

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

June 27, 2024

6:00 P.M.

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

AGENDA

PUBLIC PARTICIPATION

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

OBSERVE:

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

• To observe the meeting by video conference, please click on the link below:
When: June 27, 2024 06:00 PM Pacific Time (US and Canada)

Please click the link below to join the webinar

<https://us02web.zoom.us/j/84507876769>

One tap mobile: +16699009128,,84507876769# US (San Jose),
+16694449171,,84507876769# US

Or by telephone: +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), +1 312 626 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
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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, 06/13/2024 (pp.4-7)

5. APPEALS*

- a. L23-0057, Nakama v. Tenants (pp.8-38)
- b. L23-0062, Sun v. Tenant (pp.39-105)

6. 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 (pp.113-114)

7. INFORMATION AND ANNOUNCEMENTS

8. NEW BOARD BUSINESS

9. SCHEDULING AND REPORTS

10. OPEN FORUM

- a. Comments from the public on all items will be taken at this time.

11. ADJOURNMENT

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

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

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

Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en Español, 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**

June 13, 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 Ingram 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	
D. INGRAM	Undesignated	X		
C. OSHINUGA	Undesignated	X		
M. ESCOBAR	Undesignated	X		
Vacant	Undesignated Alt.			
Vacant	Undesignated Alt.			
D. TAYLOR	Landlord		X	
K. BRODFUEHRER	Landlord	X		
C. JACKSON	Landlord Alt.		X	
Vacant	Landlord Alt.			

Staff Present

Braz Shabrell
Victor Ramirez
Jessica Leavitt
Marguerita Fa-Kaji
Nyila Webb

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

3. PUBLIC COMMENT

- a. One member of the public spoke during public comment regarding of the City of Oakland’s increased rent services and other concerns he had.

4. CONSENT ITEMS

- a. Approval of Board Minutes, 05/23/2024:

Chair D. Ingram moved to approve the Board Minutes from 05/23/2024. Member K. Brodfuehrer seconded the motion.

The Board voted as follows:

- Aye:** D. Ingram, C. Oshinuga, D. Williams, J. deBoer, K. Brodfuehrer, M. Escobar
- Nay:** None
- Abstain:** None

The motion was approved.

5. RESOLUTION TO AMEND THE RENT ADJUSTMENT ORDINANCE BOARD ADOPTION OF RENT ADJUSTMENT REGULATIONS

- a. Chair Ingram introduced this item at the previous meeting and gave a recap of the Resolution to Amend the Rent Adjustment Ordinance Board Adoption of Rent Adjustment Regulations, mentioning that the item makes a recommendation to City Council about how the Board will adopt regulations moving forward without City Councils initial approval. However, this will not affect the powers of City Council and the Board as it currently stands.
- b. Explained the process of regulations and making sure the public is aware of how important transparency is.

Vice Chair C. Oshinuga made a motion to adopt the Resolution as is. Member M. Escobar seconded the motion.

The Board voted as follows:

- Aye:** D. Ingram, C. Oshinuga D. Williams, J. deBoer, K. Brodfuehrer, M. Escobar
- Nay:** None
- Abstain:** None

6. BOARD ADOPTION OF RULES AND REGULATIONS PURSUANT TO OMC 8.22.360A.9h D

- a. Rent Adjustment Program (RAP) Assistant Manager, Jessica Leavitt will read and describe the OMC section that requires adoption of rules and regulations by the Board.

RAP's Assistant Manager, Jessica Leavitt discussed how the language in the Just Cause Ordinance requires the Rent Board to adopt a set of rules and regulations that relates to specific situations. After further discussion, she asked the Board how they would like to begin drafting the Regulation for ordinance adoption.

Member D. Williams made a motion that staff first, review and pre-draft the regulation then bring it back to the Board for further review. Vice Chair C. Oshinuga seconded the motion.

The Board voted as follows:

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

The motion was approved.

7. RESOLUTION ADOPTING AMENDMENTS TO THE REGULATIONS FOR THE JUST CAUSE FOR EVICTION ORDINANCE (OAKLAND MUNICIPAL CODE 8.22.300 ET SEQ.) TO REMOVE THE REQUIREMENT FOR STAFF TO ISSUE A FORM NOTICE FOR EVICTIONS BROUGHT PURSUANT TO OMC 8.22.360A10 (pp. 10-14)

- a. City Attorney Braz Shabrell and the Board discussed the resolution.

Member J. DeBoer moved to adopt the resolution as is. Vice Chair C. Oshinuga seconded the motion.

The Board voted as follows:

Aye: D. Ingram, C. Oshinuga, D. Williams, J. deBoer, K. Brodfuehrer, M. Escobar
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 (pp.15-16)

- a. The Board discussed their positions on the resolution.

Chair D. Ingram decided to table the Resolution for further discussion at the June 23, 2024, HRRRB Meeting.

9. INFORMATION AND ANNOUNCEMENTS

a. Chair D. Ingram announced the Boards June 27, 2024 meeting will be his last as he announced his resign from the HRRRB. Vice Chair C. Oshinuga will assume Board Chair duties till the Board holds its next election in February 2025.

10. NEW BOARD BUSINESS

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

11. SCHEDULING AND REPORT

- a. Rent Adjustment Program (RAP) Manager, Victor Ramirez will discuss updates on the Rent Adjustment Program's budget and finances.

12. OPEN FORUM

- a. Comments from the public on all items will be taken at this time.

Derek Barnes EBRHA spoke regarding various resources the EBRHA has to offer.

13. ADJOURMENT

- a. The meeting was adjourned at 8:23 p.m.

CHRONOLOGICAL CASE REPORT

Case No.: L23-0057

Case Name: Nakama v. Tenant

Property Address: 1569 Jackson Street, Oakland, CA 94612

Parties: Tomoko Nakama (Owner)
Resident (Tenant)

OWNER APPEAL:

<u>Activity</u>	<u>Date</u>
Owner Petition filed	November 9, 2023
Notice of Incomplete Owner Petition mailed	December 5, 2023
Dismissal of Incomplete Petition	February 8, 2024
Owner Appeal filed	February 26, 2024

L23-0057 HM/BL



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.

RECEIVED

NOV -9 2023

RENT ADJUSTMENT PROGRAM
OAKLAND

**PROPERTY OWNER PETITION
FOR CERTIFICATE OF EXEMPTION**

Please fill out this form as completely as you can. This form is for property owners to petition the Rent Adjustment Program ("RAP") for a Certificate of Exemption confirming permanent exempt status of their rental unit(s) from the jurisdiction of the Oakland Rent Adjustment Ordinance. Only dwelling units that are permanently exempt can be granted a Certificate of Exemption. A Certificate of Exemption is a final determination of exemption absent fraud or mistake. See Oakland Municipal Code ("O.M.C.") Section 8.22.030 for more information on exemptions. NOTE: A RAP hearing is required to grant a Certificate of Exemption, even if uncontested or irrefutable. Failure to provide 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 RAP@oaklandca.gov.

Rental Unit Information			
1569 Street Number	JACKSON ST. Street Name	See Attached EXHIBIT A Unit Number	Oakland, CA 94612 Zip Code
Is there more than one street address on the parcel?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, list all addresses: _____
		Number of units on property: 120 Date acquired property: 12/30/1996	
Case number(s) of any relevant prior Rent Adjustment case(s): _____			
Property Owner Information			
TOMOKO First Name		NAKAMA Last Name	
Company/LLC/LP (if applicable): _____			
Mailing address: 1569 JACKSON ST, OAKLAND CA 94612			
Primary Telephone: 510-451-3648 Other Telephone: 510-390-9090 Email: Nakat6@yahoo.com			
Property Owner Representative (Check one): <input checked="" type="checkbox"/> No Representative <input type="checkbox"/> Attorney <input type="checkbox"/> Non-attorney			
_____ First Name		_____ Last Name	
_____ Mailing Address:			
_____ Phone Number:		_____ Email:	

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.
<input checked="" type="checkbox"/> Payment of Rent Adjustment Program service fee ("RAP Fee")	Attach proof of payment of the current year's RAP Fee for the subject property.
<input type="checkbox"/> Service of the required City form entitled "NOTICE TO TENANTS OF THE RESIDENTIAL RENT ADJUSTMENT PROGRAM" ("RAP Notice") on all tenants UNITS SUBJECT FOR EXEMPTION HAVE VACANT MANY YEARS	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". <ul style="list-style-type: none"> <input type="checkbox"/> I first provided tenant(s) with the RAP Notice on (date): _____. <input type="checkbox"/> I have never provided a RAP Notice. <input type="checkbox"/> I do not know if a RAP Notice was ever provided. *If Petition applies to multiple tenants, please provide this information on a separate sheet.
Evidence of registration for all affected cover units (check one of the following boxes) <ul style="list-style-type: none"> <input checked="" type="checkbox"/> On <u>6/30/22</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. <input type="checkbox"/> The subject property is exempt from the registration requirement 	To support this declaration, I am providing: <ul style="list-style-type: none"> <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. <input 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. OR Declaration of Exemption: <ul style="list-style-type: none"> <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.

GROUNDS FOR EXEMPTION

Select the basis for your claim of exemption from the list below. See column on the right for filing requirements and documentation to be submitted together with petition. Petitions that lack adequate supporting documentation may be dismissed without a hearing. To read Oakland's laws and regulations on exemptions, see Section 8.22.030 of the Rent Adjustment Ordinance and the corresponding Regulations, available here: www.oaklandca.gov/resources/read-the-oakland-rent-adjustment-program-ordinance.

GROUNDS	DESCRIPTION	REQUIREMENTS
<input type="checkbox"/> New Construction	The unit was newly constructed and a certificate of occupancy was issued for the unit on or after January 1, 1983. Only applies to units that were entirely newly constructed or created from a space that was formerly entirely non-residential.	<input checked="" type="checkbox"/> Attach copy of certificate of occupancy and any other supporting documentation.

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.


Property Owner 1 Signature

11-9-23
Date

Property Owner 2 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.

VACANT UNIT(S) AT PROPERTY

Check the box below if there are currently any vacant units at the property for which a certificate of exemption is sought. Although you are not required to serve a copy of your Petition on vacant units, if a vacant unit becomes occupied prior to the final resolution of the Petition, the new tenant(s) must be served with a copy of the Petition and given an opportunity to respond. You are also required to notify RAP immediately after the new tenant(s) move in.

- I/We certify that, as of the date of filing this Petition, the unit(s) at the property listed below are vacant. I/We understand that if said unit(s) becomes occupied prior to the final resolution of this Petition, I/we must notify RAP immediately and serve the new tenant(s) with a copy of the Petition, the enclosed "NOTICE TO TENANTS OF PROPERTY OWNER PETITION," and any other documents that I/we have filed.

The vacant units are: _____

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.

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 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: _____



To City of Oakland Rent Arbitration Board
From Tomoko Nakama, Owner/Manager
Date 11/08/23
Re Petition for Exemption
1569 Jackson St., Calif 94612
APN: 8-627-6-1
Rap fee /Business tax account # 00016570

I am the owner and manager of this building since 12/30/1996.
I am hereby petitioning for the exemption certificate for 24
long time vacant units.

This building consists of 120 SRO units of which I have
been paying RAP fees since 1997.
I have also filed tenant and property registration on 6/30/23.

The cause for my petition is those 24 SRO units have been
vacant for so many years and have been used as storage
for hotel furniture and residents' unclaimed belonging, not
a storage for commercial purpose, used only for our belonging.

All those 24 units have no private bathroom and due to
many residents having housing vouchers, room without
private bathroom is hard to rent. Once units becomes vacant,
we stopped renovating units instead using as storage serves us
more utility value. I have attached the unit numbers of those
24 units as an EXHIBIT A. I am available to show you all these 24 units.

In recent rental market for transient housing, room without
private bathroom sits vacant. However, if market changes
and residents begin to rent units, then, I declare to re-register
units and pay RAP fee accordingly.

Truly,

A handwritten signature in black ink, appearing to read "Tomoko Nakama", is written over a horizontal line.

000013

Following units have been vacant many years.
No private bathroom is in the following rooms.

<u>Unit #</u>	<u>Unit last Occupied</u>	<u>Currently usage</u>
210	1/1/14	Storage
217	2/12/10	Storage
304	4/2/11	Storage
315	11/5/18	Storage
316	1/15/12	Storage
317		Storage
318	11/5/21	Storage
404	9/30/85	Storage
411	10/1/21	Storage
414	12/18/12	Storage
416	12/28/12	storage
417	12/16/13	Storage
504	1/6/22	Storage
509	8/14/12	Storage
511	vacant 2010	Storage
514	6/25/21	Storage
516	1/19/18	Storage
517		Storage
519	2/25/22	Storage
604	2/4/11	Storage
611	vacant 1993	Storage
614	10/31/19	Storage
617	Vacant 1990	Storage
618	9/4/20	Storage

EXHIBIT A

000014



PAID 2/2023 for 2022

Guest

Find Account → Registration → Calculation → Payment → Receipt

Business License Online Renewal 

PRINT THIS PAGE FOR YOUR RECORD

The business tax license renewal has been submitted. Business tax certificates will be issued to your account. For questions, please contact the Business Tax office at (510) 238-3704 or of Oakland - Business Tax

Submission Date

2/8/2023

Confirmation #

411933

Account Information

Account #

00016570

Expire Date

12/31/2023

Name

LAKEHURST HALL INC

Address

1569 JACKSON ST

City

OAKLAND

Phone

(510) 451-3648

Summary

Tax Calculation

Current Year Business Tax – Residential/Non-Residential Rental

BT SB1186 (AB1379)

BT Recordation and Tech

Total # of Employees, Excluding Owners - report only employees that work within

Prior Balance

Rent Adjustment Program (RAP) Calculation - only use whole numbers below

a. Total # of units per Alameda County Records: Have a question?

