

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

October 25, 2018

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
4. OPEN FORUM
5. NEW BUSINESS
 - i. Appeal Hearing in cases:
 - a. T17-0173, Cortes v. Wong
L17-0068, Yip v. Tenants
 - b. T17-0436, Ward v. The Lapham Co.
6. SCHEDULING AND REPORTS
 - i. Introduction of new Rent Adjustment Program Manager
7. 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@oaklandnet.com 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, Cantonese,

Mandarín o de lenguaje de señas (ASL) por favor envié un correo electrónico a sshannon@oaklandnet.com 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@oaklandnet.com 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.

CHRONOLOGICAL CASE REPORT

Consolidated Cases: T17-0173, Cortes v. Wong
L17-0068, Yip v. Tenants

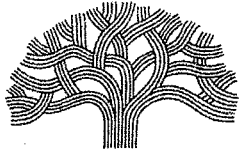
Property Address: 1534 29th Avenue, Oakland, CA

Parties: Steven Yip (Owner)
Leah Simon-Weisberg (Tenants' Attorney)

OWNER APPEAL:

<u>Activity</u>	<u>Date</u>
Tenant Cortes filed Petition	March 13, 2017
Owner Response filed in T17-0173	April 27, 2017
Landlord Petition for Certificate of Exemption filed in both cases	April 7, 2017
Tenants' Responses filed in L17-0068	June 30, 2017
Hearing Decision mailed in both cases	October 20, 2017
Owner Appeal filed	November 8, 2017
Tenants' Response to Owner's Appeal filed	November 28, 2017

T17. 0173 MS/BC



CITY OF OAKLAND

**CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM**
P.O. Box 70243
Oakland, CA 94612-0243
(510) 238-3721

RECEIVED
CITY OF OAKLAND
ARBITRATION PROGRAM
For date stamp

2017 MAR 13 PM 3:08

TENANT PETITION

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

Please print legibly

Your Name <i>Rosario Cortes</i>	Rental Address (with zip code) <i>1534 29th Ave, #2 OAKLAND, CA 94601</i>	Telephone: <i>(510) 383-0265</i>
Your Representative's Name <i>Daniel Flores</i>	Mailing Address (with zip code) <i>1534 29th Ave, #2 OAKLAND, CA 94601</i>	E-mail:
Property Owner(s) name(s)	Mailing Address (with zip code)	Telephone:
Property Manager or Management Co. (if applicable) <i>Calvin Wong et al Vicente Trujillo</i>	Mailing Address (with zip code) <i>1534 29th Ave, #8 OAKLAND, CA 94601</i>	E-mail:

Number of units on the property: 15

Type of unit you rent (check one)	<input type="checkbox"/> House	<input type="checkbox"/> Condominium	<input checked="" type="checkbox"/> Apartment, Room, or Live-Work
Are you current on your rent? (check one)	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> 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.)

I. GROUNDS FOR PETITION: Check all that apply. You must check at least one box. For all of the grounds for a petition see OMC 8.22.070 and OMC 8.22.090. **I (We) contest one or more rent increases on one or more of the following grounds:**

<input checked="" type="checkbox"/>	(a) The CPI and/or banked rent increase notice I was given was calculated incorrectly.
<input type="checkbox"/>	(b) The increase(s) exceed(s) the CPI Adjustment and is (are) unjustified or is (are) greater than 10%.
<input type="checkbox"/>	(c) I received a rent increase notice before the property owner received approval from the Rent Adjustment Program for such an increase and the rent increase exceeds the CPI Adjustment and the available banked

Rev. 2/10/17

For more information phone (510) 238-3721.

1

Please provide Spanish/English interpreter
Rosario Cortes 000004-13-17

rent increase.
(d) No written notice of Rent Program was given to me together with the notice of increase(s) I am contesting. (Only for increases noticed after July 26, 2000.)
(e) The property owner did not give me the required form "Notice of the Rent Adjustment Program" at least 6 months before the effective date of the rent increase(s).
(f) The rent increase notice(s) was (were) not given to me in compliance with State law.
(g) The increase I am contesting is the second increase in my rent in a 12-month period.
(h) There is a current health, safety, fire, or building code violation in my unit, or there are serious problems with the conditions in the unit because the owner failed to do requested repair and maintenance. (Complete Section III on following page)
(i) The owner is providing me with fewer housing services than I received previously or is charging me for services originally paid by the owner. (OMC 8.22.070(F): A decrease in housing services is considered an increase in rent. A tenant may petition for a rent adjustment based on a decrease in housing services.) (Complete Section III on following page)
(j) My rent was not reduced after a prior rent increase period for a Capital Improvement had expired.
(k) The proposed rent increase would exceed an overall increase of 30% in 5 years. (The 5-year period begins with rent increases noticed on or after August 1, 2014).
(l) I wish to contest an exemption from the Rent Adjustment Ordinance because the exemption was based on fraud or mistake (OMC 8.22, Article I)
(m) The owner did not give me a summary of the justification(s) for the increase despite my written request.
(n) The rent was raised <u>illegally</u> after the unit was vacated as set forth under OMC 8.22.080.

II. RENTAL HISTORY: (You must complete this section)

Date you moved into the Unit: 5/2013 Initial Rent: \$ 660.00 /month

When did the owner first provide you with the RAP NOTICE, a written NOTICE TO TENANTS of the existence of the Rent Adjustment Program? Date: 4/11/2016. If never provided, enter "Never."

Is your rent subsidized or controlled by any government agency, including HUD (Section 8)? Yes No

List all rent increases that you want to challenge. Begin with the most recent and work backwards. If you need additional space, please attach another sheet. If you never received the RAP Notice you can contest all past increases. You must check "Yes" next to each increase that you are challenging.

Date you received the notice (mo/day/year)	Date increase goes into effect (mo/day/year)	Monthly rent increase		Are you Contesting this Increase in this Petition?*	Did You Receive a Rent Program Notice With the Notice Of Increase?
		From	To		
<u>2/20/17</u>	<u>5/11/2017</u>	\$ <u>760</u>	\$ <u>935</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<u>2/20/17</u>	<u>5/11/2017</u>	\$ <u>735</u>	\$ <u>910</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<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
		\$	\$	<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

with parking

* You have 90 days from the date of notice of increase or from the first date you received written notice of the existence of the Rent Adjustment program (whichever is later) to contest a rent increase. (O.M.C. 8.22.090 A 2) If you did not receive a *RAP Notice* with the rent increase you are contesting but have received it in the past, you have 120 days to file a petition. (O.M.C. 8.22.090 A 3)

Have you ever filed a petition for this rental unit?

- Yes
 No

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

III. DESCRIPTION OF DECREASED OR INADEQUATE HOUSING SERVICES:

Decreased or inadequate housing services are considered an increase in rent. If you claim an unlawful rent increase for problems in your unit, or because the owner has taken away a housing service, you must complete this section.

- Are you being charged for services originally paid by the owner? Yes No
Have you lost services originally provided by the owner or have the conditions changed? Yes No
Are you claiming any serious problem(s) with the condition of your rental unit? Yes No

If you answered "Yes" to any of the above, or if you checked box (h) or (i) on page 2, please attach a separate sheet listing a description of the reduced service(s) and problem(s). Be sure to include the following:

- 1) a list of the lost housing service(s) or problem(s);
- 2) the date the loss(es) or problem(s) began or the date you began paying for the service(s)
- 3) when you notified the owner of the problem(s); and
- 4) how you calculate the dollar value of lost service(s) or problem(s).

Please attach documentary evidence if available.

You have the option to have a City inspector come to your unit and inspect for any code violation. To make an appointment, call the City of Oakland, Code of Compliance Unit at (510) 238-3381.

IV. VERIFICATION: The tenant must sign:

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

Rosario Cortes
Tenant's Signature

03-13-17
Date

V. MEDIATION AVAILABLE: Mediation is an entirely voluntary process to assist you in reaching an agreement with the owner. If both parties agree, you have the option to mediate your complaints before a hearing is held. If the parties do not reach an agreement in mediation, your case will go to a formal hearing before a different Rent Adjustment Program Hearing Officer.

You may choose to have the mediation conducted by a Rent Adjustment Program Hearing Officer or select an outside mediator. Rent Adjustment Program Hearing Officers conduct mediation sessions free of charge. If you and the owner agree to an outside mediator, please call (510) 238-3721 to make arrangements. 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.

Mediation will be scheduled only if both parties agree (after both your petition and the owner's response have been filed with the Rent Adjustment Program). **The Rent Adjustment Program will not schedule a mediation session if the owner does not file a response to the petition.** Rent Board Regulation 8.22.100.A.

If you want to schedule your case for mediation, sign below.

I agree to have my case mediated by a Rent Adjustment Program Staff Hearing Officer (no charge).

Rosario Cortes
Tenant's Signature

03-13-17
Date

VI. IMPORTANT INFORMATION:

Time to File This form must be received at the offices of the City of Oakland, Rent Adjustment Program, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612 within the time limit for filing a petition set out in the Rent Adjustment Ordinance, Oakland Municipal Code, Chapter 8.22. Board Staff cannot grant an extension of time to file your petition by phone. For more information, please call: (510) 238-3721.

File Review

Your property owner(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 Property Owner's Response. The petition and attachments to the petition can be found by logging into the RAP Online Petitioning System and accessing your case once this system is available. If you would like to review the attachments in person, please call the Rent Adjustment Program office at (510) 238-3721 to make an appointment.

VII. HOW DID YOU LEARN ABOUT THE RENT ADJUSTMENT PROGRAM?

- Printed form provided by the owner
- Pamphlet distributed by the Rent Adjustment Program
- Legal services or community organization
- Sign on bus or bus shelter
- Rent Adjustment Program web site
- Other (describe): _____

CITY OF OAKLAND RENT ADJUSTMENT PROGRAM P.O. Box 70243 250 Frank H. Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	For filing stamp RECEIVED CITY OF OAKLAND RENT ARBITRATION PROGRAM 2017 APR 27 AM 9:11
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Please Fill Out This Form As Completely As You Can. Failure to provide needed information may result in your response being rejected or delayed.

CASE NUMBER T17-0173

OWNER RESPONSE

Please print legibly.

Your Name STEVEN C YIP	Complete Address (with zip code) 2117 YOUNG ST. ALAMEDA, CA. 94502	Phone: (510) 708-4598 Email: MBZ3888@icloud.com
Your Representative's Name (if any)	Complete Address (with zip code)	Phone: _____ Fax: _____ Email: _____
Tenant(s) name(s) ROSARIO CORTES DANIEL FLORES	Complete Address (with zip code) 1534-29th AVE., #2 OAKLAND, CA. 94601	

Have you paid for your Oakland Business License? Yes No Number #00077362
(Provide proof of payment.)

Have you paid the Rent Adjustment Program Service Fee? (\$30 per unit) Yes No
(Provide proof of payment.)

There are 14 residential units in the subject building. I acquired the building on 6/17/2005

Is there more than one street address on the parcel? Yes No

I. RENTAL HISTORY

The tenant moved into the rental unit on 5/2013.

The tenant's initial rent including all services provided was \$ 660.00 1 month.

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 all of the petitioning tenants?
Yes No I don't know If yes, on what date was the Notice first given? 2/20/2017

Is the tenant current on the rent? Yes No

If you believe your unit is exempt from Rent Adjustment you may skip to **Section IV. EXEMPTION.**

N/A

If a contested increase was based on **Capital Improvements**, did you provide an **Enhanced Notice to Tenants for Capital Improvements** to the petitioning tenant(s)? Yes _____ No _____. If yes, on what date was the Enhanced Notice given? _____. Did you submit a copy of the Enhanced Notice to the RAP office within 10 days of serving the tenant? Yes _____ No _____. Not applicable: there was no capital improvements increase. _____

Begin with the most recent rent increase and work backwards. Attach another sheet if needed.

Date Notice Given (mo/day/year)	Date Increase Effective (mo/day/year)	Amount Rent Increased		Did you provide NOTICE TO TENANTS with the notice of rent increase? <input type="checkbox"/> Yes <input type="checkbox"/> No
		From	To	
		\$	\$	<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

N/A

II. JUSTIFICATION FOR RENT INCREASE

You must prove that each contested rent increase greater than the Annual CPI Adjustment is justified and was correctly served. Use the following table and check the applicable justification(s) box for each increase contested by the tenant(s) petition. For a summary of these justifications, please refer to the "Justifications for Increases Greater than the Annual CPI Rate" section in the attached Owner's Guide to Rent Adjustment.

<u>Date of Increase</u>	Banking (deferred annual increases.)	Increased Housing Service Costs	Capital Improvements	Uninsured Repair Costs	Fair Return	Debt Service (if purchased before 4/1/14)
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

For each justification checked, you must submit organized documents demonstrating your entitlement to the increase. Please see the "Justifications" section in the attached Owner's Guide for details on the type of documentation required. In the case of Capital Improvement increases, you must include a copy of the "Enhanced Notice to Tenants for Capital Improvements" that was given to tenants. Your supporting documents do not need to be attached here, but are due in the RAP office no later than seven (7) days before the first scheduled Hearing date.

III. DECREASED HOUSING SERVICES

If the petition filed by your tenant claims **Decreased Housing Services**, state your position regarding the tenant's claim(s) of decreased housing services on a separate sheet. Submit any documents, photographs or other tangible evidence that supports your position.

IV. EXEMPTION

If you claim that your property is exempt from Rent Adjustment (Oakland Municipal Code Chapter 8.22), please check one or more of the grounds:

The unit is a single family residence or condominium exempted by the **Costa Hawkins Rental Housing Act** (California Civil Code 1954.50, et seq.). **If claiming exemption under Costa-Hawkins, please answer the following questions on a separate sheet:**

1. Did the prior tenant leave after being given a notice to quit (Civil Code Section 1946)?
2. Did the prior tenant leave after being given a notice of rent increase (Civil Code Section 827)?
3. Was the prior tenant evicted for cause?
4. Are there any outstanding violations of building housing, fire or safety codes in the unit or building?
5. Is the unit a single family dwelling or condominium that can be sold separately?
6. Did the petitioning tenant have roommates when he/she moved in?
7. If the unit is a condominium, did you purchase it? If so: 1) from whom? 2) Did you purchase the entire building?

The rent for the unit is **controlled, regulated or subsidized** by a governmental unit, agency or authority other than the City of Oakland Rent Adjustment Ordinance.

The unit was **newly constructed** and a certificate of occupancy was issued for it on or after January 1, 1983.

On the day the petition was filed, the tenant petitioner was a resident of a **motel, hotel, or boarding house** for less than 30 days.

The subject unit is in a building that was **rehabilitated** at a cost of 50% or more of the average basic cost of new construction.

The unit is an accommodation in a **hospital, convent, monastery, extended care facility, convalescent home, non-profit home for aged, or dormitory** owned and operated by an educational institution.

The unit is located in a building with three or fewer units. The owner occupies one of the units continuously as his or her principal residence and has done so for at least one year.

** MY BUILDING WAS BUILT IN YEAR 1988*

V. IMPORTANT INFORMATION

Time to File. This form **must be received** by the Rent Adjustment Program, P.O. Box 70243, Oakland, CA 94612-0243, within 35 days of the date that a copy of the Tenant Petition was mailed to you. (The date of mailing is shown on the Proof of Service attached to the Tenant Petition and other response documents mailed to you.) A postmark does not suffice. If the RAP office is closed on the last day to file, the time to file is extended to the next day the office is open. If you wish to deliver your completed Owner Response to the Rent Adjustment Program office in person, go to the City of Oakland Housing Assistance Center, 250 Frank H. Ogawa Plaza, 6th Floor, Oakland, where you can date-stamp and drop your Response in the Rent Adjustment drop box. The Housing Assistance Center is open Monday through Friday, except holidays, from 9:00 a.m. to 5:00 p.m. **You cannot get an extension of time to file your Response by telephone.**

NOTE: If you do not file a timely Response, you will not be able to produce evidence at the Hearing, unless you can show good cause for the late filing.

File Review. You should have received a copy of the petition (and claim of decreased services) filed by your tenant with this packet. Other documents provided by the tenant will not be mailed to you. You may review additional documents in the RAP office by appointment. For an appointment to review a file or to request a copy of documents in the file call (510) 238-3721.

VI. VERIFICATION

Owner must sign here:

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.



Owner's Signature

4/26/2017
Date

VII. MEDIATION AVAILABLE

Your tenant may have signed the mediation section in the Tenant Petition to request mediation of the disputed issues. Mediation is an entirely voluntary process to assist the parties to reach an agreement on the disputed issues in lieu of a Rent Adjustment hearing.

If the parties reach an agreement during the mediation, a written Agreement will be prepared immediately by the mediator and signed by the parties at that time. If the parties fail to settle the dispute, the case will go to a formal Rent Adjustment Program Hearing, usually the same day. A Rent Adjustment Program staff Hearing Officer serves as mediator unless the parties choose to have the mediation conducted by an outside mediator. If you and the tenant(s) agree to use an outside mediator, please notify the RAP office at (510) 238-3721. 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. (There is no charge for a RAP Hearing Officer to mediate a RAP case.)

Mediation will be scheduled only if both parties request it – after both the Tenant Petition and the Owner Response have been filed with the Rent Adjustment Program. **The Rent Adjustment Program will not schedule a mediation session if the owner does not file a response to the petition.** (Rent Board Regulation 8.22.100.A.)

If you want to schedule your case for mediation, sign below.

I agree to have my case mediated by a Rent Adjustment Program Staff Hearing Officer (no charge).



Owner's Signature

4/26/2017
Date

CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank H. Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	For date stamp. <div style="text-align: center;"> RECEIVED CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 2017 APR -7 AM 11:46 <u>LANDLORD PETITION</u> <u>FOR CERTIFICATE OF EXEMPTION</u> (OMC §8.22.030.B) </div>
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Please Fill Out This Form Completely As You Can. Failure to provide needed information may result in your petition being rejected or delayed. Attach to this petition copies of the documents that prove your claim. Before completing this petition, please read the Rent Adjustment Ordinance, section 8.22.030. A hearing is required in all cases even if uncontested or irrefutable.

Section 1. Basic Information L17-0068 KM/BC

Your Name <i>STEVEN C YIP</i>		Complete Address (with zip code) <i>2777 YOUNG ST., ALAMEDA, CA. 94502</i>	Telephone Day: <i>(510) 708-4598</i>
Your Representative's Name		Complete Address (with zip code)	Telephone Day:
Property Address <i>1534-29th AVE., OAKLAND, CA. 94601-2366</i>			Total number of units in bldg or parcel. <i>14 units</i>
Type of units (circle one)	Single Family Residence (SFR)	Condominium	<u>Apartment or Room</u>
If an SFR or condominium, can the unit be sold and deeded separately from all other units on the property?		Yes	<u>No</u>
Assessor's Parcel No. <i>25-716-7</i>			

ok **Section 2. Tenants.** You must attach a list of the names and addresses, with unit numbers, of all tenants residing in the unit/building you are claiming is exempt.

Section 3. Claim(s) of Exemption: A Certificate of Exemption may be granted **only** for dwelling units that are **permanently** exempt from the Rent Adjustment Ordinance.

New Construction: This may apply to individual units. The unit was newly constructed and a certification of occupancy was issued for it on or after January 1, 1983.

Substantial Rehabilitation: This applies only to entire buildings. An owner must have spent a minimum of fifty (50) percent of the average basic cost for new construction for a rehabilitation project. The average basic cost for new construction is determined using tables issued by the Chief Building Inspector applicable for the time period when the Substantial Rehabilitation was completed.

Single-Family or Condominium (Costa-Hawkins): Applies to Single Family Residences and condominiums only. If claiming exemption under the Costa-Hawkins Rental Housing Act (Civ. C. §1954.50, et seq.), please answer the following questions on a separate sheet:

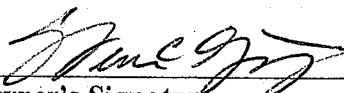
1. Did the prior tenant leave after being given a notice to quit (Civil Code Section 1946)?
2. Did the prior tenant leave after being a notice of rent increase under Civil Code Section 827?
3. Was the prior tenant evicted for cause?
4. Are there any outstanding violations of building, housing, fire, or safety codes in the unit or building?
5. Is the unit a single family dwelling or condominium that can be sold separately?
6. Did the current tenant have roommates when he/she moved in?
7. If the unit is a condominium, did you purchase it? If so: 1) from whom? 2) Did you purchase the entire building?
8. When did the tenant move into the unit?

