

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

January 9, 2025

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

When: **January 9, 2025 06:00 PM Pacific Time (US and Canada)**

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84308480551>

One tap mobile:+16699009128,,84308480551# US (San Jose)

+16694449171,,84308480551# US

Or by telephone: +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, +1 309 205 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, +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

Webinar ID: 843 0848 0551

Find your local number: <https://us02web.zoom.us/j/84308480551>

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, 11/14/2024 (pp.4-7)**
5. **APPEALS***
 - a. **L24-0025, Sun v. Tenants (pp.8-64)**
 - b. **L24-0026, Samaniego v. Tenants (pp.65-144)**
6. **INFORMATION AND ANNOUNCEMENTS**
7. **NEW BOARD BUSINESS**
8. **SCHEDULING AND REPORTS**
9. **OPEN FORUM**
 - a. Comments from the public on all items will be taken at this time.
10. **ADJOURNMENT**

**Staff appeal summaries will be available to review at the end of the packet. The Rent Adjustment Program and the Clerk's office has at least 72 hours prior to the meeting to post all meeting materials 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, Cantonés, 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**

November 14, 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 Nyila Webb from the Rent Adjustment Program (RAP), Housing and Community Development Department. Nyila Webb explained the procedure for conducting the meeting. The HRRRB meeting was called to order by Chair Oshinuga at 6:05 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
C. OSHINUGA	Undesignated	X		
Vacant	Undesignated Alt.			
Vacant	Undesignated Alt.			
K. BRODFUEHRER	Landlord	X		
C. JACKSON	Landlord Alt.	X		
Vacant	Landlord Alt.			

Staff Present

Braz Shabrell
Marguerita Fa-Kaji
Nyila Webb

Deputy City Attorney
Senior Hearing Officer (RAP)
Administrative Assistant II (RAP)

3. PUBLIC COMMENT

- a. Many speaker cards were submitted.

4. CONSENT ITEMS

5. Approval of Board Minutes, 07/25/2024:

Member D. Williams moved to approve the Board Minutes from 07/25/2024. Member J. DeBoer seconded the motion.

The Board voted as follows:

Aye: C. Oshinuga, J. deBoer, M. Brodfueher, C. Jackson, D. Williams
Nay: None
Abstain: None

The motion was approved.

6. APPEALS*

a. L22-0065, Sukarto v. Tenants

Member K. Brodfueher made a motion to affirm the decision of the hearing officer. Member J. DeBoer seconded.

The Board voted as follows:

Aye: Interim Chair C. Oshinuga, J. deBoer, M. Brodfueher, D. Williams
Nay: C. Jackson
Abstain: None

The motion was approved.

Before beginning Appeal "6.b", the appellant of the scheduled appeal volunteered to hold off his hearing to accommodate the attendees of HRRRB meeting to address the agenda items 7&8.

Member K. Brodfueher made a motion to move appeal b to after agenda items 7 & 8 were addressed. Member J. DeBoer seconded.

The Board voted as follows:

Aye: Interim Chair C. Oshinuga, J. deBoer, M. Brodfueher, C. Jackson, D. Williams
Nay: None
Abstain: None

The motion was approved.

7. RESOLUTION RECOMMENDING AMENDMENT OF THE RENT ADJUSTMENT ORDINANCE TO ELIMINATE TENANT PETITION DEADLINES

- a. Member J. DeBoer presented a resolution to the Board, which he introduced. The Board then discussed their position on the matter.

Member J. DeBoer made a motion to adopt the Resolution. Member K. Brodfueher seconded.

The Board voted as follows:

Aye: Interim Chair C. Oshinuga, J. DeBoer, K. Brodfueher, C. Jackson, D. Williams

Nay: None

Abstain: None

The motion was approved.

8. RESOLUTION (1) ADOPTING, SUBJECT TO CITY COUNCIL APPROVAL, AMENDMENT OF THE RENT ADJUSTMENT PROGRAM REGULATIONS TO PERMIT ANY CATEGORY OF MEMBER OF THE HOUSING, RESIDENTIAL RENT, AND RELOCATION BOARD TO SERVE AS A BOARD OFFICER AND (2) RECOMMENDING THE CITY COUNCIL'S APPROVAL OF THE REGULATION AMENDMENT

- a. Previous HRRRB Chair D. Ingram presented this resolution, current Board members discussed their position on the matter.

Member C. Jackson made a motion to adopt the Resolution. Interim Chair C. Oshinuga seconded.

The Board voted as follows:

Aye: Interim Chair C. Oshinuga, K. Brodfueher, C. Jackson, D. Williams

Nay: J. DeBoer

Abstain: None

The motion was approved.

6. APPEALS*(continued)

b. L24-0012, 5385 Broadway LLC v. Tenants

Member K. Brodfueher made a motion to recommend that the Board reverses the hearing decision that dismissed the petition and remand the decision for the hearing officer to follow OMC 8.22.060.B-C and L23-0001, Ruelas v. Tenants. Member D. Williams seconded.

The Board voted as follows:

Aye: Interim Chair C. Oshinuga, J. deBoer, K. Brodfueher, C. Jackson, D. Williams

Nay: None

Abstain: None

The motion was approved.

9. INFORMATION AND ANNOUNCEMENTS

- a. Member J. DeBoer announced he will depart from Board starting January 2025.

10. NEW BOARD BUSINESS

- a. Discuss directing the RAP executive director and staff to regularly come to board meetings and report to the board on the work of the RAP.
- The Board explained why RAP staff should attend meetings. The Board expressed interest in holding quarterly check-ins with RAP for questions. The City Attorney clarified that while the Board cannot require RAP staff attendance, they may request it and ask questions at any time.

11. SCHEDULING AND REPORTS

- a. Reviewing and rescheduling training.
- The Board discussed trainings they would like to partake such as a training on the history of the HRRRB and how the Board came about and was formed.
 - The next training will be on Robert's Rules of Order.
- b. Discuss scheduling procedures for future board meetings.

12. OPEN FORUM

- a. No speaker cards were submitted.

13. ADJOURNMENT

- a. Meeting adjourned at 8:12PM.

CHRONOLOGICAL CASE REPORT

Case No.: L24-0025

Case Name: Sun v. Tenant

Property Address: 534 31st Street Oakland, CA, 94609

Parties: Gordon Sun (Owner)
Janet Sun (Owner)
Tedros Kifle (Tenant)

OWNER APPEAL:

<u>Activity</u>	<u>Date</u>
Tenant Submitted Notice of Termination of Tenancy	January 30, 2024
Owner Petition Filed with Exhibits	May 1, 2024
Remote Hearing Date	July 1, 2024
Administrative Decision Mailed	July 2, 2024
Owner Appeal Filed	July 12, 2024

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

To: Adam Kifle, Embarfrash Gele, Tserha Kifle, Tedros Kifle, Yusef Abbe, and all others
in possession at:

534 31st Street, #1

Oakland, CA 94609

RECEIVED

JAN 30 2024

RENT ADJUSTMENT PROGRAM
OAKLAND

NOTICE TO CEASE

Pursuant to the Just Cause for Eviction Ordinance (OMC 8.22.300), you are hereby notified that you are denying landlord access to the unit as required by state law.

Specifically, you are engaging in the following conduct:

You refused to allow your landlord and/or your landlord's agents to access the premises to make necessary repairs on January 14, 2024 after a lawful written 24-hour notice to enter was served to you pursuant to California Civil Code Section 1954.

Pursuant to the Just Cause for Eviction Ordinance (OMC 8.22.300) you are hereby notified that you are engaging in nuisance conduct and are so disorderly as to destroy the peace and quiet of other tenants at the property. You threatened to and/or committed violent acts on your landlord, trespassed into another rental unit in your building, and prevented your landlord from making necessary repairs to your rental unit.

Specifically, you are engaging in the following conduct: You refused to allow your landlord and/or their agents access into your rental unit, thereby preventing them from making necessary repairs. You failed to report a water intrusion issue that required immediate repair, causing additional damage to the subject premises. Your actions create potential safety hazards at the subject premises. You trespassed into a neighboring rental unit without permission. When your landlord refused to grant you permission to enter the neighboring unit, you violently pushed the door against them and trespassed into the unit by force.

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

(7) Lessee shall keep and maintain the premises in a clean and sanitary condition at all times, and upon the termination of the tenancy shall surrender the premises to the lessor in as good condition as when received, ordinary wear and damage by the elements excepted.

Specifically, you are engaging in the following conduct:

You have failed to maintain the subject premises in a clean and sanitary condition. You refused to allow your landlord make necessary repairs to your unit and you have allowed the unit to be further damaged by neglect. You have caused damage to your rental unit by failing to report a water intrusion issue that required immediate repairs.

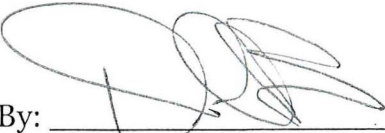
Please take notice that if the conduct described above is repeated, not stopped, or not cured, your Landlord may initiate eviction proceedings against you.

000009

If you were personally given this letter, you have seven (7) days after the date you were given the 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 legal service providers are available by contacting Oakland's Rent Adjustment Program, 250 Frank H. Ogawa Plaza, #5313, Oakland, CA 94612. Telephone (510) 238-3721, e-mail at rap@oaklandca.gov.

Dated: 1/23/2024

By: 

Daniel Bornstein, Esq.
Attorney for Landlord
Bornstein Law
507 Polk Street, Suite 310
San Francisco, CA 94102

Sun



L24-0025
EL/BJ

City of Oakland Rent Adjustment Program
250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

PROPERTY OWNER PETITION

RECEIVED
MAY -1 2024
RENT ADJUSTMENT PROGRAM
OAKLAND

Property Address: 534 31st Street, Oakland, CA, USA
Case: Petition: 16669
Date Filed: 05-01-2024

PARTIES

Party Owner
Name Gordon Sun
Address 2981 Northwood Drive
Alameda, 94501

Address 2981 Northwood Drive
Mailing Address Alameda, 94501
(415) 877-0152
gordon.sun.sf@gmail.com

Party Representative
Name Janet Sun
Address 2981 Northwood Dr
Alameda, 94501

Address 2981 Northwood Dr
Mailing Address Alameda, 94501
(415) 877-0152
gordon.sun.sf@gmail.com

Party Tenant
Name Tedros Kifle
Address 534 31st Street, Oakland, CA, USA
Unit 1
Oakland, CA

Address (510) 830-6533
Mailing Address kiflededros594@gmail.com

Total number of units on property	4
Date on which you acquired the building	05-05-2015
Type of units	Apartment, Room or Live-work



City of Oakland Rent Adjustment Program
250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

PROPERTY OWNER PETITION

Property Address: 534 31st Street, Oakland, CA, USA
Case: Petition: 16669
Date Filed: 05-01-2024
Have you (or a previous Owner) given the City of Oakland's form entitled "Notice to Tenants of Residential Rent Adjustment Program ("RAP Notice") to the tenants in each unit affected by the petition?" No

On what date was the RAP Notice first given?

Have you paid your Oakland Business License? The property owner must have a current Oakland Business License. If it is not current, an Owner Petition may not be considered in a Rent Adjustment proceeding. (Provide proof of payment.) No

Oakland Business License number 00172495

Have you paid the Rent Adjustment Program Service Fee (per unit)? The property owner must be current on payment of the RAP Service Fee. If the fee is not current, an Owner Petition may not be considered in a Rent Adjustment proceeding. Note: If RAP fee is paid on time, the property owner may charge the tenant one half of the per-unit RAP Service fee. No

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

Evidence of registration for all affected cover units

Is the subject property exempt from the registration requirement? No

On 01-01-2024 I/we used all reasonable diligence in preparing my annual registration statement, reviewed it and submitted it to the Rent Adjustment Program, and, to the best of my knowledge, the information contained in the statement was true and complete. To the extent I was unable, despite the use of reasonable diligence, to ascertain the exact information to be reported, I provided the most accurate approximation possible based on information and belief where possible or, where such approximation was not feasible, I stated that the information was unknown. I Declare: Yes

Is property registered online? : No



City of Oakland Rent Adjustment Program
250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

PROPERTY OWNER PETITION

Property Address: 534 31st Street, Oakland, CA, USA
Case: Petition: 16669
Date Filed: 05-01-2024

Reason(s) for Petition

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

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

**Tenant Not Residing in Unit as
Principal Residence**

Mediation

Mediation is an optional process offered by the Rent Adjustment Program to assist parties in settling the issues related to their Rent Adjustment case as an alternative to the formal hearing process. The purpose of mediation is to find a mutual agreement that satisfies both parties. A trained third party will discuss the issues with both sides, look at relative strengths and weaknesses of each position, and consider both parties' needs in the situation. If a settlement is reached, the parties will sign a binding agreement and there will not be a formal hearing process. If no settlement is reached, the case will go to a formal hearing with a Rent Adjustment Hearing Officer, who will then issue a hearing decision. Mediation will only be scheduled if both parties agree to mediate. Sign below if you want to request mediation for your case.

I/We agree to have my/our case mediated by a Rent Adjustment Program staff mediator. No



City of Oakland Rent Adjustment Program
250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

PROPERTY OWNER PETITION

Property Address: 534 31st Street, Oakland, CA, USA
Case: Petition: 16669
Date Filed: 05-01-2024

Consent to Electronic Service

Check the box below if you agree to have RAP staff send you documents related to your case electronically. If all parties agree to electronic service, the RAP will only send documents electronically and not by first class mail.

I/We consent to receiving notices and documents in this matter electronically at the email address(es) provided in this petition. Yes

Interpretation Services

If English is not your primary language, you have the right to an interpreter in your primary language at the Rent Adjustment hearing and mediation session. You can request an interpreter by completing this section.

I request an interpreter fluent in the following language at my Rent Adjustment proceeding: No ,

Declaration Re: Attachments greater than 25 pages

The documents to be submitted to the Rent Adjustment Program with the Property Owner Petition exceed 25 pages and the owner is opting, as allowed by law, to not serve the attachments on the affected tenants unless requested. The documents will be available for review at the Rent Adjustment Program. Additionally, if any tenant requests the attachments in writing, the owner will provide the attachments to the requesting tenant within ten days of the request.

The Owner provided additional documents to the RAP that exceed 25 pages and is choosing to not provide the documents to the tenant(s) unless requested. No

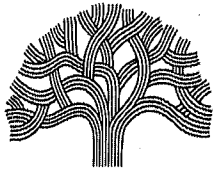
I/We declare under penalty of perjury pursuant to the laws of the State of California that everything I/we said in this petition is true and that all the documents attached to the petition are true copies of the originals.

Gordon Sun

5/1/2024

Signature

Date



CITY OF OAKLAND

**CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612-0243
(510) 238-3721
CA Relay Service 711
www.oaklandca.gov/RAP

For Rent Adjustment Program date stamp.

PROOF OF SERVICE

NOTE: YOU ARE REQUIRED TO SERVE A COPY OF YOUR PETITION (PLUS ANY ATTACHMENTS*) ON THE AFFECTED TENANT(S) PRIOR TO FILING YOUR PETITION WITH RAP. You must include a copy of the RAP form "NOTICE TO TENANTS OF OWNER PETITION" (the preceding page of this petition packet) and a completed PROOF OF SERVICE form together with your Petition.

**Exception for attachments exceeding 25 pages. See "Important Information Regarding Filing Your Petition."*

- 1) Use this PROOF OF SERVICE form to indicate the date and manner of service and the person(s) served.
- 2) **NOTE:** Email is not a form of allowable service on a party of a petition or response pursuant to the Ordinance.
- 3) Provide a completed and unsigned copy of this PROOF OF SERVICE form to the person(s) being served together with the documents being served.
- 4) File a completed and signed copy of this PROOF OF SERVICE form with RAP together with your signed petition. Your petition will not be considered complete until this form has been filed indicating that service has occurred.

On the following date: 05 / 01 / 2024 I served a copy of (check all that apply):

PROPERTY OWNER PETITION FOR APPROVAL OF RENT INCREASE plus 23 attached pages (number of pages attached to Petition not counting the Petition form, NOTICE TO TENANTS OF PROPERTY OWNER PETITION, or PROOF OF SERVICE)

NOTICE TO TENANTS OF PROPERTY OWNER PETITION

Other: _____

by the following means (check one):

First-Class Mail. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed below and at the address(es) below and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

Personal Service. I personally delivered the document(s) to the person(s) at the address(es) listed below or I left the document(s) at the address(es) with some person not younger than 18 years of age.

PERSON(S) SERVED:

Name	Tedros Kifle
Address	534 31st St Unit 1
City, State, Zip	Oakland, CA 94609

Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

NOTE: If you need more space to list tenants you may attach additional copies of this page.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Janet Sun

PRINTED NAME



SIGNATURE

05/01/2024

DATE SIGNED

Case Overview

[← Back](#)

Case Number : RR2023-2338216 | Type : Rent Registry | Address : 534 31ST ST OAKLAND CA 94609 US | Status : Registration Completed
Deadline Date :

APN : 009071501100 | Assessor Total Unit Count : 4 | Total Units Added : 4 | Created On : 04/05/2023 10:21 AM
Modified On : 09/24/2023 07:34 PM | Date Registration Submitted : 07/11/2023 | Submitter's Name : Janet Sun
Submitter's Title : Property Manager

[Intake Form](#)

[Contact Info](#)

[Documents](#)

[Comments](#)

Rent Registry (RR2023-2338216) ▼

No details available for case

Over No Unit Number

Parcel Ass Unit Number

1

Back

INST Property Type

Step 1 BOTH same: Multifamily Property - Two or More Residential Units

Step 2 you m: This refers to any property that has more than one dwelling unit. Includes the following: Duplexes; triplexes; apartment buildings; and single-family homes with an ADU, junior ADU, in-law, cottage unit, or any other additional dwelling units.

Step 3 Note: exempt Year Property Built (as reflected in Alameda county records)

1900

Step 4 page 1: Was this unit created the same year as the property built?

Yes No Unknown

Occupant Type

Tenant

Ac

Number of Bedrooms

1

Number of Bathrooms

1

Unknown Tenancy Start Date

Number of Occupants

1

Unknown Number of Occupant

Amount of Security Deposit Provided at Start of Tenancy

\$ 200.00

Amount of Security Deposit

Date of Most Recent Rent Increase

07/01/2015

Unknown Date of Most Recent Rent Increase

Click c Amount of Most Recent Rent Increase

\$ 34.00

same: Proper

Unknown Amount of Most Recent Rent Increase

Co Services Included with Rent

- Water
- Refuse/Recycle
- Natural Gas
- Electricity
- Parking
- Laundry
- Storage
- Internet
- Other
- N/A

es

000018

No Unit Number

Unit Number

Property Type

0

0

This refers to any property that has more than one dwelling unit. Includes the following: Duplexes; triplexes; apartment buildings; and single-family homes with an ADU, junior ADU, in-law, cottage unit, or any other additional dwelling units.

Year Property Built (as reflected in Alameda county records)

1900

Was this unit created the same year as the property built?

Yes No Unknown

Occupant Type

Click c
may cl

Number of Bedrooms

Unit

Number of Bathrooms

Drag

Unknown Tenancy Start Date

Number of Occupants ⓘ

534 Unknown Number of Occupant
OAK
946C

Amount of Security Deposit Provided at Start of Tenancy

534
OAK
946C

534 Unknown Amount of Security Deposit
OAK
946C

Date of Most Recent Rent Increase ⓘ

534
OAK
946C

Unknown Date of Most Recent Rent Increase

Amount of Most Recent Rent Increase

Unknown Amount of Most Recent Rent Increase

Services Included with Rent

Water Refuse/Recycle Natural Gas Electricity Parking Laundry Storage
 Internet Other N/A

No Unit Number

Unit Number

Property Type

This refers to any property that has more than one dwelling unit. Includes the following: Duplexes; triplexes; apartment buildings; and single-family homes with an ADU, junior ADU, in-law, cottage unit, or any other additional dwelling units.

Year Property Built (as reflected in Alameda county records)

1900

Was this unit created the same year as the property built?

Yes No Unknown

Occupant Type

Prop **Number of Bedrooms**

Number of Bathrooms

Unknown Tenancy Start Date

Number of Occupants ⓘ

Unknown Number of Occupant

Amount of Security Deposit Provided at Start of Tenancy

Unknown Amount of Security Deposit

Date of Most Recent Rent Increase ⓘ

Unknown Date of Most Recent Rent Increase

Amount of Most Recent Rent Increase

Unknown Amount of Most Recent Rent Increase

Services Included with Rent

- Water
- Refuse/Recycle
- Natural Gas
- Electricity
- Parking
- Laundry
- Storage
- Internet
- Other
- N/A

000020

**CITY OF OAKLAND
BUSINESS TAX CERTIFICATE**

**ACCOUNT
NUMBER**
00172495

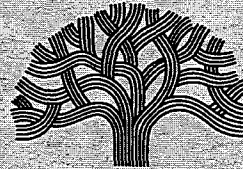
The issuing of a Business Tax Certificate is for revenue purposes only. It does not relieve the taxpayer from the responsibility of complying with the requirements of any other agency of the City of Oakland and/or any other ordinance, law or regulation of the State of California, or any other governmental agency. The Business Tax Certificate expires on December 31st of each year. Per Section 5.04.190(A), of the O.M.C. you are allowed a renewal grace period until March 1st the following year.

DBA SUN GORDON & JANET

BUSINESS LOCATION 534 31ST ST
OAKLAND, CA 94609-3222

BUSINESS TYPE O2 Rental - Apartment

EXPIRATION DATE
12/31/2024



Starting January 1, 2021, Assembly Bill 1607 requires the prevention of gender-based discrimination of business establishments. A full notice is available in English or other languages by going to: <https://www.dca.ca.gov/publications>



SUN GORDON & JANET
2981 NORTHWOOD DR
ALAMEDA, CA 94501-1669

A BUSINESS TAX CERTIFICATE
IS REQUIRED FOR EACH
BUSINESS LOCATION AND IS
NOT VALID FOR ANY OTHER
ADDRESS.

ALL OAKLAND BUSINESSES
MUST OBTAIN A VALID
ZONING CLEARANCE TO
OPERATE YOUR BUSINESS
LEGALLY. RENTAL OF REAL
PROPERTY IS EXCLUDED
FROM ZONING.

PUBLIC INFORMATION ABOVE
THIS LINE TO BE
CONSPICUOUSLY POSTED!

000021



CITY OF OAKLAND

Revenue Division - Business Tax Section
250 Frank H. Ogawa Plaza, #1320
Oakland, CA 94612
(510) 238-3704 TDD (510) 238-3254
www.oaklandnet.com

Acknowledgement of Payment Received

Date: January 09, 2024

The City of Oakland acknowledges receipt of the following payment on the date printed above.

This payment will be tendered against the following account(s)

Account #: 00172495
Account Name: SUN GORDON & JANET
Account Address: 2981 NORTHWOOD DR ALAMEDA, CA 94501-1669
Account Paid: O - RESIDENTIAL RENTAL PROPERTY
Business Address: 534 31ST ST OAKLAND, CA 94609-3222

Please keep this acknowledgement for your records. Thank you.

Payment received by: TA

2024

BT Recordation and Tech EFT	\$5.00
BT Gross Receipts O Tax EFT	\$117.85
BT SB1186 (AB1379) EFT	\$4.00
RAP Rent Adjustment Program (O) EFT	\$202.00
Total	\$328.85



Owner Statements Regarding Tenant Not Residing in Unit as Principal Residence of 534 31st Street, Unit 1

The tenant Tedros claims to be living in unit 1 as principal residence, but fails to meet the minimum of 6 months occupancy/year. Therefore the owner is petitioning to set initial rents without restriction pursuant to Costa Hawkins (California Civil Code § 1954.53(d)), with evidence as follows:

- Tedros Kifle has not occupied the unit for more than 6 months / year and is not occupying the unit now:
 - For 10-plus months, Tedros Kifle's location was reported to be Africa. He was not seen on the premises. Unknown persons occupied his unit. This was from before December 2022 until around September 2023,
 - For all of 2024, Tedros Kifle has not occupied his unit. There is 24-hour video surveillance of the building premises demonstrating no entries or exits by Tedros Kifle. There have also been 21 on-site visits, and 10 maintenance visits inside the unit without Tedros Kifle present.
 - Note: As soon as possible, notices were provided to the tenant in January 2023, June 2023, September 2023 regarding the lack of residence and reserving rights to the Costa Hawkins rent increase.
- Except for paying rent, Tedros Kifle has stopped performing tenant activities and has assigned his responsibilities to another occupant:
 - For more than 12 months Tedros Kifle was unreachable to landlord contact. Voicemail and text messages went unanswered. The lack of contact lasted from approximately June 2022 until October 2023.
 - Tedros Kifle has delegated communications, maintenance and other unit decisions to the unit occupant Adam Kifle.
- Tedros Kifle is the sole tenant of unit 1 and the only original occupant:
 - Per signed rental agreement dated June 5, 2015, Tedros Kifle has been the only tenant and paying rent. Landlord does not accept rent from any other persons.
 - Tedros Kifle is the only remaining original occupant of the unit. No other original occupants occupy or claim principal residence.

Rental Agreement and Rent Payment Instructions (3 pages)

RENTAL AGREEMENT
(MONTH - TO - MONTH TENANCY)

THIS AGREEMENT, entered into this 2nd day of June 2015 by and between Janet Sun & Gordon Sun and Tedros Kifle hereinafter called respectively lessor and lessee.

WITNESSETH: That for and in consideration of the payment of the rents and the performance of the covenants contained on the part of lessee, said lessor does hereby demise and let unto the lessee, and lessee hires from lessor for use as a residence those premises described as located at **534 31st Street, Apt #1, Oakland California 94609** for a tenancy from month-to-month commencing on the 1st day of July and at a monthly rent of \$704 Dollars per month, payable monthly in advance on the 1st day of each and every month. notified on July 30

It is further mutually agreed between the parties as follows:

- (1) Said premises is a 1-bedroom apartment and shall be occupied by no more than 2 adults and 1 child.
- (2) Lessee shall not keep or permit to be kept in said premises any dog, cat, parrot, or other bird or animal.
- (3) Lessee shall not violate any city ordinance or state law in or about said premises.
- (4) That all alterations, additions, or improvements made in and to said premises shall, unless otherwise provided by written agreement between the parties hereto, be the property of Lessor and shall remain upon and be surrendered with the premises.
- (5) Lessee shall not sub-let the demised premises, or any part thereof, or assign this agreement without the lessor's written consent.
- (6) Any failure by lessee to pay rent or other charges promptly when due, or to comply with any other term or condition hereof, shall at the option of the lessor, and after lawful notice given, forthwith terminate this tenancy.
- (7) Lessee shall keep and maintain the premises in a clean and sanitary condition at all times, and upon the termination of the tenancy shall surrender the premises to the lessor in as good condition as when received, ordinary wear and damage by the elements excepted.

(8) Except as to any condition which makes the premises untenable, lessee hereby waives all right to make repairs at the expense of lessor as provided in Section 1942 of the Civil Code of the State of California, and all rights provided in Section 1941 of said Civil Code.

(9) The LESSOR agrees to properly cultivate, care for, and adequately water the lawn, shrubbery, trees and grounds.

(10) The LESSOR shall pay for all water & garbage service supplied to the said premises. The lessee shall pay for all gas, heat, light, power, telephone service, and all other services except as herein provided, supplied to the said premises.

(11) Nothing contained in this agreement shall be construed as in conflict with or waiving any of lessor's rights under the laws of the State of California.

(12) This agreement and the tenancy hereby granted may be terminated at any time by either party hereto by giving to the other party not less than 30 days prior notice in writing.


(13) The prevailing party in an action brought for the recovery of rent or other moneys due or to become due under this lease or by reason of a breach of any covenant herein contained or for the recovery of the possession of said premises, or to compel the performance of anything agreed to be done herein, or to recover for damages to said property, or to enjoin any act contrary to the provisions hereof, shall be awarded all of the costs in connection therewith, including, but not by way of limitation, reasonable attorney's fees.

(14) Remarks:

Based on previous rental agreement
+ rent increases.

IN WITNESS WHEREOF the parties hereto have executed this agreement in duplicate the day and year first above written.


LESSOR


LESSEE

Original agreement signed between previous owner and tenant on November 1st 1993,

WOLCOTTS FORM 1030—REV. 10-77

000026

INSTRUCTIONS FOR DEPOSITING CASH AT BANK BRANCH

Tedros Kifle
534 31st St
Oakland, CA 94609

Dear Tedros Kifle,

Should you wish, payments can be made in person at the below address:

[REDACTED]
[REDACTED]
[REDACTED]
M-F 9:00am - 5:00pm
[REDACTED]

to the account described below:

[REDACTED]
[REDACTED]
Account Holder name: Janet Sun, Gordon Sun
[REDACTED]

Please feel free to contact me with any questions at: 415-877-0152.

Thank you,

Janet Sun Member # [REDACTED] C/O Patelco

or Mail to:

Janet Sun
Member # [REDACTED] - 10
C/O Patelco
71 x 77. 1 40

Notice of reservation of rights June 8, 2023 (2 Pages)

We prepared and served a reservation of rights as soon as we learned of some of the potential names of the current occupants of the unit. This notice was served on all known and unknown occupants in order to preserve our rights to a Costa-Hawkins rent increase.

000028

Notice of Reservation of Rights by Landlord

To: Original Occupant: Tedros Kifle, Yusef Abbe,

Subsequent Occupants: Adam Kifle, Embarfrash Gele, Tserha Kifle,

And all others occupying the premises described below.

Premises to which this Notice relates: 534 31st Street, #1
City of Oakland and County of Alameda, California, ZIP: 94609

PLEASE TAKE NOTICE THAT THE OWNER IS RESERVING ALL RIGHTS:

Under the Oakland Residential Rent Adjustment Program Ordinance, the Landlord may set rents without restriction when a covered unit is sublet or assigned and none of the original occupants permanently reside in the covered unit.

California Civil Code Section 1954.53(d)(2) provides: "If the original occupant or occupants who took possession of the dwelling or unit pursuant to the rental agreement with the owner no longer permanently reside there, an owner may increase the rent by any amount allowed by this section to a lawful sublessee or assignee who did not reside at the dwelling or unit prior to January 1, 1996." Landlord reserves the right to increase the rent under that law when the last Original Occupant vacates.

Neither the actions of Landlord in compliance with any state or local laws with regards to replacement roommates, nor the giving of this Notice, nor the failure to object or take action as a result of a new occupant residing with Original Occupant, nor the acceptance of rent constitutes any approval of the occupancy by a new occupant, or acknowledgment of that tenant being a Tenant in Possession as defined under the Oakland Residential Rent Adjustment Program Ordinance Section 8.22.010, or any waiver of any rights of Landlord under Oakland Residential Rent Adjustment Program Ordinance Section 8.22.080(D), California Civil Code Section 1954.53(d)(2), or otherwise constitute an acceptance of, or consent to, any additional occupant, or a waiver of any rights the landlord may have under the terms of the existing rental agreement or any current or future law.

In the event that the rental agreement contains a provision requiring all modifications to be in writing, you are reminded of that requirement and advised that the Landlord intends to enforce it, and it may not be waived by the statement of persons in the employ of Landlord who are not authorized to make leasing decisions. You cannot rely on oral statement by others.

Dated: 6/8/23

By:



Daniel Cheung, Esq., Bornstein Law

Attorneys and Duly Authorized Agent for Landlord

Sun

DECLARATION OF SERVICE OF NOTICE TO TENANT

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the (specify documents):
NOTICE OF RESERVATION OF RIGHTS BY LANDLORD

2. a. Party served: TEDROS KIFLE

b. Person served:

3. By delivery at:
534-31ST STREET #1, OAKLAND, CA 94609

a. ON, the date of: 6/8/2023 b. AT, the time of: 7:53 PM

4. I served the party named in item 2 by:

- (1) By delivering a copy to the tenant personally.
(2) If he or she is absent from his or her place of residence, and from his or her usual place of business, by leaving a copy with some person of suitable age and discretion at either place, and sending a copy through the mail addressed to the tenant at his or her place of residence.
(3) If such place of residence and business cannot be ascertained, or a person of suitable age or discretion there can not be found, then by affixing a copy in a conspicuous place on the property, and also delivering a copy to a person there residing, if such person can be found; and also sending a copy through the mail addressed to the tenant at the place where the property is situated. Service upon a subtenant may be made in the same manner.

(b) The notices required by Section 1161 may be served upon a commercial tenant by any of the following methods:

- (1) By delivering a copy to the tenant personally.
(2) If he or she is absent from the commercial rental property, by leaving a copy with some person of suitable age and discretion at the property, and sending a copy through the mail addressed to the tenant at the address where the property is situated.
(3) If, at the time of attempted service, a person of suitable age or discretion is not found at the rental property through the exercise of reasonable diligence, then by affixing a copy in a conspicuous place on the property, and also sending a copy through the mail addressed to the tenant at the address where the property is situated. Service upon a subtenant may be made in the same manner.

(c) For purposes of subdivision (b), "commercial tenant" means a person or entity that hires any real property in this state that is not a dwelling unit, as defined in subdivision (c) of Section 1940 of the Civil Code, or a mobilehome, as defined in Section 798.3 of the Civil Code.

