20.090.

Cantones, Mandarin o de lenguaje de señas (ASL) por favor envíe un correo electrónico a sshannon@oaklandca.gov o llame al (510) 238-3715 o 711 por lo menos cinco días hábiles antes de la reunión. Se le pide de favor que no use perfumes a esta reunión como cortesía para los que tienen sensibilidad a los productos químicos. Gracias.

會場有適合輪椅出入設施。需要殘障輔助設施, 手語, 西班牙語, 粵語或國語翻譯服務, 請在會議前五個工作天電郵 sshannon@oaklandca.gov 或致電 (510) 238-3715 或 711 California relay service. 請避免塗搽香氛產品, 參加者可能對化學成分敏感。

Service Animals/Emotional Support Animals: The City of Oakland Rent Adjustment Program is committed to providing full access to qualified persons with disabilities who use service animals or emotional support animals.

If your service animal lacks visual evidence that it is a service animal (presence of an apparel item, apparatus, etc.), then please be prepared to reasonably establish that the animal does, in fact, perform a function or task that you cannot otherwise perform.

If you will be accompanied by an emotional support animal, then you must provide documentation on letterhead from a licensed mental health professional, not more than one year old, stating that you have a mental health-related disability, that having the animal accompany you is necessary to your mental health or treatment, and that you are under his or her professional care. Service animals and emotional support animals must be trained to behave properly in public. An animal that behaves in an unreasonably disruptive or aggressive manner (barks, growls, bites, jumps, urinates or defecates, etc.) will be removed.

Formation of additional ad hoc committees, membership and review of issues identified in May 9, 2019, Board meeting:

- Information about the Building Code and intersection with the Regulations; (e.g. window bars-there is a code that applies to this.)
- Should dry rot be treated differently from other deferred maintenance items?
- Clarification of deferred maintenance v. items that benefit tenants?
- Ambiguous terms in the regulations and in the Ordinance;
- How is the value of the Decreased Housing Services determined?
- What constitutes a burden of proof regarding expenses for capital improvements?

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

**PANEL MEETING
September 19, 2019
7:00 p.m.
City Hall, Hearing Room #2
One Frank H. Ogawa Plaza, Oakland, CA**

MINUTES

1. CALL TO ORDER

The HRRRB Panel was called to order at 7:00 p.m. by Panel Chair, Julia Ma Powers

2. ROLL CALL

MEMBER	STATUS	PRESENT	ABSENT	EXCUSED
Julia Ma Powers	Homeowner	X		
Kathleen Sims	Landlord Alt.	X		
Hannah Flanery	Tenant Alt.	X		

Staff Present

Kent Qian	Deputy City Attorney, Office of the City Attorney
Barbara Kong-Brown	Senior Hearing Officer, Rent Adjustment Program
Kelly Rush	Program Analyst 1

3. OPEN FORUM
No Speakers

4. NEW BUSINESS

i. Appeal Hearing in cases:

- a. T18-0400, Abernathy v. Best Bay Apartments
- b. T18-0301, Lowery v. Abdul, T18-0325, Lowery v Abdulla
- c. T18-0055, Vargas et al. v. 3000 Nicol Avenue Properties LLC

a. T18-0400, Abernathy v. Best Bay Apartments

Appearances Dante Abernathy Tenant Appellant
 No appearance by Owner

The tenant filed a petition contesting a rent increase. The Hearing Decision dismissed the tenant petition on the grounds that the subject unit was exempt from the Rent Ordinance based on new construction.

The tenant appealed on the grounds that (1) he was denied a sufficient opportunity to present his claim and (2) if the owner wants to increase the rent of any unit due to new construction he needs to provide specific reasons for rent increases, respond to maintenance requests in a timely manner and quit harassing his tenants. Specifically, the tenant contended that the owner did not state what the construction was for and the construction was not done up to code.

Board Discussion

After questions to the appellant and Board discussion J. Powers moved to affirm the hearing decision. H. Flanery seconded.

The Board panel voted as follows:

Aye: J. Powers, K. Sims, H. Flanery
Nay: 0
Abstain: 0

The motion was approved by consensus

b. T18-0301, Lowery v. Abdul, T18-0325, Lowery v. Abdulla

Appearances Haneef Abdulla Owner Appellant
 Domonique Lowery Tenant Appellee
 Xavier Johnson Tenant Appellee Representative

The tenant filed two petitions contesting a monthly rent increase from \$500.00 to \$900.00, and claiming several decreased housing services. The first petition did not describe the decreased housing services claim. The second petition alleged 14 items of decreased housing services.

The hearing officer granted restitution of \$18,073.00 for decreased housing services and \$1,300.00 for rent overpayments, totaling \$19,373.00. The decreased housing service items included the following:

- Oven

- Refrigerator
- Heater
- Pest Infestation
- Smoke and Carbon Monoxide Detectors

The owner appealed the hearing decision on the grounds that the decision is not supported by substantial evidence. Specifically, the owner contended that the tenant signed a lease which contains a clause that states that "Tenant has examined the premises, including appliances, fixtures, carpet, drapes and paint and found them to be in good, safe and clean condition and repair. . ."

He also contended that the tenant never complained to him about anything being broken or in need of repair. He replaced two refrigerators in the unit. The pilot light went out on the heater and the tenant did not notify him of any problem. In late January or early February the tenant changed the lock on her door and refused to provide him with a key, which prevented him from making appropriate repairs. She also has poor housekeeping habits in her unit which contributes to the pest infestation.

The owner further contended that the tenant did not pay any rent from July 9, 2018 to January 2019, when she moved out, and the owner was confused about the change in hearing dates and there was mail tampering which interfered with his ability to access his mail.

The tenant representative contended that the owner response was untimely filed, there was no good cause for the late filing, no new evidence should be considered and the hearing decision should be affirmed.

Board Discussion

After questions to the parties and Board discussion J. Powers moved to affirm the hearing decision. H. Flanery seconded.

The Board panel voted as follows:

Aye: J. Powers, K. Sims, H. Flanery

Nay: 0

Abstain: 0

The motion was approved by consensus

c. T18-0055, Vargas et al. v. 3000 Nicol Avenue Properties LLC

Appearances:	Angelica Sandoval, Esq. Owner Appellant Representative
	Karyn Erickson, Esq. Tenant Appellee Representative
	Michele Vargas Tenant Appellant

The tenants filed a petition on December 22, 2017, alleging a loss of services originally provided by the owner. They claimed loss of garage access and a parking space, loss of laundry room access, and removal of AT&T wiring, impacting the tenant's landline and wireless service.

The owner filed a timely response disputing the allegations. The owner stated that notice of repairs to the laundry room was given to the tenants in September 2017, the repairs were completed, the laundry room was re-opened in December 2017, and the lease does not provide for a parking space or a garage.

The hearing decision stated that the tenants had use of the garage since the inception of their tenancy until the owner removed access on September 29, 2017, found that the garage access, though not noted in their lease, was orally provided after the tenants balked at the condition of the unit upon initial entry in February 2014, and granted a 10% restitution for the tenants' loss of use of a garage from September 2017 until the owner provides them with access to the garage. The claims for the laundry room and the AT&T landline and wireless service were denied.

Grounds for Appeal

The owner filed an appeal on the following grounds:

- The decision violates federal, state or local law;
- The decision is not supported by substantial evidence;
- Other ("The Hearing Decision is wrong as a matter of law").

The owner representative contended that the definition of a housing service in the Oakland Municipal Code states that the housing service is a service that is provided at the beginning of the tenancy and the parking was not provided at the beginning of the tenancy. There are 11 units and only 7 parking spaces, and parking was not provided by the prior owner.

The lease signed by the tenant on October 16, 2017, did not provide for a parking space. There was no decrease in housing services because a housing service must be part of the tenancy either by contract or implied in law. Garbe v. Kumana, T08-0146.

The tenant admitted the change regarding parking was made after the lease was executed and no oral changes to the lease may be made after the lease is executed.

Tenant Response to Owner Appeal

The tenants contended that, on or about February 15, 2014, the property manager orally agreed to allow them to use the garage in exchange for cleaning their apartment upon move-in and that they used the garage from February 15, 2014 until September 29, 2017.

The owner demanded that the tenants sign a new lease on October 16, 2017, which was materially different from the prior lease. The tenants signed the new lease under duress.

The Board has held that a housing service that is not provided at the beginning of a lease or part of the original agreement is still considered part of the total housing services provided (T11-0101, Howard v. Smith). Therefore, the Hearing Decision did not violate federal, state, or local law by considering facts that occurred after the execution of the lease.

Similarly, application of the parol evidence rule (codified in California Civil Code Section 1625 and California Code of Civil Procedure Section 1856) excludes evidence of a *prior* or *contemporaneous* oral agreement that contradicts the written agreement at issue. Since the hearing officer accepted the testimony from the parties acknowledging that garage access was orally provided *after* the lease execution, rather than previous to or contemporaneous with the execution, the parol evidence rule is not applicable.

Regarding the Appellant's contention that there was no decrease in housing services because a housing service must be part of the tenancy either by contract or implied in law, citing to Garbe v. Kumana, T08-0146, the Appellant relies on the absence of the garage usage from the lease agreement. However, that parties may orally modify written agreements or modify written agreements by conduct is well established by California law. (Civ. Code Sec. 1698). In addition to the oral agreement, the record contains evidence of subsequent conduct supporting the hearing officer's finding that the parties modified the lease. The tenant had a key to the garage, and the undisputed evidence in the record shows that the tenant used the garage with the property manager's permission from the commencement of tenancy until 2017.

Board Discussion

After questions to the parties and Board discussion J. Powers moved to affirm the hearing decision. H. Flanery seconded.

The Board panel voted as follows:

Aye: J. Powers, H. Flanery

Nay: K. Sims

Abstain: 0

The motion carried.

5. ADJOURNMENT

The meeting was adjourned at 8:10 pm.

CHRONOLOGICAL CASE REPORT

Case No.: L18-0086

Case Name: Kingston Avenue Partners v. Tenants

Property Address: 396 Bellevue Ave., Oakland, CA

Parties:

Kimberly Roehn	(Owner Representative)
Tanya Moynihan	(Owner Representative)
Melinda Richardson	(Tenant)
Frayda Garfinkle	(Tenant)
Carmen Castro Rojas	(Tenant)
David Simmons	(Tenant)
Michele Kappel-Stone	(Tenant)
John Rogers	(Tenant)

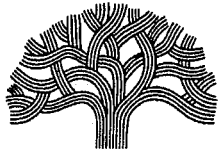
CONSOLIDATED TENANT APPEALS:

<u>Activity</u>	<u>Date</u>
Owner Petition filed	April 23, 2018
Tenants' Responses filed	July 30 & 31, 2018
Owner filed copy of Permit Inspection Record and Screenshot of passed Final Inspection	October 10, 2018
Hearing Decision mailed	February 14, 2019
Tenants' Appeals filed	March 4, 2019
Owner Response to Tenant Appeal	March 26, 2019

000009

118-0086 PC/MA

RECEIVED
CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM P.O. Box 70243 Oakland, CA 94612-0243 (510) 238-3721	For date stamp 2015 APR 23 AM 11:13
	<u>PROPERTY OWNER</u> <u>PETITION FOR</u> <u>APPROVAL OF RENT</u> <u>INCREASE</u>	

Please Fill Out This Form Completely As You Can. Failure to provide needed information may result in your petition being rejected or delayed. Attach copies of the documents that support your petition. Before completing this petition, please read the Rent Adjustment Ordinance (Oakland Municipal Code 8.22), sections 8.22.010 through 8.22.190, and the Rent Adjustment Program Regulations.

Your Name Kingston Avenue Partners, LLC Rep: Kristopher Lamont, Bay Apartment Advisors	Complete Address (with zip code) 201 19th St., Suite 200 Oakland, CA 94612	Daytime Telephone: E-mail:
Your Representative's Name (if any) Kimberly Jeger Roehn	Complete Address (with zip code) 1954 Mountain Blvd. #13125 Oakland, CA 94611	Daytime Telephone: E-mail:
Property Address (If the property has more than one address, list all addresses) 396 Bellevue Avenue, Oakland, CA 94610		

Total number of units on property: 30

Date on which you acquired the building: 11/10/2015

Type of units (circle one) House Condominium Apartment Room, or
Live-Work

Have you (or a previous Owner) given the City of Oakland's form entitled Notice to Tenants of Residential Rent Adjustment Program ("RAP Notice") to the tenants in each unit affected by the petition?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
On what date was the RAP Notice first given?	At move-in and with each annual rent increase	
Have you paid your Oakland Business License? The property owner must have a current Oakland Business License. If it is not current, an Owner Petition may not be considered in a Rent Adjustment proceeding. (Provide proof of payment.)	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Oakland Business License number.	00185187	

<p>Have you paid the Rent Adjustment Program Service Fee (\$68 per unit)? The property owner must be current on payment of the RAP Service Fee. If the fee is not current, an Owner Petition may not be considered in a Rent Adjustment proceeding. (Provide proof of payment.) Note: If RAP fee is paid on time, the property owner may charge the tenant one-half of the \$68 per-unit RAP Service fee (\$34).</p>	<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> Yes </div>	No
<p>Use the table on the next page to list each tenant who is affected by this petition.</p>		

REASON(S) FOR PETITION.

Note: Justifications for Rent Increases other than the annual allowable rate are discussed in the Rent Adjustment Program Regulations – Appendix A, Sec. 10.

You must attach organized documentation clearly showing the rent increase justification(s) and detailing the calculations to which the documentation pertains. All documents submitted to the Rent Adjustment Program become permanent additions to the file. (Regs. 8.22.090.C)

I (We) petition for approval of one or more rent increases on the grounds that the increase(es) is/are justified by (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Banking (Reg. App. 10.5) | <input type="checkbox"/> Increased Housing Service Costs (Reg. App. 10.1) |
| <input checked="" type="checkbox"/> Capital Improvements (Reg. App. 10.2) | <input type="checkbox"/> Uninsured Repair Costs (Reg. App. 10.3) |
| <input type="checkbox"/> Fair return (Reg. App. 10.6) | |

Have you ever filed a petition for this property?

- ☐ Yes
☒ No

List case number(s) of all Petition(s) you have ever filed for this property and all other relevant Petitions:

n/a

List each tenant and requested information for each unit affected by this petition. Increases based on increased housing service costs and fair return affect all of the units on the property. Attach additional sheets if necessary.

Address	Unit #	Tenant Name(s)	Phone	E-mail	Current Rent
PLEASE SEE ATTACHED (p. 11-12)					

Uninsured Repair Costs: Uninsured repair costs are casualty losses that are not reimbursed to the property owner. See Regulations for details. An increase for uninsured repairs is calculated the same way as an increase for capital improvements.

Increased Housing Service Costs: Housing Service Costs are expenses for services provided by the property owner. The costs are related to the use of a rental unit and also known as "operating expenses". The most recent two years of operating expenses are compared to determine if a rent increase greater than the CPI is justified. The calculation in both years must provide a reasonable comparison of all expenses. Evidence is required to prove each of the claimed expenses.

Fair Return: A property owner may submit evidence to show that without the requested rent increase he or she is being denied a fair return on the investment. A fair return will be measured by maintaining the net operating income (NOI) produced by the property in a base year (2014), subject to CPI related adjustments. Permissible rent increases will be adjusted upon a showing that the NOI in the comparison year is not equal to the base year NOI.

Banking: "Banking" refers to deferred allowed annual rent increases. These annual rent increases are known as CPI increases. CPI rent increases that were not given, or were not given in full, can be carried forward to future years. Subject to certain limitations, property owners may defer giving CPI increases up to ten years. CPI increases that were not imposed within ten years expire. No banked increase can exceed three times the then current CPI allowable increase. If your petition includes a request for a banked increase, **attach a rent history for the current tenant(s) in each affected unit.**

You do not need to petition the Rent Adjustment Program for approval to increase rent based on banking. Rents can be increased for banked CPI rent increases by giving the Tenant a rent increase notice. (Note that the Tenant can file a petition contesting the increase if the Tenant believes the banking is incorrect or unjustified.) If you do choose to petition for approval of a banked rent increase, provide the documentation and calculations as required by this petition.

Capital Improvements: Capital improvements increases may be taken to reimburse the property owner for property improvements. Reimbursement is limited to 70% of the cost of the improvement spread out over an amortization period as set forth in the Amortization Schedule below. The property owner must show the costs incurred were to improve the property and benefit the tenants. Property owners must also show that these costs were paid. Examples include: copies of receipts, invoices, bid contracts or other documentation.

- If your petition contains capital improvements for which permits are first issued on or after February 1, 2017, capital improvements will be amortized according to an amortization schedule (attached at the end of this form).
- If the petition includes only work where permits were issued before February 1, 2017, improvements will be amortized over five years unless the increase causes a rent increase over 10 percent in one year or 30 percent in five years, in which case the amortization period will be extended until the rent increase is smaller than 10 percent in one year or 30 percent in five years.

Building-Wide Capital Improvements CATEGORY (attach separate sheet if needed)	TOTAL COSTS	DATE COMPLETED	DATE PAID FOR
Common hallway remodel - Floors (carpet)	\$10,400.00	4/28/16	4/7/16; 5/2/16
Common hallway remodel - Lighting	\$4,300.00	4/28/16	4/7/16; 5/2/16
Common hallway remodel - Paint/walls	\$15,000.00	4/28/16	4/7/16; 5/2/16
Windows (all)	\$121,152.27	5/9/16	5/9/16; 6/13/16; 5/9/16
Exterior paint	\$46,500.00	3/30/18	3/19; 3/23; 3/27; 3/30/18
SUBTOTAL:	\$197,352.27		

Unit-Specific Capital Improvements CATEGORY (attach separate sheet if needed)	TOTAL COSTS	DATE COMPLETED	DATE PAID FOR	AFFECTED UNITS
SUBTOTAL:				

Verification (Each petitioner must sign this section):

I declare under penalty of perjury pursuant to the laws of the State of California that everything I said in this petition and attaches pages is true and that all of the documents attached to the petition are originals or are true and correct copies of the originals.



Owner's Signature

4/20/18
Date

Owner's Signature

Date

File Review

Your tenant(s) will be required to file a response to this petition within 35 days of notification by the Rent Adjustment Program. **You will be sent a copy of the Tenant's Response. Copies of attachments submitted with the Response form are not sent, out, but can be reviewed in person at the Rent Adjustment Program office by calling (510) 238-3721 to schedule a file review.** When the RAP Online Petitioning System is available, you will be able to view the response and attachments by logging in and accessing your case files.

Mediation Program

If you are interested in submitting your dispute to mediation, please read the following information carefully. To request mediation, all petitioners must sign the form that follows. Voluntary mediation of rent disputes is available to all parties involved in Rent Adjustment proceedings. Mediation is an entirely voluntary process to assist you in reaching an agreement with your tenant. Mediation will be scheduled only if both you and your tenant(s) agree and after both a petition and a response have been filed with the Rent Adjustment Program. You may elect to use a Rent Adjustment Program staff Hearing Officer acting as mediator or an outside mediator. Staff Hearing Officers are available to conduct mediation free of charge. Any fees charged by an outside mediator for mediation of rent disputes will be the responsibility of the parties requesting the use of their services. If you are unable to resolve your dispute after a good faith attempt at mediation, you will be given a priority hearing presided by a Hearing Officer other than your mediator.

IF YOU WANT TO SUBMIT YOUR CASE TO MEDIATION, PLEASE CHECK THE APPROPRIATE BOX AND SIGN.

- ☐ I agree to have my case mediated by a Rent Adjustment Program staff Hearing Officer (no charge).
- ☐ I agree to have my case mediated by an outside mediator (fees to be paid by the parties).

Owner's Signature (for mediation request)

Date

Owner's Signature (for mediation request)

Date

Amortization Schedule (Rent Board Regulations Appendix A Exhibit 1)
For Petitions with Permits Issued on or after February 1, 2017

<u>Improvement</u>	<u>Years</u>	<u>Improvement</u>	<u>Years</u>
<u>Air Conditioners</u>	10	<u>Heating</u>	
<u>Appliances</u>		Central	10
Refrigerator	5	Gas	10
Stove	5	Electric	10
Garbage Disposal	5	Solar	10
Water Heater	5	<u>Insulation</u>	10
Dishwasher	5	<u>Landscaping</u>	
Microwave Oven	5	Planting	10
Washer/Dryer	5	Sprinklers	10
Fans	5	Tree Replacement	10
<u>Cabinets</u>	10	<u>Lighting</u>	
<u>Carpentry</u>	10	Interior	10
<u>Counters</u>	10	Exterior	10
<u>Doors</u>	10	<u>Locks</u>	5
Knobs	5	<u>Mailboxes</u>	10
Screen Doors	5	<u>Meters</u>	10
<u>Earthquake Expenses</u>		<u>Plumbing</u>	
Architectural and Engineering Fees	5	Fixtures	10
Emergency Services		Pipe Replacement	10
Clean Up	5	Re-Pipe Entire Building	20
Fencing and Security	5	Shower Doors	5
Management	5	<u>Painting</u>	

Tenant Assistance	5	Interior	5
<u>Structural Repair and Retrofitting</u>		Exterior	5
Foundation Repair	10	<u>Paving</u>	
Foundation Replacement	20	Asphalt	10
Foundation Bolting	20	Cement	10
Iron or Steel Work	20	Decking	10
Masonry-Chimney Repair	20	<u>Plastering</u>	10
Shear Wall Installation	10	<u>Pumps</u>	
<u>Electrical Wiring</u>	10	Sump	10
<u>Elevator</u>	20	<u>Railing</u>	10
<u>Fencing and Security</u>		<u>Roofing</u>	
Chain	10	Shingle/Asphalt	10
Block	10	Built-Up, Tar and Gravel	10
Wood	10	Tile and Linoleum	10
<u>Fire Alarm System</u>	10	Gutters/Downspouts	10
<u>Fire Sprinkler System</u>	20	<u>Security</u>	
<u>Fire Escape</u>	10	Entry Telephone Intercom	10
<u>Flooring/Floor Covering</u>		Gates/Doors	10
Hardwood	10	Fencing	10
Tile and Linoleum	5	Alarms	10
Carpet	5	<u>Sidewalks/Walkways</u>	10
Carpet Pad	5	<u>Stairs</u>	10
Subfloor	10	<u>Stucco</u>	10
<u>Fumigation</u>		<u>Tilework</u>	10
Tenting	5	<u>Wallpaper</u>	5
<u>Furniture</u>	5	<u>Window Coverings</u>	5

Automatic Garage Door Openers

10

Gates

Chain Link

10

Wrought Iron

10

Wood

10

Glass

Windows

5

Doors

5

Mirrors

5

Drapes

5

Shades

5

Screens

5

Awnings

5

Blinds/Miniblinds

5

Shutters

5

Tenant Directory

396 Bellevue Avenue Oakland, CA 94610

Unit	Tenant	Phone Numbers	Emails	Rent
101	Hendrie, Giselle	Phone:		2,063.00
102	Christopher, Peter	Phone: (1,530.00
103	Poulter, Chloe	Phone:	ail.com	2,074.00
104	Goldstein, Julie	Phone:		2,074.00
104	Goodman, Eric	Phone: (2,074.00
105	Calhoun, Leslie	Phone:	om	1,254.00
106	Parnes, Ginger		X	1,405.00
106	Soloman, Harold	Phone:		1,405.00
106	Soloman, Ken	Phone:		1,405.00
107	Castro-Rojas, Carmen	Phone:		1,451.00
108	Breckenridge, Sara	Phone:		1,555.00
109	Berlin, Harrison	Mobile:	X moved	2,347.78
110	Richardson, Melinda	Phone:		1,071.00
201	Waters, Howard	Phone:		1,789.00
202	Diego-Castro, Juan	Phone:		1,555.00
202	Mena, Juanita	Phone:		1,555.00
203	Combs, Krisanne	Phone:		2,115.00
204	Moynihan, Michael	Phone:		1,744.00
204	Moynihan, Tanya	Phone: (4		1,744.00
205	Romero, Carlos	Phone:		1,938.00
205	Simard, Wendy	Phone:		1,938.00
206	Garfinkle, Frayda	Phone		1,425.00
207	Kroner, Lauren E.	Home:		2,557.50
207	Mason, Bryan S.	Home:		2,557.50
208	McKeel, Jenny			1,348.00
209	Tremble, Angelique			1,337.00
210	Biggar, Lindsay S.			2,395.00

Tenant Directory

Unit	Tenant	Phone Numbers	Emails	Rent
210	Cottong, Alexandra M.			2,395.00
301	Kappel-Stone, Michele			1,721.00
301	Stone, Matt			1,721.00
302	Houlihan, Scott C.			2,295.00
303	Andrizzi, Morgan			1,866.00
303	Houghton, Grace			1,866.00
304	Chrebtow, Vera			2,995.00
304	Randlett-Chrebtow, Zoe			2,995.00
305	Suhr, Robert	437		1,234.00
306	Simmons, David	62		1,042.00
307	Rogers, John			1,373.00
308	Reynolds, Susan			1,348.00
309	Biskup, Zach B.			2,245.48
309	McCauley, Jade L.			2,245.48
310	Ormond, Henry			1,224.00

Total

000021

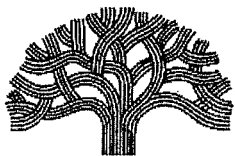
Capital Improvement Calculator
City of Oakland Rent Adjustment Program

IMPROVEMENTS BENEFITING ALL UNITS BUILDING WIDE										
Petition Date Number of Residential Units										4/23/18 30
IMPROVEMENT OR REPAIR	DATE PERMIT OBTAINED (or date started if permit not required)	DATE COMPLETED	FULL COST	ALLOWABLE PASS THROUGH (70%)	ALLOWABLE PASS THROUGH PER UNIT	Imputed Interest	Amortization Period (years)	Allowable Monthly Amortized Cost For Building (70%)	Allowable Amortized Cost per Unit	Date Validation (2 years ago max)
Hallways remodel - carpet	3/25/2016	04/28/16	\$10,400.00	\$7,280.00	\$242.67	3.726%	5	\$133.17	\$4.44	OK
Hallways remodel - lighting	3/25/2016	04/28/16	\$4,300.00	\$3,010.00	\$100.33	3.726%	5	\$55.06	\$1.84	OK
Hallways remodel - walls/paint	3/25/2016	04/28/16	\$15,000.00	\$10,500.00	\$350.00	3.726%	5	\$192.08	\$6.40	OK
Windows	5/9/2016	06/13/16	\$121,152.27	\$84,806.59	\$2,826.89	3.226%	5	\$1,532.40	\$51.08	OK
Exterior paint	3/18/2018	03/30/18	\$46,500.00	\$32,550.00	\$1,085.00	3.804%	5	\$596.58	\$19.89	OK
Subtotal (with weighted averages) Place X in cell B19 if property is mixed use.				\$138,146.59	\$4,604.89	3.437%	5	\$2,509.29	\$83.64	
Residential square footage										
Other use square footage										
Percent residential use										
Total Cost Per Unit Allocated to Residential Units					\$4,604.89	3.437%	5		\$83.64	

Capital Improvement Calculator
City of Oakland Rent Adjustment Program

TOTAL RENT INCREASE FOR EACH UNIT

Unit	Current Rent	Allowed Pass Through per Unit (from F23 if building wide only)	Imputed Interest	Amortization Period (years)	Allowed Monthly Increase	Percent Increase
101	\$2,063.00	\$4,604.89	3.437%	5	\$83.64	4.05%
102	\$1,530.00	\$4,604.89	3.437%	5	\$83.64	5.47%
103	\$2,074.00	\$4,604.89	3.437%	5	\$83.64	4.03%
104	\$2,074.00	\$4,604.89	3.437%	5	\$83.64	4.03%
105	\$1,254.00	\$4,604.89	3.437%	5	\$83.64	6.67%
106	\$1,405.00	\$4,604.89	3.437%	5	\$83.64	5.95%
107	\$1,451.00	\$4,604.89	3.437%	5	\$83.64	5.76%
108	\$1,555.00	\$4,604.89	3.437%	5	\$83.64	5.38%
109*	\$2,347.78	\$3,911.89	3.386%	5	\$70.96	3.02%
110	\$1,071.00	\$4,604.89	3.437%	5	\$83.64	7.81%
201	\$1,789.00	\$4,604.89	3.437%	5	\$83.64	4.68%
202	\$1,555.00	\$4,604.89	3.437%	5	\$83.64	5.38%
203	\$2,115.00	\$4,604.89	3.437%	5	\$83.64	3.95%
204	\$1,744.00	\$4,604.89	3.437%	5	\$83.64	4.80%
205	\$1,938.00	\$4,604.89	3.437%	5	\$83.64	4.32%
206	\$1,425.00	\$4,604.89	3.437%	5	\$83.64	5.87%
207*	\$2,557.50	\$1,085.00	3.804%	5	\$19.89	0.78%
208	\$1,348.00	\$4,604.89	3.437%	5	\$83.64	6.20%
209	\$1,337.00	\$4,604.89	3.437%	5	\$83.64	6.26%
210*	\$2,395.00	\$1,085.00	3.804%	5	\$19.89	0.83%
301	\$1,721.00	\$4,604.89	3.437%	5	\$83.64	4.86%
302*	\$2,295.00	\$1,085.00	3.804%	5	\$19.89	0.87%
303	\$1,866.00	\$4,604.89	3.437%	5	\$83.64	4.48%
304*	\$2,995.00	\$1,085.00	3.804%	5	\$19.89	0.66%
305	\$1,234.00	\$4,604.89	3.437%	5	\$83.64	6.78%
306	\$1,042.00	\$4,604.89	3.437%	5	\$83.64	8.03%
306	\$1,373.00	\$4,604.89	3.437%	5	\$83.64	6.09%
308	\$1,348.00	\$4,604.89	3.437%	5	\$83.64	6.20%
309*	\$2,245.48	\$3,911.89	3.386%	5	\$70.96	3.16%
310	\$1,224.00	\$4,604.89	3.437%	5	\$83.64	6.83%
* Pass-through portion modified based on move-in date						



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely.

**Failure to provide needed information may result in
your response being rejected or delayed.**

Your Name <u>Melinda Richardson</u>	Complete Address (with Zip Code) <u>396 Bellevue Ave</u> <u>#110</u> <u>Oakland CA</u>	Telephone <u>---</u>
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 30

Are you current on your rent? Yes ☒ No ☐

Rental History:

Date you entered into the Rental Agreement for this unit: 3/1/1993

Date you moved into this unit: 3/1/93

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes ☐ No ☒

Initial Rent: \$ \$695.00

Initial rent included (please check all that apply)

() Gas () Electricity (x) Water (x) Garbage (x) Parking () Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT
ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes ☒ No ☐

000024

Please list the date you first received the Notice to Tenants _____

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To		
4/7/2017	6/1/2017	\$ 1050	\$ 1071	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

Uninsured Repair Costs

Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.