I (We) petition for exemption on the following grounds (Check all that apply):

<input checked="" type="checkbox"/>	New Construction
<input type="checkbox"/>	Substantial Rehabilitation
<input type="checkbox"/>	Single Family Residence or Condominium (Costa-Hawkins)

Section 4. 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 stated and responded in this petition is true and that all of the documents attached to the petition are correct and complete copies of the originals.



Owner's Signature

4/6/2017

Date

Owner's Signature

Date

Important Information

Burden of Proof The burden of proving and producing evidence for the exemption is on the Owner. A Certificate of Exemption is a final determination of exemption absent fraud or mistake.

File Review Your tenant(s) will be given the opportunity 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 to the Response form will not be sent to you. However, you may review any attachments in the Rent Program Office. Files are available for review by appointment only. For an appointment to review a file, call (510) 238-3721. Please allow six weeks from the date of filing for notification processing and expiration of the tenant's response time before scheduling a file review.

B

BUILDING INSPECTION INSPECTORIAL SERVICES DEPARTMENT
CITY OF OAKLAND
BUILDING CERTIFICATE OF OCCUPANCY

No. 39705 RD 14 Unit Apartment Bldg. December 18, 19 87

THIS IS TO CERTIFY that the GROUP R1 TYPE WI (3) Three STORY building

at 1534 - 29th Avenue which is owned

by Ed Jurkanin
3577 Fruitvale Avenue
Oakland, CA 94602

in FIRE ZONE _____ USE ZONE R40 OHC Variance No. _____ Dated _____

Building Permit No. B8702228 Building Completion Date 12/10/87 has been inspected

and the following occupancy thereof is hereby authorized:
 Occupancies:

Occupancy	Number Habitable Rooms
Cellar _____	_____
Basement _____	_____
1st Story <u>15 Carports, Double Garage, Laundry</u>	<u>0</u>
2nd Story <u>5 Units each with; Kitchen, Living/Dining Area, Bedroom, Bath</u>	<u>15</u>
2nd Story <u>2 Units each with; Kitchen/Living Area, Bedroom</u>	<u>4</u>
3rd Story <u>5 Units each with; Kitchen/Living Area, Bedroom</u>	<u>10</u>
3rd Story <u>2 Units each with; Kitchen/Living Area, Bedroom</u>	<u>4</u>
Add Story as necessary _____	_____
TOTAL	33

Prior Cert. of Occup. _____ Date _____ Rental Units (Yes or No) Yes

Prior Cert. of Occup. void on _____ License (Yes or No) _____

Re-Insp. Dates _____

PARKING: Number of Detached Off-Street Parking spaces provided: _____

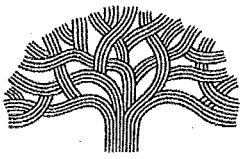

 Chief Building Inspector

The Certificate of Occupancy shall not be construed as authority to violate, cancel, alter or set aside any of the provisions or requirements of any law or ordinances of the City of Oakland nor shall such issuance thereafter prevent requiring corrections of errors or of violations of any applicable law or ordinance of the City of Oakland.

Necessary licenses shall be obtained, as this Certificate does not of itself constitute a license.

EX 2

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 JUN 30 4 11 28
		TENANT RESPONSE

CASE NUMBER: L17-0068

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 Maria Elena Alvarez	Complete Address (with Zip Code) 1534 29th Ave. #9 Oakland, CA 94601	Telephone: (510) 904-2599 Email:
Your Representative's Name Leah Simon-Weisberg	Complete Address (with Zip Code) 3022 International Blvd. #410, Oakland, CA 94601	Telephone (510) 827-1170 Email: lsimonweisberg@centrolegal.org

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.

A review of the APN records shows that there is no certificate of occupancy and there are letters for the inspection of the property as early as 1974 by a Supervising Building Inspector Ortoljo. See letter attached.

Please provide Spanish/English interpreter.

Rental History

Date you moved into this unit: See below*

Initial rent: See below*

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. See below*

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
See below*		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

*Tenant will provide rent increase information at hearing if property is found not to be exempt.

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.

Maria Genes Alvarez
Tenant's Signature

06/28/17
Date

Tenant's Signature

Date

Important Information

This form must be submitted to the Rent Adjustment Program within 35 days of the date that a copy of the Owner Petition was sent to you. (The date of mailing is shown on the Proof of Service attached to the Owner Petition and other response documents mailed to you.) If the RAP office is closed on the last day to file, the time to file is extended to the next day the office is open. You can deliver your Tenant Response in person to:

City of Oakland Housing Assistance Center, Rent Adjustment Program Office
250 Frank H. Ogawa Plaza, 6th Floor
Oakland, CA 94612

You can date-stamp and drop your Response in the Rent Adjustment drop box at the Housing Assistance Center. The Housing Assistance Center is open Monday through Friday, except holidays, from 9:00 a.m. to 5:00 p.m.

You cannot get an extension of time to file your Response.

File Review

You should have received with this letter a copy of the landlord petition.

Copies of attachments to the petition will not be sent to you. However, you may review these in the Rent Program office. Files are available for review by appointment. For an appointment to review a file, call (510) 238-3721. 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

Mediation is an entirely voluntary process to assist you in reaching an agreement with the owner. If both parties agree, you have the option to mediate your complaints before a Hearing is held. If the parties do not reach an agreement in mediation, your case will go to a formal Hearing before a Rent Adjustment Hearing Officer the same day.

Mediation will be scheduled only if both parties agree (after both the owner's petition and your response have been filed with the Rent Adjustment Program).

You may choose to have the mediation conducted by a Rent Adjustment Program Hearing Officer or select an outside mediator. Rent Adjustment Program Hearing Officers conduct mediation sessions free of charge. If you and the owner agree to an outside mediator, please call (510) 238-3721 to make arrangements. 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 want to schedule your case for mediation, sign below.

I agree to have my case mediated by a Rent Adjustment Program Staff Hearing Officer (no charge).

Tenant's Signature (for Mediation Request)

Date

Tenant's Signature (for Mediation Request)

Date

October 4, 1974

Mr. Edward Jurkanin
1925 Linwood Avenue
Oakland, California 94602

Re: 1534 - 29th Avenue

Dear Mr. Jurkanin:

A reinspection by Building Inspector Breshears of the work being performed at 1534 - 29th Avenue under Building Permit C77137 revealed that the work has not been corrected as requested in our letter of June 4, 1974.

The following corrections were noted in our previous letter:

1. Sec. 1714 of the Oakland Building Code states that open guardrails and stair railings shall have intermediate rails or an ornamental pattern such that no object 9" in diameter can pass through.
2. Sec. 3503(c) of the Oakland Building Code states that the maximum variation allowed in the height of risers and the width of treads in any one flight of stairs is $3/16$ ".

Please have the corrections made within 10 days from the date of this letter, after which time the premises will be reinspected for compliance.

If there are any questions, feel free to call Mr. Breshears, 273-3588, between 8:00 and 9:00 a.m., Monday through Friday.

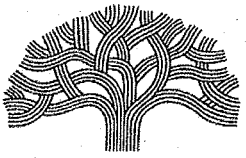
Very truly yours,

PETER A. ORTOLJO
Supervising Building Inspector

J. BRESHEARS
Building Inspector

JB/maw

000018

 CITY OF OAKLAND CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM P.O. Box 70243 Oakland, CA 94612-0243 (510) 238-3721	For date stamp JUN 10 PM 1:28
		TENANT RESPONSE

CASE NUMBER: L17-0068

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 Francisco Perez Graciela Valdovinos	Complete Address (with Zip Code) 1534 29th Ave. #14 Oakland, CA 94601	Telephone: (510) 715-2651
		Email:
Your Representative's Name Leah Simon-Weisberg	Complete Address (with Zip Code) 3022 International Blvd. #410, Oakland, CA 94601	Telephone (510) 827-1170
		Email: lsimonweisberg@centrolegal.org

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.

A review of the APN records shows that there is no certificate of occupancy and there are letters for the inspection of the property as early as 1974 by a Supervising Building Inspector Ortoljo. See attached letter.

Please provide Spanish/English interpreter.

Rental History

Date you moved into this unit: See below*

Initial rent: See below*

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. See below*

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
See below*		\$	\$
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		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

*Tenant will provide rent increase information at hearing if property is found not to be exempt.

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.

Franco P

Tenant's Signature

Graciela Valdevenos

Tenant's Signature

06/28/17

Date

06/28/17

Date

Important Information

This form must be submitted to the Rent Adjustment Program within 35 days of the date that a copy of the Owner Petition was sent to you. (The date of mailing is shown on the Proof of Service attached to the Owner Petition and other response documents mailed to you.) If the RAP office is closed on the last day to file, the time to file is extended to the next day the office is open. You can deliver your Tenant Response in person to:

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You cannot get an extension of time to file your Response.

File Review

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If you want to schedule your case for mediation, sign below.

I agree to have my case mediated by a Rent Adjustment Program Staff Hearing Officer (no charge).

Tenant's Signature (for Mediation Request

Date

Tenant's Signature (for Mediation Request

Date

October 4, 1974

Mr. Edward Jurkanin
3925 Linwood Avenue
Oakland, California 94602

Re: 1534 - 29th Avenue

Dear Mr. Jurkanin:

A reinspection by Building Inspector Brashears of the work being performed at 1534 - 29th Avenue under Building Permit C77197 revealed that the work has not been corrected as requested in our letter of June 4, 1974.

The following corrections were noted in our previous letter:

1. Sec. 1714 of the Oakland Building Code states that open guardrails and stair railings shall have intermediate rails or an ornamental pattern such that no object 9" in diameter can pass through.
2. Sec. 3503(e) of the Oakland Building Code states that the maximum variation allowed in the height of risers and the width of treads in any one flight of stairs is 3/16".

Please have the corrections made within 10 days from the date of this letter, after which time the premises will be reinspected for compliance.

If there are any questions, feel free to call Mr. Brashears, 273-3588, between 8:00 and 9:00 a.m., Monday through Friday.

Very truly yours,

PETER A. ORTOLJO
Supervising Building Inspector

J. BRASHEARS
Building Inspector

JB/maw

000022



CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM
 P.O. Box 70243
 Oakland, CA 94612-0243
 (510) 238-3721

RENT ADJUSTMENT PROGRAM
 2017 JUN 20 PM 1:28
 For date stamp

TENANT RESPONSE

CASE NUMBER: **L17-0068**

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 Teodora Matias	Complete Address (with Zip Code) 1534 29th Ave. #10 Oakland, CA 94601	Telephone: (510) 224-7950
		Email:
Your Representative's Name Leah Simon-Weisberg	Complete Address (with Zip Code) 3022 International Blvd. #410, Oakland, CA 94601.	Telephone (510) 827-1170
		Email: lsimonweisberg@centrolegal.org

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.

A review of the APN records shows that there is no certificate of occupancy and there are letters for the inspection of the property as early as 1974 by a Supervising Building Inspector Ortoljo. See attached letter.

Please provide Spanish / English interpreter.

Rental History

Date you moved into this unit: See below*

Initial rent: See below*

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. See below*

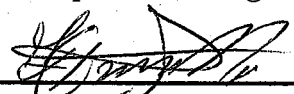
List all increases you received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased From	Rent Increased To
See below*		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

*Tenant will provide rent increase information at hearing if property is found not to be exempt.

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

6/28/17

Date

Tenant's Signature

Date

Important Information

This form must be submitted to the Rent Adjustment Program within 35 days of the date that a copy of the Owner Petition was sent to you. (The date of mailing is shown on the Proof of Service attached to the Owner Petition and other response documents mailed to you.) If the RAP office is closed on the last day to file, the time to file is extended to the next day the office is open. You can deliver your Tenant Response in person to:

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File Review

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If you want to schedule your case for mediation, sign below.

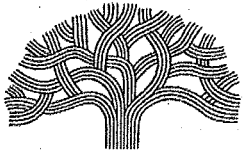
I agree to have my case mediated by a Rent Adjustment Program Staff Hearing Officer (no charge).

Tenant's Signature (for Mediation Request) **Date**

Tenant's Signature (for Mediation Request) **Date**

KM

CITY OF OAKLAND RENT ADJUSTMENT PROGRAM

 CITY OF OAKLAND CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM P.O. Box 70243 Oakland, CA 94612-0243 (510) 238-3721	For date stamp 1-27
		TENANT RESPONSE

CASE NUMBER: L17-0068

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 Maria Montes de Oca Jesus Montes de Oca	Complete Address (with Zip Code) 1534 29th Ave. #11 Oakland, CA 94601	Telephone: (510) 395-3194
		Email:
Your Representative's Name Leah Simon-Weisberg	Complete Address (with Zip Code) 3022 International Blvd. #410, Oakland, CA 94601	Telephone (510) 827-1170
		Email: lsimonweisberg@centrolegal.org

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.

A review of the APN records shows that there is no certificate of occupancy and there are letters for the inspection of the property as early as 1974 by a Supervising Building Inspector Ortoljo. See attached letter.

Please provide Spanish/English interpreter.

Rental History

Date you moved into this unit: See below*

Initial rent: See below*

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. See below*

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
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		\$	\$
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		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

*Tenant will provide rent increase information at hearing if property is found not to be exempt.

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.

Maria Montes de Oca

Tenant's Signature

6/28/17
Date

JESUS MONTES DE OCA

Tenant's Signature

6/28/17
Date

Important Information

This form must be submitted to the Rent Adjustment Program within 35 days of the date that a copy of the Owner Petition was sent to you. (The date of mailing is shown on the Proof of Service attached to the Owner Petition and other response documents mailed to you.) If the RAP office is closed on the last day to file, the time to file is extended to the next day the office is open. You can deliver your Tenant Response in person to:

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File Review

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If you want to schedule your case for mediation, sign below.

I agree to have my case mediated by a Rent Adjustment Program Staff Hearing Officer (no charge).

Tenant's Signature (for Mediation Request

Date

Tenant's Signature (for Mediation Request

Date

October 4, 1974

Mr. Edward Jurkanin
3925 Linwood Avenue
Oakland, California 94602

Re: 1534 - 29th Avenue

Dear Mr. Jurkanin:

A reinspection by Building Inspector Breshears of the work being performed at 1534 - 29th Avenue under Building Permit C77137 revealed that the work has not been corrected as requested in our letter of June 4, 1974.

The following corrections were noted in our previous letter:

1. Sec. 1714 of the Oakland Building Code states that open guardrails and stair railings shall have intermediate rails or an ornamental pattern such that no object 5" in diameter can pass through.
2. Sec. 3505(e) of the Oakland Building Code states that the maximum variation allowed in the height of risers and the width of treads in any one flight of stairs is $3/16"$.

Please have the corrections made within 10 days from the date of this letter, after which time the premises will be reinspected for compliance.

If there are any questions, feel free to call Mr. Breshears, 273-3588, between 8:00 and 9:00 a.m., Monday through Friday.


Very truly yours,

PETER A. ORTOLJO
Supervising Building Inspector

J. BRESHEARS
Building Inspector

JB/maw

000029

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM P.O. Box 70243 Oakland, CA 94612-0243 (510) 238-3721	For date stamp: 11/17/17 1:21 TENANT RESPONSE
--	--	---

CASE NUMBER: L17-0068

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 Marco T. Gonzalez	Complete Address (with Zip Code) 1534 29th Ave. #13 Oakland, CA 94601	Telephone: (510) 434-0542 Email:
Your Representative's Name Leah Simon-Weisberg	Complete Address (with Zip Code) 3022 International Blvd. #410, Oakland, CA 94601	Telephone (510) 827-1170 Email: lsimonweisberg@centrolegal.org

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.

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Please provide Spanish / English interpreter.

Rental History

Date you moved into this unit: See below*

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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

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*Tenant will provide rent increase information at hearing if property is found not to be exempt.

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.

Maria T. Gonzalez

Tenant's Signature

6-28-17

Date

Tenant's Signature

Date

Important Information

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If you want to schedule your case for mediation, sign below.

I agree to have my case mediated by a Rent Adjustment Program Staff Hearing Officer (no charge).

Tenant's Signature (for Mediation Request) **Date**

Tenant's Signature (for Mediation Request) **Date**

October 4, 1974

Mr. Edward Jurkanin
3925 Linwood Avenue
Oakland, California 94602

Re: 1534 - 29th Avenue

Dear Mr. Jurkanin:

A reinspection by Building Inspector Breshears of the work being performed at 1534 - 29th Avenue under Building Permit C77137 revealed that the work has not been corrected as requested in our letter of June 4, 1974.

The following corrections were noted in our previous letter:

1. Sec. 1714 of the Oakland Building Code states that open guardrails and stair railings shall have intermediate rails or an ornamental pattern such that no object 9" in diameter can pass through.
2. Sec. 3501(c) of the Oakland Building Code states that the maximum variation allowed in the height of risers and the width of treads in any one flight of stairs is $3/16$ ".

Please have the corrections made within 10 days from the date of this letter, after which time the premises will be reinspected for compliance.

If there are any questions, feel free to call Mr. Breshears, 273-3588, between 8:00 and 9:00 a.m., Monday through Friday.

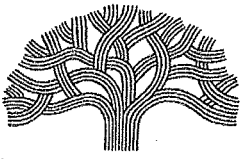
Very truly yours,

PETER A. ORYOLJO
Supervising Building Inspector

J. BRESHEARS
Building Inspector

JB/maw

000033

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM P.O. Box 70243 Oakland, CA 94612-0243 (510) 238-3721	For date stamp: 5/17/2017 11:28
	<u>TENANT RESPONSE</u>	

CASE NUMBER: L17-0068

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 Lizbeth Gonzalez	Complete Address (with Zip Code) 1534 29th Ave. #12 Oakland, CA 94601	Telephone: (510) 228-2961 Email:
Your Representative's Name Leah Simon-Weisberg	Complete Address (with Zip Code) 3022 International Blvd. #410, Oakland, CA 94601	Telephone (510) 827-1170 Email: lsimonweisberg@centrolegal.org

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.

A review of the APN records shows that there is no certificate of occupancy and there are letters for the inspection of the property as early as 1974 by a Supervising Building Inspector Ortoljo. See attached letter.

Please provide Spanish/English interpreter.

Rental History

Date you moved into this unit: See below*

Initial rent: See below*

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. See below*

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
See below*		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

*Tenant will provide rent increase information at hearing if property is found not to be exempt.

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.

Lizbeth Gonzalez
Tenant's Signature

06-28-2017
Date

Tenant's Signature

Date

Important Information

This form must be submitted to the Rent Adjustment Program within 35 days of the date that a copy of the Owner Petition was sent to you. (The date of mailing is shown on the Proof of Service attached to the Owner Petition and other response documents mailed to you.) If the RAP office is closed on the last day to file, the time to file is extended to the next day the office is open. You can deliver your Tenant Response in person to:

City of Oakland Housing Assistance Center, Rent Adjustment Program Office
250 Frank H. Ogawa Plaza, 6th Floor
Oakland, CA 94612

You can date-stamp and drop your Response in the Rent Adjustment drop box at the Housing Assistance Center. The Housing Assistance Center is open Monday through Friday, except holidays, from 9:00 a.m. to 5:00 p.m.

You cannot get an extension of time to file your Response.

File Review

You should have received with this letter a copy of the landlord petition.

Copies of attachments to the petition will not be sent to you. However, you may review these in the Rent Program office. Files are available for review by appointment. For an appointment to review a file, call (510) 238-3721. 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

Mediation is an entirely voluntary process to assist you in reaching an agreement with the owner. If both parties agree, you have the option to mediate your complaints before a Hearing is held. If the parties do not reach an agreement in mediation, your case will go to a formal Hearing before a Rent Adjustment Hearing Officer the same day.