Date Copies Mailed:

From: MAILING DECLARATION ATTACHED

5. Person serving (name, address and telephone No.):



STEVEN PONTIFLET
ACTION ATTORNEY SERVICE
P.O. BOX 19255
OAKLAND, CA 94619
CELL (510) 326-9605 ALAMEDA. #1255

- a. Fee for service: \$ 100
b. Not a registered California process server.
c. Exempt from registration under B&P § 22350(b).
d. Registered California process server.
(1) Employee or independent contractor
(2) Registration No.: ALAMEDA REG# 1593
(3) County

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
7. I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

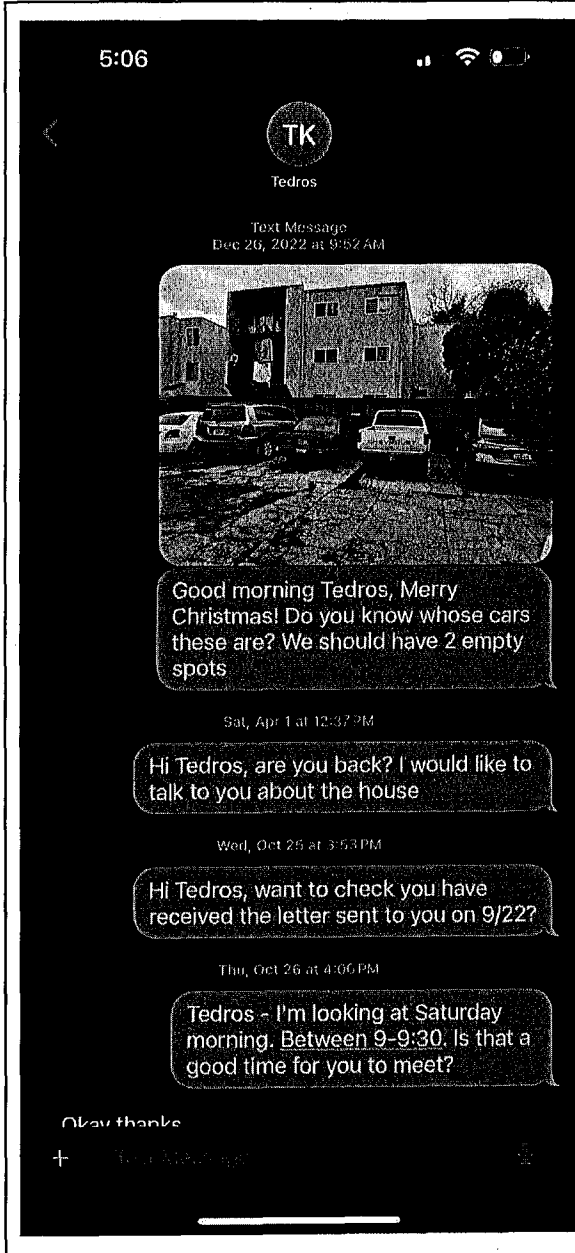
Date: 6/10/2023

(Handwritten signature)
(SIGNATURE)

30653

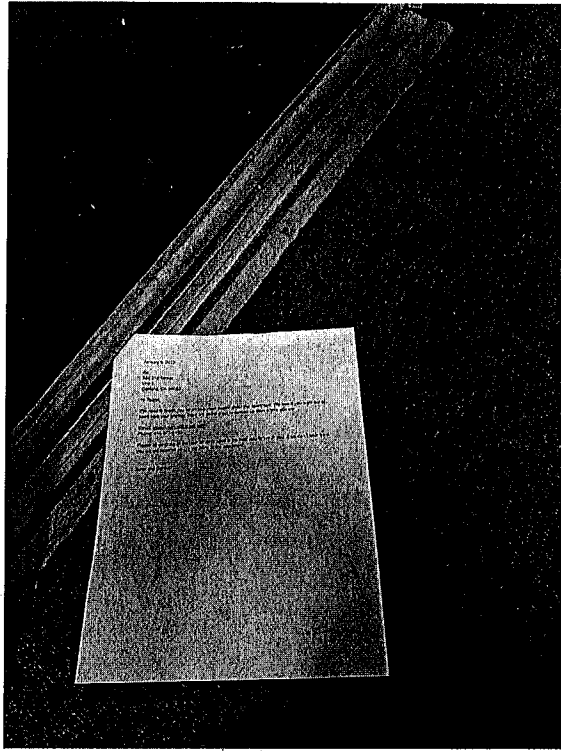
NOTICE TO RESIDENT
(Tenant)

Communications with Tedros Kifle, Tserha Kifle, and Adam Kifle 2022 - 2024 (8 pages)



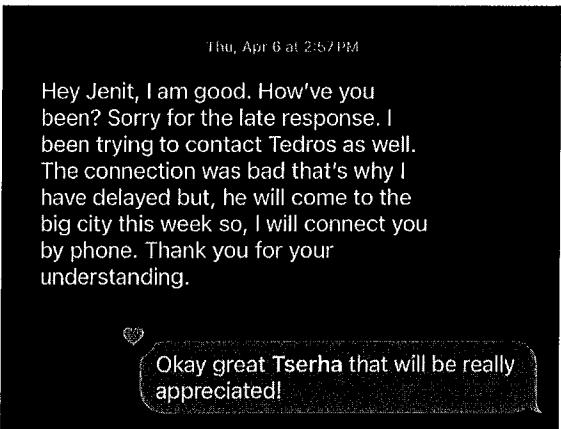
December 2022

Tedros Kifle has been unresponsive to landlord contacts. Phone calls have been unanswered for several months. Not responding to text messages.



January 6, 2023

Notice is provided to Tedros Kifle to contact the landlord in 30 days.



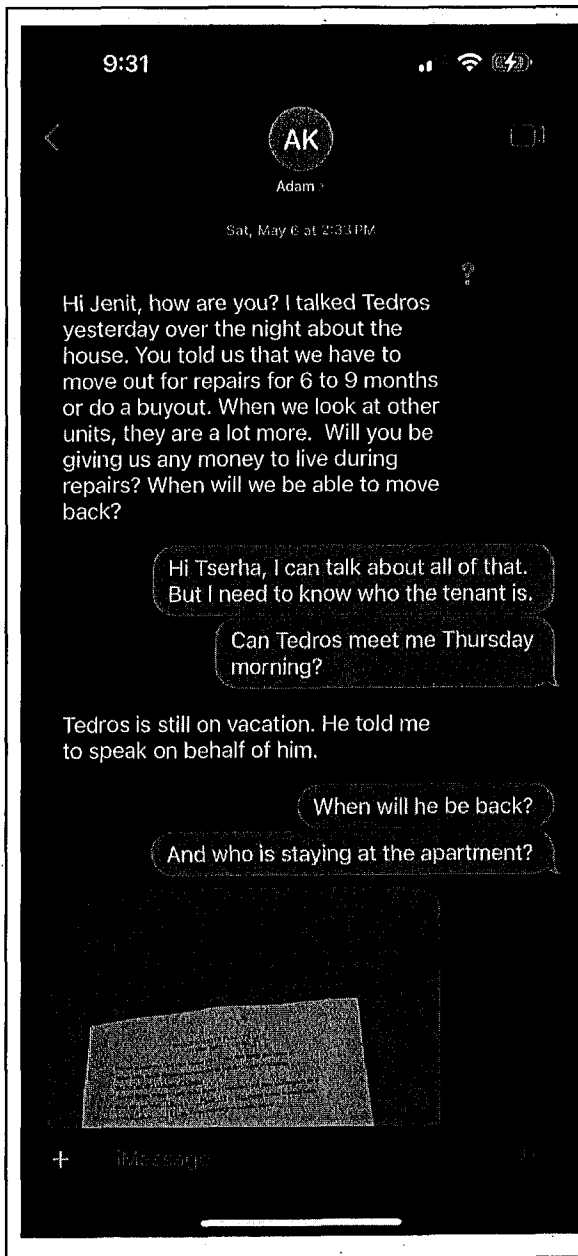
Thu, Apr 6 at 2:57 PM

Hey Jenit, I am good. How've you been? Sorry for the late response. I been trying to contact Tedros as well. The connection was bad that's why I have delayed but, he will come to the big city this week so, I will connect you by phone. Thank you for your understanding.

Okay great Tserha that will be really appreciated!

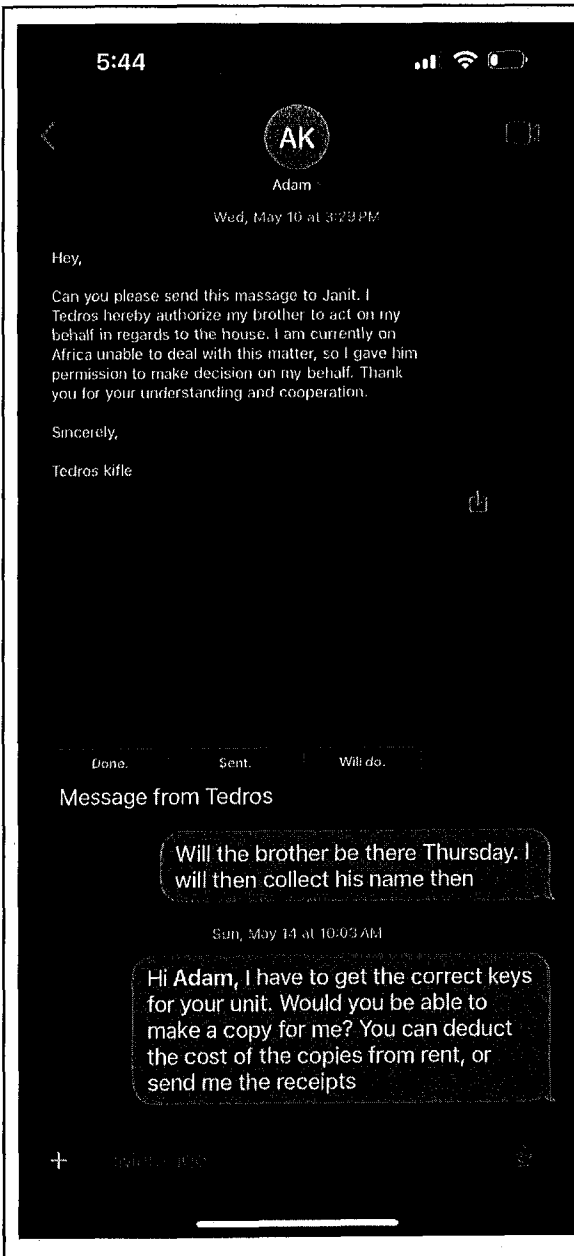
Jan 6, 2023 - April 6, 2023

Tserha Kifle, Adam Kifle - sister and brother of Adam Kifle send phone and text messages that they're trying to contact Tedros Kifle



May 6, 2023- May 10, 2023

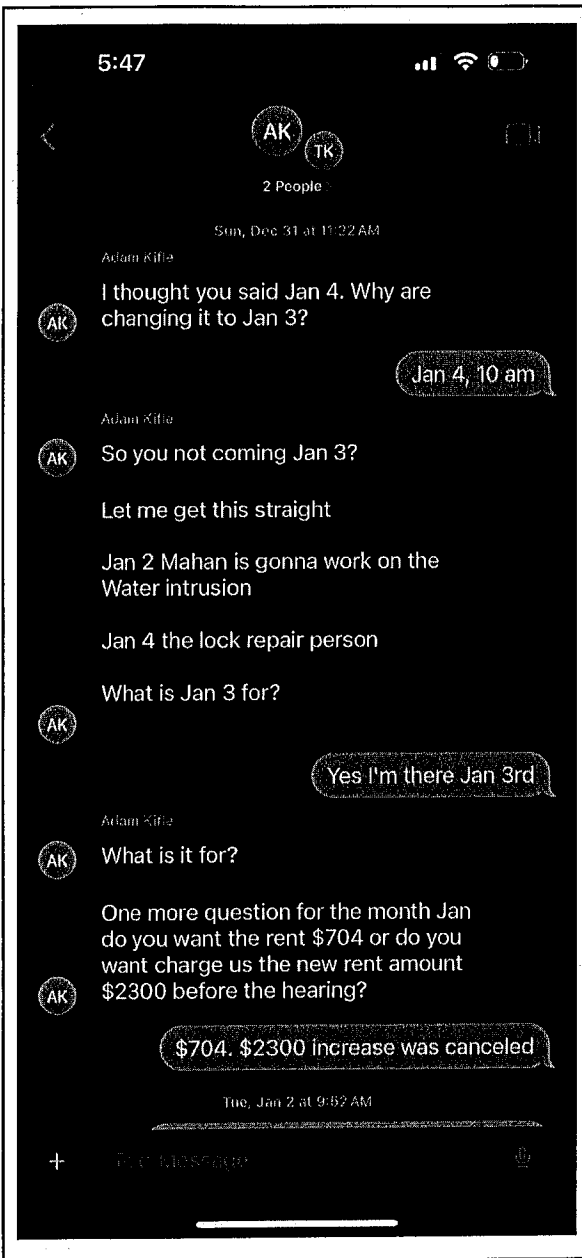
Adam Kifle initiates buyout negotiation for Tedros Kifle: "Tedros is still on vacation. He told me to speak on behalf of him"



Tedros Kifle delegates tenant responsibilities:

"I am currently on Africa unable to deal with this matter."

"I Tedros hereby authorize my brother to act on my behalf in regards to the house"



Dec 2023 - 2024

Adam Kifle continues to be the primary tenant contact.

Communications and decision that Adam Kifle presides over:

- Maintenance
- Rent inquiries
- Move-out negotiations

\$40,000,
\$10,000 paid on contract signed,
\$30,000 paid on moveout

Moveout date: Nov 1st
Pay rent: Yes
Early Moveout Bonus:
equal to rent for each month until Nov
1

Example: if move out is June 1, then
extra bonus is 5x \$704 (or 5x \$792 if
rent increase is approved)= \$3520 (or
\$3960 if rent increase approved)

Tue, Jan 16 at 8:36 AM

Hey Adam and Tedros, I found out the
City of Oakland estimates only a 8
month lead time whole house remodel
permit. So it will not make sense for us
to sign the Nov 1 agreement. I'm sorry
about that

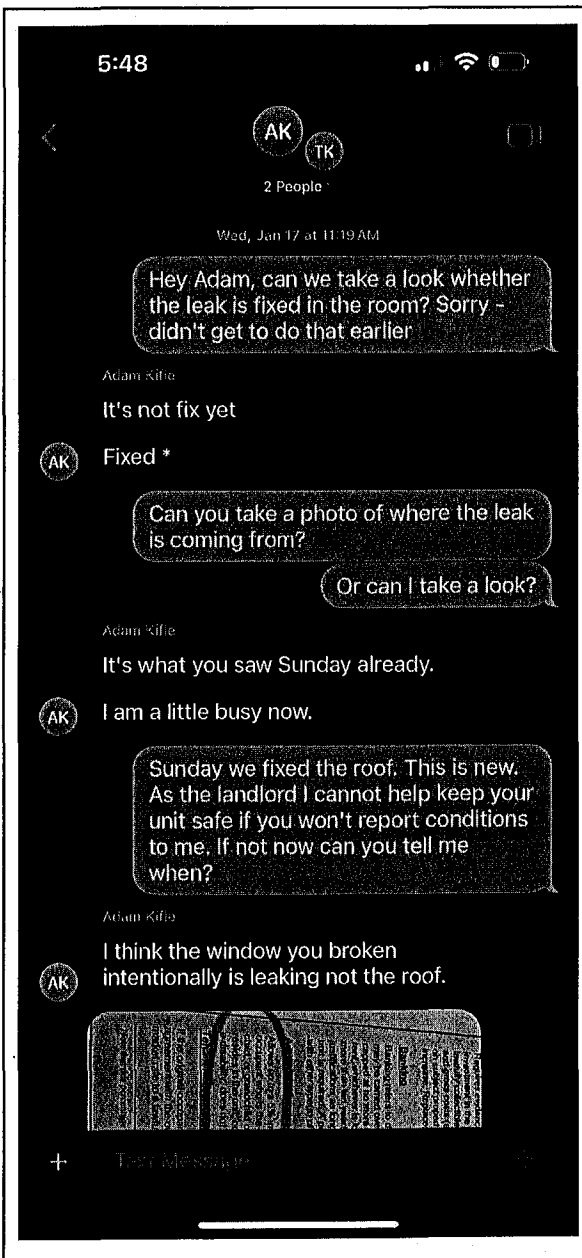
Latest will be September 1.

Adam Kifle

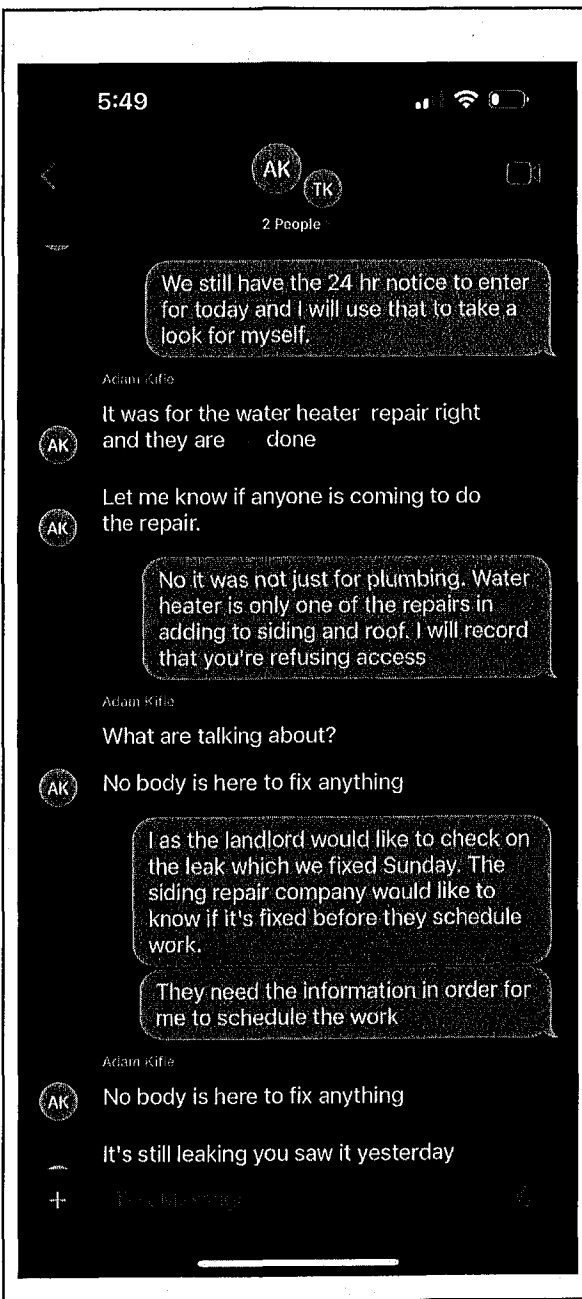
Janet it's important for us to have the
Nov 1 date to move out just in case. It
don't mean we gonna stay that long,
but we need to have the peace of
mind. We have a mother older than 70.



Adam Kifle negotiates a buyout on behalf of
Tedros Kifle.

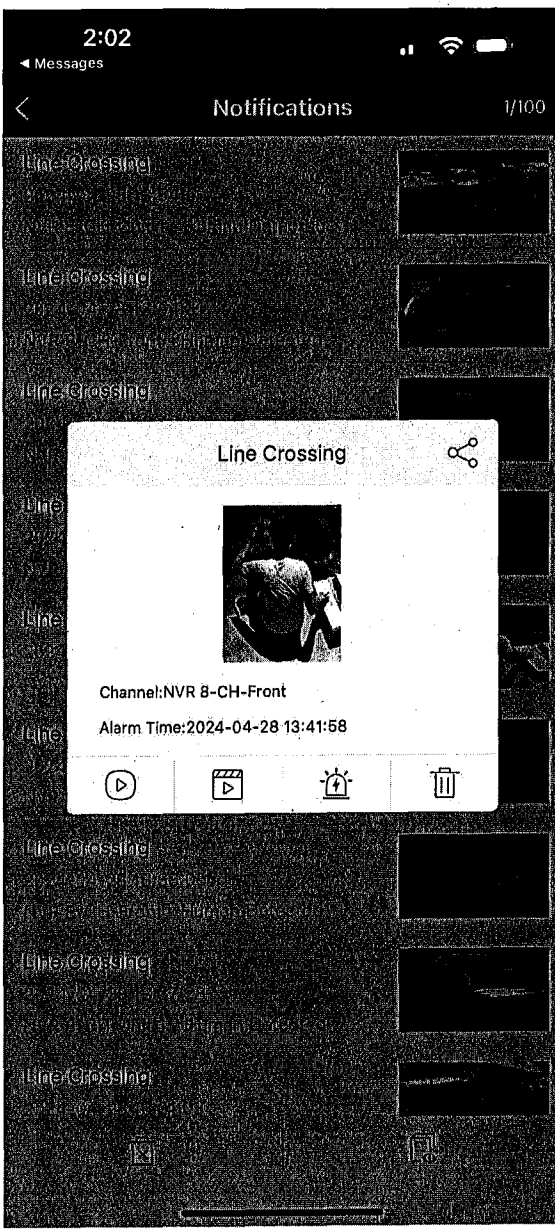


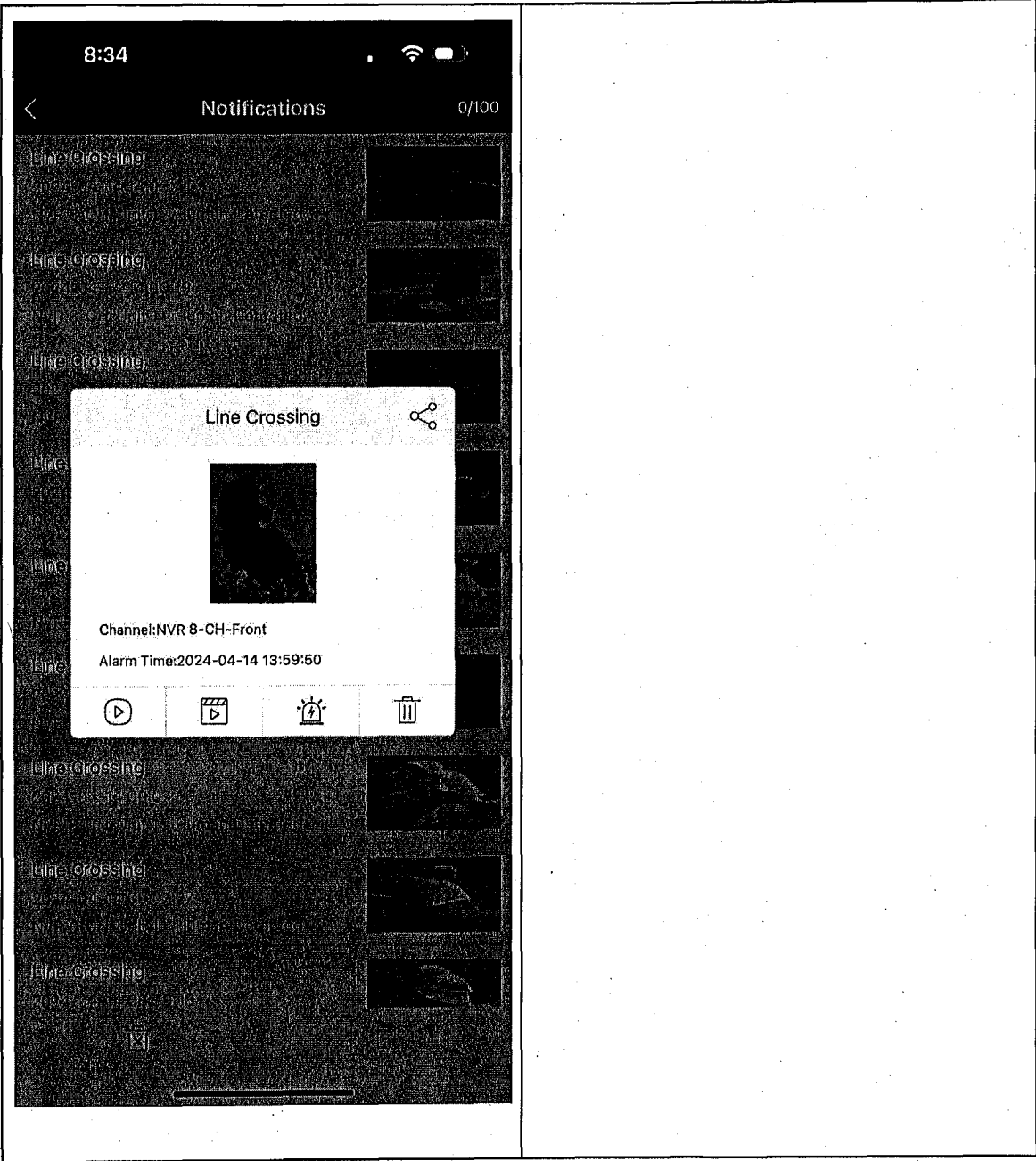
Adam Kifle presides over whether to report the condition of the unit to the landlord.

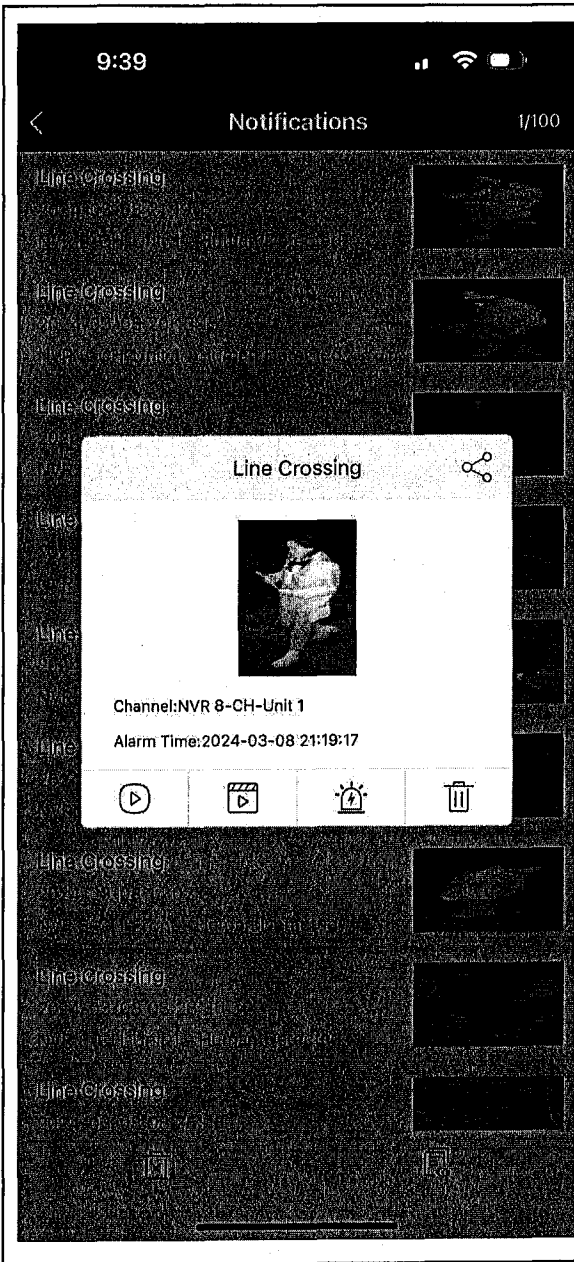


Adam Kifle decides what constitutes a repair and whether to allow notified access for repairs.

24 hr Video Surveillance of Building Premises - No Records of Tedros Kifle (4 pages)

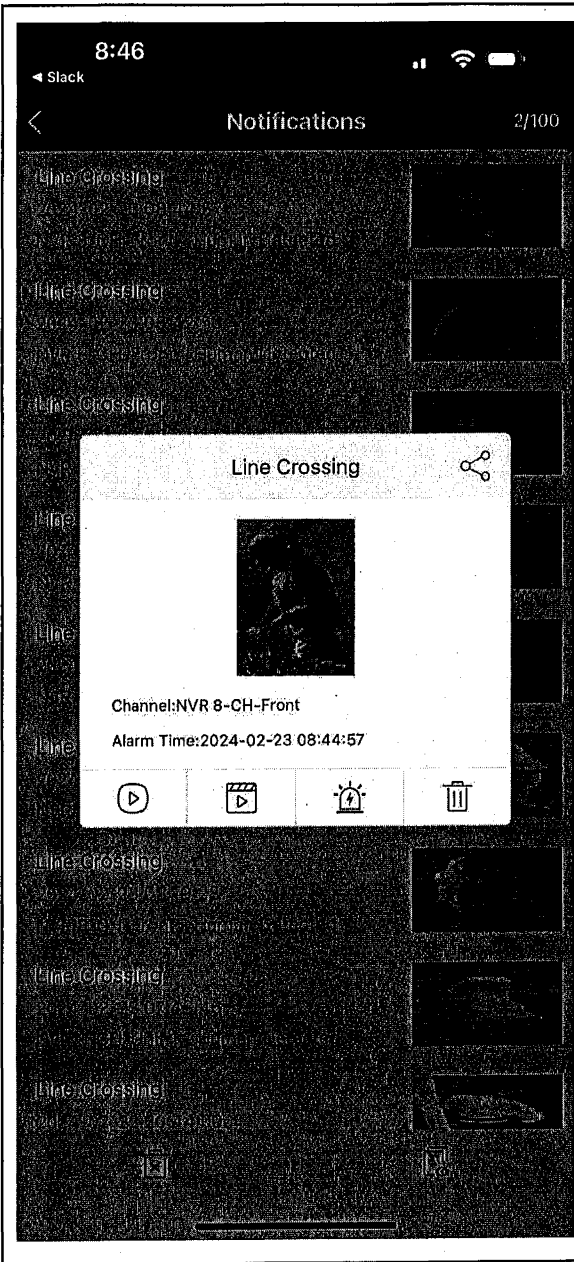
	<p>24-hr surveillance system.</p> <p>Tedros Kifle is not present.</p> <p>All below recordings are available:</p> <ul style="list-style-type: none">• Near-daily crossings occupants of the unit• Weekly/monthly crossings by regular vendors and landlord• Occasional crossings by neighbors and delivery persons
--	---





Daily / near-daily crossings by other occupants (Adam Kifle and mother)

Regular crossings by landlord (Janet Sun)



Vendor crossings

9:45

Remote Playback

2024-04-01 14:28:48

04 06 08 10 12 14 16 18 20 22 00

Sun Mon Tue Wed Thu Fri Sat

31 1 2 3 4 5 6

Recording Type Deselect all

- AI Event-Line Crossing
- AI Event-Intrusion
- Other AI Events
- Manual

Delivery person crossings

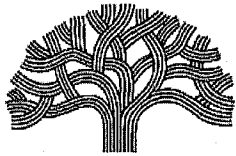
Recording Type	Time	Duration	File Name	Size	Format
Folder	Apr 15 - Apr 14		Apr 15, 2024 at 8:56PM		Folder
Folder	Apr 15 - May 1		Apr 15, 2024 at 6:22PM		Folder
Folder	Feb 1 - Feb 18		Mar 10, 2024 at 6:20PM		Folder
Folder	Feb 19 - Mar 10		Apr 1, 2024 at 9:40PM		Folder
Folder	Mar 11 - Mar 29		Apr 1, 2024 at 9:28PM	637 KB	AVI movie
AI Event-Line Crossing	Front_2024031161340.avi	Apr 1, 2024 at 9:28PM		873 KB	AVI movie
AI Event-Line Crossing	Front_20240312073192.avi	Apr 1, 2024 at 9:28PM		539 KB	AVI movie
AI Event-Line Crossing	Front_20240312073506.avi	Apr 1, 2024 at 9:28PM		659 KB	AVI movie
AI Event-Line Crossing	Front_20240312074059.avi	Apr 1, 2024 at 9:28PM		669 KB	AVI movie
AI Event-Line Crossing	Front_20240312082012.avi	Apr 1, 2024 at 9:28PM		849 KB	AVI movie
AI Event-Line Crossing	Front_20240312082857.avi	Apr 1, 2024 at 9:29PM		37 KB	AVI movie
AI Event-Line Crossing	Front_20240312100009.avi	Apr 1, 2024 at 9:29PM		741 KB	AVI movie
AI Event-Line Crossing	Front_20240312133008.avi	Apr 1, 2024 at 9:29PM		668 KB	AVI movie
AI Event-Line Crossing	Front_20240312133027.avi	Apr 1, 2024 at 9:29PM		874 KB	AVI movie
AI Event-Line Crossing	Front_20240312140224.avi	Apr 1, 2024 at 9:29PM		729 KB	AVI movie
AI Event-Line Crossing	Front_20240312155910.avi	Apr 1, 2024 at 9:29PM		625 KB	AVI movie
AI Event-Line Crossing	Front_20240312154403.avi	Apr 1, 2024 at 9:29PM		825 KB	AVI movie
AI Event-Line Crossing	Front_20240312155148.avi	Apr 1, 2024 at 9:29PM		655 KB	AVI movie
AI Event-Line Crossing	Front_20240312084412.avi	Apr 1, 2024 at 9:29PM		680 KB	AVI movie
AI Event-Line Crossing	Front_20240312084820.avi	Apr 1, 2024 at 9:29PM		621 KB	AVI movie
AI Event-Line Crossing	Front_20240312085786.avi	Apr 1, 2024 at 9:29PM		723 KB	AVI movie

Backups videos

Landlord Unit 1 On-site Logs

Date	In Unit 1?	Tenant Contact
1/08/2022	N	
2/5/2022	N	
3/13/2022	Y	Tedros Kifle
4/1/2022	N	
5/5/2022	N	
5/7/2022	N	
6/6/2022	N	
6/20/2022	N	
6/30/2022	N	
8/6/2022	N	
9/3/2022	N	
10/1/2022	N	
11/19/2022	N	
12/3/2022	N	
12/26/2022	N	
1/3/2024	N	
1/6/2023	N	
2/11/2023	N	
3/18/2023	N	
5/13/2023	Y	Adam Kifle
6/12/2023	N	
7/8/2023	N	
8/12/2023	N	
9/9/2023	N	

10/7/2023	N	
11/18/2023	N	
12/15/2023	N	
12/24/2023	Y	Adam Kifle
1/4/2024	Y	Adam Kifle
1/6/2024	Y	Adam Kifle
1/7/2024	Y	Adam Kifle
1/10/2024	N	
1/11/2024	N	
1/14/2024	Y	Adam Kifle
1/15/2024	Y	Adam Kifle
1/17/2024	N	
1/18/2024	Y	Adam Kifle
1/19/2024	Y	Adam Kifle
1/23/2024	N	
1/25/2024	N	
1/26/2024	N	
1/27/2024	N	
1/28/2024	N	
1/29/2024	Y	Adam Kifle
2/4/2024	N	
2/9/2024	N	
2/17/2024	N	
2/21/2024	Y	Adam Kifle
3/8/2024	N	
04/05/2024	N	



CITY OF OAKLAND

Housing and Community Development Department
Rent Adjustment Program
250 Frank Ogawa Plaza, Suite 5313
Oakland, CA 94612-2034

TEL (510) 238-3721
FAX (510) 238-6181
CA Relay 711

NOTICE OF REMOTE SETTLEMENT CONFERENCE AND HEARING

File Name: Sun v. Tenant
Property Address: 534 31st Street, Oakland, CA, USA , Oakland, CA
Case Number: L24-0025

The Settlement Conference and Hearing will be held remotely, on Zoom, a free application for audio/video conferences.