Tenant's Signature

7/29/18
Date

Tenant's Signature

Date

Important Information

This form must be received at the following address within the time limits prescribed by Oakland Municipal Code, Chapter 8.22. City of Oakland, Housing Residential Rent & Relocation Board, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. For more

510-238-2079
Roberto Costa 000025

Statement siting Reason for Objecting to Capital Improvements Rent Increase

Item No. 1 Common Hallway remodel-Floors \$10,400.00

Objection: This work was **NOT** done. The carpets have not been replaced since these OWNERS purchased the building in Nov of 2015. In fact the hallway carpeting hasn't been replaced in over 20 years. There is no Invoice/or payment for this work.

Item No.2 Common Hallway Remodel-Lighting \$4300.00

Objection: The lights in the hallway did NOT need to be replaced either for safety, health or maintenance. They replaced the small lights next to each unit. The existing lights were in perfect condition and were more consistent with the period of the building. In addition, these lights have been superfluous for years. The hallways have bright overhead lighting making these lights redundant. No one uses these lights. It was done for cosmetic reasons and to add more cost. We do not want to pay for something that no one uses and provides no benefit. The lights are on the same circuit with the overhead lights. If the building loses power neither set of lights work. No Itemized Invoice for cost per light and labor was provided.

Item No. 3 Common Hallway remodel- Paint/Walls \$15,000.00

Objection: The walls simply needed a new coat of paint which could have been done in one color without several days of prep. The owners did a special treatment with 2 separate colors and added wainscoting. This was not necessary, but only added additional cost in materials and labor. This falls under the category of "work done is more luxurious and costly than necessary". Also no itemized Invoice for the cost of the materials. paint, wainscoting, and labor.

Item No. 4 Windows \$121,152.27

Objection: The amount charged to each tenant should not be uniform. Cost should have been distributed and calculated by square footage of the units as it varies greatly. Some units received more expensive windows due to size or type, i.e. double patio sliding doors. No itemized invoice provided showing cost of each window.

Item No. 5 Exterior Paint \$46,500.00

Objection: This falls under regular maintenance for any structure. Tenants who have no financial interest in the building should NOT be responsible for its overall maintenance. In addition, the tenants were highly inconvenienced for almost 2 months with plastic covering their windows, workers leaving slippery plastic covering stairways creating tripping hazards, leaving garbage and drop cloths scattered on the landings. No one was supervising the workers. They totally dismantled the interior courtyard

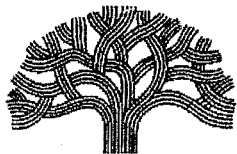
patio making it unusable during this period and long after the work was done, depriving tenants of enjoyment of this outdoor safe space. The new paint adds value and benefit for the owners only. To add insult to injury the new drab paint color chosen is universally disliked by all the tenants. It's a depressing and sad color that degrades the overall appearance. Once again, no thought was put into the period or architecture of the building to enhance those features.

Another Objection:

The tenants also object to constant construction noise as the owners gut vacant units. We should be granted a decrease in rent for being subjected to noise from 7a- to sometimes as late 7p. These renovations usually take 6-8 weeks or longer. They could easily get the same rent without renovating these units. We feel they are doing this toward a larger goal of becoming exempt from rent control.

We feel ALL The "improvements" listed are simply the cost of owning and doing routine maintenance to protect THEIR asset. Tenants should not be required by law to pay for these costs that ultimately only benefit the owners.

If the conglomerate of owners of this property truly cared about the appearance, safety and enjoyment of said property by their tenants, they would all replace the burnt-out lights around the outside of the building and take care of severely neglected landscaping. Instead they focus on those things that the city Oakland allows for reimbursement by the tenants.



CITY OF OAKLAND

RECEIVED

JUL 30 2010

RENT ADJUSTMENT PROGRAM

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely.

**Failure to provide needed information may result in
your response being rejected or delayed.**

Your Name Jenny McKeel	Complete Address (with Zip Code) 396 Bellevue Ave. Apt-208 Oakland 94610	Telephone 510-434-1111
Your Representative's Name N/A	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: **Around 40 units**

Are you current on your rent? Yes ☒ No ☐

Rental History:

Date you entered into the Rental Agreement for this unit: **9/25/2010**

Date you moved into this unit: **10/1/2010**

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes ☐ No ☒

***my unit is subject to
rent control**

Initial Rent: \$ **1250.00**

Initial rent included (please check all that apply)

() Gas () Electricity (☒) Water (☒) Garbage () Parking () Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT
ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes ☒ No ☐

000028

Please list the date you first received the Notice to Tenants 7/2/18

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To		
Feb. 8 2017	April 1 2017	\$ 1322	\$ 1348	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

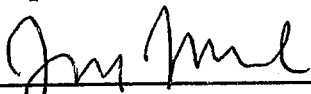
Uninsured Repair Costs

Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.


Tenant's Signature

7/30/18
Date

Tenant's Signature

Date

Important Information

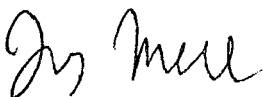
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The owner is not entitled to the proposed rent increase due to the following permissible objections to a capital improvement petition:

- **The work claimed was not performed;**
 - **The costs are excessive or unreasonable;**
 - **The work is more luxurious or costly than necessary, considering the socioeconomic status of building's existing tenants, and it was not necessary for reasons of health, safety or excessive maintenance costs.**
1. On Page 5, item No. 1-Common Hallway Remodel \$10,400.00 for Floors Carpet was never done. There has not been any new carpet installed in the common areas since the new owners took possession.
 2. In the packet of information that I received from the Housing and Community Development Department, there was no proof of payment provided for the capital improvements listed on Page 5. I viewed the file attachments at 250 Frank Ogawa Plaza and the proof of payments provided did not specify what the payments were for. The amounts for the painting and lighting projects listed on Page 5 seem inflated.
 3. The painting of the hallways and the building does not benefit tenants. The painting in the hallways did not improve the look of those common areas and was not necessary for maintenance or safety of these areas. The owner removed all the individual art on the hallway walls, which was never replaced by the promised "better" artwork. The hallway walls remain blank to this day. They chose an icy blue color to complement the existing carpeting. The end result is a sterile and clinical appearance, instead of what used to be warm and welcoming hallways. Painting the building was not necessary for any maintenance, safety, or appearance. The color was poorly conceived and the building now resembles a prison.
 4. During the exterior painting, which was supposed to take 2 weeks, the tenants were subjected to 6 weeks of inconvenience while their windows were covered with plastic allowing for no outside view or air. The crew left messes each day with slick plastic covering the stairs and drop cloths left on the landings offering a perfect opportunity for tenants to trip and fall. No one was supervising to ensure the least amount of disruption and safety for the tenants.
 5. The removal and replacement of the existing lights next to each tenant unit was unnecessary. The lights were in perfect condition and working order and better matched the period of the building. Furthermore, the overhead lighting in the hallways and exterior walkways provide all the lighting needed. The new lights merely provide another reason to add more cost toward Capital Improvements.
 6. On Page 5, item No. 4 Windows cost \$46,500.00. However, the only new windows that benefit me are the three small windows in my one-bedroom apartment. Larger two-bedroom apartments have six large windows. I should not be charged a portion of the costs of all windows in the building.
 7. As required by law, the letter notifying tenants of the proposed increase does not include the amount of the increase. Instead, the building manager sent out an email with the increased amount for each unit. This does not meet the legal criteria for notification.

With the ever rising costs of housing in Oakland, the need to limit these types of increases has become more urgent in order to protect tenants from greedy landlords.

Thank you,
Jenny McKeel



000030

For all Capital Improvement rent increases that are noticed on or after August 1, 2014 (even for those that are grandparented), the owner must provide an Enhanced Notice to all tenants affected by the rent increase, and must file that Enhanced Notice with the RAP within 10 working days after serving the notice on the tenants. O.M.C. 8.22.070 (H)(1)(d). The Enhanced Notice must state the type of capital improvement, the total costs incurred, the completion date, **the amount of the rent increase and the start date and ending date of the increase.**

If challenged by a Tenant Petition, the owner must be able to demonstrate the validity of any claimed capital improvement and to prove Enhanced Noticing. These documents include copies of receipts, invoices, bid contracts, canceled checks or other documents which establish that the costs were incurred and when they were paid.



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name <i>Wendy Simard</i>	Complete Address (with Zip Code) <i>396 Bellevue Avenue #205 Oakland, CA 94610</i>	Telephone
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 30

Are you current on your rent? Yes ☒ No ☐

Rental History:

Date you entered into the Rental Agreement for this unit: 11/30/2014

Date you moved into this unit: 12/5/2014

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes ☐ No ☒

Initial Rent: \$ 1,900.00 ☒

Initial rent included (please check all that apply) ws

() Gas () Electricity (X) Water (X) Garbage ☒ Parking () Storage () Cable TV () Other ☒ *when parking became available, we began paying an additional \$100 per month; when a garage space became available, we paid an additional \$50 per month for that.*

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes ☒ No ☐

We now pay \$150/month for the parking space.
000032

Please list the date you first received the Notice to Tenants _____

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To ^(*)		
2/8/2017	4/1/2017	\$ 1900	\$ 1,938	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>



Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

() + \$150 for the garage space*

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

Uninsured Repair Costs

Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

Wendy Simard
Tenant's Signature

8/30/2018
Date

Tenant's Signature

Date

Important Information

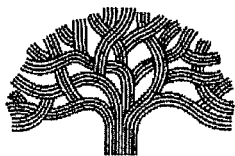
This form must be received at the following address within the time limits prescribed by Oakland Municipal Code, Chapter 8.22. City of Oakland, Housing Residential Rent & Relocation Board, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. For more

000033

Contested Justifications for Rent

Work not done (carpets), unnecessary and excessive renovations offering no benefit for health, safety or maintenance (exterior and interior painting).

Wendy Simard 7/30/18



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name <i>CARLOS RAMEROS</i>	Complete Address (with Zip Code) <i>396 BELLEVUE AVE #205 OAKLAND, CA 94610</i>	Telephone
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 30

Are you current on your rent? Yes YES No _____

Rental History:

Date you entered into the Rental Agreement for this unit: 11/30/2014

Date you moved into this unit: 12/5/2014

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes _____ No X

Initial Rent: \$ 1900

Initial rent included (please check all that apply)

() Gas () Electricity (X) Water (X) Garbage () Parking () Storage () Cable TV () Other
(if other please specify)

20 SEVERAL FE \$1500 CHARGE

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes X No _____

000035

Please list the date you first received the Notice to Tenants _____

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To		
2/8/2017	4/1/2017	\$ 1,900 *	\$ 1,938	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	

* ADD 150 FOR GARAGE SPACE

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

Uninsured Repair Costs

Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

Tenant's Signature

7/30/2013

Date

Tenant's Signature

Date

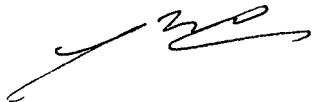
Important Information

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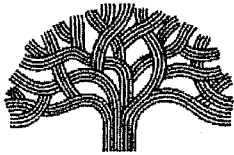
000036

Contested Justifications for Rent

Work not done (carpets), unnecessary and excessive renovations offering no benefit for health, safety or maintenance (exterior and interior painting).

A handwritten signature in black ink, appearing to be 'J. M.' or similar, written in a cursive style.

7/30/18



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name <i>Krisanne Combs</i>	Complete Address (with Zip Code) <i>396 Bellew Ave #203 Oakland CA 94610</i>	Telephone <i>-</i>
Your Representative's Name <i>N/A</i>	Complete Address (with Zip Code) <i>N/A</i>	Telephone

Number of Units on the parcel: 30

Are you current on your rent? Yes X No _____

Rental History:

Date you entered into the Rental Agreement for this unit: 9/15/08

Date you moved into this unit: 9/19/08

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes _____ No X

Initial Rent: \$ 2000

Initial rent included (please check all that apply)

() Gas () Electricity ☒ Water ☒ Garbage ☒ Parking () Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes X No _____

000038

Please list the date you first received the Notice to Tenants _____

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?
		From	To	
2/1/17 (approx)	4/1/17	\$2040	\$2074	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
10/1/15 (approx)	12/1/15	\$2074	\$2115	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase.

The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

Uninsured Repair Costs

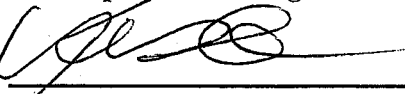
Constitutional Fair Return

Work was not completed. Unnecessary and excessive renovations offering no benefit for health, safety or maintenance.

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.



Tenant's Signature

7/28/18

Date

Tenant's Signature

Date

Important Information

This form must be received at the following address within the time limits prescribed by Oakland Municipal Code, Chapter 8.22. City of Oakland, Housing Residential Rent & Relocation Board, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. For more

000039

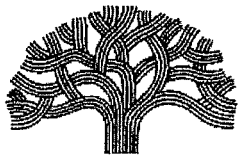
Statement Contesting Rent Increase

Krisanne Combs

396 Bellevue Avenue Apt 203 Oakland CA 94610

All of the work listed was not completed. I have lived in the unit since September 2008; the carpets have NOT been replaced.

In addition, the painting (interior and exterior) was unnecessary and excessive renovations that offered no benefit for health, safety, or maintenance.



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name Frayda Garfinkle	Complete Address (with Zip Code) 396 Bellevue Ave #206 Oakland, CA 94610	Telephone ...
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 30

Are you current on your rent? Yes ☒ No ☐

Rental History:

Date you entered into the Rental Agreement for this unit: 2/10/2011

Date you moved into this unit: 2/10/2011

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes ☐ No ☒

Initial Rent: \$ 1300

Initial rent included (please check all that apply)

() Gas () Electricity (✓) Water (✓) Garbage (✓) Parking () Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes ☐ No ☒

000041

Please list the date you first received the Notice to Tenants 7/2/18

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?
		From	To	
8/1/17	4/1/17	\$ 1398	\$ 1425	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

Uninsured Repair Costs

Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

Tracy L. Fairchild
Tenant's Signature

7/25/18
Date

Tenant's Signature

Date

Important Information

This form must be received at the following address within the time limits prescribed by Oakland Municipal Code, Chapter 8.22. City of Oakland, Housing Residential Rent & Relocation Board, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. For more

000042

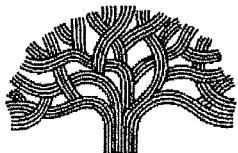
TENANT RESPONSE CONTESTING RENT INCREASE

Frayda Garfinkle
396 Bellevue Avenue #206
Oakland, CA 94610

Case No.: L18-0086

Work not done, unnecessary and excessive renovations offering no benefit for health, safety or maintenance."

Frayda Garfinkle 1/25/18



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name <i>Angelique Tremble</i>	Complete Address (with Zip Code) <i>396 Bellevue Ave. Apt. 209 Oakland, CA 94610</i>	Telephone <i>---</i>
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 30

Are you current on your rent? Yes X No _____

Rental History:

Date you entered into the Rental Agreement for this unit: _____

Date you moved into this unit: _____

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes _____ No X

Initial Rent: \$ _____

Initial rent included (please check all that apply)

() Gas () Electricity () Water () Garbage () Parking () Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes X No _____

000044

Please list the date you first received the Notice to Tenants

July 2, 2018

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To		
DO NOT RECALL act	4/1/2017	\$ 1311	\$ 1337	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service


Uninsured Repair Costs

Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.


Tenant's Signature

7/30/2018
Date

Tenant's Signature

Date

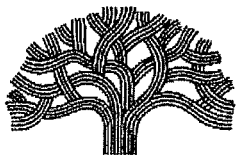
Important Information

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000045

The rent increase for capital improvements set forth in the notice were not done or were unnecessary and excessive renovations offering no benefit for health, safety, or maintenance.

a 2
7/30/2018



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name Leslie R. Calhoun	Complete Address (with Zip Code) 396 Bellevue Ave #105 Oakland, CA 94610	Telephone - - - - -
Your Representative's Name Melinda Katzmaier Richardson	Complete Address (with Zip Code) 396 Bellevue #110 Oakland, CA 94610	Telephone - - - - -

Number of Units on the parcel: 30

Are you current on your rent? Yes X No

Rental History:

Date you entered into the Rental Agreement for this unit: July 2009

Date you moved into this unit: July 2009

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes No X

Initial Rent: \$ 1,100.00

Initial rent included (please check all that apply)

() Gas () Electricity () Water ☒ Garbage ☒ Parking () Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes X No

000047

Please list the date you first received the Notice to Tenants 6/29/18

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To		
3/1/2017	4/1/2017	\$ 1,230.00	\$ 1,254.00	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

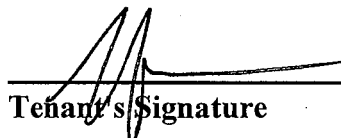
Banking
Capital Improvements
Increased Housing Service Costs

Debt Service
Uninsured Repair Costs
Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.



Tenant's Signature

7/26/18

Date

Tenant's Signature

Date

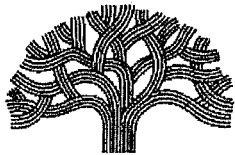
Important Information

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000048

Statement:

All of the work listed was not done, and the work that was completed, was unnecessary, and these renovations were excessive, offering no benefit for health, safety or maintenance.



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name <u>Scott Haulihan</u>	Complete Address (with Zip Code) <u>396 Bellevue Ave</u> <u>Apt #302</u> <u>Oakland, CA 94610</u>	Telephone
Your Representative's Name <u>—</u>	Complete Address (with Zip Code) <u>—</u>	Telephone <u>—</u>

Number of Units on the parcel: 30

Are you current on your rent? Yes X No —

Rental History:

Date you entered into the Rental Agreement for this unit: 3/8/17

Date you moved into this unit: 3/15/17

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes — No X

Initial Rent: \$ 2,295/mo. (+ \$100/mo. for parking)

Initial rent included (please check all that apply)

() Gas () Electricity (X) Water (X) Garbage () Parking (X) Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes X No ~~—~~

000050

Please list the date you first received the Notice to Tenants

2/8/18

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?
		From	To	
2/8/18	N/A	\$ 2,295	\$ N/A	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
* letter received on 2/28/18		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
stating to disregard notice		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

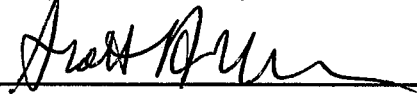
Uninsured Repair Costs

Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.



Tenant's Signature

7/29/18

Date

Tenant's Signature

Date

Important Information

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000051

Statement why owner not entitled to
proposed increase:

Items stated as capital improvements
are in fact maintenance and repair,
including paint. completed on 3/30/18.

Other repair items were completed
prior to my move in, so not only do
they appear to be maintenance items, but
I should not be required to recompensate
for such maintenance.

Scott Houlahan

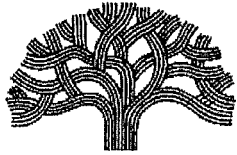
Scott Houlahan

396 Bellevue Ave Apt. 302
Oakland, CA 94610

Address

7/29/18

Date



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in
your response being rejected or delayed.

Your Name ROBERT SUHR	Complete Address (with Zip Code) 396 BELLVUE AVE APT 305 OAKLAND CA 94610	Telephone
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 30

Are you current on your rent? Yes X No _____

Rental History:

Date you entered into the Rental Agreement for this unit: Nov 1, 1997

Date you moved into this unit: Nov 1997

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes _____ No _____

Initial Rent: \$ 850

Initial rent included (please check all that apply)

() Gas () Electricity (X) Water (X) Garbage (X) Parking () Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT
ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes X No _____

000053

Please list the date you first received the Notice to Tenants _____

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?
		From	To	
2/8/17	4/1/17	\$ 1210	\$ 1234	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	7/1/15	\$ 1190	\$ 1210	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3/21/14	5/1/14	\$ 1140	\$ 1190	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	1/1/13	\$ 1080	\$ 1140	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
9/20/11	11/1/11	\$ 1040	\$ 1180	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
4/17/09	6/1/09	\$ 949	\$ 1040	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
5/22/02	7/1/02	\$ 925	\$ 949	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

Uninsured Repair Costs

Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

Tenant's Signature

7/29/18

Date

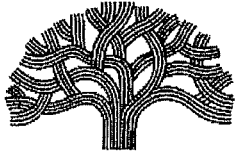
Tenant's Signature

Date

Important Information

This form must be received at the following address within the time limits prescribed by Oakland Municipal Code, Chapter 8.22. City of Oakland, Housing Residential Rent & Relocation Board, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. For more

000054



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely.

**Failure to provide needed information may result in
your response being rejected or delayed.**

Your Name X ZACH BISKUP	Complete Address (with Zip Code) X 396 Bellevue AVE. #309 Oakland, CA 94610	Telephone X -
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 30

Are you current on your rent? Yes ☒ No ☐

Rental History:

Date you entered into the Rental Agreement for this unit: 4/10/16

Date you moved into this unit: 4/10/16

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes ☐ No ☒

Initial Rent: \$

Initial rent included (please check all that apply)

() Gas () Electricity ☒ Water ☒ Garbage () Parking () Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT
ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes ☒ No ☐

000055

Please list the date you first received the Notice to Tenants _____

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?
		From	To	
2/8/17	4/1/17	\$ 2195	\$ 2245	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

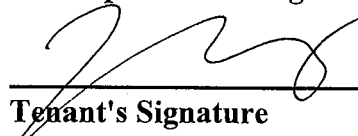
Uninsured Repair Costs

Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.



Tenant's Signature

7/30/18

Date

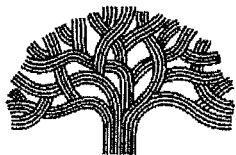
Tenant's Signature

Date

Important Information

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000056



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name Michele Kappel - Stone	Complete Address (with Zip Code) 396 Bellevue Ave. #301 Oakland, CA 94610	Telephone
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 30

Are you current on your rent? Yes Yes No _____

Rental History:

Date you entered into the Rental Agreement for this unit: June 15, 2005

Date you moved into this unit: June 20, 2005

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes _____ No No

Initial Rent: \$ 1500.⁰⁰

Initial rent included (please check all that apply)

() Gas () Electricity (✓) Water (✓) Garbage (✓) Parking (✓) Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes Yes No _____

000057

Please list the date you first received the Notice to Tenants 09/23/2016

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To		
02/08/2017	04/01/2017	\$ 1688. ⁰⁰	\$ 1721. ⁰⁰	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(02/13/2018)	(04/01/2018)	\$ 1721. ⁰⁰	\$ 1766. ⁵⁸	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Letter cancel
this
increases
on 2/28/18

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

Uninsured Repair Costs

Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

Michele Koppal-Done
Tenant's Signature

07/28/2018
Date

Tenant's Signature

Date

Important Information

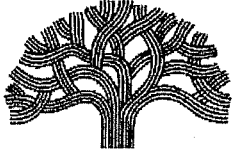
This form must be received at the following address within the time limits prescribed by Oakland Municipal Code, Chapter 8.22. City of Oakland, Housing Residential Rent & Relocation Board, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. For more

000058

I wish to negotiate the proposed rent increase. The work on the windows applies to capital improvements, but I don't believe the other work noted applies as it was cosmetic and not necessary at the time. The hallway carpets were not replaced, as noted in the petition for approval of rent increase.

—Michele Kappel-Stone
July 27, 2018

Michele Kappel-Stone



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name Peter S. Christopher	Complete Address (with Zip Code) 396 Bellevue Ave Apt 2 Oakland CA 94610	Telephone
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 1

Are you current on your rent? Yes ☒ No ☐

Rental History:

Date you entered into the Rental Agreement for this unit: May 2013

Date you moved into this unit: May 2013

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes ☐ No ☒

Initial Rent: \$ 1560

Initial rent included (please check all that apply)

() Gas () Electricity (✓) Water (✓) Garbage (✓) Parking (✓) Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes ☒ No ☐

000060

Please list the date you first received the Notice to Tenants _____

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To		
2-8-2017	4-1-2017	\$ 1500	\$ 1535	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

Uninsured Repair Costs

Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified. *Work not done - unnecessary overdone*

improvements

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

Rebecca A. Smith

Tenant's Signature

July 29th 2018

Date

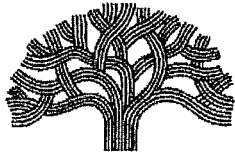
Tenant's Signature

Date

Important Information

This form must be received at the following address within the time limits prescribed by Oakland Municipal Code, Chapter 8.22. City of Oakland, Housing Residential Rent & Relocation Board, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. For more

000061



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name <i>GINGER PARNES</i>	Complete Address (with Zip Code) <i>396 BELLEVUE AV #106 OAK. CA 94610</i>	Telephone .
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 30

Are you current on your rent? Yes ☒ No ☐

Rental History:

Date you entered into the Rental Agreement for this unit: JAN. 1, 2011

Date you moved into this unit: JAN. 1, 2011

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes ☐ No ☒

Initial Rent: \$ 1300

Initial rent included (please check all that apply)

() Gas () Electricity (☒) Water (☒) Garbage (☒) Parking (☒) Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes ☒ No ☐

000062

Please list the date you first received the Notice to Tenants 7/2/18

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To		
2/8/17	4/1/17	\$ 1385	\$ 1405	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

Uninsured Repair Costs

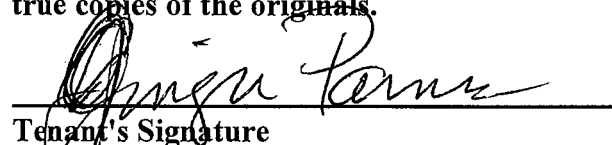
Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Work not done - overimposed & unnecessary renovation

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.



Tenant's Signature

Tenant's Signature

7/29/18

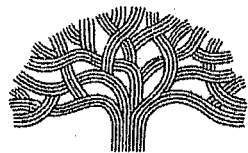
Date

Date

Important Information

This form must be received at the following address within the time limits prescribed by Oakland Municipal Code, Chapter 8.22. City of Oakland, Housing Residential Rent & Relocation Board, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. For more

000063



CITY OF OAKLAND

**CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM**

P.O. Box 70243
Oakland, CA 94612-0243
(510) 238-3721

For date stamp. 55

TENANT RESPONSE

CASE NUMBER: L18-0086

Please fill out this form as completely as you can. Failure to provide needed information may result in your response being rejected or delayed.

Your Name Henry A. Ormond	Complete Address (with Zip Code) 396 Bellevue Ave., #310 Oakland, CA 94610	Telephone: _____ Email: _____
Your Representative's Name Melinda Kazar Richardson	Complete Address (with Zip Code) 396 Bellevue Ave., #110 Oakland, CA 94610	Telephone: _____ Email: _____

Are you current on your rent? Yes ☒ No ☐

If you are not current on your rent, please explain. (If you are legally withholding rent state what, if any, habitability violations exist in your unit.)

What are your reasons for contesting the proposed rent increase or exemption? Attached additional sheets if necessary. If you are contesting a petition that includes a banking increase, you must complete rental history on the next page. For decreased housing services, you need to file a separate tenant petition.

Work not done. Over improved areas
w/ no benefit to tenants

Rental HistoryDate you moved into this unit: Sept. 1992Initial rent: \$695

Is your rent subsidized or controlled by any government agency, including HUD (Section 8)?

☐ Yes☒ No

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL ADJUSTMENT PROGRAM (RAP Notice) at any time during your tenancy in this unit?

☒ Yes☐ No

Please list the date you first received the RAP Notice. _____

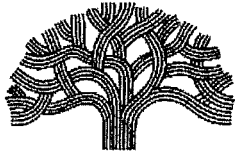
List all increases you received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased From	Rent Increased To
2/8/17	4/1/17	\$ 1200.00	\$ 1224.00
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

Henry A. Ormond
Tenant's Signature7/26/18
Date_____
Tenant's Signature_____
Date



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name MATTHEW STONE	Complete Address (with Zip Code) 396 BELLEVUE AVE. #301 OAKLAND CA.94610	Telephone · · ·
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 30

Are you current on your rent? Yes YES No _____

Rental History:

Date you entered into the Rental Agreement for this unit: JUNE 2005

Date you moved into this unit: JUNE 2005

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes _____ No NO

Initial Rent: \$ 1,500

Initial rent included (please check all that apply)

() Gas () Electricity (✓) Water (✓) Garbage (✓) Parking (✓) Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes YES No _____

000066

Please list the date you first received the Notice to Tenants _____

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To		
2/08/2017	04/1/2017	\$ 1688	\$ 1721	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(2/13/2018	04/1/2018	\$ 1721	\$ 1760	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes	<input type="checkbox"/> No

WAS NO
RENT
INCREASED
BUT RECEIVED
NOTICE

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking
Capital Improvements
Increased Housing Service Costs

Debt Service
Uninsured Repair Costs
Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

Tenant's Signature

07/28/2018

Date

Tenant's Signature

Date


Important Information

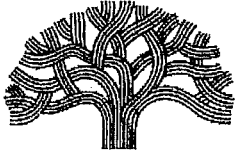
This form must be received at the following address within the time limits prescribed by Oakland Municipal Code, Chapter 8.22. City of Oakland, Housing Residential Rent & Relocation Board, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. For more

000067

I feel that the increase seems excessive in light of the fact that the building was not in disrepair. We also never got new carpet.

Matthew Stone

 7/27/2018



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely.