Total Due

#74

**CITY OF OAKLAND
BUSINESS TAX CERTIFICATE**

**ACCOUNT
NUMBER**
00016570

DBA

**NAKAMA TOMOKO TR
LAKEHURST HALL INC**

BUSINESS LOCATION

**1569 JACKSON ST
OAKLAND, CA 94612-4424**

BUSINESS TYPE

M Rental - Commercial Property

**1569 JACKSON ST., OAKLAND, CA 94612
TOMOKO NAKAMA
1569 JACKSON ST
OAKLAND, CA 94612-4424**



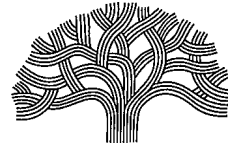
EXPIRATION DATE
12/31/2022

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>

**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!**

**NOTICE OF INCOMPLETE OWNER PETITION****CASE NUMBER: L23-0057****CASE NAME: Nakama v. Tenant****PROPERTY ADDRESS: 1569 Jackson Street, Oakland CA**

The Rent Adjustment Program (hereinafter “RAP”) received a *Property Owner Petition* from you on November 9, 2023.

To be complete and considered filed, a petition by a property owner must include the following:¹

- a. Proof of payment of the City of Oakland Business License Tax;
- b. Proof of payment of the Rent Program Service Fee;²
- c. Evidence that the Owner has provided the RAP Notice to all Tenants affected by the petition or response.³
 - i. Evidence of service of written notice of the existence and scope of the rent adjustment program on the tenant in each affected covered unit in the building prior to the petition being filed;
 - ii. After July 1, 2023, evidence of registration with the Rent Adjustment Program as provided in O.M.C. [8.22.510](#) for each affected covered unit in the building prior to the petition or response being filed.
- d. A substantially completed petition on the form prescribed by the RAP signed under oath;
- e. For a rent increase, organized documentation clearly showing the rent increase justification and detailing the calculations to which the documentation pertains. For an exemption, organized documentation showing your right to the exemption.
- f. For all owner petitions, the Owner must provide proof of service by first class mail or in person of the petition and any supporting documents on the tenants of all units affected by the petition. (Note that if the supporting documents exceed 25 pages, the Owner is not required to serve the supporting documents on the affected tenants provided that the

¹ See O.M.C. § 8.22.090 (B).

² See O.M.C. § 8.22.500.

³ This can be done initially by affirming that all notices have been sent but may require additional evidence if the statement is contested.

owner petition was served as required and the petition or attachment indicates that the additional documents are or will be available at the RAP and that the Owner will provide copies of the supporting documents to the tenant upon written request within 10 days.)

The petition which you attempted to file was incomplete. The chart below indicates what is missing from your filing:

Name of Document	Needed
Notice to Tenants of Property Owner Petition Page was not affixed to the front of the Petition served on the Tenants.	X
Proof of service of the petition (and attachments where required) by first class mail or in person on all tenants in units affected by the petition.	X
Proof of possession of Business License Certificate	X
Proof of payment of Business License Tax.	X
Proof of payment of the RAP Fee.	X
Evidence that the RAP Notice was provided to all tenants affected by petition; [1]	X
Evidence of registration with the Rent Adjustment Program as provided in O.M.C. 8.22.510 for each affected covered unit in the building prior to the petition or response being filed;	X
Petition was not completed or signed under oath	X
For a rent increase; organized documentation showing the justification and detailing the calculations	
For a Certificate of Exemption, organized documentation showing the right to the exemption	X

You have 30 days from the date of the mailing of this letter to provide a completed petition. If you do not do so, your petition will be dismissed. Since your petition is not complete, the RAP is unable to accept the petition and any hearing scheduled will be postponed, if scheduled to take place in less than 30 days.

If you have questions or concerns, consult the undersigned by email or phone. The email address is bjackson@oakandca.gov, and the telephone number is 510-238-6415.

Dated: December 5, 2023

Brittini Jackson
 City of 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



DECLARATION OF RESIDENTIAL PROPERTY RENT REGISTRATION COMPLIANCE OR EXEMPTION

Purpose of This Form: Oakland Municipal Code, Section 8.22.090.B.1.c.ii states that, after July 1, 2023, property owners are required to provide evidence of registration with the Rent Adjustment Program (RAP) for each affected covered unit in the building prior to the petition or response being filed. Given that July 1, 2023 was a Saturday, property owners' actual deadline to register was July 3, 2023.

Since July 3, 2023, certain property owners have filed petitions or responses using old RAP forms that did not include this new requirement. Thus, the purpose of this form is to allow property owners who were registered prior to filing their petition or response to submit to RAP evidence of registration AND to serve the tenant with this evidence.

Deadline to Serve and Submit This Declaration: Property owners must submit this declaration (and the accompanying documents) within thirty (30) days from the date the Notice of Incomplete Petition / Response was served with a proof of service on the tenant(s).

Dismissal for Failure to Provide Evidence of Registration: RAP will dismiss any property owner petition or response submitted after July 3, 2023, if the property owner does not provide evidence of registration.

Tenant's Challenge: Tenants can challenge the owner's rent registration declaration. To do so, at least seven (7) days prior to the hearing date, tenants must serve on the property owner and file any supporting evidence of the tenant's challenge (along with any other supporting evidence of their case) with RAP. If the tenant decides to challenge the owner's declaration, the tenant will have to provide evidence that, for instance, the owner misrepresented information in their registration about the dwelling unit, failed to provide publicly available information, or failed to even ask the tenant for any missing information that was required on the rent registration forms. If a Hearing Officer finds in favor of the tenant on the tenant's challenge to the owner's declaration of rent registration compliance, any requested rent increase will be subject to penalties outlined in OMC 8.22.510.C.

Rent Registration Copies For Pending RAP Petition Cases: For purposes of a pending rent adjustment petition case, property owners and tenants of the residential dwelling units subject to a pending rent adjustment petition can request a copy of the Property Registration and Residential Unit Registration forms or a copy of a document containing the registration data related to property registration and residential unit registration if the registration was done through RAP's online registration portal by directly emailing RAP's Rent Registry Unit at rentregistry@oaklandca.gov.

When making a request for copies, please provide your name, property address, residential unit number(s) if applicable, and RAP petition case number if already assigned to your case. The subject line of your email requesting registration information should read *REGISTRATION COPY FOR PETITION PURPOSES/[street number][street name]*.

For property owners: If the property registration was done online or via email, please use the same email address used for the registration or copy that email address if you are requesting information on behalf of the property owner.

Requests for registration information NOT related to a pending RAP petition case or submitted by other than the parties to a pending RAP petition case or their representatives should be submitted through NextRequest



at: <https://www.oaklandcityattorney.org/how-do-i/request-public-records/>

PROPERTY OWNER’S DECLARATION OF RENT REGISTRATION COMPLIANCE:

Case Name/Number: _____
Property Address: _____

(1) On _____, I 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.

To support this declaration, I am providing:

- 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.
- 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.

OR

(2) Declaration of Exemption:

- The above listed residential property is not covered by either the city’s Rent Adjustment Ordinance or the Just Cause Ordinance. Thus, this petition or response is not subject to the registration requirements under the Oakland Municipal Code, Section 8.22.090.B.1.c.ii.

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

(Print Name)

(Signature)

(Date)



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

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 a **TENANT RESPONSE** form found on the RAP website.
(<https://www.oaklandca.gov/services/respond-to-an-owner-petition-for-the-rent-adjustment-program>)
- 2) Serve a copy of your **TENANT RESPONSE** form on the owner (or the owner’s representative) by mail or personal delivery.
- 3) Complete a **PROOF OF SERVICE** form (which is attached to the Response form and also available as a stand-alone document) and provide a copy to the owner (or owner’s representative) together with your **TENANT RESPONSE** form.
- 4) Submit your **TENANT RESPONSE** form and completed **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.



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 copy of this PROOF OF SERVICE form to the person(s) being served together with the documents being served.
- 4) File a completed copy of this PROOF OF SERVICE form with RAP together with your petition. Your petition will not be considered complete until this form has been filed indicating that service has occurred.

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

- PROPERTY OWNER PETITION FOR APPROVAL OF RENT INCREASE** plus ____ 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):

- United States 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	
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	

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.

PRINTED NAME

SIGNATURE

DATE SIGNED

IMPORTANT INFORMATION REGARDING FILING YOUR PETITION

TIME TO FILE YOUR PETITION

Your Property Owner Petition form must be received by the Rent Adjustment Program within the required time limit for filing in the Rent Adjustment Ordinance. RAP staff cannot grant an extension of time to file your petition.

CONTACT A HOUSING COUNSELOR TO REVIEW YOUR PETITION BEFORE SUBMITTING

To make an appointment, email RAP@oaklandca.gov or call (510) 238-3721. Although the Housing Resource Center is temporarily closed for drop-in services, assistance is available by email or telephone.

DOCUMENTS SUBMITTED IN SUPPORT OF PETITION

All attachments submitted together with your Petition (including proof of current business license, proof of payment of most recent RAP fee, and documentation in support of the requested rent increase) must be numbered sequentially. You may submit additional evidence in support of your Petition up to seven days before your hearing.¹ You must serve a copy of any documents filed with RAP on the other party and file a PROOF OF SERVICE form.

REMINDER: Once a petition and its attachments are submitted to the RAP they become public records. Please redact any private information (such as social security numbers, bank account numbers, credit card numbers and similar financial data) from the documents you submit as part of this petition. If you have any questions, you may contact RAP staff by phone at (510) 238-3721 or by email at RAP@oaklandca.gov.

Additionally, all documents submitted to the RAP, including but not limited to emails, petitions, attachments, potential evidence, text messages, screenshots, etc., are a part of the file in your case and all parties to a case are entitled to have access to this information.

SERVICE ON TENANT(S)

You are required to serve ALL the following documents on the tenant(s) affected by your Petition:

1. Copy of RAP form entitled "NOTICE TO TENANTS OF PROPERTY OWNER PETITION" (*included in Petition packet and available on RAP website*).
2. Copy of completed Petition form and attachments (*exception for attachments in excess of 25 pages if owner selects this option*).
3. Completed PROOF OF SERVICE form (*included in Petition packet and available on RAP website*).

You may serve tenant(s) by mail or personal delivery. A copy of the completed PROOF OF SERVICE form must be submitted to RAP together with your Petition. Your Petition will not be considered complete until a PROOF OF SERVICE form is filed indicating that all tenants have been served.

DOCUMENTATION IN EXCESS OF 25 PAGES

If the documents submitted with your Petition exceed 25 pages, you may opt to not serve tenant(s) with all the attachments. To do so, check the box under "DOCUMENTATION IN EXCESS OF 25 PAGES" on page 9 of the Petition. If a tenant requests copies of the documentation in their Tenant Response, you must provide the copies to the tenant within 10 days of receiving such request.

FILING YOUR PETITION

Although RAP normally does not accept filings by email or fax, RAP is temporarily accepting Petitions via email during the COVID-19 local state of emergency. You may also fill out and submit your Petition online through the

¹ Note that certain documents are required to be submitted with the Petition. See Petition form for details.

RAP website or deliver the Petition to the RAP office by mail. If the RAP office is closed on the last day to file, the time to file is extended to the next day the office is open. If you send your Petition by mail, a postmark date does not count as the date it was received. Remember to file a PROOF OF SERVICE form together with your Petition.

Via email: hearingsunit@oaklandca.gov

Mail to: City of Oakland
Rent Adjustment Program
250 Frank H. Ogawa Plaza, Ste. 5313
Oakland, CA 94612-0243

File online: <https://www.oaklandca.gov/services/file-a-property-owner-petition>

In person: TEMPORARILY CLOSED
City of Oakland
Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313
Reception area
Use Rent Adjustment date-stamp to stamp your documents to verify timely delivery and place them in RAP self-service drop box.

AGREEMENT TO ELECTRONIC SERVICE

If you have agreed to electronic service from the RAP by signing the Consent to Electronic Service on page 9 of the Petition, you have agreed to receive electronic service from the Rent Adjustment Program only, and not from the other parties to the case.

AFTER PETITION IS FILED

Tenant(s) have 30 days after service of the Petition to file a Response (35 days if served by mail). The tenant(s) must serve you with a copy of their Response form and any attachments filed with the Response. In most cases, RAP will schedule a hearing. You will be mailed a Notice of Hearing indicating the hearing date. If you are unable to attend the hearing, contact RAP as soon as possible. The hearing may only be postponed for good cause.

