

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

April 25, 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: Apr 25, 2024 06:00 PM Pacific Time (US and Canada)

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86171162371>

Or One tap mobile: +16699009128,,86171162371# US (San Jose),
+16694449171,,86171162371# US

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

Webinar ID: 861 7116 2371

International numbers available: <https://us02web.zoom.us/j/86171162371>

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, 3/14/2024 (pp.3-6)
 - b. Approval of Board Minutes, 3/28/2024 (pp.7-9)
5. APPEALS*
 - a. T23-0071, Thorton v. Benecia Lake, LLC (pp.10-39)
 - b. T23-0176, Bamer v. Shahoian Tenants (pp.40-101)
6. INFORMATION AND ANNOUNCEMENTS
7. NEW BOARD BUSINESS
8. SCHEDULING AND REPORTS
9. OPEN FORUM
10. ADJOURNMENT

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

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

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

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

March 14, 2024

6:00 P.M.

CITY HALL

1 FRANK H. OGAWA PLAZA, HEARING ROOM #1

OAKLAND, CA 94612

MINUTES

1. CALL TO ORDER

The Board meeting was administered in-person by B. Lawrence-McGowan from the Rent Adjustment Program (RAP), Housing and Community Development Department. B. Lawrence-McGowan explained the procedure for conducting the meeting. The HRRRB meeting was called to order by Chair Ingram at 6:04 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.			

**Member Jackson joined meeting at 6:20 pm*

Staff Present

Kent Qian

Marguerita Fa-Kaji

Briana Lawrence-McGowan

Nyila Webb

Deputy City Attorney

Senior Hearing Officer (RAP)

Administrative Analyst II (RAP)

Administrative Assistant II (RAP)

6. INFORMATION AND ANNOUNCEMENTS

- a. Deputy City Attorney Kent Qian and Chair Ingram announced to the Board that reappointments were made by City Council at a meeting earlier in the day.

7. NEW BOARD BUSINESS

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

8. SCHEDULING AND REPORTS

- a. The Board discussed and decided whether they wanted to keep the scheduled meeting on 3/28 and have a training session only—or if they wanted to postpone the training session. The Board decided to keep the meeting and training session as scheduled.

9. OPEN FORUM

- a. One member of the public spoke during open forum.

10. ADJOURNMENT

- a. The meeting was adjourned at 7:08 pm.

For the 3/14/2024 meeting of the City of Oakland's Housing, Residential Rent And Relocation Board

Subject(s): Request for Recommendation and/or Studies and Investigations into the use of algorithmic rent-fixing cartel activities by housing providers and their vendors; and the security, privacy and safety issues relating to the use of electronic smart locks and/or associated equipment including, but not limited to in-home or external hubs, cameras, entry mechanisms, access devices and other hardware

Dear Board members, City staff and other interested parties,

In October 2022, ProPublica published the following report regarding the RealPage rental price-fixing software platform used by many large providers of housing services nationwide (and also in Oakland:)

<https://www.propublica.org/article/yieldstar-rent-increase-realpage-rent>

Subsequent to this article, additional reporting has illuminated this alleged cartel against tenants.

Congressional hearings and an investigation by the US Department of Justice as well as the actions of tenants organizing in class action against RealPage and their users are pending in federal court for antitrust causes, and the District of Columbia and the state of Arizona have recently initiated litigation. (Oakland should too.)

Under the authority of the Board enshrined in OMC 8.22.040 (D) 4, I hereby request that the Board exercise it's ability to act "when the Board otherwise acts to do so" and recommend that the Community and Economic Development Committee and/or the full City Council hold a hearing at the earliest possible convenience on the alarming use of algorithmic rental price-fixing software and its impacts on the City's finances, the welfare of its workforce and residents, and good public policy, as the City should intervene before defendants settle.

Further, under the authority of OMC 8.22.185 (C) "the Board may request enforcement actions be taken by the City Administrator or the City Attorney" and that may also be deemed appropriate.

As an affected party (among many other hundreds, if not thousands) here in Oakland, I commit to make myself available to this Board and to all other elements of the City in any way that might be helpful.

On another matter related to the use of un-agreed technologies by providers of housing services, under the authority of 8.22.185 (D) I hereby request that the Board direct the City Administrator to also "undertake studies, survey, or investigations" in relation to the security, privacy and safety issues relating to the use of electronic smart locks and/or associated equipment including, but not limited to in-home or external hubs, sensors, cameras, entry mechanisms, access devices and other hardware, or conflicts of interest by deployers.