Mediation will be scheduled only if both parties agree (after both the owner's petition and your response have been filed with the Rent Adjustment Program).

You may choose to have the mediation conducted by a Rent Adjustment Program Hearing Officer or select an outside mediator. Rent Adjustment Program Hearing Officers conduct mediation sessions free of charge. If you and the owner agree to an outside mediator, please call (510) 238-3721 to make arrangements. 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 want to schedule your case for mediation, sign below.

I agree to have my case mediated by a Rent Adjustment Program Staff Hearing Officer (no charge).

Tenant's Signature (for Mediation Request)

Date

Tenant's Signature (for Mediation Request)

Date

October 4, 1974

Mr. Edward Jurkanin
3925 Linwood Avenue
Oakland, California 94602

Re: 1534 - 29th Avenue

Dear Mr. Jurkanin:

A reinspection by Building Inspector Breshars of the work being performed at 1534 - 29th Avenue under Building Permit C77137 revealed that the work has not been corrected as requested in our letter of June 4, 1974.

The following corrections were noted in our previous letter:

1. Sec. 1714 of the Oakland Building Code states that open guardrails and stair railings shall have intermediate rails or an ornamental pattern such that no object 5" in diameter can pass through.
2. Sec. 3505(e) of the Oakland Building Code states that the maximum variation allowed in the height of risers and the width of treads in any one flight of stairs is $3/16$ ".

Please have the corrections made within 10 days from the date of this letter, after which time the premises will be reinspected for compliance.

If there are any questions, feel free to call Mr. Breshars, 273-3588, between 8:00 and 9:00 a.m., Monday through Friday.

Very truly yours,

PETER A. ORTOLJO
Supervising Building Inspector

J. BRESHARS
Building Inspector

JB/mmw

000037



P.O. BOX 70243, OAKLAND, CA 94612-2043

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: T17-0173, Cortes v. Wong
L17-0068, Yip v. Tenants

PROPERTY ADDRESS: 1534 29th Avenue, Oakland, CA

DATES OF HEARING: July 13, 2017, August 10, 2017

DATE OF INSPECTION: August 30, 2017

DATE OF DECISION: October 19, 2017

APPEARANCES: Rosario Cortes, Tenant Apt 2 (both dates)
Graciela Torres, Tenant Apt 14 (both dates)
Leah Simon-Weisberg, Attorney for Tenants (both dates)
Mabel Nielsen, Interpreter (July 13, 2017)
Maria Montes de Oca, Tenant Apt. 11 (both dates)
Nuvia Perez, Tenant Apt 1 (both dates)
Jesus Nontes Icocha, Tenant Apt. 11 (July 13, 2017, only)
Teodora Matias, Tenant Apt. 10 (both dates)
Francisco Perez, Tenant Apt. 14 (July 13, 2017, only)
Maria Elena Alvarez, Tenant Apt. 9 (both dates)
Leonor Gonzales, Tenant Apt. 13 (both dates)
Cruz Perez, Witness for Tenant (July 13, 2017, only)
Alex Bratkievich, Interpreter (August 10, 2017, only)
Lizbeth Gonzalez, Tenant Apt. 12 (Aug. 10, 2017, only)
Marco Gonzalez, Tenant Apt. 13 (Aug. 10, 2017, only)
Steven Yip, Owner (both dates)
Erik Beltran Jr., Witness for Owner (Aug. 10, 2017, only)
Benjamin Lai, City of Oakland employee (August 10, only)

000038

SUMMARY OF DECISION

The tenant's petition is granted in part. The legal rent for the unit is set forth in the Order below. The owner petition is granted in part. The units which are exempt from the Rent Adjustment Ordinance are listed in the Order below.

CONTENTIONS OF THE PARTIES

Tenant Rosaria Cortes, filed a petition on March 13, 2017, contesting two rent increases on the following grounds:

- The CPI and/or banked rent increase she was given was calculated incorrectly.

The owner filed a timely response to the tenant petition alleging that the building is exempt from the Rent Adjustment Ordinance (Ordinance) as new construction.

On April 7, 2017, the owner filed a *Landlord Petition for Certificate of Exemption* claiming that the building at 1534 29th Ave was newly constructed and therefore exempt from the Ordinance.

Tenants Lizbeth Gonzalez, Marco Gonzalez, Maria and Jesus Montes de Oca, Teodora Matias, Francisco Perez and Graciela Valdovinos, and Maria Elena Alvarez filed responses claiming that the units were not newly constructed.

THE ISSUES

1. Which, if any, units in the building located at 1534 29th Avenue are exempt from the Ordinance as new construction?
2. When, if ever, was the *RAP Notice* first served on tenant Cortes?
3. What is the rent for Ms. Cortes' unit (Apartment #2), and what, if any, restitution is owed between the parties?

EVIDENCE

Building History: The owner, Steven Yip, testified he and his partners purchased the subject property in 2005. At the time that he purchased the property, there was a 14-unit building on the premises. He understood that the building was built in 1988 in an appraisal report that he received when he purchased the property. Mr. Yip produced an appraisal report from 2017, which he received when seeking to refinance the property, which states the building was built in 1988.¹

¹ Exhibits 1 and 7. These exhibits come from the same document. Exhibit 1 only contained the first two pages of the appraisal, while Exhibit 7 was the complete appraisal. These exhibits were admitted into evidence over the tenants' objection that it was hearsay.

The owner also produced a *Building Certificate of Occupancy* from the City of Oakland, this document shows that a 14-unit apartment building at the subject property was provided a *Certificate of Occupancy* on December 18, 1987. Mr. Yip testified that he has no information about whether there was a building on this property prior to the current building being built.

The tenants' representative provided a letter from the City of Oakland addressed to the prior owner of the property. The letter, dated October 4, 1974, establishes that Mr. Edward Jurkanin, the prior owner, was being contacted a City building inspector, regarding deficiencies in the property.²

Because this letter raised a question as to whether there was a prior residential unit on the premises before the subject building was built, a *Finding of Good Cause for Subpena* was issued so that the tenants could get evidence from the City of Oakland regarding the history of the subject property.

On the second day of Hearing, Mr. Benjamin Lai, an employee of the City of Oakland, who works for the Planning and Building Department as a Building Inspector, appeared at the Hearing. He arrived with a file from the City of Oakland regarding the history of the subject property.

Mr. Lai testified that the City of Oakland's records show that in 1911 a building was built at the address 1534 29th Avenue. This building was a single-family residence that was demolished in 1987 with a permit.³ Based on the City's documentation, the prior building was a two story, 26' x 34' wood sided building on the front portion of a 50' by 235' lot.⁴

A permit was also issued in May of 1987, for new construction of a 14-unit apartment building.⁵ The new apartment building was 23' wide by 200' long. Mr. Lai was unable to determine whether the entire prior residential building and foundation was removed or whether any part of it remained before the new construction began. Mr. Lai opined that since the new building was far longer than the old building, it was likely that an entirely new foundation was built.

It appeared from the maps and photographs provided by the City of Oakland, that the front edge of the prior building and the new building are within a few feet of each other.⁶

² Exhibit 3. This document was admitted into evidence over the owner's objection that it was unclear that it was from the City of Oakland. While the letter was not on letterhead, it was signed by Peter Ortoljo, a Supervising Building Inspector and J. Breshears, a Building Inspector. Mr. Breshears worked for the City of Oakland in the 1970's. Additionally, this letter was later introduced as a part of the whole City of Oakland file regarding this property.

³ Exhibit 6, p 44. This Exhibit was admitted into evidence without objection.

⁴ Exhibit 6, p. 21

⁵ Exhibit 6, p 34

⁶ See Exhibit 6 page 46 and 47 and how the front of each building compares to the buildings to the right and left.

Mr. Lai further testified that Mr. Jurakin was the owner of the single-family residence in 1973 and was the person who took out the permits to demolish the old building and build the new building.

At the Inspection by this Hearing Officer there is a 14-unit, 3 story building at the subject address. The bottom floor is where the garages are. Upstairs on the second and third floors are the residential units. The entrance to each unit faces an alley adjacent to the building, on the right side of the property. The units are located as follows:

3	4	7	8	11	12	14
1	2	5	6	9	10	13

Units 1 and 3 are closest to 29th Avenue. The Hearing Officer measured 34' from the front of the building back toward the back of the building. This 34' ended in the area near the middle of units 2 and 4 and did not extend at all into the space occupied by units 5 and 7.

Rental History: Tenant Cortes testified that she moved into Unit 2 in the subject building in May of 2013, at an initial rent of \$660 a month. She received an English language *RAP Notice* when she moved in. The terms of her tenancy were negotiated in Spanish with the manager who spoke Spanish. She cannot read English, but her husband can.

On approximately February 20, 2017, she was personally handed a rent increase notice purporting to increase the rent to \$910 per month, effective May 1, 2017.⁷ She has been paying the prior rent of \$760, since receiving the rent increase notice, and will continue to pay that amount until she receives a Hearing Decision in this matter.⁸

The tenant did not provide any evidence of any other rent increase.

The owner did not dispute the tenant's testimony about these issues.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Are any of the units at 1534 29th Avenue, exempt from the RAP as new construction?

The Oakland Rent Adjustment Ordinance states that dwelling units are not "covered units" under the Ordinance if such units "were newly constructed and received a certificate of occupancy on or after January 1, 1983."⁹ The Ordinance states:

⁷ Exhibit 4. This document was admitted into evidence without objection.

⁸ The tenant produced a *Receipt* showing that she paid \$760 for rent on May 1, 2017.

⁹ O.M.C. § 8.22.030(A)(5)

“To qualify as a newly constructed dwelling unit, the dwelling unit must be entirely newly constructed or created from space that was formerly entirely non-residential.”¹⁰

An owner has the burden of proof on all elements of a claim for exemption.

Here, the owner has established that the current building was built in 1987 and a *Certificate of Occupancy* was issued by the City of Oakland for the residential use of the building. However, the evidence documents that prior to the 14-unit residential building being built, a prior residential two-story single family dwelling existed on the property.

The question to be decided is whether this prior residential building affects the decision in this case. The case of *Burien, LLC v. Wiley* (2014) 230 Cal.App.4th 1039 is instructive. In that case the Court of Appeal held that a certificate of occupancy that does “not precede the residential use of the property” does not qualify a property for an exemption from rent control under Costa Hawkins. Civil Code § 1954.52(a)(1).

While in this case Costa Hawkins is not controlling because Costa Hawkins exempts units for which a certificate of occupancy was provided after 1995, and in this case, the *Certificate of Occupancy* was issued in 1987, it is still an instructive decision. The Court in *Burien* held that where there was a prior residential use of a property, a new *Certificate of Occupancy* was not controlling.

In other words, if a property contains residential units that are subject to rent control but the units are redone or rebuilt such that a new *Certificate of Occupancy* (or its functional equivalent) is issued, the property does not automatically qualify for an exemption to rent control for newly constructed dwelling units. The new construction must create new units from space not already being used for residential purposes to qualify for the Section 1954.52(a)(1) exemption or the exemption provided by the Rent Adjustment Ordinance. (See also *Da Vinci Group v. San Francisco Residential Rent etc. Bd.* (1992) 5 Cal.App.4th 24 (rejecting rent control exemption for a live-work space that received a new certificate of occupancy for residential purposes after legalizing pre-existing residential uses.)

In this case, the tenants argued that because there was a prior residential use of a building on the land in question, no part of the building could be granted an exemption. On the other hand, the owner argued that the *Certificate of Occupancy* alone was enough to grant the exemption for the whole building. Neither is true.

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¹⁰ O.M.C. § 8.22.030(A)(5)

Since the evidence established that units 1-4 are in the footprint of the prior residential building, those units fall under the prior residential use of the property. The other units, 5-14, were built outside the footprint of the old residential unit and cannot reasonably be considered to fall under the prior residential use.

Therefore, the owner has met his burden of proof as to units 5-14. Those units are new construction and as such are exempt from Ordinance. However, units 1-4 are not new construction, as they fall under the prior residential use of the property. Those units are covered units under the Ordinance.

When, if ever, was the *RAP Notice* first served on tenant Cortes?

The Rent Adjustment Ordinance requires an owner to serve the *RAP Notice* at the start of a tenancy¹¹ and together with any notice of rent increase or change in the terms of a tenancy.¹²

Tenant Cortes testified that her husband reads English and she received an English language copy of the *RAP Notice* when she moved in. The owner's obligation to serve the *RAP Notice* has been met.

What is the rent on unit #2, and what, if any, restitution is owed between the parties?

Tenant Cortes contested a rent increase effective May 1, 2017. There is no evidence of any other rent increase. The owner's only justification for the May 2017, rent increase is that the unit is exempt as new construction. However, as noted above, her unit is not exempt from the Ordinance and is a covered unit.

With no valid justification, the tenant's rent remains \$760 a month. Since the tenant has not been paying the rent increase, no restitution is owed.

ORDER

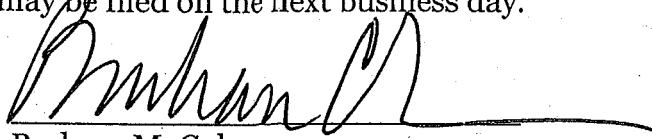
1. Petition T17-0173 is granted. Tenant Cortes' rent remains \$760 a month.
2. Petition L17-0068 is granted in part. Units 1-4 are not exempt from the Ordinance. Units 5-14 are exempt from the Ordinance. A Certificate of Exemption for units 5-14 will be issued when this case becomes final.
3. Right to 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) calendar days after service of the decision. The date of

¹¹ O.M.C. § 8.22.060(A)

¹² O.M.C. § 8.22.070(H)(1)(A)

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: October 19, 2017



Barbara M. Cohen
Hearing Officer
Rent Adjustment Program

PROOF OF SERVICE

Case Number T17-0173

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 Hearing Decision 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:

Tenant

Rosario Cortes
1534 29th Ave #2
Oakland, CA 94601

Owner

Calvin Wong c/o Vicente Trujillo
1534 29th Ave #8
Oakland, CA 94601

Tenant Representative

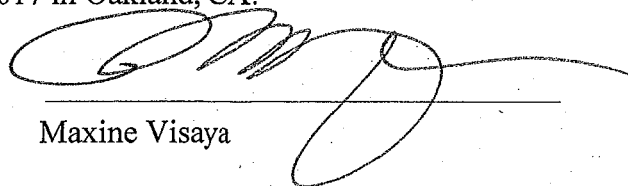
Daniel Flores
1534 29th Ave #2
Oakland, CA 94601

Leah Simon-Weisberg, Centro Legal de la
Raza

3022 International Blvd Ste 410
Oakland, CA 94601

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 October 20, 2017 in Oakland, CA.



Maxine Visaya

000045

PROOF OF SERVICE

Case Number L17-0068

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 Hearing Decision 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:

Tenants

Antonio Garcia
1534 29th Ave #5
Oakland, CA 94601

Daniel Flores
1534 29th Ave #2
Oakland, CA 94601

Demetrio Solis
1534 29th Ave #7
Oakland, CA 94601

Efrain Rubio
1534 29th Ave #12
Oakland, CA 94601

Erika Salazar
1534 29th Ave #3
Oakland, CA 94601

Florinda Perez
1534 29th Ave #4
Oakland, CA 94601

Francisco Perez
1534 29th Ave #14
Oakland, CA 94601

Jesus Alvarez
1534 29th Ave #9
Oakland, CA 94601

Owner

Steven Yip
2777 Young St
Alameda, CA 94502

Jorge Gutierrez
1534 29th Ave #6
Oakland, CA 94601

Lionel Cruz
1534 29th Ave #10
Oakland, CA 94601

Marco Gonzalez
1534 29th Ave #13
Oakland, CA 94601

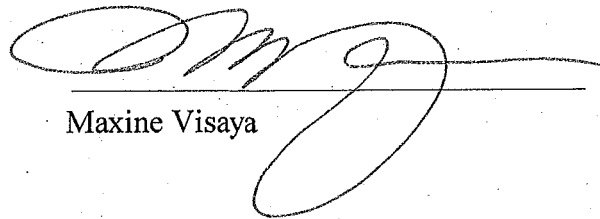
Maria Montes De Oca
1534 29th Ave #11
Oakland, CA 94601

Nuvia Perez
1534 29th Ave #1
Oakland, CA 94601

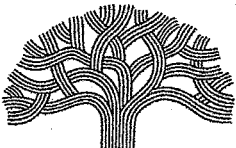
Vicente Trujillo
1534 29th Ave #8
Oakland, CA 94601

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 October 20, 2017 in Oakland, CA.



Maxine Visaya

 CITY OF OAKLAND	2017 CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721	For date/stamp: NOV -8 PM 1:44
	<u>APPEAL</u>	

Appellant's Name Steven Yip and Calvin Wong		<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant	
Property Address (Include Unit Number) 1534 29th Avenue, #1 through #14			
Appellant's Mailing Address (For receipt of notices) 2777 Young Street, Alameda, CA 94502		Case Number T17-0173, L17-0068	
		Date of Decision appealed Proof of Service: 10/20/2017	
Name of Representative (if any) Paul J. Katz		Representative's Mailing Address (For notices) 60 29th Street #557, San Francisco, CA 94110	

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 are limited to 25 pages from each party. Please number attached pages consecutively.
 Number of pages attached: 6.

You must serve a copy of your appeal on the opposing party(ies) or your appeal may be dismissed.

I declare under penalty of perjury under the laws of the State of California that on November 8, 2017, 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	See attached list of service recipients.
Address	
City, State Zip	
Name	
Address	
City, State Zip	

	11/8/2017
---	-----------

SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE

DATE

For more information phone (510) 238-3721.

**APPEAL OF HEARING DECISION FOR
CASE NOS. T17-0173 AND L17-0068**

I. Introduction

The Rent Adjustment Ordinance exempts units that were entirely newly constructed and received a certificate of occupancy in 1983 or later. The hearing officer here found that the building containing the 14 units at issue was entirely newly constructed and received a certificate of occupancy in 1987. That finding dictates that all 14 units are exempt.

Yet the hearing officer added an additional requirement that does not exist in the Ordinance's text: that the unit cannot be located in the footprint of a prior residential building. That misapplication of the Ordinance warrants this Rent Board to reverse the officer's decision and rule that all 14 units are exempt.

II. Background

In 1987, an entirely new 14-unit apartment building was constructed at 1534 29th Avenue in Oakland. (Decision, at p. 5.) The building obtained a certificate of occupancy on December 18, 1987. (Decision, at p. 3.) The building's current owners, which include appellants Steven Yip and Calvin Wong, purchased it in 2005. (Decision, at p. 2.)

On March 13, 2017, tenant Rosaria Cortes filed a petition contesting two rent increases. (Decision, at p. 2.) Then on April 7, 2017, Yip filed a landlord petition for certification of exemption on the ground that the building was newly constructed within the meaning of the Ordinance. (Decision, at p. 2.)

The hearing officer found that Yip "has established that the

current building was built in 1987 and a Certificate of Occupancy was issued by the City of Oakland for the residential use of the building.” (Decision, at p. 5.) Yet the officer noted that, prior to the current building’s construction, a single-family residence had existed on the same property. (Decision, at p. 5.) The officer concluded that the four current units “in the footprint of the prior residential building” (units 1–4) were not exempt from rent control, but the other units (units 5–14) “built outside the footprint of the old residential unit” were exempt. (Decision, at p. 6.)

This appeal contests the officer’s ruling that units 1–4 are not exempt from rent control.

III. All 14 units are exempt from rent control because their building was entirely newly constructed in 1987.

This appeal depends on the interpretation of a local law that exempts units newly constructed on or after January 1, 1983, from rent control. The typical “canons of statutory construction apply to local ordinances.” (*1300 N. Curson Investors, LLC v. Drumea* (2014) 225 Cal.App.4th 325, 332.) So the task here is to ascertain the intent behind the exemption, first and foremost through a commonsense understanding of the provision’s text read in context. (*Ryan v. Rosenfeld* (2017) 3 Cal.5th 124, 128.) If the text “is clear and unambiguous our inquiry ends.” (*Murphy v. Kenneth Cole Productions, Inc.* (2007) 40 Cal.4th 1094, 1103.)