The Hearing Officer will conduct a Settlement Conference to attempt to resolve this matter unless the owner is seeking an exemption. If the Settlement Conference is not successful, the Hearing will begin immediately after the Settlement Conference. The Settlement Conference or Hearing (if there is no settlement conference) will begin on:

Date: July 1, 2024
Time: 10:00 AM
Place: REMOTELY via Zoom

You will receive the Zoom invite prior to the hearing date. Please make sure the Case Analyst assigned to your case has your updated email address to assure timely communication as the Rent Adjustment Program office remains closed and staff is working remotely. If you do not have an email address, please contact the Case Analyst by phone to discuss best ways to contact you.

Submitting Evidence

If you wish to submit other documents in addition to those submitted with the Petition or Response form, you may do so by emailing the documents to the assigned Case Analyst and serving a copy of the documents on the other party. Documents must be received not less than seven (7) days prior to the scheduled Settlement Conference and Hearing date and must be submitted together with a proof of service indicating that the documents were served on the other party. There is a proof of service form on the RAP website that you can use for any documents you serve. See Blank Proof of Service Form. Documents submitted later (or without a proof of service) may be excluded from consideration.

We request that all documents you submit be numbered sequentially, but submissions of more than 15 pages must be numbered. Please black out all sensitive information, such as bank or credit card account numbers and Social Security numbers. The Hearing Officer can also use the

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official records of the City of Oakland and Alameda County Tax Assessor as evidence if provided by the parties for consideration. If you do not have access to email, the documents may be submitted to the Case Analyst by mail.

Request to Change Date

A request for a change in the date or time of the Settlement Conference and Hearing (“continuance”) must be made on a form provided by the Rent Adjustment Program, which can be found at the Rent Adjustment Program website: Request for Continuance. A continuance will be granted only for good cause and the Hearing Officer will issue an Order granting or denying the continuance.

Hearing Record

The Rent Adjustment Program makes an audio recording of the Hearing. Either party may bring a court reporter to record the hearing at their own expense. The Settlement Conference is not recorded. If a settlement is reached, the Hearing Officer will draft a Settlement Agreement to be signed by the parties.

Representatives

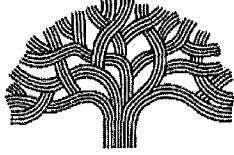
Any party to a Hearing may designate a representative in writing prior to the Settlement Conference or on the record at the Hearing.

Interpreter

The Hearing must be conducted in English. The Rent Adjustment Program will provide interpreters if it is requested on the petition or response forms or in writing in advance of the Hearing. Any party may also bring a person to the Hearing to interpret for them. The interpreter will be required to take an oath that they are fluent in both English and the relevant other language and they will fully interpret the proceeding to the best of their ability.

Failure to Appear for Hearing

If a petitioner fails to appear at a properly noticed hearing, the Hearing Officer may, in the Hearing Officer’s discretion, dismiss the case, subject to the petitioner showing good cause for the failure to appear. If the respondent fails to appear at the Hearing as scheduled, the Hearing Officer may either issue an administrative decision without a Hearing or conduct the Hearing and render a decision without the respondent’s participation.



CITY OF OAKLAND

Housing and Community Development Department
Rent Adjustment Program
250 Frank Ogawa Plaza, Suite 5313
Oakland, CA 94612-2034

TEL (510) 238-3721
FAX (510) 238-6181
CA Relay 711
www.Oaklandca.gov/RAP

May 09, 2024

Petitioner

Owner
Gordon Sun
2981 Northwood Drive
Alameda, CA 94501

Owner Representative
Janet Sun
2981 Northwood Dr
Alameda, CA 94501

Respondent

Tenant
Tedros Kifle
534 31st Street, Oakland, CA, USA Unit 1
Oakland, CA 94609

RE: Notice to Parties of Petition Filed

Dear Parties:

The Rent Adjustment Program has received a Petition filed by the **Petitioner** listed above. The Proof of Service filed with the Petition states that the Petition was served on the **Respondent(s)** listed above. If you are a Respondent, and you did not receive the Petition, please contact the case analyst (listed below).

As instructed on the Petition, the Respondent(s) have 30 days from the date of service (if served personally) and 35 days (if served by mail) to file a Response to the Petition. To file a Response, the Respondent(s) must serve a Response on the Petitioner and file the Response (along with a Proof of Service) with the Rent Adjustment Program.

Both the Tenant and Property Owner Response forms can be found at <https://apps.oaklandca.gov/rappetitions/Petitions.aspx>. Each response form contains additional filing instructions.

If you do not file a timely Response, the Petition may be granted without a Hearing, or, if a Hearing does occur, you may not be permitted to produce testimony or evidence.

The case has been assigned Case No. L24-0025

The case title is Sun v. Tenant

The analyst assigned to your case is Brittini Jackson, who can be contacted either by telephone at (510) 238-6415 or by email at blothlen@oaklandca.gov.

Please note that you are required to serve a copy of any documents filed with the Rent Adjustment Program on the other party (or parties). You must file a Proof of Service with the Rent Adjustment Program together with the document(s) being filed indicating that the document(s) have been served.

Property Owner Petitions that include more than 25 pages of additional documents with the petition are exempt from this requirement, and the owner may choose to not serve all tenants with those documents. If the Owner Petition indicates that additional documents exist that are not being served pursuant to this exception, a tenant may request a copy of the documents in their Tenant Response form or view the documents by scheduling a file review with RAP. If the Tenant Response form indicates that the tenant wishes to receive copies of all filed documents, the owner must provide them within 10 days.

All documents filed by either party are available for review at the Rent Adjustment Program Office by **appointment only**. If you wish to review the case file, call (510) 238-3721 to schedule an appointment.

If you have questions or need additional information, please contact your assigned analyst.

Thank you.

Rent Adjustment Program

PROOF OF SERVICE

Case Number: L24-0025

Case Name: Sun v. Tenant

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

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

Documents Included

Notice of Remote Settlement Conference and Hearing
Notice to Parties
Copy of Landlord Petition
Tenant Response Form

Owner

Gordon Sun
2981 Northwood Drive
Alameda, CA 94501

Owner Representative

Janet Sun
2981 Northwood Dr
Alameda, CA 94501

Tenant

Tedros Kifle
534 31st Street, Oakland, CA, USA Unit 1
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 **May 09, 2024** in Oakland, California.

000050

Deborah Griffin

Deborah Griffin
Oakland Rent Adjustment Program



Housing and Community Development Department
Rent Adjustment Program
250 Frank Ogawa Plaza, Suite 5313
Oakland, CA 94612-2034

TEL (510) 238-3721
FAX (510) 238-6181
CA RELAY 711

**ZOOM INVITATION FOR RAP REMOTE HEARING
L24-0025 Sun v. Tenant**

To the Parties:

Your hearing scheduled will take place on **July 1, 2024 at 10:00 am** and will be held remotely through Zoom.

You can connect to the Hearing without charge by downloading Zoom. You can also connect by using only a telephone. To dial in to a call, enter your dial-in number, followed by the meeting ID and pound key, then enter the password and pound key.

Topic: Hearing L24-0025 Sun v. Tenant

Time: July 01, 2024 10:00 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82220942161?pwd=K0I1YXAxNWFZeeFtLzdreGh3a0dnUT09>

Meeting ID: 822 2094 2161

Passcode: 558830

One tap mobile

+16699009128,,82220942161#,,,*558830# US (San Jose)

+16694449171,,82220942161#,,,*558830# US

Dial by your location

• +1 669 900 9128 US (San Jose)

• +1 669 444 9171 US

• +1 719 359 4580 US

• +1 253 205 0468 US

• +1 253 215 8782 US (Tacoma)

• +1 346 248 7799 US (Houston)

• +1 386 347 5053 US

• +1 507 473 4847 US

• +1 564 217 2000 US

000052

- +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

Meeting ID: 822 2094 2161

Passcode: 558830

Find your local number: <https://us02web.zoom.us/j/82220942161>

To download Zoom:

On a smartphone:

1. Go to the “App store,” “Google play,” “Android Apps,” or the “Play Store”
2. Search for Zoom
3. Download “Zoom” or “Zoom Cloud Meetings.”

On a computer:

1. Open a browser (Firefox, Internet Explorer, Google Chrome, or any other web browser)
2. Search for “Zoom” in the search box; or type in “zoom.us” in the address bar
*In either case, you will be directed to the Zoom website. Create a Zoom account.

If you have technical questions, I find the following link helpful in navigating

Zoom: <https://support.zoom.us/hc/en-us/articles/115004954946-Joining-and-participating-in-a-webinar-attendee->

Please test the link and download the Zoom application at least a day before the hearing. If you experience any technical difficulties connecting to the meeting or to discuss your technology access, please contact me immediately.

Cordially,

Brittni Jackson

City of Oakland

Housing and Community Development
Department

Rent Adjustment Program 250 Frank H.
Ogawa Plaza, 5th Floor Oakland, CA
94612

Main: (510) 238 - 3721

Telephone: (510) 238 - 6415

Fax: (510) 238 – 6181

PROOF OF SERVICE
Case Number: L24-0025
Case Name: Sun v. Tenant

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

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

Documents Included

Zoom Invitation for RAP Remote Hearing

Owner

Gordon & Janet Sun
2981 Northwood Drive
Alameda, CA 94501

Tenant

Tedros Kifle
534 31st Street Unit 1
Oakland, CA 94609

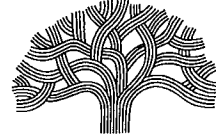
I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first 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 **May 28, 2024** in Oakland, California.

Brittini Jackson

Brittini Jackson
Oakland Rent Adjustment Program

000054



ADMINISTRATIVE DECISION

CASE NUMBER: L24-0025

CASE NAME: Sun v. Tenant

PROPERTY ADDRESS: 534 41st Street, Unit 1
Oakland, CA

PARTIES: Janet Sun, Owner’s Representative

SUMMARY OF DECISION

The Owner’s petition is denied.

INTRODUCTION

Reason for Administrative Decision: An Administrative Decision is a decision issued without a hearing. The purpose of a hearing is to allow the parties to present testimony and other evidence to resolve disputes of material fact. However, in this case, sufficient uncontested facts have been presented to issue a decision without a hearing, and no material facts are disputed. Therefore, an administrative decision is being issued without a hearing.

BACKGROUND

On May 1, 2024, the Owner, by and through their representative, filed the petition herein for approval of a rent increase on the ground that the Tenant in Unit 1 was not residing in the unit as their principal residence.¹ The Tenant did not file a response to the petition.

On May 21, 2024, the Owner reported that the unit was vacant pursuant to a no-fault eviction.

¹ O.M.C. § 8.22.070(C)(f)

RATIONALE FOR ADMINISTRATIVE DECISION

On May 1, 2024, the Owner, filed the petition herein for approval of a rent increase on the ground that the Tenant in Unit 1 was not residing in the unit as their principal residence.²

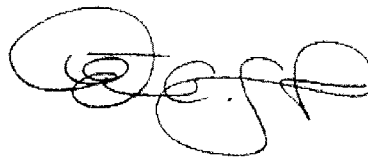
The Rent Adjustment Ordinance defines a tenant as a person entitled to the use or occupancy of any covered unit by written or oral agreement.³

On May 21, 2024, the subject unit was reported as vacant by the Owner, effective May 16, 2024. Accordingly, the issue raised in the petition no longer exists and cannot be addressed. Therefore, the Owner's petition is denied.

ORDER

1. Petition L24-0025 is denied.
2. The Remote Settlement Conference and Hearing, scheduled for July 1, 2024, is canceled.

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 seventeen (17) calendar days of electronic service or twenty (20) days if served by first-class mail. If the last day to file is a weekend or holiday, the appeal may be filed on the next business day. The date and service method are shown on the attached Proof of Service.



Dated: June 28, 2024

Élan Consuella Lambert
Hearing Officer
Rent Adjustment Program

² O.M.C. § 8.22.070(C)(f)

³ O.M.C. § 8.22.020

PROOF OF SERVICE
Case Number L24-0025

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

Document Included

Administrative Decision

Owner

Gordon & Janet Sun
2981 Northwood Drive
Alameda, CA 94501

Tenant

Tedros Kifle
534 31st Street, Unit 1
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 **July 2, 2024** in Oakland, CA.



Ava Silveira
Oakland Rent Adjustment Program



CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM
250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612-0243
(510) 238-3721
CA Relay Service 711
www.oaklandca.gov/RAP

For Rent Adjustment Program date stamp.

APPEAL

Appellant's Name Gordon Sun	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant
Property Address (Include Unit Number) 534 31st Street, Unit 1, Oakland, CA 94609	
Appellant's Mailing Address (For receipt of notices) 2981 Northwood Drive, Alameda, CA 94501	Case Number L24 - 0025
	Date of Decision appealed 07/12/2024
Name of Representative (if any) Janet Sun	Representative's Mailing Address (For notices) 2981 Northwood Drive, Alameda, CA 94501

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.)*

- 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 the Owner’s 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.)*

Supporting documents (in addition to this form) must not exceed 25 pages, and must be received by the Rent Adjustment Program, along with a proof of service on the opposing party, within 15 days of the filing of this document. Only the first 25 pages of submissions from each party will be considered by the Board, subject to Regulations 8.22.010(A)(4). *Please number attached pages consecutively.*

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

I served a copy of: Appeal for L24 - 0025 (insert name of document served)

And Additional Documents

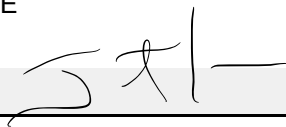
and (write number of attached pages) 4 attached pages (not counting the Appeal Form or the Proof of Service) to each opposing party, whose name(s) and address(es) are listed below, by one of the following means (check one):

- a. First-Class Mail. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed below and at the address(es) below and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- b. Personal Service. (1) By Hand Delivery: I personally delivered the document(s) to the person(s) at the address(es) listed below; or (2) I left the document(s) at the address(es) with some person not younger than 18 years of age.
- c. Electronic Service. I electronically sent the document(s) to the person(s) at the address(es) listed below who have previously given written consent to receiving notices and documents in this matter from the RAP and from the OTHER PARTY/IES electronically at the email address(es) they provided.

<u>Name</u>	Tedros Kifle
<u>Address</u>	304 FAIRMOUNT AVE APT 1
<u>City, State Zip</u>	OAKLAND, CA 94611
<u>Email Address</u>	kifletedros594@gmail.com
<u>Name</u>	
<u>Address</u>	
<u>City, State Zip</u>	

Email Address	
----------------------	--

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and the documents were served on 7/12/2024(insert date served).

Janet Sun
PRINT YOUR NAME

SIGNATURE

7/12/2024
DATE

IMPORTANT INFORMATION:

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

- Appeals filed late without good cause will be dismissed.
- You must provide all the information required, or your appeal cannot be processed and may be dismissed.
- **Any response to the appeal by the responding party must be received by the Rent Adjustment Program, along with a proof of service on appealing party, within 30 days of service of the service of the appeal if the party was personally served. If the responding party was served the appeal by mail, the party must file the response within 35 days of the date the appeal was mailed to them.**
- There is no form for the response, but the entire response is limited to 25 pages or less.
- The Board will not consider new claims. All claims, except jurisdictional issues, must have been made in the petition, response, or at the hearing.
- The Board will not consider new evidence at the appeal hearing without specific approval.
- You must sign and date this form or your appeal will not be processed.
- The case record is available to the Board, but sections of audio recordings that you want the Board to review must be pre-designated to Rent Adjustment Staff.

Appeal - L24-0025

This is an appeal of the administrative decision on case number L24-0025 issued 07/01/2024. The grounds for appeal and explanations are listed below:

1. I was denied a sufficient opportunity to present my claim

The administrative decision was based on a May 16, 2024 owner-reported unit vacancy that was not part of the petition. I was not aware the owner-reported unit vacancy would be used to render the decision or that the decision would use evidence from after May 1, 2024 the date of the petition. The evidence that would have been presented are:

- a. the circumstances of the no-fault eviction where the tenant reserves the right to return and therefore remains subject to the rent and allowed rent increases (attached)
- b. The evidence that the tenant failed to reside in the unit from May 1, 2024 - May 15, 2024 until the relocation.
 - i. The tenant continued to be completely absent from the unit from May 1, 2024 - May 6, 2024
 - ii. The tenant continued to not use the unit as sleeping quarters from May 1, 2024 - May 15, 2024, despite visiting the unit for the first time on May 7, 2024 one day after the notice of the petition was delivered.

2. The decision is inconsistent with OMC Chapter 8.22, Rent Board Regulations, or prior decisions of the Board.

The administrative decision classified Tedros Kifle as someone not a tenant and not “entitled to the use or occupancy of any covered unit by written or oral agreement”. However under the no-fault eviction exercised (OMC 8.22.360), Tedros Kifle holds a first right to return to the premises at the same rent and pursuant to a rental agreement, and therefore is a person entitled to the use or occupancy of the covered unit by written or oral agreement.

The rationale for the administrative decision incorrectly states that the issue raised in the petition “cannot be addressed”. However the issue can be addressed by rent increase after the tenant’s return to the unit under OMC 8.22.360.

3. The decision violates federal, state, or local law.

The rationale for the administrative decision incorrectly stated that the issue raised in the petition “no longer exists”. This statement conflicts with the determination of principal residence (California Code, Revenue and Taxation Code 18662, Section 121 Internal Revenue Code) based on a prior period and/or the last tax year. The evidence in the petition holds valid for tenant not residing in the unit as principal residence even after applying all of the following periods and therefore should be considered:

- Last 12 months from today (July 12, 2024)
- Last 12 months from the date of the relocation (May 16, 2024)

000061

- Last 12 months from the date of the petition (May 1, 2024) and
- Last tax year (TY 2023)

temporarily moving out agreement

Tedros Kifle <kifletedros594@gmail.com>
To: janet.sun@gmail.com

Tue, May 14, 2024 at 8:53 AM

Tedros Kifle

534 31st APT#1 Oakland CA 94609

kifletedros594@gmail.com
(510)830-6533
05/09/2024

Janet Sun
[2981 Northwood Dr Alameda, 94501](#)

Dear Janet

I am writing to inform you of my decision to temporarily vacate the premises at 534 31st APT#1 Oakland California 94609 due to the notice you have provided. After careful consideration, I have determined that it is in my best interest to comply with the terms outlined in the notice and temporarily relocate since we have been without a bedroom for the past three months. Please be assured that my intention is to return to the property once the specified period of time has elapsed. I am committed to fulfilling my obligations as a tenant and maintaining a positive landlord-tenant relationship. I am willing to discuss any necessary matters during my absence. I kindly request that you acknowledge receipt of this letter and confirm your understanding of my temporary relocation plans. Thank you for your attention to this matter. Should you have any questions or require further information, please do not hesitate to contact me at

Tedros Kifle
(510)830-6533 Or My brother
Adam (510)880-9295
kifletedros594@gmail.com Or My brother
Adam adamhkifle@gmail.com
Mail address

000063

OAKLAND, CA 94611

Sincerely,

Tedros Kifle.

000064

CHRONOLOGICAL CASE REPORT

Case No.: L24-0026

Case Name: Samaniego v. Tenants

Property Address: 3342 East 16th Street, Oakland, CA 94601

Parties: Joseph Samaniego (Owner)
Christyann Maulupe (Manager-Owner)
Jose Saravia (Tenant)
Maria Saravia (Tenant)

OWNER APPEAL:

<u>Activity</u>	<u>Date</u>
Owner Petition Filed	May 2, 2024
Owner Exhibits	May 2, 2024
(No Tenant Response Filed)	
Notice of Remote Settlement Conference & Hearing	July 1, 2024
Hearing Decision Mailed	September 24, 2024
Owner Appeal Filed	October 16, 2024



L24-0024
HM/BJ

City of Oakland Rent Adjustment Program
250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

RECEIVED

MAY -2 2024

RENT ADJUSTMENT PROGRAM
OAKLAND

PROPERTY OWNER PETITION

Property Address: 3342 East 16th Street, Oakland, CA, USA
Case: Petition: 16673
Date Filed: 05-02-2024

PARTIES

Party Name: Manager
Christyann Maulupe
Western Management Properties
Address: 678 14th Street
Oakland, 94612
Address: 678 14th Street
Mailing Address: Oakland, 94612
(510) 451-7197

Party Name: Owner
Joseph Manuel Samaniego
Address: 1548 33rd Avenue
Oakland, 94601
Address: 1548 33rd Avenue
Mailing Address: Oakland, 94601
(510) 333-5783
js142098@gmail.com

Total number of units on property	2
Date on which you acquired the building	02-04-2022
Type of units	House
Have you (or a previous Owner) given the City of Oakland's form entitled Notice to Tenants of Residential Rent Adjustment Program ("RAP Notice") to the tenants in each unit affected by the petition?	No
On what date was the RAP Notice first given?	
Have you paid your Oakland Business License? The property owner must have a current Oakland Business License. If it is not current, an Owner Petition may not be considered in a Rent Adjustment proceeding. (Provide proof of payment.)	No



City of Oakland Rent Adjustment Program
250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

PROPERTY OWNER PETITION

Property Address: 3342 East 16th Street, Oakland, CA, USA
Case: Petition: 16673
Date Filed: 05-02-2024
Oakland Business License number 00257428

Have you paid the Rent Adjustment Program Service Fee (per unit)? The property owner must be current on payment of the RAP Service Fee. If the fee is not current, an Owner Petition may not be considered in a Rent Adjustment proceeding. Note: If RAP fee is paid on time, the property owner may charge the tenant one half of the per-unit RAP Service fee. No

Is there more than one street address on the parcel? Yes

Evidence of registration for all affected cover units

Is the subject property exempt from the registration requirement? No

On 07-22-2023 I/we used all reasonable diligence in preparing my annual registration statement, reviewed it and submitted it to the Rent Adjustment Program, and, to the best of my knowledge, the information contained in the statement was true and complete. To the extent I was unable, despite the use of reasonable diligence, to ascertain the exact information to be reported, I provided the most accurate approximation possible based on information and belief where possible or, where such approximation was not feasible, I stated that the information was unknown.

I Declare: Yes

Is property registered online? : No



City of Oakland Rent Adjustment Program
250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

PROPERTY OWNER PETITION

Property Address: 3342 East 16th Street, Oakland, CA, USA
Case: Petition: 16673
Date Filed: 05-02-2024

Reason(s) for Petition

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

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

Fair Return

Mediation

Mediation is an optional process offered by the Rent Adjustment Program to assist parties in settling the issues related to their Rent Adjustment case as an alternative to the formal hearing process. The purpose of mediation is to find a mutual agreement that satisfies both parties. A trained third party will discuss the issues with both sides, look at relative strengths and weaknesses of each position, and consider both parties' needs in the situation. If a settlement is reached, the parties will sign a binding agreement and there will not be a formal hearing process. If no settlement is reached, the case will go to a formal hearing with a Rent Adjustment Hearing Officer, who will then issue a hearing decision. Mediation will only be scheduled if both parties agree to mediate. Sign below if you want to request mediation for your case.

I/We agree to have my/our case mediated by a Rent Adjustment Program staff mediator. **No**



City of Oakland Rent Adjustment Program
250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

PROPERTY OWNER PETITION

Property Address: 3342 East 16th Street, Oakland, CA, USA
Case: Petition: 16673
Date Filed: 05-02-2024

Consent to Electronic Service

Check the box below if you agree to have RAP staff send you documents related to your case electronically. If all parties agree to electronic service, the RAP will only send documents electronically and not by first class mail.

I/We consent to receiving notices and documents in this matter electronically at the email address(es) provided in this petition. **No**

Interpretation Services

If English is not your primary language, you have the right to an interpreter in your primary language at the Rent Adjustment hearing and mediation session. You can request an interpreter by completing this section.

I request an interpreter fluent in the following language at my Rent Adjustment proceeding: **No ,**

Declaration Re: Attachments greater than 25 pages

The documents to be submitted to the Rent Adjustment Program with the Property Owner Petition exceed 25 pages and the owner is opting, as allowed by law, to not serve the attachments on the affected tenants unless requested. The documents will be available for review at the Rent Adjustment Program. Additionally, if any tenant requests the attachments in writing, the owner will provide the attachments to the requesting tenant within ten days of the request.

The Owner provided additional documents to the RAP that exceed 25 pages and is choosing to not provide the documents to the tenant(s) unless requested. **No**

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

Joseph Samaniego

5/2/2024

Signature

Date

Duplicate L24-0024 HM/BJ

<p>CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank H. Ogawa Plaza, Suite 5313 Oakland, CA 94612-0243 (510) 238-3721 CA Relay Service 711</p>	<p>For Rent Adjustment Program date stamp. RECEIVED APR 26 2024 RENT ADJUSTMENT PROGRAM OAKLAND</p>
---	---

PROPERTY OWNER PETITION FOR APPROVAL OF RENT INCREASE

Please fill out this form as completely as you can. Rent increases based on anything other than the annual allowable CPI rate or banking must first be approved by the Rent Adjustment Program ("RAP") after a hearing. Failure to provide the required information may result in your petition being rejected or delayed. See the last pages of this petition packet ("Important Information Regarding Filing Your Petition") or the RAP website for more information. CONTACT A HOUSING COUNSELOR TO REVIEW YOUR PETITION BEFORE SUBMITTING. To make an appointment email

Rental Unit Information	
3342 Street Number	E. 16th Street Street Name
	Unit Number
Oakland, CA	94601 Zip Code
Is there more than one street address on the parcel? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, list all addresses: _____	
Type of unit(s) (check one):	Number of units on property: 2
<input type="checkbox"/> Single family home	Date acquired property: 02/04/2022
<input type="checkbox"/> Condominium	
<input checked="" type="checkbox"/> Apartment, room, or live-work	
Case number(s) of any relevant prior Rent Adjustment case(s): _____	
Property Owner Information	
Joseph First Name	Samaniego Last Name
Company/LLC/LP (if applicable): _____	
Mailing address: 1548 33rd Avenue, Oakland, CA 94601	
Primary Telephone: 510-534-4020 Other Telephone: 510-333-5783 Email: jsamanie@pacbell.net 15142098@gmail.com	
Property Owner Representative (Check one): <input type="checkbox"/> No Representative <input type="checkbox"/> Attorney <input type="checkbox"/> Non-attorney	
Christyann First Name	Maulupe Last Name
Western Management Properties Firm/Organization (if any)	
Mailing Address: 678 14th Street, Oakland, CA 94612	
Phone Number: 510-451-7197 Email: christyann@westernmp.com	

GENERAL FILING REQUIREMENTS

To file a petition, the property owner must be current on the following requirements and submit supporting documentation of compliance. Owner petitions that are submitted without proof of compliance with the below requirements will be considered incomplete.

Requirement	Documentation
<input checked="" type="checkbox"/> Current Oakland business license	Attach proof of payment of your most recent Oakland business license. <i>(b)</i>
<input checked="" type="checkbox"/> Payment of Rent Adjustment Program service fee ("RAP Fee") or evidence of exemption from the RAP Fee	Attach proof of payment of the current year's RAP Fee for the subject property or evidence of exemption from the RAP Fee (e.g., Certificate of Occupancy). <i>(b)</i>
<input checked="" type="checkbox"/> Service of the required City form entitled "NOTICE TO TENANTS OF THE RESIDENTIAL RENT ADJUSTMENT PROGRAM" ("RAP Notice") on all tenants	<p>Attach a signed and dated copy of the <u>first</u> RAP Notice provided to the tenant(s) subject to this petition or check the appropriate box below.</p> <p><input checked="" type="checkbox"/> I first provided tenant(s) with the RAP Notice on (date): <u>09/18/2011</u> <i>(c)</i></p> <p><input type="checkbox"/> I have never provided a RAP Notice.</p> <p><input type="checkbox"/> I do not know if a RAP Notice was ever provided.</p> <p><i>*If RAP Notice was first provided on or after September 21, 2016, RAP Notice must be provided in English, Spanish, and Chinese. If petition applies to multiple tenants, please provide this information on a separate sheet for each tenant.</i></p>
<p>Evidence of registration for all affected cover units (check one of the following boxes)</p> <p><input checked="" type="checkbox"/> On <u>07/27/2013</u> I/we used all reasonable diligence in preparing my annual registration statement, reviewed it and submitted it to the Rent Adjustment Program, and, to the best of my knowledge, the information contained in the statement was true and complete. To the extent I was unable, despite the use of reasonable diligence, to ascertain the exact information to be reported, I provided the most accurate approximation possible based on information and belief where possible or, where such approximation was not feasible, I stated that the information was unknown.</p> <p><input type="checkbox"/> The subject property is exempt from the registration requirement</p>	<p>To support this declaration, I am providing:</p> <p><input type="checkbox"/> If property not registered online: Copy of the Property Registration and Residential Unit Registration forms submitted to RAP for the affected covered unit in the building.</p> <p><input checked="" type="checkbox"/> If property registered online: Copy of a document containing the registration data related to property registration and residential unit registration of the affected covered unit since the registration was done online. <i>(c)</i></p> <p>OR</p> <p>Declaration of Exemption:</p> <p><input type="checkbox"/> The residential property involved in this petition matter is not covered by either the city's Rent Adjustment Ordinance or the Just Cause Ordinance. Thus, the subject unit(s) are not subject to the registration requirements under the Oakland Municipal Code, Section 8.22.090.B.1.c.ii.</p>

GROUNDS FOR PETITION

Select the grounds for this petition from the list below. Check all that apply. See column on the right for filing requirements and documentation to be submitted together with the petition. Petitions that lack adequate supporting documentation may be dismissed without a hearing. For a full description of each justification, see the Rent Adjustment Program Regulations at: [http://www.oaklandca.gov/development/rentadjustment/ra-regulations.pdf](#)

Grounds	Description	Requirements
---------	-------------	--------------

<input type="checkbox"/> Capital Improvements	<p><i>Allows pass-through to tenant(s) of a portion of costs spent on qualifying capital improvements. Improvements must primarily benefit the tenant(s), and do not include repairs made as a result of deferred maintenance or serious code violations. Pass-through costs are limited to 70% of actual costs (plus interest), divided equally among all affected units, and amortized over a defined period of time based on the expected useful life of the improvement (see amortization schedule found in the Regulations).</i></p>	<ul style="list-style-type: none"> ✓ Improvements meet the description of capital improvements set forth in the Regulations. ✓ Improvements completed and paid for within 24 months prior to petition filing date. ✓ Complete Worksheet A on page 4 of this petition. ✓ Attach documentation demonstrating the specific work done, date(s) of completion, full costs and proof of payment (such as invoices, receipts, estimates, cancelled checks, etc.), copies of any permits (indicating date(s) issued and finalized), and evidence of any reimbursement (such as insurance or subsidies). Documentation should be organized by type of improvement. Work limited to specific unit(s) should be distinguished from building-wide improvements.
<input type="checkbox"/> Uninsured Repair Costs	<p><i>Allows pass-through of costs for work done to secure compliance with state or local law as to repair damage resulting from fire, earthquake, or other casualty or natural disaster, to the extent not reimbursed by insurance proceeds. Calculated and applied like capital improvements.</i></p>	<ul style="list-style-type: none"> ✓ Repairs completed and paid for within 24 months prior to petition. ✓ Insurance proceeds insufficient to cover full amount of required repair costs. ✓ Complete Worksheet A on page 4 of this petition. ✓ Attach documentation required for petitions based on capital improvements (see above), plus evidence of all insurance claims, estimates, and proceeds.
<input type="checkbox"/> Increased Housing Service Costs	<p><i>Allows a rent increase above the CPI where there has been an increase in the total of net operating costs related to the use or occupancy of the property. Calculated by comparing 2 most recent years of all net costs, averaged monthly and divided by the number of units and average gross monthly income. Replaces CPI increase for current year; applies to all units. Property tax is NOT considered a housing service cost.</i></p>	<ul style="list-style-type: none"> ✓ Complete Worksheet B on page 5 of this petition. ✓ Attach documentation of ALL income and expenses* related to the subject property for the two most recent consecutive years (including all information requested by Worksheet B). Documentation of all expenses is required, not solely for expenses that have increased. Documentation should be organized by category and year. *Note: Expenses do not include mortgage payments or property taxes.
<input checked="" type="checkbox"/> Fair Return	<p><i>Allows a rent increase where owner is being denied a fair return on investment in the property, as measured by the net operating income (NOI). Cannot be combined with any other grounds for increase. Replaces CPI increase for all years; applies to all units.</i></p>	<ul style="list-style-type: none"> ✓ Complete Worksheet C on page 6 of this petition. ✓ Attach organized documentation of gross income (including total of gross rents lawfully collectable from property at 100% occupancy, plus any other consideration received or receivable) and gross costs* (e.g., property taxes, housing service costs, and amortized cost of capital improvements) for the subject property for the current and base year (2014). If information about 2014 is not available the Hearing Officer may authorize use of a different year if good cause is shown. *Note: Costs do not include mortgage expenses.
<input type="checkbox"/> Banking	<p><i>Refers to deferred allowable annual rent increases. Annual CPI increases that were not fully applied may be carried over ("banked") for up to 10 years. Increases based solely on banking do not require prior approval, but such increases may be sought in</i></p>	<ul style="list-style-type: none"> ✓ Increase would not exceed 3x the current CPI or the amount permitted by Oakland law (whichever is lower), or constitute an overall increase of >30% over the past 5 years. ✓ Complete Worksheet D on page 7 of this petition.