Please review the following materials on these invasive offenses violative of core tenets of the TPO:
<https://www.eff.org/deeplinks/2023/04/smart-locks-endanger-tenants-privacy-and-should-be-regulated>

Please also review the apparently deficient business practices of one of the nation's largest providers:
<https://www.bleeckerstreetresearch.com/research/smrt>

Please also review the city of New York's Tenant Data Privacy Law, on the subject of "smart access (keyless) systems" (which came about after a court injunction found that tenants must be given keys:)
<https://www.nyc.gov/site/hpd/services-and-information/tenant-data-privacy-law.page>

Thank you for your attention and for your service,

Sean Donahoe (D3 resident since 2013, and former member of the Cannabis Regulatory Committee)

000006

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

March 28, 2024

6:00 P.M.

CITY HALL

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

MINUTES

1. CALL TO ORDER

The Board meeting was administered in-person by B. Lawrence-McGowan from the Rent Adjustment Program (RAP), Housing and Community Development Department. B. Lawrence-McGowan explained the procedure for conducting the meeting. The HRRRB meeting was called to order by Chair Ingram at 6:05 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.			

**Member Jackson joined meeting at 6:10pm*

Staff Present

Oliver Luby	Deputy City Attorney
Marguerita Fa-Kaji	Senior Hearing Officer (RAP)
Briana Lawrence-McGowan	Administrative Analyst II (RAP)
Nyila Webb	Administrative Assistant II (RAP)

3. PUBLIC COMMENT

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

4. CONSENT ITEMS

- a. Approval of Board Minutes, 3/14/2024: Vice Chair Oshinugua moved to not approve the Board Minutes from 3/14/2024. Secretary staff was advised to attach the letter submitted by the member of the public to the 3/14/2024 minutes and revisit Consent Item at 4/11/2024 meeting. Member Jackson seconded the motion.

The Board voted as follows:

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

The minutes were not approved.

5. INFORMATION AND ANNOUNCEMENTS

- a. Board Training Session--Role of the Board & Role of Board Members as Public Officials –Quasi-Judicial, Policy, & Rule Making Responsibilities (p. 6)

6. NEW BOARD BUSINESS

- a. City Attorney reminded the board this section is for scheduling only.
- b. Member Jackson requested to discuss a new agenda item that he will submit to Board secretary to go over in upcoming meeting.
- c. Member Brodfuehrer requested to discuss a sub-committee for specific topics.

7. SCHEDULING AND REPORTS

- a. None

8. OPEN FORUM

- a. One member of the public spoke during open forum regarding

studies of smart access key systems, surveys of data privacy ordinances that may exist elsewhere in the country and investigations of rent pricing algorithmic software.

9. ADJOURNMENT

- a. The meeting was adjourned at 7:01PM.

CHRONOLOGICAL CASE REPORT

Case No.: T23-0071

Case Name: Thorton v. Benecia Lake, LLC

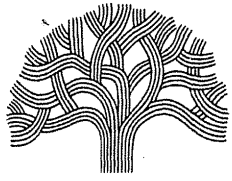
Property Address: 2809 8th Avenue Oakland, CA 94610

Parties: Ronald Thorton (Tenant)
Jaime Rush (Tenant Representative)
Mike Joyce (Owner)

TENANT APPEAL:

<u>Activity</u>	<u>Date</u>
Tenant Petition Filed	May 18, 2023
Tenant Exhibit Filed	May 18, 2023
Owner Response Filed	July 14, 2023
Hearing Date	October 11, 2023
Hearing Decision Mailed	February 22, 2024
Tenant Appeal Filed	March 11, 2024

T23-0071 BB/AS



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
MAY 18 2023
RENT ADJUSTMENT PROGRAM
OAKLAND

TENANT PETITION

Please fill out this form as completely as you can. Use this form to contest a rent increase, seek a rent decrease, and/or contest an owner exemption from the Rent Adjustment Program. 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

0809 8th AVE # 4 Oakland, CA 94610
Street Number Street Name Unit Number Zip Code

Move-in Date: 7/1993 Initial Rent at Move-In: \$ 500.00 Current Rent: \$ 886.00

Is your rent subsidized or controlled by a government agency (such as HUD or Section 8), other than Oakland Rent Adjustment Program? (See page 5 "Jurisdiction" for more information)
 Yes
 No
 Not sure

Are you current on rent? Yes (*Note: You must be current on your rent or lawfully withholding rent in order to file a petition. Checking "No" without providing an adequate explanation may result in your petition being dismissed.)
 No*

If not current on rent, explain why: _____

When (if ever) did the property owner first provide you with the City form, NOTICE TO TENANTS OF THE RESIDENTIAL RENT ADJUSTMENT PROGRAM ("RAP Notice")?
 I first received the RAP Notice on: _____
 I was never provided with the RAP Notice
 I do not remember if I ever received the RAP Notice

Case number(s) of any relevant prior Rent Adjustment case(s): _____

Tenant Information (List each tenant petitioner in unit. If you need more space, attach additional sheet.)