The local law here clearly exempts newly constructed units that obtained a certificate of occupancy on or after January 1, 1983:

A. ... The following dwelling units are not covered units for purposes of this chapter ... :

...
5. Dwelling units which were newly constructed and received a certificate of occupancy on or after January 1, 1983. ... To qualify as a newly constructed dwelling unit, the dwelling unit must be entirely newly constructed *or* created from space that was formerly entirely non-residential.

(O.M.C. § 8.22.030(A)(5), italics added.) The italicized word “or” indicates there are two “‘alternative ... categories’” of exempt, newly constructed units under the provision. (*People ex rel. Green v. Grewal* (2015) 61 Cal.4th 544, 561, citation omitted.) If a dwelling unit qualifies under the “entirely newly constructed” category, the “created from space” category is irrelevant.

In this case, the “entirely newly constructed” category applies. The hearing officer declared: “Here, the owner has established that the current building was built in 1987 and a Certificate of Occupancy was issued by the City of Oakland for the residential use of the building.” (Decision, at p. 5, italics omitted.) The 14 units are thus “entirely newly constructed” and obtained a certificate of occupancy “on or after January 1, 1983.” The plain meaning of the local law, then, exempts all 14 units from rent control.

The hearing officer, however, ruled that units 1–4 are not exempt because they “are in the footprint of the prior residential building[.]” (Decision, at p. 6.) But there is no footprint requirement in the law.¹

¹ It seems that the hearing officer conflated the second category of exempt units (i.e., those “created from space that was formerly entirely non-residential”) with the first category applicable here. Although not material here, the term “space” in the second category does not mean

And the hearing officer was not free to create ambiguity in the law's text " 'that does not exist.' " (*Hartford Fire Ins. Co. v. Macri* (1992) 4 Cal.4th 318, 326, citation omitted.) So long as the building was "entirely newly constructed" and received a certificate of occupancy on or after January 1, 1983, the exemption applies regardless of what buildings used to be located on that same property. (O.M.C. § 8.22.030(A)(5).)

The hearing officer also relied on two cases that—unlike here—did not involve newly constructed buildings:

Burien, LLC v. Wiley (2014) 230 Cal.App.4th 1039, 1042–1043 (*Burien*), involved an apartment building that originally was issued a certificate of occupancy in 1972, but "obtained a new certificate of occupancy in 2009 based on [a] change of use from apartments to condominiums." Claiming that the units were exempt from rent control, the owner cited a provision of the Costa–Hawkins Rental Housing Act that applies to a unit that "has a certificate of occupancy issued after February 1, 1995." (*Id.* at p. 1044, citing Civ. Code, § 1954.52, subd. (a)(1).) The court ruled, however, that the exemption did not cover "[b]uildings that were [originally] certified for occupancy prior to February 1, 1995" (*Id.* at p. 1047.)

Da Vinci Group v. San Francisco Residential Rent etc. Bd. (1992) 5 Cal.App.4th 24, 27 (*Da Vinci Group*) involved "a commercial warehouse built in 1905, used residentially since 1980, ... and granted a certificate of occupancy in 1986" The owner claimed its units qualified under a local rent-control exemption for " 'rental units located in a structure for which a certificate of occupancy was first issued after the effective date

"footprint" as the hearing officer suggests; it means square footage in a preexisting building.

of this ordinance.’” (*Id.* at p. 28.) Citing rent board regulations, the court held that the “exemption includes only ‘newly constructed’ rental units” (*Id.* at p. 30.) Since the owner’s “units were not newly constructed,” they were not exempt from rent control. (*Ibid.*)

But the units here *are* “newly constructed” within the meaning of the Ordinance. And that new construction means the units are exempt from rent control. By contrast, *Burien* and *Da Vinci Group* each dealt with a building that was not newly constructed and had been used residentially long before the building obtained its newest certificate of occupancy. Those courts held that a new certificate of occupancy, in light of the prior residential use of the same building, did not exempt the building from rent control. Appellants here, however, are not relying merely on a new certificate of occupancy; they are relying on a newly constructed building that increased Oakland’s housing stock. (See *Burien, supra*, 230 Cal.App.4th at p. 1048 [rent-control exemptions “encourage the creation of new residential housing”]; *Da Vinci Group, supra*, 5 Cal.App.4th at p. 30 [noting that “[l]egalizing de facto residential use does not enlarge San Francisco’s housing stock”].)

IV. Conclusion

Appellants’ newly constructed 14-unit apartment building is exempt from rent control. Thus the hearing officer’s ruling that four of those units were not exempt should be reversed.

**List of Service Recipients
Appeal for Case Nos. T17-0173 and L17-0068**

Nuvia Perez
1534 29th Ave #1
Oakland, CA 94601

Daniel Flores
1534 29th Ave #2
Oakland, CA 94601

Erika Salazar
1534 29th Ave #3
Oakland, CA 94601

Florinda Perez
1534 29th Ave #4
Oakland, CA 94601

Antonio Garcia
1534 29th Ave #5
Oakland, CA 94601

Jorge Gutierrez
1534 29th Ave #6
Oakland, CA 94601

Demetrio Solis
1534 29th Ave #7
Oakland, CA 94601

Vicente Trujillo
1534 29th Ave #8
Oakland, CA 94601

Jesus Alvarez
1534 29th Ave #9
Oakland, CA 94601

Lionel Cruz
1534 29th Ave #10
Oakland, CA 94601

Maria Montes De Oca
1534 29th Ave #11
Oakland, CA 94601

Efrain Rubio
1534 29th Ave #12
Oakland, CA 94601

Marco Gonzalez
1534 29th Ave #13
Oakland, CA 94601

Francisco Perez
1534 29th Ave #14
Oakland, CA 94601

Leah Simon-Weisberg
Centro Legal de la Raza
3022 International Blvd Ste 410
Oakland, CA 94601

Respondents' Collective Response to Landlords Appeal

2017 NOV 20 AM 11:05

Pro Per Respondents

Nubia Perez

1534 29th Ave. Apt. 1

Oakland, CA 94601

(415) 996-4766

Rosario Cortes

Daniel Flores

1534 29th Ave. Apt. 2

Oakland, CA 94601

(510) 383-0265

Case Nos: T17-0173; L17-0068

Appeal Hearing Date: TBD

Case Titles: Cortes v. Wong; Yip v. Tenants

Property Address: 1539 29th Avenue, Oakland, CA

Facts and Procedural History

In the instant matter, Tenant-Respondent Rosario Cortes (Tenant) filed a petition on March 13, 2017 with the Oakland Rent Adjustment Program against property owner, Calvin Wong because of two unlawful rent increases. In response, Landlord-Appellant Steven Yip filed a petition on April 7, 2017, claiming an exemption from the Oakland Rental Adjustment Ordinance for new construction for all fourteen units located at 1534 29th Avenue, Oakland, California. Tenants Lizbeth González, Marco González, María de Jesús Montes de Oca, Teodora Matías, Francisco Pérez and Graciela Valdovinos, and María Elena Álvarez filed responses to Steven Yip's petition.

The address of the units in question is 1534 29th Avenue in Oakland. Prior to 1987, there was a single-family dwelling on the parcel of land. This original structure was 26 by 34 feet

1 and built on the front portion of the parcel of land.¹ The units making up the current structure (for
2 which construction permits were issued in May 1987) on 1534 29th Avenue are a combined 23
3 feet by 200 feet.² Benjamin Lai, a Building Inspector for the City of Oakland, testified that city
4 records demonstrate that single-family dwelling was built at 1534 29th Avenue in 1911.³ At the
5 hearing, the City of Oakland's maps and photographs showed that the fronts of the old and new
6 buildings were within a few feet of each other.⁴ Following a hearing, on or about October 19,
7 2017 the Hearing Officer granted Petition No. L17-0068 in part. She found that Units 1 through
8 4 were not exempt from the Oakland Rent Adjustment Ordinance because they were built upon
9 land previously occupied by a residential building. Units 5 through 14, in contrast, which were
10 built on a location outside of the original building, were exempt. To determine which of the
11 currently existing units were built over the old structure, the Hearing Officer also measured 34
12 feet from the front of the floor plan of the existing building towards the back.⁵ She found that the
13 34 feet extended into units 1, 2, 3, and 4, but did not extend into the rest of the units.⁶ In other
14 words, units 1-4 were built on top of single-family dwelling.

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18 Landlord-Appellants Steven Yip and Calvin Wong (Landlords) filed an appeal on
19 November 7, 2017. Landlords' grounds for appeal are baseless according to the evidence
20 presented at the hearing, and Landlords have not provided substantial evidence to carry their
21 burden on appeal. Because Units 1 through 4 were created from spaces that was formerly
22

23 ¹*Id.*

24 ²*Id.*

25 ³Decision, at p. 3.

26 ⁴*Id.*

27 ⁵*Id.*, at p. 4

28 ⁶*Id.*

1 residential, they do not fall under the definition of new construction; thus, the decision is legally
2 sound and supported by substantial evidence. Accordingly, Tenant requests Landlords' Appeal
3 be denied and that the Decision be upheld.

4 **Argument**

5 ***Units 1 through 4 are not exempt from the Ordinance because they were built over a prior***
6 ***residential structure.***

7 The Oakland Rent Adjustment Ordinance, Oakland Municipal Code Section 8.22.010
8 (the Ordinance), establishes rent control in Oakland for covered residential units. It also exempts
9 some rental units from rent control under a 'new construction' exception.⁷ Units exempted under
10 this provision "were newly constructed **and** received a certificate of occupancy on or after
11 January 1, 1983."⁸ A newly constructed unit is one that is "entirely newly constructed or created
12 from space that was formerly entirely non-residential."⁹

13
14 Applying this statute to the instant case, the Hearing Officer found that a two-story
15 single-family dwelling existed as of 1911 on the property prior to the construction of the
16 fourteen-unit building at issue in this case.¹⁰ Because Units 1 through 4 were constructed over
17 the prior residential structure, those units are covered under the Ordinance.¹¹ Units 5 through 14,
18 which were found to be outside of the original residential structure, were ruled non-exempt from
19 the Ordinance.¹²

20
21
22
23 ⁷Oakland Mun. Code § 8.22.030.A.5.

24 ⁸*Id.* (emphasis added)

25 ⁹*Id.*

26 ¹⁰Decision, at p. 5.

27 ¹¹Decision, at p. 6.

28 ¹² *Id.*

1 In making this finding, the Hearing Officer interpreted the Ordinance, finding that
2 “if a property contains residential units that are subject to rent control but
3 the units are redone or rebuilt such that a new *Certificate of Occupancy* (or
4 its functional equivalent) is issued, the property does not automatically
5 qualify for an exemption to rent control for newly constructed dwelling
6 units. The new construction must create new units from space not already
7 being used for residential purposes to qualify for... the exemption provided
8 by the Rent Adjustment Ordinance.”¹³
9

10 In so deciding, the Hearing Officer found that case law interpreting a similar “new construction”
11 exemption provision in the Costa-Hawkins Rental Housing Act, California Civil Code Section
12 1954.50 *et seq.* (Costa-Hawkins), was useful for interpreting the Ordinance.¹⁴ As the two cases
13 cited by the Hearing Officer demonstrate, the determination of whether a unit is exempt from the
14 Ordinance depends on whether a new residential space is created that adds to the local housing
15 stock, or whether an exemption would simply remove existing residential space from rent
16 control.
17
18

19 In *Burien, LLC v. Wiley* (2014) 230 Cal.App.4th 1039 (correctly relied upon by the
20 Hearing Officer), the court interpreted a provision of *Costa-Hawkins* holding that when
21 determining whether a property is exempted from a local rent control ordinance, the Court must
22 consider both the prior use of the property upon which residential space is built must be
23 considered and the date a certificate of occupancy was issued. In *Burien*, the Court held that a
24 property did not qualify for an exemption from rent control under *Costa-Hawkins* if the
25
26

27 ¹³Decision, at p. 5.

28 ¹⁴Decision, at p. 5.

1 certificate of occupancy did not "precede the residential use of the property."¹⁵ In other words,
2 the space at issue in *Burien* was not exempt from the local rent control ordinance even though a
3 certificate of occupancy was issued after 1995 because there was prior residential use of that
4 space.¹⁶ Essentially, the Court ruled that the purpose of the new construction exemption from
5 local rent control ordinances was to encourage the supply of new housing, necessitating a
6 consideration of the prior use of the property.¹⁷ As the court noted, "[a] certificate of occupancy
7 based solely on a change in use from one type of residential housing to another does not enlarge
8 the supply of housing."¹⁸ The court also found that local rent control ordinances, including that
9 of Oakland, contained exemptions to rent control with this purpose in mind - "to encourage the
10 creation of new housing."¹⁹ Similarly, in *Da Vinci Group v. San Francisco Residential Rent*
11 *Etc. Board* (1992) 5 Cal. App. 4th 24, when a property owner applied for a new construction
12 exemption from a local rent control ordinance for a live-work space that received a new
13 certificate of occupancy after 1995, the court rejected the exemption because there was a
14 previously existing residential use. This was because the new construction exemption was
15 intended to provide an incentive to landlords to create new residential space; therefore,
16 remodeling a space that already was used residentially did not qualify.²⁰

17
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20 Just like the statutes at issue in *Burien* and *Da Vinci Group*, the Oakland Rent
21 Adjustment Ordinance was created based on the finding that the City of Oakland continues to
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23
24 ¹⁵*Burien*, 230 Cal.App.4th at 1049.

25 ¹⁶*Id.*

26 ¹⁷ *Id.* at 1047.

27 ¹⁸*Id.*

28 ¹⁹*Id.* at 1048.

²⁰*Id.*

1 suffer a "shortage of decent, safe, affordable and sanitary residential rental housing."²¹ The "new
2 construction" exemption only exempts certain units from rent control in order to encourage the
3 construction of new housing. For that reason, the legislature both that the property be newly
4 constructed **and** received its first certificate of occupancy after 1983.²²

5
6 Further, as the Rental Adjustment Program Regulations demonstrate, "newly
7 constructed" is not a formalistic category under the Ordinance, but rather denotes whether a
8 property owner is creating an entirely new residential space, or simply seeking an exemption of a
9 previously covered residential space. For example, the Regulations state that this category covers
10 the conversion of previously uninhabited spaces, such as garages, attics, basements, and formerly
11 commercial spaces.²³ It further includes any unit exempt as new construction under *Costa-*
12 *Hawkins*.²⁴ This definition therefore relies not on whether a unit was created out of thin air, but
13 rather examines the previous use for that property. Where a structure adds housing units, such as
14 constructing entirely new units where none existed or converting non-residential structures, it
15 can properly be exempted from the ordinance as new construction. Since Units 1 through 4 were
16 built over an existing residential space, their construction did not add to the housing stock of
17 Oakland, and they cannot be exempted from the Ordinance.

18
19 As the party seeking an exemption, Landlord-Appellants bear the burden of proving that
20 Units 1 through 4 are exempt from the Ordinance.²⁵ They have not met this burden. Landlord-
21 Appellants tautologically assert the units are newly constructed because they are newly
22

23
24 ²¹Oakland Mun. Code § 8.22.010.A.

25 ²² Oakland Mun. Code § 8.22.030.A.5 (emphasis added).

26 ²³Oakland Rent Adjustment Program Regs. § 8.22.030.B.2.a.

27 ²⁴ Oakland Rent Adjustment Program Regs. § 8.22.030.B.2.b.

28 ²⁵Oakland Mun. Code § 8.22.030.B.1.b.

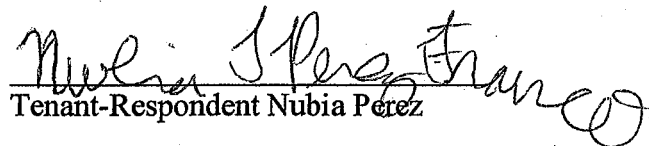
1 constructed, disregarding the relevance of the units in question having been built over prior
2 residential space.²⁶ They do not cite authority for this definition of "newly constructed" other
3 than an ostensible "plain meaning" reading of the Ordinance that is unsupported by neither the
4 case law, the Regulations, nor the legislative intent of the Ordinance.²⁷ Instead, they summarily
5 deem irrelevant the unequivocal fact that the use of the address in question has been exclusively
6 residential since as far back as 1911.
7

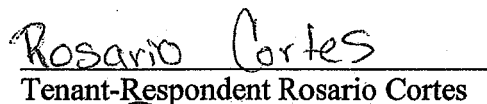
8 **CONCLUSION**

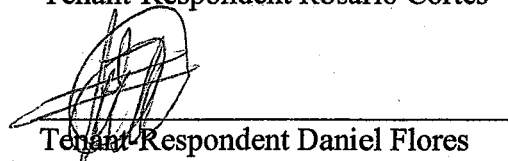
9 In light of the aforementioned, Tenants respectfully request the Board of Appeals deny Landlord-
10 Appellants Appeal and uphold the Hearing Decision below.
11

12 Date: November 27, 2017

Respectfully Submitted,

13
14 
15 Tenant-Respondent Nubia Perez

16
17 
18 Tenant-Respondent Rosario Cortes

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20 
21 Tenant-Respondent Daniel Flores

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27 ²⁶Brief of Landlord-Appellants, at p. 3.

28 ²⁷*Id.*

PROOF OF SERVICE

Case Numbers T17-0173; L17-0068

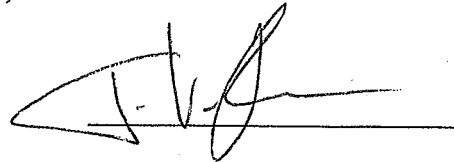
1
2
3 I, Tulio Ospina, am a resident of the State of California
4 at least eighteen years of age. I am not a party to the Residential Rent Adjustment Program case
5 listed above. I am employed in Alameda County, California. My business address is 3022
6 International Blvd, Suite 410, Oakland, CA, 94601.

7 On November 28, 2017, I served the attached Respondents' Collective Response to
8 Landlords' Appeal Brief by placing the envelope for collection and mailing following our
9 ordinary business practices. I am readily familiar with this organization's practice for collecting
10 and processing correspondence for mailing. On the same day that correspondence is placed for
11 collection and mailing, it is deposited in the ordinary course of business with the United States
12 Postal Service in a sealed envelope with postage fully prepaid.

11 **Landlords' Representative**

12 Wong & Hung
13 413 3rd Street
14 Oakland, CA 94607
15

16 I declare under penalty of perjury under the laws of the State of California that the above is true
17 and correct. Executed on November 28, 2017 in Oakland, CA.
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CHRONOLOGICAL CASE REPORT

Case No.: T17-0436

Case Name: Ward v. The Lapham Company

Property Address: 389 Vernon St., #105, Oakland, CA

Parties: Phyllis Ward (Tenant)
Wey Lin & Roselyn Eng (Owner)
The Lapham Company (Owner Representative)

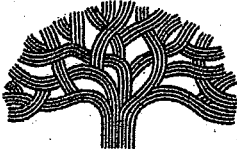
TENANT APPEAL:

<u>Activity</u>	<u>Date</u>
Tenant filed Petition	July 28, 2017
Administrative Decision mailed	September 28, 2017
Tenant Appeal filed	October 17, 2017
Owner's Response to Tenant's Appeal	November 28, 2017

T17-0436 RCLM

RECEIVED
CITY OF OAKLAND

RECEIVED
CITY OF OAKLAND
ADMINISTRATION PROGRAM

 CITY OF OAKLAND RENT ADJUSTMENT PROGRAM P.O. Box 70243 Oakland, CA 94612-0243 (510) 238-3721	For date stamp:
	2017 JUL 28 PM 4:21 TENANT PETITION

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

Please print legibly

Your Name PHYLLIS WARD	Rental Address (with zip code) 389 VERNON ST. #105 OAKLAND, CA 94600 / P.O. BOX 30444, OAKLAND, CA 94604	Telephone: 510-873-9401 510-451-1240 E-mail: NONE
Your Representative's Name	Mailing Address (with zip code)	Telephone: Email:
Property Owner(s) name(s) WEYLIN + ROSELYN ENG	Mailing Address (with zip code) P.O. Box 109 ORINDA, CA 94562	Telephone: Email:
Property Manager or Management Co. (if applicable) THE LAPHAM CO INC	Mailing Address (with zip code) 4844 TELEGRAPH AVE OAKLAND, CA 94609	Telephone: 510-594-7600 Email:

Number of units on the property: 40

Type of unit you rent (check one)	<input type="checkbox"/> House	<input type="checkbox"/> Condominium	<input checked="" type="checkbox"/> Apartment, Room, or Live-Work
Are you current on your rent? (check one)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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.)