FILE/DOCUMENT REVIEW

Either party may contact RAP to review the case file and/or to request copies of any documents pertaining to the case at any time prior to the scheduled hearing.

FOR MORE INFORMATION

Additional information on the petition and hearing process is located on the RAP website and in the Residential Rent Adjustment Program Ordinance and Regulations (see Oakland Municipal Code 8.22.010 *et seq.*). For more information on rent increases, including the list of the annual allowable CPI rates and calculators for certain justifications, see: <https://www.oaklandca.gov/resources/learn-more-about-allowable-rent-increases> or you can refer to the Guide on Oakland Rental Housing Law at <https://cao-94612.s3.amazonaws.com/documents/Guide-to-Oakland-Rental-Housing-Law-1.pdf>. You may also contact a RAP Housing Counselor with questions at any time by emailing RAP@oaklandca.gov or calling (510) 238-3721.

PROOF OF SERVICE

Case Number: L23-0057

Case Name: Nakama 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 Incomplete Owner Petition

Declaration of Residential Property Rent Registration Compliance or Exemption

Notice to Tenants of Owner Petition

Proof of Service Form

Owner

Tomoko Nakama

1569 Jackson Street

Oakland, CA 94612

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 **December 05, 2023** in Oakland, California.

Brittni Jackson

Brittni Jackson

Oakland Rent Adjustment Program

000026

DISMISSAL OF INCOMPLETE PETITION

Case Number/Name: L23-0057/Nakama v. Tenants

Property Address: 1569 Jackson St., Oakland, California


Background: The *Property Owner Petition for Certificate of Exemption* (Petition) was filed on November 9, 2023. This Petition has only one ground upon which to request a Certificate of Exemption: New Construction.¹ Owner Nakama failed to check the box for New Construction.²

The Petition was deficient in a number of other ways, including missing a proof of service,³ proof of payment of the RAP fees, proof of compliance with the rent registration requirements, missing the Business License Tax certificate and documentation showing the right to the New Construction exemption. A *Notice of Incomplete Petition* was sent on December 5, 2023, notifying Owner Nakama that she had 30 days to fix the deficiencies with a due date of January 9, 2024.⁴ As of February 6, 2024, no response was received from the Owner.

Therefore, the Petition is dismissed.

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

Dated: February 8, 2024



Helene Momita
Hearing Officer
Rent Adjustment Program

¹ Certain types of units are exempt from the RAP program including hotels, motels or rooming houses where the same tenant does not occupy the same unit for more than 30 continuous days. These exemptions are statutory and do not require any certification. OMC 8.22.030(A)(2).

² Instead, Owner Nakama included with her petition a memo requesting that some of the units at the Residential Hotel located at 1569 Jackson Street be exempt because they have not been rented in years and are being used as storage.

³ Owner Nakama checked the box on the Petition indicating that some of the units are vacant but did not fill out the portion of the petition requiring the owner to specify which units are vacant.

⁴ 30 days plus 5 days for service by mail.

PROOF OF SERVICE
Case Number: L23-0057
Case Name: Nakama 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 : Dismissal of Incomplete Petition

Owner


Tomoko Nakama
1569 Jackson Street
Oakland, CA 94612

Tenant

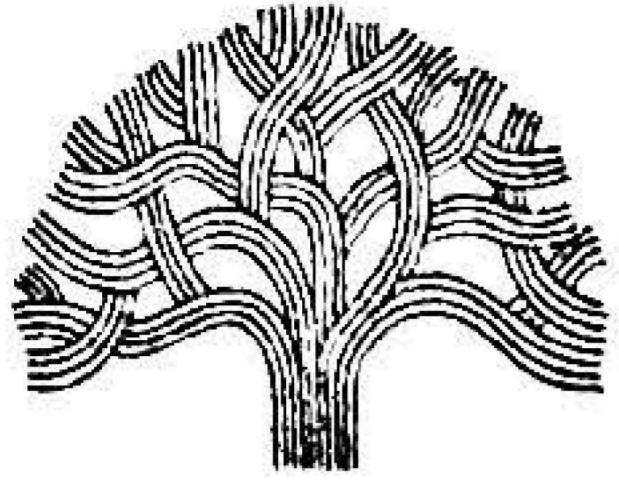
Resident
1569 Jackson Street
Oakland, CA 94612

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

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **February 08, 2024** in Oakland, California.



Brittni Jackson
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 <i>TOMOKO NAKAMA</i>		<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant	
Property Address (Include Unit Number) <i>1569 JACKSON ST. OAKLAND</i>			
Appellant's Mailing Address (For receipt of notices) <i>1569 JACKSON ST. OAKLAND CA 94612</i>		Case Number <i>L23-0057 / NAKAMA V. Tenants</i>	Date of Decision appealed <i>Feb. 8, 2024</i>
Name of Representative (if any) <i>-</i>		Representative's Mailing Address (For notices)	

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

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

- 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.)
SEE EXHIBIT A

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. Number of pages attached: 10.

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

I had Jerome Landingham Serve Appeal. The PROOF of Service attached in Last Page

Name	
Address	
City, State Zip	
Name	
Address	
City, State Zip	

	2-23-2024
---	-----------

SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE

DATE

GROUND FOR APPEALING THE DECISION EXPLANATION OF (h) CASE #L23-0057

I am the Appellant, Owner of the Single Family Occupancy (SRO) unit located at 1569 Jackson St, Oakland since 12/30/1996.

I filed Petition for Certificate of Exemption on 11/9/23 with only one ground which to request an exemption on the basis of units being unoccupied for consecutive 20 years, some over 5-10 years consecutively.

Page 1, Paragraph 1 – Line 3 on your dismissal of petition, dated Feb 8, 2024, said “missing.....documentation showing the right to the New Construction exemption”. Exemption I requested was never New Construction.

My petition’s deficiency which was really the reason of dismissal and wish to explain here the cause of my deficiency and I pray that appeal can be granted so that the merit of my petition can be heard.

After filing resident and property registration on 6/29/23, my quest to inquire about filing exemption for some of the unoccupied units with Rent Adjustment Program office started 10/16/23. I was referred to Business Tax Office which circled me back to RAP office. My Queries were:

1. Subject Units have been vacant, still need to mail petition to unit?
2. How can I obtain a receipt of filing of Tenancy and Property Registration I filed timely on 6/29/23, Online?

I was assigned Housing counselor, Mr. Jimmy Paik of RAP office and series of e-mail ensued(Exhibit B) but still no answer to above 2 questions ultimately his suggestion was to speak to Business Tax Office. Who to contact and number to contact a person in charge? Proper step and answers were never given to me by RAP and Business Tax Office. I filed petition on 11/9/23 with

in my limited knowledge.

The DECISION was rendered while I was mired down in the system. It was the procedural matter which brought your decision. I was denied a sufficient opportunity to state claims. The Merit of my case was never been heard.

I have paid Rap fees and Business taxes since 1997 with due diligence. My obstacles could’ve been removed if knowledgeable city employee could’ve helped .

I am hereby appealing my petition to be filed and heard so that I can continue to do what I do for the residents who are mentally/physically challenged.

Respectfully,

Tomoko Nakama, Appellant

Exhibit A

Automatic reply: account #00016570

From: Rent Adjustment Program (rap@oaklandca.gov)

To: nakat6@yahoo.com

Date: Monday, October 16, 2023 at 12:39 PM PDT 10/16/23 12:39 PM

Hello,

Thank you for contacting the City of Oakland's Rent Adjustment Program (RAP).

Due to the Shelter-in-Place order issued on March 16, 2020, all in-person counseling and form drop-offs have been canceled.

All RAP personnel are currently working remotely full-time. E-mails and voice messages are checked at least once a day. RAP Housing Counselors are also available by phone at (510) 238-3721, Monday to Thursday from 9:30 am to 4:30 pm.

To submit a Petition or Response in .pdf file format, please e-mail hearingsunit@oaklandca.gov. For a brief overview of Oakland's Eviction Moratorium, click [here](#). For information on the Emergency Moratorium on Rent Increases and Prohibitions of Rental Late Fees, click [here](#). To access our Local Resources for Property Owners and Tenants, click [here](#). For Tenant Petitions, click [here](#). For Owner Petitions, click [here](#). To access our Mediation Program, click [here](#).

Please allow us at least 48 hours to respond to your inquiry.

Please note our office is closed on these holidays: New Year's Day, MLK Jr. Day, President's Day, Cesar Chavez Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Admissions Day (September 9), Veterans Day, Thanksgiving Day, Day after Thanksgiving, and Christmas Day.

Best,

The Rent Adjustment Program

Department of Housing and Community Development

250 Frank H. Ogawa Plaza

Suite 5313

Oakland, CA 94612

Phone: (510) 238-3721

Fax: (510) 238-6181

RAP@oaklandca.gov

www.oaklandca.gov/RAP

Workshop Schedule for 2023: <https://www.oaklandca.gov/resources/rent-adjustment-program-workshops>

EXHIBIT B-1

Paik, Jimmy
From:jpaik@oaklandca.gov
To:nakat6@yahoo.com
Mon, Oct 16, 2023 at 4:00 PM

10/16/23 4pm

Hi Tomoko,

Thank you for your email. I would be happy to schedule a call with you. Do you have time tomorrow afternoon? My entire afternoon is open after 1pm.

Let me know if there is a time that works for you and which number you prefer to be called at. I will be calling from my cell phone which is 510-693-9600. I can be reached there by phone and/or text message.

Jimmy Paik
Housing Counselor
Rent Adjustment Program
510-238-7763
City of Oakland - Housing and Community Development
250 Frank Ogawa Plaza, Suite 5313, Oakland, CA 94612
<https://www.oaklandca.gov/rap>

From: Rent Adjustment Program <RAP@oaklandca.gov>

Sent: Monday, October 16, 2023 2:04 PM

To: Paik, Jimmy <JPaik@oaklandca.gov>

Subject: Fw: account #00016570

10/16/23 2 PM

Best,

The Rent Adjustment Program
Department of Housing and Community Development
250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
Phone: (510) 238-3721
Fax: (510) 238-6181
RAP@oaklandca.gov
www.oaklandca.gov/RAP
Workshop Schedule for 2023: <https://www.oaklandca.gov/resources/rent-adjustment-program-workshops>

From: Tomoko Nakama <nakat6@yahoo.com>

Sent: Monday, October 16, 2023 12:39 PM

To: Rent Adjustment Program <RAP@oaklandca.gov>

Subject: account #00016570

10/16/23 12:39 PM

I am the owner of Lakehurst Residential Hotel @1569 Jackson St., 94612.

I like to have a discussion and petition for

obtaining certificate of exemption for some of my 120 units.

Appreciate it very much if I can set a date for consultation. My cell number is 510-390-9090, or Hotel #510-451-3648 or my email address. I am available any day and any time.

Thank you,

Tomoko Nakama, Owner

EXHIBIT B-2

Tomoko Nakama

From: nakat6@yahoo.com

To: Paik, Jimmy

Mon, Oct 16, 2023 at 5:14 PM

Is 1 pm good for you? I will call you.

My number is 510-390-9090.

Thank you,

Tomoko Nakama for Lakehurst Hotel

10/16/23 5:14 pm

Paik, Jimmy

From: jpaik@oaklandca.gov

To: Tomoko Nakama

Tue, Oct 17, 2023 at 7:44 AM

Yes, that works for me.

Jimmy Paik

Housing Counselor

Rent Adjustment Program

510-238-7763

City of Oakland - Housing and Community Development

250 Frank Ogawa Plaza, Suite 5313, Oakland, CA 94612

<https://www.oaklandca.gov/rap>

10/17/23 7:44 AM

Tomoko Nakama

From: nakat6@yahoo.com

To: Paik, Jimmy

Tue, Oct 17, 2023 at 10:17 AM

Oki, doki.

Tomoko Nakama

10/17/23 10:17 AM

EXHIBIT B-3

RE: acct #00016570

From: BTWebSupport (btwebsupport@oaklandca.gov)

To: nakat6@yahoo.com

Date: Tuesday, October 17, 2023 at 04:01 PM PDT

10/17/23 04:01 PM

Please call the Business tax office: Hours: (510) 238-3704 Monday to Friday from 8-4pm, Wednesdays from 9:30-4pm(excluding holidays)

*Please do not hesitate to reach out to us if you have any questions or concerns.
Thank you for reaching out to the City of Oakland Finance Department!*

BTWebsupport

From: Tomoko Nakama <nakat6@yahoo.com>

Sent: Tuesday, October 17, 2023 2:20 PM

To: BTWebSupport <BTWebSupport@oaklandca.gov>

Subject: acct #00016570

10/17/23 2:20 PM

I own 120 units Lakehurst Residential hotel

@1569 Jackson St., Oakland, 94612. They consist

of Single Room Occupany rooms. I pay rap fee

for the units that are occupied for more than 30 days. There are many rooms that are not rentable as we are using them as storage for our own use.

