

**HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD
FULL BOARD REGULAR MEETING
February 22, 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: Feb 22, 2024 06:00 PM Pacific Time (US and Canada)

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84759751179>

Or One tap mobile: +16699009128,,84759751179# US (San Jose),
+16694449171, ,84759751179# US

Or Telephone: Dial(for higher quality, dial a number based on your current location): +1 669 900 9128 US (San Jose), +1 669 444 9171 US, +1 253 215 8782 US (Tacoma), +1 346 248 7799 US (Houston), +1 719 359 4580 US, +1 253 205 0468 US, +1 564 217 2000 US, +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

Webinar ID: 847 5975 1179

International numbers available: <https://us02web.zoom.us/u/kerenwEhQh>

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. NOMINATION AND ELECTION OF OFFICERS
5. CONSENT ITEMS
 - a. Approval of Board Minutes, 1/25/2024 (pp.4-7)
6. RESOLUTION ADOPTING AMENDMENTS TO THE REGULATIONS FOR THE JUST CAUSE FOR EVICTION ORDINANCE (OAKLAND MUNICIPAL CODE 8.22.300 ET SEQ.) TO: (1) UPDATE RENT PROGRAM CONTACT INFORMATION AND OTHER LANGUAGE THAT MUST BE INCLUDED IN TERMINATION AND CURE OR QUIT NOTICES PURSUANT TO O.M.C. 8.22.360B6; (2) DELETE REGULATIONS FOR A SECTION OF THE ORDINANCE THAT NO LONGER EXISTS; AND (3) UPDATE THE FORM NOTICE TO CEASE ATTACHED TO THE REGULATIONS AS APPENDIX A TO CORRECT RENT PROGRAM CONTACT INFORMATION. (pp. 8-14)
7. INFORMATION AND ANNOUNCEMENTS
8. NEW BOARD BUSINESS
9. SCHEDULING AND REPORTS
10. OPEN FORUM
11. 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**

January 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 B. Lawrence-McGowan from the Rent Adjustment Program (RAP), Housing and Community Development Department. B. Lawrence-McGowan explained the procedure for conducting the meeting. The HRRRB meeting was called to order by Chair Ingram at 6:06 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

Marguerita Fa-Kaji

Briana Lawrence-McGowan

Deputy City Attorney

Senior Hearing Officer (RAP)

Administrative Analyst II (RAP)

3. PUBLIC COMMENT

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

4. CONSENT ITEMS

- a. Approval of Board Minutes, 12/14/2023: Member J. deBoer moved to approve the Board Minutes from 12/14/2023. Member K. Brodfuehrer seconded the motion.

The Board voted as follows:

Aye: D. Ingram, C. Oshinuga, J. deBoer, K. Brodfuehrer
Nay: None
Abstain: None

The minutes were approved.

5. INFORMATION AND ANNOUNCEMENTS

- a. Board Training Session— *Rent Registry Update & Overview*

Rent Adjustment Program (RAP) Project Manager, Allison Pretto, attended the meeting remotely via Zoom and administered a Rent Registry Update & Overview training for the Board. Topics discussed included but were not limited to:

- Rent Registry Ordinance Overview
- What the Law Requires
- What Units Must Be Registered
- What Information is Required
- Consequences of Failure to Register
- What Happens if Unit Was Not Registered by July 3rd
- How Owners Can Register
- Rent Registry Key Dates
- Numbers of Units Registered
- Rent Registry Outreach

6. APPEALS*

a. T23-0075, Willis v. Godwin Properties

Appearances:	Melanie Godwin-Rosales	Owner
	James Willis	Tenant

After parties' arguments, questions to the parties, and Board discussion, Vice Chair Oshinuga moved to:

- 1.) Remand the case back to the Hearing Officer for a limited hearing on the issue of whether or not the owner filed the owner response. The parties are to be allowed to submit evidence (including testimony, documentary evidence, etc.)
- 2.) If it is found that the owner did file a response, the Hearing Officer is to have a new hearing on the matter. The owner should be allowed to submit their response, plus attachments, that was served to the tenant, and to give testimony based on the owner response. The Hearing Officer is to render a new decision on all issues contained in the petition. If restitution is awarded, the Hearing Officer is to apply O.M.C. section 8.22.090.a.3(b) and limit the restitution period to 90-days for any on-going decreased housing services. Neither party should be allowed to submit additional documentary evidence.
- 3.) If restitution is awarded that requires amortization, the amortization period should not exceed 12-months, unless the Hearing Officer finds that extraordinary circumstances existed to warrant a longer period, as stated in section 8.22.110(f) in the RAP regulations.
- 4.) In the event that the Hearing Officer does not find that the owner filed the response and if a new hearing is not held, then: a.) the Hearing Officer should recalculate the petitioner's restitution award using the 90-day period for any on-going decreased housing services; b.) the amortization period should not exceed 12-months, unless the Hearing Officer finds that extraordinary circumstances existed to warrant a longer period, as stated in section 8.22.110(f) in the RAP regulations and; c.) the Hearing Officer shall reconsider the finding that the cockroaches were not in the petitioner's unit, given the photo and testimonial evidence on the record, and make a finding as to whether they were in the unit and to determine any subsequent awards. Member J. deBoer seconded the motion.

The Board voted as follows:

Aye:	D. Ingram, C. Oshinuga, J. deBoer, K. Brodfuehrer
Nay:	None
Abstain:	None

The motion was approved.

7. NEW BOARD BUSINESS

- a. The Board discussed ideas and concerns that they would like to bring forth and discuss at future Board meetings.

8. SCHEDULING AND REPORTS

- a. None

9. OPEN FORUM

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

10. ADJOURNMENT

- a. The meeting was adjourned at 8:51 p.m.

CITY OF OAKLAND
HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD
RESOLUTION

RESOLUTION No. R24-0001

RESOLUTION ADOPTING AMENDMENTS TO THE REGULATIONS FOR THE JUST CAUSE FOR EVICTION ORDINANCE (OAKLAND MUNICIPAL CODE 8.22.300 ET SEQ.) TO: (1) UPDATE RENT PROGRAM CONTACT INFORMATION AND OTHER LANGUAGE THAT MUST BE INCLUDED IN TERMINATION AND CURE OR QUIT NOTICES PURSUANT TO O.M.C. 8.22.360B6; (2) DELETE REGULATIONS FOR A SECTION OF THE ORDINANCE THAT NO LONGER EXISTS; AND (3) UPDATE THE FORM NOTICE TO CEASE ATTACHED TO THE REGULATIONS AS APPENDIX A TO CORRECT RENT PROGRAM CONTACT INFORMATION.

WHEREAS, the Just Cause for Eviction Ordinance (Measure EE) (Oakland Municipal Code Section 8.22.300 et. seq) has corresponding Regulations that govern the implementation and interpretation of the Ordinance; and

WHEREAS, the Just Cause for Eviction Ordinance Regulations were initially adopted in 2004 and have been amended on numerous occasions since, in 2007, 2009, 2017, 2018, 2019, and 2021; and

WHEREAS, it is occasionally necessary to amend the Regulations to conform with amendments to the Ordinance, clarify ambiguities, and to otherwise ensure that the Regulations are accurate and consistent; and

WHEREAS, the Housing, Residential Rent and Relocation Board (“Rent Board”) is the body responsible for amending and adopting the Just Cause for Eviction Regulations and may do so without City Council approval; and

WHEREAS, on May 2, 2023, City Council passed Ordinance No. 13737, which made several amendments to the Just Cause for Eviction Ordinance, including an amendment to the notice requirements contained in Section 8.22.360(B)(6)(b); and

WHEREAS, the Regulations for Section 8.22.360(B)(6)(b) must be amended to conform with the amendments made pursuant to Ordinance No. 13737; and

WHEREAS, the Regulations for Section 8.22.360(B)(6)(b) also contain contact information for the Rent Adjustment Program that is not accurate and which must be

updated; and

WHEREAS, Regulation 8.22.360(B)(6)(b) also contains confusing and somewhat contradictory language regarding whether the statement contained within the Regulation is “preferred” or required, which the Board seeks to clarify; and

WHEREAS, Section 8.22.360(C) of the Just Cause for Eviction Ordinance was a section of the original Ordinance (passed in 2003) that was subsequently removed in 2007; however, the Regulations still contain regulations for the now-deleted section and therefore Regulation 8.22.360(C) may be removed; and

WHEREAS, Appendix A of the Just Cause for Eviction Ordinance Regulations contains a form notice to cease that may be used where a notice to cease is required by the Ordinance, and the form currently contains an incorrect phone number for the Rent Adjustment Program that must be updated; now, therefore, be it