I. GROUNDS FOR PETITION: Check all that apply. You must check at least one box. For all of the grounds for a petition see OMC 8.22.070 and OMC 8.22.090. **I (We) contest one or more rent increases on one or more of the following grounds: RAP FEE PROBLEM**

<input type="checkbox"/>	(a) The CPI and/or banked rent increase notice I was given was calculated incorrectly.
<input type="checkbox"/>	(b) The increase(s) exceed(s) the CPI Adjustment and is (are) unjustified or is (are) greater than 10%.
<input type="checkbox"/>	(c) I received a rent increase notice before the property owner received approval from the Rent Adjustment Program for such an increase and the rent increase exceeds the CPI Adjustment and the available banked

X RAP FEE CONFUSION / ~~APPEAL~~

rent increase.
(d) No written notice of Rent Program was given to me together with the notice of increase(s) I am contesting. (Only for increases noticed after July 26, 2000.)
(e) The property owner did not give me the required form "Notice of the Rent Adjustment Program" at least 6 months before the effective date of the rent increase(s).
(f) The rent increase notice(s) was (were) not given to me in compliance with State law.
(g) The increase I am contesting is the second increase in my rent in a 12-month period.
(h) There is a current health, safety, fire, or building code violation in my unit, or there are serious problems with the conditions in the unit because the owner failed to do requested repair and maintenance. (Complete Section III on following page)
(i) The owner is providing me with fewer housing services than I received previously or is charging me for services originally paid by the owner. (OMC 8.22.070(F): A decrease in housing services is considered an increase in rent. A tenant may petition for a rent adjustment based on a decrease in housing services.) (Complete Section III on following page)
(j) My rent was not reduced after a prior rent increase period for a Capital Improvement had expired.
(k) The proposed rent increase would exceed an overall increase of 30% in 5 years. (The 5-year period begins with rent increases noticed on or after August 1, 2014).
(l) I wish to contest an exemption from the Rent Adjustment Ordinance because the exemption was based on fraud or mistake (OMC 8.22, Article I)
(m) The owner did not give me a summary of the justification(s) for the increase despite my written request.
(n) The rent was raised <u>illegally</u> after the unit was vacated as set forth under OMC 8.22.080.

II. RENTAL HISTORY: (You must complete this section)

Date you moved into the Unit: 6-1-1994 Initial Rent: \$ 650⁰⁰ /month

When did the owner first provide you with the RAP NOTICE, a written NOTICE TO TENANTS of the existence of the Rent Adjustment Program? Date: (DATE UNKNOWN). If never provided, enter "Never."

Is your rent subsidized or controlled by any government agency, including HUD (Section 8)? Yes No

List all rent increases that you want to challenge. Begin with the most recent and work backwards. If you need additional space, please attach another sheet. If you never received the RAP Notice you can contest all past increases. You must check "Yes" next to each increase that you are challenging.

Date you received the notice (mo/day/year)	Date increase goes into effect (mo/day/year)	Monthly rent increase		Are you Contesting this Increase in this Petition?*	Did You Receive a Rent Program Notice With the Notice Of Increase?
		From	To		
		\$	\$	<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"/> 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

* You have 90 days from the date of notice of increase or from the first date you received written notice of the existence of the Rent Adjustment program (whichever is later) to contest a rent increase. (O.M.C. 8.22.090 A 2) If you did not receive a *RAP Notice* with the rent increase you are contesting but have received it in the past, you have 120 days to file a petition. (O.M.C. 8.22.090 A 3)

Have you ever filed a petition for this rental unit?

- Yes
- No

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

T14-190, T11-0080 + T00-0166

III. DESCRIPTION OF DECREASED OR INADEQUATE HOUSING SERVICES:

Decreased or inadequate housing services are considered an increase in rent. If you claim an unlawful rent increase for problems in your unit, or because the owner has taken away a housing service, you must complete this section.

Are you being charged for services originally paid by the owner?

- Yes
- No

Have you lost services originally provided by the owner or have the conditions changed?

- Yes
- No

Are you claiming any serious problem(s) with the condition of your rental unit?

- Yes
- No

NOT NUMBER THIS PETITION

If you answered "Yes" to any of the above, or if you checked box (h) or (i) on page 2, please attach a separate sheet listing a description of the reduced service(s) and problem(s). Be sure to include the following:

- 1) a list of the lost housing service(s) or problem(s);
- 2) the date the loss(es) or problem(s) began or the date you began paying for the service(s)
- 3) when you notified the owner of the problem(s); and
- 4) how you calculate the dollar value of lost service(s) or problem(s).

Please attach documentary evidence if available.

You have the option to have a City inspector come to your unit and inspect for any code violation. To make an appointment, call the City of Oakland, Code of Compliance Unit at (510) 238-3381.

IV. VERIFICATION: The tenant must sign:

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

[Signature]
Tenant's Signature

T-05-2017
Date

V. MEDIATION AVAILABLE: Mediation is an entirely voluntary process to assist you in reaching an agreement with the owner. If both parties agree, you have the option to mediate your complaints before a hearing is held. If the parties do not reach an agreement in mediation, your case will go to a formal hearing before a different Rent Adjustment Program Hearing Officer.

You may choose to have the mediation conducted by a Rent Adjustment Program Hearing Officer or select an outside mediator. Rent Adjustment Program Hearing Officers conduct mediation sessions free of charge. If you and the owner agree to an outside mediator, please call (510) 238-3721 to make arrangements. 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.

Mediation will be scheduled only if both parties agree (after both your petition and the owner's response have been filed with the Rent Adjustment Program). **The Rent Adjustment Program will not schedule a mediation session if the owner does not file a response to the petition.** Rent Board Regulation 8.22.100.A.

If you want to schedule your case for mediation, sign below.

I agree to have my case mediated by a Rent Adjustment Program Staff Hearing Officer (no charge).

Tenant's Signature

Date

VI. IMPORTANT INFORMATION:

Time to File This form must be received at the offices of the City of Oakland, Rent Adjustment Program, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612 within the time limit for filing a petition set out in the Rent Adjustment Ordinance, Oakland Municipal Code, Chapter 8.22. Board Staff cannot grant an extension of time to file your petition by phone. For more information, please call: (510) 238-3721.

File Review

Your property owner(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 Property Owner's Response. The petition and attachments to the petition can be found by logging into the RAP Online Petitioning System and accessing your case once this system is available. If you would like to review the attachments in person, please call the Rent Adjustment Program office at (510) 238-3721 to make an appointment.

VII. HOW DID YOU LEARN ABOUT THE RENT ADJUSTMENT PROGRAM?

- Printed form provided by the owner
- Pamphlet distributed by the Rent Adjustment Program
- Legal services or community organization
- Sign on bus or bus shelter
- Rent Adjustment Program web site
- Other (describe): RTU

PHYLLIS WARD
P.O. BOX 30444
OAKLAND, CA 94604

389 VERNON ST # 105
OAKLAND, CA 94610

JULY 25, 2017

RE: CONFUSION PER RAP FEE PAYMENT

TO WHOM IT MAY CONCERN:

I AM FILING THIS PETITION TO GAIN CLARITY ON THE NUMBER OF PAYMENTS THAT CAN BE MADE DURING A 12-MONTH PERIOD.

I WOULD LIKE KNOW THE POLICY PER PAYMENT OF OLD FEES FROM PREVIOUS YEARS. CAN A OWNER/LANDLORD FORCE EVICTION IF THESE PASS FEES ARE NOT PAID. CAN THIS BE DONE WHEN A PETITION HAS BEEN FILED.

SEE ATTACHED DOCUMENTS:

PHYLLIS WARD
P.O. BOX 30444
OAKLAND, CA 94604

389 VERNON ST #105
OAKLAND, CA 94610

JULY 25, 2017

CITY OF OAKLAND RAP
250 FRANK H OGAWA PLAZA, SUITE 5313
OAKLAND, CA 94612

RE: RAP FEE CONFUSION

ATTENTION: MARGARET SULLIVAN

HI MARGARET,

ON FRIDAY JULY 21, 2017 I MET WITH YOU TO DISCUSS MY CONCERNS ABOUT PAYING THE CITY OF OAKLAND RAP FEE. I EXPLAINED HOW IT APPEARS THAT MY LANDLORD / MANAGEMENT COMPANY (LAPHAM) IS REQUESTING THAT I PAY THE FEE TWICE WITHIN A 12-MONTH PERIOD. I PRESENTED FOR YOUR REVIEW TWO NOTICES FROM THE LAPHAM COMPANY. ONE DATED DECEMBER 16, 2016 REQUESTING \$15.00 AND THE OTHER DATED JUNE 26, 2017 REQUESTING A FEE OF \$34.00 BY AUGUST 1, 2017.

IN FEBRUARY OF THIS YEAR 2017 I PAID THE REQUESTED FEE OF \$15.00. DURING THIS TIME I SPOKE TO MR JAMES VAN OF OAKLAND TENANTS UNION ABOUT THIS FEE. HE ALSO MENTIONED THAT THE FEE OF \$15.00 WOULD INCREASE SOON TO \$34.00 FOR OAKLAND TENANTS. MY QUESTION TO YOU IS DO I PAY TWO RAP FEE PAYMENTS WITH IN A 12-MONTH PERIOD?

ALONG WITH THE NOTICES, I INCLUDED A COPY OF MY CHECK COVERING THE \$15.00 AMOUNT PAID AND TWO SETS OF RECEIPTS FOR THIS PAYMENT. ONE RECEIPT SHOWED THE \$15.00 AS *RENT DUE* OR A *PASS DUE BALANCE* ON MY RENT HISTORY. THE OTHER RECEIPT SHOWED A ZERO BALANCE ON MY RENT HISTORY. I HAVE NEVER BEEN LATE PAYING MY RENT! THE ONLY TIME RENT HAS NOT BEEN PAID IS WHEN I HAD A RENT PETITION ON FILE.

I ALLOWED YOU TO MAKE COPIES OF ALL DOCUMENTS PRESENTED TO YOU. YOU FORGOT TO RETURN THE JUNE 26, 2017 NOTICE AND THE ATTACHED MAILING ENVELOPE FROM LAPHAM. I WOULD APPRECIATE YOUR IMMEDIATE RETURN OF THESE ITEMS. PLEASE SEND TO THE FOLLOWING ADDRESS: P.O. BOX 30444, OAKLAND, CA 94604.

WHEN I QUESTIONED YOU PER THE RULES AND PROCEDURES ABOUT MY CONCERNS, YOU STATED THAT YOU WOULD RESEARCH THE MATTER AND CONSULT WITH CONNIE TAYLOR. YOU PROMISED THAT YOU WOULD GET BACK TO ME NO LATER THEN TUESDAY JULY 25, 2017. WHAT HAPPENED?

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WE ALSO DISCUSSED THE PROBLEM OF ME RECEIVING SEVERAL *THREE-DAY* NOTICES TO PAY RENT OR QUIT, FOR NOT PAYING PASS DUE RAP FEES IN 2014, 2013 & 2012, AND FOR PROTEST OF DECLINED SERVICES AND RENT INCREASES. THIS OCCURRED IN JULY 2014 WHILE I HAD A PETITION ON FILE. THE CITY FEES TOTALED \$45.00 AND \$174.00 FOR RENT INCREASE FOR JULY, AUGUST, AND SEPTEMBER 2014. I WAS INFORMED BY MR TSEGAB ASSEFA (PROPERTY MANAGER) THAT I HAD TO PAY THE PASS DUE FEES FOR THESE PREVIOUS YEARS OR FACE EVICTION. I DON'T WANT THIS TO HAPPEN AGAIN! I PAID THE FEES AND RENT INCREASE THEN RESENDED THE 2014 PETITION I HAD ON FILE. THIS WAS WITNESSED BY MY SISTER VISITING CALIFORNIA AT THE TIME. I VIEW THIS CONDUCT AS ANOTHER FORM OF HARASSMENT, RETALIATION. AND INTIMIDATION FROM THE OWNER & MANAGEMENT COMPANY.

THE MANAGEMENT COMPANY AND THEIR ACCOUNTING DEPARTMENT WOULD REFER TO THESE FEES AS RENT DUE, OR LATE FEES, WHEN RAP NOTICES ARE SENT. THEY WOULD ALSO PROVIDE SLOPPY/CRAZY RECEIPTS TO CONFUSE THE TANANT OF WHAT WAS PAID.

CLEARITY TO WHAT SHOULD BE DONE.

REGARDS,

**PHYLLIS WARD
TENANT**

**CC:
JAMES VAN
OAKLAND TENANTS UNION**

ANGELA HAJJEM

000071



250 FRANK H. OGAWA PLAZA, SUITE 5313, OAKLAND, CALIFORNIA 94612-2034

Housing and Community Development Department
Rent Adjustment Program

TEL (510) 238-3721
FAX (510) 238-3691
TDD (510) 238-3254

ADMINISTRATIVE DECISION

CASE NUMBER: T17-0436, Ward v. The Lapham Company

PROPERTY ADDRESS: 389 Vernon St., Unit #105, Oakland, CA

DATE OF DECISION: September 27, 2017

BACKGROUND

On July 28, 2017, the tenant filed a Tenant Petition. However, the tenant did not select any ground for the petition on pages 1 through 2 of the Tenant Petition form, paragraphs (a) through (n). In addition, the tenant did not list any rent increase(s) that the tenant wished to challenge as requested on page 2 of the Tenant Petition form.

REASON FOR ADMINISTRATIVE DECISION

An Administrative Decision is a decision issued without a hearing. The purpose of a hearing is to allow resolution of disputes of material fact. However, in this case, sufficient uncontested facts have been presented to issue a decision without a hearing and there are no material facts in dispute. Therefore, an Administrative Decision is now being issued.

DISMISSAL

The Rent Adjustment Ordinance allows only specific grounds for Tenant Petitions.¹ These grounds are listed on pages 1 and 2 of the Tenant Petition form, called "I. Grounds for Petition", in paragraphs (a) through (n). Accordingly, the Rent Adjustment Program has jurisdiction over tenant petitions that are based only on the grounds permitted by the Rent Adjustment Ordinance as listed on the Tenant Petition form.

The tenant did not identify any of the listed grounds on her Tenant Petition form and wrote on her petition "RAP FEE PROBLEM" on page 1 and "Rap Fee

¹ O.M.C. §8.22.090A1

confusion" on page 2. The RAP fee problem/confusion is not a ground for petition permitted under the Rent Adjustment Ordinance. Accordingly, the Rent Adjustment Program cannot process the Tenant Petition. There are no other outstanding issues to be decided. Therefore, the Tenant Petition is dismissed.

ORDER

1. Tenant Petition T17-0436 is dismissed.

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: September 27, 2017



Linda M. Moroz
Hearing Officer
Rent Adjustment Program

PROOF OF SERVICE

Case Number T17-0436

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 Administrative Decision 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:

Tenants

Phyllis Ward
P.O. Box 30444
Oakland, CA 94604

Phyllis Ward
389 Vernon St #105
Oakland, CA 94610

Owner

Wey Lin & Roselyn Eng
P.O. Box 129
Orinda, CA 94563

Owner Representative

The Lapham Company
4844 Telegraph Ave
Oakland, CA 94609

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 September 28, 2017 in Oakland, CA.

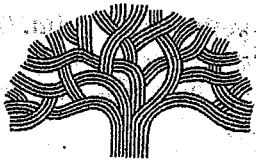


Maxine Visaya

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RECEIVED
CITY OF OAKLAND

RECEIVED
CITY OF OAKLAND



CITY OF OAKLAND

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

For date stamp:
RENT ADJUSTMENT PROGRAM
2017 OCT 17 PM 4:14

APPEAL

Appellant's Name PHILLIS WARD		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant	
Property Address (Include Unit Number) 389 VERNON #105, OAKLAND, CA. 94610			
Appellant's Mailing Address (For receipt of notices) P.O. Box 30444, OAKLAND, CA. 94604		Case Number T17-0436	Date of Decision appealed SEPTEMBER 27, 2017
Name of Representative (if any) JAMES VANN		Representative's Mailing Address (For notices) 251 WAYNE AVE OAKLAND, CA. 94606	

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.

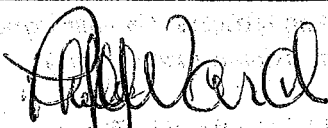
- f) I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue 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 are limited to 25 pages from each party. Please number attached pages consecutively.
 Number of pages attached: 34.

You must serve a copy of your appeal on the opposing party(ies) or your appeal may be dismissed.

I declare under penalty of perjury under the laws of the State of California that on October 17, 2017, 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	Weylin + ROSELYN ENG
Address	P.O. BOX 129, ORINDA, CA. 94563
City, State Zip	6371 WARE RD, WILLIAMS, CA. 95987
Name	THE LAPHAM CO.
Address	4844 TELEGRAPH AVE, OAKLAND, CA <u>CA</u>
City, State Zip	OAKLAND, CA. 94563

	10-17-2017
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 of the information required or your appeal cannot be processed and may be dismissed.
- Any supporting argument or documentation to be considered by the Board must be received by the Rent Adjustment Program with a proof of service on opposing party within 15 days of filing the appeal.
- 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 as to jurisdiction, 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.

PHYLLIS WARD
P.O. BOX 30444
OAKLAND, CA 94604

389 VERNON ST #105
OAKLAND, CA 94610

RE: CASE NUMBER T17-0436

OCTOBER 17, 2017

TO WHOM IT MAY CONCERN

I AM APPEALING THE DECISION ON THE GROUNDS OF LETTER "h" OTHER.

WITHIN THE CURRENT 2017 RAP INFORMATION PACKET, UNDER SECTION ENTITLED "CHANGE IN RENT ADJUSTMENT PROGRAM SERVICE FEE" THE FOLLOWING IS STATED:

OWNERS ARE ALLOWED TO CHARGE TENANTS IN COVERED UNITS (EXCEPT SUBSIDIZED UNITS) ONE-HALF OF THE FEE EACH YEAR IF THE OWNER PAYS ON TIME. THE OWNER HAS NOT PAID RAP FEES ON TIME FOR YEARS 2014, 2015, & 2016. HE DID PAY 2017 FEE ON TIME. ORDINANCE SECTION 8.22.070, G, STATES AN OWNER MAY PASS-THROUGH ONE-HALF OF THE FEE... BUT ONLY ONCE WITHIN A 12 MONTH PERIOD. IF THE OWNER PAID LATE THE 2016 \$15.00 RAP FEE WAS IT FAIR FOR ME TO PAY THE \$15.00 PAYMENT IN FEBRUARY OF 2017?

IN FEBRUARY 2017 I PAID A \$15.00 RAP FEE AFTER RECEIVING A NOTICE DATED DECEMBER 16, 2016. SIX MONTHS LATER I RECEIVED A SECOND NOTICE DATED JUNE 26, 2017 REQUESTING PAYMENT OF \$34.00 TO BE PAID BY AUGUST 1, 2017. I DID NOT PAY THE NEW RAP FEE OF \$34.00 BECAUSE IT WOULD MEAN THAT I WOULD HAVE PAID TWO FEE PAYMENTS WITHIN A 12 MONTH PERIOD.

THE MANAGEMENT IS CURRENTLY SABOTAGING MY RENT HISTORY AND RENT RECEIPTS. THE SAME BEHAVIOR HAS OCCURED IN THE PAST. THIS IS ALL HAPPENING BECAUSE I HAVE NOT PAID THE NEW RAP FEE AMOUNT \$34.00.

I HAVE ATTACHED NECESSARY DOCUMENTATION FOR YOUR REVIEW AND CONSIDERATION.