RONALD THORNTON
First Name Last Name

Mailing Address (if different from above): _____

Primary Telephone: (510) 388-8075 Other Telephone: _____ Email: Ronyx58@yahoo.com

First Name Last Name

Mailing Address (if different from above): _____

Primary Telephone: _____ Other Telephone: _____ Email: _____

Tenant Representative (Check one): No Representative Attorney Non-Attorney

First Name Last Name Firm/Organization (if any)

Mailing Address: _____

Phone Number: _____ Email: _____

Property Owner Information

Property Owner

First Name: MIKE Last Name: JOYCE

Company/LLC/LP (if applicable): BENEEDA LAKE LLC

Mailing Address: 3049 FLORIDA ST. OAKLAND, CA 94602

Phone Number: (510) 642-1154 Email: BeneedaLake@gmail.com

Property Manager (if applicable): N/A

First Name: _____ Last Name: _____ Name of Management Company: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

GROUNDS FOR PETITION

Select the grounds for this petition from the list below. Check all that apply. You must check at least one box. To contest a rent increase, select item(s) from Category A. If you have experienced a decrease in housing services and/or have issues with the condition of your unit, or are being charged for utilities in violation of the law, select item(s) from Category B. For more information on each of the grounds, see Oakland Municipal Code (O.M.C.) Sections 8.22.070 and 8.22.090 (Rent Adjustment Ordinance) and the corresponding Regulations. A copy of the Ordinance and Regulations are available here: www.oaklandca.gov/resources/read-the-oakland-rent-adjustment-program-ordinance.

A.	Unlawful Rent Increase(s) <i>(Complete section A on page 3)</i>	<input type="checkbox"/> (A1) I received a rent increase above the allowable amount.
		<input type="checkbox"/> (A2) I received a rent increase that I believe is unlawful because I was not given proper notice, was not properly served, and/or was not provided with the required RAP Notice ("Notice to Tenants of the Residential Rent Adjustment Program").
		<input type="checkbox"/> (A3) I received a rent increase and do not believe I should be required to pay it because a government agency has cited my unit for serious health, safety, fire, or building code violations. <i>(You must attach a copy of the citation to your petition.)</i>
B.	Decreased Housing Services <i>(Complete section B on page 3)</i>	<input checked="" type="checkbox"/> (B1) The property owner is providing me with fewer housing services than I previously received and/or I am being charged for services originally paid for by the owner. <i>(Check this box for petitions based on bad conditions/failure to repair.)</i>
		<input type="checkbox"/> (B2) I am being unlawfully charged for utilities.
C.	Other	<input type="checkbox"/> (C1) My rent was not reduced after a prior rent increase period for capital improvements or after an additional tenant for whom the owner was allowed an increase, vacated from the premises.
		<input type="checkbox"/> (C2) I wish to contest an exemption from the Rent Adjustment Ordinance because the exemption was based on fraud or mistake.
		<input type="checkbox"/> (C3) The initial rent amount when I first moved in was unlawful because the property owner was not permitted to set the initial rent without limitation. O.M.C. § 8.22.080 (C).

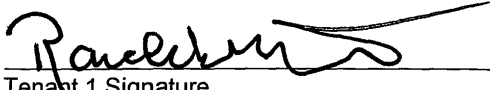
A.	Unlawful Rent Increase(s)				
<i>(Complete this section if any of the grounds for petition fall under category A, above)</i>					
<p>List all rent increases you wish to contest. Begin with the most recent increase and work backwards. If you never received the RAP Notice, you can contest all past increases. See the "Important Information" page at the end of this petition packet for more information on time limits for contesting rent increases. If you need additional space, attach a separate sheet or an additional copy of this form.</p> <ul style="list-style-type: none"> For petitions contesting a rent increase on the grounds that the unit has been cited by a government agency for serious health, safety, fire, or building code violations, you must attach a copy of the citation to your petition. Failure to attach a copy of the citation may result in your petition being dismissed. 					
Date received rent increase notice:	Date rent increase went into effect:	Amount of increase:		Received RAP Notice with notice of rent increase?	
(Month/Day/Year)	(Month/Day/Year)	FROM	TO	YES	NO
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>