May I speak to city official in regards to paying

no RAP fees for those unrentable units?

Thank you,

Tomoko Nakama, Owner

1569 Jackson St., 94612

510-390-9090 cell

510-451-3648 office.

EXHIBIT B-4

From: Rent Adjustment Program <RAP@oaklandca.gov>

Sent: Monday, November 6, 2023 2:17 PM

To: Paik, Jimmy <JPaik@oaklandca.gov>

Subject: Fwd: 1569 Jackson St., acct #00016570

11/6/23 2:17 PM

Best,

The Rent Adjustment Program

Department of Housing and Community Development

250 Frank H. Ogawa Plaza, Suite 5313

Oakland, CA 94612

Phone: (510) 238-3721

Fax: (510) 238-6181

RAP@oaklandca.gov

www.oaklandca.gov/RAP

Workshop Schedule for 2023: <https://www.oaklandca.gov/resources/rent-adjustment-program-workshops>

From: Tomoko Nakama <nakat6@yahoo.com>

Sent: Monday, November 6, 2023 10:08:30 AM

To: Rent Adjustment Program <RAP@oaklandca.gov>

Subject: 1569 Jackson St., acct #00016570

11/6/23 10:08 AM

I was informed on Oct 23, by your office to contact BTwebsupport@oaklandca.gov to inquire about filing the exemption. I've contacted the business tax office since then. Finally, office responded to me to contact your office for filing of exemption. Back to the starting point.

Can you please help me, either your office or which division of business tax office I shall write? In person counseling is not available at your office or at business tax office.

You know I pay my Rap fee for the last 26 years on time. I spoke with Mr. J. Pike of your office in Oct 23. Mr. Pike, I am still at the starting point.

Thank you,
Tomoko Nakama, Owner of 1569 Jackson St., 94612

EXHIBIT B-5

Re: 1569 Jackson St., acct #00016570

From: Paik, Jimmy (jpaik@oaklandca.gov)

To: nakat6@yahoo.com

Date: Tuesday, November 7, 2023 at 09:52 AM PST 11/7/23 9:52 AM

Hi Tomoko,

You can file an exemption request with our office, but I thought you wanted to check with them regarding the payment. (We do not have access to any of the payments).

The petition form to request an exemption can be found here:
<https://www.oaklandca.gov/services/file-a-property-owner-petition>



The link is the green download rectangle that is in the middle on our website. Let me know if you have any questions.

Jimmy Paik
Housing Counselor
Rent Adjustment Program
510-238-7763
City of Oakland - Housing and Community Development
250 Frank Ogawa Plaza, Suite 5313, Oakland, CA 94612

EXHIBIT B-6

PROOF OF SERVICE

I, Jerome Landingin, 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 #L23-0057, Nakama v. Tenant.


Today, I personally delivered the APPEAL with attached Exhibit A and Exhibit B by delivering and leaving the copies of documents to the front door at the addresses listed below. The all units are unoccupied.

- 1. 1569 Jackson St., Oakland, CA 94612 Unit #210
- 2 1569 Jackson St., Oakland, CA 94612 Unit #217
- 3. 1569 Jackson St., Oakland, CA 94612 Unit #304
- 4 1569 Jackson St., Oakland, CA 94612 Unit #315
- 5. 1569 Jackson St., Oakland, CA 94612 Unit #316
- 6 1569 Jackson St., Oakland, CA 94612 Unit #317
- 7 1569 Jackson St., Oakland, CA 94612 Unit #404
- 8 1569 Jackson St., Oakland, CA 94612 Unit #414
- 9 1569 Jackson St., Oakland, CA 94612 Unit #416

- 10 1569 Jackson St., Oakland, CA 94612 Unit #417
- 11 1569 Jackson St., Oakland, CA 94612 Unit #509
- 12 1569 Jackson St., Oakland, CA 94612 Unit #511
- 13 1569 Jackson St., Oakland, CA 94612 Unit #604
- 14 1569 Jackson St., Oakland, CA 94612 Unit #611
- 15 1569 Jackson St., Oakland, CA 94612 Unit #614
- 16 1569 Jackson St., Oakland, CA 94612 Unit #617
- 17 1569 Jackson St., Oakland, CA 94612 Unit #618

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

Jerome Landingin



Date Signed 2/23/24

CHRONOLOGICAL CASE REPORT

Case No.: L23-0062

Case Name: Sun v. Tenant

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

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

OWNER APPEAL:

<u>Activity</u>	<u>Date</u>
Owner Petition filed	December 8, 2023
Owner Exhibits submitted	December 19, 2023
Owner Email Submission	December 22, 2023
Owner Exhibit submitted	January 5, 2024
Administrative Decision mailed	February 20, 2024
Owner Appeal filed	February 21, 2024



L23-0062
SM/AS

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

PROPERTY OWNER PETITION

RECEIVED

DEC -8 2023

**RENT ADJUSTMENT PROGRAM
OAKLAND**

Property Address: 534 31st Street, Oakland, CA, USA
Case: Petition: 16564
Date Filed: 12-08-2023

PARTIES

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

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

Party Name Address Address Mailing Address
Manager Janet Sun 2981 Northwood Dr Alameda, 94501
2981 Northwood Dr Alameda, 94501 (415) 877-0152 gordon.sun.sf@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: 16564

Date Filed: 12-08-2023

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.) Yes

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 01-14-2023 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: 534 31st Street, Oakland, CA, USA
Case: Petition: 16564
Date Filed: 12-08-2023

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:

Additional occupant

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. Yes



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: 16564
Date Filed: 12-08-2023

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

12/8/2023

Signature

Date

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.
<input checked="" type="checkbox"/> Payment of Rent Adjustment Program service fee ("RAP Fee")	Attach proof of payment of the current year's RAP Fee for the subject property.
<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>12/24/2013</u>.</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 1/14/2023 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.</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.</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 Appendix A of the Rent Adjustment Program Regulations at: <https://cao-94612.s3.amazonaws.com/documents/oak062857.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 Appendix A of the Regulations).</i></p>	<ul style="list-style-type: none"> ✓ Improvements meet the description of capital improvements set forth in Appendix A of 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.</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 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 conjunction with petitions based on other grounds/justifications.</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. ✓ Attach documentation of tenant's rental history, including proof of current rent amount and all other information requested by Worksheet D.

<input checked="" 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>	<input checked="" type="checkbox"/> Total number of occupants has increased above the base occupancy level as defined by O.M.C. § 8.22.020. <input checked="" type="checkbox"/> Additional occupant(s) not exempted from increase due to relationship with existing tenant/occupant. <input checked="" type="checkbox"/> 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") and Appendix A, § 10.7.</i>	<input checked="" type="checkbox"/> 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 <i>mixed-use</i> 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
SUBTOTAL:				

UNIT-SPECIFIC CAPITAL IMPROVEMENTS

CATEGORY OF IMPROVEMENT	Unit #	Date permit obtained or work began	Date completed	Date paid for	Full costs

**WORKSHEET B:
INCREASED HOUSING SERVICE COSTS**

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) From: _____ to _____ (mm/dd/yy) (mm/dd/yy)	YEAR 2 (last year) From: _____ to _____ (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:	\$	\$
SUBTOTAL:		

**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)	LAST YEAR
	From: _____ to _____ (mm/dd/yy) (mm/dd/yy)	From: _____ to _____ (mm/dd/yy) (mm/dd/yy)
INCOME		
Rents	\$	\$
Parking	\$	\$
Laundry	\$	\$
Other: _____	\$	\$
Imputed rent if any unit owner/manager-occupied	\$	\$
Imputed rent if any unit not rented to capacity	\$	\$
Total:	\$	\$
EXPENSES		
Electricity/Gas	\$	\$
Garbage	\$	\$
Water/Sewer	\$	\$
Insurance	\$	\$
Maintenance/Repairs	\$	\$
Pest Control	\$	\$
Laundry Expenses	\$	\$
Parking	\$	\$
Elevator Service	\$	\$
Security	\$	\$
Property Taxes	\$	\$
Business License	\$	\$
Management Expenses	\$	\$
Furnishings	\$	\$
Capital Improvements (Amortized cost)	\$	\$
Other: _____	\$	\$
Other: _____	\$	\$
Total:	\$	\$

**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 (If tenant has lived in unit >11 years)	CURRENT RENT	CURRENT PASS-THROUGH AMOUNT (If any)
Tedros Kifle	1	unknown / estimated: 2/1/2014	\$670		\$704	

TENANT INFORMATION

(Required for all petitions)

List each tenant and the requested information for each unit affected by this petition. Attach additional copies of this sheet if necessary. Under "Type of Increase Sought," specify the ground(s) on which the rent increase is sought (e.g., capital improvements, banking, etc.).

TENANT NAME	ADDRESS <i>(include unit #)</i>	EMAIL ADDRESS	PHONE NUMBER	CURRENT RENT	TYPE OF INCREASE(S) SOUGHT
Tedros Kifle	534 31st Street, Unit 1	kifletedros594@gmail.com	510-830-6533	\$704	Banking, Additional Occupants

-END OF PETITION-



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

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).**

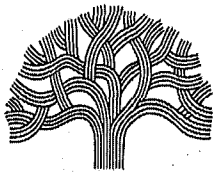
➤ TO RESPOND:

- 1) Complete and sign a **TENANT RESPONSE** form found on the RAP website. (<https://www.oaklandca.gov/services/respond-to-an-owner-petition-for-the-rent-adjustment-program>)
- 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.



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: 12 / 08 / 2023 I served a copy of (check all that apply):

- PROPERTY OWNER PETITION FOR APPROVAL OF RENT INCREASE** plus 5 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

JS

SIGNATURE

12/08/2023

DATE SIGNED

IMPORTANT INFORMATION REGARDING FILING YOUR PETITION

TIME TO FILE YOUR PETITION

Your Property Owner Petition form must be received by the Rent Adjustment Program within the required time limit for filing in the Rent Adjustment Ordinance. RAP staff cannot grant an extension of time to file your petition.

CONTACT A HOUSING COUNSELOR TO REVIEW YOUR PETITION BEFORE SUBMITTING

To make an appointment, email RAP@oaklandca.gov or call (510) 238-3721. Although the Housing Resource Center is temporarily closed for drop-in services, assistance is available by email or telephone.

DOCUMENTS SUBMITTED IN SUPPORT OF PETITION

All attachments submitted together with your Petition (including proof of current business license, proof of payment of most recent RAP fee, and documentation in support of the requested rent increase) must be numbered sequentially. You may submit additional evidence in support of your Petition up to seven days before your hearing.¹ You must serve a copy of any documents filed with RAP on the other party and file a PROOF OF SERVICE form.

REMINDER: Once a petition and its attachments are submitted to the RAP they become public records. Please redact any private information (such as social security numbers, bank account numbers, credit card numbers and similar financial data) from the documents you submit as part of this petition. If you have any questions, you may contact RAP staff by phone at (510) 238-3721 or by email at RAP@oaklandca.gov.

Additionally, all documents submitted to the RAP, including but not limited to emails, petitions, attachments, potential evidence, text messages, screenshots, etc., are a part of the file in your case and all parties to a case are entitled to have access to this information.

SERVICE ON TENANT(S)

You are required to serve ALL the following documents on the tenant(s) affected by your Petition:

1. Copy of RAP form entitled "NOTICE TO TENANTS OF PROPERTY OWNER PETITION" (*included in Petition packet and available on RAP website*).
2. Copy of completed Petition form and attachments (*exception for attachments in excess of 25 pages if owner selects this option*).
3. Completed PROOF OF SERVICE form (*included in Petition packet and available on RAP website*).

You may serve tenant(s) by mail or personal delivery. A copy of the completed PROOF OF SERVICE form must be submitted to RAP together with your Petition. Your Petition will not be considered complete until a PROOF OF SERVICE form is filed indicating that all tenants have been served.

DOCUMENTATION IN EXCESS OF 25 PAGES

If the documents submitted with your Petition exceed 25 pages, you may opt to not serve tenant(s) with all the attachments. To do so, check the box under "DOCUMENTATION IN EXCESS OF 25 PAGES" on page 9 of the Petition. If a tenant requests copies of the documentation in their Tenant Response, you must provide the copies to the tenant within 10 days of receiving such request.

FILING YOUR PETITION

Although RAP normally does not accept filings by email or fax, RAP is temporarily accepting Petitions via email during the COVID-19 local state of emergency. You may also fill out and submit your Petition online through the

¹ Note that certain documents are required to be submitted with the Petition. See Petition form for details.

RAP website or deliver the Petition to the RAP office by mail. If the RAP office is closed on the last day to file, the time to file is extended to the next day the office is open. If you send your Petition by mail, a postmark date does not count as the date it was received. Remember to file a PROOF OF SERVICE form together with your Petition.

Via email: hearingsunit@oaklandca.gov

Mail to: City of Oakland
Rent Adjustment Program
250 Frank H. Ogawa Plaza, Ste. 5313
Oakland, CA 94612-0243

File online: <https://www.oaklandca.gov/services/file-a-property-owner-petition>

In person: TEMPORARILY CLOSED
City of Oakland
Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313

AGREEMENT TO ELECTRONIC SERVICE

Except for service of a petition or a response to a petition, documents may be electronically served on you when you have agreed to receive electronic service from the Rent Adjustment Program and from the other party/parties to the case.