THANK YOU

PHYLLIS WARD

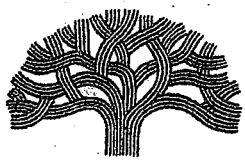
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T17-0436 RALM

RECEIVED

RECEIVED
2017 JUL 28 PM 4:21

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM P.O. Box 70243 Oakland, CA 94612-0243 (510) 238-3721	For date stamp: 2017 JUL 28 PM 4:21
	TENANT PETITION	

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

Please print legibly

Your Name PHYLLIS WARD	Rental Address (with zip code) 389 VERNON ST. #105 OAKLAND, CA 94600 / P.O. BOX 30444, OAKLAND, CA 94604	Telephone: 510-873-9404 510-451-1248 E-mail: NONE
Your Representative's Name	Mailing Address (with zip code)	Telephone: Email:
Property Owner(s) name(s) WEY LIN + ROSELYN ENG	Mailing Address (with zip code) P.O. Box 129 ORINDA, CA 94563	Telephone: Email:
Property Manager or Management Co. (if applicable) THE LAYMAN CO INC	Mailing Address (with zip code) 4844 TELEGRAPH AVE OAKLAND, CA 94609	Telephone: 510-594-7600 Email:

Number of units on the property: 40

Type of unit you rent (check one)	<input type="checkbox"/> House	<input type="checkbox"/> Condominium	<input checked="" type="checkbox"/> Apartment, Room, or Live-Work
Are you current on your rent? (check one)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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.)

I. GROUNDS FOR PETITION: Check all that apply. You must check at least one box. For all of the grounds for a petition see OMC 8.22.070 and OMC 8.22.090. I (We) contest one or more rent increases on one or more of the following grounds: **RAP FEE Problem**

<input type="checkbox"/> (a) The CPI and/or banked rent increase notice I was given was calculated incorrectly.
<input type="checkbox"/> (b) The increase(s) exceed(s) the CPI Adjustment and is (are) unjustified or is (are) greater than 10%.
<input type="checkbox"/> (c) I received a rent increase notice before the property owner received approval from the Rent Adjustment Program for such an increase and the rent increase exceeds the CPI Adjustment and the available banked

Rev. 2/10/17

For more information phone (510) 238-3721.

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~~*~~ RAP FILE CONFUSION / ~~(PAGE)~~

rent increase.
(d) No written notice of Rent Program was given to me together with the notice of increase(s) I am contesting. (Only for increases noticed after July 26, 2000.)
(e) The property owner did not give me the required form "Notice of the Rent Adjustment Program" at least 6 months before the effective date of the rent increase(s).
(f) The rent increase notice(s) was (were) not given to me in compliance with State law.
(g) The increase I am contesting is the second increase in my rent in a 12-month period.
(h) There is a current health, safety, fire, or building code violation in my unit, or there are serious problems with the conditions in the unit because the owner failed to do requested repair and maintenance. (Complete Section III on following page)
(i) The owner is providing me with fewer housing services than I received previously or is charging me for services originally paid by the owner. (OMC 8.22.070(F): A decrease in housing services is considered an increase in rent. A tenant may petition for a rent adjustment based on a decrease in housing services.) (Complete Section III on following page)
(j) My rent was not reduced after a prior rent increase period for a Capital Improvement had expired.
(k) The proposed rent increase would exceed an overall increase of 30% in 5 years. (The 5-year period begins with rent increases noticed on or after August 1, 2014).
(l) I wish to contest an exemption from the Rent Adjustment Ordinance because the exemption was based on fraud or mistake (OMC 8.22, Article D)
(m) The owner did not give me a summary of the justification(s) for the increase despite my written request.
(n) The rent was raised <u>illegally</u> after the unit was vacated as set forth under OMC 8.22.080.

II. RENTAL HISTORY: (You must complete this section)

Date you moved into the Unit: 6-1-1994 Initial Rent: \$ 650.00 /month

When did the owner first provide you with the RAP NOTICE, a written NOTICE TO TENANTS of the existence of the Rent Adjustment Program? Date: (DATE UNKNOWN). If never provided, enter "Never."

Is your rent subsidized or controlled by any government agency, including HUD (Section 8)? Yes No

List all rent increases that you want to challenge. Begin with the most recent and work backwards. If you need additional space, please attach another sheet. If you never received the RAP Notice you can contest all past increases. You must check "Yes" next to each increase that you are challenging.

Date you received the notice (mo/day/year)	Date increase goes into effect (mo/day/year)	Monthly rent increase		Are you Contesting this Increase in this Petition?*	Did You Receive a Rent Program Notice With the Notice Of Increase?
		From	To		
		\$	\$	<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"/> 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

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* You have 90 days from the date of notice of increase or from the first date you received written notice of the existence of the Rent Adjustment program (whichever is later) to contest a rent increase. (O.M.C. 8.22.090 A 2) If you did not receive a *RAP Notice* with the rent increase you are contesting but have received it in the past, you have 120 days to file a petition. (O.M.C. 8.22.090 A 3)

Have you ever filed a petition for this rental unit?

- Yes
- No

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

114-190, T11-0080 + T00-0166

III. DESCRIPTION OF DECREASED OR INADEQUATE HOUSING SERVICES:

Decreased or inadequate housing services are considered an increase in rent. If you claim an unlawful rent increase for problems in your unit, or because the owner has taken away a housing service, you must complete this section.

- Are you being charged for services originally paid by the owner? Yes No
- Have you lost services originally provided by the owner or have the conditions changed? Yes No
- Are you claiming any serious problem(s) with the condition of your rental unit? Yes No *NOT*

If you answered "Yes" to any of the above, or if you checked box (h) or (i) on page 2, please attach a separate sheet listing a description of the reduced service(s) and problem(s). Be sure to include the following: *UNDER THIS PETITION*

- 1) a list of the lost housing service(s) or problem(s);
- 2) the date the loss(es) or problem(s) began or the date you began paying for the service(s)
- 3) when you notified the owner of the problem(s); and
- 4) how you calculate the dollar value of lost service(s) or problem(s).

Please attach documentary evidence if available.

You have the option to have a City inspector come to your unit and inspect for any code violation. To make an appointment, call the City of Oakland, Code of Compliance Unit at (510) 238-3381.

IV. VERIFICATION: The tenant must sign:

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

[Signature]
Tenant's Signature

7-25-2017
Date

V. MEDIATION AVAILABLE: Mediation is an entirely voluntary process to assist you in reaching an agreement with the owner. If both parties agree, you have the option to mediate your complaints before a hearing is held. If the parties do not reach an agreement in mediation, your case will go to a formal hearing before a different Rent Adjustment Program Hearing Officer.

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Mediation will be scheduled only if both parties agree (after both your petition and the owner's response have been filed with the Rent Adjustment Program). The Rent Adjustment Program will not schedule a mediation session if the owner does not file a response to the petition. Rent Board Regulation 8.22.100.A.

If you want to schedule your case for mediation, sign below.

I agree to have my case mediated by a Rent Adjustment Program Staff Hearing Officer (no charge).

Tenant's Signature

Date

VI. IMPORTANT INFORMATION:

Time to File This form must be received at the offices of the City of Oakland, Rent Adjustment Program, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612 within the time limit for filing a petition set out in the Rent Adjustment Ordinance, Oakland Municipal Code, Chapter 8.22. Board Staff cannot grant an extension of time to file your petition by phone. For more information, please call: (510) 238-3721.

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- Other (describe): RTU

PHYLLIS WARD
P.O. BOX 30444
OAKLAND, CA 94604

389 VERNON ST # 105
OAKLAND, CA 94610

JULY 25, 2017

RE: CONFUSION PER RAP FEE PAYMENT

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RAP FEE

I WOULD LIKE KNOW THE POLICY PER PAYMENT OF OLD FEES
FROM PREVIOUS YEARS. CAN A OWNER/LANDLORD FORCE
EVICTION IF THESE PASS FEES ARE NOT PAID. CAN THIS BE
DONE WHEN A PETITION HAS BEEN FILED.

SEE ATTACHED DOCUMENTS:

8.

000083

Change in Rent Adjustment Program Service Fee

Effective January 1, 2017, Annual Rent Program Service Fee Increases to \$68 per Unit*

Oakland charges residential rental owners a yearly Rent Program Service Fee per each rental unit. As of January 1, 2017, the per-unit fee is \$68. Owners who pay the fee on time (no later than March 1 of each year) are generally allowed to pass through half (\$34) of this fee to tenants. However, the fee cannot be added to the base rent when calculating a rent increase. An owner who fails to pay the fee will not be permitted to participate in any Rent Adjustment Program proceedings. A tenant who refuses to pay the one-half, if it is charged, may be subject to a Rent Adjustment citation. Owners and tenants may come to an agreement to prorate the tenant's portion over a 12-month period.

Tenants in subsidized units are not required to pay the tenant portion of the fee.

Residential rental property owners in Oakland are **REQUIRED** to pay a per unit yearly fee on rental units that are covered by either the Rent Adjustment Ordinance or the Just Cause for Eviction Ordinance, or both. Owners are **ALLOWED** to charge tenants in covered units (except subsidized units) one-half of the fee each year if the Owner pays on-time. The **NEW FEE for 2017 is \$68 per unit**; the amount **owners can charge tenants is \$34 per unit.**

**Note: Some documents or web listings may still show the old fee: \$30 per year/\$15 per tenant. Please disregard such notices.*

To obtain the New Rent Program Service Fee Application, click on:

<http://www.oaklandnet.com/government/fwawebiste/revenue/pdf/RentProgApp.pdf>

For more information or to pay the City of Oakland Business Tax, contact the City of Oakland

Revenue Management Bureau (Business Tax), 250 Frank H. Ogawa Plaza, Suite 1320, Oakland, CA 94612 or call (510) 238-3704.

F. **Decreased housing services.** A decrease in housing services is considered an increase in rent. A tenant may petition for an adjustment in rent based on a decrease in housing services under standards in the regulations. The tenant's petition must specify the housing services decreased. Where a rent or a rent increase has been reduced for decreased housing services, the rent or rent increase may be restored in accordance with procedures set out in the regulations when the housing services are reinstated.

G. **Pass-through of Fee.** An owner may pass-through one half of the fee to a tenant in accordance with Section 8.22.500G. The allowed fee pass-through shall not be added to the rent to calculate the CPI Rent Adjustment or any other rent adjustment and shall not be considered a rent increase.

H. **Notice Required to Increase Rent or Change Other Terms of Tenancy.**

1. As part of any notice to increase rent or change any terms of tenancy, an owner must include:
 - a. Notice of the existence of this chapter;
 - b. The tenant's right to petition against any rent increase in excess of the CPI Rent Adjustment;
 - c. For all rent increases other than one solely based on capital improvements when an owner notices a rent increase in excess of the CPI Rent Adjustment, the notice must include a statement that the owner must provide the tenant with a summary of the justification for the amount of the rent increase in excess of the CPI Rent Adjustment if the tenant makes a written request for such summary. Requirements for rent increase notices for capital improvements are set out in subparagraph d. below.
 - i. If a tenant requests a summary of the amount of the rent increase in excess of the CPI Rent Adjustment, the tenant must do so within 30 days of service of the rent increase notice;
 - ii. The owner must respond to the request with a written summary within 15 days after service of the request by the tenant.
 - d. **Additional Notice Required for Capital Improvement Rent Increase.**
 - i. In addition to any other information or notices required by this chapter or its regulations, or by state law a notice for a rent increase based on a capital improvement(s) (other than after an owner's petition) must include the following:
 - (a) The type of capital improvement(s);
 - (b) The total cost of the capital improvement(s);
 - (c) The completion date of the capital improvement(s);
 - (d) The amount of the rent increase from the capital improvement(s);
 - (e) The start and end of the amortization period.
 - ii. Within ten (10) working days of serving a rent increase notice on any tenant based in whole or in part on capital improvements, an owner must file the notice and all documents accompanying the notice with the Rent Adjustment Program. Failure to file the notice with this period invalidates the rent increase.

December 16, 2016

Phyllis Ward
389 Vernon Street 105
Oakland, CA 94610

RE: RENT ADJUSTMENT PROGRAM (RAP) FEE

Dear Phyllis Ward ,

The City of Oakland has imposed an annual RAP fee of \$30.00 for each rent controlled apartment in the City. A part of the ordinance allows property owners to charge tenants 50% of the fee, or \$15.00 this year, provided the owner has indeed paid the fee when due. The \$30.00 fee has been paid prior to the due date, and accordingly, please consider this letter a billing for your portion of the subject RAP fee, which equals \$15.00.

Normally, we forward this invoice for your \$15 share of the total RAP fee in March. But this year, there has been a delay because the Oakland City Council had advised that the RAP fee would be increased. However the City has not yet confirmed what that new RAP fee would be – hence our delayed billing for 2016 RAP fee reimbursement.

Please include your \$15.00 fee with your January 2017 rent payment. While the RAP fee can not be added to your rent for purposes of calculating future rent increases, it has been added to your account as a balance due. Please make your check for \$15.00 payable to Lapham Company, and please make sure that your address and apartment number appear on your check. You may also add the \$15.00 fee to your January 2017 rent payment and submit a single check.

While we don't know what the 2017 RAP fee will be, we do understand that there will be an increase. We will advise of that new charge once we receive it, and we note that the 2017 reimbursement charge billing will likely be in the March-April 2017 time frame.

If you have any questions, please call us at (510) 594-7600, or contact the City of Oakland at (510) 238-3721. We have also enclosed herewith a copy of the Oakland Tenant Protection Ordinance summary.

Thank you.

The Lapham Company, Inc.
Property Manager / Agent of Property Owner

11.
000086

Phyllis Ward
P.O. Box 30444
Oakland, CA. 94604

389 Vernon St.
Oakland, Ca. 94610

The Lapham Company
4844 Telegraph Ave.
Oakland, CA. 94609

February 28, 2017

**Re: RAP FEE; MARCH 2017 RENT; RENT RECEIPTS AND
UNPROFESIONAL BEHAVIOR OF LAPHAM STAFF AND
VENDORS**

Dear Kelly,

Please find enclosed my rent check #2275 covering the amount of \$1,003.72 for the month of March 2017.

Also included is an additional check #2274 covering the amount of \$15.00 for the City of Oakland Rent Adjustment Program. I did not receive notice for this fee.

It was when I brought my complaints to others outside of the Lapham Company regarding January and February 2017 missing rent receipts, I was sent on (February 7, 2017) both receipts from Andrianna Tamburini Lapham A/R Manager. It was *then* that I noticed the \$15.00 amount due.

Both checks will be inserted *again* into the self-adhesive envelope I have provided with affixed postage. From there the accounts receivable department is to use the envelope and postage I have provided to return two receipts for each payment to my post office box. This has been the routine since my tenancy in the building.

Also the envelope and postage are my *personal property* and should not be discarded or destroyed in any way by the Lapham Company.

12,

000087

Should this continue to occur I will view this as a form of retaliation or sabotage from the Lapham Company for my many complaints about the ongoing problems that exist within the building, my unit and the unprofessional behavior displayed toward me by its staff and vendors.

Your cooperation and respect would be greatly appreciated regarding these issues.

Best regards,

**PHYLLIS WARD
UNIT #105**

Cc: Angela Hajjem

P. WARD
510-873-9404
484 LAKE PARK AVE #347
PO BOX 30444
OAKLAND, CA 94604

2274
90-78/1211

2-27-2017
DATE

PAY TO THE
ORDER OF

Lapham Company

\$ 15.⁰⁰

FIFTEEN AND ⁰⁰/₁₀₀ ~~100~~ DOLLARS



Photo
Safe
Deposit
Return to back

BANK OF WEST
BNP PARIBAS GROUP

FOR Apt #105
VERNON ST APTS.

Delivered Feb 2017

FOR

2017 RAP FEE

[Signature]

02274

Harland Clarke

RECEIPT

DATE March 2nd, 2017 No. 596224

RECEIVED FROM Phyllis Ward \$1003.72

One thousand three dollars and 72/100 DOLLARS

FOR RENT 389 vernon street #105, Oakland.
 FOR _____

ACCOUNT	<u>1,003.72</u>	<input type="checkbox"/> CASH	FROM <u>03/01/2017</u> TO <u>03/31/2017</u>
PAYMENT	<u>1,003.72</u>	<input checked="" type="checkbox"/> CHECK	
BAL. DUE	<u>0</u>	<input type="checkbox"/> MONEY ORDER	BY <u>Indianan in file</u>

1182

THE LAPHAM CO., INC

- 415.00 City of Oakland Fee 2016

RECEIPT

DATE March 2nd, 2017 No. 596223

RECEIVED FROM Phyllis Ward \$15.00

Fifteen dollars and 00/100 DOLLARS

FOR RENT 389 vernon street #105, Oakland.
 FOR _____

ACCOUNT	<u>415.00</u>	<input type="checkbox"/> CASH	FROM <u>03/01/2017</u> TO <u>03/31/2017</u>
PAYMENT	<u>415.00</u>	<input checked="" type="checkbox"/> CHECK	
BAL. DUE	<u>0</u>	<input type="checkbox"/> MONEY ORDER	BY <u>Indianan in file</u>

1182

THE LAPHAM CO., INC

June 26, 2017

RECEIVED 7-8-2017

Phyllis Ward
389 Vernon Street 105
Oakland, CA 94610

RE: RENT ADJUSTMENT PROGRAM (RAP) FEE

Dear Phyllis Ward ,

Several years ago the City of Oakland imposed an annual fee for the Rent Adjustment Program. Initially, the fee was \$24, then it was increased to \$30 and remained at that level for several years. A part of the ordinance allowed property owners to charge tenants 50% of the fee, provided the owner has indeed paid the fee when due. Last year, the City delayed in advising of what the fee would be, and as a result we notified you of the fee very late in the year. For this year, the new City of Oakland RAP fee is \$68 per unit, and as with prior years, the fee is split 50% tenant and 50% landlord. Although we paid the fee when due in March 2017, we have delayed a few months in applying the charge to tenants. **The tenant portion of the RAP charge for 2017 is \$34.**

Please include your \$34.00 fee with your August 2017 rent payment. While the fee can not be added to your rent for purposes of calculating future rent increases, it has been added to your account as a balance due. Please make your check for \$34.00 payable to Lapham Company, and please make sure that your address and apartment number appear on your check. You may also add the \$34.00 fee to your August 2017 rent payment and submit a single check.

If you have any questions, please call us at (510) 594-7600, or contact the City of Oakland at (510) 238-3721.

Thank you.

The Lapham Company, Inc.
Property Manager/Agent of Property Owner

16.

000091

PHYLLIS WARD
P.O. BOX 30444
OAKLAND, CA 94604

389 VERNON ST #105
OAKLAND, CA 94610

JULY 25, 2017

CITY OF OAKLAND RAP
250 FRANK H OGAWA PLAZA, SUITE 5313
OAKLAND, CA 94612

RE: RAP FEE CONFUSION

ATTENTION: MARGARET SULLIVAN

HI MARGARET,

ON FRIDAY JULY 21, 2017 I MET WITH YOU TO DISCUSS MY CONCERNS ABOUT PAYING THE CITY OF OAKLAND RAP FEE. I EXPLAINED HOW IT APPEARS THAT MY LANDLORD / MANAGEMENT COMPANY (LAPHAM) IS REQUESTING THAT I PAY THE FEE TWICE WITHIN A 12-MONTH PERIOD. I PRESENTED FOR YOUR REVIEW TWO NOTICES FROM THE LAPHAM COMPANY. ONE DATED DECEMBER 16, 2016 REQUESTING \$15.00 AND THE OTHER DATED JUNE 26, 2017 REQUESTING A FEE OF \$34.00 BY AUGUST 1, 2017.

IN FEBRUARY OF THIS YEAR 2017 I PAID THE REQUESTED FEE OF \$15.00. DURING THIS TIME I SPOKE TO MR JAMES VAN OF OAKLAND TENANTS UNION ABOUT THIS FEE. HE ALSO MENTIONED THAT THE FEE OF \$15.00 WOULD INCREASE SOON TO \$34.00 FOR OAKLAND TENANTS. MY QUESTION TO YOU IS DO I PAY TWO RAP FEE PAYMENTS WITH IN A 12-MONTH PERIOD?

