

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

May 23, 2024

6:00 P.M.

**CITY HALL, HEARING ROOM # 1
ONE FRANK H. OGAWA PLAZA
OAKLAND, CA 94612**

AGENDA

PUBLIC PARTICIPATION

The public may observe or participate in this meeting in many ways.

OBSERVE:

• To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10

• To observe the meeting by video conference, please click on the link below:

When: May 23, 2024, 06:00 PM Pacific Time (US and Canada)

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83247066774>

Meeting ID: 832 4706 6774

Or One tap mobile:+16694449171,,83247066774# US,+16699009128,,83247066774# US (San Jose)

Or Dial by your location: +1 669 444 9171 US,+1 669 900 9128 US (San Jose), +1 346 248 7799 US (Houston), +1 719 359 4580 US, +1 253 205 0468 US, +1 253 215 8782 US (Tacoma), +1 646 558 8656 US (New York), +1 646 931 3860 US, +1 689 278 1000 US, +1 301 715 8592 US (Washington DC), +1 305 224 1968 US, +1 309 205 3325 US, +1 312 626 6799 US (Chicago), +1 360 209 5623 US, +1 386 347 5053 US, +1 507 473 4847 US, +1 564 217 2000 US

Find your local number: <https://us02web.zoom.us/u/kbJG0ROIYU>

The Zoom link is to view/listen to the meeting only, not for participation.

PARTICIPATION/COMMENT:

There is one way to submit public comments:

• To participate/comment during the meeting, you must attend in-person.

Comments on all agenda items will be taken during public comment at the beginning of the meeting. Comments for items not on the agenda will be taken during open forum towards the end of the meeting.

If you have any questions, please email hearingsunit@oaklandca.gov

HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD MEETING

1. CALL TO ORDER
2. ROLL CALL

3. PUBLIC COMMENT
 - a. Comments on all agenda items will be taken at this time. Comments for items not on the agenda will be taken during open forum.
4. CONSENT ITEMS
 - a. Approval of Board Minutes, 04/25/2024 (pp. 3-5)
5. RESOLUTION TO AMEND THE RENT ADJUSTMENT ORDINANCE BOARD ADOPTION OF RENT ADJUSTMENT REGULATIONS (pp. 6-8)
6. INFORMATION AND ANNOUNCEMENTS
 - a. Board Training Session- The Brown Act (pp. 9)
7. NEW BOARD BUSINESS
8. SCHEDULING AND REPORTS
9. OPEN FORUM
10. ADJOURNMENT

**Staff appeal summaries will be available at the Rent Program website and the Clerk's office at least 72 hours prior to the meeting pursuant to O.M.C. 2.20.080.C and 2.20.090*

As a reminder, alternates in attendance (other than those replacing an absent board member) will not be able to take any action, such as with regard to the consent calendar.

Accessibility: Contact us to request disability-related accommodations, American Sign Language (ASL), Spanish, Cantonese, Mandarin, or another language interpreter at least five (5) business days before the event. Rent Adjustment Program (RAP) staff can be contacted via email at RAP@oaklandca.gov or via phone at (510) 238-3721. California relay service at 711 can also be used for disability-related accommodations.

Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en Español, Cantones, Mandarín o de lenguaje de señas (ASL) por favor envíe un correo electrónico a RAP@oaklandca.gov o llame al (510) 238-3721 o 711 por lo menos cinco días hábiles antes de la reunión.

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 RAP@oaklandca.gov 或致電 (510) 238-3721 或711 California relay service.

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

April 25, 2024

6:00 P.M.

CITY HALL

1 FRANK H. OGAWA PLAZA, HEARING ROOM #1

OAKLAND, CA 94612

MINUTES

1. CALL TO ORDER

The Board meeting was administered in-person by Linda Moroz from the Rent Adjustment Program (RAP), Housing and Community Development Department. L. Moroz explained the procedure for conducting the meeting. The HRRRB meeting was called to order by Chair Ingram at 6:07 p.m.

2. ROLL CALL

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

Staff Present

Kent Qian
Linda Moroz

Deputy City Attorney
Hearing Officer (RAP)

3. PUBLIC COMMENT

- a. One member of the public spoke during public comment.

4. CONSENT ITEMS

- a. Approval of Board Minutes, 3/14/2024 and 3/28/2024: Chair Ingram moved to approve the Board Minutes from 3/14/2024 and 3/28/2024. Member K. Brodfuehrer seconded the motion.

The Board voted as follows:

Aye: D. Ingram, C. Oshinuga, D. Williams, M. Goolsby, K. Brodfuehrer, C. Jackson
Nay: None
Abstain: None

The minutes were approved.

5. APPEALS

- a. T23-0071, Thorton v. Benecia Lake, LLC

Appearances: Jaime Rush Tenant Representative

After tenant representative’s argument, questions to the the tenant representative and Board discussion, Member Brodfuehrer moved to remand the case back to Hearing Officer to consider the information on the record to determine the remedy. Member D. Williams seconded the motion.

The Board voted as follows:

Aye: D. Ingram, C. Oshinuga, D. Williams, M. Goolsby, K. Brodfuehrer
Nay: C. Jackson
Abstain: None

The motion was approved.

- b. T23-0176, Barner v. Shahoian

Appearances: Vanessa Barner Tenant
Mena Tesfasion Agent for Lapham Co. (Manager)

After parties' arguments, questions to the parties and Board discussion, Member Brodfuehrer moved to adopt the City Attorney's recommendation to affirm the Hearing Officer's decision without prejudice. Member D. Williams seconded the motion.