**Failure to provide needed information may result in
your response being rejected or delayed.**

Your Name DAVID P SIMMONS	Complete Address (with Zip Code) 396 BELLEVUE #306 OAKLAND, CA 94610-3455	Telephone
Your Representative's Name 	Complete Address (with Zip Code) 	Telephone

Number of Units on the parcel: 30

Are you current on your rent? Yes ☒ No ☐

Rental History:

Date you entered into the Rental Agreement for this unit: 02/1995

Date you moved into this unit: 02/1995

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes ☐ No ☒

Initial Rent: \$ 695.00

Initial rent included (please check all that apply)

☒ Gas () Electricity (☒) Water (☒) Garbage () Parking () Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT
ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes ☒ No ☐

000069

Please list the date you first received the Notice to Tenants _____

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To		
02/08/2017	04/01/2017	\$ 1022.00	\$ 1042.00	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

Uninsured Repair Costs

Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

David L. Sumner
Tenant's Signature

07/29/2018
Date

Tenant's Signature

Date

Important Information

This form must be received at the following address within the time limits prescribed by Oakland Municipal Code, Chapter 8.22. City of Oakland, Housing Residential Rent & Relocation Board, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. For more

000070

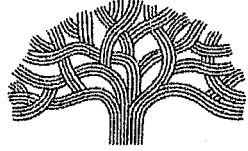
1. Aluminum windows which had been replaced since my occupancy were replaced again with vinyl windows
This was unnecessary I believe

2. Lighting fixture changes were unnecessary.

3. Painting the halls was O.K.

4. No change in the carpet at all.

Dwight Summers
07/29/2018



CITY OF OAKLAND

**CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM**

P.O. Box 70243
Oakland, CA 94612-0243
(510) 238-3721

For date stamp.

TENANT RESPONSE

CASE NUMBER:

L18-0086

Please fill out this form as completely as you can. Failure to provide needed information may result in your response being rejected or delayed.

Your Name Carmen Castro Rojas	Complete Address (with Zip Code) 396 Bellevue Ave #107, Oakland CA 94610	Telephone: Email:
Your Representative's Name	Complete Address (with Zip Code)	Telephone Email:

Are you current on your rent? Yes ☒ No ☐

If you are not current on your rent, please explain. (If you are legally withholding rent state what, if any, habitability violations exist in your unit.)

What are your reasons for contesting the proposed rent increase or exemption? Attached additional sheets if necessary. If you are contesting a petition that includes a banking increase, you must complete rental history on the next page. For decreased housing services, you need to file a separate tenant petition.

Work not done.
Improvement overly luxurious, no benefit to tenants
* My apartment, #107, is located on patio area, outside of main building.

Rental HistoryDate you moved into this unit: August 30, 2002Initial rent: \$1,275

Is your rent subsidized or controlled by any government agency, including HUD (Section 8)?

☐ Yes☒ No

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL ADJUSTMENT PROGRAM (RAP Notice) at any time during your tenancy in this unit?

☒ Yes☐ No

Please list the date you first received the RAP Notice. _____

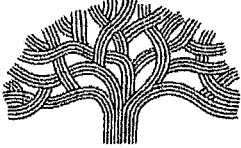
List all increases you received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased From	Rent Increased To
February 8, 2017	April 1, 2017	\$1,423	\$1,451
	June 2015	\$1,400	\$1,423
	May 2014	\$1,360	\$1,400
	April 2013	\$1,320	\$1,360
	Nov 2011	\$1,280	\$1,320
	May 2009	\$1,175	\$1,280
	March 2004	\$1,275	\$1,175 actual decrease of \$100 ⁼⁼

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

Gemma Castro Rojas
Tenant's Signature7/30/18
Date_____
Tenant's Signature_____
Date

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM P.O. Box 70243 Oakland, CA 94612-0243 (510) 238-3721	For date stamp: <u>TENANT RESPONSE</u>
--	--	--

CASE NUMBER: 118-0086

Please fill out this form as completely as you can. Failure to provide needed information may result in your response being rejected or delayed.

Your Name Chloe Powter	Complete Address (with Zip Code) 396 Bellevue Ave Apt 103 Oakland CA 94610	Telephone: Email:
Your Representative's Name	Complete Address (with Zip Code)	Telephone Email:

Are you current on your rent? Yes ☒ No ☐

If you are not current on your rent, please explain. (If you are legally withholding rent state what, if any, habitability violations exist in your unit.)

What are your reasons for contesting the proposed rent increase or exemption? Attached additional sheets if necessary. If you are contesting a petition that includes a banking increase, you must complete rental history on the next page. For decreased housing services, you need to file a separate tenant petition.

Work not done, unnecessary and excessive renovations
offering no benefit for health, safety or maintenance.

Rental HistoryDate you moved into this unit: 2/1/13Initial rent: ~~\$2200~~ \$1500

Is your rent subsidized or controlled by any government agency, including HUD (Section 8)?

☐ Yes☒ No

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL ADJUSTMENT PROGRAM (RAP Notice) at any time during your tenancy in this unit?

☒ Yes☐ NoPlease list the date you first received the RAP Notice. 7/1/18

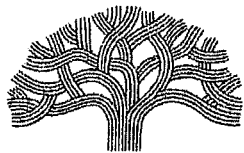
List all increases you received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased From	Rent Increased To
2/8/17	4/1/17	\$ 2,034-	\$ 2,074-
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

Chloe Poulter
Tenant's Signature7/30/18
Date_____
Tenant's Signature_____
Date



CITY OF OAKLAND

**CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM**

P.O. Box 70243
Oakland, CA 94612-0243
(510) 238-3721

For date stamp

TENANT RESPONSE

CASE NUMBER:

L18-0086

Please fill out this form as completely as you can. Failure to provide needed information may result in your response being rejected or delayed.

Your Name <i>Susan Reynolds</i>	Complete Address (with Zip Code) <i>396 Bellevue Av #308 Oakland CA 94610</i>	Telephone: Email:
Your Representative's Name	Complete Address (with Zip Code)	Telephone Email:

Are you current on your rent? Yes ☒ No ☐

If you are not current on your rent, please explain. (If you are legally withholding rent state what, if any, habitability violations exist in your unit.)

What are your reasons for contesting the proposed rent increase or exemption? Attached additional sheets if necessary. If you are contesting a petition that includes a banking increase, you must complete rental history on the next page. For decreased housing services, you need to file a separate tenant petition.

*Work not done, unnecessary and overly
luxurious renovations with no benefit to
tenants*

Rental HistoryDate you moved into this unit: Feb 2011Initial rent: \$1250.-

Is your rent subsidized or controlled by any government agency, including HUD (Section 8)?

☐ Yes☒ No

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL ADJUSTMENT PROGRAM (RAP Notice) at any time during your tenancy in this unit?

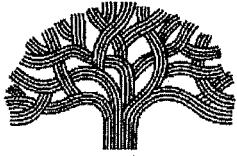
☒ Yes☐ NoPlease list the date you first received the RAP Notice. I have not received it as of 7-30-18.List all increases you received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet. SR

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased From	Rent Increased To
<u>Feb 8 2017</u>	<u>Apr 1 2017</u>	<u>\$ 1322.-</u>	<u>\$ 1348.-</u>
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

Susan Reynolds
Tenant's Signature7-30-18
Date_____
Tenant's Signature_____
Date



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

2013 JUL 31 AM 11:55

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name <i>Juan Diego Castro</i>	Complete Address (with Zip Code) <i>346 Bellevue Ave #202 Oakland, CA 94610</i>	Telephone
Your Representative's Name 	Complete Address (with Zip Code) 	Telephone

Number of Units on the parcel: 30

Are you current on your rent? Yes X No _____

Rental History:

Date you entered into the Rental Agreement for this unit: September 1, 2013

Date you moved into this unit: Sept 1, 2013

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes _____ No X

Initial Rent: \$ 1500⁰⁰

Initial rent included (please check all that apply)

() Gas () Electricity (X) Water (X) Garbage (X) Parking (X) Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes X No _____

000078

Please list the date you first received the Notice to Tenants July 2nd

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To		
2/8/2017	4/1/2017	\$ 1500 ⁰⁰	\$ 1525 ⁰⁰	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		\$	\$	Yes <input type="checkbox"/> No <input type="checkbox"/>	

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

Uninsured Repair Costs

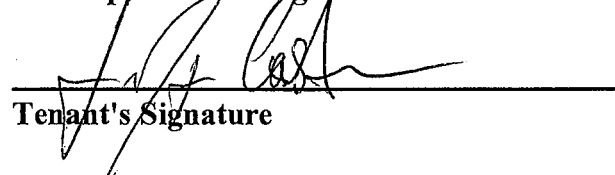
Constitutional Fair Return

*Work not Done - Expensive and not needed
rent returns in common areas*

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.



Tenant's Signature

July 30, 2018

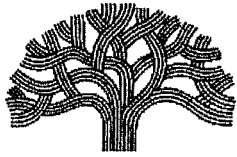
Date

Tenant's Signature

Date

Important Information

This form must be received at the following address within the time limits prescribed by Oakland Municipal Code, Chapter 8.22. City of Oakland, Housing Residential Rent & Relocation Board, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. For more



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

2013 JUL 31 11:55

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name Juanita Mena	Complete Address (with Zip Code) 396 Bellevue Ave #202 Oakland CA, 94610	Telephone
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 30

Are you current on your rent? Yes X No _____

Rental History:

Date you entered into the Rental Agreement for this unit: Sept 1, 2013

Date you moved into this unit: _____

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes _____ No X

Initial Rent: \$ 1,500

Initial rent included (please check all that apply)

() Gas () Electricity X Water X Garbage X Parking X Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes X No _____

000080

Please list the date you first received the Notice to Tenants 7/02/18

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To		
2/08/2017	4/1/2017	\$ 1,500	\$ 1,525	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service


Uninsured Repair Costs

Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.



Tenant's Signature

7/30/2018

Date

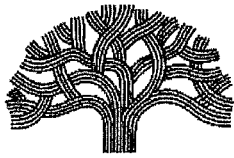
Tenant's Signature

Date

Important Information

This form must be received at the following address within the time limits prescribed by Oakland Municipal Code, Chapter 8.22. City of Oakland, Housing Residential Rent & Relocation Board, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. For more

000081



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name Bryan Mason Lauren Kroner	Complete Address (with Zip Code) 396 Bellevue Ave. #207 Oakland, CA 94610	Telephone ---
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 30

Are you current on your rent? Yes X No _____

Rental History:

Date you entered into the Rental Agreement for this unit: 7/2016

Date you moved into this unit: 7/2016

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes _____ No X

Initial Rent: \$ 2500

Initial rent included (please check all that apply)

() Gas () Electricity (X) Water (X) Garbage () Parking () Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes _____ No X

000082

Please list the date you first received the Notice to Tenants June 28, 2018

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To		
06/xx/2017	07/2018	\$ 2500	\$ 2670	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

Uninsured Repair Costs

Constitutional Fair Return


For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.



Tenant's Signature



Tenant's Signature

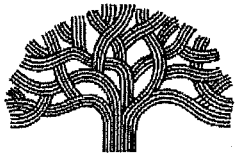
07/29/2018
Date

07-29-18
Date

Important Information

This form must be received at the following address within the time limits prescribed by Oakland Municipal Code, Chapter 8.22. City of Oakland, Housing Residential Rent & Relocation Board, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. For more

000083



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name JOHN D. ROGERS	Complete Address (with Zip Code) 396 Bellevue Ave Oakland, CA Apt. 307 94610	Telephone
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 30

Are you current on your rent? Yes ☒ No ☐

Rental History:

Date you entered into the Rental Agreement for this unit: 08/1999

Date you moved into this unit: 08/1999

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes ☐ No ☒

Initial Rent: \$ 1,150

Initial rent included (please check all that apply)

() Gas () Electricity (☒ Water (☒ Garbage (☒ Parking () Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes ☒ No ☐

000084

Please list the date you first received the Notice to Tenants _____

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To		
02/08/2017	04/01/2017	\$ 1,347	\$ 1,373	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements. *WORK not done - overdue revs. no benefit to tenants*

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

Uninsured Repair Costs

Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

John D. Rogers
Tenant's Signature

07/29/2018
Date

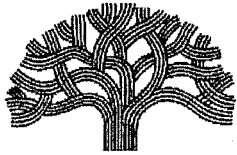
Tenant's Signature

Date

Important Information

This form must be received at the following address within the time limits prescribed by Oakland Municipal Code, Chapter 8.22. City of Oakland, Housing Residential Rent & Relocation Board, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. For more

000085



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in
your response being rejected or delayed.

Your Name HAROLD SOLOMON	Complete Address (with Zip Code) 396 BELLEVUE AV # 106 OAK. CA 94610	Telephone
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 30

Are you current on your rent? ☒ Yes ☐ No

Rental History:

Date you entered into the Rental Agreement for this unit: 11/1/11

Date you moved into this unit: 11/1/11

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes ☐ No ☒

Initial Rent: \$ 1300

Initial rent included (please check all that apply)

() Gas () Electricity (☒ Water (☒ Garbage (☒ Parking (☒ Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT
ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes ☒ No ☐

000086

Please list the date you first received the Notice to Tenants July 2, 2018

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To		
2/8/17	1/1/17	\$ 1385	\$ 1405	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

Uninsured Repair Costs

Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified. *Work not done. Work - painting over*
expensive no benefit to tenants

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

David Soh
Tenant's Signature

July 29, 2018
Date

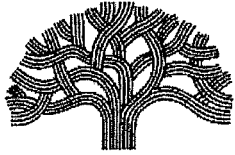
Tenant's Signature

Date

Important Information

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000087



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name <i>Ken Solomon</i>	Complete Address (with Zip Code) <i>396 Bellevue Ave. #106 Oakland, CA 94610</i>	Telephone
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 1

Are you current on your rent? Yes ✓ No _____

Rental History:

Date you entered into the Rental Agreement for this unit: Jan. 1, 2011

Date you moved into this unit: Jan 1, 2011

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes _____ No ✓

Initial Rent: \$ 1300

Initial rent included (please check all that apply)

() Gas () Electricity (✓) Water (✓) Garbage (✓) Parking (✓) Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes ✓ No _____

000088

Please list the date you first received the Notice to Tenants July 2, 2018

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To		
02/02/2017	04/01/2017	\$ 1385-	\$ 1405-	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

Banking

Capital Improvements

Increased Housing Service Costs

Debt Service

Uninsured Repair Costs

Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified. Work not done - unnecessary improvements

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

Kenneth Blalock
Tenant's Signature

7/29/18
Date

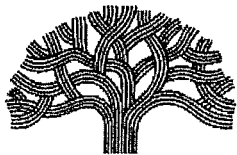
Tenant's Signature

Date

Important Information

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000089



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CASE NUMBER L18-0086

TENANT RESPONSE CONTESTING RENT INCREASE

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name *	Complete Address (with Zip Code) *	Telephone *
Jade McCauley	396 Bellevue Ave. #309 Oakland CA 94610	
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 30

Are you current on your rent? Yes ☒ No ☐

Rental History:

Date you entered into the Rental Agreement for this unit: 4/16/16

Date you moved into this unit: 4/16/16

Is your rent subsidized or controlled by any government agency, including HUD (section 8)?

Yes ☐ No ☒

Initial Rent: \$

Initial rent included (please check all that apply)

() Gas () Electricity ☒ Water ☒ Garbage () Parking () Storage () Cable TV () Other
(if other please specify)

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM at any time during your tenancy in this unit?

Yes ☒ No ☐

000090

Please list the date you first received the Notice to Tenants _____

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To		
2/8/17	4/1/17	\$ 2195	\$ 2245	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		\$	\$	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Contested Justification(s) for Rent

Please attach a brief statement explaining why the owner is not entitled to the proposed increase. The legal justifications are Banking, Capital Improvements, Increased Housing Service Costs, Debt Service, Uninsured Repair Costs, and Necessary to Meet Constitutional Fair Return requirements.

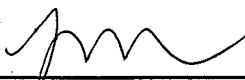
Banking
Capital Improvements
Increased Housing Service Costs

Debt Service
Uninsured Repair Costs
Constitutional Fair Return

For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. The property owner has the burden of proving the contested rent increase is justified.

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.



Tenant's Signature

7/30/18

Date

Tenant's Signature

Date

Important Information

This form must be received at the following address within the time limits prescribed by Oakland Municipal Code, Chapter 8.22. City of Oakland, Housing Residential Rent & Relocation Board, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. For more

000091

CITY OF OAKLAND
Department of Planning and Building
BUILDING SERVICES

250 Ogawa Plaza · 2nd Floor · Oakland, CA 94612
telephone (510) 238-3444 · facsimile (510) 238-7287 · www.oaklandnet.com

PERMIT INSPECTION RECORD

Commercial and Multiple-Unit Residential

California Building, Electrical, Plumbing, Mechanical, Energy, and Green Building Codes
Oakland Building, Planning, Sustainability, Fire, and Municipal Codes

Address: 396 BELLEVUE AVE, Oakland, CA 94610 **ST Suite:** **APN:** 010 078401900

Description: Replacement of 123 windows including 3 patio doors - like for like/no change to size for 30 unit apartment building.

Owner: Baltzell Richard & Houghton Reed R Tr **Issued:** 05/09/2016

Contractor: AMERICAN WINDOW SYSTEMS INC **Type:** Non-Residential Building - Alteration

Construction: **Sprinklers:** No

Spec Insp:

Permits: B1602099

Pre-paid Inspections: 12

General Notes

- 1a This Inspection Record Card and the Approved Plans and Approved Construction Management Plan must be readily available at the job site for all inspections. Protect all documents from the weather.
- 1b All construction must remain readily visible for inspection until the "OK TO COVER" box on this Inspection Record Card has been signed and dated by the City inspector.
- 1c Noise levels and Hours of Construction shall conform with the Zoning Conditions of Approval and Oakland Municipal Code regulations.
- 1d Follow all hazardous material testing, worker protection, remediation, and disposal regulations (lead-based paint, asbestos, etc.).
- 1e Toilet facilities must be provided on-site for construction workers.

Permit Expiration & Refunds

- 2a A permit may be extended (fee required) for a total of one year from the date of issuance only if no inspections have been performed.
- 2b Each permit will expire separately unless each of the Major Inspections (Foundation, First Floor, Frame, Final) is approved by the City Inspector every 6 months (or sooner). An expired permit cannot be reinstated if an inspection has been performed.
- 2c A Refund Request must be filed for all refunds. Up to 80% of inspection fees may be refunded if no inspections have been performed. No fees may be refunded more than 180 days after a permit has expired.

Site Maintenance

- 3a "Best Management Practices" must be used daily for dust control and to protect storm water drainage systems (C6).
- 3b Jobsite must be cleaned daily of trash and debris and maintained free of graffiti. Construction materials must be neatly stockpiled on-site. Vehicles and equipment must be parked on-site (see 5a below).

Inspections

- 4a To avoid being charged for an inspection, a cancellation must be called-in before 10:00 am on the morning of the scheduled inspection.
- 4b For Building (B), Electrical (E), Plumbing (P), Mechanical (M), Grading (GR), Solar (SE, SP), Zoning, and Infrastructure (PX, PZ) inspections, call (510) 238-3444 week days 8:00 am to 4:00 pm, Wednesdays 9:30 am to 4:00 pm well in advance. Each permit must be scheduled separately.
- 4c For Fire inspections, call (510) 238-3851. For Public Works inspections, call (510) 238-3651. For EBMUD sewer lateral certification inspections, call (510) XXX-XXXX.
- 4d When a permit is Greenpoint or LEED energy rated, third-party inspections by a pre-Certified Rater must be also be completed. City inspections are not a substitute for the Certified Rater's inspections and approvals.

Additional Permits

- 5a Separate permits (OB) are required to reserve curbside parking or to obstruct the sidewalk or street in any way (scaffolding, pedestrian canopy, construction fencing, material stock piles, debris dumpsters, traffic lane closure, etc.).
- 5b Separate Fire Prevention Bureau permits are required for fire sprinkler and fire alarm systems.
- 5c Separate permits (X, SL, CGS) are required for excavation and repair work in the Public Right-of-Way (sidewalk, curb, gutter, driveway approach, sewer lateral, water and gas piping, storm drain, etc.).

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1	FOUNDATION Major Inspection	2	FIRST FLOOR Major Inspection	3	FRAME Major Inspection	4	FINAL Major Inspection		SITE
ELECTRICAL		ELECTRICAL		ELECTRICAL		ELECTRICAL			PRE-CONSTRUCTION
E 10	CONSTRUCTION POWER	E 20	UNDERFLOOR	E 30	SUBPANEL/FEEDER	E 40	SMOKE & CO ALARMS	S 50A	PRE-CON MEETING
E 11	UPPER	E 21	CABLE PROTECTION	E 31	WALLS	E 41	EQUIPMENT/DEVICES	S 50B	OBSTRUCT/ENCROACH
E 12	UNDERGROUND/CONDUIT/CABLE	E 22	EXTERIOR WRNG	E 32	BOX MAKE-UP	E 42	UTILITY RELEASE/TRANSFORMER	S 50C	SURVEY/ELEVATION
E 13	SINGLE SERVICE			E 33	SUSPENDED CEILING	E 43	ENERGY/CALGREEN	S 50D	GRADING
E 14	SERVICE RACEWAY			E 38	FRAME O.K.	E 46	FINAL MECHANICAL	S 50E	CREEK PROTECTION
PLUMBING		PLUMBING		PLUMBING		PLUMBING			TREE PROTECTION
P 10	UNDERGROUND	P 20	UNDERFLOOR	P 30	DWV PPNG	P 40	ROOF DRAINS	S 50F	VEGETATION CLEARING
P 11	BACKWATER VALVE	P 21	DRAINS (FRE/CONDEN/MISC)	P 31	GAS PPNG	P 41	GASTEST	S 50H	DUST/EROSION CONTROL
P 12	INTERCEPTOR (SO)	P 22	FLOOR RECEPTORS	P 32	WATER PPNG/SERVICE	P 42	UTILITY RELEASE	S 50J	C&RANWATER RUNOFF
P 13	INTERCEPTOR (GREASE)			P 33	TUB/SHOWER PAN	P 43A	ENERGY CODE/CALGREEN	S 50K	EXCAVATION SHORING
				P 34	BACKFLOW DEVICES	P 44	CHLORINATION/SIREPORTS	S 50L	TRAFFIC CONTROL & PARKING
				P 38	FRAME O.K.	P 46	FINAL MECHANICAL	S 50M	BRIGHT/NOISE/TOILET
MECHANICAL		MECHANICAL		MECHANICAL		MECHANICAL			INFRASTRUCTURE
M 10	UNDERGROUND	M 20	UNDERFLOOR DUCTS	M 30	SUSPEND CEILING/VAV/COILS	M 40	REGISTERS/GRILLS	PZ 50	SEWER/BACKWATER
M 11	RADIANT/COILS	M 21	RADIANT/COILS	M 31	DAMPER (FRE/CEILING/SMOKE)	M 41	EQUIPMENT	PZ 51	STORM DRAIN
				M 32	MUAR/OUTDOOR AIR	M 42	ROOF ACCESS/GUARDS	PZ 52	DRAINAGE
				M 33	DUCT (TYPE HOOD)	M 43	ENERGY COMPL FORMS	PZ 53	HARDSCAPE
				M 34	DETECTORS (DUCT CO)	M 44	CALGREEN	PZ 54	FIRE ACCESS
				M 35	EXHAUST DUCTS	M 45	SIREPORTS (EQ,BALANCE)	PZ 55	C3 FACILITY
				M 38	FRAME O.K.	M 46	FINAL MECHANICAL	PZ 56	FINAL MECHANICAL
BUILDING		BUILDING		BUILDING		BUILDING			GRADING
B 10	SURVEY/STAKING	B 20	GARAGE PAD ELEVATION	B 30	ROOF FRAMING ANALOG	B 40	DECK/RETAIN WALL	GR 50	SUBGRADE
B 11	SETBACKS	B 21	FIRST FLOOR ELEVATION	B 31	ZONING ROUGH	B 41	ZONING CONDITIONS	GR 51	PAD
B 12		B 22		B 32		B 42		GR 52	
B 13	PERS	B 23	ACCESSIBILITY	B 33	FRERATED ASSEMBLY	B 43	SIGNAGE	GR 56	FINAL GRADING
B 14	FOOTING/GRADE BEAM			B 33A	SHAFT CONSTRUCTION	B 44	ACCESSIBILITY		RIGHT OF WAY
B 15	EMBEDMENTS			B 34	SHEAR WALL BRACING	B 45	ENERGY/HERS (FORMS REPORT)	PX 50	SIDEWALK/DRIVEWAY
				B 35	SUSPENDED CEILING	B 45A	GPR COMPLIANCE	PX 51	EDM UNILATERAL CERTIFICATION
B 16	SLAB FLOOR/VAPOR BARRIER	B 24	FLOOR FRAMING	B 35A	FLOOR & WALL FRAMING	B 46	SMOKE & CO ALARMS	PX 56	FINAL MECHANICAL
B 17	WPP PROTECTION & DRAINAGE	B 25	INSULATION	B 36	INSULATION	B 47	RECYCLING CDSR		FIRE MARSHALL
B 18	MASONRY WALLS			B 37	LATH/EXTERIOR COVERING			FM 50	FIRE SPRINKLER
				B 37A	WR MEM BRANE			FM 56	FINAL MECHANICAL
				B 37B	EGRESS/SAFETY GLAZING				PLANNING
				B 38	OK TO COVER	B 48	OK TO OCCUPY	ZC 58	ROUGH
				B 39	TUB/SHOWER WALL			ZC 59A	LANDSCAPE/HARDSCAPE
				B 39A	GYP SUM WALLBOARD			ZC 59B	SITE IMPROVEMENTS
				B 39B	FRESH AIR	B 48	OK TO OCCUPY	ZC 58	FINAL ZONING
1	FOUNDATION APPROV	2	FIRST FLOOR APPROV	3	FRAME APPROV	4	FINAL MECHANICAL	9	PROJECT FINAL

date sign		INSPECTOR NOTES ONLY	
BUILDING		8-17-16 FINAL OK, SNAKE/CO CERTIFICATE TURNED IN	
ELECTRICAL			

date	BUILDING
sign	

8-17-16 FINAL OK, SMOKE/CO CERTIFICATE

TORPED IN

date	ELECTRICAL
sign	



250 FRANK H. OGAWA PLAZA, OAKLAND, CA 94612

CITY OF OAKLAND

Housing and Community Development Department
Rent Adjustment Program

TEL (510) 238-3721
FAX (510) 238-6181
TDD (510) 238-3254

HEARING DECISION

CASE NUMBER: L18-0086 Kingston Avenue Partners v. Tenants

PROPERTY ADDRESS: 396 Bellevue Avenue, Oakland, CA

DATE OF HEARING: October 9, 2018

DATE OF DECISION: February 8, 2019

APPEARANCES:

Kimberly Roehn,	Owner Representative
Tanya Moynihan,	Owner Representative
Melinda Richardson,	Tenant
Frayda Garfinkle,	Tenant
Carmen Castro Rojas,	Tenant
David Simmons,	Tenant
Michele Kappel-Stone,	Tenant
John Rogers,	Tenant

SUMMARY OF DECISION

The owner's petition is granted.

CONTENTIONS OF THE PARTIES

On April 23, 2018, the owner filed a Property Owner Petition for an Approval of Rent Increase based on building-wide capital improvements to the subject property.

Numerous tenants filed timely responses contesting the rent increase and six (6) tenants appeared for the Hearing.

THE ISSUE

Are the rent increases justified by Capital Improvement costs and, if so, in what amounts?

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EVIDENCE

Rent History and RAP Notice

The subject property is a residential building consisting of thirty (30) units. At the hearing, the owner representative submitted a tenant roster listing the current monthly rent and the move-in date for each unit affected by the proposed rent increase.¹ She testified that tenants in eight (8) of the units moved in after some of the capital improvements had already been completed. Therefore, the pass-through portion of the proposed rent increase for those tenants would be modified based on their move-in date. She further testified that all tenants received the RAP Notice at the time of move in and with each annual rent increase.

Scope of Project

The owner representative testified that the owner purchased the subject property in November of 2015. In May of 2016, the owner completed a remodel of the common hallway. The hallway remodel included installation of a new baseboard, casing, and chair rail, new lighting, and fresh paint. The demolition and installation of the baseboard, casing, and chair rail cost \$10,400.00. The new lighting cost \$4,300.00 and the painting of the hallway cost \$15,000.00. The total cost of the hallway remodel was \$29,700.00 and it was completed and paid for on May 2, 2016. In addition, the owner replaced all the windows at a total cost of \$121,152.27. The window replacement was completed and paid for on June 24, 2016. Finally, in March of 2018, the owner painted the exterior of the building. The exterior paint cost \$46,500.00 and was completed and paid for on March 30, 2018.

Owner Exhibits

The owner submitted the following documents in support of her petition:

1. An estimate and invoices from Ethos Built, Inc., for the hallway remodel. The final invoice dated April 28, 2016, states that the total cost of the project was \$29,700.00.²
2. Copies of two (2) cancelled checks issued to Ethos Built, Inc. The first check, dated April 7, 2016, includes an initial \$7,000.00 payment for the hallway remodel. The second check, dated May 2, 2016, includes the remaining \$22,700.00 payment for the hallway remodel.³ Both checks also include payments to Ethos Built, Inc., for other work not being claimed in this petition.

¹ Exhibit 1

² Exhibit 2

³ Exhibit 3

3. A Proposal from American Window Systems Inc., dated March 16, 2016, for the installation of new windows. The proposal estimates that the total cost of the project is \$118,495.00.⁴
4. A contract with American Window Systems, Inc., dated May 8, 2016, for the installation of 123 windows and 3 patio doors. The contract states that the total cost of the project is \$118,495.00.⁵
5. Permit Number B1602099 issued on May 9, 2016, for the "replacement of 123 windows including 3 patio doors – like for like/no change to size for 30-unit apartment building."⁶
6. Three (3) invoices from American Window Systems Inc., for the installation of windows totaling \$121,152.27. The total includes \$118,495.00 for the window installation and \$2,657.27 in permit fees.⁷
7. Copies of (3) cancelled checks issued to American Window Systems, Inc., totaling \$121,152.27. The first check is dated May 9, 2016, and the last check is dated June 24, 2016.⁸
8. A Proposal from Rayco, dated March 13, 2018, for the exterior painting of the subject property. The proposal estimates that the total cost of the project is \$46,500.00.⁹
9. Four (4) invoices from Rayco for the exterior painting of the subject property totaling \$46,500.00.¹⁰
10. Copies of four (4) cancelled checks issued to Rayco, totaling \$46,500.00.¹¹ The first check is dated March 19, 2018, and the last check is dated March 30, 2018.
11. Photographs of the subject property.¹²
12. A Permit Inspection Record for the window installation.¹³ The Permit Inspection Record shows that Permit Number B1602099 was issued on May 9, 2016, and passed final inspection on August 17, 2016.¹⁴

⁴ Exhibit 4

⁵ Exhibit 5

⁶ Exhibit 6

⁷ Exhibit 7

⁸ Exhibit 8

⁹ Exhibit 9

¹⁰ Exhibit 10

¹¹ Exhibit 11

¹² Exhibit 12

¹³ Exhibit 13

Arguments

At the hearing, the tenants contested the proposed rent increase based on capital improvements. Specifically, the tenants argued that the use of two-tone paint and installation of the chair rail in the hallway were unnecessary and constitute gold plating. They also believe replacing the lights in the hallway was unnecessary, and the new lights don't fit with the period of the building. The tenants also believe that all the windows in the building did not need to be replaced. The previous owner had started replacing the windows in batches approximately fifteen years ago, and some of the windows had been replaced as recently as five years ago. Additionally, the tenants believe the pass-through for the window replacement should not be uniform, it should be calculated based on the square footage and number of windows in each unit. Finally, the tenants believe the painting of the exterior should be considered routine maintenance, not an improvement to the property. The tenants further stated that they do not like the new exterior paint color and believe it decreases the aesthetic of the building.