	<i>conjunction with petitions based on other grounds/justifications.</i>	✓ Attach documentation of tenant's rental history, including proof of current rent amount and all other information requested by Worksheet D.
<input type="checkbox"/> Additional Occupant(s)	<i>Allows a rent increase in an amount up to 5% for additional occupants above the base occupancy level. Does not apply to certain additional occupants who are covered family members, legal guardians, and/or caretakers/attendants of existing tenants/occupants. See O.M.C. § 8.22.020 for more details.</i>	✓ Total number of occupants has increased above the base occupancy level as defined by O.M.C. § 8.22.020. ✓ Additional occupant(s) not exempted from increase due to relationship with existing tenant/occupant. ✓ Attach documentation demonstrating base occupancy level and the addition of non-exempt occupant(s).
<input type="checkbox"/> Tenant Not Residing in Unit as Principal Residence	<i>If the tenant(s) no longer reside in the unit as their principal residence, an owner may increase the rent by any amount. See O.M.C. § 8.22.070.C.1.f and the implementing regulations of the Rent Adjustment Ordinance, § 8.22.020 ("Principal Residence").</i>	✓ Attach evidence showing that the Tenant does not reside in the unit as their principal residence as of the date the petition is filed.

WORKSHEET A: CAPITAL IMPROVEMENTS AND UNINSURED REPAIR COSTS						
Owners who file petitions based on Capital Improvements or Uninsured Repair Costs must complete the chart below , in addition to attaching all required supporting documentation. Petitions that do not include organized documentation and detailed calculations clearly demonstrating the claimed justification will be considered incomplete and may be dismissed without a hearing. Attach separate sheets if needed.						
Total number of residential units in building*: _____ <i>*Including any vacant and owner/manager-occupied units</i>		For mixed-use buildings, provide:	Residential sq. ft: _____	Other use sq. ft: _____	% residential use: _____	
BUILDING-WIDE CAPITAL IMPROVEMENTS						
CATEGORY OF IMPROVEMENT	Date permit obtained or work began	Date completed	Date paid for	Full costs	Amount of Reimbursement or Tax Credit Received	
SUBTOTAL:						
UNIT-SPECIFIC CAPITAL IMPROVEMENTS						
CATEGORY OF IMPROVEMENT	Unit #	Date permit obtained or work began	Date completed	Date paid for	Full costs	Amount of Reimbursement or Tax Credit Received
SUBTOTAL:						

Owners who submit petitions based on Increased Housing Service Costs must complete the chart below, in addition to attaching all required supporting documentation. Petitions that do not include organized documentation and detailed calculations clearly demonstrating the claimed justification will be considered incomplete and may be dismissed without a hearing. Calculations should be based on the entire subject premises.

	YEAR 1 (two years ago)		YEAR 2 (last year)	
	From: _____ to _____		From: _____ to _____	
	(mm/dd/yy)	(mm/dd/yy)	(mm/dd/yy)	(mm/dd/yy)
INCOME				
Rents	\$		\$	
Parking	\$		\$	
Laundry Income	\$		\$	
Other: _____	\$		\$	
Total:	\$		\$	
EXPENSES				
Garbage	\$		\$	
Water/Sewer	\$		\$	
Electricity/Gas	\$		\$	
Insurance	\$		\$	
Repairs and Maintenance	\$		\$	
Pest Control	\$		\$	
Laundry Expenses	\$		\$	
Parking	\$		\$	
Elevator Service	\$		\$	
Security	\$		\$	
Furnishings	\$		\$	
Business License	\$			
Management Expenses	\$		\$	
Other: _____	\$		\$	
Other: _____	\$		\$	
Other: _____	\$		\$	
Total:	\$		\$	

**WORKSHEET C:
FAIR RETURN**

Owners who submit petitions based on Fair Return must complete the chart below, in addition to attaching all required supporting documentation. Petitions that do not include organized documentation and detailed calculations clearly demonstrating the claimed justification will be considered incomplete and may be dismissed without a hearing. Calculations should be based on the entire subject premises. Note that the first column (base year) should be completed based on the year 2014.

	BASE YEAR (2014) From: <u>01/01/2014</u> to <u>12/31/2014</u> (mm/dd/yy) (mm/dd/yy)	LAST YEAR From: <u>01/01/2023</u> to <u>12/31/2023</u> (mm/dd/yy) (mm/dd/yy)
INCOME		
Rents	\$ 21,134.00	\$ 28,436.00
Parking	\$	\$
Laundry	\$	\$
Other: _____	\$	\$
Imputed rent if any unit owner/manager-occupied	\$	\$
Imputed rent if any unit not rented to capacity	\$	\$
Total:	\$ 21,134.00	\$ 28,436.00
EXPENSES		
Electricity/Gas	\$	\$
Garbage	\$ 559.00	\$ 1,199.40
Water/Sewer	\$ 1,992.00	\$ 3,199.92
Insurance	\$ 1,044.00	\$ 1,453.92
Maintenance/Repairs	\$ 1,009.00	\$ 2,178.68
Pest Control	\$ 1,732.00	\$
Laundry Expenses	\$	\$
Parking	\$	\$
Elevator Service	\$	\$
Security	\$	\$
Property Taxes	\$ 1,874.00	\$ 28,129.14
Business License	\$ 276.00	\$ 653.70
Management Expenses	\$	\$ 2,200.00
Furnishings	\$	\$
Capital Improvements (Amortized cost)	\$	\$
Other: <u>GARDENER</u>	\$	\$ 1,200.00
Other: <u>APT ASSOC. DUES</u>	\$	\$ 228.00
Total:	\$ 8,486.00	\$ 40,442.76

**WORKSHEET D:
BANKING**

Petitions based on Banking must include the below information. List each tenant for whom you are seeking an increase. Attach all documents which support the dates and amounts shown in the chart. "Current Pass-Through Amount" refers to any capital improvement pass-through currently being paid by the tenant.

TENANT NAME	UNIT #	MOVE-IN DATE (mm/dd/yy)	RENT AT MOVE-IN	RENT 11 YEARS AGO <i>(If tenant has lived in unit > 11 years)</i>	CURRENT RENT	CURRENT PASS-THROUGH AMOUNT <i>(If any)</i>

M/A

OWNER VERIFICATION
(Required)

I/We declare under penalty of perjury pursuant to the laws of the State of California that everything I/we said in this Property Owner Petition is true and that all of the documents attached to the Petition are true copies of the originals.

Joseph A. Ariza
Property Owner's Signature

4/18/2024
Date

Property Owner's Signature

Date

DOCUMENTATION IN EXCESS OF 25 PAGES

- The documentation submitted in support of the Property Owner Petition exceeds 25 pages and the owner is opting, as allowed by O.M.C. § 8.22.090 (B)(1)(f), to not serve the attachments on the affected tenant(s) unless requested. The owner understands and agrees that tenant(s) may request paper copies of all documents in the Tenant Response, and the owner must provide tenant(s) with the attachments within 10 days of any such request. The documents will also be available for review at the Rent Adjustment Program.

CONSENT TO ELECTRONIC SERVICE
(Highly Recommended)

Check the box below if you agree to have RAP staff and the OTHER PARTY/IES send you documents related to your case electronically. If you agree to electronic service, the RAP and other parties may send certain documents (except a response to a petition) only electronically and not by first class mail.

- I/We consent to receiving notices and documents in this matter from the RAP and from the OTHER PARTY/IES electronically at the email address(es) provided in this petition.

MEDIATION PROGRAM

Mediation is an optional process offered by RAP to assist parties in settling the issues related to their Rent Adjustment case as an alternative to the formal hearing process. A trained third party will work with the parties prior to the hearing to see if a mutual agreement can be reached. If a settlement is reached, the parties will sign a binding agreement and there will not be a formal hearing. If no settlement is reached, the case will go to a formal hearing with a Rent Adjustment Hearing Officer, who will then issue a hearing decision.

Mediation will only be scheduled if both parties agree to mediate. Sign below if you agree to mediation in your case.

I agree to have the case mediated by a Rent Adjustment Program staff mediator.

Property Owner's Signature

Date

INTERPRETATION SERVICES

If English is not your primary language, you have the right to an interpreter in your primary language/dialect at the Rent Adjustment hearing and mediation session. You can request an interpreter by completing this section.

- I request an interpreter fluent in the following language at my Rent Adjustment proceeding:
- Spanish (Español)
 - Cantonese (廣東話)
 - Mandarin (普通话)
 - Other: _____

-END OF PETITION-

[AFFIX THIS PAGE TO FRONT OF PETITION WHEN SERVING TENANT(S)]

CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM
250 Frank H. Ogawa Plaza, Suite 5313 Oakland, CA
94612-0243
(510) 238-3721
CA Relay Service 711

NOTICE TO TENANTS OF PROPERTY OWNER PETITION

ATTENTION: IMMEDIATE ACTION REQUIRED

If you are receiving this NOTICE together with a completed PROPERTY OWNER PETITION form, it means that the owner of your unit has filed a case against you with the Oakland Rent Adjustment Program ("RAP") (commonly referred to as the "Rent Board").

> **YOU MUST FILE A RESPONSE WITHIN 35 CALENDAR DAYS AFTER THE PETITION WAS MAILED TO YOU (30 DAYS IF DELIVERED IN-PERSON).**

> TO RESPOND:

- 1) Complete and sign a **TENANT RESPONSE** form found on the RAP website, (<http://www.oaklandca.gov/rap/tenant-response-form>)
- 2) Complete a **PROOF OF SERVICE (POS)** form (which is attached to the Response form and also available as a stand-alone document) and provide an unsigned copy of the **POS** to the owner (or owner's representative) together with a copy of your signed **TENANT RESPONSE** form.sig
- 3) Submit your signed **TENANT RESPONSE** form and a completed and signed **PROOF OF SERVICE*** form to RAP through RAP's online portal, via email, or by mail.

***Note: The Response will not be considered complete until a PROOF OF SERVICE is filed indicating that the owner has been served with a copy.**

DOCUMENT REVIEW: There may be additional documents that were submitted in support of the owner petition that were not provided to you (see "DOCUMENTATION IN EXCESS OF 25 PAGES" on page 9 of the petition). All documents are available for review at RAP. You may also request paper copies from the owner in your TENANT RESPONSE. The owner must then provide them to you within 10 days.

FOR ASSISTANCE: Contact a RAP Housing Counselor at (510) 238-3721 or by email at RAP@oaklandca.gov. Additional information is also available on the RAP website and on the TENANT RESPONSE form.

[AFFIX THIS PAGE TO FRONT OF PETITION WHEN SERVING TENANT(S)]

000081

CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM
 250 Frank H. Ogawa Plaza, Suite 5313
 Oakland, CA 94612-0243
 (510) 238-3721
 CA Relay Service 711

For Rent Adjustment Program date stamp.
RECEIVED
 APR 26 2024
 RENT ADJUSTMENT PROGRAM
 OAKLAND

PROOF OF SERVICE

NOTE: YOU ARE REQUIRED TO SERVE A COPY OF YOUR PETITION (PLUS ANY ATTACHMENTS*) ON THE AFFECTED TENANT(S) PRIOR TO FILING YOUR PETITION WITH RAP. You must include a copy of the RAP form "NOTICE TO TENANTS OF OWNER PETITION" (the preceding page of this petition packet) and a completed PROOF OF SERVICE form together with your Petition.

**Exception for attachments exceeding 25 pages. See "Important Information Regarding Filing Your Petition."*

- 1) Use this PROOF OF SERVICE form to indicate the date and manner of service and the person(s) served.
- 2) **NOTE:** Email is not a form of allowable service on a party of a petition or response pursuant to the Ordinance.
- 3) Provide a completed and unsigned copy of this PROOF OF SERVICE form to the person(s) being served together with the documents being served.
- 4) File a completed and signed copy of this PROOF OF SERVICE form with RAP together with your signed petition. Your petition will not be considered complete until this form has been filed indicating that service has occurred.

On the following date: 4 / 23 / 24 I served a copy of (check all that apply):

- PROPERTY OWNER PETITION FOR APPROVAL OF RENT INCREASE plus 28 attached pages (number of pages attached to Petition not counting the Petition form, NOTICE TO TENANTS OF PROPERTY OWNER PETITION, or PROOF OF SERVICE)
- NOTICE TO TENANTS OF PROPERTY OWNER PETITION
- Other: _____

by the following means (check one):

- First-Class Mail.** I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed below and at the address(es) below and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- Personal Service.** I personally delivered the document(s) to the person(s) at the address(es) listed below or I left the document(s) at the address(es) with some person not younger than 18 years of age.

PERSON(S) SERVED:

Name	Jose Raul Saravia and Maria Saravia
Address	3342 E. 10th Street, Oakland CA 94601
City, State, Zip	Oakland CA 94601

Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

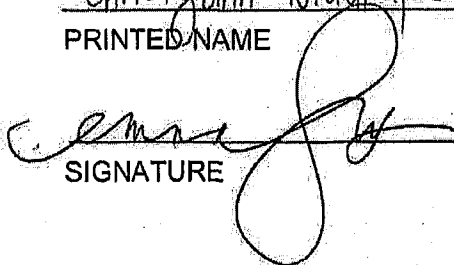
Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

NOTE: If you need more space to list tenants you may attach additional copies of this page.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Christyann Maulupe
 PRINTED NAME


 SIGNATURE

4/23/24
 DATE SIGNED

**CITY OF OAKLAND
BUSINESS TAX CERTIFICATE**

**ACCOUNT
NUMBER**
00257428

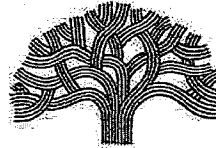
The issuing of a Business Tax Certificate is for revenue purposes only. It does not relieve the taxpayer from the responsibility of complying with the requirements of any other agency of the City of Oakland and/or any other ordinance, law or regulation of the State of California, or any other governmental agency. The Business Tax Certificate expires on December 31st of each year. Per Section 5.04.190(A), of the O.M.C. you are allowed a renewal grace period until March 1st the following year.

DBA
JOSEPH SAMANIEGO
SAMANIEGO JOSEPH M

BUSINESS LOCATION
3342 E 16TH ST
OAKLAND, CA 94601-3010

BUSINESS TYPE
O2 Rental - Residential Property

EXPIRATION DATE
12/31/2024



Starting January 1, 2021, Assembly Bill 1607 requires the prevention of gender-based discrimination of business establishments. A full notice is available in English or other languages by going to:
<https://www.oica.ca.gov/publications>

A BUSINESS TAX CERTIFICATE IS REQUIRED FOR EACH BUSINESS LOCATION AND IS NOT VALID FOR ANY OTHER ADDRESS.

ALL OAKLAND BUSINESSES MUST OBTAIN A VALID ZONING CLEARANCE TO OPERATE YOUR BUSINESS LEGALLY. RENTAL OF REAL PROPERTY IS EXCLUDED FROM ZONING.



SAMANIEGO JOSEPH M
1548 33RD AVE
OAKLAND, CA 94601-3016

PUBLIC INFORMATION ABOVE THIS LINE TO BE CONSPICUOUSLY POSTED!

2(a)

CITY OF OAKLAND



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

Community and Economic Development Agency
Rent Adjustment Program

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

NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM

- The City of Oakland has a Residential Rent Adjustment Program (Chapter 8.22 of the Oakland Municipal Code) that covers most residential rental units built before 1983. It does not apply to units rented under section 8, most single family dwellings and condominiums and some other types of units. For more information on which units are covered, call the Rent Adjustment Program office. This Program limits rent increases and changes in tenancy terms for covered residential rental property in Oakland.
- You have a right to file a petition with the Rent Adjustment Program to contest rent increases which are greater than the annual general rent increase (the CPI increase). A landlord can increase rents more than the CPI increase for certain costs increases including: capital improvements, operating expense increases, debt service, and deferred annual rent increases. You can also complain about other violations of the Rent Adjustment Ordinance. The current annual increase is online at <http://www.oaklandnet.com/government/hcd/rentboard/ordinance.html> or call the office.
- If there is a decrease in the housing services provided to you, this may be considered an increase in your rent. A decrease in housing service includes substantial problems with the condition of a unit.
- To contest a rent increase, you must file your petition within sixty (60) days after first receiving written notice of the Residential Rent Adjustment Program using the Rent Program's form, or within sixty (60) days of receiving a notice of rent increase or change in tenancy, whichever is later.
- You can obtain information and the petition forms from the Rent Adjustment Program office or online at <http://www.oaklandnet.com/government/hcd/rentboard/tenant.html>
- If you contest a rent increase, you must pay your rent, including the contested increase, until you file your petition. After you file your petition, you may pay only the portion of the increase due to the CPI Rent Adjustment percentage, but only if the CPI increase amount has been set out separately on the notice of rent increase. If it has not been separately stated, you must only pay the rent you were paying before the rent increase notice.
- If the increase is approved and you did not pay the increase as noticed, you will owe the amount of the increase retroactive to the date it would have been effective under the notice.
- In most Rent Units, Oakland does not permit evictions except where the landlord has certain just causes to evict. The just causes that allow a landlord to evict a tenant include: non-payment of rent, breach of the rental agreement, using the Rent Unit for illegal activities, damage to the Rental Unit, move-in by the landlord or the landlord's relative, and major code related repairs.
- Oakland charges landlords a \$24 per Unit Rent Program Service Fee. The landlord is entitled to get half of the fee (\$12) per unit from you. The \$12 you pay for the annual fee is not part of the rent.

The Oakland Municipal Code requires that a tenant who commits or permits certain illegal acts in the Rental Unit or on the land on which the unit is located or in the common areas of the rental complex must be evicted. If the owner does not evict, the City Attorney may do so. See the Nuisance Eviction Ordinance (O.M.C. Chapter 8.23) for more information.

I received a copy of this notice on

9/18/11
Date

Signature

Revised 8/30/04

2(c)

000086

Overview

Parcel Number : 033212001400 | Site Address : 3342 E 16TH ST OAKLAND CA 94601 US | Year Built : 1923
Assessor Total Unit Count : 2 | Total Units Added : 2 | Property Status : Registration Completed

[← Back](#)

INSTRUCTIONS TO REGISTER YOUR PROPERTY

Step 1: Update Contact Information. Scroll down to "Contacts" and click "Add Contact" to add necessary contacts (Primary Owner and Property Manager). You must add BOTH a Primary Owner and Property Manager contact. If there is no property manager, then you can indicate that the Property Manager contact information is the same as for the owner. After you have added both contacts, use "Contact Preferences" button to designate who should receive future rent registry communications.

Step 2: Add Units. Scroll down to "Unit Inventory" and click on "Add Unit" (top right) and add ALL residential units to the unit inventory. After adding units to inventory, you may claim individual unit(s) exempt by clicking on each unit's yellow "Action" button.

Step 3: Claim Exemption(s) Once all units are added, use each unit's yellow "Action" button to claim an exemption for individual units (e.g., "Owner-occupied"). Note: If you believe your entire property is exempt from rent registration requirements, then use the blue property "Action" button to submit a property-wide exemption.

Step 4: Submit for Registration: After you have added all units and/or claimed any exemptions, use the blue property "Action" button at the top right corner of the page to submit property for registration. After submitting, you will receive a confirmation email from RAP.

Address



Map View

Address

3342 E 16TH ST OAKLAND CA 94601 US

3336 E 16th Street Oakland CA 94601 US

Click on green "Add Contacts" button to add necessary contacts (Primary Owner and Property Manager). You must add BOTH a Primary Owner and Property Manager contact in order to submit your property for registration. If there is no property manager, then you can indicate that the Property Manager contact information is the same as for the owner. Use Action buttons next to each contact name to edit address and other contact information. After you have added both an Owner and Property Manager contact, use "Contact Preferences" button to designate who should receive future Rent Registry communications.

Contacts

Columns ▾



Search



Associated to asset as	Contact Type	Name	Address ↑	Phone Number	Em
------------------------	--------------	------	-----------	--------------	----

2 (ed)

000087

Owner	Individual	Joseph Samaniego	1548 33rd Avenue Oakland CA 94601 US	(510) 534-4020	js1
Property Manager	Business	Christyann Maulupe	678 14th Street Oakland CA 94612 US	(510) 451-7197	we cor

Items per page

1-2 of 2 items

Click on green "Add Unit" button and add ALL residential units on the property, including exempt units, to the unit inventory. After adding all units to inventory, you may claim individual unit(s) exempt by clicking on each unit's yellow "Action" button and selecting 'Apply for Exemption.'

Unit Inventory

Export to Excel Search

Drag a column header and drop it here to group by that column

Unit Site Address	Unit Name	Status	Occupancy Type	Initial Rent	Current Rent	Occupancy Start Date	Date of Most Recent Rent Increase	Action
3342 E 16TH ST OAKLAND CA 94601 US		Non-Exempt	Tenant	\$ 950.00	\$ 1,221.77	09/18/2011	07/01/2022	
3336 E 16th Street Oakland CA 94601 US		Non-Exempt	Tenant	\$ 650.00	\$ 1,100.00	07/01/2001		

Items per page

1-2 of 2 items

My Cases

Columns Export to Excel Search

Case Number	Created On Entity	Case Type	Created On	Updated Date	Status
	APN: 033212001400	Rent Registry	04/05/2023 10:06 AM	07/21/2023 08:11 PM	Registration Completed

Items per page

1-1 of 1 items

Property Action Menu

Back

2/6

000088

**SCHEDULE E
(Form 1040)**

Supplemental Income and Loss

OMB No. 1545-0074

(From rental real estate, royalties, partnerships, S corporations, estates, trusts, REMICs, etc.)

2014

Department of the Treasury
Internal Revenue Service (99)

▶ Attach to Form 1040, 1040NR, or Form 1041.

▶ Information about Schedule E and its separate instructions is at www.irs.gov/schedulee.

Attachment
Sequence No. 13

Names shown on return

Your social security number

Manuel G & Frances S Samaniego (DECEASED - FORMER OWNERS)

Part I Income or Loss From Rental Real Estate and Royalties Note. If you are in the business of renting personal property, use Schedule C or C-EZ (see instructions). If you are an individual, report farm rental income or loss from Form 4835 on page 2, line 40.

A Did you make any payments in 2014 that would require you to file Form(s) 1099? (see instructions) Yes No
B If "Yes," did you or will you file required Forms 1099? Yes No

1a Physical address of each property (street, city, state, ZIP code)
A 3342 & 3336 E 16th Street Oakland CA 94601
B
C

1b	Type of Property (from list below)	2	Fair Rental Days	Personal Use Days	QJV
A	2	For each rental real estate property listed above, report the number of fair rental and personal use days. Check the QJV box only if you meet the requirements to file as a qualified joint venture. See instructions.	365	0	<input type="checkbox"/>
B					<input type="checkbox"/>
C					<input type="checkbox"/>

Type of Property:

- 1 Single Family Residence 3 Vacation/Short-Term Rental 5 Land 7 Self-Rental
 2 Multi-Family Residence 4 Commercial 6 Royalties 8 Other (describe)

Income:	Properties:	A	B	C
3 Rents received	3	21,134.		
4 Royalties received	4			
Expenses:				
5 Advertising	5	30.		
6 Auto and travel (see instructions)	6	50.		
7 Cleaning and maintenance	7	1,732.		
8 Commissions	8			
9 Insurance	9	1,044.		
10 Legal and other professional fees	10			
11 Management fees	11			
12 Mortgage interest paid to banks, etc. (see instructions)	12			
13 Other interest	13			
14 Repairs	14	1,009.		
15 Supplies	15	80.		
16 Taxes	16	2,150.		
17 Utilities	17	2,551.		
18 Depreciation expense or depletion	18	905.		
19 Other (list) ▶	19			
20 Total expenses. Add lines 5 through 19	20	9,551.		
21 Subtract line 20 from line 3 (rents) and/or 4 (royalties). If result is a (loss), see instructions to find out if you must file Form 6198	21	11,583.		
22 Deductible rental real estate loss after limitation, if any, on Form 8582 (see instructions)	22	()	()	()
23a Total of all amounts reported on line 3 for all rental properties	23a		21,134.	
b Total of all amounts reported on line 4 for all royalty properties	23b			
c Total of all amounts reported on line 12 for all properties	23c			
d Total of all amounts reported on line 18 for all properties	23d		905.	
e Total of all amounts reported on line 20 for all properties	23e		9,551.	
24 Income. Add positive amounts shown on line 21. Do not include any losses	24			11,583.
25 Losses. Add royalty losses from line 21 and rental real estate losses from line 22. Enter total losses here	25			()
26 Total rental real estate and royalty income or (loss). Combine lines 24 and 25. Enter the result here. If Parts II, III, IV, and line 40 on page 2 do not apply to you, also enter this amount on Form 1040, line 17, or Form 1040NR, line 18. Otherwise, include this amount in the total on line 41 on page 2.	26			11,583.

For Paperwork Reduction Act Notice, see the separate instructions.

BAA REV 12/31/14 TTW

Schedule E (Form 1040) 2014

7(a)

000089

SCHEDULE E
(Form 1040)

Supplemental Income and Loss

OMB No. 1545-0074

(From rental real estate, royalties, partnerships, S corporations, estates, trusts, REMICs, etc.)

2023

Department of the Treasury
Internal Revenue Service

Attach to Form 1040, 1040-SR, 1040-NR, or 1041.

Attachment
Sequence No. **13**

Go to www.irs.gov/ScheduleE for instructions and the latest information.

Name(s) shown on return

Your social security number

Joseph N. Saraniago & Salud Dacumos

Part III **Income or Loss From Rental Real Estate and Royalties**

Note: If you are in the business of renting personal property, use Schedule C. See instructions. If you are an individual, report farm rental income or loss from Form 4835 or page 2, line 40.

- A** Did you make any payments in 2023 that would require you to file Form(s) 1099? See instructions. Yes No
B If "Yes," did you or will you file required Form(s) 1099? Yes No

1a Physical address of each property (street, city, state, ZIP code)

A 3342 E. 16th Street, Oakland CA 94601

B

C

1b Type of Property (from list below)	2 For each rental real estate property listed above, report the number of fair rental and personal use days. Check the QJV box only if you meet the requirements to file as a qualified joint venture. See instructions.	Fair Rental Days		Personal Use Days	QJV
		A	B	C	
A 2		A	365	0	<input type="checkbox"/>
B		B			<input type="checkbox"/>
C		C			<input type="checkbox"/>

Type of Property:

- 1 Single Family Residence 3 Vacation/Short-Term Rental 5 Land 7 Self-Rental
 2 Multi-Family Residence 4 Commercial 6 Royalties 8 Other (describe)

Income:	Properties:		
	A	B	C
3 Rents received	3 28,436.		
4 Royalties received	4		
Expenses:			
5 Advertising	5		
6 Auto and travel (see instructions)	6		
7 Cleaning and maintenance	7 1,200.		
8 Commissions	8		
9 Insurance	9 1,454.		
10 Legal and other professional fees	10		
11 Management fees	11 2,200.		
12 Mortgage interest paid to banks, etc. (see instructions)	12		
13 Other interest	13		
14 Repairs	14 2,179.		
15 Supplies	15		
16 Taxes	16 28,793.		
17 Utilities	17 4,399.		
18 Depreciation expense or depletion	18 20,716.		
19 Other (list) California Apartment Association Dues	19 228.		
20 Total expenses. Add lines 5 through 19	20 61,159.		
21 Subtract line 20 from line 3 (rents) and/or 4 (royalties). If result is a (loss), see instructions to find out if you must file Form 6198	21 -32,723.		
22 Deductible rental real estate loss after limitation, if any, on Form 8582 (see instructions)	22 25,000.		
23a Total of all amounts reported on line 3 for all rental properties	23a 28,436.		
b Total of all amounts reported on line 4 for all royalty properties	23b		
c Total of all amounts reported on line 12 for all properties	23c		
d Total of all amounts reported on line 18 for all properties	23d 20,716.		
e Total of all amounts reported on line 20 for all properties	23e 61,159.		
24 Income. Add positive amounts shown on line 21. Do not include any losses	24		
25 Losses. Add royalty losses from line 21 and rental real estate losses from line 22. Enter total losses here	25 25,000.		
26 Total rental real estate and royalty income or (loss). Combine lines 24 and 25. Enter the result here. If Parts II, III, and IV, and line 40 on page 2 do not apply to you, also enter this amount on Schedule 1 (Form 1040), line 5. Otherwise, include this amount in the total on line 41 on page 2	26 -25,000.		

For Paperwork Reduction Act Notice, see the separate instructions.

Schedule E (Form 1040) 2023

BAA REV 02/05/24 TTW

7(B)

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CORRECTED (if checked)

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. Western Management Properties, Inc. 678 14TH ST Oakland, CA 94612 (510) 451-7197		1 Rents \$ 14661.24	OMB No. 1545-0115 Form 1099-MISC (Rev. January 2022) For calendar year 2023	Miscellaneous Information
PAYER'S TIN 94-1736197		2 Royalties \$	4 Federal income tax withheld \$	
RECIPIENT'S TIN XXX-XX-4326		3 Other income \$	6 Medical and health care payments \$	Copy B For Recipient
RECIPIENT'S name Joseph Samaniego Street address (including apt. no.) 1543 33rd Ave. City or town, state or province, country, and ZIP or foreign postal code Oakland, CA, 94601		5 Fishing boat proceeds \$	7 Payer made direct sales totaling \$5,000 or more of consumer products to recipient for resale <input type="checkbox"/>	
		8 Substitution payments in lieu of dividends or interest \$	9 Crop insurance proceeds \$	
		10 Gross proceeds paid to an attorney \$	11 Fish purchased for resale \$	
		12 Section 409A deferrals \$	13 FATCA filing requirement <input type="checkbox"/>	This is important tax information and is being furnished to the IRS. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
Account number (see instructions) 02564647953492746656		14 Excess golden parachute payments \$	15 Nonqualified deferred compensation \$	
		16 State tax withheld \$	17 State/Payer's state no. \$	18 State income \$

Form 1099-MISC (Rev. 1-2022) (keep for your records) www.irs.gov/Form1099MISC Department of the Treasury - Internal Revenue Service

Rents 2023

9302 E 16th



Box 3. Generally, report this amount on the "Other income" line of Schedule 1 (Form 1040) and identify the payment. The amount shown may be payments received as the beneficiary of a deceased employee, prizes, awards, taxable damages, Indian gaming profits, or other taxable income. See Pub. 525. If it is trade or business income, report this amount on Schedule C or F (Form 1040).