ALONG WITH THE NOTICES, I INCLUDED A COPY OF MY CHECK COVERING THE \$15.00 AMOUNT PAID AND TWO SETS OF RECEIPTS FOR THIS PAYMENT. ONE RECEIPT SHOWED THE \$15.00 AS RENT DUE OR A PASS DUE BALANCE ON MY RENT HISTORY. THE OTHER RECEIPT SHOWED A ZERO BALANCE ON MY RENT HISTORY. I HAVE NEVER BEEN LATE PAYING MY RENT! THE ONLY TIME RENT HAS NOT BEEN PAID IS WHEN I HAD A RENT PETITION ON FILE.

I ALLOWED YOU TO MAKE COPIES OF ALL DOCUMENTS PRESENTED TO YOU. YOU FORGOT TO RETURN THE JUNE 26, 2017 NOTICE AND THE ATTACHED MAILING ENVELOPE FROM LAPHAM. I WOULD APPRECIATE YOUR IMMEDIATE RETURN OF THESE ITEMS. PLEASE SEND TO THE FOLLOWING ADDRESS: P.O. BOX 30444, OAKLAND, CA 94604.

WHEN I QUESTIONED YOU PER THE RULES AND PROCEDURES ABOUT MY CONCERNS, YOU STATED THAT YOU WOULD RESEARCH THE MATTER AND CONSULT WITH CONNIE TAYLOR. YOU PROMISED THAT YOU WOULD GET BACK TO ME NO LATER THEN TUESDAY JULY 25, 2017. WHAT HAPPENED?

17.

000092

WE ALSO DISCUSSED THE PROBLEM OF ME RECEIVING SEVERAL *THREE-DAY* NOTICES TO PAY RENT OR QUIT, FOR NOT PAYING PASS DUE RAP FEES IN 2014, 2013 & 2012, AND FOR PROTEST OF DECLINED SERVICES AND RENT INCREASES. THIS OCCURRED IN JULY 2014 WHILE I HAD A PETITION ON FILE. THE CITY FEES TOTALED \$45.00 AND \$174.00 FOR RENT INCREASE FOR JULY, AUGUST, AND SEPTEMBER 2014. I WAS INFORMED BY MR TSEGAB ASSEFA (PROPERTY MANAGER) THAT I HAD TO PAY THE PASS DUE FEES FOR THESE PREVIOUS YEARS OR FACE EVICTION. I DON'T WANT THIS TO HAPPEN AGAIN!

I PAID THE FEES AND RENT INCREASE THEN RESENDED THE 2014 PETITION I HAD ON FILE. THIS WAS WITNESSED BY MY SISTER VISITING CALIFORNIA AT THE TIME. I VIEW THIS CONDUCT AS ANOTHER FORM OF HARASSMENT, RETALIATION, AND INTIMIDATION FROM THE OWNER & MANAGEMENT COMPANY.

THE MANAGEMENT COMPANY AND THEIR ACCOUNTING DEPARTMENT WOULD REFER TO THESE FEES AS RENT DUE, OR LATE FEES, WHEN RAP NOTICES ARE SENT. THEY WOULD ALSO PROVIDE SLOPPY/CRAZY RECEIPTS TO CONFUSE THE TANANT OF WHAT WAS PAID.

ACED CLEARITY TO WHAT SHOULD BE DONE.

REGARDS,

PHYLLIS WARD
TENANT

CC:
JAMES VAN
OAKLAND TENANTS UNION

ANGELA HAJJEM

RAP
 Margaret Sullivan LG 2

055E 0290 0001 6946 3590

OAKLAND
 1675 7TH ST RM 236
 OAKLAND
 CA
 94615-9997
 0555080020
 07/28/2017 (800)275-8777 6:14 PM

Product Description	Sale Qty	Final Price
First-Class Mail Letter (Domestic) (OAKLAND, CA 94612) (Weight: 0 Lb 0.40 Oz) (Expected Delivery Day) (Monday 07/31/2017)	1	\$0.49
Certified (Certified Mail #) (70100290000169463590)	1	\$3.35
Total		\$3.84

Cash \$5.00
 Change (\$1.16)

 BRIGHTEN SOMEONE'S MAILBOX. Greeting cards available for purchase at select Post Offices.

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit USPS.com/USPS Tracking or call 1-800-222-1811.

Order stamps at usps.com/shop or call 1-800-Stamp24. Go to usps.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

 Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at usps.com/poboxes.

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only, No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OAKLAND, CA 94612

PROHIBITED FOR PRIVATE USE

Postage	\$3.84
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$3.84

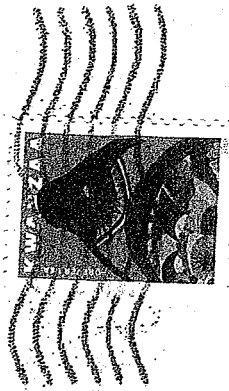
Postmark Here
 OAKLAND CA 94615-9997 0020 12
 28
 2017

Sent to: **CITY OF OAKLAND STE 5313**
 Street, Apt. No., or PO Box No. **2150 FRANK H. OGDEN PLAZA**
 City, State, ZIP+4 **OAKLAND, CA 94612**

PS Form 3800, August 2006 See Reverse for Instructions

THE LAPHAM COMPANY, INC.
4844 TELEGRAPH AVENUE
OAKLAND, CA 94609

OAKLAND CA 946
06 JUL 2017 PM 4 L

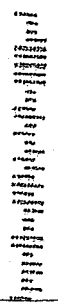


RECEIPT

20.
000095

DATE	July 5th, 2017	No.	596227
RECEIVED FROM	Phyllis Ward		
FOR RENT	One thousand three dollars and 72/100		
FOR	300 Vermont Street #105 - Oakland, CA		
ACCOUNT	1,003.72	CASH	<input type="radio"/>
PAYMENT	1,003.72	CHECK	<input checked="" type="radio"/>
BAL. DUE	0	MONEY ORDER	<input type="radio"/>
		FROM	07/01/2017 TO 07/31/2017
		BY	Ardivine Inc. 1/2
			THE LAPHAM CO., INC. TIB2

4



000096 21.

RECEIPT

DATE 8/02/2017 No. 498990

RECEIVED FROM Phyllis Ward \$ 1003.72

one thousand and three 72 DOLLARS

FOR RENT FOR

CASH CHECK MONEY ORDER

FROM 8/01/2017 TO 8/31/2017

BY Raquel Machado (RF)

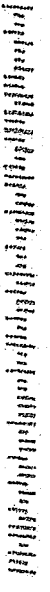
ACCOUNT PAYMENT BAL. DUE

1182



Delivered 7-29-2017

5460466544 8065



August receipt was sent
we have a copy
thank you

RECEIPT

DATE 8/02/2017 No. 498998

RECEIVED FROM Phyllis Ward \$ 1003.72

One thousand and three 72 DOLLARS

FOR RENT
 FOR rent 389 Vernon St #105

ACCOUNT			<input type="radio"/> CASH
PAYMENT			<input type="radio"/> CHECK
BAL. DUE			<input type="radio"/> MONEY ORDER

FROM 8/01/2017 TO 8/31/2017

BY Raquel Machado (AK)

1182

Raquel M.
accounting.

RECEIPT

DATE 9/8/17 No. 498992

RECEIVED FROM Phyllis Ward \$ 1003.72

One thousand three 72 DOLLARS

FOR RENT
 FOR Rent 389 Vernon St #105

ACCOUNT			<input type="radio"/> CASH
PAYMENT			<input type="radio"/> CHECK
BAL. DUE			<input type="radio"/> MONEY ORDER

FROM 9/01/17 TO 9/30/17

BY Raquel Machado

1182

22.
000097

PHYLLIS WARD
P.O. BOX 30444
OAKLAND, CA 94604

389 VERNON ST #105
OAKLAND, CA 94610

AUGUST 31, 2017

RE: IMPROPER RENT RECEIPT FOR AUGUST 2017 AND
SEPTEMBER 2017 RENT PAYMENT

TO WHOM IT MAY CONCERN,

I DID NOT RECEIVE A *PROPER* RECEIPT FOR AUGUST 2017 RENT PAYMENT(\$1,003.72). THIS IS A PROBLEM THAT HAS OCCURED SEVERAL TIMES IN THE PAST. PLEASE RETURN ASAP THE APPROPRIATE RECEIPT COVERING AUGUST'S RENT. THIS PAYMENT WAS PAID ON TIME AND DELIVERED TO THE RESIDENT MANAGER'S UNIT ON 7-29-2017.

I AM ALSO ENCLOSING MY CHECK #2360 COVERING THE AMOUNT OF \$1,003.72 FOR SEPTEMBER 2017 RENT. PLEASE PROVIDE THE PROPER RECEIPT FOR THIS PAYMENT.

I WOULD APPRECIATE YOUR IMMEDIATE ATTENTION TO THIS ON GOING PROBLEM. TIME IS OF THE ESSENCE.

SINCERELY,

PHYLLIS WARD
UNIT #105

CC:
OTU
ANGELA HAJJEM

23.
000098

**PHYLLIS WARD
P.O. BOX 30444
OAKLAND, CA 94604**

**389 VERNON ST #105
OAKLAND, CA 94610**

OCTOBER 1, 2017

RE: SLOPPY RENTAL RECEIPTS FOR AUGUST 2017 AND SEPTEMBER 2017 RENT PAYMENTS

TO WHOM IT MAY CONERN,

I HAVE NOT RECEIVED PROPER RECEIPTS FOR AUGUST AND SEPTEMBER 2017 RENT PAYMENTS. BOTH RENT PAYMENTS WERE PAID ON TIME AND DELIVERED BEFORE THE FIRST OF THE MONTH TO THE UNIT OF THE RESIDENT MANAGER.

THE DOCUMENTS THAT WERE MAILED TO ME FROM YOUR ACCOUNTING DEPARTMENT WERE POORLY WRITTEN AND MISSING IMPORTANT INFORMATION. I HAVE LARGED MANY COMPLAINTS TO THE LEADERSHIP OF THE LAPHAM COMPANY CONCERNING THIS ONGOING PROBLEM. WHEN IS IT GOING TO STOP? IN FEBRUARY OF THIS YEAR THE MATTER WAS BROUGHT TO THE ATTENTION OF ANGELA HAJJIM. SHE PLACED A FRIENDLY CALL TO ANDRIANNA TAMBURINI A/R MANAGER TO ASSIST IN CORRECTING THE PROBLEM.

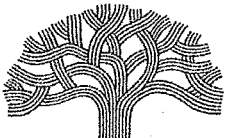
ENCLOSED IS MY CHECK #2372 COVERING THE AMOUNT OF \$1,003.72 FOR OCTOBER 2017 RENT. I AM REQUESTING THAT YOU PLEASE PROVIDE A PROPER RECEIPT FOR THIS PAYMENT.

I WOULD APPRECIATE YOUR IMMEDIATE ATTENTION TO THESE CONCERNS. TIME IS OF THE ESSENCE.

SINCERELY,

**PHYLLIS WARD
UNIT #105**

**CC:
WOOK SUN HONG
OTU
ANGELA HAJJEM**

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM P.O. Box 70243 Oakland, CA 94612-0243 (510) 238-3721	For date stamp. 2017 NOV 28 PM 3:42
		PROPERTY OWNER RESPONSE

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

CASE NUMBER T/7- 436

Your Name <i>Ben Lewros</i> <i>Lapham Company</i>	Complete Address (with zip code) <i>4844 Telegraph Ave</i> <i>Oakland, CA 94609</i>	Telephone: <i>510.594.7600</i> Email: <i>ben@laphamcompany.com</i>
Your Representative's Name (if any) <i>Ben Lewros</i>	Complete Address (with zip code) <i>4844 Telegraph Ave</i> <i>Oakland, CA 94609</i>	Telephone: <i>↑</i> Email: <i>↑</i>
Tenant(s) Name(s) <i>Phyllis Ward</i>	Complete Address (with zip code) <i>389 Vernon St</i> <i>#105</i> <i>Oakland, CA 94610</i>	
Property Address (If the property has more than one address, list all addresses)		Total number of units on property <i>40</i>

Have you paid for your Oakland Business License? Yes No Lic. Number: DD102392
 The property owner must have a current Oakland Business License. If it is not current, an Owner Petition or Response may not be considered in a Rent Adjustment proceeding. Please provide proof of payment.

Have you paid the current year's Rent Program Service Fee (\$68 per unit)? Yes No APN: 6151531
 The property owner must be current on payment of the RAP Service Fee. If the fee is not current, an Owner Petition or Response may not be considered in a Rent Adjustment proceeding. Please provide proof of payment.

Date on which you acquired the building: 1/1/2003

Is there more than one street address on the parcel? Yes No

Type of unit (Circle One): House / Condominium/ Apartment, room, or live-work

I. JUSTIFICATION FOR RENT INCREASE You must check the appropriate justification(s) box for each increase greater than the Annual CPI adjustment contested in the tenant(s) petition. For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent

Board Regulations. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

You must prove the contested rent increase is justified. For each justification checked on the following table, you must attach organized documentary evidence demonstrating your entitlement to the increase. This documentation may include cancelled checks, receipts, and invoices. Undocumented expenses, except certain maintenance, repair, legal, accounting and management expenses, will not usually be allowed.

Handwritten: RAP fees 2016 to 2017

<u>Date of Contested Increase</u>	<u>Banking (deferred annual increases)</u>	<u>Increased Housing Service Costs</u>	<u>Capital Improvements</u>	<u>Uninsured Repair Costs</u>	<u>Debt Service</u>	<u>Fair Return</u>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you are justifying additional contested increases, please attach a separate sheet.

II. RENT HISTORY If you contest the Rent History stated on the Tenant Petition, state the correct information in this section. If you leave this section blank, the rent history on the tenant's petition will be considered correct

The tenant moved into the rental unit on 06/01/1994.

The tenant's initial rent including all services provided was: \$ 650 / month.

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 all of the petitioning tenants?
 Yes No _____ I don't know _____

If yes, on what date was the Notice first given? Earliest found is 7/11/03

Is the tenant current on the rent? Yes No _____

Begin with the most recent rent and work backwards. If you need more space please attach another sheet.

Handwritten: Please see attached ledger

<u>Date Notice Given (mo./day/year)</u>	<u>Date Increase Effective</u>	<u>Rent Increased</u>		<u>Did you provide the "RAP NOTICE" with the notice of rent increase?</u>
		<u>From</u>	<u>To</u>	
		\$	\$	<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

III. EXEMPTION

If you claim that your property is exempt from Rent Adjustment (Oakland Municipal Code Chapter 8.22), please check one or more of the grounds:

The unit is a single family residence or condominium exempted by the **Costa Hawkins Rental Housing Act** (California Civil Code 1954.50, et seq.). If claiming exemption under Costa-Hawkins, please answer the following questions on a separate sheet:

1. Did the prior tenant leave after being given a notice to quit (Civil Code Section 1946)?
2. Did the prior tenant leave after being given a notice of rent increase (Civil Code Section 827)?
3. Was the prior tenant evicted for cause?
4. Are there any outstanding violations of building housing, fire or safety codes in the unit or building?
5. Is the unit a single family dwelling or condominium that can be sold separately?
6. Did the petitioning tenant have roommates when he/she moved in?
7. If the unit is a condominium, did you purchase it? If so: 1) from whom? 2) Did you purchase the entire building?

The rent for the unit is **controlled, regulated or subsidized** by a governmental unit, agency or authority other than the City of Oakland Rent Adjustment Ordinance.

The unit was **newly constructed** and a certificate of occupancy was issued for it on or after January 1, 1983.

On the day the petition was filed, the tenant petitioner was a resident of a **motel, hotel, or boarding house** less than 30 days.

The subject unit is in a building that was **rehabilitated** at a cost of 50% or more of the average basic cost of new construction.

The unit is an accommodation in a **hospital, convent, monastery, extended care facility, convalescent home, non-profit home for aged, or dormitory** owned and operated by an educational institution.

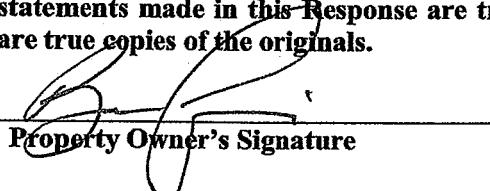
The unit is located in a building with three or fewer units. The owner occupies one of the units continuously as his or her principal residence and has done so for at least one year.

IV. DECREASED HOUSING SERVICES

If the petition filed by your tenant claims **Decreased Housing Services**, state your position regarding the tenant's claim(s) of decreased housing services. If you need more space attach a separate sheet. Submit any documents, photographs or other tangible evidence that supports your position.

V. 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.



Property Owner's Signature

4/27/2017
Date

November 28, 2017

To whom it may concern,

This letter is to address petition T17-0436 filed to the City of Oakland Rent Adjustment Program made by Phyllis Ward, 389 Vernon St #105 in Oakland, CA 94610.

Please find the City of Oakland generated invoice and a copy of the check for the 2016 and 2017 RAP Program Fees. Tenants were notified of their portion of the fee for each year within a 12 month period, but they are for separate years. The Lapham Company's delay in notifying tenants of their portion of the fee is a direct result of the City of Oakland not making a timely decision on the new amount of the fee for 2017.

Please find Ms. Ward's ledger attached as proof that she was not charged more than one fee for the years 2016 or 2017.

Thank you so much for your attention to this matter.