The owner representative disagreed, arguing that the upgrades to the property improve the value of the building and prolong its useful life. The improvements were typical upgrades, and were reasonably priced. Specifically, the interior paint and chair rail gives the common hallway an updated look and make the space look bright, and clean. The new light fixtures are more reliable, and they also make the common hallway brighter and safer. The exterior paint makes the building more attractive, rectifies age related decay caused by time and weather, and protects the exterior from the elements which reduces the need for and cost of future maintenance. In addition, she argued that the new double pane windows are more energy efficient, reduce external noise, are more secure, and the vinyl on the new windows protects against weather-related decay. Replacement of all the windows gives the building a uniform look and makes it more aesthetically pleasing. While the tenants may not agree with all the style choices made by the owner, that does not detract from the upgrades made to the property. Finally, she argued that the tenants have not sustained their burden of proving that any of the upgrades were excessive.

¹⁴ At the conclusion of the hearing, the record was left open until October 16, 2018, for submission of a Permit Inspection Record verifying that the window installation passed final inspection. The owner representative submitted the Permit Inspection Record on October 15, 2018. The tenants filed a written objection, arguing that none of them recall an inspector coming to their unit to inspect the windows, therefore, they believe the inspection never took place and the final inspection signoff is not valid. The objection is overruled. The applicable rules of evidence are stated in Government Code Section 11513(c) and a Permit Inspection Record is "the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs". Therefore, a notation in the Permit Inspection Record indicating that the project passed final inspection is sufficient to prove that a final inspection took place.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Capital Improvements

A rent increase in excess of the CPI Rent Adjustment may be justified by capital improvement costs.¹⁵ Capital improvement costs are those improvements which materially add to the value of the property and appreciably prolong its useful life or adapt it to new building codes. Normal routine maintenance and repair is not a capital improvement cost, but a housing service cost.¹⁶ The improvements must primarily benefit the tenant rather than the owner.¹⁷

In this case, the upgrades to the property improve the value of the building and prolong its useful life. The hallway remodel makes the interior of the building more attractive and secure. Similarly, the exterior paint makes the building more attractive, rectifies age related decay caused by time and weather, and protects the exterior from the elements. The new double pane windows are more energy efficient, reduce external noise, and replacement of all the windows gives the building a uniform look that is aesthetically pleasing. These improvements primarily benefit the tenants.

Seventy percent (70%) of the total cost for the capital improvement may be passed through to the tenants.¹⁸ The capital improvement costs are to be amortized over the useful life of the improvement as set out in the Amortization Schedule attached as Exhibit 1 to the Regulations and the total costs shall be amortized over that time period unless the rent increase using this amortization would exceed ten percent (10%) of the existing rent for a particular unit.¹⁹ The amortization period is 10 years for carpentry (baseboards/casing/chair rail), 5 years for interior painting, 10 years for interior lighting, 5 years for window replacement, and 5 years for exterior painting.²⁰ The dollar amount of the capital improvement rent increase shall be removed from the rent at the end of the amortization period.²¹

The payments to Ethos Built, Inc., in the amount of \$29,700.00 meet the requirements for a capital improvement increase. The payments to American Window Systems, Inc., in the amount of \$121,152.27 and to Rayco in the amount of \$46,500.00 also qualify as capital improvement costs. The total cost of the capital improvements is \$197,352.27. The attached Table sets forth the proper calculation for a rent increase based upon these capital improvement expenses.

ORDER

1. Owner Petition L18-0086 for Approval of Rent Increase is granted.

¹⁵ O.M.C. Section 8.22.070(C)

¹⁶ Regulations, Appendix, Section 10.2.2(5)

¹⁷ Regulations, Appendix A, §10.2

¹⁸ Regulations, Appendix A, Section 10.2.3 (3)(a)

¹⁹ Regulations, Appendix A, Section 10.2.3(2)

²⁰ Appendix A, Exhibit 1, page 12

²¹ Regulations Appendix, Section 10.2.3(2)

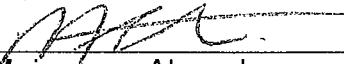
2. The maximum approved amount per month for an increase based on the capital improvements for each unit is \$83.53 for a 5-year amortization period, except for the following units (the rent increase for the following units has been modified based on move-in date):

Unit 108:	No rent increase;
Unit 109:	\$71.01 for a 5-year amortization period;
Unit 207:	\$19.93 for a 5-year amortization period;
Unit 210:	\$19.93 for a 5-year amortization period;
Unit 302:	\$19.93 for a 5-year amortization period;
Unit 303:	No rent increase;
Unit 304:	\$19.93 for a 5-year amortization period;
Unit 309	\$71.01 for a 5-year amortization period.

3. The rent increase will be effective thirty (30) days after the owner serves the rent increase notice, together with a RAP Notice, and the attached Decision Summary. If the rent increase is served by mail, it will be effective thirty-five (35) days after service. The owner must wait twelve (12) months from the effective date of the last rent increase before she may raise the rent again.

Right to Appeal: **This decision is the final decision of the Rent Adjustment Program Staff.** Either party may appeal this decision by filing a properly completed appeal using the form provided by the Rent Adjustment Program. The appeal must be received within twenty (20) days after service of the decision. The date of service is shown on the attached Proof of Service. If the Rent Adjustment Office is closed on the last day to file, the appeal may be filed on the next business day.

Dated: February 8, 2019



Maimoona Ahmad
Hearing Officer
Rent Adjustment Program



250 FRANK H. OGAWA PLAZA, OAKLAND, CA 94612

CITY OF OAKLAND

Housing and Community Development Department
Rent Adjustment Program

TEL (510) 238-3721
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DECISION SUMMARY

CASE NUMBER: L18-0086 Kingston Avenue Partners v. Tenants

PROPERTY ADDRESS: 396 Bellevue Avenue, Oakland, CA

DATE OF HEARING: October 9, 2018

DATE OF DECISION: February 8, 2019

APPEARANCES:

Kimberly Roehn,	Owner Representative
Tanya Moynihan,	Owner Representative
Melinda Richardson,	Tenant
Frayda Garfinkle,	Tenant
Carmen Castro Rojas,	Tenant
David Simmons,	Tenant
Michele Kappel-Stone,	Tenant
John Rogers,	Tenant

1. Owner Petition L18-0086 for Approval of Rent Increase is granted.
2. The maximum approved amount per month for an increase based on the capital improvements for each unit is \$83.53 for a 5-year amortization period, except for the following units (the rent increase for the following units has been modified based on move-in date):

Unit 108:	No rent increase;
Unit 109:	\$71.01 for a 5-year amortization period;
Unit 207:	\$19.93 for a 5-year amortization period;
Unit 210:	\$19.93 for a 5-year amortization period;
Unit 302:	\$19.93 for a 5-year amortization period;
Unit 303:	No rent increase;
Unit 304:	\$19.93 for a 5-year amortization period;
Unit 309	\$71.01 for a 5-year amortization period.

3. The rent increase will be effective thirty (30) days after the owner serves the rent increase notice, together with a RAP Notice, and this Decision Summary. If the

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rent increase is served by mail, it will be effective thirty-five (35) days after service. The owner must wait twelve (12) months from the effective date of the last rent increase before she may raise the rent again.

4. The rent increase for each unit will expire at the end of the amortization period.

Dated: February 8, 2019



Maimoona Ahmad
Hearing Officer
Rent Adjustment Program

IMPROVEMENTS BENEFITTING ALL UNITS BUILDING WIDE

Petition Date 4/23/18
Number of Residential Units 30

IMPROVEMENT OR REPAIR	DATE PERMIT OBTAINED (or date started if permit not required)	DATE COMPLETED	FULL COST	ALLOWABLE PASS THROUGH (70%)	ALLOWABLE PASS THROUGH PER UNIT	Imputed Interest	Amortization Period (years)	Allowable Monthly Amortized Cost for Building (70%)	Allowable Amortized Cost per Unit	Date Validation (2 years ago max)
Halfway Remodel - Baseboards/Casing/Chairrail	4/7/2016	05/02/16	\$10,400.00	\$7,280.00	\$242.67	3.226%	10	\$71.06	\$2.37	OK
Halfway Remodel - Lighting	4/7/2016	05/02/16	\$4,300.00	\$3,010.00	\$100.33	3.226%	10	\$29.38	\$0.98	OK
Halfway Remodel - Paint	4/7/2016	05/02/16	\$15,000.00	\$10,500.00	\$350.00	3.226%	5	\$189.73	\$6.32	OK
Windows	5/8/2016	06/24/16	\$121,152.27	\$84,806.59	\$2,826.89	3.226%	5	\$1,532.40	\$51.08	OK
Exterior Paint	3/18/2018	03/30/18	\$46,500.00	\$32,550.00	\$1,085.00	3.903%	5	\$598.03	\$19.93	OK
Subtotal (with weighted averages) Place X in cell B19 if property is mixed use.				\$138,146.59	\$4,604.89	3.385%	5	\$2,506.02	\$83.53	
Residential square footage										
Other use square footage										
Percent residential use										
Total Cost Per Unit Allocated to Residential Units					\$4,604.89	3.385%	5		\$83.53	

PROOF OF SERVICE

Case Number L18-0086

I am a resident of the State of California at least eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California 94612.

Today, I served the attached documents listed below by placing a true copy in a City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California, addressed to:

Documents Included

Hearing Decision

Owner

Kristopher Lamont, Kingston Avenue Partners, LLC/ Bay Apartment Advisors
201 19th Street Suite 200
Oakland, CA 94612

Owner Representative

Kimberly Jeger Roehn
1954 Mountain Blvd. #13125
Oakland, CA 94611

Tenant

Alexandra M Cottong
396 Bellevue Avenue 210
Oakland, CA 94610

Tenant

Angelique Tremble
396 Bellevue Avenue 209
Oakland, CA 94610

Tenant

Bryan S Mason
396 Bellevue Avenue 207
Oakland, CA 94610

Tenant

Carlos Romero
396 Bellevue Avenue 205
Oakland, CA 94610

000105

Tenant

Carmen Castro-Rojas
396 Bellevue Avenue 107
Oakland, CA 94610

Tenant

Chloe Poulter
396 Bellevue Avenue 103
Oakland, CA 94610

Tenant

David Simmons
396 Bellevue Avenue 306
Oakland, CA 94610

Tenant

Eric Goodman
396 Bellevue Avenue 104
Oakland, CA 94610

Tenant

Frayda Garfinkle
396 Bellevue Avenue 206
Oakland, CA 94610

Tenant

Ginger Pames
396 Bellevue Avenue 106
Oakland, CA 94610

Tenant

Giselle Hendrie
396 Bellevue Avenue 101
Oakland, CA 94610

Tenant

Grace Houghton
396 Bellevue Avenue 303
Oakland, CA 94610

Tenant

Harold Soloman
396 Bellevue Avenue 106
Oakland, CA 94610

Tenant

Harrison Berlin
396 Bellevue Avenue 109
Oakland, CA 94610

Tenant

Henry Ormond
396 Bellevue Avenue 310
Oakland, CA 94610

Tenant

Howard Waters
396 Bellevue Avenue 201
Oakland, CA 94610

Tenant

Jade L McCauley
396 Bellevue Avenue 309
Oakland, CA 94610

Tenant

Jenny McKeel
396 Bellevue Avenue 208
Oakland, CA 94610

Tenant

John Rogers
396 Bellevue Avenue 307
Oakland, CA 94610

Tenant

Juan Diego-Castro
396 Bellevue Avenue 202
Oakland, CA 94610

Tenant

Juanita Mena
396 Bellevue Avenue 202
Oakland, CA 94610

Tenant

Julie Goldstein
396 Bellevue Avenue 104
Oakland, CA 94610

Tenant

Ken Solomon
396 Bellevue Avenue 106
Oakland, CA 94610

Tenant

Krisanne Combs
396 Bellevue Avenue 203
Oakland, CA 94610

Tenant

Lauren E Kroner
396 Bellevue Avenue 207
Oakland, CA 94610

Tenant

Leslie Calhoun
396 Bellevue Avenue 105
Oakland, CA 94610

Tenant

Lindsay S Biggar
396 Bellevue Avenue 210
Oakland, CA 94610

Tenant

Matt Stone
396 Bellevue Avenue 301
Oakland, CA 94610

Tenant

Melinda Richardson
396 Bellevue Avenue 110
Oakland, CA 94610

Tenant

Michael Moynihan
396 Bellevue Avenue 204
Oakland, CA 94610

Tenant

Michele Kappel-Stone
396 Bellevue Avenue 301
Oakland, CA 94610

Tenant

Morgan Andrizzi
396 Bellevue Avenue 303
Oakland, CA 94610

Tenant

Peter Christopher
396 Bellevue Avenue 102
Oakland, CA 94610

Tenant

Robert Suhr
396 Bellevue Avenue 305
Oakland, CA 94610

Tenant

Sara Breckenridge
396 Bellevue Avenue 108
Oakland, CA 94610

Tenant

Scott C Houlihan
396 Bellevue Avenue 302
Oakland, CA 94610

Tenant

Susan Reynolds
396 Bellevue Avenue 308
Oakland, CA 94610

Tenant

Tanya Moynihan
396 Bellevue Avenue 204
Oakland, CA 94610

Tenant

Vera Chrebtow
396 Bellevue Avenue 304
Oakland, CA 94610

Tenant

Wendy Simard
396 Bellevue Avenue 205
Oakland, CA 94610

Tenant

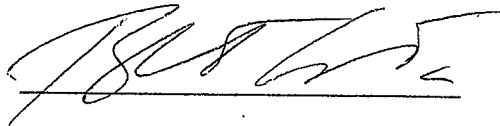
Zach B Biskup
396 Bellevue Avenue 309
Oakland, CA 94610

Tenant

Zoe Randlett-Chrebtow
396 Bellevue Avenue 304
Oakland, CA 94610

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

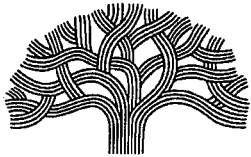
I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **February 14, 2019** in Oakland, CA.

A handwritten signature in black ink, appearing to read 'Roberto Costa', written over a horizontal line.

Roberto Costa

Oakland Rent Adjustment Program

RC/MA

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	For date stamp. 2019 MAR -4 PM 3:21
	<u>APPEAL</u>	

Appellant's Name ZACH BISTOP		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant	
Property Address (Include Unit Number) 396 BELLEVUE AVE #309 OAKLAND, CA 94610			
Appellant's Mailing Address (For receipt of notices)		Case Number 618-0086	
		Date of Decision appealed 2/8/19	
Name of Representative (if any)		Representative's Mailing Address (For notices)	

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

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 - e) ☒ The decision is not supported by substantial evidence. *(In your explanation, you must explain why the decision is not supported by substantial evidence found in the case record.)*

For more information phone (510) 238-3721.

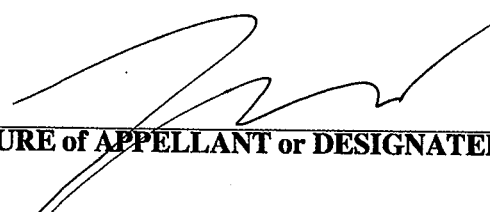
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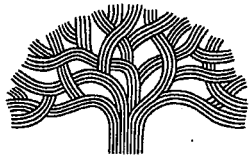
I declare under penalty of perjury under the laws of the State of California that on _____, 20____, I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

Name	Kristopher Lamont
Address	201 19th St Ste 200
City, State Zip	Oakland CA 94612
Name	Kimberly Jeger Roehn
Address	1954 Mountain Blvd #13125
City, State Zip	Oakland CA 94611

	3/3/19
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

For more information phone (510) 238-3721.

RC/MA

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	RECEIVED CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 2019 MAR -4 PM 3:21 For date stamp.
	<u>APPEAL</u>	

Appellant's Name Jade McCawley		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant
Property Address (Include Unit Number) 396 Bellevue Ave. #309 Oakland, CA 94610		
Appellant's Mailing Address (For receipt of notices) 396 Bellevue Ave. #309 Oakland, CA 94610		Case Number L18-0086 Date of Decision appealed 2/8/19
Name of Representative (if any)		Representative's Mailing Address (For notices)

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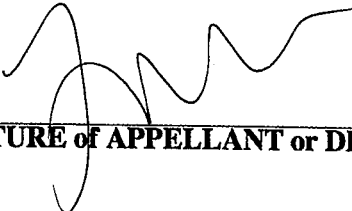
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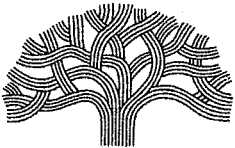
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City, State Zip	Oakland CA 94612
Name	Kimberly Jeger Roehn
Address	1954 Mountain Blvd # 13125
City, State Zip	Oakland CA 94611

	3/3/19
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

For more information phone (510) 238-3721.

RENT ADJUSTMENT PROGRAM

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	2018 MAR 4 PM 3:21 For date stamp.
	<u>APPEAL</u>	

Appellant's Name Susan Reynolds		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant
Property Address (Include Unit Number) 396 Bellevue Av. # 308		
Appellant's Mailing Address (For receipt of notices) 396 Bellevue Av #308 Oakland, CA 94610		Case Number L18-0086
		Date of Decision appealed
Name of Representative (if any)		Representative's Mailing Address (For notices)

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

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- e) ☒ The decision is not supported by substantial evidence. (In your explanation, you must explain why the decision is not supported by substantial evidence found in the case record.)

No inspection done in my unit
For more information phone (510) 238-3721.

- f) ☐ I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
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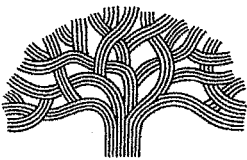
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Address	201 19th St Ste 200
City, State Zip	Oakland CA 94612
Name	Kimberly Jeger Roehn
Address	1954 Mountain Blvd #13125
City, State Zip	Oakland CA 94611

Susan Reynolds	3-2-19
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

For more information phone (510) 238-3721.

RC/MA

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	For date stamp. 2018 MAR -4 PM 3:20
		<u>APPEAL</u>

Appellant's Name JOHN ROGERS		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant	
Property Address (Include Unit Number) 396 Bellevue #307 Oakland, CA 94610			
Appellant's Mailing Address (For receipt of notices) 396 Bellevue Ave #307 Oakland, CA 94610		Case Number L18-0086	Date of Decision appealed 01/08/19
Name of Representative (if any)		Representative's Mailing Address (For notices)	

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Name	Kimberly Jeger Roehr
Address	1954 Mountain Blvd #13125
City, State Zip	Oakland CA 94611

John Rogers	03/01/19
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

For more information phone (510) 238-3721.

03/01/19

The documents submitted to claim the final window inspection of my unit are incorrect. I was never notified of an inspection for the windows nor did I receive one.

John Rogers

RC/MA

	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	For date stamp 2019 MAR -4 PM 3:20
	<u>APPEAL</u>	

Appellant's Name		<input type="checkbox"/> Owner <input type="checkbox"/> Tenant	
DAVID P. SIMMONS			
Property Address (Include Unit Number)			
396 Bellevue Ave, Apt 306, OAKLAND, CA 94610-3455			
Appellant's Mailing Address (For receipt of notices)		Case Number	
SAME AS ABOVE		L18-0086	
		Date of Decision appealed	
		FEBRUARY 8, 2019	
Name of Representative (if any)		Representative's Mailing Address (For notices)	

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I declare under penalty of perjury under the laws of the State of California that on 03/04, 2019, I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

Name	KRISTOPHER LAMONT
Address	201 19TH ST SUITE 200
City, State Zip	OAKLAND, CA, 94612
Name	KIMBERLY JEGER ROBIN
Address	1954 MOUNTAIN BLVD. # 13125
City, State Zip	OAKLAND CA, 94611

	<u>03/04/2019</u>
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

For more information phone (510) 238-3721.

1) I did not receive a transcript of the hearing
(case # L18-0086 dated 10/09/2018)
This will help identify any miscommunications
and mis understandings

2) Hearing Decision - Evidence
(Please see exhibit 1)

There is an error in the total amount of
capital improvements calculated,
listed under evidence as \$197,352.27
This amount includes \$10,400.00 for
carpet.

Nothing was done with the carpet
Because of this \$10,400.00 must be
subtracted from the total amount of
the capital improvements costs

\$	197,352.27	original total
-	10,400.00	
\$	186,952.27	corrected total

\$186,952.27 is the correct total

3) Findings - Windows

I am quoting from page 5 of the hearing decision under "Finding of Facts and Conclusions of Law"

"The new double pane windows are more energy efficient, reduce external noise, and replacement of all the windows gives the building a uniform look that is aesthetically pleasing.
These improvements primarily benefit the tenants"

The windows are not an improvement.

I already had double pane windows with rollers for easy opening and closing.

There was also more space between the glass panes providing greater insulation against noise and weather.

As the windows I had prior to the new windows were better, this is not an improvement and the allowable amortized cost of \$51.08 on my unit should be disallowed.

(Please see EXHIBIT 2)

No window inspection was done on the windows

4) Please provide a more detailed explanation
of how the capital improvement rent
increase is calculated
(PLEASE see EXHIBIT 3)

In Summary

- 1) I did not receive a written transcript of the hearing (L18-0086 dated 10/09/2018)
- 2) There is an error in the amount of \$10400.00 in the computation of capital improvement costs, based on the information supplied by the owners
- 3) The windows I currently have in my apartment are inferior to the ones I had before. This is not an improvement.
- 4) In the capital improvements increase calculation ($\$2.37 + \51.08) \$53.45 should be deducted from any increase due to me because of capital improvements
- 5) Please provide an explanation of the computations used for the CPI increase

EXHIBIT 1 - PROPERTY OWNER PETITION FOR APPROVAL OF RENT INCREASE

Capital Improvements: Capital improvements increases may be taken to reimburse the property owner for property improvements. Reimbursement is limited to 70% of the cost of the improvement spread out over an amortization period as set forth in the Amortization Schedule below. The property owner must show the costs incurred were to improve the property and benefit the tenants. Property owners must also show that these costs were paid. Examples include: copies of receipts, invoices, bid contracts or other documentation.

- If your petition contains capital improvements for which permits are first issued on or after February 1, 2017, capital improvements will be amortized according to an amortization schedule (attached at the end of this form).
- If the petition includes only work where permits were issued before February 1, 2017, improvements will be amortized over five years unless the increase causes a rent increase over 10 percent in one year or 30 percent in five years, in which case the amortization period will be extended until the rent increase is smaller than 10 percent in one year or 30 percent in five years.

Building-Wide Capital Improvements CATEGORY (attach separate sheet if needed)	TOTAL COSTS	DATE COMPLETED	DATE PAID FOR
* Common hallway remodel - Floors (carpet)	\$10,400.00	4/28/16	4/7/16; 5/2/16
Common hallway remodel - Lighting	\$4,300.00	4/28/16	4/7/16; 5/2/16
Common hallway remodel - Paint/walls	\$15,000.00	4/28/16	4/7/16; 5/2/16
Windows (all)	\$121,152.27	5/9/16	5/9/16; 6/13/16; 5/9/16
Exterior paint	\$46,500.00	3/30/18	3/19; 3/23; 3/27; 3/30/18
SUBTOTAL:	\$197,352.27		

Unit-Specific Capital Improvements CATEGORY (attach separate sheet if needed)	TOTAL COSTS	DATE COMPLETED	DATE PAID FOR	AFFECTED UNITS
SUBTOTAL:				

* NO CHANGES WERE MADE TO THE CARPET
• SHOULD BE \$186,952.27

FINDINGS OF FACT AND CONCLUSIONS OF LAWCapital Improvements

A rent increase in excess of the CPI Rent Adjustment may be justified by capital improvement costs.¹⁵ Capital improvement costs are those improvements which materially add to the value of the property and appreciably prolong its useful life or adapt it to new building codes. Normal routine maintenance and repair is not a capital improvement cost, but a housing service cost.¹⁶ The improvements must primarily benefit the tenant rather than the owner.¹⁷

In this case, the upgrades to the property improve the value of the building and prolong its useful life. The hallway remodel makes the interior of the building more attractive and secure. Similarly, the exterior paint makes the building more attractive, rectifies age related decay caused by time and weather, and protects the exterior from the elements. The new double pane windows are more energy efficient, reduce external noise, and replacement of all the windows gives the building a uniform look that is aesthetically pleasing. These improvements primarily benefit the tenants.

Seventy percent (70%) of the total cost for the capital improvement may be passed through to the tenants.¹⁸ The capital improvement costs are to be amortized over the useful life of the improvement as set out in the Amortization Schedule attached as Exhibit 1 to the Regulations and the total costs shall be amortized over that time period unless the rent increase using this amortization would exceed ten percent (10%) of the existing rent for a particular unit.¹⁹ The amortization period is 10 years for carpentry (baseboards/casing/chair rail), 5 years for interior painting, 10 years for interior lighting, 5 years for window replacement, and 5 years for exterior painting.²⁰ The dollar amount of the capital improvement rent increase shall be removed from the rent at the end of the amortization period.²¹

The payments to Ethos Built, Inc., in the amount of \$29,700.00 meet the requirements for a capital improvement increase. The payments to American Window Systems, Inc., in the amount of \$121,152.27 and to Rayco in the amount of \$46,500.00 also qualify as capital improvement costs. The total cost of the capital improvements is \$197,352.27. The attached Table sets forth the proper calculation for a rent increase based upon these capital improvement expenses.