Box 4. Shows backup withholding or withholding on Indian gaming profits. Generally, a payer must backup withhold if you did not furnish your TIN. See Form W-9 and Pub. 505 for more information. Report this amount on your income tax return as tax withheld.

Box 5. Shows the amount paid to you as a fishing boat crew member by the operator, who considers you to be self-employed. Self-employed individuals must report this amount on Schedule C (Form 1040). See Pub. 334.

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Box 6. For individuals, report on Schedule C (Form 1040).

Box 7. If checked, consumer products totaling \$5,000 or more were sold to you for resale, on a buy-sell, a deposit-commission, or other basis. Generally, report any income from your sale of these products on Schedule C (Form 1040).

Box 8. Shows substitute payments in lieu of dividends or tax-exempt interest received by your broker on your behalf as a result of a loan of your securities. Report on the "Other income" line of Schedule 1 (Form 1040).

Box 9. Report this amount on Schedule F (Form 1040).

Box 10. Shows gross proceeds paid to an attorney in connection with legal services. Report only the taxable part as income on your return.

Box 11. Shows the amount of cash you received for the sale of fish if you are in the trade or business of catching fish.

Box 12. May show current year deferrals as a nonemployee under a nonqualified deferred compensation (NQDC) plan that is subject to the requirements of section 409A plus any earnings on current and prior year deferrals.

Box 13. If the FATCA filing requirement box is checked, the payer is reporting on this Form 1099 to satisfy its account reporting requirement under chapter 4 of the Internal Revenue Code. You may also have a filing requirement. See the Instructions for Form 8938.

Box 14. Shows your total compensation of excess golden parachute payments subject to a 20% excise tax. See your tax return instructions for where to report.

Box 15. Shows income as a nonemployee under an NQDC plan that does not meet the requirements of section 409A. Any amount included in box 12 that is currently taxable is also included in this box. Report this amount as income on your tax return. This income is also subject to a substantial additional tax to be reported on Form 1040, 1040-SR, or 1040-NR. See the instructions for your tax return.

Boxes 16-18. Show state or local income tax withheld from the payments.

Future developments. For the latest information about developments related to Form 1099-MISC and its instructions, such as legislation enacted after they were published, go to www.irs.gov/Form1099MISC.

Free File Program. Go to www.irs.gov/FreeFile to see if you qualify for no-cost online federal tax preparation, e-filing, and direct deposit or payment options.

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2023-24 1st Inst Was
 Due 12-11-2023

Search Secured, Supplemental and Prior Year Delinquent Property Taxes

Secured tax bills are payable online from 10/4/2023 to 7/1/2024.
 Most supplemental tax bills are payable online to 7/1/2024.
 Prior Year Delinquent tax payments are payable online to 7/1/2024.

Pay / Look Up Property
 Taxes Online

[New Search](#)

33-2120-14

3342 E 16TH ST, OAKLAND 94601-3010

Property Assessment Information

Year	Assessment	Amount	View Bill	Pay Bill
Secured	2023-2024	07088700	\$13,350.24	View Bill Pay Bill
1st Installment	12/10/2023		\$6,675.12	Paid Dec 4, 2023
2nd Installment	04/10/2024		\$6,675.12	
Supplemental	2023-2024	87094500	\$9,911.62	View Bill
1st Installment	07/31/2023		\$4,955.81	Paid Jul 20, 2023
2nd Installment	11/30/2023		\$4,955.81	Paid Nov 3, 2023

Secured	2022-2023	07078500	\$2,820.92	View Bill
1st Installment	12/10/2022		\$1,410.46	Paid Nov 29, 2022
2nd Installment	04/10/2023		\$1,410.46	Paid Mar 27, 2023
Secured	2022-2023	07078504	\$10,131.94	View Bill
1st Installment	06/30/2023		\$5,065.97	Paid Jun 2, 2023
2nd Installment	06/30/2023		\$5,065.97	Paid Jun 2, 2023
Secured	2021-2022	07070500	\$2,461.38	View Bill
1st Installment	12/10/2021		\$1,230.69	Paid Dec 3, 2021
2nd Installment	04/10/2022		\$1,230.69	Paid Mar 1, 2022
Secured	2020-2021	07033000	\$2,429.88	View Bill
1st Installment	12/10/2020		\$1,214.94	Paid Oct 30, 2020
2nd Installment	04/10/2021		\$1,214.94	Paid Jan 25, 2021
Secured	2019-2020	07030000	\$2,188.44	View Bill
1st Installment	12/10/2019		\$1,094.22	Paid Oct 29, 2019
2nd Installment	04/10/2020		\$1,094.22	Paid Feb 25, 2020
Secured	2018-2019	07024700	\$2,146.62	View Bill
1st Installment	12/10/2018		\$1,073.31	Paid Dec 4, 2018
2nd Installment	04/10/2019		\$1,073.31	Paid Apr 4, 2019
Secured	2017-2018	06971000	\$2,005.62	View Bill
1st Installment	12/10/2017		\$1,002.81	Paid Oct 31, 2017
2nd Installment	04/10/2018		\$1,002.81	Paid Apr 10, 2018
Secured	2016-2017	06949600	\$1,845.20	View Bill
1st Installment	12/10/2016		\$922.60	Paid Nov 30, 2016
2nd Installment	04/10/2017		\$922.60	Paid Apr 5, 2017
Secured	2015-2016	06938700	\$1,829.68	View Bill
1st Installment	12/10/2015		\$914.84	Paid Nov 19, 2015
2nd Installment	04/10/2016		\$914.84	Paid Apr 8, 2016
Secured	2014-2015	06935800	\$1,813.68	View Bill
1st Installment	12/10/2014		\$906.84	Paid Nov 25, 2014
2nd Installment	04/10/2015		\$906.84	Paid Jan 27, 2015

7(d)

Search Secured Supplemental Property Taxes

2nd Installment	04/10/2015		\$906.84		Paid Jan 27, 2015
Secured	2013-2014	06921200	\$1,770.66	View Bill	
1st Installment	12/10/2013		\$885.33		Paid Nov 7, 2013
2nd Installment	04/10/2014		\$885.33		Paid Dec 2, 2013
Secured	2012-2013	06957400	\$1,718.40	View Bill	
1st Installment	12/10/2012		\$859.20		Paid Oct 16, 2012
2nd Installment	04/10/2013		\$859.20		Paid Feb 1, 2013
Secured	2011-2012	06946300	\$1,767.28	View Bill	
1st Installment	12/10/2011		\$883.64		Paid Dec 5, 2011
2nd Installment	04/10/2012		\$883.64		Paid Apr 3, 2012
Secured	2010-2011	06929700	\$1,573.67	View Bill	
1st Installment	12/10/2010		\$824.30		Paid Dec 20, 2010
2nd Installment	04/10/2011		\$749.37		Paid Apr 4, 2011
Secured	2009-2010	06897700	\$1,616.70	View Bill	
1st Installment	12/10/2009		\$808.35		Paid Dec 3, 2009
2nd Installment	04/10/2010		\$808.35		Paid Apr 1, 2010
Secured	2008-2009	06862600	\$1,508.86	View Bill	
1st Installment	12/10/2008		\$754.43		Paid Dec 2, 2008
2nd Installment	04/10/2009		\$754.43		Paid Mar 31, 2009
Secured	2007-2008	06734600	\$1,479.70	View Bill	
1st Installment	12/10/2007		\$739.85		Paid Nov 1, 2007
2nd Installment	04/10/2008		\$739.85		Paid Apr 1, 2008
Secured	2006-2007	06652400	\$1,467.90	View Bill	
1st Installment	12/10/2006		\$733.95		Paid Dec 1, 2006
2nd Installment	04/10/2007		\$733.95		Paid Apr 2, 2007
Secured	2005-2006	06592800	\$1,444.22	View Bill	
1st Installment	12/10/2005		\$722.11		Paid Dec 5, 2005
2nd Installment	04/10/2006		\$722.11		Paid Mar 31, 2006
Secured	2004-2005	06524500	\$1,262.88	View Bill	
1st Installment			\$631.44		Paid Dec 1, 2004
2nd Installment			\$631.44		Paid Apr 4, 2005

1(e)

2023-2024 INTERNET COPY

For Fiscal Year Beginning July 1, 2023 and Ending June 30, 2024

ALAMEDA COUNTY SECURED PROPERTY TAX STATEMENT

Henry C. Levy, Treasurer and Tax Collector
1221 Oak Street, Room 131
Oakland, California 94612

Parcel Number	Tracer Number	Tax Rate Area	Special Handling
33-2120-14	07088700	17-045	

Location of Property
3342 E 16TH ST, OAKLAND
Assessed to on January 1, 2023

ASSESSEE NAME AND ADDRESS ARE NOT AVAILABLE ONLINE
PER CA GOV CODE §6254.21

THIS IS NOT AN OFFICIAL BILL

Tax Rate Breakdown		
Taxing Agency	Tax Rate	Ad Valorem Tax
COUNTYWIDE TAX	1.0000 %	8,063.10
VOTER APPROVED DEBT SERVICE:		
COUNTY GO BOND	0.0088 %	70.94
CITY OF OAKLAND 1	0.2035 %	1,640.84
SCHOOL UNIFIED	0.0890 %	798.25
SCHOOL COMM COLL	0.0418 %	337.04
BAY AREA RAPID TRANSIT	0.0134 %	108.05
EAST BAY REGIONAL PARK	0.0057 %	45.96
TOTAL AD VALOREM TAX (AV TAX)	1.3722 %	11,064.18

Fixed Charges and/or Special Assessments			
Description	Exemption Code	Phone	Amount
MOSQ MSR K 1982		800-273-5167	3.50
CSA PARAMEDIC		800-273-5167	78.78
VEC CNTRL MSR A 84		800-273-5167	14.40
CITY EMERG MEDICAL		510-238-2942	35.20
CITY PARAMEDIC SRV		510-238-2942	28.04
CSA LEAD ABATEMENT		510-567-8280	20.00
OUSD MEASURE H	a,b	510-879-8611	120.00
OUSD 2008MEASURE G	b	510-879-8884	195.00
PERALTA 2018MEAS E		800-792-8021	48.00
OUSD 2016MEASUREG1	a,b	510-879-8884	120.00
VIOLENCE PREV TAX	b	510-238-2942	175.84
CITY LIBRARY SRV-D	b	510-238-2942	130.44
2020 OAK MEASURE Q	b	510-238-2942	238.46
OAKLAND MEASURE AA	b	510-238-2942	331.36
OAKLAND ZOO TAX	b	510-238-2942	136.00
SFBRA MEASURE AA		888-508-8157	12.00
FLOOD BENEFIT 12		510-670-5212	16.00
HAZ WASTE PROGRAM		800-273-5167	13.28
VECTOR CNTRL ASMT		800-273-5167	5.68
MOSQUITO ASMT 2008		800-273-5167	2.30
EBRPD CFD NO A/C-3		888-512-0316	16.56
AC TRANSIT MEAS VV		800-273-5167	96.00
SEE SEC 6 ON REVERSE SIDE FOR DTLs			
Additional Total from Reverse Side			449.22
Total Fixed Charges and/or Special Assessments			2,286.08

Tax Computation Worksheet			
Description	Full Valuation	x Tax Rate	= Tax Amount
LAND IMPROVEMENTS	564,417		
FIXTURES			
TOTAL REAL PROPERTY	806,310		
PERSONAL PROPERTY			
GROSS ASSESSMENT & TAX	806,310	1.3722 %	11,064.18
HOMEOWNERS EXEMPTION			
OTHER EXEMPTION			
TOTAL AD VALOREM TAX	806,310	1.3722 %	11,064.18
Ad Valorem Tax plus Special Assessments			13,350.24
First Installment			
PAID	\$ 6,675.12	PAID	\$ 6,675.12
Second Installment			
PAID	\$ 6,675.12	PAID	\$ 6,675.12
Total Amount Due			\$ 13,350.24

Please Read Important Messages

A fee of \$61.00 will be imposed on all returned or dishonored payments.

ECheck is free of charge; Accepted through June 30, 2024 @ <http://www.acgov.org/propertytax/>.

Visa, Mastercard, Discover, or American Express credit cards accepted by phone (510)272-6800 or online @ <http://www.acgov.org/propertytax/> through June 30, 2024. A convenience fee equal to 2.5% of the tax amount due will be added to your total payment.

Subscribe to receive email alerts about important property tax dates online @ <http://www.acgov.org/propertytax/>.

This bill is as of April 1, 2024 8:03 PM and may not include pending payments and roll corrections.

Please See Reverse For More Information

Tax Collector's Office
Payment Questions/Credit Card Payments
(510) 272-6800

Assessor's Office
Valuation/Exemption
(510) 272-3787 (510) 272-3770

SECOND INSTALLMENT PAYMENT, 2023-2024

2 INTERNET COPY PARCEL NO. 33-2120-14
TRACER NO. 07088700
THIS AMOUNT DUE FEB 1, 2024 ==> PAID \$ 6,675.12



After APRIL 10, 2024 pay

(Includes delinquent penalty of 10% and \$10.00 cost)

PAID FEB 26, 2024

FIRST INSTALLMENT PAYMENT, 2023-2024

1 INTERNET COPY PARCEL NO. 33-2120-14
TRACER NO. 07088700
THIS AMOUNT DUE NOV 1, 2023 ==> PAID \$ 6,675.12



After DECEMBER 10, 2023 pay

(Includes delinquent penalty of 10%)

PAID DEC 4, 2023

7(A)

000094

2021-2022 INTERNET COPY

For Fiscal Year Beginning July 1, 2021 and Ending June 30, 2022

ALAMEDA COUNTY SUPPLEMENTAL PROPERTY TAX STATEMENT

Henry C. Levy, Treasurer and Tax Collector
1221 Oak Street, Room 131
Oakland, California 94612

Parcel Number	Tracer Number	Tax Rate Area	Special Handling
33-2120-14	87094500	17-045	

Location of Property
3342 E 16TH ST, OAKLAND

SAMANIEGO JOSEPH M

MAILING ADDRESS NOT AVAILABLE ONLINE PER CA GOV CODE
\$6254.21

THIS IS NOT AN OFFICIAL BILL

Tax Rate Breakdown		
Taxing Agency	Tax Rate	Tax Amount
COUNTYWIDE TAX	1.0000 %	7,213.18
VOTER APPROVED DEBT SERVICE	0.0041 %	29.56
COUNTY GO BOND	0.2011 %	1,450.67
CITY OF OAKLAND 1	0.1202 %	867.02
SCHOOL UNIFIED	0.0407 %	293.58
SCHOOL COMM COLL	0.0060 %	43.28
BAY AREA RAPID TRANSIT	0.0020 %	14.43
EAST BAY REGIONAL PARK		
TOTAL	1.3741 %	9,911.62

Supplemental Value Computation Worksheet				
Description	New Value	- 2021-2022 Roll Value	- Prior Supp. Assessment	= Supplemental Assessment
LAND	232,500	28,087		204,413
IMPROVEMENTS	542,500	25,595		516,905
TOTAL	775,000	53,682		721,318
PLUS DISCONTINUED EXISTING EXEMPTION				
GROSS ASSESSMENT				721,318

Tax Computation Worksheet					
Description	Supplemental Assessment	x Tax Rate	= Tax Amount	x Pro. Rate Factor	= Tax Due
GROSS ASSESSMENT & TAX	721,318	1.3741%	9,911.63	100.00%	9,911.62
NET ASSESSMENT & TAX	721,318	1.3741%	9,911.63	100.00%	9,911.62
TOTAL AMOUNT DUE					\$9,911.62

This supplemental property tax bill is IN ADDITION TO THE REGULAR PROPERTY TAX BILL. CHANGE OF OWNERSHIP JUNE 15, 2021

Please Read Important Messages

- A fee of \$61.00 will be imposed on all returned or dishonored payments.
- This bill is as of April 1, 2024 7:57 PM and its accuracy may be affected by pending payments and corrections.
- Prior Notice Mailed by the Assessor 4/13/2023
- Subscribe to receive email alerts about important property tax dates
@<http://www.acgov.org/propertytax/>.
- Echecks accepted online through June 30
@<http://www.acgov.org/propertytax/>.
- Visa, Mastercard, Discover, or American Express credit cards accepted by phone (510) 272-6800 or online @<http://www.acgov.org/propertytax/>, mobile @<http://www.acgov.org/mobile/apps/> through June 30. A convenience fee equal to 2.5% of the tax amount due will be add to your total payment.

Supplemental Tax Payment Information

The TOTAL AMOUNT DUE is payable by two installments that must be paid by the dates indicated on the installment payment remittance stubs attached to this bill. If the taxes are not paid, a 10% delinquent penalty attaches at 5 p.m. of the date indicated on each installment stub. A \$10 cost also attaches when the second installment becomes delinquent. In addition to the 10% delinquent penalty and \$10 cost, it will be necessary to pay redemption penalties and a redemption fee from JULY 1, 2024.

Please remit payment of supplemental property tax bills by a separate check from regular property tax bill payments.

IF THIS BILL IS TO BE PAID THROUGH AN IMPOUND ACCOUNT, IT IS YOUR RESPONSIBILITY TO CONTACT YOUR LENDER TO ARRANGE FOR PAYMENT SINCE THEY MAY NOT BE AWARE OF THE BILL.

Tax Collector's Office Payment Questions, Credit Card Payments (510) 272-6800
Assessor's Office Valuation/Exemption (510) 272-3787 (510) 272-3770

SECOND INSTALLMENT SECURED SUPPLEMENTAL TAX PAYMENT STUB

PARCEL NO. 33-2120-14
TRACER NO. 87094500

2 INTERNET COPY
THIS AMOUNT DUE NOV 30, 2023 ==> PAID \$ 4,955.81

Pay this amount after NOVEMBER 30, 2023
(This includes delinquent penalty of 10% and \$10.00 cost)

PAID NOV 3, 2023

FIRST INSTALLMENT SECURED SUPPLEMENTAL TAX PAYMENT STUB

PARCEL NO. 33-2120-14
TRACER NO. 87094500

1 INTERNET COPY
THIS AMOUNT DUE JUL 31, 2023 ==> PAID \$ 4,955.81

Pay this amount after JULY 31, 2023
(This includes delinquent penalty of 10%)

PAID JUL 20, 2023

7(g)

000095

2022-2023 INTERNET COPY

For Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023

ALAMEDA COUNTY SECURED PROPERTY TAX STATEMENT

Henry C. Levy, Treasurer and Tax Collector
1221 Oak Street, Room 131
Oakland, California 94612

Parcel Number	Tracer Number	Tax Rate Area	Special Handling
33-2120-14	07078504	17-045	

Location of Property
3342 E 16TH ST, OAKLAND
Assessed to on January 1, 2022

ASSESSEE NAME AND ADDRESS ARE NOT AVAILABLE ONLINE
PER CA GOV CODE §6254.21

THIS IS NOT AN OFFICIAL BILL

Tax Rate Breakdown		
Taxing Agency	Tax Rate	Ad Valorem Tax
TAX RATE BREAKDOWN IS CURRENTLY NOT AVAILABLE ONLINE		
TOTAL AD VALOREM TAX (AV TAX)		

Fixed Charges and/or Special Assessments			
Description	Exemption Code	Phone	Amount
			.00
Total Fixed Charges and/or Special Assessments			.00

Tax Computation Worksheet			
Description	Full Valuation	x Tax Rate	= Tax Amount
LAND IMPROVEMENTS	208,602		527,243
FIXTURES			
TOTAL REAL PROPERTY	735,745		
PERSONAL PROPERTY			
GROSS ASSESSMENT & TAX	735,745	1.3771 %	10,131.94
HOMEOWNERS EXEMPTION			
OTHER EXEMPTION			
TOTAL AD VALOREM TAX	735,745	1.3771 %	10,131.94
			10,131.94
First Installment		Second Installment	
PAID	\$ 5,065.97	PAID	\$ 5,065.97
		\$ 10,131.94	

Please Read Important Messages

- A fee of \$61.00 will be imposed on all returned or dishonored payments.
- ADJUSTMENT BILL FOR YEAR 2022 DUE TO: R&T 531 - Escaped property

SECOND INSTALLMENT PAYMENT, 2022-2023

2 INTERNET COPY PARCEL NO. 33-2120-14
TRACER NO. 07078504
THIS AMOUNT DUE JUN 1, 2023 ==> PAID \$ 5,065.97



After JUNE 30, 2023 pay
(Includes delinquent penalty of 10% and \$10.00 cost)

PAID JUN 2, 2023

ECheck is free of charge; Accepted through June 30, 2023 @ <http://www.acgov.org/propertytax/>.

Visa, Mastercard, Discover, or American Express credit cards accepted by phone (510)272-6800 or online @ <http://www.acgov.org/propertytax/> through June 30, 2023. A convenience fee equal to 2.5% of the tax amount due will be added to your total payment.

Subscribe to receive email alerts about important property tax dates online @ <http://www.acgov.org/propertytax/>.

This bill is as of April 1, 2024 8:00 PM and may not include pending payments and roll corrections.

Please See Reverse For More Information

Tax Collector's Office
Payment Questions/Credit Card Payments
(510) 272-6800

Assessor's Office
Valuation/Exemption
(510) 272-3787 (510) 272-3770

FIRST INSTALLMENT PAYMENT, 2022-2023

1 INTERNET COPY PARCEL NO. 33-2120-14
TRACER NO. 07078504
THIS AMOUNT DUE JUN 1, 2023 ==> PAID \$ 5,065.97



After JUNE 30, 2023 pay
(Includes delinquent penalty of 10%)

PAID JUN 2, 2023

7(h)

2022-2023 INTERNET COPY

For Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023

ALAMEDA COUNTY SECURED PROPERTY TAX STATEMENT

Henry C. Levy, Treasurer and Tax Collector
1221 Oak Street, Room 131
Oakland, California 94612

Parcel Number	Tracer Number	Tax-Rate Area	Special Handling
33-2120-14	07078500	17-045	

Location of Property
3342 E 16TH ST, OAKLAND
Assessed to on January 1, 2022

ASSESSEE NAME AND ADDRESS ARE NOT AVAILABLE ONLINE
PER CA GOV CODE §6254.21

THIS IS NOT AN OFFICIAL BILL

Tax-Rate Breakdown		
Taxing Agency	Tax Rate	Ad Valorem Tax
COUNTYWIDE TAX	1.0000 %	547.55
VOTER APPROVED DEBT SERVICE:		
COUNTY GO BOND	0.0103 %	5.62
CITY OF OAKLAND 1	0.2035 %	111.43
SCHOOL UNIFIED	0.1026 %	56.18
SCHOOL COMM COLL	0.0409 %	22.39
BAY AREA RAPID TRANSIT	0.0140 %	7.67
EAST BAY REGIONAL PARK	0.0058 %	3.18
TOTAL AD VALOREM TAX (AV TAX)	1.3771 %	754.02

Please Read Important Messages

A fee of \$61.00 will be imposed on all returned or dishonored payments.

ECheck is free of charge; Accepted through June 30, 2023 @ <http://www.acgov.org/propertytax/>.

Visa, Mastercard, Discover, or American Express credit cards accepted by phone (510)272-6800 or online @ <http://www.acgov.org/propertytax/> through June 30, 2023. A convenience fee equal to 2.5% of the tax amount due will be added to your total payment.

Subscribe to receive email alerts about important property tax dates online @ <http://www.acgov.org/propertytax/>.

This bill is as of April 1, 2024 8:07 PM and may not include pending payments and roll corrections.

Please See Reverse For More Information

Tax Collector's Office
Payment Questions/Credit Card Payments
(510) 272-6800

Assessor's Office
Valuation/Exemption
(510) 272-3787 (510) 272-3770

Fixed Charges and/or Special Assessments			
Description	Exemption Code	Phone	Amount
MOSQ MSR K 1982		800-273-5167	3.50
CSA PARAMEDIC		800-237-5167	74.82
VEC CNTRL MSR A 84		800-273-5167	14.40
CITY EMERG MEDICAL		510-238-2942	33.52
CITY PARAMEDIC SRV		510-238-2942	26.70
CSA LEAD ABATEMENT		510-567-8280	20.00
OUSD 2008MEASURE G	b	510-879-8884	195.00
PERALTA 2018MEAS E		800-792-8021	48.00
OUSD 2014MEASURE N	a,b	510-879-8884	120.00
OUSD 2016MEASURE G1	a,b	510-879-8884	120.00
VIOLENCE PREV TAX	a,b	510-238-2942	167.46
CITY LIBRARY SRV-D	a,b	510-238-2942	121.28
2020 OAK MEASURE Q	a,b	510-238-2942	221.72
OAKLAND MEASURE AA	a,b	510-238-2942	308.10
SFBRA MEASURE AA		888-508-8157	12.00
FLOOD BENEFIT 12		510-670-5212	16.00
HAZ WASTE PROGRAM		800-273-5167	13.28
VECTOR CNTRL ASMT		800-273-5167	5.52
MOSQUITO ASMT 2008		800-273-5167	2.30
EBRPD CFD NO A/C-3		888-512-0316	16.56
AC TRANSIT MEAS VV		800-273-5167	98.00
CITY LIBRARY SERV	a,b	510-238-2942	158.44
SEE SEC 8 ON REVERSE SIDE FOR DTLs			
Additional Total from Reverse Side			274.30
Total Fixed Charges and/or Special Assessments			2,066.90

Tax Computation Worksheet			
Description	Full Valuation	x Tax Rate	= Tax Amount
LAND IMPROVEMENTS	28,648		
FIXTURES	26,107		
TOTAL REAL PROPERTY	54,755		
PERSONAL PROPERTY			
GROSS ASSESSMENT & TAX	54,755	1.3771 %	754.02
HOMEOWNERS EXEMPTION			
OTHER EXEMPTION			
TOTAL AD VALOREM TAX	54,755	1.3771 %	754.02
Ad Valorem Tax plus Special Assessments			2,820.92
First Installment	Second Installment	Total Amount Due	
PAID \$ 1,410.46	PAID \$ 1,410.46	PAID \$ 2,820.92	

SECOND INSTALLMENT PAYMENT, 2022-2023

2 INTERNET COPY PARCEL NO. 33-2120-14
TRACER NO. 07078500
THIS AMOUNT DUE FEB 1, 2023 => PAID \$ 1,410.46

After APRIL 10, 2023 pay



(Includes delinquent penalty of 10% and \$10.00 cost)

PAID MAR 27, 2023

FIRST INSTALLMENT PAYMENT, 2022-2023

1 INTERNET COPY PARCEL NO. 33-2120-14
TRACER NO. 07078500
THIS AMOUNT DUE NOV 1, 2022 => PAID \$ 1,410.46

After DECEMBER 10, 2022 pay



(Includes delinquent penalty of 10%)

PAID NOV 29, 2022

000097

**WORKSHEET C:
FAIR RETURN**

Owners who submit petitions based on Fair Return must complete the chart below, in addition to attaching all required supporting documentation. Petitions that do not include organized documentation and detailed calculations clearly demonstrating the claimed justification will be considered incomplete and may be dismissed without a hearing. Calculations should be based on the entire subject premises. Note that the first column (base year) should be completed based on the year 2014.

	BASE YEAR (2014) From: <u>01/01/2014</u> to <u>12/31/2014</u> (mm/dd/yy) (mm/dd/yy)	LAST YEAR From: <u>01/01/2023</u> to <u>12/31/2023</u> (mm/dd/yy) (mm/dd/yy)
INCOME		
Rents	\$ 21,134.00	\$ 28,436.00
Parking	\$	\$
Laundry	\$	\$
Other: _____	\$	\$
Imputed rent if any unit owner/manager-occupied	\$	\$
Imputed rent if any unit not rented to capacity	\$	\$
Total:	\$ 21,134.00	\$ 28,436.00
EXPENSES		
Electricity/Gas	\$	\$
Garbage	\$ 559.00	\$ 1,799.40
Water/Sewer	\$ 1,992.00	\$ 3,199.92
Insurance	\$ 1,044.00	\$ 1,453.92
Maintenance/Repairs	\$ 1,009.00	\$ 2,178.68
Pest Control	\$ 1,732.00	\$
Laundry Expenses	\$	\$
Parking	\$	\$
Elevator Service	\$	\$
Security	\$	\$
Property Taxes	\$ 1,874.00	\$ 28,129.14
Business License	\$ 276.00	\$ 653.70
Management Expenses	\$	\$ 2,200.00
Furnishings	\$	\$
Capital Improvements (Amortized cost)	\$	\$
Other: <u>GARDENER</u>	\$	\$ 1,200.00
Other: <u>APT ASSOC. DUES</u>	\$	\$ 228.00
Total:	\$ 8,486.00	\$ 40,442.76

SCHEDULE E
(Form 1040)

Supplemental Income and Loss

(From rental real estate, royalties, partnerships, S corporations, estates, trusts, REMICs, etc.)

OMB No. 1545-0074

2014

Department of the Treasury
Internal Revenue Service (99)

▶ Attach to Form 1040, 1040NR, or Form 1041.

▶ Information about Schedule E and its separate instructions is at www.irs.gov/schedulee.

Attachment
Sequence No. **13**

Name(s) shown on return

Your social security number

Manuel G & Frances S Samaniego (DECEASED - FORMER OWNERS)

Part I **Income or Loss From Rental Real Estate and Royalties** Note. If you are in the business of renting personal property, use Schedule C or C-EZ (see instructions). If you are an individual, report farm rental income or loss from Form 4835 on page 2, line 40.

A Did you make any payments in 2014 that would require you to file Form(s) 1099? (see instructions) Yes No
B If "Yes," did you or will you file required Forms 1099? Yes No

1a	Physical address of each property (street, city, state, ZIP code)
A	3342 & 3336 E 16th Street Oakland CA 94601
B	
C	

1b	Type of Property (from list below)	2 For each rental real estate property listed above, report the number of fair rental and personal use days. Check the QJV box only if you meet the requirements to file as a qualified joint venture. See instructions.	Fair Rental Days	Personal Use Days	QJV
A	2		365	0	<input type="checkbox"/>
B					<input type="checkbox"/>
C					<input type="checkbox"/>

Type of Property:

- 1 Single Family Residence
- 2 Multi-Family Residence
- 3 Vacation/Short-Term Rental
- 4 Commercial
- 5 Land
- 6 Royalties
- 7 Self-Rental
- 8 Other (describe)

Income:		Properties:	A	B	C
3	Rents received	3	21,134.		
4	Royalties received	4			
Expenses:					
5	Advertising	5	30.		
6	Auto and travel (see instructions)	6	50.		
7	Cleaning and maintenance	7	1,732.		
8	Commissions	8			
9	Insurance	9	1,044.		
10	Legal and other professional fees	10			
11	Management fees	11			
12	Mortgage interest paid to banks, etc. (see instructions)	12			
13	Other interest	13			
14	Repairs	14	1,009.		
15	Supplies	15	80.		
16	Taxes	16	2,150.		
17	Utilities	17	2,551.		
18	Depreciation expense or depletion	18	905.		
19	Other (list) ▶	19			
20	Total expenses. Add lines 5 through 19	20	9,551.		
21	Subtract line 20 from line 3 (rents) and/or 4 (royalties). If result is a (loss), see instructions to find out if you must file Form 6198	21	11,583.		
22	Deductible rental real estate loss after limitation, if any, on Form 8582 (see instructions)	22	()	()	()
23a	Total of all amounts reported on line 3 for all rental properties	23a	21,134.		
b	Total of all amounts reported on line 4 for all royalty properties	23b			
c	Total of all amounts reported on line 12 for all properties	23c			
d	Total of all amounts reported on line 18 for all properties	23d	905.		
e	Total of all amounts reported on line 20 for all properties	23e	9,551.		
24	Income. Add positive amounts shown on line 21. Do not include any losses	24			11,583.
25	Losses. Add royalty losses from line 21 and rental real estate losses from line 22. Enter total losses here	25			()
26	Total rental real estate and royalty income or (loss). Combine lines 24 and 25. Enter the result here. If Parts II, III, IV, and line 40 on page 2 do not apply to you, also enter this amount on Form 1040, line 17, or Form 1040NR, line 18. Otherwise, include this amount in the total on line 41 on page 2.	26			11,583.

For Paperwork Reduction Act Notice, see the separate instructions.

BAA REV 12/31/14 TTW

Schedule E (Form 1040) 2014

7(a)

SCHEDULE E
(Form 1040)

Supplemental Income and Loss

(From rental real estate, royalties, partnerships, S corporations, estates, trusts, REMICs, etc.)

OMB No. 1545-0047

2023

Department of the Treasury
Internal Revenue Service

Attach to Form 1040, 1040-SR, 1040-NR, or 1041.
Go to www.irs.gov/ScheduleE for instructions and the latest information.

Attachment
Sequence No. 13

Name(s) shown on return

Your social security number

Joseph N. Saraniego & Salud Dacumos

Part III **Income or Loss From Rental Real Estate and Royalties**

Note: If you are in the business of renting personal property, use Schedule C. See instructions. If you are an individual, report farm rental income or loss from Form 4835 on page 2, line 43.