Ben Lewis
Asset Manager

LAPHAM COMPANY, INC

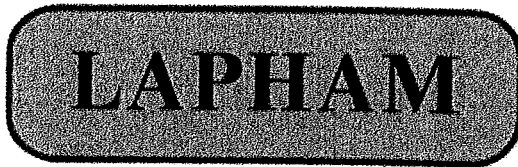
Phone: 510.594.7600 Ext. 116 | Fax: 510.594.7611
ben@laphamcompany.com

RECEIVED

NOV 28 2017

RENT ADJUSTMENT PROGRAM
CITY OF OAKLAND





THE LAPHAM COMPANY

*Serving Bay Area Renters and Property Owners
Since 1911*

Date : 11/28/2017

Resident Ledger

Code	<u>t0000727</u>	Property	<u>1p082</u>	Lease From	6/1/1994
Name	Phyllis Ward	Unit	<u>105</u>	Lease To	5/31/1995
Address	389 Vernon Street 105	Status	Current	Move In	6/1/1994
		Rent	1003.72	Move Out	
City St. Zip	Oakland, CA 94610	Phone(O)-		Phone(H)-	(510) 451-1248

Date	Description	Charge	Payment	Balance	Chg/Rec
6/1/1994	:Posted by QuickTrans (secdep)	650.00		650.00	<u>661</u>
6/1/1994	chk# :QuickTrans :Posted by QuickTrans		650.00	0.00	<u>661</u>
1/1/2008	Rent (01/2008)	890.95		890.95	<u>4882</u>
1/7/2008	chk# 3038		890.90	0.05	<u>7030</u>
2/1/2008	Rent (02/2008)	890.95		891.00	<u>9380</u>
2/7/2008	chk# 3058		890.90	0.10	<u>11811</u>
3/1/2008	Rent (03/2008)	890.95		891.05	<u>13390</u>
3/6/2008	chk# 3075		890.95	0.10	<u>16121</u>
4/1/2008	Rent (04/2008)	890.95		891.05	<u>17679</u>
4/7/2008	chk# 3098		890.95	0.10	<u>20316</u>
5/1/2008	Rent (05/2008)	890.95		891.05	<u>21906</u>
5/2/2008	chk# 3116		890.95	0.10	<u>23704</u>
5/30/2008	City of Oakland \$15 Charge 2527	15.00		15.10	<u>25743</u>
6/1/2008	Rent (06/2008)	890.95		906.05	<u>28195</u>
6/3/2008	chk# 3137		890.95	15.10	<u>29635</u>
7/1/2008	Rent (07/2008)	890.95		906.05	<u>32588</u>
7/2/2008	chk# 3155		890.95	15.10	<u>34865</u>
8/1/2008	Rent (08/2008)	890.95		906.05	<u>36985</u>
8/7/2008	chk# 3181		890.95	15.10	<u>40774</u>
9/1/2008	Rent (09/2008)	890.95		906.05	<u>41321</u>
9/11/2008	chk# 3199		890.95	15.10	<u>46320</u>
10/1/2008	Rent (10/2008)	890.95		906.05	<u>45808</u>
10/6/2008	chk# 3223		15.00	891.05	<u>49014</u>
10/6/2008	chk# 3227		890.95	0.10	<u>49015</u>
11/1/2008	Rent (11/2008)	890.95		891.05	<u>50136</u>
11/7/2008	chk# 3252		890.95	0.10	<u>54108</u>

12/1/2008	Rent (12/2008)	890.95		891.05	<u>54611</u>
12/9/2008	chk# 3274		890.95	0.10	<u>59627</u>
1/1/2009	Rent (01/2009)	890.95		891.05	<u>58856</u>
1/6/2009	chk# 3285		890.95	0.10	<u>63504</u>
2/1/2009	Rent (02/2009)	919.46		919.56	<u>63126</u>
2/9/2009	chk# 3306		890.95	28.61	<u>69166</u>
3/1/2009	Rent (03/2009)	919.46		948.07	<u>67300</u>
3/10/2009	chk# 3330		890.95	57.12	<u>74100</u>
3/23/2009	City of Oakland \$15 Charge 2009	15.00		72.12	<u>71034</u>
4/1/2009	Rent (04/2009)	919.46		991.58	<u>73733</u>
4/6/2009	chk# 3350		890.95	100.63	<u>78954</u>
5/1/2009	Rent (05/2009)	919.46		1,020.09	<u>78124</u>
5/7/2009	Zero out account per Jon	(0.10)		1,019.99	<u>80893</u>
5/7/2009	chk# 3375		85.53	934.46	<u>85090</u>
5/7/2009	chk# 3374		15.00	919.46	<u>85091</u>
5/7/2009	chk# 3373		919.46	0.00	<u>85092</u>
6/1/2009	Rent (06/2009)	919.46		919.46	<u>82533</u>
6/8/2009	chk# 3394		919.46	0.00	<u>89515</u>
7/1/2009	Rent (07/2009)	919.46		919.46	<u>86885</u>
7/6/2009	chk# 3419		919.46	0.00	<u>92452</u>
8/1/2009	Rent (08/2009)	919.46		919.46	<u>91331</u>
8/6/2009	chk# 3433		919.46	0.00	<u>98133</u>
9/1/2009	Rent (09/2009)	919.46		919.46	<u>95815</u>
9/8/2009	chk# 3454		919.46	0.00	<u>103032</u>
10/1/2009	Rent (10/2009)	919.46		919.46	<u>100055</u>
10/7/2009	chk# 3474		919.46	0.00	<u>107448</u>
11/1/2009	Rent (11/2009)	919.46		919.46	<u>104396</u>
11/9/2009	chk# 3481		919.46	0.00	<u>112242</u>
12/1/2009	Rent (12/2009)	919.46		919.46	<u>108771</u>
1/1/2010	Rent (01/2010)	919.46		1,838.92	<u>112953</u>
1/5/2010	chk# 3638		884.00	954.92	<u>118898</u>
1/8/2010	Reimbursement for canceled check	(35.46)		919.46	<u>115706</u>
1/8/2010	chk# 3643		919.46	0.00	<u>120864</u>
2/1/2010	Rent (02/2010)	919.46		919.46	<u>117361</u>
2/8/2010	chk# 3666		919.46	0.00	<u>125358</u>
3/1/2010	Rent (03/2010)	925.90		925.90	<u>121721</u>
3/1/2010	City of Oakland \$15 Charge 2010	15.00		940.90	<u>124996</u>
3/8/2010	chk# 3696		925.90	15.00	<u>130390</u>
3/8/2010	chk# 3697		15.00	0.00	<u>130391</u>
4/1/2010	Rent (04/2010)	925.90		925.90	<u>128976</u>
4/6/2010	chk# 3717		925.90	0.00	<u>135040</u>
5/1/2010	Rent (05/2010)	925.90		925.90	<u>137088</u>
5/6/2010	chk# 3736		925.90	0.00	<u>139926</u>
6/1/2010	Rent (06/2010)	925.90		925.90	<u>141503</u>
6/7/2010	chk# 3758		925.90	0.00	<u>144237</u>
7/1/2010	Rent (07/2010)	925.90		925.90	<u>146290</u>
7/6/2010	chk# 3775		925.90	0.00	<u>148295</u>
8/1/2010	Rent (08/2010)	925.90		925.90	<u>150890</u>

	chk# 3799		925.90	0.00	153614
9/1/2010	Rent (09/2010)	925.90		925.90	155715
9/7/2010	chk# 3822		925.90	0.00	158151
10/1/2010	Rent (10/2010)	925.90		925.90	160591
10/6/2010	chk# 3844		925.90	0.00	163772
10/13/2010	Reimbursement for \$0.44 postage	(1.76)		(1.76)	163770
11/1/2010	Rent (11/2010)	925.90		924.14	165171
11/1/2010	chk# 3868		925.90	(1.76)	166606
12/1/2010	Rent (12/2010)	925.90		924.14	170080
12/6/2010	chk# 3898		924.14	0.00	173130
1/1/2011	Rent (01/2011)	925.90		925.90	174605
1/6/2011	chk# 3901		925.90	0.00	178190
2/1/2011	Rent (02/2011)	925.90		925.90	179200
2/7/2011	chk# 3924		925.90	0.00	183015
3/1/2011	Rent (03/2011)	925.90		925.90	183953
3/7/2011	chk# 3945		925.90	0.00	188417
4/1/2011	Rent (04/2011)	925.90		925.90	189336
4/1/2011	chk# 3966		925.90	0.00	193070
5/1/2011	Cap. Impr. Pass-Through (05/2011)	16.00		16.00	193911
5/1/2011	Rent (05/2011)	925.90		941.90	193912
5/1/2011	Via Settlement	(16.00)		925.90	209236
5/3/2011	chk# 1007		925.90	0.00	199423
6/1/2011	Cap. Impr. Pass-Through (06/2011)	16.00		16.00	198676
6/1/2011	Rent (06/2011)	925.90		941.90	198677
6/1/2011	Via Settlement	(16.00)		925.90	209237
6/6/2011	chk# 1023		925.90	0.00	206415
6/9/2011	Courtesy Reimbursement	(1.32)		(1.32)	202052
7/1/2011	Cap. Impr. Pass-Through (07/2011)	16.00		14.68	203574
7/1/2011	Rent (07/2011)	925.90		940.58	203575
7/1/2011	City of Oakland \$15 Charge 2011	15.00		955.58	207614
7/1/2011	Via Settlement	(16.00)		939.58	209238
7/6/2011	chk# 1045		925.90	13.68	212162
7/15/2011	Rent Credit Per Menna	(13.68)		0.00	209239
8/1/2011	Rent (08/2011)	925.90		925.90	210650
8/9/2011	chk# 1063		925.90	0.00	218612
9/1/2011	Rent (09/2011)	925.90		925.90	215933
9/9/2011	chk# 1084		925.90	0.00	224745
10/1/2011	Rent (10/2011)	925.90		925.90	221109
10/10/2011	chk# 1101		925.90	0.00	230039
11/1/2011	Rent (11/2011)	925.90		925.90	226331
11/17/2011	chk# 1124		925.90	0.00	236185
12/1/2011	Rent (12/2011)	925.90		925.90	231843
12/6/2011	chk# 1143		925.90	0.00	238804
1/1/2012	Rent (01/2012)	925.90		925.90	237106
1/11/2012	chk# 1161		925.90	0.00	246715
2/1/2012	Rent (02/2012)	925.90		925.90	242864
2/7/2012	chk# 1184		925.90	0.00	250766
2/16/2012	City of Oakland \$15 Charge 2012	15.00		15.00	247703

	Rent (03/2012)	925.90	940.90	250296	
3/6/2012	chk# 1207		925.90	15.00	256543
4/1/2012	Rent (04/2012)	925.90		940.90	258041
4/10/2012	chk# 1226		925.90	15.00	264065
5/1/2012	Rent (05/2012)	925.90		940.90	263770
5/7/2012	chk# 1245		925.90	15.00	269142
6/1/2012	Rent (06/2012)	925.90		940.90	269625
6/6/2012	chk# 1267		925.90	15.00	274155
7/1/2012	Rent (07/2012)	925.90		940.90	275256
7/6/2012	chk# 1289		925.90	15.00	280027
8/1/2012	Rent (08/2012)	925.90		940.90	280999
8/2/2012	chk# 1304		925.90	15.00	284278
9/1/2012	Rent (09/2012)	925.90		940.90	286996
9/5/2012	chk# 1321		925.90	15.00	290252
10/1/2012	Rent (10/2012)	925.90		940.90	292728
10/3/2012	chk# 1345		925.90	15.00	296448
11/1/2012	Rent (11/2012)	925.90		940.90	298624
11/5/2012	chk# 1365		925.90	15.00	302030
12/1/2012	Rent (12/2012)	925.90		940.90	304455
12/3/2012	chk# 1383		925.90	15.00	307607
1/1/2013	Rent (01/2013)	925.90		940.90	310026
1/4/2013	chk# 1401		925.90	15.00	313550
2/1/2013	Rent (02/2013)	925.90		940.90	315737
2/4/2013	chk# 1421		925.90	15.00	318787
2/13/2013	City of Oakland \$15 Charge 2013	15.00		30.00	320380
3/1/2013	Rent (03/2013)	925.90		955.90	323963
3/4/2013	chk# 1441		925.90	30.00	324619
4/1/2013	Rent (04/2013)	925.90		955.90	329489
4/8/2013	chk# 1460		925.90	30.00	333139
5/1/2013	Rent (05/2013)	925.90		955.90	334950
5/6/2013	chk# 1484		925.90	30.00	337512
6/1/2013	Rent (06/2013)	925.90		955.90	340554
6/7/2013	chk# 1485		925.90	30.00	344916
6/7/2013	(Payable)	(175.00)		(145.00)	258147
6/7/2013	Chk# 105324 to payable		(175.00)	30.00	126417
6/14/2013	Food & daily allowance food/lodging (Payable)	(1,132.90)		(1,102.90)	258387
6/14/2013	Chk# 105357 to payable		(1,132.90)	30.00	126467
6/24/2013	(Payable)	(1,125.00)		(1,095.00)	260072
6/24/2013	Chk# 105867 to payable		(1,125.00)	30.00	127171
7/1/2013	Rent (07/2013)	925.90		955.90	346208
7/9/2013	chk# 1511		925.90	30.00	350590
8/1/2013	Rent (08/2013)	925.90		955.90	351918
8/6/2013	chk# 1528		925.90	30.00	355676
9/1/2013	Rent (09/2013)	925.90		955.90	357793
9/4/2013	chk# 1550		925.90	30.00	360757
10/1/2013	Rent (10/2013)	925.90		955.90	363416
10/2/2013	chk# 1569		925.90	30.00	366668
11/1/2013	Rent (11/2013)	925.90		955.90	369180

	chk# 1594		925.90	30.00	<u>372930</u>
12/1/2013	Rent (12/2013)	925.90		955.90	<u>374946</u>
12/6/2013	chk# 1615		925.90	30.00	<u>380177</u>
1/1/2014	Rent (01/2014)	925.90		955.90	<u>380633</u>
1/3/2014	chk# 1637		925.90	30.00	<u>385198</u>
2/1/2014	Rent (02/2014)	925.90		955.90	<u>391286</u>
2/4/2014	chk# 1656		925.90	30.00	<u>391316</u>
2/20/2014	City of Oakland \$15 Charge 2014	15.00		45.00	<u>396139</u>
3/1/2014	Rent (03/2014)	925.90		970.90	<u>399107</u>
3/4/2014	chk# 1673		925.90	45.00	<u>397789</u>
4/1/2014	Rent (04/2014)	925.90		970.90	<u>404896</u>
4/2/2014	chk# 1694		925.90	45.00	<u>404259</u>
5/1/2014	Rent (05/2014)	925.90		970.90	<u>410563</u>
5/6/2014	chk# 1715		925.90	45.00	<u>411151</u>
6/1/2014	Rent (06/2014)	925.90		970.90	<u>416211</u>
6/4/2014	chk# 1738		925.90	45.00	<u>416732</u>
7/1/2014	Rent (07/2014)	984.04		1,029.04	<u>421923</u>
7/3/2014	chk# 1757		925.90	103.14	<u>423025</u>
8/1/2014	Rent (08/2014)	984.04		1,087.18	<u>427857</u>
8/11/2014	chk# 1775		925.90	161.28	<u>431423</u>
9/1/2014	Rent (09/2014)	984.04		1,145.32	<u>433539</u>
9/9/2014	chk# 1792		925.90	219.42	<u>436969</u>
9/19/2014	chk# 17-083779228		174.42	45.00	<u>438417</u>
9/19/2014	chk# 17-083779231		45.00	0.00	<u>438418</u>
10/1/2014	Rent (10/2014)	984.04		984.04	<u>439331</u>
10/3/2014	chk# 1812		984.04	0.00	<u>441034</u>
11/1/2014	Rent (11/2014)	984.04		984.04	<u>444891</u>
11/5/2014	chk# 1833		984.04	0.00	<u>447728</u>
12/1/2014	Rent (12/2014)	984.04		984.04	<u>450776</u>
12/2/2014	chk# 1852		984.04	0.00	<u>452622</u>
1/1/2015	Rent (01/2015)	984.04		984.04	<u>461223</u>
1/6/2015	chk# 1876		984.04	0.00	<u>461907</u>
2/1/2015	Rent (02/2015)	984.04		984.04	<u>467610</u>
2/4/2015	chk# 1897		984.04	0.00	<u>468680</u>
2/19/2015	City of Oakland \$15 Charge 2015	15.00		15.00	<u>472210</u>
3/1/2015	Rent (03/2015)	984.04		999.04	<u>476762</u>
3/3/2015	chk# 1914		984.04	15.00	<u>475590</u>
4/1/2015	Rent (04/2015)	984.04		999.04	<u>483451</u>
4/1/2015	chk# 1932		15.00	984.04	<u>482547</u>
4/3/2015	chk# 1936		984.04	0.00	<u>483382</u>
5/1/2015	Rent (05/2015)	984.04		984.04	<u>489931</u>
5/11/2015	chk# 1956		984.04	0.00	<u>491951</u>
6/1/2015	Rent (06/2015)	984.04		984.04	<u>496447</u>
6/3/2015	chk# 1965		984.04	0.00	<u>497021</u>
7/1/2015	Rent (07/2015)	984.04		984.04	<u>502940</u>
7/9/2015	chk# 1985		984.04	0.00	<u>506363</u>
8/1/2015	Rent (08/2015)	984.04		984.04	<u>509592</u>
8/10/2015	chk# 1997		984.04	0.00	<u>513439</u>

	Rent (09/2015)	984.04	984.04	516368	
9/4/2015	chk# 2014		984.04	0.00	518970
10/1/2015	Rent (10/2015)	984.04		984.04	523136
10/12/2015	chk# 2031		984.04	0.00	528072
11/1/2015	Rent (11/2015)	984.04		984.04	529582
11/4/2015	chk# 2046		984.04	0.00	533008
12/1/2015	Rent (12/2015)	984.04		984.04	536371
12/3/2015	chk# 2063		984.04	0.00	539304
1/1/2016	Rent (01/2016)	984.04		984.04	543065
1/7/2016	chk# 2080		984.04	0.00	547594
2/1/2016	Rent (02/2016)	984.04		984.04	549842
2/5/2016	chk# 2089		984.04	0.00	555272
3/1/2016	Rent (03/2016)	984.04		984.04	556512
3/3/2016	chk# 2105		984.04	0.00	562252
4/1/2016	Rent (04/2016)	984.04		984.04	563186
4/5/2016	chk# 2118		984.04	0.00	569382
5/1/2016	Rent (05/2016)	984.04		984.04	569749
5/5/2016	chk# 2135		984.04	0.00	576879
6/1/2016	Rent (06/2016)	984.04		984.04	576385
6/6/2016	chk# 2148		984.04	0.00	584453
7/1/2016	Rent (07/2016)	1,003.72		1,003.72	583134
7/6/2016	chk# 2162		1,003.72	0.00	591444
8/1/2016	Rent (08/2016)	1,003.72		1,003.72	589977
8/4/2016	chk# 2178		1,003.72	0.00	598657
9/1/2016	Rent (09/2016)	1,003.72		1,003.72	596724
9/6/2016	chk# 2190		1,003.72	0.00	605431
10/1/2016	Rent (10/2016)	1,003.72		1,003.72	603407
10/4/2016	chk# 2203		1,003.72	0.00	612210
11/1/2016	Rent (11/2016)	1,003.72		1,003.72	609940
11/3/2016	chk# 2216		1,003.72	0.00	619960
12/1/2016	Rent (12/2016)	1,003.72		1,003.72	616826
12/5/2016	chk# 2231		1,003.72	0.00	626546
12/16/2016	\$15 City of Oakland Fee 2016	15.00		15.00	621337
1/1/2017	Rent (01/2017)	1,003.72		1,018.72	626195
1/6/2017	chk# 2246		1,003.72	15.00	634842
2/1/2017	Rent (02/2017)	1,003.72		1,018.72	632838
2/2/2017	chk# 2260		1,003.72	15.00	641710
3/1/2017	Rent (03/2017)	1,003.72		1,018.72	639570
3/2/2017	chk# 2275		1,003.72	15.00	648948
3/2/2017	chk# 2274		15.00	0.00	648949
4/1/2017	Rent (04/2017)	1,003.72		1,003.72	646443
4/3/2017	chk# 2289		1,003.72	0.00	655910
5/1/2017	Rent (05/2017)	1,003.72		1,003.72	653146
5/2/2017	chk# 2305		1,003.72	0.00	663243
6/1/2017	Rent (06/2017)	1,003.72		1,003.72	659782
6/1/2017	chk# 2319		1,003.72	0.00	669919
6/26/2017	\$34 City of Oakland Fee 2017	34.00		34.00	664616
7/1/2017	Rent (07/2017)	1,003.72		1,037.72	668445

	chk# 2332		1,003.72	34.00	<u>677441</u>
8/1/2017	Rent (08/2017)	1,003.72		1,037.72	<u>675545</u>
8/2/2017	chk# 2347		1,003.72	34.00	<u>684247</u>
9/1/2017	Rent (09/2017)	1,003.72		1,037.72	<u>682301</u>
9/7/2017	chk# 2360		1,003.72	34.00	<u>693296</u>
10/1/2017	Rent (10/2017)	1,003.72		1,037.72	<u>688944</u>
10/5/2017	chk# 2372		1,003.72	34.00	<u>699068</u>
11/1/2017	Rent (11/2017)	1,003.72		1,037.72	<u>695461</u>
11/2/2017	chk# 2384		1,003.72	34.00	<u>705168</u>

SINCE 1911

THE LAPHAM COMPANY, INC.

4844 Telegraph Avenue, Oakland, California 94609 • 510-594-7600 • Fax 510-594-7611

NOTICE OF SMALL BALANCE DUE

August 25, 2017

Phyllis Ward
389 Vernon Street 105
Oakland, CA 94610

Dear Phyllis Ward,

The Accounting Department has recently performed an audit on your rental account and found that you have a small balance. According to our records, you currently have a small outstanding balance of \$34.00. This balance is due to late fees that were not paid in full and/or previous rent payments/fees that were not paid in full. Please note your current rent amount is \$1003.72 per month and a late fee will be assessed to your account if payment is not received by the fifth of each month.

In order to resolve the remaining balance on the account, please remit \$34.00 by the end of the month or you may add this amount to your next monthly rent payment.

Should you have any further questions or concerns regarding your account, please contact the accounting department. Thank you for your prompt attention to this matter.

Sincerely,



Raquel Machado
Accounting Department
raquel@laphamcompany.com
510-594-7600 ext. 111