ORDER

1. Owner Petition L18-0086 for Approval of Rent Increase is granted.

¹⁵ O.M.C. Section 8.22.070(C)

¹⁶ Regulations, Appendix, Section 10.2.2(5)

¹⁷ Regulations, Appendix A, §10.2

¹⁸ Regulations, Appendix A, Section 10.2.3 (3)(a)

¹⁹ Regulations, Appendix A, Section 10.2.3(2)

²⁰ Appendix A, Exhibit 1, page 12

²¹ Regulations Appendix, Section 10.2.3(2)

* INCORRECT PRIOR WINDOWS WERE BETTER

1	FOUNDATION Major Inspection	2	FIRST FLOOR Major Inspection	3	FRAME Major Inspection	4	FINAL Major Inspection	5	SITE
	ELECTRICAL		ELECTRICAL		ELECTRICAL		ELECTRICAL		PRE-CONSTRUCTION
E 10	CONSTRUCTION POWER	E 20	UNDERFLOOR	E 30	SUBPANEL/FEEDER	E 40	SMOKE & CO ALARMS	S 50A	PRE-CON MEETING
E 11	UPPER	E 21	CABLE PROTECTION	E 31	WALLS	E 41	EQUIPMENT/DEVICES	S 50B	OBSTRUCT/ENCROACH
E 12	UNDERGROUND/CONDUIT/CABLE	E 22	EXTERIOR WRNG	E 32	BOX MAKE-UP	E 42	UTILITY RELEASE/TRANSFORMER	S 50C	SURVEY/ELEVATION
E 13	SINGLE SERVICE			E 33	SUSPENDED CEILING	E 43	ENERGY/CAL GREEN	S 50D	GRADING
E 14	SERVICE RACEWAY			E 38	FRAME O.K.	E 48	FINAL ELECTRICAL	S 50E	CREEK PROTECTION
	PLUMBING		PLUMBING		PLUMBING		PLUMBING		INFRASTRUCTURE
P 10	UNDERGROUND	P 20	UNDERFLOOR	P 30	DWV PPNG	P 40	ROOF DRAINS	S 50F	TREE PROTECTION
P 11	BACKWATER VALVE	P 21	DRAINS (PRE/CONDEN/MISC)	P 31	GAS PPNG	P 41	GASTEST	S 50G	VEGETATION CLEARING
P 12	INTERCEPTOR (SO)	P 22	FLOOR RECEPTORS	P 32	WATER PPNG/SERVICE	P 42	UTILITY RELEASE	S 50H	DUST/EROSION CONTROL
P 13	INTERCEPTOR (GREASE)			P 33	TUB/SHOWER PAN	P 43A	ENERGY CODE/CAL GREEN	S 50J	CS & RAN WATER RUNOFF
				P 34	BACKFLOW DEVICES	P 44	CHLORINATION/SIREPORTS	S 50K	EXCAVATION SHORING
				P 35	FRAME O.K.	P 48	FINAL PLUMBING	S 50L	TRAFFIC CONTROL & PARKING
								S 50M	BLIGHT/NOSE/TOILET
	MECHANICAL		MECHANICAL		MECHANICAL		MECHANICAL		INFRASTRUCTURE
M 30	UNDERGROUND	M 20	UNDERFLOOR DUCTS	M 30	SUSPEND CEILING/VAW/COLS	M 40	REGISTERS/GRILLS	PZ 50	SEWER/BACKWATER
M 31	RADIANT/COLS	M 21	RADIANT/COLS	M 31	DAMPERS (PRE/CEILING/SMOKE)	M 41	EQUIPMENT	PZ 51	STORM DRAIN
				M 32	MUAR/OUTDOOR AB	M 42	ROOF ACCESS/GUARDS	PZ 52	DRAINAGE
				M 33	DUCT (TYPE HOOD)	M 43	ENERGY COMPLY FORMS	PZ 53	HARDSCAPE
				M 34	DETECTORS (DUCT/CO)	M 44	CAL GREEN	PZ 54	FREE ACCESS
				M 35	EXHAUST DUCTS	M 45	SIREPORTS (EQ.BALANCE)	PZ 55	CS FACILITY
				M 38	FRAME O.K.	M 48	FINAL MECHANICAL	PZ 56	FINAL INFRASTRUCTURE
	BUILDING		BUILDING		BUILDING		BUILDING		GRADING
B 10	SURVEY/STAKING	B 20	GARAGE PAD ELEVATION	B 30	ROOF FRAMING & ANALOG	B 40	DECK/RETAIN WALL	GR 50	SUBGRADE
B 11	SETBACKS	B 21	FIRST FLOOR ELEVATION	B 31	ZONING ROUGH	B 41	ZONING CONDITIONS	GR 51	PAD
B 12		B 22		B 32	CEILING	B 42		GR 52	CONCRETE
B 13	PERS	B 23	ACCESSIBILITY	B 33	PRERATED ASSEMBLY	B 43	SIGNAGE	GR 56	FINAL GRADING
B 14	FOOTING/GRADE BEAM			B 33A	SHAFT CONSTRUCTION	B 44	ACCESSIBILITY		RIGHT OF WAY
B 15	EMBLEMENTS			B 34	SHEAR WALL BRACING	B 45	ENERGY/HERS (FORMS REPORT)	PX 60	SIDEWALK/DRIVEWAY
				B 35	SUSPENDED CEILING	B 45A	GPR COMPLIANCE	PX 51	ESM UNILATERAL CERTIFICATION
B 16	SLAB FLOOR/VAPOR BARRIER	B 24	FLOOR FRAMING	B 35A	FLOOR & WALL FRAMING	B 46	SMOKE & CO ALARMS	PX 58	FINAL ROW
B 17	WP PROTECTION & DRAINAGE	B 25	INSULATION	B 36	INSULATION	B 47	RECYCLING CDSR		FIRE MARSHALL
B 18	MASONRY WALLS			B 37	LATH/EXTERIOR COVERING			FM 50	FIRE SPRINKLER
				B 37A	WR MEMBRANE			FM 56	FINAL FIRE (SMD 238/355)
				B 37B	EGRESS/SAFETY GLAZING				PLANNING
				B 38	O.K. TO COVER	B 48	O.K. TO OCCUPY	ZC 58	ROUGH
				B 39	TUB/SHOWER WALL			ZC 59A	LANDSCAPE/HARDSCAPE
				B 39A	GYPSUM WALLBOARD			ZC 59B	SITE IMPROVEMENTS
				B 39B	FRESAFING	B 48	FINAL GRAFIS	ZC 58	FINAL
1	FOUNDATION APPROV	2	FIRST FLOOR APPROV	3	FRAME APPROV	4	FINAL GRAFIS	9	PROJECT FINAL

INSPECTOR NOTES ONLY

date
sign BUILDING

8-17-16 FINAL OK, SMOKE/CO CERTIFICATE

TURNED IN

date
sign ELECTRICAL

1	FOUNDATION Major Inspection	2	FIRST FLOOR Major Inspection	3	FRAME Major Inspection	4	FINAL Major Inspection	5	SITE
	ELECTRICAL		ELECTRICAL		ELECTRICAL		ELECTRICAL		PRE-CONSTRUCTION
E 10	CONSTRUCTION POWER	E 20	UNDERFLOOR	E 30	SUBPANEL/FEEDER	E 40	SMOKE & CO ALARMS	S 50A	PRE-CON MEETING
E 11	UFER	E 21	CABLE PROTECTION	E 31	WALLS	E 41	EQUIPMENT/DEVICES	S 50B	OBSTRUCT/ENCROACH
E 12	UNDERGROUND/ CONDUIT/CABLE	E 22	EXTERIOR WRNG	E 32	BOX MAKE-UP	E 42	UTILITY RELEASE/ TRANSFORMER	S 50C	SURVEY/ ELEVATION
E 13	SINGLE SERVICE			E 33	SUSPENDED CEILING	E 43	ENERGY/ CAL GREEN	S 50D	GRADING
E 14	SERVICE RACEWAY			E 38	FRAME O.K.	E 48	FINAL ELECTRICAL	S 50E	CREEK PROTECTION
	PLUMBING		PLUMBING		PLUMBING		PLUMBING		TREE PROTECTION
P 10	UNDERGROUND	P 20	UNDERFLOOR	P 30	DWV PPNG	P 40	ROOF DRAINS	S 50F	VEGETATION CLEARING
P 11	BACKWATER VALVE	P 21	DRAINS (PRE/ CONDENSED)	P 31	GAS PPNG	P 41	GAS TEST	S 50H	DUST/ EROSION CONTROL
P 12	INTERCEPTOR (SO)	P 22	FLOOR RECEPTORS	P 32	WATER PPNG/ SERVICE	P 42	UTILITY RELEASE	S 50J	C&RAN WATER RUNOFF
P 13	INTERCEPTOR (GREASE)			P 33	TUB/ SHOWER PAN	P 43A	ENERGY CODE/ CAL GREEN	S 50K	EXCAVATION SHORING
				P 34	BACKFLOW DEVICES	P 44	CHLORINATION/ SIREPORTS	S 50L	TRAFFIC CONTROL & PARKING
				P 38	FRAME O.K.	P 48	FINAL PLUMBING	S 50M	BLIGHT/NOSE/ TOILET
	MECHANICAL		MECHANICAL		MECHANICAL		MECHANICAL		INFRASTRUCTURE
M 10	UNDERGROUND	M 20	UNDERFLOOR DUCTS	M 30	SUSPEND CEILING/ VAN/ COILS	M 40	REGISTERS/ GRILLS	PZ 50	SEWER/ BACKWATER
M 11	RADIANT/ COILS	M 21	RADIANT/ COILS	M 31	DAMPERS (PRE/ CEILING/ SMOKE)	M 41	EQUIPMENT	PZ 51	STORM DRAIN
				M 32	MUAR/ OUTDOOR AB	M 42	ROOF ACCESS/ GUARDS	PZ 52	DRAINAGE
				M 33	DUCT (TYPE HOOD)	M 43	ENERGY COMPLY FORMS	PZ 53	HARDSCAPE
				M 34	DETECTORS (DUCT CO)	M 44	CAL GREEN	PZ 54	FREE ACCESS
				M 35	EXHAUST DUCTS	M 45	SIREPORTS (EQ. BALANCE)	PZ 55	C3 FACILITY
				M 38	FRAME O.K.	M 48	FINAL MECHANICAL	PZ 56	FINAL MECHANICAL
	BUILDING		BUILDING		BUILDING		BUILDING		GRADING
B 10	SURVEY/ STAKING	B 20	GARAGE PAD ELEVATION	B 30	ROOF FRAMING & NAILING	B 40	DECK/ RETAIN WALL	GR 50	SUBGRADE
B 11	SETBACKS	B 21	FIRST FLOOR ELEVATION	B 31	ZONING ROUGH	B 41	ZONING CONDITIONS	GR 51	PAD
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B 15	EMBODIMENTS			B 34	BREAR WALL BRACING	B 45	GPR COMPLIANCE	PX 51	EBM UNILATERAL CERTIFICATION
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B 17	WP PROTECTION & DRAINAGE	B 25	INSULATION	B 36	INSULATION	B 47	RECYCLING CDSR	FM 50	FIRE SPRINKLER
B 18	MASONRY WALLS			B 37	LATH/ EXTERIOR COVERING			FM 56	FINAL FIRE MARSHALL
				B 37A	WPMEMBRANE				PLANNING
				B 37B	EGRESS/ SAFETY GLAZING				ROUGH
				B 38	O.K. TO COVER	B 48	O.K. TO OCCUPY	ZC 58	LANDSCAPE/ HARDSCAPE
				B 39	TUB/ SHOWER WALL			ZC 59A	SOE IMPROVEMENTS
				B 39A	GYP SUM WALLBOARD			ZC 59B	FINAL GRADING
				B 39B	FRESAFNG	B 48	FINAL GRAFITS	ZC 59	PROJECT FINAL
1	FOUNDATION APPROV	2	FIRST FLOOR APPROV	3	FRAME APPROV	4	FINAL GRAFITS	9	PROJECT FINAL

INSPECTOR NOTES ONLY

date
sign BUILDING

8-17-16 FINAL OK, SMOKE/CO CERTIFICATE

TURNED IN

date
sign ELECTRICAL

RC/MA

CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM

2019 MAR -4 PM 3:20

	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	For date stamp. <div style="text-align: right;"><u>APPEAL</u></div>

Appellant's Name ROBERT SUHR		<input type="checkbox"/> Owner <input type="checkbox"/> Tenant	
Property Address (Include Unit Number) 396 BELLEVUE AV APT 305 OAKLAND, CA 94610			
Appellant's Mailing Address (For receipt of notices) SAME AS ABOVE		Case Number	
		Date of Decision appealed	
Name of Representative (if any)		Representative's Mailing Address (For notices)	

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

- 1) There are math/clerical errors that require the Hearing Decision to be updated. *(Please clearly explain the math/clerical errors.)*
- 2) Appealing the decision for one of the grounds below (required):
 - a) ☐ The decision is inconsistent with OMC Chapter 8.22, Rent Board Regulations or prior decisions of the Board. *(In your explanation, you must identify the Ordinance section, regulation or prior Board decision(s) and describe how the description is inconsistent.)*
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 - d) ☐ The decision violates federal, state or local law. *(In your explanation, you must provide a detailed statement as to what law is violated.)*
 - e) ☒ The decision is not supported by substantial evidence. *(In your explanation, you must explain why the decision is not supported by substantial evidence found in the case record.)*

For more information phone (510) 238-3721.

- f) ☐ I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
- g) ☐ The decision denies the Owner a fair return on my investment. (You may appeal on this ground only when your underlying petition was based on a fair return claim. You must specifically state why you have been denied a fair return and attach the calculations supporting your claim.)
- h) ☐ Other. (In your explanation, you must attach a detailed explanation of your grounds for appeal.)

Submissions to the Board must *not* exceed 25 pages from each party, and they must be received by the Rent Adjustment Program with a proof of service on opposing party within 15 days of filing the appeal. Only the first 25 pages of submissions from each party will be considered by the Board, subject to Regulations 8.22.010(A)(5). Please number attached pages consecutively. Number of pages attached: _____.

• You must serve a copy of your appeal on the opposing parties or your appeal may be dismissed. •

I declare under penalty of perjury under the laws of the State of California that on _____, 20____, I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

Name	Kristopher Lamont
Address	201 19th St Ste 200
City, State Zip	Oakland CA 94612
Name	Kimberly Jeger Roehn
Address	1954 Mountain Blvd #13125
City, State Zip	Oakland CA 94611

Robert Chub	2/28/19
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

For more information phone (510) 238-3721.

Robert C. Suhr
396 Bellevue Ave Apt 305
Oakland, CA 94610

Response to Hearing Decision on case L18-0086 Kingston Avenue
Partners v. Tenants

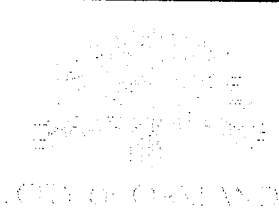
There was no inspection done after the new window was installed
A month or two after the installation I noticed a crack in the window.
I notified Tanya and she came and looked at it but did nothing.
I believe the window would still have been be under warranty.

At least a year later Tanya came again and took photographs of it.
As I recall handymen came several times in the following months to look
and said they could do nothing

Finally a month or so later professionals came in and replaced it.

I lived in the apartment for a year and a half with a potentially
dangerous cracked window

RC/MA

 CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	For date stamp 2019 MAR -4 PM 3:20
	<u>APPEAL</u>

Appellant's Name Matt Stone		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant
Property Address (Include Unit Number) 396 Bellevue Avenue 301		
Appellant's Mailing Address (For receipt of notices) 396 Bellevue Avenue, #301, Oakland, CA 94610		Case Number L18-0086 Kingston Ave. Partners v Tenants Date of Decision appealed February 8, 2019
Name of Representative (if any)	Representative's Mailing Address (For notices)	

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

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 - e) ☒ The decision is not supported by substantial evidence. *(In your explanation, you must explain why the decision is not supported by substantial evidence found in the case record.)*

For more information phone (510) 238-3721.

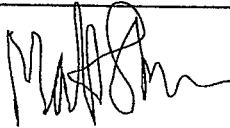
- f) ☐ I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
- g) ☐ The decision denies the Owner a fair return on my investment. (You may appeal on this ground only when your underlying petition was based on a fair return claim. You must specifically state why you have been denied a fair return and attach the calculations supporting your claim.)
- h) ☐ Other. (In your explanation, you must attach a detailed explanation of your grounds for appeal.)

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Name	Kristopher Lamont
Address	201 19th St Ste 200
City, State Zip	Oakland CA 94612
Name	Kimberly Jeger Roeha
Address	1954 Mountain Blvd # 13125
City, State Zip	Oakland CA 94611

	3/2/2019
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

For more information phone (510) 238-3721.

IMPORTANT INFORMATION:


This appeal must be received by the Rent Adjustment Program, 250 Frank Ogawa Plaza, Suite 5313, Oakland, California 94612, not later than 5:00 P.M. on the 20th calendar day after the date the decision was mailed to you as shown on the proof of service attached to the decision. If the last day to file is a weekend or holiday, the time to file the document is extended to the next business day.

- Appeals filed late without good cause will be dismissed.
- You must provide all the information required, or your appeal cannot be processed and may be dismissed.
- Any response to the appeal by the other party must be received by the Rent Adjustment Program with a proof of service on opposing party within 35 days of filing the appeal.
- The Board will not consider new claims. All claims, except jurisdiction issues, must have been made in the petition, response, or at the hearing.
- The Board will not consider new evidence at the appeal hearing without specific approval.
- You must sign and date this form or your appeal will not be processed.
- The entire case record is available to the Board, but sections of audio recordings must be pre-designated to Rent Adjustment Staff.

There was 100% absolutely no follow up inspection of the windows by anyone.
The claim that there was any form of inspection is completely fraudulent.
As I understand it, this should affect the amount
of the rent increase.
Matt Stone 3/2/2019



CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM

 CITY OF OAKLAND CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	2019 For date stamp MAR -4 PM 3:20
	<u>APPEAL</u>	

Appellant's Name Michele G. Kappel-Stone		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant
Property Address (Include Unit Number) 396 Bellevue Avenue, #301, Oakland, CA 94610		
Appellant's Mailing Address (For receipt of notices) 396 Bellevue Avenue, #301, Oakland, CA 94610		Case Number L18-0086 Kingston Ave. Partners v. Tenants Date of Decision appealed February 8, 2019
Name of Representative (if any)	Representative's Mailing Address (For notices)	

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

- 1) There are math/clerical errors that require the Hearing Decision to be updated. *(Please clearly explain the math/clerical errors.)*
- 2) Appealing the decision for one of the grounds below (required):
 - a) ☐ The decision is inconsistent with OMC Chapter 8.22, Rent Board Regulations or prior decisions of the Board. *(In your explanation, you must identify the Ordinance section, regulation or prior Board decision(s) and describe how the description is inconsistent.)*
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 - d) ☐ The decision violates federal, state or local law. *(In your explanation, you must provide a detailed statement as to what law is violated.)*
 - e) ☒ The decision is not supported by substantial evidence. *(In your explanation, you must explain why the decision is not supported by substantial evidence found in the case record.)*
 *Please see explanation on page 3 of this document.

For more information phone (510) 238-3721.

- f) ☐ I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
- g) ☐ The decision denies the Owner a fair return on my investment. (You may appeal on this ground only when your underlying petition was based on a fair return claim. You must specifically state why you have been denied a fair return and attach the calculations supporting your claim.)
- h) ☐ Other. (In your explanation, you must attach a detailed explanation of your grounds for appeal.)

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Name	Kristopher Lamont
Address	201 19th St Ste 200
City, State Zip	Oakland CA 94612
Name	Kimberly Jeger Roehn
Address	1954 Mountain Blvd #13125
City, State Zip	Oakland CA 94611

Michele Kappel -Stone	March 2, 2019
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

For more information phone (510) 238-3721.

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- The Board will not consider new claims. All claims, except jurisdiction issues, must have been made in the petition, response, or at the hearing.
- The Board will not consider new evidence at the appeal hearing without specific approval.
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Explanations of Grounds for Appeal:

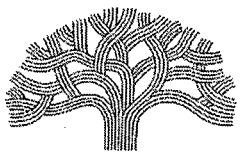
Kingston Avenue Partners nor their representatives nor a representative of the City of Oakland inspected the new windows. There was no inspection at all.

I believe the any inspection document that Kingston Avenue Partners may have provided for review was fabricated and thus invalidates that portion of the increase. Thank you.

-- Michele Kappel-Stone, March 2, 2019



RC/MA

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	2019 MAR -4 PM 3:20 For date stamp.
	<u>APPEAL</u>	

Appellant's Name Angelique Tremble		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant	
Property Address (Include Unit Number) 396 Bellevue Ave. Oakland, CA 94610 Apt. 209			
Appellant's Mailing Address (For receipt of notices) same as above		Case Number L18-0086	
		Date of Decision, appealed 2/9/2019	
Name of Representative (if any)		Representative's Mailing Address (For notices)	

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

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 - e) ☒ The decision is not supported by substantial evidence. *(In your explanation, you must explain why the decision is not supported by substantial evidence found in the case record.)*

For more information phone (510) 238-3721.


000141

- f) ☐ I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
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<u>Name</u>	Kristopher Lamont
<u>Address</u>	201 19th St Ste 200
<u>City, State Zip</u>	Oakland CA 94612
<u>Name</u>	Kimberly Jeger Roehn
<u>Address</u>	1954 Mountain Blvd #13125
<u>City, State Zip</u>	Oakland CA 94611

	3/2/2019
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

For more information phone (510) 238-3721.

I do not believe that a final window inspection was done for my unit (#209). I have searched my records and do not have any email from management or the landlord advising of the required 24-hour notice for entry to do such an inspection in my unit. I call into question any documentation the landlord has provided regarding such an inspection. Accordingly, I encourage the court to further investigate and request specific documentation and proof that the inspection actually did in fact occur.

	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	For date stamp. 2019 MAR - PM 3:21
	<u>APPEAL</u>	

Appellant's Name Jenny McKeel		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant	
Property Address (Include Unit Number) 396 Bellevue Ave. # 208 94610			
Appellant's Mailing Address (For receipt of notices) 396 Bellevue Ave # 208 94610		Case Number L18-0086	
		Date of Decision appealed Feb. 8, 2019	
Name of Representative (if any)		Representative's Mailing Address (For notices)	

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 - e) ☒ The decision is not supported by substantial evidence. *(In your explanation, you must explain why the decision is not supported by substantial evidence found in the case record.)*

For more information phone (510) 238-3721.

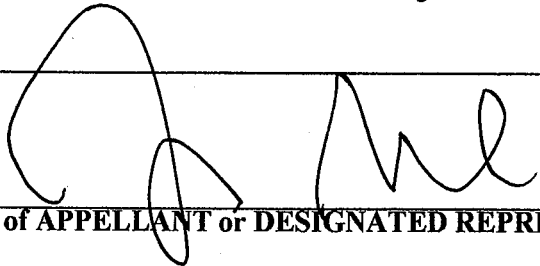
- f) ☐ I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
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- h) ☐ Other. (In your explanation, you must attach a detailed explanation of your grounds for appeal.)

Submissions to the Board must *not* exceed 25 pages from each party, and they must be received by the Rent Adjustment Program with a proof of service on opposing party within 15 days of filing the appeal. Only the first 25 pages of submissions from each party will be considered by the Board, subject to Regulations 8.22.010(A)(5). Please number attached pages consecutively. Number of pages attached: 1.

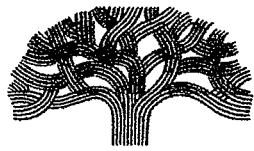
• You must serve a copy of your appeal on the opposing parties or your appeal may be dismissed. •

I declare under penalty of perjury under the laws of the State of California that on 4 MARCH, 2019, I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

Name	Bay Apartment Advisors	Kristopher Lamont 201 19th St Ste 200 Oakland CA 94612
Address	201 19th St. # 200	
City, State Zip	OAKLAND, CA 94612	
Name	Bay Apartment Advisors	Kimberly Jeger-Rachin 1954 Main St Bldg # 3125 Oakland CA 94611
Address	201 19th St. # 200	
City, State Zip	OAKLAND, CA 94612	

	3/3/19
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

I am appealing the decision because it is not supported by adequate evidence. Evidence provided does not include substantial proof that a final window inspection was completed for ^{all} units, and that inspection is required. I, and other tenants, can provide proof that the inspection document provided is not valid, as final window inspections were not performed for all units.



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

250 Frank Ogawa Plaza, Suite 5313

Oakland, CA 94612

(510) 238-3721

RC/MA

RENT ADJUSTMENT PROGRAM

2019 MAR -4 PM 3:20

APPEAL

Appellant's Name Frayda Garfinkle		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant	
Property Address (Include Unit Number) 396 Bellevue Ave. #206			
Appellant's Mailing Address (For receipt of notices) Oakland CA 94610		Case Number L18-0086	
		Date of Decision appealed 2/8/2019	
Name of Representative (if any)		Representative's Mailing Address (For notices)	

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

- 1) There are math/clerical errors that require the Hearing Decision to be updated. *(Please clearly explain the math/clerical errors.)*
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For more information phone (510) 238-3721.

1


- f) ☐ I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
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I declare under penalty of perjury under the laws of the State of California that on _____, 20____, I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

Name	Kristopher Lamont
Address	201 19th St Ste 200
City, State Zip	Oakland CA 94612
Name	Kimberly Jeger Roehn
Address	1954 Mountain Blvd #13125
City, State Zip	Oakland CA 94611

	3/1/2019
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

For more information phone (510) 238-3721.


March 1, 2019

Explanation for this appeal:

Window inspection documents were
incorrect and incomplete.

Frayde Japelle

RC/MA

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	For date stamp. 2019 MAR -4 PM 3:20
	<u>APPEAL</u>	

Appellant's Name Krisanne Combs		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant
Property Address (Include Unit Number) 396 Bellevue Ave Apt. 203 Oakland CA 94610		
Appellant's Mailing Address (For receipt of notices) 396 Bellevue Ave Apt 203 Oakland CA 94610		Case Number L18-0086 Date of Decision appealed Feb. 8, 2019
Name of Representative (if any) N/A	Representative's Mailing Address (For notices) N/A	

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Address	201 19th St Ste 200
City, State Zip	Oakland CA 94612
Name	Kimberly Jeger Roehn
Address	1954 Mountain Blvd #13125
City, State Zip	Oakland CA 94611

	2/28/19
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

February 28, 2019

City of Oakland
Rent Adjustment Program
250 Frank Ogawa Plaza, Suite 5313
Oakland, CA 94612

Re: Case Number L18-0086

To whom it may concern:

I am appealing the rent increase adjustment approved as part of case number L18-0086 on the ground that the owner has misrepresented the completion of the work. The window replacement project was not completed as outlined, as the final inspection of the windows by a city inspector either 1) did not occur or 2) occurred without the owner obtaining my permission to enter the unit. I have no records of the owner making any attempt to request my permission to enter the unit, therefore, I have no knowledge that the inspections actually occurred as stated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Krisanne Combs', with a long horizontal line extending to the right.

Krisanne Combs, Tenant
396 Bellevue Avenue Apt 203
Oakland, CA 94610

RC/MA

CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM

**CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM**
250 Frank Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

For date stamp.
2019 MAR -4 PM 3:19

APPEAL

Appellant's Name Melinda Richardson		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant	
Property Address (Include Unit Number) 396 Bellevue Ave #110 Oakland 94610			
Appellant's Mailing Address (For receipt of notices)		Case Number 218-0086	
		Date of Decision appealed Feb 8 2019	
Name of Representative (if any)		Representative's Mailing Address (For notices)	

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City, State Zip	Oakland CA 94611

	3/4/2019
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

For more information phone (510) 238-3721.

March 1 2019

Housing and Community Development Department

Rent Adjustment Program

To whom it may concern:

Please find the completed enclosed the documents related to appealing the decision of the board associated with at 396 BELLEVUE AVE OAKLAND CA.

Owners listed as: KINGSTON AVENUE PARTNERS

Decision Date: Feb 8, 2019

We are appealing based on letter "e" under Item No.2 on the Appeal Document and letter "h" other- which will be specified at the amount requested in incorrect per their calculations provided.

Letter "h" other. Amount of increase is incorrect.

The amount listed "Allowable Monthly Amortized Cost for Building 70% add up to \$2420.60. The amount listed is \$2506.02- incorrect

The amount under "Allowable Amortized Cost per Unit" should be \$80.68. The amount listed per unit shows \$83.43-incorrect

Letter "e"

Capital Improvements" increase for replacement windows requires a final inspection by the city for all effected units. The main reasons for this inspection is to PROVE the work was done and done properly to protect the tenant's wellbeing and the structure where they reside. It should not be waived. Many of the windows replaced were almost new and did not need to be replaced. Therefore, not beneficial and not necessary, other than racking up an expense to pass on to the tenants. If an inspection had occurred the current problems with leaking windows would have been detected and corrected by now.

This inspection, nor any other inspection was ever done. During the Oct 9 hearing it was brought to the attention of the owner representative that there was no Final Inspection Document included for the windows. The mediator gave them an extension to produce said document.

We all knew the inspections never happened. Imagine our surprise when an email appeared in our INBOXs on Oct 11 with 2 inspection documents attached.,

After viewing the documents, they appeared to be incomplete and fabricated for the following reasons.

1: The Owner name of the documents was incorrect and listed the former owners of the building and NOT the current owner(s). The current owners took possession of the property on Nov 12 2015. This document was produced on Jun 15 On the bottom of the form, under INSPECTOR NOTES is says

000155

for "FINAL OK. SMOKE/CO CERTIFICATE TURNED IN. Nothing about the window inspections in the notes. The windows were only notated in the top portion of the document which could have easily been added. This makes the document appear as if they pulled a previous permit/inspection doc and added the information for the window project.

The second document attached, only had a note stating window and sliding doors okay. Is that all this is required? There was no indication that they had gone into any units and done any actual inspections. This seems flimsy at best with no itemization required for each inspected unit? This second document also appears altered. The date on the bottom as 8/17/2016 looks like the it 2015 and a pen was used to make the 5 into a 6. The building did have an inspection for Smoke/Co detectors on Jan 15 2015.

As further proof, Oakland requires owners to give **24 hours notice** for entry into any occupied unit for this type of inspection. None of the tenants received an email or paper notification for this inspection, nor do any tenants recall any inspection after the completion of the window project. May I also point out, the ONLY delivery/notification /communication used by the property manager or the management company is via email. This was also how the "final inspection" documents were sent to the tenants on Oct 11.

These owners chose to replace the same type of double pane windows that were installed in the past 5-7 years in most units, making this window project seem completely unnecessary. Further supporting our suspicion, the owners are trying to exploit a loophole to rack up dollars toward permanent exclusion of this property from rent control in the future.

If the requirement for final inspection on projects is part of the law for allowing the landlords to passthrough their expenses to the tenants, I believe we have met our burden of proof that the inspections were NOT done. This portion of the increase should be disallowed. There should be NO waivers or exclusions granted to favor the landlord owners, otherwise it is not an even playing field. It's like saying there is law to stop at stop signs or go the speed limit, but if choose not to-- it's okay. If there is an issue with windows that have NOT been inspected that causes harm- who is responsible?

Also relating to the disorganization and credibility of the owners, they had included an item on their original request for "replacing carpeting" in the common hallways that was never done. When this error was brought to their attention they admitted the carpet was never replaced, but instead of subtracting that amount from their request, we were told it should simply be added to the painting projects. No detail, breakout or itemization for that dollar amount. I believe if the tenants had not raised the issue they were hoping it would go through unnoticed. Their invoices were completely unorganized and vague. Some looked as if they were from other buildings owned by these landlords. No building address, itemization for amounts, or descriptions were included on the receipts or proof of payments. This seems to follow a pattern. In all fairness the \$10,400 set aside for this item should ALSO be disallowed.

CITY OF OAKLAND
 Department of Planning and Building
 BUILDING SERVICES
 250 Ogawa Plaza · 2nd Floor · Oakland, CA 94612
 telephone (510) 238-3444 · facsimile (510) 238- 7287 · www.oaklandnet.com

PERMIT INSPECTION RECORD

Commercial and Multiple-Unit Residential

California Building, Electrical, Plumbing, Mechanical, Energy, and Green Building Codes

Oakland Building, Planning, Sustainability, Fire, and Municipal Codes

Address:	396 BELLEVUE AVE, Oakland, CA 94610	ST Suite:	APN: 010 078401900
Description:	Replacement of 123 windows including 3 patio doors - like for like/no change to size for 30 unit apartment building.		
Owner:	Baltzell Richard & Houghton Reed R Tr	Issued:	05/09/2016
Contractor:	AMERICAN WINDOW SYSTEMS INC	Type:	Non-Residential Building - Alteration
Construction:		Sprinklers:	No
Spec Insp:			
Permits:	B1602099		

Pre-paid
 Inspections 12

General Notes

- 1a This Inspection Record Card and the Approved Plans and Approved Construction Management Plan must be readily available at the job site for all inspections. Protect all documents from the weather.
- 1b All construction must remain readily visible for inspection until the "OK TO COVER" box on this Inspection Record Card has been signed and dated by the City inspector.
- 1c Noise levels and Hours of Construction shall conform with the Zoning Conditions of Approval and Oakland Municipal Code regulations.
- 1d Follow all hazardous material testing, worker protection, remediation, and disposal regulations (lead-based paint, asbestos, etc.).
- 1e Toilet facilities must be provided on-site for construction workers.

Permit Expiration & Refunds

- 2a A permit may be extended (fee required) for a total of one year from the date of issuance only if no inspections have been performed.
- 2b Each permit will expire separately unless each of the Major Inspections (Foundation, First Floor, Frame, Final) is approved by the City Inspector every 6 months (or sooner). An expired permit cannot be reinstated if an inspection has been performed.
- 2c A Refund Request must be filed for all refunds. Up to 80% of inspection fees may be refunded if no inspections have been performed. No fees may be refunded more than 180 days after a permit has expired.

Site Maintenance

- 3a "Best Management Practices" must be used daily for dust control and to protect storm water drainage systems (C6).
- 3b Jobsite must be cleaned daily of trash and debris and maintained free of graffiti. Construction materials must be neatly stock piled on-site. Vehicles and equipment must be parked on-site (see 5a below).

Inspections

- 4a To avoid being charged for an inspection, a cancellation must be called-in before 10:00 am on the morning of the scheduled inspection.
- 4b For Building (B), Electrical (E), Plumbing (P), Mechanical (M), Grading (GR), Solar (SE, SP), Zoning, and Infrastructure (PX, PZ) inspections, call (510) 238-3444 week days 8:00 am to 4:00 pm, Wednesdays 9:30 am to 4:00 pm well in advance. Each permit must be scheduled separately.
- 4c For Fire inspections, call (510) 238-3851. For Public Works inspections, call (510) 238-3651. For EBMUD sewer lateral certification inspections, call (510) XXX-XXXX.
- 4d When a permit is Greenpoint or LEED energy rated, third-party inspections by a pre-Certified Rater must be also be completed. City inspections are not a substitute for the Certified Rater's inspections and approvals.