AFTER PETITION IS FILED

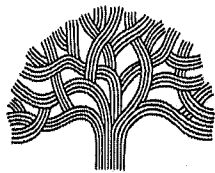
Tenant(s) have 30 days after service of the Petition to file a Response (35 days if served by mail). The tenant(s) must serve you with a copy of their Response form and any attachments filed with the Response. In most cases, RAP will schedule a hearing. You will be mailed a Notice of Hearing indicating the hearing date. If you are unable to attend the hearing, contact RAP as soon as possible. The hearing may only be postponed for good cause.

FILE/DOCUMENT REVIEW

Either party may contact RAP to review the case file and/or to request copies of any documents pertaining to the case at any time prior to the scheduled hearing.

FOR MORE INFORMATION

Additional information on the petition and hearing process is located on the RAP website and in the Residential Rent Adjustment Program Ordinance and Regulations (see Oakland Municipal Code 8.22.010 *et seq.*). For more information on rent increases, including the list of the annual allowable CPI rates and calculators for certain justifications, see: <https://www.oaklandca.gov/resources/learn-more-about-allowable-rent-increases> or you can refer to the Guide on Oakland Rental Housing Law at <https://cao-94612.s3.amazonaws.com/documents/Guide-to-Oakland-Rental-Housing-Law-1.pdf>. You may also contact a RAP Housing Counselor with questions at any time by emailing RAP@oaklandca.gov or calling (510) 238-3721.



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: 12 / 08 / 2023 I served a copy of (check all that apply):

- PROPERTY OWNER PETITION FOR APPROVAL OF RENT INCREASE** plus 5 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

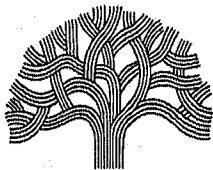
PRINTED NAME

JS

SIGNATURE

12/08/2023

DATE SIGNED



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: 12 / 08 / 2023 I served a copy of (check all that apply):

- PROPERTY OWNER PETITION FOR APPROVAL OF RENT INCREASE** plus 5 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

JS

SIGNATURE

12/08/2023

DATE SIGNED



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.

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 RAP@oaklandca.gov.

Rental Unit Information			
534 Street Number	31st Street Street Name	Apt 1 Unit Number	Oakland, CA 94609 Zip Code
Is there more than one street address on the parcel? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, list all addresses: _____	
Type of unit(s) (check one): <input type="checkbox"/> Single family home <input type="checkbox"/> Condominium <input checked="" type="checkbox"/> Apartment, room, or live-work		Number of units on property: 4 Date acquired property: 5/5/2015	
Case number(s) of any relevant prior Rent Adjustment case(s): _____			
Property Owner Information			
Janet First Name		Sun Last Name	
Company/LLC/LP (if applicable): _____			
Mailing address: 2981 Northwood Dr. Alameda CA 94501			
Primary Telephone: 415-877-0152		Other Telephone: _____ Email: janet.sun@gmail.com	
Property Owner Representative (Check one): <input checked="" type="checkbox"/> No Representative <input type="checkbox"/> Attorney <input type="checkbox"/> Non-attorney			
_____ First Name		_____ Last Name	
Mailing Address: _____			
Phone Number: _____		Email: _____	

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.
<input checked="" type="checkbox"/> Payment of Rent Adjustment Program service fee ("RAP Fee")	Attach proof of payment of the current year's RAP Fee for the subject property.
<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>12/24/2013</u>.</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>1/14/2023</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.</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 Appendix A of the Rent Adjustment Program Regulations at: <https://cao-94612.s3.amazonaws.com/documents/oak062857.pdf>.

Grounds	Description	Requirements
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CITY OF OAKLAND
BUSINESS TAX CERTIFICATE

**ACCOUNT
NUMBER**
00172495

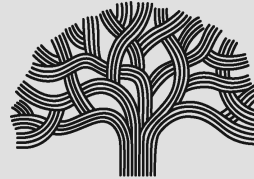
The issuing of a Business Tax Certificate is for revenue purposes only. It does not relieve the taxpayer from the responsibility of complying with the requirements of any other agency of the City of Oakland and/or any other ordinance, law or regulation of the State of California, or any other governmental 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
12/31/2023



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
34132 SPUR WAY
FREMONT, CA 94555-3525

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!

000065

Guest[Home](#) [Report a Problem](#)Find Account → Registration → Calculation → Payment → **Receipt**Account # 00172495
SUN GORDON & JANET**Business License Online Renewal**  **Secure**[PRINT THIS PAGE FOR YOUR RECORD](#)

The business tax license renewal has been submitted. Business tax certificates will be emailed 2 to 5 days after successfully renewing account. For questions, please contact the Business Tax office at (510) 238-3704 or btwebsupport@oaklandca.gov. Thank you, City of Oakland - Business Tax

Submission Date	1/14/2023
Confirmation #	393740

Account Information

Account #	00172495
Expire Date	12/31/2023
Name	SUN GORDON & JANET
Address	534 31ST ST
City	OAKLAND
Phone	(650) 596-9612

Summary

	Input Amount
Tax Calculation	
Current Year Business Tax – Residential/Non-Residential Rental	18,748 \$261.53
BT SB1186 (AB1379)	1 \$4.00
BT Recordation and Tech	1 \$4.50
Total # of Employees, Excluding Owners - report only employees that work within Oakland	\$0.00
Rent Adjustment Program (RAP) Calculation - only use whole numbers below	
a. Total # of units per Alameda County Records:	3 \$303.00
Total Due	\$573.03

Payment Information

Payment Amount	\$573.03
----------------	----------

After printing or saving this page for your records, you may close this browser window/tab.

Powered by HdL

Select Language ▼

For AssistanceEmail: btwebsupport@oaklandca.gov
Phone: (510) 238-3704**City of Oakland**250 Frank H Ogawa Plaza, Suite 1320
Oakland, CA 94612**Hours:**8:00 AM-4:00 PM
Monday, Tuesday, Thursday, Friday

9:30 AM-4:00 PM Wednesdays.

000066Elected Officials
Departments
Boards and Commissions
Staff DirectoryServices
News & Updates
Events
Documents#OaklandLoveLife
Oakland Library
Visit Oakland
Oakland Museum

Over No Unit Number

Parcel Ass **Unit Number** Back

INST **Property Type**

Step 1 BOTH same it add
re
is.

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 2 you m ntory,

Step 3 **Year Property Built (as reflected in Alameda county records)**

Note: 1900

exemp

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

Step 4 page t ie

Yes No Unknown

Occupant Type

Ac

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

A

Unknown Amount of Security Deposit

Date of Most Recent Rent Increase ⓘ

Unknown Date of Most Recent Rent Increase

Click c
contac
same .
Propri

Amount of Most Recent Rent Increase

Unknown Amount of Most Recent Rent Increase

Cc

Services Included with Rent

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

es

000067

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

Click c
may cl

Number of Bedrooms

Unit

Number of Bathrooms

Drag

Unknown Tenancy Start Date

Unit
Add

Number of Occupants ⓘ

534
OAK
946C

Unknown Number of Occupant

Amount of Security Deposit Provided at Start of Tenancy

534
OAK
946C

Unknown Amount of Security Deposit

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

M

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

000068

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

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

<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 Appendix A of the Regulations).</i></p>	<ul style="list-style-type: none"> ✓ Improvements meet the description of capital improvements set forth in Appendix A of 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.</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 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 conjunction with petitions based on other grounds/justifications.</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. ✓ Attach documentation of tenant's rental history, including proof of current rent amount and all other information requested by Worksheet D.

<input checked="" 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>	<input checked="" type="checkbox"/> Total number of occupants has increased above the base occupancy level as defined by O.M.C. § 8.22.020. <input checked="" type="checkbox"/> Additional occupant(s) not exempted from increase due to relationship with existing tenant/occupant. <input checked="" type="checkbox"/> 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") and Appendix A, § 10.7.</i>	<input checked="" type="checkbox"/> 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
SUBTOTAL:				

UNIT-SPECIFIC CAPITAL IMPROVEMENTS

CATEGORY OF IMPROVEMENT	Unit #	Date permit obtained or work began	Date completed	Date paid for	Full costs

**WORKSHEET B:
INCREASED HOUSING SERVICE COSTS**

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) From: _____ to _____ (mm/dd/yy) (mm/dd/yy)	YEAR 2 (last year) From: _____ to _____ (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:	\$	\$

SUBTOTAL:					

**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)	LAST YEAR
	From: _____ to _____ (mm/dd/yy) (mm/dd/yy)	From: _____ to _____ (mm/dd/yy) (mm/dd/yy)
INCOME		
Rents	\$	\$
Parking	\$	\$
Laundry	\$	\$
Other: _____	\$	\$
Imputed rent if any unit owner/manager-occupied	\$	\$
Imputed rent if any unit not rented to capacity	\$	\$
Total:	\$	\$
EXPENSES		
Electricity/Gas	\$	\$
Garbage	\$	\$
Water/Sewer	\$	\$
Insurance	\$	\$
Maintenance/Repairs	\$	\$
Pest Control	\$	\$
Laundry Expenses	\$	\$
Parking	\$	\$
Elevator Service	\$	\$
Security	\$	\$
Property Taxes	\$	\$
Business License	\$	\$
Management Expenses	\$	\$
Furnishings	\$	\$
Capital Improvements (Amortized cost)	\$	\$
Other: _____	\$	\$
Other: _____	\$	\$
Total:	\$	\$

**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>
Tedros Kifle	1	unknown / estimated: 2/1/2014	\$670		\$704	

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.



Property Owner's Signature

12/08/2023

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

12/08/2023

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-



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

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. (<https://www.oaklandca.gov/services/respond-to-an-owner-petition-for-the-rent-adjustment-program>)
- 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.



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: 12 / 08 / 2023 I served a copy of (check all that apply):

- PROPERTY OWNER PETITION FOR APPROVAL OF RENT INCREASE** plus 5 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

12/08/2023 _____

DATE SIGNED

000080

IMPORTANT INFORMATION REGARDING FILING YOUR PETITION

TIME TO FILE YOUR PETITION

Your Property Owner Petition form must be received by the Rent Adjustment Program within the required time limit for filing in the Rent Adjustment Ordinance. RAP staff cannot grant an extension of time to file your petition.

CONTACT A HOUSING COUNSELOR TO REVIEW YOUR PETITION BEFORE SUBMITTING

To make an appointment, email RAP@oaklandca.gov or call (510) 238-3721. Although the Housing Resource Center is temporarily closed for drop-in services, assistance is available by email or telephone.

DOCUMENTS SUBMITTED IN SUPPORT OF PETITION

All attachments submitted together with your Petition (including proof of current business license, proof of payment of most recent RAP fee, and documentation in support of the requested rent increase) must be numbered sequentially. You may submit additional evidence in support of your Petition up to seven days before your hearing.¹ You must serve a copy of any documents filed with RAP on the other party and file a PROOF OF SERVICE form.

REMINDER: Once a petition and its attachments are submitted to the RAP they become public records. Please redact any private information (such as social security numbers, bank account numbers, credit card numbers and similar financial data) from the documents you submit as part of this petition. If you have any questions, you may contact RAP staff by phone at (510) 238-3721 or by email at RAP@oaklandca.gov.

Additionally, all documents submitted to the RAP, including but not limited to emails, petitions, attachments, potential evidence, text messages, screenshots, etc., are a part of the file in your case and all parties to a case are entitled to have access to this information.

SERVICE ON TENANT(S)

You are required to serve ALL the following documents on the tenant(s) affected by your Petition:

1. Copy of RAP form entitled "NOTICE TO TENANTS OF PROPERTY OWNER PETITION" (*included in Petition packet and available on RAP website*).
2. Copy of completed Petition form and attachments (*exception for attachments in excess of 25 pages if owner selects this option*).
3. Completed PROOF OF SERVICE form (*included in Petition packet and available on RAP website*).

You may serve tenant(s) by mail or personal delivery. A copy of the completed PROOF OF SERVICE form must be submitted to RAP together with your Petition. Your Petition will not be considered complete until a PROOF OF SERVICE form is filed indicating that all tenants have been served.

DOCUMENTATION IN EXCESS OF 25 PAGES

If the documents submitted with your Petition exceed 25 pages, you may opt to not serve tenant(s) with all the attachments. To do so, check the box under "DOCUMENTATION IN EXCESS OF 25 PAGES" on page 9 of the Petition. If a tenant requests copies of the documentation in their Tenant Response, you must provide the copies to the tenant within 10 days of receiving such request.

FILING YOUR PETITION

Although RAP normally does not accept filings by email or fax, RAP is temporarily accepting Petitions via email during the COVID-19 local state of emergency. You may also fill out and submit your Petition online through the

¹ Note that certain documents are required to be submitted with the Petition. See Petition form for details.