The Board voted as follows:

Aye: D. Ingram, C. Oshinuga, D. Williams, M. Goolsby, K. Brodfuehrer
Nay: C. Jackson
Abstain: None

The motion was approved.

6. INFORMATION AND ANNOUNCEMENTS

- a. None.

7. NEW BOARD BUSINESS

- a. None.

8. SCHEDULING AND REPORTS

- a. None.

9. OPEN FORUM

- a. Two members of the public spoke during open forum.

10. ADJOURMENT

- a. The meeting was adjourned at 7:49 pm.

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

**CITY OF OAKLAND HOUSING,
RESIDENTIAL RENT AND RELOCATION (HRRRB)**

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY BOARD CHAIR DENARD INGRAM

**RESOLUTION RECOMMENDING AMENDMENT OF THE
RENT ADJUSTMENT ORDINANCE TO PROVIDE THE
HOUSING, RESIDENTIAL RENT, AND RELOCATION BOARD
WITH FINAL AUTHORITY FOR ADOPTING, AMENDING, OR
REPEALING RENT ADJUSTMENT PROGRAM
REGULATIONS**

WHEREAS, the Housing, Residential Rent and Relocation Board (“Board”) may make recommendations to the City Council or appropriate City Council committee pertaining to Chapter 8.22 of the Oakland Municipal Code (“O.M.C.”) or City housing policy when requested to do so by the City Council or when the Board otherwise acts to do so, pursuant to O.M.C. 8.22.040 D.4 of the Rent Ordinance; and

WHEREAS, O.M.C. 8.22.040 D.2 provides that the Board may develop or amend the regulations implementing the Rent Ordinance, subject to City Council approval; and

WHEREAS, the Board currently has the authority to develop or amend regulations without final approval by the City Council for the Just Cause for Evictions Ordinance, Tenant Protection Ordinance, Ellis Act Ordinance, and Tenant Move Out Agreement Ordinance; and

WHEREAS, the Brown Act and Sunshine Ordinance require proposed regulations within the purview of the Board to be published in advance with the agenda for the meeting during which the regulations will be considered; and

WHEREAS, all published Board agenda materials, including proposed regulations, are available for inspection online or at the City Clerk’s office; and

WHEREAS, regulations implementing the Rent Ordinance may not conflict with or go beyond the scope of the Rent Ordinance; and

WHEREAS, proposed legislation introduced for adoption or recommendation by the Board must be reviewed the City Attorney prior to introduction; and

WHEREAS, Oakland is the only Bay Area jurisdiction that requires a city council's approval for adoption or amendment of regulations done by the jurisdiction's rent board; and

WHEREAS, many governments leave authority for development and adoption of implementing regulations entirely to administrative agencies; and

WHEREAS, if the recommended amendments to the Rent Ordinance are adopted, proposed regulations would always require at least two Board meetings to adopt, since proposed regulations would be required to be published with the agenda of an initial meeting in order to provide the public with notice that the Board will consider the proposal at a subsequent meeting and allow time for submitting written comments; and

WHEREAS, if the Board was given final authority for approval of Rent Adjustment Program Regulations, the Rent Adjustment Program intends to (1) post written public comments on proposed regulations with the Board agenda materials when proposed regulations are considered for adoption and (2) provide an informational report to the City Council regarding each instance where the Board adopts changes to the regulations for the Rent Ordinance; and

WHEREAS, if the Board was given final authority for approval of Rent Adjustment Program Regulations, the City Council would maintain the ability to override any amendments to the regulations by amending the Rent Adjustment Ordinance; now, therefore, be it

RESOLVED: That the Housing, Residential Rent and Relocation Board recommends the City Council amend the Rent Adjustment Ordinance by adopting the following (additions are shown in double underline and deletions are shown in ~~strikeout~~):

O.M.C. 8.22.020 (Definitions), "Regulations"

"Regulations" means the Regulations adopted by the Board ~~and approved by the City Council~~ for implementation of this Chapter, Article I (formerly known as "Rules and Procedures") ~~(after regulations are approved, they will be attached to this Chapter as Appendix B).~~

O.M.C. 8.22.040 (Composition and functions of the Board), subsection D (Duties and Functions), subpart 2

Regulations. The Board may ~~develop~~ adopt or amend the regulations, ~~subject to City Council approval.~~ No resolution to adopt or amend the regulations shall be adopted or deliberated by the Board at the meeting when it is first introduced. The resolution and proposed regulation changes shall be included with the agenda materials for the introductory meeting and noticed on the meeting agenda under the standing item, Scheduling and Reports, with the notice including announcement of a future public hearing regarding the proposed changes. Following introduction, a resolution to adopt or amend the regulations may be adopted with or without changes at a subsequent meeting, once the Board has held

a public hearing at a meeting in order to consider public input regarding the introduced regulation changes.

FURTHER RESOLVED: That the Board Chair, or their designee from the Board, is authorized to speak in support of this resolution before the City Council and its committees.

APPROVED BY THE FOLLOWING VOTE:

AYES: BRODFUEHRER, DEBOER, ESCOBAR, OSHINUGA, TAYLOR, WILLIAMS,
AND CHAIRPERSON INGRAM

NOES:

ABSENT:

ABSTENTION:

Date: _____

ATTEST: _____

NYILA WEBB
Rent Adjustment Program



Department of Housing and Community Development
Rent Adjustment Program

(510) 238-3721
www.oaklandca.gov/RAP

OUTLINE FOR HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD TRAINING

May 23, 2024

Brown Act

- I. Legislative Bodies**
- II. Meetings**
- III. Agendas**
- IV. Public Participation**
- V. Remedies**

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