RESOLVED: That Regulation 8.22.360(B)(6)(b) of the Just Cause for Eviction Ordinance is hereby amended as set out in Attachment A; and be it

FURTHER RESOLVED: That Regulation 8.22.360(C)(1) of the Just Cause for Eviction Ordinance is hereby removed in its entirety as set out in Attachment B, and reference to said section shall likewise be removed from the Regulations’ Table of Contents; and be it

FURTHER RESOLVED: That the form notice to cease attached to the Just Cause for Eviction Ordinance Regulations as Appendix A is hereby amended as set out in Attachment C; and be it

FURTHER RESOLVED: That the Regulation amendments set forth herein shall become effective immediately upon final passage by the Rent Board; however, failure to include the updated language contained in Regulation 8.22.360(B)(6)(b) in a notice terminating tenancy or notice to cure or quit shall not be a defense to an unlawful detainer action pursuant to O.M.C. 8.22.360(B)(6)(e) until 30 days after the Regulation amendments go into effect, so long as the notice complied with the Regulations in effect at the time the notice was served.

APPROVED BY THE FOLLOWING VOTE

AYES: BRODFUEHRER; DEBOER; ESCOBAR; OSHINUGA; TAYLOR; WILLIAMS;
CHAIRPERSON INGRAM.

NOES:

ABSENT:

ABSTENTION:

000009

Date: _____

ATTEST

BRIANA LAWRENCE-MCGOWEN
Rent Adjustment Program
Housing & Community
Development Department

000010

ATTACHMENT A

8.22.360.B.6.b. – Notice of the Rent Adjustment Program

~~This regulation sets out the preferred language Landlords must insert into notices terminating tenancy or notices to cure or quit regarding advice from the Rent Program. As preferred language, the language used in this regulation is “safe harbor” language that, if used by a Landlord in applicable notices, cannot be challenged by the Tenant as being not in compliance with the O.M.C. 8.22.360 B.6.b. Other language imparting the same information may also be acceptable.~~

- ~~i. The following statement must be included in notices terminating tenancy or notices to cure or quit regarding advice from the Rent Program. “Information regarding evictions is available from the City of Oakland’s Rent Program. Parties seeking legal advice concerning evictions should consult with an attorney. The Rent Program is located at 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, (510) 238-3501, website: www.oaklandnet.com. (as of January 2004).”~~

The following statement, or other language conveying the same information, must be included in all notices terminating tenancy or notices to cure or quit regarding advice from the Rent Adjustment Program.

“Oakland has a number of laws and protections that apply to evictions. Parties seeking legal advice should consult with an attorney. For information regarding this notice, the eviction process, or for a list of legal organizations that may be able to assist you, you may contact the City’s Rent Adjustment Program (RAP) or visit their website:

Phone: (510) 238-3721

Email: RAP@oaklandca.gov

Address: 250 Frank H. Ogawa Plaza, Suite 5313, Oakland CA 94612

Website: <http://www.oaklandca.gov/RAP>.”

ATTACHMENT B

8.22.360.C.1 – Determining Rent for a Replacement Unit.

The Just Cause for Eviction Ordinance requires a Landlord to offer a replacement unit (if one is vacant) to a Tenant being evicted for occupancy by the owner or the owner's relative (O.M.C. 8.22.360 A.9.), or for the rehabilitation of the Tenant's unit (O.M.C. 8.22.360 A.10). This regulation addresses how to set the rent for the replacement unit in the event the Landlord and Tenant are not able to agree on the rent.