RAP website or deliver the Petition to the RAP office by mail. If the RAP office is closed on the last day to file, the time to file is extended to the next day the office is open. If you send your Petition by mail, a postmark date does not count as the date it was received. Remember to file a PROOF OF SERVICE form together with your Petition.

Via email: hearingsunit@oaklandca.gov

Mail to: City of Oakland
Rent Adjustment Program
250 Frank H. Ogawa Plaza, Ste. 5313
Oakland, CA 94612-0243

File online: <https://www.oaklandca.gov/services/file-a-property-owner-petition>

In person: TEMPORARILY CLOSED
City of Oakland
Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313

AGREEMENT TO ELECTRONIC SERVICE

Except for service of a petition or a response to a petition, documents may be electronically served on you when you have agreed to receive electronic service from the Rent Adjustment Program and from the other party/parties to the case.

AFTER PETITION IS FILED

Tenant(s) have 30 days after service of the Petition to file a Response (35 days if served by mail). The tenant(s) must serve you with a copy of their Response form and any attachments filed with the Response. In most cases, RAP will schedule a hearing. You will be mailed a Notice of Hearing indicating the hearing date. If you are unable to attend the hearing, contact RAP as soon as possible. The hearing may only be postponed for good cause.

FILE/DOCUMENT REVIEW

Either party may contact RAP to review the case file and/or to request copies of any documents pertaining to the case at any time prior to the scheduled hearing.

FOR MORE INFORMATION

Additional information on the petition and hearing process is located on the RAP website and in the Residential Rent Adjustment Program Ordinance and Regulations (see Oakland Municipal Code 8.22.010 *et seq.*). For more information on rent increases, including the list of the annual allowable CPI rates and calculators for certain justifications, see: <https://www.oaklandca.gov/resources/learn-more-about-allowable-rent-increases> or you can refer to the Guide on Oakland Rental Housing Law at <https://cao-94612.s3.amazonaws.com/documents/Guide-to-Oakland-Rental-Housing-Law-1.pdf>. You may also contact a RAP Housing Counselor with questions at any time by emailing RAP@oaklandca.gov or calling (510) 238-3721.

**CITY OF OAKLAND
BUSINESS TAX CERTIFICATE**

**ACCOUNT
NUMBER**
00172495

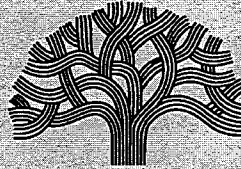
The issuing of a Business Tax Certificate is for revenue purposes only. It does not relieve the taxpayer from the responsibility of complying with the requirements of any other agency of the City of Oakland and/or any other ordinance, law or regulation of the State of California, or any other governmental 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
12/31/2023



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
34132 SPUR WAY
FREMONT, CA 94555-3525

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!

000083



Guest

Find Account → Registration → Calculation → Payment → Receipt

Home Report a Problem

Account # 00172495
SUN GORDON & JANET

Business License Online Renewal

PRINT THIS PAGE FOR YOUR RECORD

The business tax license renewal has been submitted. Business tax certificates will be emailed 2 to 5 days after successfully renewing account. For questions, please contact the Business Tax office at (510) 238-3704 or btwebsupport@oaklandca.gov. Thank you, City of Oakland - Business Tax

Submission Date 1/14/2023
Confirmation # 393740

Account Information

Account # 00172495
Expire Date 12/31/2023
Name SUN GORDON & JANET
Address 534 31ST ST
City OAKLAND
Phone (650) 596-9612

Summary

	Input Amount
Tax Calculation	
Current Year Business Tax – Residential/Non-Residential Rental	18,748 \$261.53
BT SB1186 (AB1379)	1 \$4.00
BT Recordation and Tech	1 \$4.50
Total # of Employees, Excluding Owners - report only employees that work within Oakland	\$0.00
Rent Adjustment Program (RAP) Calculation - only use whole numbers below	
a. Total # of units per Alameda County Records:	3 \$303.00
Total Due	\$573.03

Payment Information

Payment Amount \$573.03

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Elected Officials
Departments
Boards and Commissions
Staff Directory

Services
News & Updates
Events
Documents

#OaklandLoveLife
Oakland Library
Visit Oakland
Oakland Museum

For Assistance
Email: btwebsupport@oaklandca.gov
Phone: (510) 238-3704

City of Oakland
250 Frank H Ogawa Plaza, Suite 1320
Oakland, CA 94612

Hours:
8:00 AM-4:00 PM
Monday, Tuesday, Thursday, Friday

9:30 AM-4:00 PM Wednesdays.

000084

Over No Unit Number

Parcel Ass Unit Number

1

Back

INST Property Type

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

it add re is.

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 2 you m

ntory,

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

Note: 1900

exemp

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

Step 4 page 1 Yes No Unknown

e

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

le

Al Unknown Amount of Security Deposit

Date of Most Recent Rent Increase

07/01/2015

Unknown Date of Most Recent Rent Increase

Click e contact same: Propri

Amount of Most Recent Rent Increase

\$ 34.00

ger : the

Unknown Amount of Most Recent Rent Increase

Cc Services Included with Rent

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

es

000085

A: No Unit Number

Unit Number

Pr 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

Click c
may cl

Occupant Type

Number of Bedrooms

Unit

Number of Bathrooms

Drag

Unit Unknown Tenancy Start Date
Add

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

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

000086

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

000087



Janet Sun <janet.sun@gmail.com>

Re: 534 31st St APT 1

1 message

Janet Sun <janet.sun@gmail.com>
To: Janet Sun <janet.sun@gmail.com>

Fri, Dec 22, 2023 at 2:57 PM

From: **Tedros Kifle** <kifletedros594@gmail.com>
Date: Mon, Jun 12, 2023 at 4:07 PM
Subject: 534 31st APT 1
To: janet.sun@gmail.com <janet.sun@gmail.com>

Hello Janet,

It's Tedros Kifle. I hope you are doing well. I received a document saying I no longer live in the 534, however that's not true. As my Brother Adam told you. I travel for my work frequently, but 534 31st APT1 is still my primary residence. Adam is the one who is taking care of my mom (Embafrash) when I travel, so can you please add him and my mom as roommates. Their full names are Adam Kifle and Embafrash Gele. Thank you for your time.

Sincerely,

Tedros Kifle

000088

2:59



Adam >

We're good so far. Glad things are okay. My roof did not leak this year! So surprising, since it leaked every other year in much lighter rain 🧑🏿. Hope things stay this way. Let me know if things change

God is good all the time.

Sat, Apr 1 at 12:40 PM

Hi Tserha, how are you? Tedros's phone is still off and I really need to talk to him about the house. Would you mind to ask him to get in touch with me?

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!

Sat, May 6 at 2:33 PM



iMessage



000089

3:01



Adam >

Wed, May 10 at 3:29 PM

Hey,

Can you please send this message to Janit. I Tedros hereby authorize my brother to act on my behalf in regards to the house. I am currently on Africa unable to deal with this matter, so I gave him permission to make decision on my behalf. Thank you for your understanding and cooperation.

Sincerely,

Tedros kifle



Done.

Sent.

Will do.

Message from Tedros

Will the brother be there Thursday. I will then collect his name then

Sun, May 14 at 10:03 AM

Hi Adam, I have to get the correct keys for your unit. Would you be able to make a copy for me? You can deduct the cost of the copies from rent, or send me the receipts



iMessage



000090



TENANT ESTOPPEL CERTIFICATE
(C.A.R. Form TEC, Revised 4/11)

Tenant: Tedros Kifle
Premises: 534 31st St. (Apt# 1), Oakland, CA 94609

To whom it may concern: The undersigned is the Tenant of the above premises and makes the following representations:

1. LEASE TERMS:

- A. () If checked) A copy of the Lease is attached hereto.
B. Date of the Lease: November 11, 1993
C. Name of the current Landlord: Brown Management Company
D Name of the current Tenant: Tedros Kifle
E. Current monthly base rent: \$ 670.00, paid through: April 30, 2015
F. Security deposit: \$ Other deposits: \$
G. Expiration date of current term: The rental agreement is currently month-to-month
H. Number and Location of Parking Spaces: 1
I. Number and Location of Storage Spaces: 0
J. Who pays utilities services: Water: [X] Landlord [] Tenant; Electric: [] Landlord [X] Tenant; Gas: [] Landlord [X] Tenant; Waste Disposal: [X] Landlord [] Tenant; Gardener: [X] Landlord [] Tenant; Sewer: [X] Landlord [] Tenant; Other: [] Landlord [] Tenant.
K. Who owns appliances: Stove: [X] Landlord [] Tenant; Refrigerator: [X] Landlord [] Tenant; Washer/Dryer: [] Landlord [] Tenant; Microwave: [] Landlord [X] Tenant; Other: [] Landlord [] Tenant.
2. The Tenant represents that the original Lease remains in full force and effect and constitutes the entire agreement between Tenant and Landlord, except for the following modifications, amendments, addendums, assignments, extensions, and/or preferential rights or options to purchase/lease:

- 3. Tenant is the actual occupant and is in possession of the Leased Premises. Tenant has not assigned, transferred or hypothecated its interest under the Lease. Any construction, build-out, improvements, alterations, or additions to the Premises required under the Lease have been fully completed in accordance with the plans and specifications described in the Lease.
4. All obligations of Landlord under the Lease have been fully performed and Landlord is not in default under any term of the Lease. Tenant has no defenses, off-sets or counterclaims to the payment of rent or other amounts due from Tenant to Landlord under the Lease.
5. Tenant has not been given any free rent, partial rent, rebates, rent abatements, or rent concessions of any kind, except as follows:
6. Tenant has not filed and is not the subject of any filing for bankruptcy or reorganization under federal bankruptcy laws or similar state laws.
7. Tenant represents that Tenant: (a) is not in default of the performance of any obligations under the Lease; (b) has not committed any breach of the Lease; and (c) has not received any notice of default under the Lease, which has not been cured.
8. The correct address for notices to Tenant is the Premises above unless otherwise specified in writing.
9. The person signing below represents that he/she is duly authorized by Tenant to execute this Statement in Tenant's behalf.
10. Tenant understands that: (a) a lender may make a loan secured in whole or part by the Premises, and that if Lender does so, Lender's action will be in material reliance on this Estoppel Certificate; and/or (b) a buyer may acquire the Premises or the building in which the Premises is located, and if buyer completes the purchase, buyer will do so in material reliance on this Estoppel Certificate.

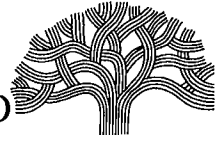
Date:
Tenant Tedros Kifle
Tenant
By Al Marks Title
Receipt Acknowledged Landlord or Manager
Date: Bertha Judsen Title

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Reviewed by Date





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Housing and Community Development Dept.
Rent Adjustment Program

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

ADMINISTRATIVE DECISION

CASE NUMBER: L23-0062
CASE NAME: Sun v. Tenant
PROPERTY ADDRESS: 534 31st Street, Unit 1, Oakland, California
DATE OF DECISION: February 14, 2024
PARTIES: Janet Sun, Owner
Tedros Kifle, Tenant

SUMMARY OF DECISION

The owner's petition is denied.

INTRODUCTION

There are sufficient uncontested facts presented and there are no material facts in dispute to issue a decision. Therefore, an Administrative Decision, without a hearing, is being issued.

BACKGROUND

On December 8, 2023, property owner Janet Sun filed the instant petition for an approval of a 5% rent increase on the ground that there are additional occupants above the base occupancy level. The petition stated that the current rent is \$704.00.

Owner Sun provided a valid current year's Oakland business license certificate,¹ proof of payment of the current Oakland business license, and proof of payment of the current Rent Adjustment Program (RAP) fee for three of the four residential rental units. The petition indicated that the first *Notice to Tenants of the Residential Rent Adjustment Program (RAP Notice)* was provided to the tenant on December 24, 2013. The owner indicated on the petition that she registered all affected cover units for the property on January 14, 2023, with the RAP,

¹ The City of Oakland Business Tax Certificate indicated a December 31, 2023, expiration date.

and submitted a copy of a December 5, 2023, on-line screenshot indicating that “Unit Number 1” was entered into RAP’s rent registration database.

The owner submitted a copy of a June 12, 2023, electronic correspondence from Respondent Tedros Kifle to Janet Sun, in which the respondent requested to add his brother Adam Kifle and his mother Embrafrash Gele as roommates because “Adam is the one who is taking care of my mom (Embrafrash) when I travel.”

No response from the Tenant Kifle was received.

The owner signed her *Petition* under penalty of perjury.

RATIONALE FOR ADMINISTRATIVE DECISION

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 allow resolution of disputes of material fact. However, in this case, sufficient uncontested facts have been presented to issue a decision without a hearing, and there are no genuine dispute regarding any material facts.² Therefore, the subject petition is decided as a matter of law and an administrative decision is being issued.

The owner is time-barred from filing a *Property Owner Petition for Approval of Rent Increase* based on an additional occupant.