Additional Permits

- 5a Separate permits (OB) are required to reserve curbside parking or to obstruct the sidewalk or street in any way (scaffolding, pedestrian canopy, construction fencing, material stock piles, debris dumpsters, traffic lane closure, etc.).
- 5b Separate Fire Prevention Bureau permits are required for fire sprinkler and fire alarm systems.
- 5c Separate permits (X, SL, CGS) are required for excavation and repair work in the Public Right-of-Way (sidewalk, curb, gutter, driveway approach, sewer lateral, water and gas piping, storm drain, etc.).

000157

1	FOUNDATION Major Inspection	2	FIRST FLOOR Major Inspection	3	FRAME Major Inspection	4	FINAL Major Inspection	5	SITE
	ELECTRICAL		ELECTRICAL		ELECTRICAL		ELECTRICAL		PRE-CONSTRUCTION
E 10	CONSTRUCTION POWER	E 20	UNDERFLOOR	E 30	SUBPANEL/FEEDER	E 40	SMOKE & CO ALARMS	S 50A	PRE-CON MEETING
E 11	WATER	E 21	CABLE PROTECTION	E 31	WALLS	E 41	EQUIPMENT/DEVICES	S 50B	OBSTRUCT/ENCROACH
E 12	UNDERGROUND/CONDUIT/CABLE	E 22	EXTERIOR WIRING	E 32	BOX MAKE-UP	E 42	UTILITY RELEASE/TRANSFORMER	S 50C	SURVEY/ELEVATION
E 13	SINGLE SERVICE			E 33	SUSPENDED CEILING	E 43	ENERGY/CALGREEN	S 50D	GRADING
E 14	SERVICE RACEWAY			E 38	FRAME CHECK	E 48	FINAL MECHANICAL	S 50E	CREEK PROTECTION
	PLUMBING		PLUMBING		PLUMBING		PLUMBING		TREE PROTECTION
P 10	UNDERGROUND	P 20	UNDERFLOOR	P 30	DWV PIPING	P 40	ROOF DRAINS	S 50F	VEGETATION CLEARING
P 11	BACKWATER VALVE	P 21	DRAINS (FIRE/CONDENS/MISC)	P 31	GAS PIPING	P 41	GASTEST	S 50G	DUST/EROSION CONTROL
P 12	INTERCEPTOR (SO)	P 22	FLOOR RECEPTORS	P 32	WATER PIPING/SERVICE	P 42	UTILITY RELEASE	S 50J	C&RAN WATER RUNOFF
P 13	INTERCEPTOR (GREASE)			P 33	TUB/SHOWER PAN	P 43A	ENERGY CODE/CALGREEN	S 50K	EXCAVATION SHORING
				P 34	BACKFLOW DEVICES	P 44	CHLORINATION/SIREPORTS	S 50L	TRAFFIC CONTROL & PARKING
				P 38	FRAME CHECK	P 48	FINAL MECHANICAL	S 50M	BLIGHT/NOISE/TOILET
	MECHANICAL		MECHANICAL		MECHANICAL		MECHANICAL		INFRASTRUCTURE
M 10	UNDERGROUND	M 20	UNDERFLOOR	M 30	SUSPEND CEILING/VAU/COLS	M 40	REGISTERS/GRILLS	PZ 50	SEWER/BACKWATER
M 11	RADIANT/COLS	M 21	RADIANT/COLS	M 31	DAMPER (FIRE/CEILING/SMOKE)	M 41	EQUIPMENT	PZ 51	STORM DRAIN
				M 32	MUAR/OUTDOOR AIR	M 42	ROOF ACCESS/GUARDS	PZ 52	DRAINAGE
				M 33	DUCT (TYPE/HOOD)	M 43	ENERGY COMPLY FORMS	PZ 53	HARDSCAPE
				M 34	DETECTORS (DUCT/CO)	M 44	CALGREEN	PZ 54	FIRE ACCESS
				M 35	EXHAUST DUCTS	M 45	SIREPORTS (EQ.BALANCE)	PZ 55	OFF FACILITY
				M 38	FRAME CHECK	M 48	FINAL MECHANICAL	PZ 56	FINAL MECHANICAL
	BUILDING		BUILDING		BUILDING		BUILDING		GRADING
B 10	SURVEY/STAKING	B 20	GARAGE PAD ELEVATION	B 30	ROOF FRAMING & ANALOG	B 40	DECK/RETAIN WALL	GR 50	SUBGRADE
B 11	SETBACKS	B 21	FIRST FLOOR ELEVATION	B 31	ZONING ROUGH	B 41	ZONING CONDITIONS	GR 51	PAD
B 12		B 22		B 32		B 42		GR 52	
B 13	PERS	B 23	ACCESSIBILITY	B 33	FERRATED ASSEMBLY	B 43	SIGNAGE	GR 56	FINAL GRADING
B 14	FOOTING/GRADE BEAM			B 33A	SHAFT CONSTRUCTION	B 44	ACCESSIBILITY		RIGHT OF WAY
B 15	EMBODIMENTS			B 34	SHEAR WALL BRACING	B 45	ENERGY/HERS (FORMS, REPORT)	PX 50	SIDEWALK/DRIVEWAY
				B 35	SUSPENDED CEILING	B 45A	GPR COMPLIANCE	PX 51	EBM ULTERAL CERTIFICATION
B 16	SLAB FLOOR/VAPOR BARRIER	B 24	FLOOR FRAMING	B 35A	FLOOR & WALL FRAMING	B 46	SMOKE & CO ALARMS	PX 56	FINAL ELEVATION
B 17	WATER PROTECTION & DRAINAGE	B 25	INSULATION	B 36	INSULATION	B 47	RECYCLING CDSR		FIRE MARSHALL
B 18	MASONRY WALLS			B 37	LATH/EXTERIOR COVERING			FM 50	FIRE SPRINKLER
				B 37A	W/ MEM BRANE			FM 56	FINAL FIRE SPRINKLER
				B 37B	EGRESS/SAFETY GLAZING				PLANNING
				B 38	GLAZING COVER	B 48	GLAZING COVER	ZC 58	ROUGH
				B 39	TUB/SHOWER WALL			ZC 59A	LANDSCAPE/HARDSCAPE
				B 39A	GYP SUM WALLBOARD			ZC 59B	LANDSCAPE/HARDSCAPE
				B 39B	FIRE SAFING	B 48	FINAL MECHANICAL	ZC 58	LANDSCAPE/HARDSCAPE
1	FOUNDATION APPROV	2	FIRST FLOOR APPROV	3	FRAME APPROV	4	FINAL GRADING	9	PROJECT FINAL

INSPECTOR NOTES ONLY

date
sign

BUILDING

8-17-16 FINAL OK - SMOKE/CO CERTIFICATE

TURNED IN

date
sign

ELECTRICAL

Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access Administration	Access 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Page 1 of 1

Menu: Cancel View 1 of 1 Report: Help Data Language: English (US)

81562395 - replace window

Inspection Details

Inspection Type: Final Building

Address: 396 BELLEVUE AVE

Inspection Date: 08/17/2018

Inspector: Pearl Connors

Department: Permit Commercial

Start Time: End Time: Total Mileage:

Record # 81562395

Record Type: Building/Non-Residential/Building/Alteration

Request Comment: Building/Non-Residential/Building/Alteration

Result: Pass

Realtor Comment:

CSLB

Assessor Map

Planning & Building

Building Services

Planning and Zoning

Licenses & Loans

Enforcement

Active Client Access

RC/MA

	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	For date stamp. 2019 MAR -4 PM 3:20
	<u>APPEAL</u>	

Appellant's Name Kenneth & Harold Solomon		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant
Property Address (Include Unit Number) 396 Bellevue Ave. # 106		
Appellant's Mailing Address (For receipt of notices) Same		Case Number L18-0086
		Date of Decision appealed Oct 9 2018
Name of Representative (if any)		Representative's Mailing Address (For notices)

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

- 1) There are math/clerical errors that require the Hearing Decision to be updated. *(Please clearly explain the math/clerical errors.)*
- 2) Appealing the decision for one of the grounds below (required):
 - a) ☐ The decision is inconsistent with OMC Chapter 8.22, Rent Board Regulations or prior decisions of the Board. *(In your explanation, you must identify the Ordinance section, regulation or prior Board decision(s) and describe how the description is inconsistent.)*
 - b) ☐ The decision is inconsistent with decisions issued by other Hearing Officers. *(In your explanation, you must identify the prior inconsistent decision and explain how the decision is inconsistent.)*
 - c) ☐ The decision raises a new policy issue that has not been decided by the Board. *(In your explanation, you must provide a detailed statement of the issue and why the issue should be decided in your favor.)*
 - d) ☐ The decision violates federal, state or local law. *(In your explanation, you must provide a detailed statement as to what law is violated.)*
 - e) ☒ The decision is not supported by substantial evidence. *(In your explanation, you must explain why the decision is not supported by substantial evidence found in the case record.)*

NO Inspection Done
 For more information phone (510) 238-3721.

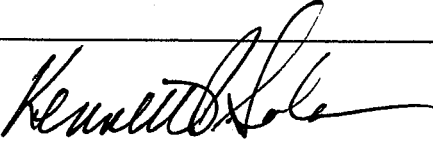

- f) ☐ I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
- g) ☐ The decision denies the Owner a fair return on my investment. (You may appeal on this ground only when your underlying petition was based on a fair return claim. You must specifically state why you have been denied a fair return and attach the calculations supporting your claim.)
- h) ☐ Other. (In your explanation, you must attach a detailed explanation of your grounds for appeal.)

Submissions to the Board must *not* exceed 25 pages from each party, and they must be received by the Rent Adjustment Program with a proof of service on opposing party within 15 days of filing the appeal. Only the first 25 pages of submissions from each party will be considered by the Board, subject to Regulations 8.22.010(A)(5). Please number attached pages consecutively. Number of pages attached: _____.

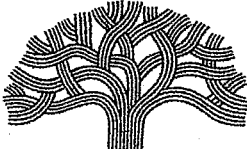
• **You must serve a copy of your appeal on the opposing parties or your appeal may be dismissed.** •

I declare under penalty of perjury under the laws of the State of California that on _____, 20____, I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

Name	Kristopher Lamont
Address	201 19th St Ste 200
City, State Zip	Oakland CA 94612
Name	Kimberly Jeger Roehn
Address	1954 Mountain Blvd # 13125
City, State Zip	Oakland CA 94611

 , 	2/27/19
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

RE/MA

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	For date stamp. 2019 MAR -4 PM 3:21
	<u>APPEAL</u>	

Appellant's Name <i>Gemma Castro Rojas</i>		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant	
Property Address (Include Unit Number) <i>396 Bellevue Ave, #107 Oakland, CA 94610</i>			
Appellant's Mailing Address (For receipt of notices)		Case Number <i>218-0086</i>	
		Date of Decision appealed <i>February 8, 2019</i>	
Name of Representative (if any)		Representative's Mailing Address (For notices)	

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

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 - d) ☐ The decision violates federal, state or local law. *(In your explanation, you must provide a detailed statement as to what law is violated.)*
 - e) ☒ The decision is not supported by substantial evidence. *(In your explanation, you must explain why the decision is not supported by substantial evidence found in the case record.)*

NO Inspection Done for my unit
For more information phone (510) 238-3721.

- f) ☐ I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
- g) ☐ The decision denies the Owner a fair return on my investment. (You may appeal on this ground only when your underlying petition was based on a fair return claim. You must specifically state why you have been denied a fair return and attach the calculations supporting your claim.)
- h) ☐ Other. (In your explanation, you must attach a detailed explanation of your grounds for appeal.)

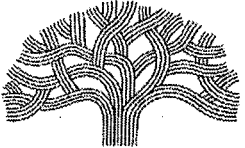
Submissions to the Board must *not* exceed 25 pages from each party, and they must be received by the Rent Adjustment Program with a proof of service on opposing party within 15 days of filing the appeal. Only the first 25 pages of submissions from each party will be considered by the Board, subject to Regulations 8.22.010(A)(5). Please number attached pages consecutively. Number of pages attached: _____.

• You must serve a copy of your appeal on the opposing parties or your appeal may be dismissed. •
 I declare under penalty of perjury under the laws of the State of California that on _____, 20____,
 I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

Name	Kristopher Lamont
Address	201 19th St Ste 200
City, State Zip	Oakland CA 94612
Name	Kimberly Jeger Roehn
Address	1954 Mountain Blvd #1325
City, State Zip	Oakland CA 94611

Yamir Castro Rojas	3/3/19
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

RC/m

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	2018 MAR 1 PM 3:21 For date stamp.
	<u>APPEAL</u>	

Appellant's Name Leslie Calhoun		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant
Property Address (Include Unit Number) 396 Bellevue Ave #105 Oakland CA 94610		
Appellant's Mailing Address (For receipt of notices) Same as above		Case Number L18-0086
		Date of Decision appealed
Name of Representative (if any)		Representative's Mailing Address (For notices)

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

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 - b) ☐ The decision is inconsistent with decisions issued by other Hearing Officers. *(In your explanation, you must identify the prior inconsistent decision and explain how the decision is inconsistent.)*
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For more information phone (510) 238-3721.

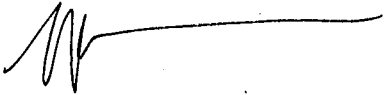
- f) ☐ I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
- g) ☐ The decision denies the Owner a fair return on my investment. (You may appeal on this ground only when your underlying petition was based on a fair return claim. You must specifically state why you have been denied a fair return and attach the calculations supporting your claim.)
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• You must serve a copy of your appeal on the opposing parties or your appeal may be dismissed. •

I declare under penalty of perjury under the laws of the State of California that on _____, 20____, I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

Name	Kristopher Lamont
Address	201 19th St Ste 200
City, State Zip	Oakland CA 94612
Name	Kimberly Jeger Roehn
Address	1954 Mountain Blvd #13125
City, State Zip	Oakland CA 94611

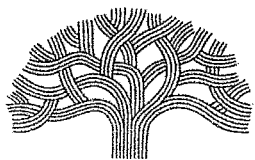
	2/28/19
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

For more information phone (510) 238-3721.

Supplementation to #2, selection "e":

This decision is not supported by substantial evidence because the tenants have not seen and have not been provided with any evidence that the final window inspection in each unit occurred; this inspection would have needed to be preceded by an email or letter informing the tenants that the owners would be entering the apartment, however, this has never occurred. Because the window project is the largest portion of the rent increase, this is a significant error in proof and accordingly invalidates that portion of the rent increase.

RC/MR

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	For date stamp. 2019 MAR -4 PM 3:21
	<u>APPEAL</u>	

Appellant's Name <u>Eric Goodman</u>		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant	
Property Address (Include Unit Number) <u>396 Bellevue Ave Apt 104 Oakland, CA 94616</u>			
Appellant's Mailing Address (For receipt of notices) <u>Same as Property Address</u>		Case Number <u>L18-0086</u>	
		Date of Decision appealed <u>2/8/2019</u>	
Name of Representative (if any)		Representative's Mailing Address (For notices)	

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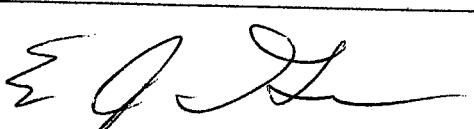
For more information phone (510) 238-3721.

- f) ☐ I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
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☐ You must serve a copy of your appeal on the opposing parties or your appeal may be dismissed. ☐ I declare under penalty of perjury under the laws of the State of California that on _____, 20____, I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

Name	Kristopher Lamont, Kingston Avenue Partners, LLC / Bay Apartment Advisors
Address	201 19th Street Suite 200
City, State Zip	Oakland, CA 94612
Name	Kimberly Jeger-Rochon
Address	1954 Mountain Blvd #13125
City, State Zip	Oakland, CA 94611

	3/2/2019
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

To: City of Oakland Rent Adjustment Program
250 Frank Ogawa Plaza, Suite 5313
Oakland, CA 94612

From: Eric Goodman
396 Bellevue Ave. #104
Oakland, CA 94610

Re. Case # L18-0086 Kingston Avenue Partners v. Tenants
396 Bellevue Avenue, Oakland, CA

3/2/2019

ATTACHMENT TO APPEAL

I don't have any memory of a final inspection for the window installation, and don't see any emails in my history indicating a final inspection was to take place. On top of that, I recall reporting that the initial inspection had caulking that should be retouched, and no retouching was ever done. I don't have any evidence this final inspection was ever done for my apartment.

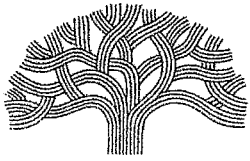
Thank you for your consideration of this appeal.

A handwritten signature in black ink, appearing to be 'EGD' followed by a long horizontal stroke.

Eric Goodman

RC/MA

RECEIVED
CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	For date stamp. 2019 MAR -4 PM 3:21
	<u>APPEAL</u>	

Appellant's Name Julie Goldstein		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant	
Property Address (Include Unit Number) 396 Bellevue Ave. #104, Oakland, CA 94610			
Appellant's Mailing Address (For receipt of notices) Same as above		Case Number L18-0086	
		Date of Decision appealed 2/8/2019	
Name of Representative (if any)		Representative's Mailing Address (For notices)	

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

- 1) There are math/clerical errors that require the Hearing Decision to be updated. *(Please clearly explain the math/clerical errors.)*
- 2) Appealing the decision for one of the grounds below (required):
 - a) ☐ The decision is inconsistent with OMC Chapter 8.22, Rent Board Regulations or prior decisions of the Board. *(In your explanation, you must identify the Ordinance section, regulation or prior Board decision(s) and describe how the description is inconsistent.)*
 - b) ☐ The decision is inconsistent with decisions issued by other Hearing Officers. *(In your explanation, you must identify the prior inconsistent decision and explain how the decision is inconsistent.)*
 - c) ☐ The decision raises a new policy issue that has not been decided by the Board. *(In your explanation, you must provide a detailed statement of the issue and why the issue should be decided in your favor.)*
 - d) ☐ The decision violates federal, state or local law. *(In your explanation, you must provide a detailed statement as to what law is violated.)*
 - e) ☒ The decision is not supported by substantial evidence. *(In your explanation, you must explain why the decision is not supported by substantial evidence found in the case record.)*

For more information phone (510) 238-3721.


- f) ☐ I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
- g) ☐ The decision denies the Owner a fair return on my investment. (You may appeal on this ground only when your underlying petition was based on a fair return claim. You must specifically state why you have been denied a fair return and attach the calculations supporting your claim.)
- h) ☐ Other. (In your explanation, you must attach a detailed explanation of your grounds for appeal.)

Submissions to the Board must *not* exceed 25 pages from each party, and they must be received by the Rent Adjustment Program with a proof of service on opposing party within 15 days of filing the appeal. Only the first 25 pages of submissions from each party will be considered by the Board, subject to Regulations 8.22.010(A)(5). Please number attached pages consecutively. Number of pages attached: 1.

☐ You must serve a copy of your appeal on the opposing parties or your appeal may be dismissed. ☐

I declare under penalty of perjury under the laws of the State of California that on _____, 20____, I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

Name	Kristopher Lamont, Kingston Avenue Partners, LLC / Bay Apartment Advisors
Address	201 19th St., Suite 200
City, State Zip	Oakland, CA 94612 ⁹⁴ 94612
Name	Kimberly Leger Roehn
Address	1954 Mountain Blvd. #13125
City, State Zip	Oakland, CA 94611

	3/2/2019
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

To: City of Oakland Rent Adjustment Program
250 Frank Ogawa Plaza, Suite 5313
Oakland, CA 94612

From: Julie Goldstein
396 Bellevue Ave. #104
Oakland, CA 94610

Re: Case # L18-0086 Kingston Avenue Partners v. Tenants
396 Bellevue Avenue, Oakland, CA

3/2/2019

ATTACHMENT TO APPEAL

I have neither records nor memory of a final inspection for the window installation. I do have email regarding timing and progress of the actual installation, but nothing indicating that there would be (or was) a final inspection. I do not believe this ever happened for my apartment. I believe any documents that the owner submitted stating that there was a final inspection are incorrect.

Thank you for your consideration of this appeal.


Julie Goldstein

CITY OF OAKLAND RENT ADJUSTMENT PROGRAM

Case Name: Kingston Avenue Partners v. Tenants

Case No.: L18-0086

RC/MA
2019 MAR 26 PM 2:55

OWNER RESPONSE TO TENANT APPEAL

Owner/Respondent (Kingston Avenue Partners, LLC, hereinafter "the owner") files the following response to Tenants'/Appellants' (hereinafter "the tenants") cumulative appeals to the underlying Hearing Decision, which granted the owner's Petition for Capital Improvement Pass-Through in full. The owner respectfully requests that the Appeal Board upholds the Hearing Decision in its entirety. The owner also requests an award of further relief based on the substance of the tenants' appeals as well as the owner's constitutional rights to due process and a fair return.

I. PROCEDURAL FACTS

The owner of 396 Bellevue Avenue filed the relevant Petition for Capital Improvement Pass-Through on April 23, 2018. An amended petition was filed on August 23, 2018.¹ Several tenants filed responses to the owner's petition stating various objections.

A hearing on the petition was held on October 9, 2018. Participants in attendance included two owner representatives and six tenants (each of whom is currently an appellant). The hearing proceeded for approximately two hours; each party present was heard and given the opportunity to present his or her facts and arguments in full.

On February 8, 2019, the hearing officer issued a detailed written decision granting the owner's petition in its entirety.

A subset of tenants now appeal. Based on the content of the appeals and service of the tenants' documents together, it is clear these tenants worked in concert and coordinated similar, if not identical, statements. **As a result, the owner submits one response to the collective appeals, unless otherwise noted.**

II. STANDARD OF APPEAL

The tenants appeal on the grounds that the hearing officer's decision is not supported by substantial evidence.²

"When a finding of fact is attacked on the ground that there is not any substantial evidence to sustain it, the power of an appellate court *begins and ends* with the determination as to whether there is any substantial evidence contradicted or uncontradicted which will support the finding of fact." (*Foreman & Clark Corp. v. Fallon* (1971) 3 Cal. 3d 875, 881. Emphasis added.)

¹ The amended petition only corrected one line item of the original petition: a description of work which mistakenly included the word "carpet". The supporting evidence previously submitted and the calculations for the pass-through expenditures remained exactly the same.

² Some tenants have also checked a second ground for appeal: "Other." However, there is no related explanation or evidence offered. Accordingly, it is not being addressed.

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The Appeal Board must review all the evidence in the record to determine if the findings were supported by substantial evidence. "It is well established that a reviewing court starts with the presumption that the record contains evidence to sustain every finding of fact." (*Id.*) The evidence is to be examined, but it is not re-weighed. (*Estate of Teel* (1944) 25 Cal. 2d 520.)

It is the challenging parties' (the tenants') burden to show the agency's decision was not supported by substantial evidence. (*Cal. Youth Auth. v. State Personnel Bd.* (2002) 104 Cal.App.4th 575, 584; Code of Civ. Proc. § 1094.5(c).)

To satisfy their burden, the tenants are required to set forth in their initial appeal papers every piece of the material evidence that exists in the record -- both favorable and unfavorable, disputed and undisputed -- relating to their challenged findings. The requirement to present all the evidence in their initial papers is a "fundamental obligation . . . and a prerequisite to [the reviewing entity's] consideration of their challenge." (*Schmidlin v. City of Palo Alto* (2007) 157 Cal.App.4th 728, 738.) The tenants may not present "merely their own evidence" nor may they present new evidence. (*Id.*; *Foreman*, 3 Cal. 3d at 881; *see also Rent Adjustment Program's Landlord's Guide to Rent Adjustment* which states the tenants "are responsible for making sure that a sufficient record (not new evidence) is before the Board to support [their] position.")

If the tenants do not provide a complete, forthright recitation of all the material evidence in the record, their claims on appeal are "**deemed to be waived**." (*Foreman*, 3 Cal. 3d at 881. Emphasis added.)

"In determining whether substantial evidence supports a finding, the court may not reconsider or reevaluate the evidence presented to the administrative agency. All conflicts in the evidence and any reasonable doubts must be resolved in favor of the agency's findings and decision." (*Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 881-882. Internal quotes omitted.) The Appeal Board must also presume the hearing officer's findings are correct, and must defer to the hearing officer's resolution of credibility issues. (*Nestle v. City of Santa Monica* (1972) 6 Cal. 3d 920, 925.)

Ultimately, the Appeal Board is required to uphold the decision if any reasonable person could have drawn the same factual conclusions as the hearing officer. (*Kirkorowicz v. California Coastal Com.*, (2000) 83 Cal. App. 4th 980, 986.)

III. DISCUSSION

The hearing officer's ruling was sound and based on comprehensive evidence. The tenants have failed to set forth a complete (or any) record of the evidence, and therefore their challenges are waived as a matter of law at the outset.

Even should the tenants' challenges be examined for substance, which would be improper due to their defective pleading, they lack merit and are wholly unsupported by any evidence. Accordingly, the decision must be upheld in full, and the frivolous, bad faith nature of the tenant's appeals entitles the owner to recover costs and fees.

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- a. **The tenants fail to meet their burden to demonstrate the evidence, and therefore have waived all challenges on appeal.**

As stated above, the tenants are required, in their initial appeal papers, to lay out every single piece of the material evidence that exists in the record relating to their challenge. Failure to do so waives their challenges matter of law and results in a full dismissal of their challenges.

The tenants' main (and for most tenants, the only) challenge concerns the city's Permit Inspection Record and final sign-off for the window replacement upgrade. In summary, the tenants feel the inspections never took place, they do not remember the inspections taking place, or say they were never given notice or proof of the inspections taking place, and therefore they conclude the city's records must be incorrect or forged.

Specifically related to the window work and completion, the owner submitted and entered the following documentary evidence into the record at hearing:

- the proposal from the window contractor
- the work contract
- the permit for the window work issued by the City of Oakland
- three invoices from the window contractor
- three corresponding cancelled checks for the window work
- photographs
- the Permit Inspection Record showing the windows passed final inspection.

These documents were entered as Exhibits 4-8 and 12-14. Oral testimony relating to the windows is also on the record.

Not a single tenant references the aforementioned evidence in their appeal documents, as required by law. In fact, no tenant even submits any evidence that would support their own allegations; they merely repeat the same meritless conclusions and theories. Many of the appellants simply hand-wrote, "No inspection was done" as the entire basis for their appeal. **The tenants' failure to demonstrate the evidence is fatal, and as a result their challenges are waived at the outset.**

- b. **The evidence on the record is comprehensive and sufficient.**

The Appeal Board's role is simply to examine the evidence and affirm the hearing officer's findings if a reasonable person could have drawn the same factual conclusions. The hearing officer's findings and determinations about the adequacy of the evidence are presumed to be true, and all reasonable doubt is resolved in favor of the hearing officer's determinations. (*Center for Biological Diversity*, 185 Cal.App.4th at 881-882; *Topanga Assn. for a Scenic Community*, 11 Cal. 3d at 514.)

The hearing officer's decision was based on a large volume of evidence submitted and marked at the hearing as Exhibits 1 through 14. The lengthy evidence relating specifically to the window

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work is described in detail above. All documents submitted are either originals or true copies of the original documents they purport to be, as attested to at the hearing under penalty of perjury, including the city inspection records.

The hearing officer carefully outlined and summarized the evidence and its adequacy in her written decision, along with her findings of fact that the improvements improved the building, were primarily for the benefit of the tenants, and met the requirements of a capital improvement. (See Hearing Decision, pages 2-5.) No one disputes that the work described in the evidence and hearing decision was performed, and specifically that the new windows were installed.

Thus, the decision must be upheld.

c. The arguments in the tenants' appeals were considered and overruled by the hearing officer.

Every argument presented in the tenants' appeals to the petition has already been heard, considered, and ruled on by the hearing officer in the owner's favor. Specifically, on page 4 of the Hearing Decision, the hearing officer goes into detail to document and overrule the tenants' main (and for almost all tenants, only) objection:

"The tenants filed a written objection, arguing that none of them recall an inspector coming to their unit to inspect the windows, therefore, they believe the inspection never took place and the final inspection signoff is not valid. The objection is overruled. The applicable rules of evidence are stated in Government Code Section 11513(c) and a Permit Inspection Record is "the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs". Therefore, **a notation in the Permit Inspection Record indicating that the project passed final inspection is sufficient to prove that a final inspection took place."** (See Hearing Decision, footnote 14, page 4. Emphasis added.)

Here, the tenants are simply attempting to re-litigate already-failed arguments, which is a decidedly improper abuse of the appeal process. This Appeal Board cannot independently review or substitute its own findings and inferences for those of the hearing officer. (*Kirkorowicz*, 83 Cal. App. 4th at 986.) Its only role is only to look at the existence of evidence, and defer to the hearing officer's judgment for findings and credibility rulings.

In the same vein, two appeals (filed by Melinda Richardson of Unit 110 and David Simmons of Unit 306) repeat a challenge already raised relating to use of the word "carpet" to describe the scope of work in the original petition. Ms. Richardson and Mr. Simmons fail to mention that the owner's amended petition corrected this mistake, and as a result it is irrelevant to the ultimate hearing decision.

These arguments are especially troubling because Mr. Simmons and Ms. Richardson attended the hearing and argued this point about "carpet" to resolution at that time. The tenants were made

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aware of the amendment and **each acknowledged, on the record, that the amendment fully resolved any issue or misunderstanding regarding use of the word "carpet."** These statements were recorded as part of the official proceeding and made in the presence of the hearing officer. Reasserting failed arguments on appeal without providing any new, different or additional basis plainly lacks merit.

- d. The appeals are frivolous, in bad faith, and solely intended to cause delay, and therefore the owner is entitled to relief under Government Code section 11455.30 and Code of Civil Procedure section 128.5.**

It is unlawful to bring an appeal that is in bad faith, frivolous, or solely intended to cause unnecessary delay. Should this occur, as it has here, "[t]he presiding officer may order a party, the party's attorney or other authorized representative, or both, to pay **reasonable expenses, including attorney's fees**, incurred by another party as a result of bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay as defined in Section 128.5 of the Code of Civil Procedure." (Gov't Code § 11455.30(a). Emphasis added.)