- ~~_____ a. When the Rent Program Can Determine Rent For The Replacement Unit. The Rent Program can determine the amount of the rent for the vacant unit when the unit is not subject to vacancy decontrol under the Costa Hawkins Rental Housing Act (California Civil Code § 1954.50, et seq.) or is exempt from the Rent Adjustment Ordinance by the ordinance itself or by or Costa Hawkins. If the Landlord contends that the replacement unit was vacancy decontrolled under Costa Hawkins or is exempt, the Landlord must produce the evidence showing that the replacement unit is vacancy decontrolled or exempt. The Tenant may then contest the Landlord's evidence.~~
- ~~_____ b. Landlord Offering Tenant Replacement Unit. A Landlord seeking to evict a Tenant for owner/relative occupancy or rehabilitation of the Tenant's unit must give the Tenant a notice of any units that are or will become available prior to the Tenant vacating the Tenant's unit. If no vacant units are available the Landlord must provide written notice so stating. The notice must include the following:
 - ~~_____ i. The date the replacement unit will be vacant and available for occupancy;~~
 - ~~_____ ii. The Landlord's proposed rent for the replacement unit.~~
 - ~~_____ iii. The location and size of the replacement unit.~~
 - ~~_____ iv. Whether the replacement unit is vacancy decontrolled or exempt.~~~~
- ~~_____ c. Notice to Tenant of Available Vacant Unit. This notice must be served on the Tenant:
 - ~~_____ i. At the time of giving the notice to terminate tenancy if the unit is vacant or the Landlord anticipates that it will become vacant prior to the Tenant's vacating.~~
 - ~~_____ ii. Within 5 days of the Landlord's knowledge that a unit may be vacated.~~~~
- ~~_____ d. Inspection of Vacant Units. The Landlord must make reasonable efforts to make any vacant units available for inspection by the Tenant.~~
- ~~_____ e. Criteria for Setting Rent for Replacement Unit. If the Landlord does not prove the vacant unit is vacancy decontrolled or exempt, then the rent for the replacement unit will be set according to the following criteria:
 - ~~_____ i. Rent for the Tenant's current unit.~~
 - ~~_____ ii. The condition of the Tenant's unit versus the replacement unit.~~
 - ~~_____ iii. The size and number and types of rooms.~~
 - ~~_____ iv. Other amenities, such as view, floor, location, furnishings.~~~~
- ~~_____ f. Petitions for Determining Rent for Replacement Unit.~~

- ~~i. Petitioning. A Tenant being evicted for occupancy by the Landlord or the Landlord's relative, or for major repair of the unit may contest a Landlord's proposed rent for a replacement unit (including a determination of the exempt or vacancy decontrol status of the replacement unit), by filing a petition on a form prescribed by the Rent Adjustment Program.~~
- ~~ii. Time for Petitioning. The Tenant may file the petition prior to occupying the replacement unit, but must file the petition not later than 60 days after the Tenant first starts to occupy the available vacant unit.~~
- ~~iii. Priority. The Rent Program will make efforts to prioritize the hearing on the petition.~~
- ~~iv. Landlord Response. To expedite the Tenant's petition, no formal response from the Landlord will be required until the hearing.~~
- ~~v. Conduct of Hearings. Rent Program hearings contesting the rent for an available vacant unit are conducted in accordance with the procedures set forth in Rent Adjustment Program Regulation 8.22.090.~~
- ~~vi. Appeals. The hearing officer's decision may be appealed to the Rent Board within the time frame set forth in O.M.C. 8.22.120 and in accordance with Rent Adjustment Program Regulations. Rent Program staff may assign the appeal to a panel of the Board to expedite it.~~

ATTACHMENT C

**Notice to Cease
(Oakland Municipal Code Sec. 8.22.300, et seq.)**

To [Tenants and all others in possession] at [address of rental unit]:

NOTICE TO CEASE

Pursuant to the Just Cause for Eviction Ordinance (OMC 8.22.300), you are hereby notified that you are substantially violating the following material term(s) of your tenancy:

(attach additional sheets if needed)

Specifically, you are engaging in the following conduct [include date and time or, if not known, approximate date]:

(attach additional sheets if needed)

Please take notice that if the conduct described above is repeated, not stopped, or not cured, your Landlord may initiate eviction proceedings against you.

If you were personally given this letter, you have seven (7) days after the date you were given then notice to correct the violation. If the notice was either (a) left with a person residing in the unit and mailed or (b) mailed via certified or registered mail, you have twelve (12) days from the date of mailing to correct the violation. Should you repeat or fail to correct the violation within this time period, your Landlord may bring an eviction action against you.

Copies of the Just Cause for Eviction Ordinance and implementing regulations, information on mediation services, ~~lists of eviction counseling agencies,~~ and referrals to legal service providers are available by contacting Oakland's Rent Adjustment Program, 250 Frank H. Ogawa Plaza, Fifth Floor, Oakland, CA 94612. Telephone ~~(510) 238-3712.~~ (510) 238-3721; email RAP@oaklandca.gov.

Dated: _____

By: _____
LANDLORD/LANDLORD'S AGENT