The City of Oakland Residential Rent Adjustment Program Ordinance Section 8.22.020 defines "Additional occupant" as follows:

[A]n occupant whose addition to the unit has increased the total number of occupants above the base occupancy level. The owner may petition to increase the rent by an amount up to five (5) percent for each additional occupant above the base occupancy level. A rent increase shall not be based on an additional occupant who is the spouse, registered domestic partner, parent . . . of an existing tenant . . . or a caretaker/attendant as required for a reasonable accommodation for an occupant with a disability. A rent increase granted under this Section shall be reversed if the number of occupants decreases.

Rent Adjustment Program Regulations Section 8.22.070(C)(1)(e) further expounds on the requirements for such owner petitions:

² Rent Adjustment Program Regulations section 8.22.110(G).

Such petitions must be filed within ninety (90) days of approval, or deemed approval as provided by O.M.C. 8.22.360.A.2.b, of the tenant's written request to add the occupant.

According to Oakland Municipal Code Section 8.22.360(A)(2)(b), the owner is deemed to have approved of the tenant's request because the owner did not "respond in writing with a description of the reasons for the denial of the request within fourteen (14) days of receipt of the tenant's written request." Therefore, since the tenant provided his e-mail request on June 12, 2023, a petition to increase the rent based on additional occupancy must have been filed by September 10, 2023.³ Any such petitions filed after September 10, 2023, are deemed untimely.

Because the owner's last day to file a *Property Owner Petition for Approval of Rent Increase* based on an additional occupant was September 10, 2023, and the owner did not file her petition until December 8, 2023, the owner's petition is denied on the basis of it being filed after the allowed filing period had expired.

ORDER


1. Owner Petition L23-0062 is denied.
2. Nothing in this decision prevents the owner from serving a Consumer Price Index (CPI) rent increase during the Rent Increase Moratorium period.
3. After the Rent Increase Moratorium ends, the owner may be entitled to a CPI rent increase (calculated on the base rent) concurrent with deferred allowable annual rent increases (otherwise known as "banked rent increases") provided that the CPI rent increase combined with banked increases does not exceed 10% of the tenant's current rent *or* the amount permitted by California Civil Code Section 1947.12, currently 7.5%, whichever is lower.
4. The rent increase will be effective 30 days (35 days if served by mail) after the owner serves the rent increase notice and a *RAP Notice*. However, the rent increase may not have an effective date earlier than one year after the tenant's prior rent increase.
5. No rent increase can be served with an effective date any earlier than 12 months after the tenant's last rent increase.
6. The remote settlement conference and hearing scheduled for February 20, 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

³ 90 days after June 12, 2023.

provided by the Rent Adjustment Program. The appeal must be received within twenty (20) calendar days after service of the decision. The date of service is shown on the attached Proof of Service. If the Rent Adjustment Office is closed on the last day to file, the appeal may be filed on the next business day.

Dated: February 14, 2024



Susan Ma
Hearing Officer
Rent Adjustment Program

PROOF OF SERVICE
Case Number L23-0062

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

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 **February 20, 2024** in Oakland, CA.



Ava Silveira
Oakland Rent Adjustment Program

000096



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 Janet 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 L23-0062
	Date of Decision appealed 2/14/2024
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. Number of pages attached: 7.

- **You must serve a copy of your appeal on the opposing parties, or your appeal may be dismissed.** • I declare under penalty of perjury under the laws of the State of California that on February 21, 2024, I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first-class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

<u>Name</u>	Tedros Kifle
<u>Address</u>	534 31st Street, Unit 1
<u>City, State Zip</u>	Oakland, CA 94609
<u>Name</u>	
<u>Address</u>	
<u>City, State Zip</u>	

	2/21/2024
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SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE

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 15 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 20 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 entire 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.

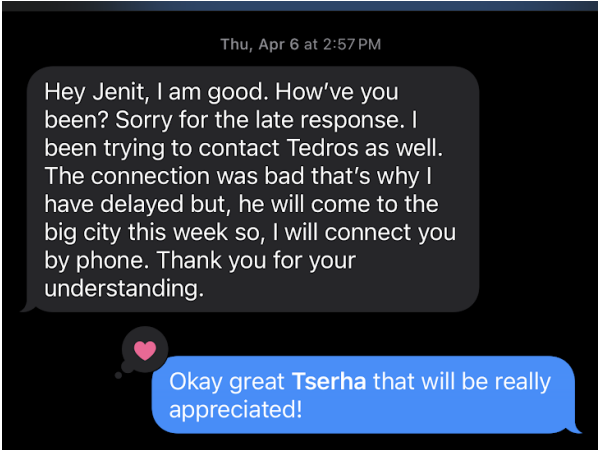
Petition Appeal Response:

The petition was denied on the grounds of being time-barred based on a June 12, 2023 electronic correspondence, however I did not have sufficient opportunity to present evidence establishing dates of correspondence:

1. When the Jun 12, 2023 email was received, there was reasonable doubt as to the email address's identity and authenticity of the request:
 - a. There is no prior instance of communicating with the tenant by email. Tenant has never been provided the owner's email address nor has he ever provided his.
 - b. At the time the email was received, the tenant had not been heard from for 13 months. A never seen before person was occupying his unit and controlling his property.
 - c. The person occupying (later identified as Adam Kifle) was attempting to discuss a buyout and using electronic correspondence to authorize the discussion. No buyout discussion had been initiated between the owner and tenant, and so there was reasonable doubt as to the authenticity of electronic correspondences being presented.
 - d. From around May 2023 messages on a number that used to belong to the tenant's sister Tserha Kifle were being answered by the same person. It could not be verified at that time whether the access was authorized.
 - e. With signs of possible identity breach, motive of a buyout payment and the ease of obtaining an electronic identity, I exercised reasonable caution avoiding the release of personal information via reply until the tenant's identity could be established.
2. At the time of the correspondence, there were already multiple unanswered messages to the tenant including requests to establish his identity via voice communication. Based on existing unanswered messages, it would have been duplicative to respond with another request.
3. I responded as soon as the tenant returned my calls and verified his identity on **October 28, 2023**. I informed the tenant that the rental agreement does not allow for the stated number of additional occupants. After further failed attempts to discuss, I filed for the rent increase on December 8, 2023 in a timely manner.

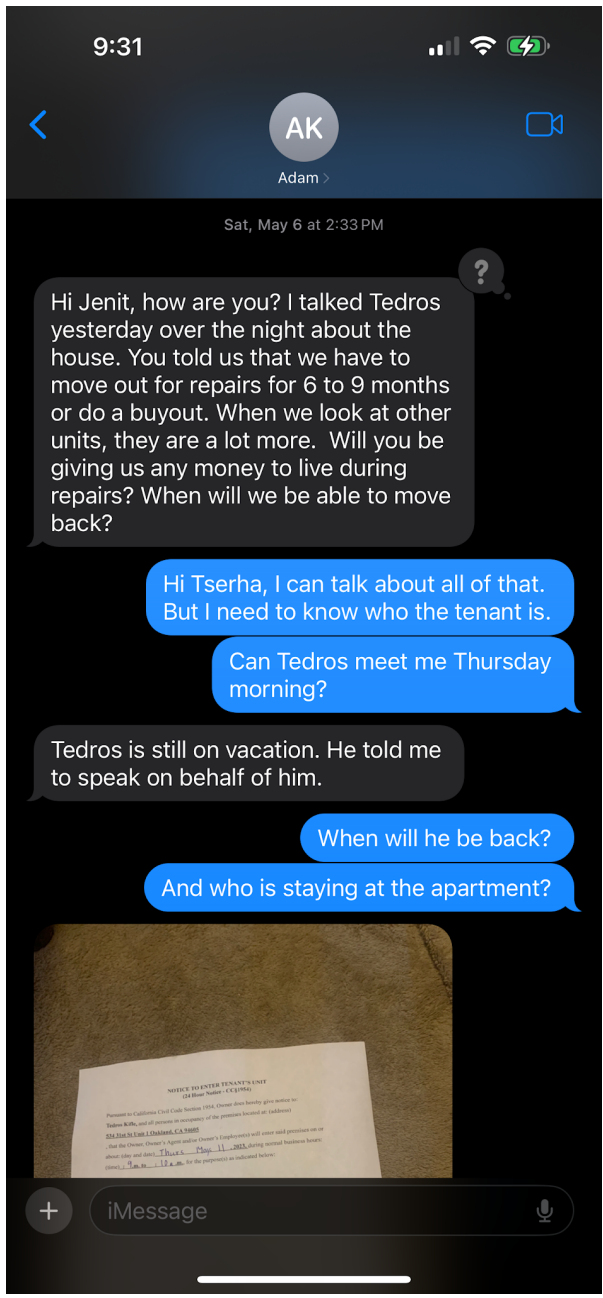


December 2022
Tedros Kifle is unresponsive



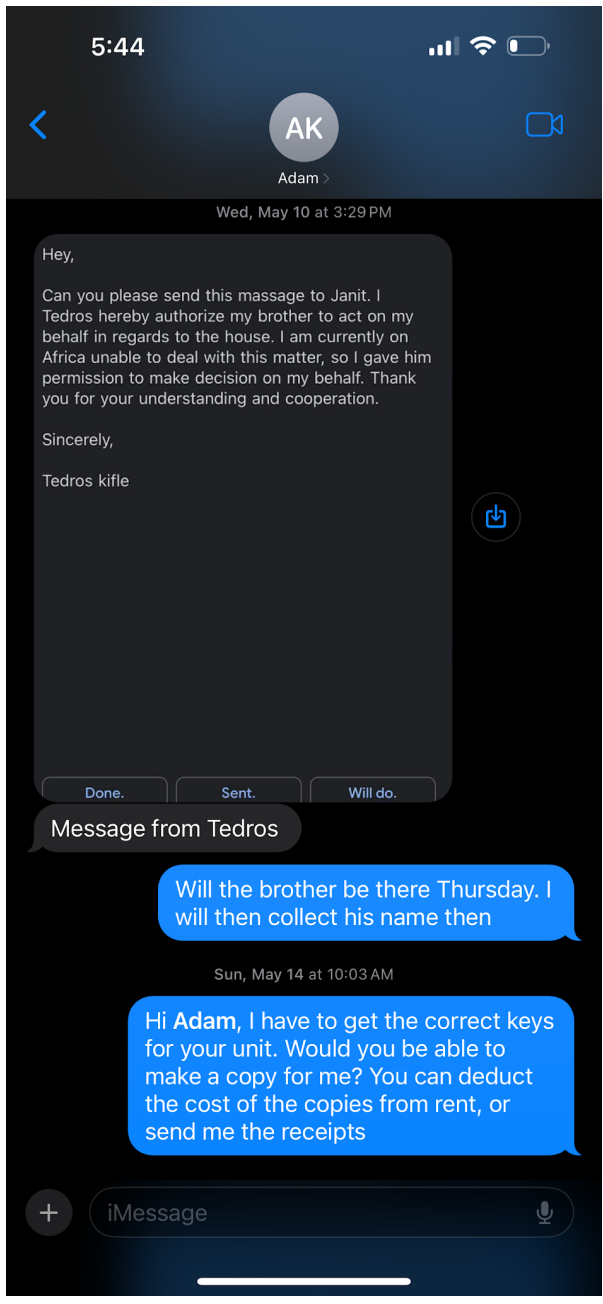
April 6, 2023

Tedros Kifle's sister Tserha Kifle is unable to make contact despite requests. Connection was never made.



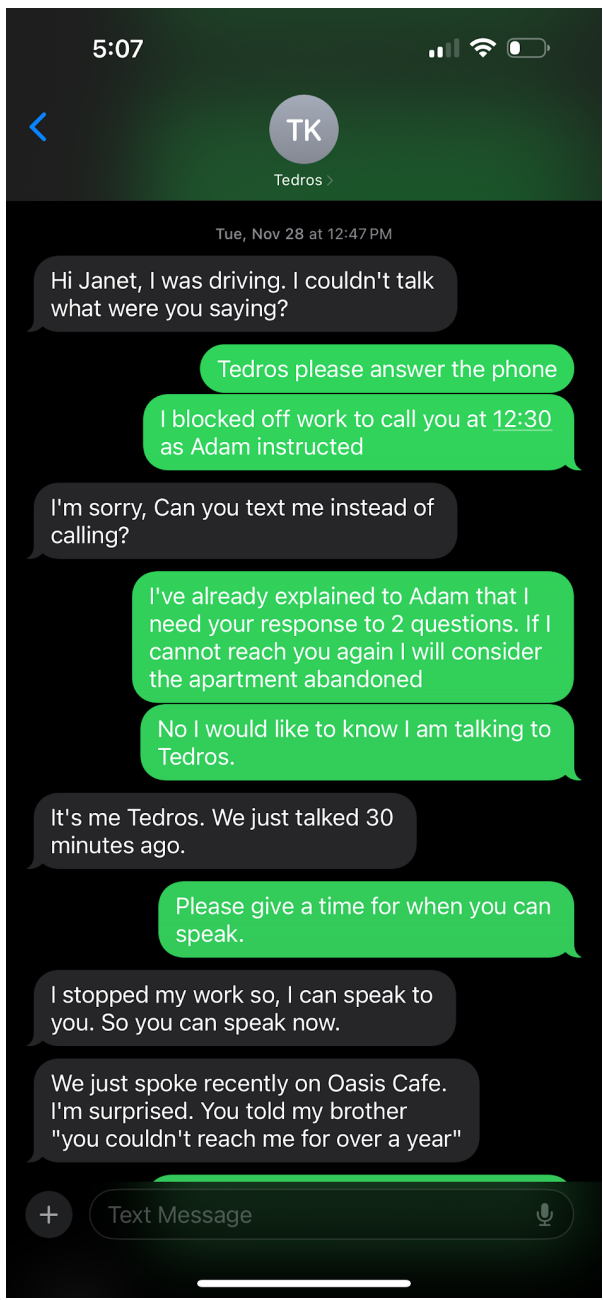
May 6, 2023

A person, later identified as Adam Kifle begins buyout negotiations on behalf of Tedros Kifle using Tserha Kifle's number and identity.