- A** Did you make any payments in 2023 that would require you to file Form(s) 1099? See instructions. Yes No
B If "Yes," did you or will you file required Form(s) 1099? Yes No

1a Physical address of each property (street, city, state, ZIP code)

A 3342 E. 16th Street Oakland CA 94602

B
C

1b Type of Property (from list below)	2 For each rental real estate property listed above, report the number of fair rental and personal use days. Check the QJV box only if you meet the requirements to file as a qualified joint venture. See instructions.	Fair Rental Days		Personal Use Days	QJV
		A	B	C	
A 2		365		0	<input type="checkbox"/>
B					<input type="checkbox"/>
C					<input type="checkbox"/>

Type of Property:

- 1 Single Family Residence 3 Vacation/Short-Term Rental 5 Land 7 Self-Rental
 2 Multi-Family Residence 4 Commercial 6 Royalties 8 Other (describe)

		Properties:		
		A	B	C
Income:				
3	Rents received	28,436.		
4	Royalties received			
Expenses:				
5	Advertising			
6	Auto and travel (see instructions)			
7	Cleaning and maintenance	1,200.		
8	Commissions			
9	Insurance	1,454.		
10	Legal and other professional fees			
11	Management fees	2,200.		
12	Mortgage interest paid to banks, etc. (see instructions)			
13	Other interest			
14	Repairs	2,179.		
15	Supplies			
16	Taxes	28,763.		
17	Utilities	4,399.		
18	Depreciation expense or depletion	20,716.		
19	Other (list California Apartment Association Dues)	228.		
20	Total expenses. Add lines 5 through 19	61,159.		
21	Subtract line 20 from line 3 (rents) and/or 4 (royalties). If result is a (loss), see instructions to find out if you must file Form 6198	-32,723.		
22	Deductible rental real estate loss after limitation, if any, on Form 8582 (see instructions)	25,000.)		
23a	Total of all amounts reported on line 3 for all rental properties	23a	28,436.	
b	Total of all amounts reported on line 4 for all royalty properties	23b		
c	Total of all amounts reported on line 12 for all properties	23c		
d	Total of all amounts reported on line 18 for all properties	23d	20,716.	
e	Total of all amounts reported on line 20 for all properties	23e	61,159.	
24	Income. Add positive amounts shown on line 21. Do not include any losses			24
25	Losses. Add royalty losses from line 21 and rental real estate losses from line 22. Enter total losses here			25
26	Total rental real estate and royalty income or (loss). Combine lines 24 and 25. Enter the result here. If Parts II, III, and IV, and line 40 on page 2 do not apply to you, also enter this amount on Schedule 1 (Form 1040), line 5. Otherwise, include this amount in the total on line 41 on page 2			26

For Paperwork Reduction Act Notice, see the separate instructions.

Schedule E (Form 1040) 2023

BAA REV 02/05/24 TTW

7(b)

000101

CORRECTED (if checked)

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. Western Management Properties, Inc. 678 14TH ST Oakland, CA 94612 (510) 451-7197		1 Rents \$ 14661.24	OMB No. 1545-0115 Form 1099-MISC (Rev. January 2022) For calendar year 2023	Miscellaneous Information Copy B For Recipient This is important tax information and is being furnished to the IRS. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
PAYER'S TIN 94-1736197	RECIPIENT'S TIN XXX-XX-4326	2 Royalties \$	3 Other income \$	
RECIPIENT'S name Joseph Samaniego Street address (including apt. no.) 1548 33rd Ave. City or town, state or province, country, and ZIP or foreign postal code Oakland, CA, 94601		4 Federal income tax withheld \$	5 Fishing boat proceeds \$	
Account number (see instructions) 02564647953492746656		6 Medical and health care payments \$	7 Payer made direct sales totaling \$5,000 or more of consumer products to recipient for resale <input type="checkbox"/>	
		8 Substitute payments in lieu of dividends or interest \$	9 Crop insurance proceeds \$	
		10 Gross proceeds paid to an attorney \$	11 Fish purchased for resale \$	
		12 Section 409A deferrals \$	13 FATCA filing requirement <input type="checkbox"/>	
		14 Excess golden parachute payments \$	15 Nonqualified deferred compensation \$	
		16 State tax withheld \$	17 State/Payer's state no. CA	18 State income \$

Form 1099-MISC (Rev. 1-2022) (keep for your records) www.irs.gov/Form1099MISC Department of the Treasury - Internal Revenue Service

Rents 2023

9302 E 16th



Box 3. Generally, report this amount on the "Other income" line of Schedule 1 (Form 1040) and identify the payment. The amount shown may be payments received as the beneficiary of a deceased employee, prizes, awards, taxable damages, Indian gaming profits, or other taxable income. See Pub. 525. If it is trade or business income, report this amount on Schedule C or F (Form 1040).

Box 4. Shows backup withholding or withholding on Indian gaming profits. Generally, a payer must backup withhold if you did not furnish your TIN. See Form W-9 and Pub. 505 for more information. Report this amount on your income tax return as tax withheld.

Box 5. Shows the amount paid to you as a fishing boat crew member by the operator, who considers you to be self-employed. Self-employed individuals must report this amount on Schedule C (Form 1040). See Pub. 334.

tion, this or (SSN), identification e payer has e payer individuals ns. ate line of used in error, xplanation wever, ervices to ty as a ts; and t working - royalties on

Box 6. For individuals, report on Schedule C (Form 1040).

Box 7. If checked, consumer products totaling \$5,000 or more were sold to you for resale, on a buy-sell, a deposit-commission, or other basis. Generally, report any income from your sale of these products on Schedule C (Form 1040).

Box 8. Shows substitute payments in lieu of dividends or tax-exempt interest received by your broker on your behalf as a result of a loan of your securities. Report on the "Other income" line of Schedule 1 (Form 1040).

Box 9. Report this amount on Schedule F (Form 1040).

Box 10. Shows gross proceeds paid to an attorney in connection with legal services. Report only the taxable part as income on your return.

Box 11. Shows the amount of cash you received for the sale of fish if you are in the trade or business of catching fish.

Box 12. May show current year deferrals as a nonemployee under a nonqualified deferred compensation (NQDC) plan that is subject to the requirements of section 409A plus any earnings on current and prior year deferrals.

Box 13. If the FATCA filing requirement box is checked, the payer is reporting on this Form 1099 to satisfy its account reporting requirement under chapter 4 of the Internal Revenue Code. You may also have a filing requirement. See the instructions for Form 8938.

Box 14. Shows your total compensation of excess golden parachute payments subject to a 20% excise tax. See your tax return instructions for where to report.

Box 15. Shows income as a nonemployee under an NQDC plan that does not meet the requirements of section 409A. Any amount included in box 12 that is currently taxable is also included in this box. Report this amount as income on your tax return. This income is also subject to a substantial additional tax to be reported on Form 1040, 1040-SR, or 1040-NR. See the instructions for your tax return.

Boxes 16-18. Show state or local income tax withheld from the payments.

Future developments. For the latest information about developments related to Form 1099-MISC and its instructions, such as legislation enacted after they were published, go to www.irs.gov/Form1099MISC.

Free File Program. Go to www.irs.gov/FreeFile to see if you qualify for no-cost online federal tax preparation, e-filing, and direct deposit or payment options.

760

2023-24 1st Inst Was
 Due 12-11-2023

Search Secured, Supplemental and Prior Year Delinquent Property Taxes

Secured tax bills are payable online from 10/4/2023 to 7/1/2024.
 Most supplemental tax bills are payable online to 7/1/2024.
 Prior Year Delinquent tax payments are payable online to 7/1/2024.

Pay / Look Up Property
 Taxes Online

[New Search](#)

33-2120-14

3342 E 16TH ST, OAKLAND 94601-3010

Property Assessment Information

Secured	2023-2024	07088700	\$13,350.24	View Bill	Pay Bill
1st Installment	12/10/2023		\$6,675.12		Paid Dec 4, 2023
2nd Installment	04/10/2024		\$6,675.12		
Supplemental	2023-2024	87094500	\$9,911.62	View Bill	
1st Installment	07/31/2023		\$4,955.81		Paid Jul 20, 2023
2nd Installment	11/30/2023		\$4,955.81		Paid Nov 3, 2023

Secured	2022-2023	07078500	\$2,820.92	View Bill	
1st Installment	12/10/2022		\$1,410.46		Paid Nov 29, 2022
2nd Installment	04/10/2023		\$1,410.46		Paid Mar 27, 2023
Secured	2022-2023	07078504	\$10,131.94	View Bill	
1st Installment	06/30/2023		\$5,065.97		Paid Jun 2, 2023
2nd Installment	06/30/2023		\$5,065.97		Paid Jun 2, 2023
Secured	2021-2022	07070500	\$2,461.38	View Bill	
1st Installment	12/10/2021		\$1,230.69		Paid Dec 3, 2021
2nd Installment	04/10/2022		\$1,230.69		Paid Mar 1, 2022
Secured	2020-2021	07033000	\$2,429.88	View Bill	
1st Installment	12/10/2020		\$1,214.94		Paid Oct 30, 2020
2nd Installment	04/10/2021		\$1,214.94		Paid Jan 25, 2021
Secured	2019-2020	07030000	\$2,188.44	View Bill	
1st Installment	12/10/2019		\$1,094.22		Paid Oct 29, 2019
2nd Installment	04/10/2020		\$1,094.22		Paid Feb 25, 2020
Secured	2018-2019	07024700	\$2,146.62	View Bill	
1st Installment	12/10/2018		\$1,073.31		Paid Dec 4, 2018
2nd Installment	04/10/2019		\$1,073.31		Paid Apr 4, 2019
Secured	2017-2018	06971000	\$2,005.62	View Bill	
1st Installment	12/10/2017		\$1,002.81		Paid Oct 31, 2017
2nd Installment	04/10/2018		\$1,002.81		Paid Apr 10, 2018
Secured	2016-2017	06949600	\$1,845.20	View Bill	
1st Installment	12/10/2016		\$922.60		Paid Nov 30, 2016
2nd Installment	04/10/2017		\$922.60		Paid Apr 5, 2017
Secured	2015-2016	06938700	\$1,829.68	View Bill	
1st Installment	12/10/2015		\$914.84		Paid Nov 19, 2015
2nd Installment	04/10/2016		\$914.84		Paid Apr 8, 2016
Secured	2014-2015	06935800	\$1,813.68	View Bill	
1st Installment	12/10/2014		\$906.84		Paid Nov 25, 2014
2nd Installment	04/10/2015		\$906.84		Paid Jan 27, 2015

7(d)

1/10/24, 3:35 PM

Search Secured Supplemental Property Taxes

2nd Installment	04/10/2015		\$906.84		Paid Jan 27, 2015
Secured	2013-2014	06921200	\$1,770.66	View Bill	
1st Installment	12/10/2013		\$885.33		Paid Nov 7, 2013
2nd Installment	04/10/2014		\$885.33		Paid Dec 2, 2013
Secured	2012-2013	06957400	\$1,718.40	View Bill	
1st Installment	12/10/2012		\$859.20		Paid Oct 16, 2012
2nd Installment	04/10/2013		\$859.20		Paid Feb 1, 2013
Secured	2011-2012	06946300	\$1,767.28	View Bill	
1st Installment	12/10/2011		\$883.64		Paid Dec 5, 2011
2nd Installment	04/10/2012		\$883.64		Paid Apr 3, 2012
Secured	2010-2011	06929700	\$1,573.67	View Bill	
1st Installment	12/10/2010		\$824.30		Paid Dec 20, 2010
2nd Installment	04/10/2011		\$749.37		Paid Apr 4, 2011
Secured	2009-2010	06897700	\$1,616.70	View Bill	
1st Installment	12/10/2009		\$808.35		Paid Dec 3, 2009
2nd Installment	04/10/2010		\$808.35		Paid Apr 1, 2010
Secured	2008-2009	06862600	\$1,508.86	View Bill	
1st Installment	12/10/2008		\$754.43		Paid Dec 2, 2008
2nd Installment	04/10/2009		\$754.43		Paid Mar 31, 2009
Secured	2007-2008	06734600	\$1,479.70	View Bill	
1st Installment	12/10/2007		\$739.85		Paid Nov 1, 2007
2nd Installment	04/10/2008		\$739.85		Paid Apr 1, 2008
Secured	2006-2007	06652400	\$1,467.90	View Bill	
1st Installment	12/10/2006		\$733.95		Paid Dec 1, 2006
2nd Installment	04/10/2007		\$733.95		Paid Apr 2, 2007
Secured	2005-2006	06592800	\$1,444.22	View Bill	
1st Installment	12/10/2005		\$722.11		Paid Dec 5, 2005
2nd Installment	04/10/2006		\$722.11		Paid Mar 31, 2006
Secured	2004-2005	06524500	\$1,262.88	View Bill	
1st Installment			\$631.44		Paid Dec 1, 2004
2nd Installment			\$631.44		Paid Apr 4, 2005

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7(e)

2023-2024 INTERNET COPY

For Fiscal Year Beginning July 1, 2023 and Ending June 30, 2024

ALAMEDA COUNTY SECURED PROPERTY TAX STATEMENT

Henry C. Levy, Treasurer and Tax Collector
1221 Oak Street, Room 131
Oakland, California 94612

Parcel Number	Tracer Number	Tax Rate Area	Special Handling
33-2120-14	07088700	17-045	

Location of Property
3342 E 16TH ST, OAKLAND
Assessed to on January 1, 2023

ASSESSEE NAME AND ADDRESS ARE NOT AVAILABLE ONLINE
PER CA GOV CODE §6254.21

THIS IS NOT AN OFFICIAL BILL

Tax Rate Breakdown		
Taxing Agency	Tax Rate	Ad Valorem Tax
COUNTYWIDE TAX	1.0000 %	8,063.10
VOTER APPROVED DEBT SERVICE:		
COUNTY GO BOND	0.0088 %	70.94
CITY OF OAKLAND 1	0.2035 %	1,640.84
SCHOOL UNIFIED	0.0990 %	798.25
SCHOOL COMM COLL	0.0418 %	337.04
BAY AREA RAPID TRANSIT	0.0134 %	108.05
EAST BAY REGIONAL PARK	0.0057 %	45.96
TOTAL AD VALOREM TAX (AV TAX)	1.3722 %	11,064.18

Fixed Charges and/or Special Assessments			
Description	Exemption Code	Phone	Amount
MOSQ MSR K 1982		800-273-5167	3.50
CSA PARAMEDIC		800-273-5167	78.78
VEC CNTRL MSR A 84		800-273-5167	14.40
CITY EMERG MEDICAL		510-238-2942	35.20
CITY PARAMEDIC SRV		510-238-2942	28.04
CSA LEAD ABATEMENT		510-667-8290	20.00
OUSD MEASURE H	a,b	510-879-8611	120.00
OUSD 2008MEASURE G	b	510-879-8884	195.00
PERALTA 2018MEAS E		800-792-8021	48.00
OUSD 2016MEASUREG1	a,b	510-879-8884	120.00
VIOLENCE PREV TAX	b	510-238-2942	175.84
CITY LIBRARY SRV-D	b	510-238-2942	130.44
2020 OAK MEASURE Q	b	510-238-2942	238.46
OAKLAND MEASURE AA	b	510-238-2942	331.36
OAKLAND ZOO TAX	b	510-238-2942	136.00
SFBRA MEASURE AA		888-508-8157	12.00
FLOOD BENEFIT 12		510-670-5212	16.00
HAZ WASTE PROGRAM		800-273-5167	13.28
VECTOR CNTRL ASMT		800-273-5167	5.68
MOSQUITO ASMT 2008		800-273-5167	2.30
EBRPD CFD NO A/C-3		888-512-0316	16.58
AC TRANSIT MEAS VV		800-273-5167	96.00
SEE SEC 8 ON REVERSE SIDE FOR DTLS			449.22
Additional Total from Reverse Side			
Total Fixed Charges and/or Special Assessments			2,286.06

Tax Computation Worksheet			
Description	Full Valuation	x Tax Rate	= Tax Amount
LAND IMPROVEMENTS	241,803		
FIXTURES	564,417		
TOTAL REAL PROPERTY PERSONAL PROPERTY GROSS ASSESSMENT & TAX HOMEOWNERS EXEMPTION OTHER EXEMPTION	806,310	1.3722 %	11,064.18
TOTAL AD VALOREM TAX	806,310	1.3722 %	11,064.18
Ad Valorem Tax plus Special Assessments			13,350.24
First Installment PAID	\$ 6,675.12	Second Installment PAID	\$ 6,675.12
		Total Amount Due	\$ 13,350.24

Please Read Important Messages

A fee of \$61.00 will be imposed on all returned or dishonored payments.

ECheck is free of charge; Accepted through June 30, 2024 @ <http://www.acgov.org/propertytax/>.

Visa, Mastercard, Discover, or American Express credit cards accepted by phone (510)272-6800 or online @ <http://www.acgov.org/propertytax/> through June 30, 2024. A convenience fee equal to 2.5% of the tax amount due will be added to your total payment.

Subscribe to receive email alerts about important property tax dates online @ <http://www.acgov.org/propertytax/>.

This bill is as of April 1, 2024 8:03 PM and may not include pending payments and roll corrections.

Please See Reverse For More Information

Tax Collector's Office
Payment Questions/Credit Card Payments
(510) 272-6800

Assessor's Office
Valuation/Exemption
(510) 272-3787 (510) 272-3770

SECOND INSTALLMENT PAYMENT, 2023-2024

PARCEL NO. 33-2120-14
INTERNET COPY TRACER NO. 07088700

2

THIS AMOUNT DUE FEB 1, 2024 ==> PAID \$ 6,675.12

After APRIL 10, 2024 pay



(Includes delinquent penalty of 10% and \$10.00 cost)

PAID FEB 26, 2024

FIRST INSTALLMENT PAYMENT, 2023-2024

PARCEL NO. 33-2120-14
INTERNET COPY TRACER NO. 07088700

1

THIS AMOUNT DUE NOV 1, 2023 ==> PAID \$ 6,675.12

After DECEMBER 10, 2023 pay



(Includes delinquent penalty of 10%)

PAID DEC 4, 2023

7 (+)

2021-2022 INTERNET COPY

For Fiscal Year Beginning July 1, 2021 and Ending June 30, 2022

ALAMEDA COUNTY SUPPLEMENTAL PROPERTY TAX STATEMENT

Henry C. Levy, Treasurer and Tax Collector
1221 Oak Street, Room 131
Oakland, California 94612

Parcel Number	Tracer Number	Tax Rate Area	Special Handling
33-2120-14	87094500	17-045	

Location of Property
3342 E 16TH ST, OAKLAND

SAMANIEGO JOSEPH M

MAILING ADDRESS NOT AVAILABLE ONLINE PER CA GOV CODE §6254.21

THIS IS NOT AN OFFICIAL BILL

Tax Rate Breakdown		
Taxing Agency	Tax Rate	Tax Amount
COUNTYWIDE TAX	1.0000 %	7,213.18
VOTER APPROVED DEBT SERVICE		29.56
COUNTY GO BOND	0.0041 %	1,450.57
CITY OF OAKLAND 1	0.2011 %	867.02
SCHOOL UNIFIED	0.1202 %	293.58
SCHOOL COMM COLL	0.0407 %	43.28
BAY AREA RAPID TRANSIT	0.0060 %	14.43
EAST BAY REGIONAL PARK	0.0020 %	
TOTAL	1.3741 %	9,911.62

Supplemental Value Computation Worksheet				
Description	New Value	- 2021-2022 Roll Value	- Prior Supp. Assessment	= Supplemental Assessment
LAND	232,500	28,087		204,413
IMPROVEMENTS	542,500	25,595		516,905
TOTAL	775,000	53,682		721,318
PLUS DISCONTINUED EXISTING EXEMPTION				721,318
GROSS ASSESSMENT				721,318

Tax Computation Worksheet					
Description	Supplemental Assessment	x Tax Rate	= Tax Amount	x Pro. Rate Factor	= Tax Due
GROSS ASSESSMENT & TAX	721,318	1.3741%	9,911.63	100.00%	9,911.62
NET ASSESSMENT & TAX	721,318	1.3741%	9,911.63	100.00%	9,911.62
TOTAL AMOUNT DUE					\$9,911.62

This supplemental property tax bill is IN ADDITION TO THE REGULAR PROPERTY TAX BILL. CHANGE OF OWNERSHIP JUNE 15, 2021

Please Read Important Messages

- A fee of \$61.00 will be imposed on all returned or dishonored payments.
- This bill is as of April 1, 2024 7:57 PM and its accuracy may be affected by pending payments and corrections.
- Prior Notice Mailed by the Assessor 4/13/2023
- Subscribe to receive email alerts about important property tax dates @<http://www.acgov.org/propertytax/>.
- Checks accepted online through June 30 @<http://www.acgov.org/propertytax/>.
- Visa, MasterCard, Discover, or American Express credit cards accepted by phone (510)272-6800 or online @<http://www.acgov.org/propertytax/>, mobile @<http://www.acgov.org/mobile/apps/> through June 30. A convenience fee equal to 2.5% of the tax amount due will be add to your total payment.

Supplemental Tax Payment Information

The TOTAL AMOUNT DUE is payable by two installments that must be paid by the dates indicated on the installment payment remittance stubs attached to this bill. If the taxes are not paid, a 10% delinquent penalty attaches at 5 p.m. of the date indicated on each installment stub. A \$10 cost also attaches when the second installment becomes delinquent. In addition to the 10% delinquent penalty and \$10 cost, it will be necessary to pay redemption penalties and a redemption fee from JULY 1, 2024.

Please remit payment of supplemental property tax bills by a separate check from regular property tax bill payments.

IF THIS BILL IS TO BE PAID THROUGH AN IMPOUND ACCOUNT, IT IS YOUR RESPONSIBILITY TO CONTACT YOUR LENDER TO ARRANGE FOR PAYMENT SINCE THEY MAY NOT BE AWARE OF THE BILL.

Tax Collector's Office Payment Questions, Credit Card Payments (510) 272-6800
Assessor's Office Valuation/Exemption (510) 272-3787 (510) 272-3770

SECOND INSTALLMENT SECURED SUPPLEMENTAL TAX PAYMENT STUB

2 INTERNET COPY PARCEL NO. 33-2120-14
TRACER NO. 87094500

THIS AMOUNT DUE NOV 30, 2023 ==> PAID \$ 4,955.81

Pay this amount after NOVEMBER 30, 2023 (This includes delinquent penalty of 10% and \$10.00 cost)

PAID NOV 3, 2023

FIRST INSTALLMENT SECURED SUPPLEMENTAL TAX PAYMENT STUB

1 INTERNET COPY PARCEL NO. 33-2120-14
TRACER NO. 87094500

THIS AMOUNT DUE JUL 31, 2023 ==> PAID \$ 4,955.81

Pay this amount after JULY 31, 2023 (This includes delinquent penalty of 10%)

PAID JUL 20, 2023

7(g)

2022-2023 INTERNET COPY
 For Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023
ALAMEDA COUNTY
SECURED PROPERTY TAX STATEMENT

Henry C. Levy, Treasurer and Tax Collector
 1221 Oak Street, Room 131
 Oakland, California 94612

Parcel Number	Tracer Number	Tax Rate Area	Special Handling
33-2120-14	07078504	17-045	

Location of Property
 3342 E 16TH ST, OAKLAND
 Assessed to on January 1, 2022

ASSESSEE NAME AND ADDRESS ARE NOT AVAILABLE ONLINE
 PER CA GOV CODE §6254.21

THIS IS NOT AN OFFICIAL BILL

Tax Rate Breakdown		
Taxing Agency	Tax Rate	Ad Valorem Tax
TAX RATE BREAKDOWN IS CURRENTLY NOT AVAILABLE ONLINE		
TOTAL AD VALOREM TAX (AV TAX)		

Fixed Charges and/or Special Assessments			
Description	Exemption Code	Phone	Amount
			.00
Total Fixed Charges and/or Special Assessments			.00

Tax Computation Worksheet			
Description	Full Valuation	x Tax Rate	= Tax Amount
LAND IMPROVEMENTS	208,602		
FIXTURES	527,243		
TOTAL REAL PROPERTY PERSONAL PROPERTY GROSS ASSESSMENT & TAX HOMEOWNERS EXEMPTION OTHER EXEMPTION	735,745	1.3771 %	10,131.94
TOTAL AD VALOREM TAX	735,745	1.3771 %	10,131.94
			10,131.94
First Installment	Second Installment	Total Amount Due	
PAID \$ 5,065.97	PAID \$ 5,065.97	PAID \$ 10,131.94	

Please Read Important Messages

A fee of \$61.00 will be imposed on all returned or dishonored payments.

ADJUSTMENT BILL FOR YEAR 2022 DUE TO:
 R&T 531 - Escaped property

ECheck is free of charge; Accepted through June 30, 2023 @ <http://www.acgov.org/propertytax/>.

Visa, Mastercard, Discover, or American Express credit cards accepted by phone (510)272-6800 or online @ <http://www.acgov.org/propertytax/> through June 30, 2023. A convenience fee equal to 2.5% of the tax amount due will be added to your total payment.

Subscribe to receive email alerts about important property tax dates online @ <http://www.acgov.org/propertytax/>.

This bill is as of April 1, 2024 8:00 PM and may not include pending payments and roll corrections.

Please See Reverse For More Information

Tax Collector's Office
 Payment Questions/Credit Card Payments
 (510) 272-6800

Assessor's Office
 Valuation/Exemption
 (510) 272-3787 (510) 272-3770

SECOND INSTALLMENT PAYMENT, 2022-2023

PARCEL NO. 33-2120-14
 TRACER NO. 07078504

2

INTERNET COPY
THIS AMOUNT DUE JUN 1, 2023 ==> PAID \$ 5,065.97

After JUNE 30, 2023 pay



(Includes delinquent penalty of 10% and \$10.00 cost)

PAID JUN 2, 2023

FIRST INSTALLMENT PAYMENT, 2022-2023

PARCEL NO. 33-2120-14
 TRACER NO. 07078504

1

INTERNET COPY
THIS AMOUNT DUE JUN 1, 2023 ==> PAID \$ 5,065.97

After JUNE 30, 2023 pay



(Includes delinquent penalty of 10%)

PAID JUN 2, 2023

7(h)

2022-2023 INTERNET COPY
 For Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023
ALAMEDA COUNTY
SECURED PROPERTY TAX STATEMENT

Henry C. Levy, Treasurer and Tax Collector
 1221 Oak Street, Room 131
 Oakland, California 94612

Parcel Number	Tracer Number	Tax-Rate Area	Special Handling
33-2120-14	07078500	17-045	

Location of Property
 3342 E 16TH ST, OAKLAND
 Assessed to on January 1, 2022

ASSESSEE NAME AND ADDRESS ARE NOT AVAILABLE ONLINE
 PER CA GOV CODE §6254.21

THIS IS NOT AN OFFICIAL BILL

Tax-Rate Breakdown			
Taxing Agency	Tax Rate	Ad Valorem Tax	
COUNTYWIDE TAX	1.0000 %	547.55	
VOTER APPROVED DEBT SERVICE:			
COUNTY GO BOND	0.0103 %	5.62	
CITY OF OAKLAND 1	0.2035 %	111.43	
SCHOOL UNIFIED	0.1026 %	56.18	
SCHOOL COMM COLL	0.0409 %	22.39	
BAY AREA RAPID TRANSIT	0.0140 %	7.67	
EAST BAY REGIONAL PARK	0.0058 %	3.18	
TOTAL AD VALOREM TAX (AV TAX)	1.3771 %	754.02	

Please Read Important Messages

A fee of \$61.00 will be imposed on all returned or dishonored payments.

ECheck is free of charge; Accepted through June 30, 2023 @ <http://www.acgov.org/propertytax/>.

Visa, Mastercard, Discover, or American Express credit cards accepted by phone (510)272-6800 or online @ <http://www.acgov.org/propertytax/> through June 30, 2023. A convenience fee equal to 2.5% of the tax amount due will be added to your total payment.

Subscribe to receive email alerts about important property tax dates online @ <http://www.acgov.org/propertytax/>.

This bill is as of April 1, 2024 8:07 PM and may not include pending payments and roll corrections.

Please See Reverse For More Information

Tax Collector's Office
 Payment Questions/Credit Card Payments
 (510) 272-6800

Assessor's Office
 Valuation/Exemption
 (510) 272-3787 (510) 272-3770

Fixed Charges and/or Special Assessments			
Description	Exemption Code	Phone	Amount
MOSQ MSR K 1982		800-273-5167	3.50
CSA PARAMEDIC		800-237-5167	74.82
VEC CNTRL MSR A 84		800-273-5167	14.40
CITY EMERG MEDICAL		510-238-2942	33.52
CITY PARAMEDIC SRV		510-238-2942	26.70
CSA LEAD ABATEMENT		510-567-8280	20.00
OUSD 2008MEASURE G	b	510-879-8884	195.00
PERALTA 2018MEAS E		800-792-8021	48.00
OUSD 2014MEASURE N	a,b	510-879-8884	120.00
OUSD 2016MEASURE G1	a,b	510-879-8884	120.00
VIOLENCE PREV TAX	a,b	510-238-2942	167.46
CITY LIBRARY SRV-D	a,b	510-238-2942	121.28
2020 OAK MEASURE Q	a,b	510-238-2942	221.72
OAKLAND MEASURE AA	a,b	510-238-2942	308.10
SFBRA MEASURE AA		888-508-8157	12.00
FLOOD BENEFIT 12		510-670-5212	16.00
HAZ WASTE PROGRAM		800-273-5167	13.28
VECTOR CNTRL ASMT		800-273-5167	5.52
MOSQUITO ASMT 2008		800-273-5167	2.30
EBRPD CFD NO A/C-3		888-512-0316	16.56
AC TRANSIT MEAS VV		800-273-5167	96.00
CITY LIBRARY SRV	a,b	510-238-2942	156.44
SEE SEC 8 ON REVERSE SIDE FOR DTLS			274.30
Additional Total from Reverse Side			
Total Fixed Charges and/or Special Assessments			2,066.90

Tax Computation Worksheet			
Description	Full Valuation	x Tax Rate	= Tax Amount
LAND IMPROVEMENTS	28,648		
FIXTURES	26,107		
TOTAL REAL PROPERTY	54,755		
PERSONAL PROPERTY			
GROSS ASSESSMENT & TAX	54,755	1.3771 %	754.02
HOMEOWNERS EXEMPTION			
OTHER EXEMPTION			
TOTAL AD VALOREM TAX	54,755	1.3771 %	754.02
Ad Valorem Tax plus Special Assessments			2,820.92
First Installment	Second Installment	Total Amount Due	
PAID \$ 1,410.46	PAID \$ 1,410.46	\$ 2,820.92	

SECOND INSTALLMENT PAYMENT, 2022-2023

PARCEL NO. 33-2120-14
 INTERNET COPY TRACER NO. 07078500

2

THIS AMOUNT DUE FEB 1, 2023 ==> PAID \$ 1,410.46

After APRIL 10, 2023 pay



(Includes delinquent penalty of 10% and \$10.00 cost)

PAID MAR 27, 2023

FIRST INSTALLMENT PAYMENT, 2022-2023

PARCEL NO. 33-2120-14
 INTERNET COPY TRACER NO. 07078500

1

THIS AMOUNT DUE NOV 1, 2022 ==> PAID \$ 1,410.46

After DECEMBER 10, 2022 pay



(Includes delinquent penalty of 10%)

PAID NOV 29, 2022

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Number: Currency, Percentage, Decimals

Styles: Conditional Formatting, Format As Table, Cell Styles

Cells: Insert, Delete, Format

Editing: AutoSum, Clear, Sort & Filter

E11

Fair Return Calculator							Base Year:	
INCOME								
			Base Year	Last Full Calendar Year		Notes		
Gross Scheduled Rents (assuming bldg 100% occupied)			\$21,134.00	\$28,436.00			2014 is base year used unless to do so would amount to an injustice. See Regulations 10.6.2	
Imputed Rent of Owner Occupied Unit								
Deductions Allowed from GSR								
Additions Allowed to GSR								
Laundry			\$0.00	\$0.00				
Parking			\$0.00	\$0.00				
Other, specify:								
Other, specify:								
Other, specify:								
(sum of lines 5-13)		Gross Operating Income	\$21,134.00	\$28,436.00				
EXPENSES								
		Notes			For capital improvements on line 32 -46, the total capital improvement cost	improvements on rows 32-46, generated from amortization schedule		
Business License Tax			\$276.00	\$653.70	n/a	n/a		
Electricity/Gas					n/a	n/a		
Furnishings					n/a	n/a		
Insurance			\$1,044.00	\$1,453.92	n/a	n/a		
Laundry Expenses					n/a	n/a		
Garbage			\$559.00	\$1,199.40	n/a	n/a		
Security					n/a	n/a		
Property Taxes			\$1,874.00	\$28,129.14	n/a	n/a		
Water/Sewer			\$1,992.00	\$3,199.20	n/a	n/a		
Other: (specify)		Pest Control	\$1,732.00	\$0.00	n/a	n/a		
Other: (specify)		Gardener	\$0.00	\$1,200.00	n/a	n/a		
Other: (specify)		Apartment Assoc. Dues	\$0.00	\$228.00	n/a	n/a		
Maintenance/Repairs			\$1,009.00	\$2,178.68	n/a	n/a		
Mgt. expenses, accounting, legal			\$0.00	\$2,200.00	n/a	n/a		
CAPITAL IMPROVEMENTS								
Base Year Capital Improvements			-	n/a		-		