Code of Civil Procedure section 128.5(b)(1) states that " '[a]ctions or tactics' include, but are not limited to, the making or opposing of motions or the filing and service of a complaint, cross-complaint, answer, or other responsive pleading. . . "

Here, the tenant's appeals are based exclusively on objections and grounds that were already ruled upon by the hearing officer, and with full knowledge that the rent increase based on the capital pass-through would be stayed pending appeal. As discussed above, they are merely to re-hash unsuccessful arguments before a fresh set of eyes in hopes of a different outcome. This is never proper grounds for appeal and is, by definition, frivolous.

Even more egregious, the central tenet of the tenants' appeals is the baseless, wholly uninvestigated allegation that the Permit Inspection Record is the product of forgery or fraud.

These are very serious, defamatory statements, yet the tenants present no basis or evidence to support them. Simply because the tenants do not remember the inspection or have proof that the owner/inspector requested to enter their apartments is irrelevant. The tenants cannot possibly presume to know or be informed of every single decision, happening, or occurrence at the 396 Bellevue Avenue. With minimal effort, any tenant could have obtained a copy of the official record in evidence directly from the city. Rather than doing so, they instead worked in concert to recklessly hurl unsupported allegations in hopes of invalidating an unwanted rent increase by any means possible.

Such knowing, intentional action is malicious and in bad faith; the sole purpose of these appeals is to inflict unnecessary delay in paying the approved rent increase. Accordingly, the owner requests that the Appeal Board award its costs, attorney's fees, and any other relief deemed just and reasonable under Gov. Code section 11455.30 and/or Code of Civil Procedure section 128.5.

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- e. Under the Fourth Amendment's Due Process Clause to the US Constitution, the future rental amounts must be adjusted to account for the owner's losses between petition filing and current, during which time they were denied a fair return.**

It is well established that rent control ordinances are generally constitutional, so long as they are reasonably calculated to avoid excessive rents while also providing owners with a just and fair reasonable return from their property. (*See Fisher v. City of Berkeley* (1984) 37 Cal. 3d 644, judgment aff'd, 475 U.S. 260 (1986).)

The procedural requirements for an owner to adjust rent must not be prohibitively burdensome or entail a "substantially greater incidence and degree of delay than is practically necessary." (*Birkenfeld v. City of Berkeley* (1976) 17 Cal. 3d 129, 169.) An ordinance that provides for procedures that require delays in effectuating rent increases that are longer than practically necessary to achieve the purpose of the ordinance renders the ordinance confiscatory and it is unconstitutional. (*Id.*; *Fisher*, 37 Cal. 3d at 687.)

Therefore, owner's substantive due process is violated when an unreasonable delay occurs in the processing of a rent increase application. (*See Galland v. City of Clovis* (1999) 72 Cal.App.4th 924, 1026-1027.)

The remedy for this type of due process violation is to adjust the tenants' future rent to account for the owner's losses during the time the owner was denied a fair return and while the tenants were benefiting from unconstitutionally low rents while receiving the benefit of the owner's expenditures. (*See Galland*, 72 Cal.App.4th 924 [stating the rent control board's review process was excessively burdensome and expensive, and the property owners' lost rent damages must be paid by the tenants through future rent adjustments; the property owners' substantial loss was due to the rent board's delay in issuing final decisions and preparing administrative records that precluded the parties from obtaining more timely judicial review]; *see also Yee v. Mobilehome Park Rental Review Bd.* (1998) 62 Cal.App.4th 1409 [stating the landlords could recover the lost rents by a request to the rent control board for an adjustment of future rents to reflect past deficiencies]; *Kavanau v. Santa Monica Rent Control Bd.* (1997) 16 Cal.4th 761, 766. 672, cert. den. (U.S. 1998) 118 S.Ct. 856.)

Here, the owner filed the Petition for Capital Improvement Pass-Through on April 23, 2018. The Rent Adjustment Board did not schedule the hearing to occur until October 9, 2019 – 6 months later. They then waited an additional 4 months – to February 8, 2019 - to receive the decision hearing, which did not make the owner's rent increase retroactive to the date of petition. Now, at the time of appeal, it has been almost a year since the petition was filed. The owner has not received an appeal hearing date, but is told it will not occur for several months.

These delays are unreasonable and burdensome; they have caused the owner to be unable earn a fair return on valid expenditures. To date the owner has suffered a direct rental loss of

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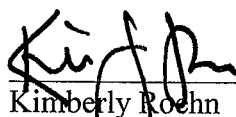
\$23,137.40.³ Pursuant to the above-cited authority, the owner requests the tenants' future rent be increased accordingly to remedy the violation of due process.

IV. CONCLUSION

The Appeal Board must uphold the hearing officer's decision on the owner's Petition for Capital Improvement Pass-Through. The appeals are meritless and improper, and as a result also justify an award of cost and attorney's fees to the owner. Finally, constitutional principles require further adjustment of the future rental amounts to account for the owner's due process violations.

Dated: March 26, 2019

Respectfully submitted,



Kimberly Roehn

Attorney for Owner/Respondent

KINGSTON AVENUE PARTNERS, LLC

³ Over 11 months (April 23, 2018 – March 26, 2019), the allowable increases under the hearing decision are: \$83.53 (applied to 22 units equals \$20,698.26), \$71.01 (applied to 2 units equals \$1,562.22), and \$19.93 (applied to 4 units equals \$876.92). Total: \$23,137.40.

CITY OF OAKLAND RENT ADJUSTMENT PROGRAM

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PROOF OF SERVICE

I am at least 18 years of age and not a party to the underlying action.

I am a resident of and/or employed in Alameda County, California. My business address is:
1954 Mountain Blvd., #13125, Oakland, CA 94611.

I certify that on March 26, 2019, I did serve a copy of the following documents:

- **Owner Response to Tenant Appeal (Case No. L18-0086, Kingston Ave. Partners v. Tenants)**

on the following person(s): see below.

Service was made by placing a true copy of the above-described document(s) in a sealed envelope with first class postage fully prepaid in the United States Mail at Oakland, California and addressed as follows:

Julie Goldstein
Eric Goodman
396 Bellevue Ave., Unit 104
Oakland, CA 94610

Krisanne Combs
396 Bellevue Ave., Unit 203
Oakland, CA 94610

Robert Suhr
396 Bellevue Ave., Unit 305
Oakland, CA 94610

Leslie Calhoun
396 Bellevue Ave., Unit 105
Oakland, CA 94610

Frayda Garfinkle
396 Bellevue Ave., Unit 206
Oakland, CA 94610

David Simmons
396 Bellevue Ave., Unit 306
Oakland, CA 94610

Harold Soloman
Ken Soloman
396 Bellevue Ave., Unit 106
Oakland, CA 94610

Jenny McKeel
396 Bellevue Ave., Unit 208
Oakland, CA 94610

John Rogers
396 Bellevue Ave., Unit 307
Oakland, CA 94610

Carmen Castro-Rojas
396 Bellevue Ave., Unit 107
Oakland, CA 94610

Angelique Tremble
396 Bellevue Ave., Unit 209
Oakland, CA 94610

Susan Reynolds
396 Bellevue Ave., Unit 308
Oakland, CA 94610

Melinda Richardson
396 Bellevue Ave., Unit 110
Oakland, CA 94610

Michele Kappel-Stone
Matt Stone
396 Bellevue Ave., Unit 301
Oakland, CA 94610

Zach B. Biskup
Jade L. McCauley
396 Bellevue Ave., Unit 309
Oakland, CA 94610

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct, and that this Proof of Service was executed on the date shown below at Oakland, California.

Signed: _____

Kimberly Roehn

Dated: _____

3/26/19

* The signature line of the mailed copy will be blank. A copy will be signed after mailing and filed.

CHRONOLOGICAL CASE REPORT

Case No.: L18-0035

Case Name: Lew v. Tenants

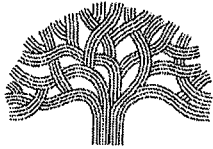
Property Address: 335 49th Street, Rear Unit, Oakland, CA

Parties: Tom Kumamoto (Tenant)
Clara Chow (Tenant)
James Vann (Tenant Representative)
Debra Lew (Owner)

TENANT APPEAL:

<u>Activity</u>	<u>Date</u>
Owner Petition filed	January 23, 2018
Tenant Response filed	May 4, 2018
Owner filed written Response to Tenant's Response	June 11, 2018
Hearing Decision mailed	December 19, 2018
Tenant Appeal filed	January 8, 2019
Owner filed Response to Tenants' Appeal	January 28, 2019

418-0035 RC/LM

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM P.O. Box 70243 Oakland, CA 94612-0243 (510) 238-3721	For date stamp.
	<p align="center"><u>PROPERTY OWNER</u> <u>PETITION FOR</u> <u>APPROVAL OF RENT</u> <u>INCREASE</u></p>	

Please Fill Out This Form Completely As You Can. Failure to provide needed information may result in your petition being rejected or delayed. Attach copies of the documents that support your petition. Before completing this petition, please read the Rent Adjustment Ordinance (Oakland Municipal Code 8.22), sections 8.22.010 through 8.22.190, and the Rent Adjustment Program Regulations.

Your Name Debra Law	Complete Address (with zip code) 40 David Golden 22 Battery ST, Suite 800 San Francisco CA 94111	Daytime Telephone: E-mail:
Your Representative's Name (if any) David Golden	Complete Address (with zip code) David Golden 22 Battery ST, Suite 800 San Francisco CA 94111	Daytime Telephone: E-mail:
Property Address (If the property has more than one address, list all addresses) 335 4th Street Oakland CA 94609		

Total number of units on property: Four

Date on which you acquired the building: 12/18/2013

Type of units (circle one) House Condominium Apartment, Room, or
Live-Work

Have you (or a previous Owner) given the City of Oakland's form entitled Notice to Tenants of Residential Rent Adjustment Program ("RAP Notice") to the tenants in each unit affected by the petition?	Yes	No
On what date was the RAP Notice first given?	Prior Owner 10 years; I personally served on 12/20/2013	
Have you paid your Oakland Business License? The property owner must have a current Oakland Business License. If it is not current, an Owner Petition may not be considered in a Rent Adjustment proceeding. (Provide proof of payment.)	Yes see Exhibit A	No
Oakland Business License number.	00161772	

<p>Have you paid the Rent Adjustment Program Service Fee (\$68 per unit)? The property owner must be current on payment of the RAP Service Fee. If the fee is not current, an Owner Petition may not be considered in a Rent Adjustment proceeding. (Provide proof of payment.) Note: If RAP fee is paid on time, the property owner may charge the tenant one-half of the \$68 per-unit RAP Service fee (\$34).</p>	<p>Yes</p>	<p>No</p>
<p>Use the table on the next page to list each tenant who is affected by this petition.</p>		

REASON(S) FOR PETITION

Note: Justifications for Rent Increases other than the annual allowable rate are discussed in the Rent Adjustment Program Regulations – Appendix A, Sec. 10.

You must attach organized documentation clearly showing the rent increase justification(s) and detailing the calculations to which the documentation pertains. All documents submitted to the Rent Adjustment Program become permanent additions to the file. (Regs. 8.22.090.C)

I (We) petition for approval of one or more rent increases on the grounds that the increase(es) is/are justified by (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Banking (Reg. App. 10.5) | <input type="checkbox"/> Increased Housing Service Costs (Reg. App. 10.1) |
| <input checked="" type="checkbox"/> Capital Improvements (Reg. App. 10.2) | <input type="checkbox"/> Uninsured Repair Costs (Reg. App. 10.3) |
| <input type="checkbox"/> Fair return (Reg. App. 10.6) | |

Have you ever filed a petition for this property?

- ☒ Yes
☐ No

List case number(s) of all Petition(s) you have ever filed for this property and all other relevant Petitions:

LT.194

List each tenant and requested information for each unit affected by this petition. Increases based on increased housing service costs and fair return affect all of the units on the property. Attach additional sheets if necessary.

Address	Unit #	Tenant Name(s)	Phone	E-mail	Current Rent
335 49th St, Pear Oakland, CA 94606	Pear	Clara Chow Thomas Kumamoto			1463.49 *
		* 3/22/16	Order after demand - effective 10/1/2014 Base Rent - 1220.27 plus Cap Improvement 205.67 = 1425.94		
		3/30/16 10/18/17	Corrected Decision - affirmed 7/30/17 (final) effective 11/1/2015		
			Base rent 1220.27 + 37.55 (11/15/17) + Cap Improvement - 205.55 = 1463.49		

Capital Improvements: Capital improvements increases may be taken to reimburse the property owner for property improvements. Reimbursement is limited to 70% of the cost of the improvement spread out over an amortization period as set forth in the Amortization Schedule below. The property owner must show the costs incurred were to improve the property and benefit the tenants. Property owners must also show that these costs were paid. Examples include: copies of receipts, invoices, bid contracts or other documentation.

- If your petition contains capital improvements for which permits are first issued on or after February 1, 2017, capital improvements will be amortized according to an amortization schedule (attached at the end of this form).
- If the petition includes only work where permits were issued before February 1, 2017, improvements will be amortized over five years unless the increase causes a rent increase over 10 percent in one year or 30 percent in five years, in which case the amortization period will be extended until the rent increase is smaller than 10 percent in one year or 30 percent in five years.

Building-Wide Capital Improvements CATEGORY (attach separate sheet if needed)	TOTAL COSTS	DATE COMPLETED	DATE PAID FOR
(N/A)			
SUBTOTAL:			

Unit-Specific Capital Improvements CATEGORY (attach separate sheet if needed)	TOTAL COSTS	DATE COMPLETED	DATE PAID FOR	AFFECTED UNITS
shower valve + pipe replacement	2,215 ⁰⁰	7/1/16	7/20/16 (+ 9/30/16)	1
sink faucet + toilet replacement	460 ⁰⁰	12/5/16	12/16/2016	1
				1
SUBTOTAL:	2,675 ⁰⁰			

Verification (Each petitioner must sign this section):

I declare under penalty of perjury pursuant to the laws of the State of California that everything I said in this petition and attaches pages is true and that all of the documents attached to the petition are originals or are true and correct copies of the originals.



Owner's Signature

01/24/2013
Date

Owner's Signature

Date

File Review

Your tenant(s) will be required to file a response to this petition within 35 days of notification by the Rent Adjustment Program. **You will be sent a copy of the Tenant's Response. Copies of attachments submitted with the Response form are not sent, out, but can be reviewed in person at the Rent Adjustment Program office by calling (510) 238-3721 to schedule a file review.** When the RAP Online Petitioning System is available, you will be able to view the response and attachments by logging in and accessing your case files.

Mediation Program

If you are interested in submitting your dispute to mediation, please read the following information carefully. To request mediation, all petitioners must sign the form that follows. Voluntary mediation of rent disputes is available to all parties involved in Rent Adjustment proceedings. Mediation is an entirely voluntary process to assist you in reaching an agreement with your tenant. Mediation will be scheduled only if both you and your tenant(s) agree and after both a petition and a response have been filed with the Rent Adjustment Program. You may elect to use a Rent Adjustment Program staff Hearing Officer acting as mediator or an outside mediator. Staff Hearing Officers are available to conduct mediation free of charge. Any fees charged by an outside mediator for mediation of rent disputes will be the responsibility of the parties requesting the use of their services. If you are unable to resolve your dispute after a good faith attempt at mediation, you will be given a priority hearing presided by a Hearing Officer other than your mediator.

IF YOU WANT TO SUBMIT YOUR CASE TO MEDIATION, PLEASE CHECK THE APPROPRIATE BOX AND SIGN.

☐ I agree to have my case mediated by a Rent Adjustment Program staff Hearing Officer (no charge).

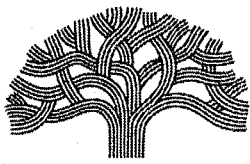
I agree to have my case mediated by an outside mediator (fees to be paid by the parties).

Owner's Signature (for mediation request)

Date

Owner's Signature (for mediation request)

Date

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM P.O. Box 70243 Oakland, CA 94612-0243 (510) 238-3721	<div style="text-align: right;"> RECEIVED CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 2018-04-14 PM 1:12 For date stamp. </div> <u>TENANT RESPONSE</u>
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CASE NUMBER: **L18-0035**

Please fill out this form as completely as you can. Failure to provide needed information may result in your response being rejected or delayed.

Your Name Clara Chow Tom Kumamoto	Complete Address (with Zip Code) 335 49th street Rear House Oakland, CA 94609	Telephone: _____ Email: _____
Your Representative's Name James Vann	Complete Address (with Zip Code) 251 wayne ave Oakland, ca 94606	Telephone _____ Email: _____

Are you current on your rent? Yes ☒ No ☐

If you are not current on your rent, please explain. (If you are legally withholding rent state what, if any, habitability violations exist in your unit.)

What are your reasons for contesting the proposed rent increase or exemption? Attached additional sheets if necessary. If you are contesting a petition that includes a banking increase, you must complete rental history on the next page. For decreased housing services, you need to file a separate tenant petition.

P/S. See Attached.
pages 1-7. and Exhibit A.
A TOTAL OF 10 PAGES.

Rental HistoryDate you moved into this unit: November 1, 1998Initial rent: \$850

Is your rent subsidized or controlled by any government agency, including HUD (Section 8)?

☐ Yes☒ No

Did you receive the City of Oakland's NOTICE TO TENANTS OF RESIDENTIAL ADJUSTMENT PROGRAM (RAP Notice) at any time during your tenancy in this unit?

☒ Yes☐ No

Please list the date you first received the RAP Notice.

MAY, 2009

List all increases you received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased From	Rent Increased To
(A) 10-1-2014	10-1-2014	\$1220-27	\$1425.94
(B) 10-1-2015	11-1-2015	\$1425-94	\$1463-49
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

Capital
Imp.

CPI

(A) Ref. T14-0380

(B) REF. T15-0617

Verification

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

Tenant's Signature_____
Tenant's Signature_____
Date_____
DateMay 4, 2018
5/4/18

335-49th Street, Rear Unit, Oakland, Ca 94609

Bathtub faucet leak timeline

LL – Landlord , Gustavo (Handyman), Scepter (Mr. Cho, owner , Mr. Han , manager)

We are contesting the petition for the pass through of capital improvements to us as tenants. The plumbing issue was originated from a bathtub faucet leak that was not properly repaired since April 2016. The faucet was not in proper working order from April through end of June 2016.

For reasons unbeknownst to us, landlord had denied the purchase of necessary parts to complete the repairs, as confirmed by her handyman Gustavo Guerrero. When Scepter took over the repairs in June 2016, a new set of plumbing issues appeared. The cost of \$2215.18 for shower valve and pipe replacement was due to the numerous failed attempts to remedy the water leak, stemming from 2 areas.

First, 6/17/18 service call by Scepter, water continued to drip from the shower/tub diverter when shower is turned on. Second, water continues to leak steadily from tub spout even after the water is completely shut off.

4/13/16 Inform LL (landlord) bathtub faucet is leaking and water dripping into tub

4/14/16 LL confirm receipt of maintenance request via email

4/18/16 Handyman Gustavo came over 4/18 (Monday afternoon) to inspect leak. Gustavo took pix for LL.

4/20/16 Over the weekend the leak became rapid. As of 4/20, no repair had been done. Two emails were sent to LL 4/20 822am, 944am to report repair status. Informed LL, there is warm water in the bucket which meant that hot water is leaking along with cold water. Informed LL that we were concerned about water bills (drought) and gas bill (water heater).

4/21/16 Gustavo came and replaced the washer. This stopped the leak but he told me it would only be a **temporary fix**. The three water valves became stiff and difficult to operate. Gustavo told me he was able to find the **core- stem** (Exhibit A shows the old worn core stem) to complete the repairs. He told me to be patient for the special order would take 10 days to arrive. He needs LL to approve the purchase.

5/2016 It was becoming more difficult to turn the water valves. Both of my hands were in pain. Upon closer look the valves were not replaced back in their original position , when the new washers were replaced on 4/21/16 by handyman.

The cold water valve had been placed in the hot water position. The hot water valve placed in the diverter spot (mid position) and the diverter valve placed in cold water position.

6/13/16 Informed LL of the three water valves placement errors, difficulty in operating valves due to tightness, noticed water began to leak from shower/tub diverter spout when shower is in use.

6/2016 I contacted Gustavo to follow up with the special order for the repair. He told me LL had denied the purchase. We asked LL why purchase was denied, none given. LL informed Gustavo his services were no longer required.

6/17/16 Scepter service call @220pm. LL present. My neighbor Pat K. present as witness. Mr. Cho re-arranged the 3 valves into its proper position. However, water continued to leak from shower/tub diverter spout while shower was on. Mr. Cho left @245pm. He said he will return to replace gasket and seals to stop the leak. He had to rush to a jobsite in El Cerrito. Water continues to drip as my neighbor left @315pm.

6/23/16 Scepter service call @2pm. Mr. Cho replaced gasket and seal. At 2:30pm, Cho asked me to test shower. I turned on shower and water continued to leak steadily from tub/shower diverter spout.

Mr. Cho said " Just a little bit of water, it's OK "

I replied " It is not OK, it is not fixed.

I shut off the water. Water continued to leak steadily from the lower tub spout. Cho told me the leak would stop in 5 minutes as he left my home. The leak did not stop after 5 minutes . The leak continues.....as I first reported in April 2016.

At the end of service call, another plumbing issue occurred. Water leaked continuously, nonstop , even after I shut off the water. Gustavo was correct, the washer was only a temporary fix.

6/23/16 Filed complaint with City of Oakland, reported bathtub faucet leak since April 2016. (Case ID 1602306)

6/24/16 Emailed LL a summary of service call by Mr. Cho. Email stated water continued to leak after water is shut off at the faucet. Water continued to leak from lower tub spout as shower is turned on. Informed LL in person as she was here with Pribuss Engineering @1125am and showed LL the faucet leak per her request. Quick calculation would yield a total of 21 hours water leaks (starting from 6/23/16 @3pm thru. 6/24/16 Noon). Witness by Tom Kumamoto.

6/24/16 Mr. Han(Scepter) submitted **inaccurate** repair status to LL and tenants. Scepter claimed both plumbing issues were fixed by Mr. Cho on 6/23/16. In fact, both issues remained unresolved .

Issue 1 not fixed :

The faucet continues to LEAK after water is shut off, it did not stop after 5 minutes as advised by Scepter. The leak continued for another 20 hours as we collected the water in a bucket. The faucet shows a steady leak, just as i first reported back in April 2016.

Issue 2 not fixed: While shower is on, water continues to leak from the shower/tub diversion spout.

6/28/16 City inspector Mr. Benson Wan came to inspect the bathtub leak. He asked me for LL contact phone number. He said he would advise her to do the repairs .

6/28/16 Emailed Mr. Han(Scepter) to address concerns with his inaccurate report. Mr. Han was not present during the two service calls in June. I emailed LL and stated clearly the repairs had not resolved the tub/shower diversion problem. In addition,

Scepter had created a new plumbing issue as water continued to leak from the lower tub spout even after water is shut off.

Instead of addressing the several failed attempts for the repair. Scepter then proposed to tear down the shower wall to remedy the problem that they had created. We as tenants are not responsible for failed repairs performed by contractors. Mr. Han informed us on 6/24/16 the additional plumbing work will be completed in one day. In fact, due to errors and miscalculations by Scepter (email 7/6/16), the plumbing work took 3 weeks from start to completion (June 30 – July 22, 2016)

The sink faucet and toilet replacement at a total cost of \$460 was done due to owner's obligation to be code complaint as communicated in her email dated 10/22/2016. We are uncertain as to whether this qualified as a capital improvement, please advise.

Note on owner's petition :


Plumbing repairs were completed on July 22, 2016, Not July 1, as stated in Petition.

Case #s reference : T14-0380, T15-0617

Thank you for your attention in this matter,

Best Regards,

Ms. Clara Chow

 MAY 4, 2018.

From: Clara Chow
06/27/16 @11:04am
Ms. Lew,

Not so fast on your ram rod of Majestic Scepter construction on us.
Concerning the bathtub faucet report submitted to you by Majestic Scepter. What is a 5 minute drip?

Let's put the time frame in perspective. Mr. Cho had shown up at ~2pm to replace the gasket and seal during his service call on 6/23/16. At ~2:30pm, he asked me to test the shower. I turned on the shower as instructed. Unfortunately, a steady stream of water continues to flow from the lower tub spout when the shower is in use. Therefore, the problem was not repaired as inaccurately reported by Scepter Co.

Mr. Cho said to me " just a little bit of water, it's ok ".
I told him, " It is not OK, it is not fixed. "

As i turned off the shower and shut off the water. I noticed water continues to leak/drip from the lower tub spout. He then told me the drip/leak would stop in 5 minutes as he left my home shortly after. He said " I have to go now. "

I then placed a bucket underneath the bathtub faucet to collect the water. A quick calculation would yield a total of 21 hours (starting from 6/23/16 @3pm til 6/24/16 @ noon).

I emailed you(6/24/16 am) a summary of the service call performed by Mr. Cho (Scepter) and informed you in person during the first am visit with plumbing contractor (Pribuss Engineering) @11:25am on 6/24/16(Friday) where I had shown you the drip/leak as you requested. I hope you have read my email summary documenting the service call performed by Scepter on 6/23/16. A copy of the mail had been forwarded to you now for ease of reference. I stated clearly the service call had not resolved the tub/shower diversion problem. In addition, Scepter had created a new plumbing issue, water continues to drip/leak from the lower tub spout for hours as water is turned off. Scepter now wants to tear up the shower wall to fix the problem that they had created.

This makes absolutely no sense to me. There were no leak/drip from the lower tub spout once water is turned off, repair was made by your handyman (Gustavo) back in April .

In summary, we do not agree with the report written by Majestic Scepter. To be clear, the bathtub faucet drip/leak had only returned after the 6/23/16 service call from Scepter Co.

As you had mentioned to me on 6/24/16, as witnessed by Pribuss Engineering and my husband, it's time "to send a plumber" to make a correct assessment and do the proper repairs. We believe you made this statement "to send a plumber" because you realized Majestic Scepter is a ROOFING company and not a plumbing company. We do have mutual agreement on this. You should send a "plumber" and not a "roofing company".

You had a "plumber" in Pribuss Engineering in attendance when you made the statement "to send a plumber". Why did you not ask Pribuss Engineering, who are plumbers, for an opinion and estimate? Later, at~1pm, you could have asked Repiping Specialist for an opinion. Instead, you when right back to Majestic Scepter who are not plumbers.

I thought you wanted to be reasonable? You said so in multiple emails. Instead, you continue to ram rod construction on us to increase our rent. If you want to be reasonable, we should discuss if tearing down the bathroom wall is absolutely necessary OR perhaps finding an experienced and qualified Plumber for an accurate assessment OR authorize Gustavo to purchase the parts as he needed to make the repair in the first place back in April 2016.

We have been very patient and cooperative for this maintenance request.

Gustavo went to two different hardware stores ,was able t to find the compatible faucet fixture to make the repair, the special order would take approx. 10 days,(back in April 2016) however, I had not heard back from you for Gustavo's return. I then found out you had not authorized Gustavo to make the purchase for the necessary parts to complete the repair for reasons unbeknownst to us. What could have been a simple repair has now turned into Majestic Scepter submitting false reports, four separate service calls and counting, many emails, and our bathtub faucet is STILL NOT WORKING PROPERLY.

We find it interesting how you tell Majestic Scepter to proceed with an "upgrade" without discussing with us as we believe it is a "repair". We find it interesting because an "upgrade", as you know, could be charged to us through capital improvements, whereas, a "repair" would be considered as regular maintenance.

Bathtub faucet repair issues still un-resolved as of today

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1. Tub/shower water diversion had not worked properly since 6/13/16. A steady stream of water flows from the lower tub spout when the shower is in use.
2. Water drips/leaks from lower water spout after water is turned off. Water continues to drip/leaks for hours, as documented in our records. This is a new problem that was caused by Majestic Scepter when they attempted to fix the diversion problem on 6/23/16 ~2:30pm. It is Majestic Scepter that caused this problem.

Please send for a qualified PLUMBER . I can let the plumber in my home once we have a mutually agreed upon time and date.

Thank you for your attention in this matter.

Love life

Ms. Chow
510-597-1689



May 4, 2018.

End of Attachment 7/7

and

Exhibit A attached.

WORN COKE STEEL

April 20, 1962

GENERAL INVESTIGATIVE DIVISION
FBI
APR 11 1962
PM 1:13

Exhibit A

L18-0035

LEW v CHOW/KUMAMOTO
L18-0035

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RENT ARBITRATION PROGRAM

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I. FACTS:

When Owner Debra Lew (Owner) bought the property in December 2013, she was aware that the Tenant's plumbing fixtures were in a generally worn condition and replacement would be soon expected. From 2014 through 2016, all tenants of the four unit property had made calls to her about the plumbing fixture or appliance issues. The issues ranged from toilets, shower fixture, bathroom sink faucet, kitchen sink faucet to spickets.

In February 2016, Tenant reported a shower leak¹. While the Owner was addressing the matter, she discovered a replacement of the fixture set was required by (1) the opinion of two contractors and (2) mandated by two sets of laws. The first is a building code that there be a single valve and the second is under a water conservation law known as Senate Bill 407 (SB 407).

Two contractors first started with the easiest solution: to change out of the gasket and seal as a preliminary step to replacement, which failed. Gustavo Barrios, a handyman, replaced the gasket and seal as a temporary fix, patch or repair, and he suggested replacement of the fixture which he ultimately declined to undertake². While not particularly relevant, Owner made two inquiries to the Tenant to confirm whether the leak had been cured, Tenant ignored and did not respond so Owner thought there no longer was a concern.

¹ Tenant describes the dripping as a *leak*; Contractors described the leak as a *drip*. The terms for purposes of this brief are used interchangeably and are not particularly relevant concerning the issues at hand.

² "Hey Debra, you know, I tried to find the part but the part takes like 10 days to bring back because they have to order and I have no time to waste. And I replaced the rubber to the thing and it no dripping like before, or little drips, but this is only the best I can do, is replace the rubber and seal it because my new faucet, it don't work over there. And if you want to do it, call somebody else, some plumber, I'm done over here. It's like, I tried to help you and help her to have no more leak but this is the best I can do. You don't owe me nothing, okay? Only if you want to do something else, call the plumber, okay? This is the best I can do. Have a nice day."