May 10, 2023

Adam Kifle sends an electronic communication intended to authenticate himself for buyout negotiations.



Nov 28, 2023

Further difficulties establishing contact with Tedros Kifle after an October 28 meeting.



MEMORANDUM

Date: May 1, 2024
To: Members of the Housing, Rent Residential & Relocation Board (HRRRB)
From: Braz Shabrell, Deputy City Attorney
Re: Appeal Memo and Recommendation in L23-0057, Nakama v. Tenants
Appeal Hearing Date: May 9, 2024

Property Address: 1569 Jackson Street, Oakland CA
Appellant/Owner: Tomoko Nakama
Respondent/Tenant: N/A

BACKGROUND

On November 9, 2023, the owner filed a petition with the Rent Adjustment Program (RAP) seeking a certificate of exemption for 24 units in a 120-unit SRO building. The petition alleged that the units have been vacant and used as storage for many years, and the units do not have private bathrooms. The owner submitted proof of a business license together with the petition. The owner alleged that the units were registered with the Rent Registry on 6/30/23 but did not attach any supporting documentation.

On December 5, 2023, RAP served the owner with a Notice of Incomplete Owner Petition, indicating that the following items were missing, and the petition was therefore incomplete:

Name of Document	Needed
Notice to Tenants of Property Owner Petition Page was not affixed to the front of the Petition served on the Tenants.	X
Proof of service of the petition (and attachments where required) by first class mail or in person on all tenants in units affected by the petition.	X
Proof of possession of Business License Certificate	X
Proof of payment of Business License Tax.	X
Proof of payment of the RAP Fee.	X
Evidence that the RAP Notice was provided to all tenants affected by petition; [1]	X
Evidence of registration with the Rent Adjustment Program as provided in O.M.C. 8.22.510 for each affected covered unit in the building prior to the petition or response being filed;	X
Petition was not completed or signed under oath	X
For a rent increase; organized documentation showing the justification and detailing the calculations	
For a Certificate of Exemption, organized documentation showing the right to the exemption	X

The Notice instructed the owner to provide a completed petition within 30 days.

RULING ON THE CASE

On February 8, 2024, the Hearing Officer issued a “Dismissal of Incomplete Petition,” dismissing the owner’s petition. The petition was deficient in a number of ways, including missing a proof of service, proof of payment of the RAP fees, proof of compliance with the rent registry, missing business tax certificate, and documentation of the right to a new construction exemption. The deficiency notice gave the owner until January 9, 2024, to submit the missing documentation. As of February 6, 2024, no response was received from the owner. The owner also failed to check the box for “new construction” as the basis for the petition.

GROUND FOR APPEAL

The owner filed a timely appeal. The appeal contends that the petition is not based on new construction, but rather on the claim that the units have been vacant. The owner has paid RAP fees and business taxes, and claims that the owner filed registration on June 29, 2023. The appeal alleges that the owner was denied a sufficient opportunity to present the owner’s claim.

ISSUES

1. Is the Hearing Officer’s decision dismissing the owner’s petition as incomplete supported by substantial evidence?
2. Has the owner demonstrated good cause for the owner’s failure to respond to the RAP deficiency notice and/or to submit missing documentation?

APPLICABLE LAW AND PAST BOARD DECISIONS

- Owner Filing Requirements:

OMC 8.22.090(B)(1)¹: “In order for an owner to file a response to a tenant petition or to file a petition seeking a rent increase, the owner must provide the following:

- a. Evidence of possession of a current City business license;
- b. Evidence of payment of the [RAP] service fee;
- c. i. Evidence of service of written notice of the existence and scope of the rent adjustment program on the tenant in each affected covered unit in the building prior to the petition being filed; ii. After July 1, 2023, evidence of registration with the [RAP] as provided in 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. 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....”

- Service on Vacant Units:

- The petition for certificate of exemption form states that owners are not required to serve a copy of the petition on vacant units. “Notice to Tenants” need not be served on vacant units. RAP Notice need not be served on vacant units.

RECOMMENDED OUTCOME

The deficiency notice issued in this case does not appear to be accurate. The owner submitted proof of payment of the business tax and a business certificate. The basis for the petition is not “new construction”; rather, the owner alleges exemption based on the units being vacant. Service requirements do not apply to vacant units. The dismissal states that the owner failed to submit documentation supporting a new construction exemption, but the petition is not based on new construction. The deficiency notice also states that the petition was not complete or signed under oath. However, the owner did sign the verification and therefore signed the petition under oath. The deficiency notice states the owner did not comply with the registry requirements, but the owner did allege compliance as of 6/30/23, and alleged that other units were exempt, although no documentation was submitted.

¹ As of the date of filing of owner’s petition. The language of OMC 8.22.090(B) was amended on 12/19/23.

The dismissal also states that the owner failed to check the box for “new construction” as the basis for the petition. However, the owner is not alleging exemption based on new construction.

The Board should determine whether the “Dismissal of Incomplete Petition” should be amended or rescinded, and whether the owner has demonstrated good cause for any deficiencies. If the owner’s petition was incomplete without good cause, and therefore dismissal of the petition is justified, the Board should determine whether it is appropriate to amend the order for corrections or to affirm.



MEMORANDUM

Date: May 1, 2024
To: Members of the Housing, Rent Residential & Relocation Board (HRRRB)
From: Braz Shabrell, Deputy City Attorney
Re: Appeal Memo and Recommendation in L23-0062, Sun v. Tenant
Appeal Hearing Date: May 9, 2024

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

BACKGROUND

On December 8, 2023, the owner filed a petition with the Rent Adjustment Program (RAP) seeking approval of a 5% rent increase based on additional occupants. In support of the petition, the owner submitted a copy of a June 12, 2023 electronic correspondence from the tenant requesting to add his brother and his mother as roommates.

The tenant did not file a response to the petition.

RULING ON THE CASE

On February 14, 2024, the Hearing Officer issued an Administrative Decision denying the owner’s petition. According to Section 8.22.070(C)(1)(e) of the RAP Regulations, an owner petition for approval of a rent increase based on additional occupants must be filed within 90 days of approval or “deemed approval” of the tenant’s written request to add occupants. Since the tenant submitted the request to add roommates on June 12, 2023, and the owner’s petition was not filed until December 8, 2023, the owner’s petition was denied as time-barred.

GROUNDINGS FOR APPEAL

The owner filed a timely appeal on the grounds that the owner was denied a sufficient opportunity to present their claim. The owner alleges on appeal that there is reasonable doubt as to the identity and authenticity of the June 12, 2023 email request. The owner made multiple attempts to verify the tenant's identity, but was not able to do so until October 28, 2023, at which point the owner informed the tenant that the rental agreement does not allow for the stated number of additional occupants.

ISSUES

1. Did the Hearing Officer correctly find that the owner's petition was time-barred?

APPLICABLE LAW AND PAST BOARD DECISIONS

- Additional Occupant defined:

OMC 8.22.020: "Additional occupant" means an occupant whose addition to the unit has increased the total number of occupants above the base occupancy level. The owner may petition to increase the rent by an amount up to five (5) percent for each additional occupant above the base occupancy level. A rent increase shall not be based on an additional occupant who is the spouse, registered domestic partner, parent, grandparent, child, adopted child, foster child, or grandchild of an existing tenant, or the legal guardian of an existing tenant's child or grandchild who resides in the unit, or a caretaker/attendant as required for a reasonable accommodation for an occupant with a disability. A rent increase granted under this Section shall be reversed if the number of occupants decreases."

- RAP Regulations, OMC 8.22.070(C)(1)(e):

"As provided by O.M.C. 8.22.020, "Additional occupant," the addition of occupants above the base occupancy level, as defined by the Rent Adjustment Ordinance, allows an owner to petition to increase the rent by an amount up to 5% for each occupant above the base occupancy level. Such petitions must be filed within ninety (90) days of approval, or deemed approval as provided by O.M.C. 8.22.360.A.2.b, of the tenant's written request to add the occupant. No rent increase shall be granted for an additional occupant who is the spouse, registered domestic partner, parent, grandparent, child, adopted child, foster child, or grandchild of an existing tenant, or the legal guardian of an existing tenant's child or grandchild who resides in the unit, or a caretaker/attendant as required for a reasonable accommodation for an occupant with a disability."

- OMC 8.22.360(A)(2)(b):

“b. Notwithstanding any lease provision to the contrary, a landlord shall not endeavor to recover possession of a rental unit based on the addition of occupants to the rental unit if the landlord has unreasonably refused a written request by the tenant to add such occupant(s) to the unit, so long as the maximum number of occupants does not exceed the lesser of the amounts allowed by Subsection (i) or (ii) of this Section 8.22.360A.2.b. If the landlord fails to respond in writing with a description of the reasons for the denial of the request within fourteen (14) days of receipt of the tenant's written request, the tenant's request shall be deemed approved by the landlord.”

RECOMMENDED OUTCOME

If the Board finds that there is sufficient evidence that the tenant's request to add roommates was approved or “deemed approved” as of September 9, 2023 (90 days before the owner petition was filed), the Board should affirm the Administrative Decision denying the owner's petition. The Regulations for rent increases based on additional occupants, Reg. OMC 8.22.070(C)(1)(e), state that “[s]uch petitions must be filed within ninety (90) days of approval, or deemed approval as provided by O.M.C. 8.22.360.A.2.b, of the tenant's written request to add the occupant.” The owner submitted an email from the tenant demonstrating that the tenant made a request to add roommates on June 12, 2023. It is not clear if or when the request was approved. However, OMC 8.22.360(A)(2)(b) provides that “[i]f the landlord fails to respond in writing with a description of the reasons for the denial of the request within fourteen (14) days of receipt of the tenant's written request, the tenant's request shall be deemed approved by the landlord.”

Unless the landlord responded in writing to the tenant's email with a description of reasons why the tenant's request was denied, the tenant's request would have been “deemed approved” 14 days after June 12, 2023. If the Board finds that there is sufficient evidence that the tenant's request was approved or deemed approved prior to September 9, 2023, the owner's petition would be untimely according to the Regulations.



CITY ATTORNEY'S OFFICE

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

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY BOARD CHAIR DENARD INGRAM

**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**

WHEREAS, Oakland Municipal Code ("O.M.C.") 8.22.040.D.2. currently outlines that the Housing, Residential Rent and Relocation Board ("Board") may develop or amend the regulations for the Residential Rent Adjustment Program Ordinance ("Regulations"), subject to City Council approval; and

WHEREAS, the Board composition consists of two members who are tenants, two members who are residential rental property owners, and three members who are neither, referred to by the Board as "Undesignated" members, in addition to alternates; and

WHEREAS, the Regulations require the Board to elect Board officers (Chair and Vice-Chair) each year, and currently require that such officers be selected from among members who are Undesignated; and

WHEREAS, Oakland is the only Bay Area jurisdiction that requires its rent board to elect its officers from only one category of board member, those who are Undesignated, thereby preventing Board members who are tenants or residential rental property owners from serving as officers; and

WHEREAS, the Board seeks to provide all regular members an opportunity to serve as officers, including Chair and Vice-Chair; now, therefore, be it

RESOLVED: That subsection C ("Officers") of 8.22.040 of the Rent Adjustment

Program Regulations is hereby amended as follows (additions are shown in double underline and deletions are shown in ~~strikethrough~~):

C. Officers

1. The Board shall select a Chair from among the Board's regular members ~~who are neither tenants nor residential rental property owners~~. Each Appeal Panel shall be chaired by the member of that panel who is neither a tenant nor a residential rental property owner.
2. The Board may also select a Vice-Chair from among its regular members ~~(who is neither a Tenant nor an Owner)~~ to act as Chair in the Chair's absence.
3. The Officers shall serve one-year terms.
4. The Board shall elect Officers each year at the second meeting in February.
5. The Chair votes on matters as any other Board member.

FURTHER RESOLVED: That the Housing, Residential Rent and Relocation Board recommends the City Council approve the amendments to the Rent Adjustment Program Regulations as set out herein.

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

APPROVED BY THE FOLLOWING VOTE:

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

NOES:

ABSENCES:

ABSTENTIONS:

Date: _____

ATTEST: _____

NYILA WEBB
Rent Adjustment Program