Base Year:

Petition Year:

Last Full Year:

2014 is base year used unless to do so would amount to an injustice. See Regulations 10.6.2

Clipboard: Undo, Paste, Cut, Copy, Format Painter

Font: Font size 12, Bold, Italic, Underline, Text Color, Background Color, Font Color

Alignment: Wrap Text, Merge & Center

Number: Currency, Percentage, Decimals

E11

	A	B	C	D	E	F	G
29	Other: (specify)		Apartment Assoc. Dues	\$0.00	\$228.00	n/a	n/a
30	Maintenance/Repairs			\$1,009.00	\$2,178.68	n/a	n/a
31	Mgt. expenses, accounting, legal			\$0.00	\$2,200.00	n/a	n/a
32	CAPITAL IMPROVEMENTS						
33	Base Year Capital Improvements			-	n/a		-
34				-	n/a		-
35				-	n/a		-
36				-	n/a		-
37				-	n/a		-
38				-	n/a		-
39				-	n/a		-
40				-	n/a		-
41	Last Full Calendar Year Capital Improvements						
42				n/a	-		-
43				n/a	-		-
44				n/a	-		-
45				n/a	-		-
46				n/a	-		-
47				n/a	-		-
48				n/a	-		-
49	(sum of lines 18-48)		Total Operating Expenses	\$8,486.00	\$40,442.04	x	x
51			Net Operating Income	\$12,648.00	(\$12,006.04)		

Fair Return Calculator, page 2

Base Year (2014 unless HO determines other year)	Net Operating Income	\$12,648.00
Owner's Return Last Full Calendar year (from NOI analysis)	Net Operating Income	(\$12,006.04)
	Year Ending	Annual CPI
		CPI Increase
		Target Income
		\$12,648.00
Fair Return Projection (Based on 2014)	CPI Based Target Net Operating Income	\$12,648.00
Owner's Return (2014)	Base Year Net Operating Income	\$12,648.00
Increase Required to Provide Fair Return	If this number is less than zero, no fair return increase is allowed	\$24,654.04
Number of Units		2
Per Unit annual increase		\$12,327.02
Per Unit monthly increase*		\$1,027.25

* The Hearing Officer has the discretion to change the per unit increase if the square footage of each unit is substantially different or for other reasons of equity

Amortization Schedule

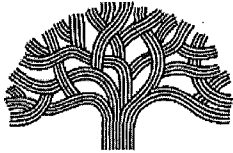
These are the same lists,

<u>Improvement</u>	<u>Years</u>
<u>Air Conditioners</u>	10
<u>Appliances</u>	
Refridgerator	5
Stove	5
Garbage Disposal	5
Water Heater	5
Dishwasher	5
Microwave Oven	5
Washer/Dryer	5
Fans	5
<u>Cabinets</u>	10
<u>Carpentry</u>	10
<u>Counters</u>	10
<u>Doors</u>	10
Knobs	5
Screen Doors	5
<u>Earthquake Expenses</u>	
Architectural and Engineering Fees	5
Emergency Services	
Clean Up	5
Fencing and Security	5
Management	5
Tenant Assistance	5
Structural Repair and Retrofitting	
Foundation Repair	10
Foundation Replacement	20
Foundation Bolting	20
Iron or Steel Work	20
Masonry-Chimney Repair	20
Shear Wall Installation	10
<u>Electrical Wiring</u>	10
<u>Elevator</u>	20
<u>Fencing and Security</u>	
Chain	10
Block	10
Wood	10
<u>Fire Alarm System</u>	10
<u>Fire Sprinkler System</u>	20
<u>Fire Escape</u>	10
<u>Flooring/Floor Covering</u>	
Hardwood	10
Tile and Linoleum	5
Carpet	5
Carpet Pad	5
Subfloor	10
<u>Fumigation</u>	
Tenting	5
<u>Furniture</u>	5
<u>Garage Door Openers (Automatic)</u>	10
<u>Gates</u>	
Chain Link	10
Wrought Iron	10

<u>Improvement</u>	<u>Years</u>
Air Conditioners	10
Appliances	5
Cabinets	10
Carpentry	10
Counters	10
Doors: Doors	10
Doors: Knobs	5
Doors:Screen Doors	5
Earthquake (post): Architectural and Engineering Fees	5
Earthquake (post): Clean Up	5
Earthquake (post): Fencing and Security	5
Earthquake (post): Management	5
Earthquake (post): Tenant Assistance	5
Earthquake: Foundation Repair	10
Earthquake: Foundation Replacement	20
Earthquake: Foundation Bolting	20
Earthquake: Iron or Steel Work	20
Earthquake: Masonry-Chimney Repair	20
Earthquake: Shear Wall Installation	10
Electrical Wiring	10
Elevator	20
Fencing and Security	10
Fire Alarm System	10
Fire Sprinkler System	20
Fire Escape	10
Flooring/Floor Covering: Hardwood	10
Flooring/Floor Covering: Tile and Linoleum	5
Flooring/Floor Covering: Carpet	5
Flooring/Floor Covering: Carpet Pad	5
Flooring/Floor Covering: Subfloor	10
Fumigation	5
Furniture	5
Garage Door Openers (automatic)	10
Gates	10
Glass (Windows/Doors/Mirrors)	5
Heating	10
Insulation	10
Landscaping	10
Lighting	10
Locks	5
Mailboxes	10
Meters	10
Plumbing: Fixtures	10
Plumbing: Pipe Replacement	10
Plumbing: Re-Pipe Entire Building	20
Plumbing: Shower Doors	5
Painting	5
Paving	10
Plastering	10
Pumps (sump)	10
Railing	10
Roofing	10
Security	10
Sidewalks/Walkways	10
Stairs	10
Tilework	10
Wallpaper	5
Window coverings	5

Wood	10
<u>Glass</u>	
Windows	5
Doors	5
Mirrors	5
<u>Heating</u>	
Central	10
Gas	10
Electric	10
Solar	10
<u>Insulation</u>	10
<u>Landscaping</u>	
Planting	10
Sprinklers	10
Tree Replacement	10
<u>Lighting</u>	
Interior	10
Exterior	10
<u>Locks</u>	5
<u>Mailboxes</u>	10
<u>Meters</u>	10
<u>Plumbing</u>	
Fixtures	10
Pipe Replacement	10
Re-Pipe Entire Building	20
Shower Doors	5
<u>Painting</u>	
Interior	5
Exterior	5
<u>Paving</u>	
Asphalt	10
Cement	10
Decking	10
<u>Plastering</u>	10
<u>Pumps</u>	
Sump	10
<u>Railing</u>	10
<u>Roofing</u>	
Shingle/Asphalt	10
Built-Up, Tar and Gravel	10
Tile and Linoleum	10
Gutters/Downspouts	10
<u>Security</u>	
Entry Telephone Intercom	10
Gates/Doors	10
Fencing	10
Alarms	10
<u>Sidewalks/Walkways</u>	10
<u>Stairs</u>	10
<u>Tilework</u>	10
<u>Wallpaper</u>	5
<u>Window Coverings</u>	5

Drapes	5
Shades	5
Screens	5
Awnings	5
Blinds/Miniblinds	5
Shutters	5



CITY OF OAKLAND

Housing and Community Development Department
Rent Adjustment Program
250 Frank Ogawa Plaza, Suite 5313
Oakland, CA 94612-2034

TEL (510) 238-3721
FAX (510) 238-6181
CA Relay 711

NOTICE OF REMOTE SETTLEMENT CONFERENCE AND HEARING

File Name: Samaniego v. Tenants
Property Address: 3342 East 16th Street, Oakland, CA, USA , Oakland, CA
Case Number: L24-0026

The Settlement Conference and Hearing will be held remotely, on Zoom, a free application for audio/video conferences.

The Hearing Officer will conduct a Settlement Conference to attempt to resolve this matter unless the owner is seeking an exemption. If the Settlement Conference is not successful, the Hearing will begin immediately after the Settlement Conference. The Settlement Conference or Hearing (if there is no settlement conference) will begin on:

Date: July 1, 2024
Time: 10:00 AM
Place: REMOTELY via Zoom

You will receive the Zoom invite prior to the hearing date. Please make sure the Case Analyst assigned to your case has your updated email address to assure timely communication as the Rent Adjustment Program office remains closed and staff is working remotely. If you do not have an email address, please contact the Case Analyst by phone to discuss best ways to contact you.

Submitting Evidence

If you wish to submit other documents in addition to those submitted with the Petition or Response form, you may do so by emailing the documents to the assigned Case Analyst and serving a copy of the documents on the other party. Documents must be received not less than seven (7) days prior to the scheduled Settlement Conference and Hearing date and must be submitted together with a proof of service indicating that the documents were served on the other party. There is a proof of service form on the RAP website that you can use for any documents you serve. See Blank Proof of Service Form. Documents submitted later (or without a proof of service) may be excluded from consideration.

We request that all documents you submit be numbered sequentially, but submissions of more than 15 pages must be numbered. Please black out all sensitive information, such as bank or credit card account numbers and Social Security numbers. The Hearing Officer can also use the

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official records of the City of Oakland and Alameda County Tax Assessor as evidence if provided by the parties for consideration. If you do not have access to email, the documents may be submitted to the Case Analyst by mail.

Request to Change Date

A request for a change in the date or time of the Settlement Conference and Hearing (“continuance”) must be made on a form provided by the Rent Adjustment Program, which can be found at the Rent Adjustment Program website: Request for Continuance. A continuance will be granted only for good cause and the Hearing Officer will issue an Order granting or denying the continuance.

Hearing Record

The Rent Adjustment Program makes an audio recording of the Hearing. Either party may bring a court reporter to record the hearing at their own expense. The Settlement Conference is not recorded. If a settlement is reached, the Hearing Officer will draft a Settlement Agreement to be signed by the parties.

Representatives

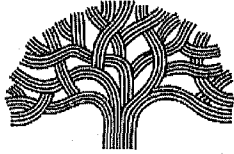
Any party to a Hearing may designate a representative in writing prior to the Settlement Conference or on the record at the Hearing.

Interpreter

The Hearing must be conducted in English. The Rent Adjustment Program will provide interpreters if it is requested on the petition or response forms or in writing in advance of the Hearing. Any party may also bring a person to the Hearing to interpret for them. The interpreter will be required to take an oath that they are fluent in both English and the relevant other language and they will fully interpret the proceeding to the best of their ability.

Failure to Appear for Hearing

If a petitioner fails to appear at a properly noticed hearing, the Hearing Officer may, in the Hearing Officer’s discretion, dismiss the case, subject to the petitioner showing good cause for the failure to appear. If the respondent fails to appear at the Hearing as scheduled, the Hearing Officer may either issue an administrative decision without a Hearing or conduct the Hearing and render a decision without the respondent’s participation.



CITY OF OAKLAND

Housing and Community Development Department
Rent Adjustment Program
250 Frank Ogawa Plaza, Suite 5313
Oakland, CA 94612-2034

TEL (510) 238-3721
FAX (510) 238-6181
CA Relay 711
www.Oaklandca.gov/RAP

May 09, 2024

Manager
Christyann Maulupe, Western Management Properties
678 14th Street
Oakland, CA 94612

Tenant
Maria A Saravia
3342 East 16th Street
Oakland, CA 94601

Tenant
Jose M Saravia
3342 East 16th Street
Oakland, CA 94601

Petitioner
Owner
Joseph Manuel Samaniego
1548 33rd Avenue
Oakland, CA 94601

RE: Notice to Parties of Petition Filed

Dear Parties:

The Rent Adjustment Program has received a Petition filed by the **Petitioner** listed above. The Proof of Service filed with the Petition states that the Petition was served on the **Respondent(s)** listed above. If you are a Respondent, and you did not receive the Petition, please contact the case analyst (listed below).

As instructed on the Petition, the Respondent(s) have 30 days from the date of service (if served personally) and 35 days (if served by mail) to file a Response to the Petition. To file a Response, the Respondent(s) must serve

a Response on the Petitioner and file the Response (along with a Proof of Service) with the Rent Adjustment Program.

Both the Tenant and Property Owner Response forms can be found at <https://apps.oaklandca.gov/rappetitions/Petitions.aspx>. Each response form contains additional filing instructions.

If you do not file a timely Response, the Petition may be granted without a Hearing, or, if a Hearing does occur, you may not be permitted to produce testimony or evidence.

The case has been assigned Case No. L24-0026

The case title is Samaniego v. Tenants

The analyst assigned to your case is Brittini Jackson, who can be contacted either by telephone at (510) 238-6415 or by email at blothlen@oaklandca.gov.

Please note that you are required to serve a copy of any documents filed with the Rent Adjustment Program on the other party (or parties). You must file a Proof of Service with the Rent Adjustment Program together with the document(s) being filed indicating that the document(s) have been served.

Property Owner Petitions that include more than 25 pages of additional documents with the petition are exempt from this requirement, and the owner may choose to not serve all tenants with those documents. If the Owner Petition indicates that additional documents exist that are not being served pursuant to this exception, a tenant may request a copy of the documents in their Tenant Response form or view the documents by scheduling a file review with RAP. If the Tenant Response form indicates that the tenant wishes to receive copies of all filed documents, the owner must provide them within 10 days.

All documents filed by either party are available for review at the Rent Adjustment Program Office by **appointment only**. If you wish to review the case file, call (510) 238-3721 to schedule an appointment.

If you have questions or need additional information, please contact your assigned analyst.

Thank you.

Rent Adjustment Program

PROOF OF SERVICE

Case Number: L24-0026

Case Name: Samaniego v. Tenants

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

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

Documents Included

Notice of Remote Settlement Conference and Hearing
Notice to Parties
Copy of Landlord Petition
Tenant Response Form

Manager

Christyann Maulupe, Western Management Properties
678 14th Street
Oakland, CA 94612

Owner

Joseph Manuel Samaniego
1548 33rd Avenue
Oakland, CA 94601

Tenant

Jose M Saravia
3342 East 16th Street
Oakland, CA 94601

Tenant

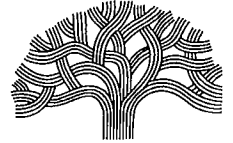
Maria A Saravia
3342 East 16th Street
Oakland, CA 94601

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 **May 09, 2024** in Oakland, California.

Deborah Griffin

Deborah Griffin
Oakland Rent Adjustment Program



Zoom Invitation for L24-0026: Samaniego v. Tenants

To all parties:

The Settlement Conference and Hearing for your case will begin **July 1, 2024, at 10:00 a.m.**, and will be held remotely through Zoom. If you do not already have a Zoom account or the Zoom application, please set one up at <https://zoom.us> and/or install the Zoom application prior to the hearing.

To download Zoom or to join the meeting:

1. **On a smartphone:**
 - i)** Go to the “App store,” “Google play,” “Android Apps,” or the “Play Store”
 - ii)** Search for Zoom
 - iii)** Download “Zoom” or “Zoom Cloud Meetings.”
2. **On a computer:**
 - i)** Open a browser (Firefox, Internet Explorer, Google Chrome, or any other web browser)
 - ii)** Search for “Zoom” in the search box; or type in “zoom.us” in the address bar
*In either case, you will be directed to the Zoom website.
 - iii)** Click on “Join”
 - iv)** Enter the meeting ID number and passcode below.

Topic: L24-0026 Samniego v. Tenant

Time: Jul 1, 2024 10:00 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88026479019?pwd=j6UfMuQuNVBLR9aE6AaGx3NWg0BxfB.1>

Meeting ID: 880 2647 9019

Passcode: 797327

One tap mobile

+16699009128,,88026479019# US (San Jose)

+16694449171,,88026479019# US

Dial by your 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
- +1 386 347 5053 US
- +1 507 473 4847 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

Meeting ID: 880 2647 9019

Find your local number: <https://us02web.zoom.us/j/kcsZSyOLqm>

If you have any questions, please email me at ASilveira@oaklandca.gov, or visit the Zoom Help Center at <https://support.zoom.us/hc/en-us/articles/115004954946-Joining-and-participating-in-a-webinar-attendee->

Sincerely,

Ava Silveira, Administrative Analyst
City of Oakland
Rent Adjustment Program

PROOF OF SERVICE
Case Number L24-0026

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

Document Included

Zoom Invitation

Manager

Christyann Maulupe
Western Management Properties
678 14th Street
Oakland, CA 94612

Owner

Joseph Samaniego
1548 33rd Ave.
Oakland, CA 94601

Tenants

Jose & Maria Saravia
3342 East 16th Street
Oakland, CA 94601

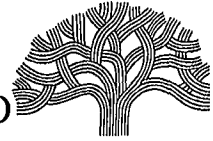
I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first 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 **June 6, 2024** in Oakland, CA.



Ava Silveira
Oakland Rent Adjustment Program

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DALZIEL BUILDING • 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) 238-6181
CA Relay Service 711

HEARING DECISION

CASE NUMBER/NAME: L24-0026/Samaniego v. Tenants

PROPERTY ADDRESS: 3342 East 16th St., Oakland, CA

DATE OF HEARING: July 1, 2024

DATE OF DECISION: September 24, 2024

APPEARANCES: Joseph Samaniego, Owner
Leslie Penglis, Management Co. Rep.
Randy Fulcher, Management Co. Rep.
Saluda Dacumos, Owner Representative
No appearance by Tenants

SUMMARY OF DECISION

The owner's petition is denied.

CONTENTIONS OF THE PARTIES

On May 2, 2024, the owner filed a *Property Owner Petition* for approval of a rent increase on the basis of Fair Return. A hearing was held on July 1, 2024.

Neither of the two tenants named in the *Property Owner Petition* filed a response, nor did either tenant appear at the Hearing.

ISSUE

Did the Owner Successfully Submit a Petition for a Rent Increase on the Basis of Fair Return?

EVIDENCE

Owner Samaniego submitted a Worksheet C – Fair Return document outlining the income and expenses for the subject property for the base year of 2014, and the comparison year of 2023 for purposes of a fair return calculation.¹

In support of his petition, Owner Samaniego submitted tax returns for 2014 and 2023.² He also submitted property tax statements for 2014 and 2023.³

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Did the Owner Successfully Submit a Petition for a Rent Increase on the Basis of Fair Return?

Constitutionally Required Fair Return

The City of Oakland Rent Adjustment Ordinance permits owners to claim that a rent increase greater than the CPI rent increase is necessary to meet the constitutional or fair return requirement.⁴ The Rent Adjustment Program Regulations (Regulations) set forth the following rules regarding “fair return”:

d. (1) Owners are entitled to the opportunity to receive a fair return. Ordinarily, a fair return will be measured by maintaining the net operating income (NOI) produced by the property in a base year, subject to CPI related adjustments. Permissible rent increases will be adjusted upon a showing that the NOI in the comparison year is not equal to the base year NOI.

(2) Maintenance of Net Operating Income (MNOI) Calculations

1. The base year shall be the calendar year 2014.
 - a. New owners are expected to obtain relevant records from prior owners.
 - b. Hearing officers are authorized to use a different base date, however, if an owner can demonstrate that relevant records were unavailable (e.g., in a foreclosure sale) or that use of base year 2014 will otherwise result in injustice.

¹ Owner Exhibit 1, p. 1

² Owner Exhibit 1, pp. 2-4

³ Owner Exhibit 1, pp. 5-10

⁴ O.M.C. §8.22.070(C)(d)

2. The NOI for a property shall be the gross income less the following: property taxes, housing service costs, and the amortized cost of capital improvements. Gross income shall be the total of gross rents lawfully collectible from a property at 100% occupancy, plus any other consideration received or receivable for, or in connection with, the use or occupancy of rental units and housing services. Gross rents collectible shall include the imputed rental value of owner-occupied units.

3. When an expense amount for a particular year is not a reasonable projection of ongoing or future expenditures for that item, said expense shall be averaged with the expense level for that item for other years or amortized or adjusted by the CPI or may otherwise be adjusted, in order to establish an expense amount for that item which most reasonably serves the objectives of obtaining a reasonable comparison of base year and current year expenses.

(3) Owners may present methodologies alternative to MNOI for assessing their fair return if they believe that an MNOI analysis will not adequately address the fair return considerations in their case. To pursue an alternative methodology, owners must first show that they cannot get a fair return under an MNOI analysis. They must specifically state in the petition the factual and legal bases for the claim, including any calculations.

Base Year 2014 Income and Expenses:

The Regulations require that the base year of 2014 be used and that new owners are expected to obtain relevant records from prior owners. Therefore, the burden is upon the owner to obtain all relevant records for 2014 from whatever source.

The petition had categories for expenses which Owner Samaniego filled out. He did not, however, submit proof of these expenses for most categories as shown below:

For 2014, the unsupported categories on the petition are:

Garbage: \$559.00 but no supporting documentation.

Water/Sewer: \$1,992.00 but no supporting documentation.

Pest Control: \$1,732.00 but no supporting documentation.⁵

Business License: \$276.00 but no supporting documentation.

The following figures were not consistently reported by the Owner:

⁵This appears to be the same figure as the tax return category "Cleaning and Maintenance" – however, that category is broader than pest control and the equivalence may thus be coincidental. Without supporting documentation, to assume that the tax return figure represents pest control is conjecture.

Property Taxes: \$1,874.00 on petition and \$2,150.00 on tax return.

The categories that are supported by documentation in the tax return are:

Rent \$21,134.00
Insurance \$1,044.00
Repairs \$1,009.00

The regulations state that Hearing Officers are authorized to use a different base year, if an owner can demonstrate that relevant records were unavailable or that use of the base year 2014 would result in "injustice." Here, the owner did not present any testimony or evidence showing that the use of the 2014 base year would create an injustice and did not produce evidence of expenses for any other year for consideration as the base year. Therefore, the base year of 2014 is the appropriate base year to consider.

Based on the documents submitted at the hearing, the owner has failed to sustain his burden of proof for providing relevant expenses for the base year of 2014.

Comparison Year 2023 Income and Expenses:

A Fair Return petition requires that a comparison year be used in evaluating the claims made in the petition, which is the most recent complete year. Based on the petition being filed in 2024, the most recent complete year is 2023. For 2023, the owner submitted a tax return and a property tax bill. As demonstrated below, these documents fail to substantiate most of the items claimed in the petition.

For 2023, the unsupported categories on the petition are:

Garbage: \$1,199.40 but no supporting documentation.
Water/Sewer: \$3,199.92 but no supporting documentation.
Business License: \$653.70 but no supporting documentation.
Gardener: \$1,200.00 but no supporting documentation.
Management Expenses: \$2,200.00 but no supporting documentation.

The following figures were not consistently reported by the Owner:

Property Taxes: \$28,129.14 on petition and \$28,783.00 on tax return

Supported categories on both the petition and tax return are as follows:

Rent: \$28,436.00
Insurance: \$1,454.00
Business Assn fees: \$228.00

Based on the documents submitted at the hearing the owner has failed to sustain his burden of proof for providing relevant expenses for the comparison year of 2023.

CONCLUSION

The owner did not provide evidence of a number of expenses for both the base year of 2014, and the comparison year of 2023. In addition, although he provided a figure for Repairs in 2014, he did not provide a comparable figure for 2023. And although he provided a Business Association fees figure for 2023, he did not provide a comparable figure for 2014.

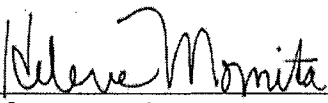
Because the owner failed to provide amounts and supporting documentation for each of the relevant categories, it is found that he did not provide sufficient evidence to support a fair return petition.

ORDER

The owner's petition L24-0026 is denied.

Right to Appeal: This is the final decision of the Rent Adjustment Program (RAP). Either party may appeal this decision by filing a properly completed RAP appeal form, which must be received within 20 days after service of the decision. The date of service is shown on the attached Proof of Service.

Dated: September 24, 2024



Helene Momita
Hearing Officer
Rent Adjustment Program

PROOF OF SERVICE
Case Number L24-0026

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

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

Documents Included

Hearing Decision

Owner

Joseph Manuel Samaniego
1548 33rd Avenue
Oakland, CA 94601

Owner Representatives

Christyann Maulupe
Western Management Properties
678 14th Street
Oakland, CA 94612

Tenant

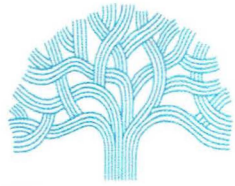
Maria A. Saravia
Jose M. Saravia
3342 East 16th Street
Oakland, CA 94601

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 2, 2024** in Oakland, CA.



Robert F. Costa
Oakland Rent Adjustment Program



CITY OF OAKLAND

**CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612-0243
(510) 238-3721
CA Relay Service 711
www.oaklandca.gov/RAP

For Rent Adjustment Program date stamp.

APPEAL

Appellant's Name Joseph M. Samaniego		<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant	
Property Address (Include Unit Number) 3342 E. 16 th Street, Oakland, CA 94601			
Appellant's Mailing Address (For receipt of notices) 1548 33rd Avenue Oakland, CA 94601		Case Number L24-0026	
		Date of Decision appealed 09/24/2024	
Name of Representative (if any) Randy Fulcher Western Management Properties		Representative's Mailing Address (For notices) 678 14 th Street Oakland, CA 94612	

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.)*

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- f) I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
- g) The decision denies the Owner a fair return on the Owner's 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.)

Supporting documents (in addition to this form) must **not** exceed 25 pages, and must be received by the Rent Adjustment Program, along with a proof of service on the opposing party, within 15 days of the filing of this document. Only the first 25 pages of submissions from each party will be considered by the Board, subject to Regulations 8.22.010(A)(4). Please number attached pages consecutively.

Joseph Amigo 10/16/2024
 • You must serve a copy of your appeal on the opposing parties, or your appeal may be dismissed. •

I served a copy of: APPEAL (insert name of document served)
 And Additional Documents

and (write number of attached pages) 10 attached pages (not counting the Appeal Form or the Proof of Service) to each opposing party, whose name(s) and address(es) are listed below, by one of the following means (check one):


- a. First-Class Mail. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed below and at the address(es) below and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- b. Personal Service. (1) By Hand Delivery: I personally delivered the document(s) to the person(s) at the address(es) listed below; or (2) I left the document(s) at the address(es) with some person not younger than 18 years of age.
- c. Electronic Service. I electronically sent the document(s) to the person(s) at the address(es) listed below who have previously given written consent to receiving notices and documents in this matter from the RAP and from the OTHER PARTY/IES electronically at the email address(es) they provided.

Name	JOSE RAUL SARRAVIA AND MARIA SARRAVIA
Address	3342 E. 16 th STREET
City, State Zip	OAKLAND CA 94601
Email Address	
Name	
Address	
City, State Zip	

Email Address	
----------------------	--

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and the documents were served on 10/16/24 (insert date served).

SANDRA KANTOR
PRINT YOUR NAME


SIGNATURE

10-16-2024
DATE

IMPORTANT INFORMATION:

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

- Appeals filed late without good cause will be dismissed.
- You must provide all the information required, or your appeal cannot be processed and may be dismissed.
- **Any response to the appeal by the responding party must be received by the Rent Adjustment Program, along with a proof of service on appealing party, within 30 days of service of the service of the appeal if the party was personally served. If the responding party was served the appeal by mail, the party must file the response within 35 days of the date the appeal was mailed to them.**
- There is no form for the response, but the entire response is limited to 25 pages or less.
- The Board will not consider new claims. All claims, except jurisdictional issues, must have been made in the petition, response, or at the hearing.
- The Board will not consider new evidence at the appeal hearing without specific approval.
- You must sign and date this form or your appeal will not be processed.
- The case record is available to the Board, but sections of audio recordings that you want the Board to review must be pre-designated to Rent Adjustment Staff.

City of Oakland
Housing and Community Development Department
Rent Adjustment Program
250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612

October 16, 2024

Re: Case Number/Name: L24-0026/Samaniego v. Tenants
Property Address: 3342 E 16th Street, Oakland, CA
Rent Increase Petition: Fair return
Appeal of Hearing Decision dated September 24 2024:

I am a retired, 73 year old resident of Oakland, and I am filing an Appeal to the Hearing Decision dated September 24, 2024 denying my Fair Return rent increase petition.

Included in the Appeal:

- Background Information and Reason for Fair Return Rent Increase Petition*
- Part 1: Grounds for Appeal of the Hearing Decision*
- Part 2: Owner's contentions that documents submitted satisfy the Fair Return requirements.*
- Part 3: Calculations for Maintenance of Net Operating Income (MNOI).*
- Endnote*

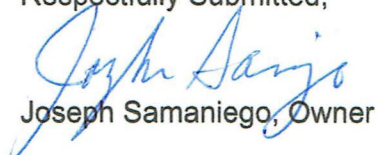
When voters passed Proposition 19 by 51% of the voters in 2020, the rental duplex that I inherited in February of 2022 was reassessed and the property tax was increased. I paid \$28,129 in property taxes in 2023. In good faith, I filed the petition for Fair Return rent increase in May 2024.

Proposition 19 is a constitutional amendment intended to limit people who inherit family properties from keeping the low property tax base unless they use the home as their primary residence.

OMC Code Section 8.22.070(C)e: *The rent increase is necessary to meet constitutional or fair return requirements.* We did not find any information or guidelines for rent increase to meet constitutional requirements.

Family members and Western Management Properties have been very helpful in drafting responses to the Appeal and Net Operating Income calculations. The East Bay Rental Housing Association was contacted for advice but they were not familiar with fair return rent increase petitions.

Respectfully Submitted,


Joseph Samaniego, Owner

000133¹

Case No./Name: L24-0026/Samaniego v. Tenants
Property Address: [3342 East 16th Street, Oakland, CA](#)
Appeal: Hearing Decision dated September 24, 2024

Background Information and Reason for Fair Return Rent Increase Petition:

The parents of the Owner bought the two unit property in 1964, and 3342 E. 16th was their first purchased home. The rental income of the other unit, and later both units, supplemented Owner’s parents’ income particularly when they needed at-home care services. The Owner officially **inherited** the property in February 2022.

The Owner, retired and in his early 70s, submitted a petition for rent increase Based on Fair Return because of the large increase of property tax when **Proposition 19 was approved by 51% of the voters in 2020**. Proposition 19 is a **constitutional amendment intended to limit people who inherit family properties from keeping the low property tax base unless they use the home as their primary residence**. The Owner inherited the rental property and cannot keep the low property tax base.

[Proposition 19](#)

The rental property was reassessed effective June 15, 2021, date of death of Owner’s father.

Property Tax Year	Amount	Due	Date Paid	Reason
2021-2022 (1st installment)	\$4,955.81	7/31/2023	7/20/2023	date of death/change of ownership Prop 19
2021-2022 (2nd installment)	\$4,955.81	11/30/2023	11/3/2023	date of death/change of ownership Prop 19
2022-2023 (2nd installment)	\$1,410.46	2/1/2023	3/27/2023	Pre-Prop. 19
2022-2023 (1st installment)	paid in 2022			Pre-Prop. 19 (paid \$1,410.46 on 11/29/2022)
2022-2023 (1st installment)	\$5,065.97	6/1/2023	6/2/2023	Adjusted bill reassessment Prop 19
2022-2023 (2nd installment)	\$5,065.97	6/1/2023	6/2/2023	Adjusted bill reassessment Prop 19
2023-2024 (1st installment)	\$6,675.12	11/1/2023	12/4/2023	Post-Prop. 19
2023-2024 (2nd installment)	paid in 2024			Post-Prop. 19 (paid \$6,675.12 on 2/26/2024)
Total Amount Paid	\$28,129.14			

Copies of the property tax statements were submitted as supporting documents for the Fair Return Petition and were explained at the July 1, 2024 Hearing.

In good faith, the Owner completed and submitted the application for the Fair Return rent increase petition provided by the Rent Adjustment Program (RAP), together with the documents which he believed supported the requirements of the Fair Return rent increase petition. It was received by RAP on May 2, 2024.

On October 4, 2024, the Owner received the Hearing Decision stating the Order: *“Owner’s petition L24-0026 is denied”*. The Hearing Decision is dated September 24, 2024, and postmarked October 2, 2024. Owner has the right to appeal the decision and submit a completed RAP appeal form that must be received within 20 days after service of the decision.

The Owner is submitting an appeal regarding the Hearing Decision made on September 24, 2024. They seek a process that is guided by common sense, reasonableness, objectivity, and fairness in addition to the law and regulations.

Appeal Form Instructions for Fair Return Claim:

“The decision denies the Owner a fair return on the Owner’s 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.)”