Two month later, the Tenant complained of another leak. The Owner contacted Majestic Scepter, the second contractor who likewise replaced the gasket and seal, which produced no result. Scepter then diagnosed the shower fixture was worn and like Mr. Barrios, said it needed to be replaced as it was at the end of its useful life.

II. ARGUMENT:

A. REPAIR NOT REQUIRED ON SHOWER FIXTURE BEYOND ITS USEFUL LIFE WHERE REPAIR CONSTITUTES WASTE AND LAW REQUIRES REPLACEMENT

The leak and the failed repair factually substantiated the need for replacement. Additionally, in light of SB 407 which required all multi-units to have water conservative fixtures by January 1, 2019, legally substantiated the necessity to replace the plumbing fixtures. Undoubtedly, a reasonable prudent person would have, as Owner did, replace and upgraded the plumbing fixtures in the shower/bath and the toilet and bathroom sink according to code³. The law does not require parties to undertake futile or idle acts.⁴ To institute a repair only to have to replace the plumbing fixtures would constitute an economic waste to the Owner, as well as wasted water which the Tenant pays. Even if a repair would even fix the problem, it constitutes waste which is equivalent to a futile act for which is disfavored by law. Therefore, the Owner reached the inevitable conclusion that a replacement was the best course of action.

When all is said and done, the fact is the shower work replacement was the best solution to the situation, was performed and paid. Owner was obligated and did adhere to the law and changed out all non-confirming plumbing fixtures. The argument that the shower could have

³ The kitchen sink faucet was replaced in 2014 and was already in compliance.

⁴ Civil Code section 3532.

been repaired is of no consequence. Tenant's worn plumbing fixtures (which is amortized at five years per Santa Monica schedule and adopted by Oakland) had extremely past the five years since installation, and past its useful life expectancy. The replacement work was a capital improvement as defined by O.M.C. section 8.22.20⁵ and should be deemed a capital improvement.

B. CAPITAL IMPROVEMENT PERFORMED PRIOR TO FEBRUARY 1, 2017

Moreover, the capital improvements work and payments were made in 2016.

New piping, new bath/shower fixture, bathroom faucet and toilet are all capital improvements which primarily benefit the Tenants. There was no code violation⁶, deferred maintenance nor gold plating. The contractors did not cause the leak. The contractors each stated new fixtures were required, albeit, the handyman wanted to replace the three handles but is not a licensed contractor and Majestic Scepter, the licensed general contractor, (who also has a license for roofing), wanted to replace the shower fixture according to the building code.

⁵ Capital improvements" means those improvements to a covered unit or common areas that materially add to the value of the property and appreciably prolong its useful life or adapt it to new building codes. Those improvements must primarily benefit the tenant rather than the owner. Capital improvement costs that may be passed through to tenants include seventy percent (70%) of actual costs, plus imputed financing. Capital improvement costs shall be amortized over the useful life of the improvement as set forth in an amortization schedule developed by the Rent Board. Capital improvements do not include the following as set forth in the regulations: correction of serious code violations not created by the tenant; improvements or repairs required because of deferred maintenance; or improvements that are greater in character or quality than existing improvements ("gold-plating" "over-improving") excluding: improvements approved in writing by the tenant, improvements that bring the unit up to current building or housing codes, or the cost of a substantially equivalent replacement.

⁶ Despite the Tenant's quest to have the City find a code violation to avoid contribution to the capital improvement pass-through, no citation or notice of violation was issued. In fact, Oakland Inspector Ben Wan never contacted Owner to suggest she perform work at all.

3 of 4 pages

LEW v. CHOW/KUMAMOTO (RAP Case No. L18-0035)

LEW's REPLY TO TENTANT'S RESPONSE TO OWNER'S PETITION

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Given SB 407, the Owner had decided that the proper replacement was the single valve replacement. She has the right to decide whom she prefers to do the job and hired Scepter.

Finally, since the Tenant pays for water used, they have benefitted from the capital improvements made and paid for since 2016.

In conclusion, the repair attempts (gasket and seal and could have found three handles or a core or whatever Tenants claim could or should have been done) are frankly, irrelevant. The fact of the matter is, the Owner did the right thing by complying with newly enacted SB 407 and the building code. Tenants directly and unequivocally benefited from this improvement. To deny the capital improvement pass-through would not only be in violation of the Ordinance which recognizes capital improvements that comply with new building codes but would penalize owners who comply with the law and the City's policy to encourage investors to invest in Oakland and not to let their housing stock lapse into a state of dilapidation and disrepair.

For these reasons, the Owner's Petition to pass through the capital improvements should be granted.

Dated: 6/9/2018



Debra Lew, Petitioner and Owner

4 of 4 pages .

LEW v. CHOW/KUMAMOTO (RAP Case No. L18-0035)
LEW's REPLY TO TENTANT'S RESPONSE TO OWNER'S PETITION

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CITY OF OAKLAND

Department of Housing and Community Development
Rent Adjustment Program

TEL (510) 238-3721
FAX (510) 238-6181
TDD (510) 238-3254

HEARING DECISION

CASE NUMBER: L18-0035, Lew v. Tenants
PROPERTY ADDRESS: 335 49th Street, Rear Unit, Oakland, CA
DATE OF HEARING: July 11, 2018
DATE OF DECISION: December 10, 2018
APPEARANCES: Tom Kumamoto, Tenant
Clara Chow, Tenant
James Vann, Tenant Representative
Debra Lew, Owner

SUMMARY OF DECISION

The owner's petition is granted.

CONTENTIONS OF THE PARTIES

On January 23, 2018, the owner filed a Property Owner Petition for Approval of Rent Increase based on unit specific capital improvements to the Rear Unit in the subject property.

Tenants Clara Chow and Tom Kumamoto filed a timely response contesting the capital improvements rent increase.

THE ISSUE

Is the rent increase justified by Capital Improvement costs and, if so, in what amount?

000204

EVIDENCE

Background

The tenants moved into their Unit on November 1, 1998, at an initial monthly rent of \$850.00. They stated on their petition that they received the first notice of the Rent Adjustment Program (RAP Notice) in May of 2009. The current owner acquired the subject property on December 18, 2013, and served the tenants with another RAP Notice on December 20, 2013. This evidence was not disputed.

The tenants' current monthly base rent is \$1,257.82, as of November 1, 2015, plus a prior Capital improvements pass through of \$205.67, which totals \$1,463.49.

Scope and Cost of the Project

The owner testified that she replaced the bathroom shower valve unit and existing water pipe from the valve leading to the shower head. She testified that the fixtures in the unit were old and were not water conservative fixtures. In addition, the tenants complained about a drip in the shower faucet, which was repaired. She was advised by the contractor that a simple repair of the shower fixture would not resolve the issue and the fixtures needed to be replaced. This work involved breaking wall tiles, upgrading pipes and the valve unit, and installing new water conservative bath/shower fixtures pursuant to the water conservation requirements in Senate Bill 407. During this process the toilet and bathroom sink faucet were also replaced. The permit was issued on June 29, 2016, and finalized on July 11, 2016. The permit fee was \$485.18.

The owner hired plumbing contractor, Majestic Sceptor Company. The shower fixture and valve replacement project was completed and paid for in July and September of 2016 and cost \$1,730.00. The new water-saving toilet and new bathroom sink faucet were also replaced in December of 2016 to comply with the water conservation requirements in Senate Bill 407 and cost \$460.00.

The owner submitted the following documents in support of her petition:

1. A City of Oakland permit issued 6/29/2016, showing the final date of 7/11/16, with the cost of the permit transaction record for \$485.18.¹
2. Copies of two invoices from Majestic Sceptor Company, dated June 24, 2016, and June 30, 2016, for the installation of new shower fixtures, valve unit, copper pipes, wall tiles, new tub faucet and shower head, sheetrock, and interior paint for a cost of \$850.00 and \$880.00 each.²

¹ Exhibit A

² Exhibit B

3. A Check No. 205, paid to Majestic Scepter Company, dated July 20, 2016, in the total amount of \$1,720.00.³
4. A Check No. 212, paid to Majestic Scepter Company, dated September 30, 2016, for \$10.00.⁴
5. An invoice from Majestic Scepter Company, dated December 5, 2016, for the replacement of the water-conservation toilet and sink faucet showing the amount of \$280.00 for the toilet and \$180.00 for the faucet. The owner testified the total invoice is for \$790.00 because there are other items listed on the invoice as the contractor did additional work but she is only passing the cost of the toilet and sink faucet at a total cost of \$460.00.⁵
6. A Check No. 218, paid to Majestic Scepter Company dated December 16, 2016, in the total amount of \$790.00.⁶

The entire project cost \$2,675.18.

The tenants testified that the fixtures were old, the bathtub faucets were difficult to turn and dripped on and off. The owner repaired the drips in the shower before replacing the entire piping, fixture and a valve. The owner reiterated that the fixtures needed to be upgraded to comply with the water conservation requirements of Senate Bill 407. She also testified that tenants in other units complained about similar issues with their shower fixtures, and those fixtures were unsuccessful, the fixtures in those units were also replaced. Based on this history and the advice of her contractor, the owner believes that the bathroom fixture replacement was necessary.

There was no evidence of deferred maintenance or that the project was performed to correct a Priority 1 or 2 condition per City Building Services Inspector. There was no evidence of a code violation.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Capital Improvements

A rent increase in excess of the C.P.I. Rent Adjustment may be justified by capital improvement costs.⁷ Capital improvement costs are those improvements which materially add to the value of the property and appreciably prolong its useful life or adapt it to new building codes. Normal routine maintenance and repair is not a capital improvement cost, but a housing service cost.⁸

³ Exhibit C

⁴ Exhibit D

⁵ Exhibit E

⁶ Exhibit F

⁷ O.M.C. Section 8.22.070(C)

⁸ Regulations Appendix, Section 10.2.2(5)

Seventy percent (70%) of the total cost for the capital improvement may be passed through to the tenants.⁹ For projects completed prior to February 1, 2017, the items defined as capital improvements will be given a useful life period of five (5) years or sixty (60) months and the total cost shall be amortized over that time period, unless the rent increase using this amortization would exceed ten percent (10%) of the existing rent for a particular unit.¹⁰ The dollar amount of the capital improvement rent increase shall be removed from the rent at the end of the amortization period.¹¹

The project qualifies as a capital improvement because it benefits the tenants and complies with the new building codes. The pipe, valve and fixture/faucet upgrades make the unit more energy efficient for the tenants.

Calculation of Capital Improvement Pass-through per Tenant's Unit

The project was completed in December of 2016 and the owner submitted proof of payments in the form of invoices and cancelled checks for a total of \$2,675.18. Therefore, the owner is entitled to a capital improvement pass-through of 70% of the cost of this project, which is \$1,872.62. The cost per tenant's unit amortized over 60 months is \$31.21 (1,872.62 divided by 60).

ORDER

1. Owner Petition L18-0035 is granted.
2. The maximum approved amount for tenant's unit for an increase based on the capital improvements is \$31.21 for an amortization period of sixty (60) months.
3. The rent increase will be effective thirty (30) days after the owner serves the rent increase notice, together with a RAP Notice, and the attached Decision Summary. If the rent increase notice is served by mail, it will be effective thirty-five (35) days after the service.

Right to Appeal: **This decision is the final decision of the Rent Adjustment Program.** Either party may appeal this decision by filing a properly completed appeal using the form provided by the Rent Adjustment Program. The appeal must be received within twenty (20) days after service of the decision. The date of service is shown on the attached Proof of Service. If the Rent Adjustment Office is closed on the last day to file, the appeal may be filed on the next business day.

Dated: December 10, 2018



Linda M. Moroz, Hearing Officer
Rent Adjustment Program

⁹ Regulations, Appendix A, Section 10.2.3 (3)(a)

¹⁰ Regulations, Appendix A §10.2.3 (2)

¹¹ Regulations Appendix, Section 10.2.3(2)



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA, SUITE 5313, OAKLAND, CA 94612

Housing and Community Development Department
Rent Adjustment Program

TEL (510) 238-3721
FAX (510) 238-6181
TDD (510) 238-3254

DECISION SUMMARY

CASE NUMBER: L18-0035, Lew v. Tenants
PROPERTY ADDRESS: 335 49th St., Rear Unit, Oakland, CA
DATE OF HEARING: July 11, 2018
DATE OF DECISION: December 10, 2018

1. The Owner Petition for Approval of Rent Increase L18-0035 is granted.
2. The maximum approved amount per month for an increase based on the capital improvements for Tenant's Unit is \$31.21 for an amortization period of five (5) years.
3. The increase will be effective thirty (30) days after the owner serves the rent increase notice, together with a *RAP Notice*, and this *Decision Summary*. If the rent increase notice is served by mail, it will be effective thirty-five (35) days after the service.
4. The rent increase will expire at the end of the amortization period, which is five (5) years.

Dated: December 10, 2018

Linda M. Moroz
Hearing Officer, Rent Adjustment Program

PROOF OF SERVICE

Case Number L18-0035

I am a resident of the State of California at least eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California 94612.

Today, I served the attached documents listed below by placing a true copy of it in a sealed envelope in a City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California, addressed to:

Documents Included

Notice of Hearing

Owner

Debra Lew
22 Battery Street Suite 800
San Francisco, CA 94111

Owner Representative

David Golden
22 Battery Street Suite 800
San Francisco, CA 94111

Tenant

Clara Chow
335 49th Street Rear Unit
Oakland, CA 94609

Tenant

Thomas Kvmamoto
335 49th Street Rear Unit
Oakland, CA 94609

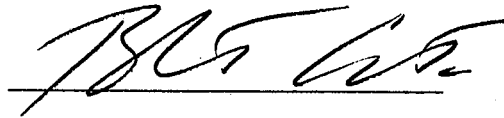
Tenant Representative

James Vann
251 Wayne Avenue
Oakland, CA 94606

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

000209

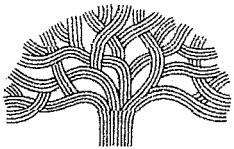
I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on December 19, 2018 in Oakland, CA.

A handwritten signature in black ink, appearing to read "Roberto F. Costa", written over a horizontal line.

Roberto F. Costa

Oakland Rent Adjustment Program

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 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	For date stamp.
		<u>APPEAL</u>

Appellant's Name Clara Chow & Tom Kumamoto		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant
Property Address (Include Unit Number) 335-49th St., Rear House, Oakland, Ca 94609		
Appellant's Mailing Address (For receipt of notices) 335-49th St., Rear House Oakland, Ca 94609	Case Number L18-0035	Date of Decision appealed Jan. 8 2019
Name of Representative (if any) James E Vann	Representative's Mailing Address (For notices) 251 Wayne Ave. Oakland, Ca 94609	

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

- 1) There are math/clerical errors that require the Hearing Decision to be updated. (Please clearly explain the math/clerical errors.)
- 2) Appealing the decision for one of the grounds below (required):
 - a) ☐ The decision is inconsistent with OMC Chapter 8.22, Rent Board Regulations or prior decisions of the Board. (In your explanation, you must identify the Ordinance section, regulation or prior Board decision(s) and describe how the description is inconsistent.).
 - b) ☒ The decision is inconsistent with decisions issued by other Hearing Officers. (In your explanation, you must identify the prior inconsistent decision and explain how the decision is inconsistent.) T14-0380
 - c) ☐ The decision raises a new policy issue that has not been decided by the Board. (In your explanation, you must provide a detailed statement of the issue and why the issue should be decided in your favor.).
 - d) ☐ The decision violates federal, state or local law. (In your explanation, you must provide a detailed statement as to what law is violated.)
 - e) ☒ The decision is not supported by substantial evidence. (In your explanation, you must explain why the decision is not supported by substantial evidence found in the case record.)

For more information phone (510) 238-3721.

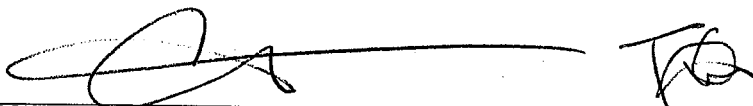
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- f) ☐ I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
- g) ☐ The decision denies the Owner a fair return on my investment. (You may appeal on this ground only when your underlying petition was based on a fair return claim. You must specifically state why you have been denied a fair return and attach the calculations supporting your claim.)
- h) ☒ Other. (In your explanation, you must attach a detailed explanation of your grounds for appeal.)

Submissions to the Board must **not** exceed 25 pages from each party, and they must be received by the Rent Adjustment Program with a proof of service on opposing party within 15 days of filing the appeal. Only the first 25 pages of submissions from each party will be considered by the Board, subject to Regulations 8.22.010(A)(5). Please number attached pages consecutively. Number of pages attached: _____.

- You must serve a copy of your appeal on the opposing parties or your appeal may be dismissed. •
I declare under penalty of perjury under the laws of the State of California that on _____, 20____,
I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

Name	Debra Lew
Address	22 Battery Street, Ste 800
City, State Zip	San Francisco, Ca 94111
Name	David Gdden
Address	22 Battery Street, Ste 800
City, State Zip	San Francisco, Ca 94111

	Jan 8, 2019
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

For more information phone (510) 238-3721.

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IMPORTANT INFORMATION:

This appeal must be received by the Rent Adjustment Program, 250 Frank Ogawa Plaza, Suite 5313, Oakland, California 94612, not later than 5:00 P.M. on the 20th calendar day after the date the decision was mailed to you as shown on the proof of service attached to the decision. If the last day to file is a weekend or holiday, the time to file the document is extended to the next business day.

- Appeals filed late without good cause will be dismissed.
- You must provide all the information required, or your appeal cannot be processed and may be dismissed.
- Any response to the appeal by the other party must be received by the Rent Adjustment Program with a proof of service on opposing party within 35 days of filing the appeal.
- The Board will not consider new claims. All claims, except jurisdiction issues, must have been made in the petition, response, or at the hearing.
- The Board will not consider new evidence at the appeal hearing without specific approval.
- You must sign and date this form or your appeal will not be processed.
- The entire case record is available to the Board, but sections of audio recordings must be pre-designated to Rent Adjustment Staff.

For more information phone (510) 238-3721.

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We are writing to appeal the hearing decision case # L18-0035 (Lew v. Tenants), dated 12/10/2018.

Tenants (Chow and Kumamoto)

There are clear discrepancies between findings of fact and documentary evidence in the record L18-0035.

1. False statement in Hearing Decision (pg 3)

“ The owner repaired the drips in the shower before replacing the entire piping, fixture and a valve “

FACT: The owner did not complete the repair BEFORE replacing the piping , fixture and valve. The shower faucet had been leaking periodically from 4/13/16 through 6/30/16 (the first day of pipe, fixture and valve replacement)

EVIDENCE: We submitted photographs, videos of faucet leak, timelines of failed repairs from 4/21/16 – 6/30/16. All evidence were submitted before the hearing for a complete and thorough review.

2. False statement in Hearing Decision (pg 2)

“ In addition, the tenants complained about a drip in the shower faucet, which was repaired.”

FACT: The shower faucet continued to leak through 6/30/16.

Majestic Scepter (contractor) failed to repair the leaks on 2 separate visits, 6/17 and 6/23/16.

EVIDENCE: Tenant filed complaint with City of Oakland (Case ID 1602306) on 6/23/16. The complaint was to report an ongoing leak since April 2016, the tenant paid for excess water usage due to the leaks for over two months.

On 6/28/16, City Inspector Benson Wan came to inspect shower faucet and witnessed the ongoing leak. He spoke with owner on the phone and advised her to complete repairs.

3. Misleading: "The tenants testified that the fixtures were old, the bathtub faucets were difficult to turn and dripped on and off." (Pg 3)

FACT: The statement was taken out of context. The turning of the faucets was not a problem until after an error was made during the repair on 4/21/16. The handyman replaced the washer for a temporary fix. The three valves became very stiff and difficult to turn right after the repair. The valves were not installed in their proper designated position after the new washers were replaced. That was the real cause of the stiffness and difficulty in turning.

EVIDENCE: Tenant submitted photographs of the faulty repair on 4/21/16. Owner , contractor and neighbor P. Kaplan witnessed the error on 6/17/16 in our unit. The photographs shown the 3 valves were not placed in their original designated position.

The cold water valve had been placed in the hot water position. The hot water valve placed in diverter spot (middle position), the diverter valve placed in cold water position.

4. **FACT:** Decision is inconsistent with decisions issued by other hearing officers.

Evidence: Case T14-0380; Chow V. Lew (Rear House)

Pg 17 Corrected Hearing Decision 4/8/2015

“Work in Rear House Kitchen: However, the owner also did work related to repairing an ongoing leak in the tenant’s kitchen that caused water damage to the plywood. These are deferred maintenance costs that should have taken care of by the prior owners. The tenant credibly testified that this kitchen leak was episodic and was known by the prior owners.”

The hearing officer ruled the ongoing leak in the kitchen sink was part of deferred maintenance. The cost of the sink and faucet was not allowed and not passed through to tenant.

In case L18-0035, we have the same issue as T14-0380. The shower faucet leak had been episodic , from April 2016 through end of June 2016.

We don't understand why our testimony and evidence was not mentioned or included in the hearing decision. Both tenants and owner attended the hearing on July 11, 2016, which lasted over a hour.

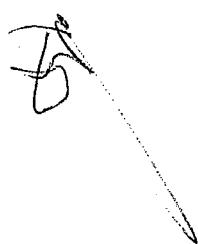

We presented timelines, photographs and videos to support our case.

To further support the case, we contacted City of Oakland for an inspection. Mr. Benson Wan witnessed the leak on 6/28/16, he spoke on the phone with owner the same day. The last repair was attempted on 6/23/16, it failed and faucet continued to leak, as witnessed by City of Oakland on 6/28/16.

In Summary, We have provided important and relevant evidence in written and visual forms to justify our tenant response, and this appeal letter. We believe the ongoing leak was due to deferred maintenance. An error was made during the first repair on 4/21/16. Two other attempts were made in June 2016, both failed. Up to the day of the piping , faucet valve replacement, our shower faucet continued to leak on 6/30/16.

We want to make sure that our facts and evidence are heard through the appeal process. Thank you for your time and review of the appeal,

Sincerely,



Jan. 8, 2019

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**LEW'S RESPONSE TO TENANTS' UNTIMELY APPEAL
(L18-00365)**

Owner and Petitioner Debra Lew ("Owner") submitted her Petition seeking a capital improvement pass-through for work involving the installation of water conservative appliances based upon California's new law, Senate Bill 407. The capital improvements were approved in the Decision served on December 19, 2018. Tenants and Appellants Chow and Kumamoto filed an appeal on January 8, 2019. The Owner responds to the appeal as follows:

**I. INVALID SERVICE RENDERS APPEAL UNTIMELY
AND CASE SHOULD DISMISSED AS VOID.**

On **January 8, 2019**, Tenants filed their Appeal on the last possible day (15 days after the December 19, 2018 service of the Decision). The Proof of Service states they served (past tense) their Appeal on **January 12, 2019**. A careful examination of the envelopes which included the Appeal shows a **post-marked WED 23 JAN 2019**. This Notice of Appeal arrived at the Owner and her attorney's address on **Friday, January 25, 2019**.

The proof of service section on the Appeal states:

***You must serve a copy of your appeal on the opposing parties or your appeal may be dismissed. ***

I declare under penalty of perjury under the laws of the State of California that **on 1/12/2019**, I PLACED (*emphasis added*) a copy of this form and all attach pages in the United State mail... using a service at least as expeditious as first class mail with all postage or charges fully prepaid, addressed to each opposing party as follows:

...

[Signed: /Clara Chow / Tom Kumamoto/]

1 Re: LEW v. CHOW/KUMAMOTO (RAP Case No. L18-0035)
LEW'S RESPONSE TO TENANTS' UNTIMELY APPEAL

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No proof of service can be signed for a date in the future. The Notice of Appeal must be served on the same date as the filing of the Notice in order to be validly filed.¹ The deadline to file and serve the Appeal was January 8, 2019. Service of the Notice of Appeal 4 days (using the 1/12/2019 date on the proof) or 15 days (using the Wed 1/23/2019 date on the post-mark) after the filing constitutes an untimely Appeal. Both service and filing are required to be accomplished before the deadline to appeal of January 8, 2019.

Owner Lew has been prejudiced by this tactical delay in mailing. All other proof of services even in an administrative procedural setting, require service to be effectuated by non-parties over 18 years old, specifying the place of mailing, to be valid. Because the service and filing were untimely, the Rent Adjustment Board has no jurisdiction to hear this case.

The only issue that should be before this Board is whether it has the jurisdiction to hear the Appeal. Jurisdiction cannot be waived.

Without waiving her assertion that this Board has no jurisdiction, Owner Lew responds as follow:

I. THE EVIDENCE SUBSTANTIALLY SUPPORTS THE DECISION

¹ See CCP sections 1013, 1013A, and CCP 1005. Govt C sections 11370.5(b), 1144.20 . California Code of Regs section 1008. California Rule of Court 8.817(a)(1): Before filing any document, a party must serve, by any method permitted by the Code of Civil Procedure, one copy of the document on the ... and on any other person or entity when required by statute or rule.

2 Re: LEW v. CHOW/KUMAMOTO (RAP Case No. L18-0035)
LEW'S RESPONSE TO TENANTS' UNTIMELY APPEAL

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**A. THE EVIDENCE SUPPORTS THE FINDING THAT THE
(1) OWNER REPAIRED DRIPS IN SHOWER BEFORE
REPLACEMENT AND
(2) THE DRIP IN THE SHOWER FAUCET WAS REPAIRED.**

Tenant herself testified that she emailed Owner of the leak in April and that “Competent handyman Gustavo inspected the leak, took photos, and came back with washer and *the leak did stop* but handles were difficult to turn.” (27:47).

After handyman Gustavo repaired the leak, there was no complaint until two months later. This was a different complaint and leak. Lew testified that she chose to replace the shower fixture with the single handle valve in compliance with Senate Bill 407 requiring water conservative appliances for multi-units prior to January 1, 2019 and that building code required upgrades, including a single valve for bath faucet. She argued then and now that any repair issue is irrelevant.

Tenant also misstates the evidence. While she states in her Appeal that she complained to the City of “an ongoing leak since April 2016... and that Benson Wong spoke to Ms. Lew the same day” such was not the case nor the evidence. The undisputed evidence on the record was the City Inspector found no code violation upon inspection of the shower faucet. There was no evidence that Mr. Wong ever told her to complete the repairs. This evidence did not come up and would be inadmissible hearsay (as well as disputed by Ms. Lew).

**B. THE EVIDENCE SUPPORTS THE FINDING THAT
(3) “THE FIXTURES WERE OLD, THE BATHTUB FAUCET WERE
DIFFICULT TO TURN AND DRIPPED ON AND OFF”**

3 Re: LEW v. CHOW/KUMAMOTO (RAP Case No. L18-0035)
LEW’S RESPONSE TO TENANTS’ UNTIMELY APPEAL

2019 JAN 28 PM 1:10

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This statement represents Tenant's verbatim testimony that "Competent handyman Gustavo inspected the leak, took photos, and came back with washer and *the leak did stop* but handles were difficult to turn." (27:47).

The repairs were effectuated but another problem arose. But the focus and evidence was not the repairs but that the replacement was required by SB 407 and building codes anyway. The Owner testified that SB 407 specifically mandates that noncompliant water fixtures must be water conservative by January 1, 2019 in multi-unit buildings. In light of the second reported leak, she opted to replace and upgrade the water fixtures to code.

**C. THE EVIDENCE SUPPORTS THE DECISION FINDING THAT
THERE WAS NO DEFERRED MAINTENANCE**

No facts support the statement that "The shower faucet leak had been episodic from April 2016 – June 2016." Even then, the facts in T14-0380 are clearly distinguishable from the case at hand. Owner sought a capital improvement pass through for replacement of a kitchen counter. The Hearing Officer therein decided there was deferred maintenance and successor liability based upon damage to plywood underneath the counter that was damages, notwithstanding the counter itself needed replacement for prior leaks. Here, there were only two independent shower leaks which surfaced from April through July 2016, hence no *episodic leak*. Oakland Reg. 10.2.2(4)(b) denies capital improvement costs for work or *portion of work that could have been avoided by the landlord's exercise of*

reasonable diligence in making timely repairs after the landlord knew or should reasonably have known of the problem *that caused the damage leading to the repair claimed as a capital improvement*. There was no evidence as to what action Owner could have instituted to prevent the leak from occurring where the fixtures were old and worn and beyond the useful life.

CONCLUSION

First, the Rent Adjustment Board lacks jurisdiction over this Appeal because of the Tenants' failure to timely serve and file the Notice of Appeal. No appellant should be permitted to serve a notice of appeal 15 days after the Rent Adjustment Program has had the appeal. This is tantamount to a prohibited ex parte form of communication with the Rent Adjustment Program.

Second, substantial evidence supports the hearing officer's decision that this was a capital improvement and not a repair, that a repair was effectuated.

Third, there was substantial evidence that supports a finding that there was no deferred maintenance as the hearing officer properly determined.

For these reasons, the appeal should be denied for lack of jurisdiction or in the alternative, the decision must be upheld.

Dated: 01/28/2019


DEBRA LEW, PETITIONER AND RESPONDENT

2019 JAN 28 PM 1:11

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Declaration of Debra Lew In Support of the 1/23/2019 Postmark

I declare under penalty of perjury under the laws of the state of California that the envelopes from Tenants giving notice of the appeal were postmarked WED 23 JAN 2019. The original envelopes can be made available at the time of any jurisdictional hearing.

Executed on this 28th day of January 2019 at San Francisco, California.


DEBRA LEW

2019 JAN 28 PM 1:11

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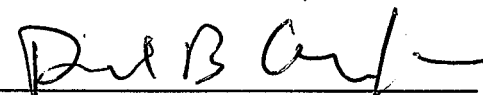
Proof of Service

I, David Golden, being at least 18 years of age, whose business address is 22 Battery Street #800, San Francisco, CA 94111, declare under penalty of perjury that on January 28, 2019, I served this Lew's Response to Tenants' Untimely Appeal and Declaration of Debra Lew in Support of the 1/23/2019 Postmark on the above named Tenants in Possession by mailing to the tenants in a sealed addressed envelope, first class postage prepaid addressed as follows:

Clara Chow and Tom Kumamoto
335 49th ST, Rear House
Oakland, CA 94609

James E. Vann
251 Wayne Avenue
Oakland, CA 94606

Executed on this 28th day of January, 2019 at San Francisco, California.


DAVID GOLDEN

2019 JAN 28 PM 1:13

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