PART 1 - Grounds for Appeal of the Hearing Decision

- The Owner contends that the tenants had no objections to the information and documents submitted. Tenants were served a copy of the petition package and had rights to respond to the petition in writing, and/or present their case at the hearing. They did not respond in writing and they did not appear at the hearing.
- **The Owner contends that the Hearing Decision was made based on Increased Housing Service Costs regulations and not the Fair Return Regulations.**
Hearing Decision cited O.M.C §8.22.070(C)(d) - Increased Housing Service Costs

¹ Owner Exhibit 1, p. 1

² Owner Exhibit 1, pp. 2-4

³ Owner Exhibit 1, pp. 5-10

⁴ O.M.C. §8.22.070(C)(d)

[“Article I. - Residential Rent Adjustment Program”](#)

C. Rent Increases in Excess of the CPI Rent Adjustment.

1. A tenant may file a petition in accordance with the requirements of [Section 8.22.110](#) contesting any rent increase which exceeds the CPI Rent Adjustment.
2. If a tenant files a petition and if the owner wishes to contest the petition, the owner must respond by either claiming an exemption and/or justifying the rent increase in excess of the CPI Rent Adjustment on one or more of the following grounds:
 - a. Banking;
 - b. Capital improvement costs, including financing of capital improvement costs;
 - c. Uninsured repair costs;
 - d. Increased housing service costs;**

- **The Hearing Decision does not mention the 2023 property tax \$28,129 compared to 2014 property tax \$1,874, the biggest expenditure increase and should have been the main focus of the analysis in determining the maintenance of 2014 Net Operating Income as required by Fair Return regulations.**
- **The Fair Return regulations do not specify documentation requirements and therefore, the Owner contends that the Fair Return Regulations do not support the Hearing Decision findings of the following:**
 - 2014 unsupported categories
 - Garbage: \$559 but no supporting documentation
 - Water/Sewer: \$1,992.00 but no supporting documentation
 - Pest Control: \$1,732.00 but no supporting documentation
 - Business License \$276.00 but no supporting documentation

- 2023 unsupported categories
 - *Garbage: \$1,199.40 but no supporting documentation*
 - *Water/Sewer: \$3,199.92 but not supporting documentation*
 - *Business License: \$653.70 but no supporting documentation*
 - *Gardener \$1,200*
 - *Management Expense \$2,200*
- **Increase Housing Cost Service Costs Regulations specify documents required:**

(5) Documentation (i.e., bills, receipts, and/or canceled checks) must be presented for all

-21-

Rent Adjustment Program Regulations – December 5, 2023

3338969v5

costs which are being used for justification of the proposed rent increase.

When comparing expenses between years, the absence of a comparable expense suggests that no expense was incurred for that year and is not significant in calculating Net Operating Income. For instance, a Business Association Fee did not apply in 2014 because the previous owner did not utilize their services that year.

PART 2 - FAIR RETURN REGULATIONS

The Owner contends that he submitted the information and documents required by Fair Return Regulations

1. d.(1) Owners are entitled to the opportunity to receive a fair return.

- **As Owner, he took the opportunity entitled to property owners to receive a fair return by submitting his petition and the supporting documents he believed were relevant. He notes that if Proposition 19 had not been approved by voters, he would not need to file a petition for a fair return rent increase.**
- Rent Adjustment Program (RAP) is the City department that administers Chapter 8.22 - Residential Rent and Adjustment and Evictions and includes the Housing, Residential Rent and Relocation Board [Rent Adjustment Program Definition](#).

The Owner contends that RAP has not adequately provided Rental Property Owners with the opportunity they are entitled to receive a fair return by failing to supply essential informational materials, properly designed fillable forms and worksheets, guidelines, examples, and instructions.

The Hearing Decision included a Right to Appeal Notice, but no information was provided on where to get the Appeal form or instructions on where and how to send the Appeal.

The Appeal form does not have instructions where and how to send the Appeal package.

The Fair Return worksheet provided by RAP did not have a line for Net Operating Income (NOI). A critical omission. A quick calculation would have shown that the **Comparable Year NOI is a Net Operating Loss.**

	2014 Base Year	2023 Comparable Year
Total Income	\$21,134.00	\$28,436.00
Total Expenses	\$8,486.00	\$40,440.26
Net Operating Income/Loss	\$12,648.00	-\$12,004.26

Hearing Decision would have included analysis, adjustment and calculations of the Net Operating Income/Loss.

*Ordinarily, a fair return will be measured by maintaining the **net operating income (NOI)** produced by the property in a base year, subject to CPI related adjustments. Permissible rent increases will be adjusted **upon showing that the NOI in the comparison year is not equal to the base year NOI.***

- **The Owner contends that without any reference to Net Operating Income (NOI), the Hearing Decision was not based on the Fair Return Regulations, and the documentation provided in petition adhered to the Fair Return Regulations.**

(2) Maintenance of Net Operating Income (MNOI)

1. The base year shall be the calendar year 2014.

a. New owners are expected to obtain relevant records from prior owners

The Owner submitted the previous owner's 2014 Schedule E, satisfying this requirement and confirmed in the Hearing Decision: Therefore, the base year of 2014 is the appropriate base year to consider.

2. The NOI for a property shall be the gross income less the following: property taxes, housing service costs, and the amortized cost of capital improvements.

The Owner contends that by Submitting Schedule E for both 2014 and 2023, the requirements of the definition of Net Operating Income are met. The Schedules include property taxes, housing service costs, there are no amortized cost of capital improvements.

Gross income shall be the total of gross rents lawfully collectible from a property at 100% occupancy, plus any other consideration received or receivable for, or in connection with, the use or occupancy of rental units and housing services. Gross rents collectible shall include the imputed rental value of owner-occupied units.

The Owner contends that Schedule E met the Gross Income requirement.

3. When an expense amount for a particular year is not a reasonable projection of ongoing or future expenditures for that item, said expense shall be averaged with the expense level for that item for other years or amortized or adjusted by the CPI or may otherwise be adjusted, in order to establish an expense amount for that item which most reasonably serves the objectives of obtaining a reasonable comparison of base year and current year expenses.

The Owner submitted Schedule E paid expenses rather than projections. The reason for the rent increase is because of the large tax increase when Proposition 19 was passed by the voters.

(3) Owners may present methodologies alternative to MNOI for assessing their fair return if they believe that an MNOI analysis will not adequately address the fair return considerations in their case. To pursue an alternative methodology, owners must first show that they cannot get a fair return under an MNOI analysis. They must specifically state in the petition the factual and legal bases for the claim, including any calculations.

- **The Owner did not receive guidance regarding MNOI nor received RAP calculation of a fair return.**
- **The Owner is submitting in good faith MNOI worksheets that show fair return calculations. To reiterate, the fair return petition is because of the increase of property taxes when Proposition 19 passed.**
- **Proposition 19 is a constitutional amendment.**

OMC Code Section 8.22.070(C)e: *The **rent increase** is necessary to meet **constitutional** or fair return requirements.*

There is no guidance on the constitutional requirements of Proposition 19.

PART 3 - Two Calculations of Maintenance of Net Operating Income (MNOI) Exhibits A & B show three payment scenarios.

Exhibit A - MNOI with no CPI adjustments of 2014 base NOI

Exhibit B - MNOI with CPI adjustments of 2014 base NOI

Exhibit B-1 - Calculations of CPI adjustment of 2014 base NOI

Endnote

EXHIBIT A - No CPI Adjustments

CALCULATION OF Maintenance of Net Operating Income (MNOI)				
Expenses based on 2014 & 2023 Schedule E & Property Tax Statements				
	BASE YEAR (2014) From: 1/1/2014 to 12/31/2014	COMPARABLE YEAR From: 1/2/2023 to 12/31/2023 with Prop 19 property tax paid	COMPARABLE YEAR From: 1/2/2023 to 12/31/2023 Tax yr 2023-2024 & 5 yr amortized cost of paid property taxes	COMPARABLE YEAR From: 1/2/2023 to 12/31/2023 Tax yr 2023-2024 & 7 yr amortized cost of paid property taxes
INCOME				
Rents	\$21,134.00	\$28,436.00	\$28,436.00	\$28,436.00
Parking				
Laundry				
Other: _____				
Imputed rent if any unit owner/manager-occupied				
Imputed rent if any unit not rented to capacity				
TOTAL INCOME		\$28,436.00	\$28,436.00	\$28,436.00
EXPENSES				
Electricity/Gas				
Garbage	\$559.00	\$1,199.40	\$1,199.40	\$1,199.40
Water/Sewer	\$1,992.00	\$3,199.42	\$3,199.42	\$3,199.42
Insurance	\$1,044.00	\$1,453.92	\$1,453.92	\$1,453.92
Maintenance/Repairs	\$1,009.00	\$2,176.68	\$2,176.68	\$2,176.68
Pest Control	\$1,732.00			
Laundry Expenses				
Parking				
Elevator Service				
Security				
Property Taxes (large increase due to Prop. 19)*	\$1,874.00	\$28,129.14	\$13,350.24	\$13,350.24
Business License	\$276.00	\$653.70	\$653.70	\$653.70
Management Expenses		\$2,200.00	\$2,200.00	\$2,200.00
Furnishings				
Capital Improvements (Amortized Cost)				
Property Taxes Paid in 2023 (Amortized Cost)			\$5,343.74	\$3,816.95
Other: Gardener		\$1,200.00	\$1,200.00	\$1,200.00
Other: Apt. Assoc. Dues		\$228.00	\$228.00	\$228.00
TOTAL EXPENSES	\$8,486.00	\$40,440.26	\$31,005.10	\$29,478.31
NET OPERATING INCOME/LOSS	\$12,648.00	-\$12,004.26	-\$2,569.10	-\$1,042.31
Amount Needed to equal base Net Operating Income		\$24,652.26	\$15,217.10	\$13,690.31

Calculation of Fair Return Rent Increase - comparison of rent increase based on Prop 19 tax			
Amount Needed to equal Base Net Operating Income	\$24,652.26	\$15,217.10	\$13,690.31
Rent Increase Per Unit/year	\$12,326.13	\$7,608.55	\$6,845.16
Tenant's rent increase per unit /month	\$1,027.18	\$634.05	\$570.43

Total Amount Paid (see Table 1, pg. 2)	\$28,129.14
**Less 2022-2023 Pre-Prop. 19	\$1,410.46
Total of Increase of Post-Prop. 19 Property Taxes	\$26,718.68
Total of Increased Property Taxes Paid Amortized in 5 years	\$5,343.74
Total of Increased Property Taxes Paid Amortized in 7 years	\$3,816.95

EXHIBIT B - with CPI Adjustment

CALCULATION OF Maintenance of Net Operating Income (MNOI)				
Expenses based on 2014 & 2023 Schedule E & Property Tax Statements				
	BASE YEAR (2014) From: 1/1/2014 to 12/31/2014	COMPARABLE YEAR From: 1/2/2023 to 12/31/2023 with Prop 19 property tax paid	COMPARABLE YEAR From: 1/2/2023 to 12/31/2023 Tax yr 2023-2024 & 5 yr amortized cost of paid property taxes	COMPARABLE YEAR From: 1/2/2023 to 12/31/2023 Tax yr 2023-2024 & 7 yr amortized cost of paid property taxes
INCOME				
Rents	\$21,134.00	\$28,436.00	\$28,436.00	\$28,436.00
Parking				
Laundry				
Other: _____				
Imputed rent if any unit owner/manager-occupied				
Imputed rent if any unit not rented to capacity				
TOTAL INCOME		\$28,436.00	\$28,436.00	\$28,436.00
EXPENSES				
Electricity/Gas				
Garbage	\$559.00	\$1,199.40	\$1,199.40	\$1,199.40
Water/Sewer	\$1,992.00	\$3,199.42	\$3,199.42	\$3,199.42
Insurance	\$1,044.00	\$1,453.92	\$1,453.92	\$1,453.92
Maintenance/Repairs	\$1,009.00	\$2,176.68	\$2,176.68	\$2,176.68
Pest Control	\$1,732.00			
Laundry Expenses				
Parking				
Elevator Service				
Security				
Property Taxes (large increase due to Prop. 19)*	\$1,874.00	\$28,129.14	\$13,350.24	\$13,350.24
Business License	\$276.00	\$653.70	\$653.70	\$653.70
Management Expenses		\$2,200.00	\$2,200.00	\$2,200.00
Furnishings				
Capital Improvements (Amortized Cost)				
Property Taxes Paid in 2023 (Amortized Cost)			\$5,343.74	\$3,816.95
Other: Gardener		\$1,200.00	\$1,200.00	\$1,200.00
Other: Apt. Assoc. Dues		\$228.00	\$228.00	\$228.00
TOTAL EXPENSES	\$8,486.00	\$40,440.26	\$31,005.10	\$29,478.31
NET OPERATING INCOME/LOSS	\$12,648.00	-\$12,004.26	-\$2,569.10	-\$1,042.31
CPI Adjustment (Exhibit B-1)	\$3,084.87			
Total 2014 Base NOI with CPI Adjustment	\$15,732.87			
Amount Needed to equal adjusted base Net Operating Income		\$27,737.13	\$18,301.97	\$16,775.18

Calculation of Fair Return Rent Increase - comparison of rent increase based on Prop 19 tax			
Amount Needed to equal Adjusted Base Net Operating Income	\$27,737.13	\$18,301.97	\$16,775.18
Rent Increase Per Unit/year	\$13,868.57	\$9,150.99	\$8,387.59
Tenant's rent increase per unit /month	\$1,155.71	\$762.58	\$698.97

Total Amount Paid (see Table 1, pg. 2)	\$28,129.14
**Less 2022-2023 Pre-Prop. 19	\$1,410.46
Total of Increase of Post-Prop. 19 Property Taxes	\$26,718.68
Total of Increased Property Taxes Paid Amortized in 5 years	\$5,343.74
Total of Increased Property Taxes Paid Amortized in 7 years	\$3,816.95

EXHIBIT B-1
CPI Adjustment Calculation of 2014 Base NOI

2014 Base Net Operating Income Adjusted to CPI					
CPI Dates and Rates		Year	CPI Rate	CPI Increase	Adjusted Income
July 1, 2014: 1.9%	\$12,468.00	2014	1.90%	\$236.89	\$12,704.89
July 1, 2015: 1.7%	\$12,704.89	2015	1.70%	\$215.98	\$12,920.88
July 1, 2016: 2.0%	\$12,920.88	2016	2.00%	\$258.42	\$13,179.29
July 1, 2017: 2.3%	\$13,179.29	2017	2.30%	\$303.12	\$13,482.42
July 1, 2018: 3.4%	\$13,482.42	2018	3.40%	\$458.40	\$13,940.82
July 1, 2019: 3.5%	\$13,940.82	2019	3.50%	\$487.93	\$14,428.75
July 1, 2020: 2.7%	\$14,428.75	2020	2.70%	\$389.58	\$14,818.32
July 1, 2021: 1.9%	\$14,818.32	2021	1.90%	\$281.55	\$15,099.87
August 1, 2022: 3%	\$15,099.87	2022	3.00%	\$453.00	\$15,552.87
Total CPI Increase				\$3,084.87	

2014 Base Year Income	\$21,134.00
Less Total Expenses	\$8,486.00
Net Operating Income	\$12,648.00
Plus CPI Increase	\$3,084.87
Total 2014 Adjusted Base Year Income	\$15,732.87

Case No./Name: L24-0026/Samaniego v. Tenants
Property Address: 3342 E 16th Street

Endnote - Early years of Owner's Parents referred here as Mr. S and Mrs. S

Mr. S was born in Joliet, Illinois in 1923. In 1931, he and his family left for Mexico, part of the Mexican Repatriation - the repatriation, deportation, and expulsion of Mexicans and Mexican American from the United States during the Great Depression between 1929 and 1939. He and Mrs. S. married in 1950 and they moved to the U.S. in 1954 and finally settled in Oakland in 1958 to join Mr. S's parents and his siblings who returned to the U. S. earlier.

Mr. S and Mrs. S took English classes while they held different jobs. Mr. S attended Laney College to learn upholstery and later worked for an upholstery company from 1959 until he retired.

Mrs. S worked in the evenings at the Del Monte Cannery canning tomatoes and at Mother's Cookies and Hooper Candies as a seasonal worker. While holding other jobs, for a brief time in the early 1960's, Mr. and Mrs. S co-owned one of the first taquerias in Oakland. The family rented an apartment above the taqueria on 23rd Avenue.

They bought the duplex in 1964 after saving for the down payment, lived in one of the units and rented out the other unit to help pay for the loan until 1978, when they moved to a bigger house a few blocks away.

In 1979, at the age of 51, Mrs. S earned her Associate of Arts degree at Laney College while raising two children under ten years old and working seasonal jobs. With her AA degree, she worked as a Teacher's Aide at Calvin Simmons Middle School, helping students especially those with limited English.

Mr. S. consulted legal assistance when he lost his U. S. Nationality because he voted in Mexico's 1952 election. He eventually became a naturalized citizen in 1989, the same time as Mrs. S.



CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM
 250 Frank H. Ogawa Plaza, Suite 5313 Oakland,
 CA 94612-0243
 (510) 238-3721
 CA Relay Service 711
www.oaklandca.gov/RAP

For Rent Adjustment Program date stamp.

PROOF OF SERVICE

NOTE: YOU ARE REQUIRED TO SERVE A COPY OF YOUR PETITION OR RESPONSE (PLUS ANY ADDITIONAL DOCUMENTS) ON THE OPPOSING PARTIES.

- Use this PROOF OF SERVICE form to indicate the date and manner in which service took place, as well as the person(s) served.
- Provide a complete but unsigned copy of this PROOF OF SERVICE form to the opposing parties together with the document(s) being served.
- File the completed and signed PROOF OF SERVICE form with the Rent Adjustment Program together with the document you are filing and copies of any attachments you served on the opposing party/parties.
- Please sequentially number all additional documents provided to the RAP.

PETITIONS FILED WITHOUT A PROOF OF SERVICE WILL BE CONSIDERED INCOMPLETE AND MAY BE DISMISSED.

I served a copy of: APPEAL (insert name of document served) and
 And Additional Documents

(write number of attached pages) 10 attached pages (not counting the Petition or Response served or the Proof of Service) to each opposing party, whose name(s) and address(es) are listed below, by one of the following means (check one):

- a. First-Class Mail. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed below and at the address(es) below and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- b. Personal Service. (1) By Hand Delivery: I personally delivered the document(s) to the person(s) at the address(es) listed below; or (2) I left the document(s) at the address(es) with some person not younger than 18 years of age.
- c. Electronic Service (DO NOT USE THIS SERVICE METHOD TO SERVE PETITIONS OR RESPONSES TO PETITIONS.) I electronically sent the document(s) to the person(s) at the address(es) listed below who have previously given written consent to receiving notices and documents in this matter from the RAP and from the OTHER PARTY/IES electronically at the email address(es) they provided.

PERSON(S) SERVED:

Name	JOSE RAUL SARAVIA AND MARIA A. SARAVIA
Address	3342 E. 16 th STREET
City, State, Zip	OAKLAND CA 94601
Email Address	

To serve more than 8 people, copy this page as many times as necessary and insert in your proof of service document. If you are only serving one person, you can use just the first and last page

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and the documents were served on 10/16/24 (insert date served).

SANDRA KANTOR

PRINT YOUR NAME

Sandra Kantor

SIGNATURE

10-16-24

DATE



MEMORANDUM

Date: September 6, 2024
To: Members of the Housing, Rent Residential & Relocation Board (HRRRB)
From: Braz Shabrell, Deputy City Attorney
Re: Appeal Memo and Recommendation in L24-0025, Sun v. Tenant
Appeal Hearing Date: September 12, 2024

Property Address: 534 31st Street, Unit 1, Oakland CA
Appellant/Owner: Janet Sun
Respondent/Tenant: Tedros Kifle

BACKGROUND

On May 1, 2024, the owner filed a petition seeking approval of an unlimited rent increase based on the owner’s contention that the tenant no longer resides in the unit as their primary residence. A remote hearing was scheduled for July 1, 2024.

RULING ON THE CASE

On June 28, 2024, the Hearing Officer issued an Administrative Decision denying the owner’s petition. The petition was denied on the basis that, on May 21, 2024, the unit was “reported as vacant” by the owner. Therefore, the issue raised in the petition no longer existed and could not be addressed by the Hearing Officer.

GROUND FOR APPEAL

The owner filed an appeal on the grounds that the owner was denied a sufficient opportunity to present their claim and the decision is inconsistent with the law. The dismissal is based on information the owner reported to the Rent Registry that was not part of the petition. The Administrative Decision’s classification of the respondent as someone who is not a tenant and not “entitled to the use or occupancy of any covered

unit by written or oral agreement” is incorrect because the respondent maintains the right to return to the premises and the issue of whether the owner is entitled to set a new rent can be addressed when the tenant returns to the unit.

ISSUES

1. Is the Hearing Officer’s finding that the “issue raised in the petition no longer exists and cannot be addressed” supported by substantial evidence?
2. Does the registration status of a unit in the Rent Registry constitute an undisputed fact as to the occupancy status of a unit for purposes of a RAP proceeding?

APPLICABLE LAW AND PAST BOARD DECISIONS

Hearing Procedure & Administrative Decisions

- OMC 8.22.110A. “Hearing Officer. A hearing shall be set before a Hearing Officer to decide the issues in the petition.”
- OMC 8.22.110F. A Hearing Officer may issue an Administrative Decision in lieu of holding a hearing in the following situations:
 - a. The petition or response forms have not been properly completed or submitted;
 - b. The petition or response forms have not been filed in a timely manner;
 - c. The required prerequisites to filing a petition or response have not been met;
 - d. A certificate of exemption was previously issued and is not challenged by the tenant; or
 - e. The petition and response forms raise no genuine dispute as to any material fact, and the petition may be decided as a matter of law.

Rent Increase Based on Tenant Not Occupying as Primary Residence

- OMC 8.22.070C. “Rent Increases in Excess of the CPI Rent Adjustment or Banking.
 1. For Rent increases based on grounds other than the CPI Rent Adjustment or Banking, an Owner must first petition the Rent Program and receive approval for the Rent increase before the Rent increase can be imposed. A Rent increase in excess of the CPI Rent Adjustment or a Banking increase must be justified on one or more of the following grounds:
 - a. Capital improvement costs, including financing of capital improvement costs;
 - b. Uninsured repair costs;
 - c. Increased housing service costs;

- d. The rent increase is necessary to meet constitutional or fair return requirements;
 - e. The rent increase is imposed for an additional occupant, as defined by Section 8.22.020.
 - f. The unlimited rent increase is imposed because the tenant is not residing in the unit as their principal residence.
- Regulation 8.22.070 (f): “An Owner who seeks to impose a rent increase without limitation because the Tenant is not residing in the unit as their principal residence must petition for approval of the unrestricted rent increase based on a determination made pursuant to a hearing that the Tenant does not reside in the unit as their principal residence as of the date the petition is filed. The Hearing Officer shall not consider evidence in support of a petition that is obtained in violation of California Civil Code Section 1954 or the Oakland Tenant Protection Ordinance.”

Temporary Vacancy for Repairs

- OMC 8.22.360A10; OMC 15.60. When an owner requires a tenant to vacate a unit to allow the owner to complete necessary repairs that cannot be completed while the unit is occupied, such vacancy shall be temporary in nature and does not operate to terminate a tenancy. Tenants who vacate pursuant to such notice from an owner have a right to reoccupy the unit immediately upon completion of the necessary repairs. OMC 8.22.360A10a:
 - a. As soon as the tenant vacates the rental unit, the owner of record shall proceed without unreasonable delay to complete the needed repairs. The tenant shall not be required to vacate pursuant to this Section, for a period in excess of three (3) months; provided, however, that such time period may be extended for good cause upon application to, and approval by, the Rent Adjustment Program. The Rent Board shall adopt rules and regulations to implement the application procedure.
 - b. Upon completion of the needed repairs, the owner of record shall offer the tenant the first right to return to the premises at the same rent and pursuant to the same terms of the rental agreement in effect as of the date of the notice to vacate, subject to the owner of record's right to petition the Rent Adjustment Program for a rent increase as provided by the Residential Rent Adjustment Ordinance.

RECOMMENDED OUTCOME

The Office of the City Attorney recommends that the Board remand the matter for a hearing on the merits. The Administrative Decision states that the unit “was reported as vacant by the Owner.” It is not clear from the record how or why such determination was

made. Presumably, the Hearing Officer checked the Rent Registry on their own initiative and concluded that the owner's self-reported occupancy status of the unit rendered the issues raised in the petition as moot. However, the unit's rent registry status is not a part of the record, nor does such information establish that there is no genuine dispute as to any material fact. If anything, the unit's registration status as "vacant" would create a dispute as to the facts alleged in the petition.

When a tenant permanently vacates a rental unit—i.e., when either a tenant or an owner lawfully terminates a tenancy—a petition to increase the former tenant's rent would be moot. Here, there is no evidence in the record as of the date of the Decision that the underlying tenancy had been terminated or that the unit was no longer occupied. In their appeal, the owner presents evidence suggesting that the owner provided the tenants with a notice instructing the tenants to temporarily vacate, presumably due to code enforcement activity. Without discussing the legality of the owner's actions, it is important to note that if the tenants were required to vacate temporarily—whether lawfully or unlawfully—any such temporary vacancy would not terminate the tenancy and the tenants would be entitled to reoccupy the unit as soon as the unit is made habitable, at the same rental rate as before the tenants temporarily vacated.



MEMORANDUM

Date: January 3, 2025
To: Members of the Housing, Rent Residential & Relocation Board (HRRRB)
From: Oliver Luby, Deputy City Attorney
Re: Appeal Memo in L24-0026, Samaniego v. Tenants
Appeal Hearing Date: January 9, 2025

Property Address: 3342 East 16th St., Oakland, CA

BACKGROUND

The owner filed a petition on May 2, 2024, requesting approval of a rent increase on the basis of Fair Return. The petition indicated that property taxes increased from \$1,874 in the base year (2014) to \$28,129.14 in 2023. No tenant filed a response. A hearing was held on July 1, 2024, which was not attended by the tenants.

RULING ON THE CASE

On September 24, 2024, the hearing officer issued a hearing decision, denying the petition. While the decision acknowledged that rent and some other amounts were supported by documentation, the decision found that (1) there were discrepancies in the property tax amounts (2014: \$1,874 on the petition, \$2,150 on the tax return; 2023: \$28,129.14 on the petition, \$28,783 on the tax return), (2) the owner failed to provide supporting documentation for garbage (2014 & 2023), water/sewer (2014 & 2023), pest control (2014), business licenses (2014 & 2023), gardener (2023), and management expenses (2023), (3) the owner provided a 2014 Repairs amount but did not provide a comparable figure for 2023¹, and (4) the owner provided a 2023 Business Association

¹ The petition includes a 2023 Repairs amount of \$2,178.68, supported by the tax return document.

fee figure but did not provide a comparable figure for 2014². The decision stated, “Based on the documents submitted at the hearing the owner has failed to sustain his burden of proof for providing relevant expenses for the comparison year of 2023,” and “Because the owner failed to provide amounts and supporting documentation for each of the relevant categories, it is found that he did not provide sufficient evidence to support a fair return petition.”

GROUND FOR APPEAL

The owner appealed the remand hearing decision on the ground of denial of fair return. The owner contends that (1) the hearing decision was based on the Increased Housing Service Costs regulations rather than the Fair Return regulations³, (2) the property tax increase following reassessment (\$1,874 in 2014 to \$28,129 in 2023) should have been the main focus of the decision’s analysis of Fair Return, (3) the Fair Return regulations do not specify documentation requirements and submitting Schedule E from IRS Form 1040 is sufficient documentation, and (4) the Fair Return worksheet provided by RAP lacked a line for Net Operating Income (NOI), resulting in a 2023 loss of over \$12,000 not being shown⁴, amongst other claims.

ISSUES

1. Were all of the tenants in the building (3342 and 3336 E. 16th St.) properly served the petition and supporting documents?
2. Is the hearing officer’s decision that the owner failed to provide sufficient amounts and documentation to support a fair return petition supported by substantial evidence?
3. Does the Rent Ordinance and its Regulations strictly require dismissal of a Fair Return petition if any expense noted in the petition, regardless of relative size to the alleged Net Operating Income loss, lacks supporting documentation or must Hearing Officers utilize accounting practices to reduce the Fair Return award if, despite the missing documentation, a loss can still be substantiated?

² In the 2014 column of Worksheet C in the petition, there is a blank for “Apt. Assoc. Dues,” which can also constitute an amount of \$0.

³ Page 2 of the hearing decision cites to OMC Section “8.22.070(C)(d)” (The correct current Rent Ordinance citation for Fair Return petitions is actually OMC Section 8.22.070(C)(1)(d)). The appeal includes a cut and paste of prior law, OMC Section 8.22.070(C)(2)(d), an outdated subsection for Increased Housing Service Costs that applied before owners were required to petition for rent increases in excess of CPI or Banking (The current Increased Housing Service Costs provision is OMC Section 8.22.070(C)(1)(c)). Additionally, the hearing decision provides the text of Rent Adjustment Program Regulation Section 8.22.070(C)(d) (“Fair Return”), although the Regulation is provided without a citation reference.

⁴ The case exhibits include a Fair Return spreadsheet, which contains worksheet “NOI Analysis” with a Net Operating Income calculation (row 51), showing a 2023 loss of over \$12,000.

APPLICABLE LAW AND PAST BOARD DECISIONS

I. Fair Return (Rent Adjustment Program Regulations Section 8.22.070.C.d)

(1) Owners are entitled to the opportunity to receive a fair return. Ordinarily, a fair return will be measured by maintaining the net operating income (NOI) produced by the property in a base year, subject to CPI related adjustments. Permissible rent increases will be adjusted upon a showing that the NOI in the comparison year is not equal to the base year NOI.

(2) Maintenance of Net Operating Income (MNOI) Calculations

1. The base year shall be the calendar year 2014.

a. New owners are expected to obtain relevant records from prior owners.

b. Hearing officers are authorized to use a different base date, however, if an owner can demonstrate that relevant records were unavailable (e.g., in a foreclosure sale) or that use of base year 2014 will otherwise result in injustice.

2. The NOI for a property shall be the gross income less the following: property taxes, housing service costs, and the amortized cost of capital improvements. Gross income shall be the total of gross rents lawfully collectible from a property at 100% occupancy, plus any other consideration received or receivable for, or in connection with, the use or occupancy of rental units and housing services. Gross rents collectible shall include the imputed rental value of owner-occupied units.

3. When an expense amount for a particular year is not a reasonable projection of ongoing or future expenditures for that item, said expense shall be averaged with the expense level for that item for other years or amortized or adjusted by the CPI or may otherwise be adjusted, in order to establish an expense amount for that item which most reasonably serves the objectives of obtaining a reasonable comparison of base year and current year expenses.

(3) Owners may present methodologies alternative to MNOI for assessing their fair return if they believe that an MNOI analysis will not adequately address the fair return considerations in their case. To pursue an alternative methodology, owners must first show that they cannot get a fair return under an MNOI analysis. They must specifically state in the petition the factual and legal bases for the claim, including any calculations.

II. Owner petition requirements (O.M.C. Section 8.22.090.B.1.e – See **Bold below**) – *law in effect as of petition submission and hearing dates.*

1. In order for an owner to file a response to a tenant petition or to file a petition, the owner must provide the following:

- a. Evidence of possession of a current City business license⁵;
- b. Evidence of payment of the Rent Adjustment Program service fee or evidence of exemption from the fee;
- c.
 - i. Evidence of service of written notice of the existence and scope of the Rent Adjustment Program as required by Section 8.22.060 on all tenants in covered units affected by the petition or response;
 - ii. After July 1, 2023, evidence of registration with the Rent Adjustment Program as provided in O.M.C. Section 8.22.510 for each affected covered unit in the building prior to the petition or response being filed;
- d. A completed response or petition on a form prescribed by the Rent Adjustment Program;
- e. **Organized documentation supporting the owner's claimed justification(s) for the rent increase or supporting any claim of exemption;** and
- f. **Proof of service by first-class mail or in person of the owner petition or response and any supporting documents on the tenants of all units affected by the petition.** Supporting documents that exceed twenty-five (25) pages are exempt from the service requirement, provided that: (1) the owner petition form must be served by first-class mail or in person; (2) the petition or attachment to the petition must indicate that additional documents are or will be available at the Rent Adjustment Program; and (3) the owner must provide a paper copy of supporting documents to the tenant or the tenant's representative within ten (10) days if a tenant requests a paper copy in the tenant's response.

III. Supporting documentation (Rent Adjustment Program Regulations Section 8.22.090.C)

C. Supporting Documentation

1. Petitions and responses are not considered filed until all filing requirements have been met, including the requirement to submit organized documentation justifying a rent increase or exemption. Petitions and responses that are submitted without necessary documentation may be dismissed.
2. Any additional documentation not submitted together with the petition or response must be filed and served on the other party at least seven (7) days prior to the scheduled hearing.

IV. Past Board Decisions

⁵ Pursuant to an amendment adopted by the City Council on December 17, 2024, "current City business license" has been changed to "current business tax certificate."

L16-0021, T16-0203 (Durham-Hammer et al. v. Tenants; Falconer v. Durham-Hammer): The Board affirmed a Hearing Decision which denied the owner's request for a rent increase based on fair return on the grounds that the owner did not provide any evidence of the amounts used in his calculation of amount invested in the subject property, the amount of appreciation, the net operating income (income v. operating expenses), and average return on other investments having comparable risks.