B.	Decreased Housing Services				
<i>(Complete this section if any of the grounds for petition fall under category B, above)</i>					
<p>List all the conditions that you believe entitle you to a rent decrease. If your petition is based on problems related to your unit, or because the owner has taken away service(s) or is charging for services originally provided by the owner, you must complete this section. If you need more space, attach a separate sheet or an additional copy of this form.</p> <ul style="list-style-type: none"> You are strongly encouraged to submit documentary evidence (photographs, inspection reports, correspondence with your landlord, etc.) together with your petition. Evidence may be submitted up to seven calendar days prior to your hearing. You may wish to have a City inspector come inspect your unit for possible code violations in advance of your hearing. Copies of any inspection report(s) may be submitted in support of your petition. To schedule an inspection, contact the City of Oakland Code Enforcement Unit at (510) 238-3381, or file a complaint online at https://www.oaklandca.gov/services/file-a-complaint-with-code-enforcement. <i>Note: if additional items are cited in an inspection report that were not included in your original petition (below), you must file an additional petition listing those items in order for RAP staff to consider them as a part of your claim.</i> 					
	Description of problem or decreased housing service (list separately):	Date problem or decreased service started: (Month/Day/Year)	Date first notified owner or manager of problem: (Month/Day/Year)	Date problem or service was fixed, if ever: (Month/Day/Year)	What is the dollar value of your claimed loss?
1.	REMOVAL OF LAUNDRY FACILITIES	3/7/23	4/11/23		\$ 45.00
2.					\$
3.					\$
4.					\$

TENANT 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 Tenant Petition is true and that all of the documents attached to the Petition are true copies of the originals.



Tenant 1 Signature

5/16/23
Date

Tenant 2 Signature

Date

CONSENT TO ELECTRONIC SERVICE

(Highly Recommended)

Check the box below if you agree to have RAP staff and the OTHER PARTY/PARTIES send you documents related to your case electronically. If you agree to electronic service, the RAP may send certain documents 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 response.

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.



Tenant Signature

5/16/23
Date

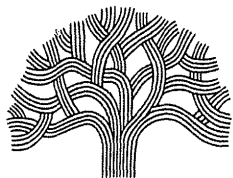
INTERPRETATION SERVICES

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

**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 PROPERTY OWNER PRIOR TO FILING YOUR PETITION WITH RAP. You must include a copy of the RAP form "NOTICE TO PROPERTY OWNER OF TENANT PETITION" (the preceding page of this petition packet) and a completed PROOF OF SERVICE form together with 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: 5 / 16 / 23 I served a copy of (check all that apply):

TENANT PETITION plus 1 attached pages (number of pages attached to Petition not counting the Petition form, NOTICE TO PROPERTY OWNER OF TENANT PETITION, or PROOF OF SERVICE)

NOTICE TO PROPERTY OWNER OF TENANT 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	MIKE JOYCE
Address	3049 FLORIDA ST
City, State, Zip	OAKLAND, CA 94602

Name	
Address	
City, State, Zip	

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

RONALD V. THORNTON
PRINTED NAME


SIGNATURE

5/16/23
DATE SIGNED

From: Mike Joyce benecialake@gmail.com
Subject: Re: Laundry facilities
Date: Apr 11, 2023 at 10:16:40 AM
To: ron thornton ronyx58@yahoo.com

Regarding the Laundry Room

The reason as you know perfectly well is because of your continuous calls to the Oakland Building Department demanding they provide "Notice of Violation" on my Building , One of the many alleged violations was new un permitted laundry room.

As you may know that illegal laundry room has existed for over twenty years ago, possibly before you moved in.

There's your answer, the City forced me to remove the Laundry Room because of your complaints

Mike

On Apr 11, 2023, at 7:58 AM, ron thornton <ronyx58@yahoo.com> wrote:

Hello ,

The laundry area was removed approx 3/7 . I'm wondering if or when it will be re-installed .

Thanks ,

Ron Thornton

RECEIVED



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.

JUL 14 2023

OAKLAND RENT
ADJUSTMENT PROGRAM

CASE NUMBER T23-0071

PROPERTY OWNER RESPONSE TO TENANT PETITION

Please fill out this form as completely as you can. Use this form to respond to the Tenant Petition you received. By completing this response form and submitting it in the required time for filing, you will be able to participate in the hearing. Failure to provide the required information may result in your response being rejected or delayed. See "Important Information Regarding Filing Your Response" on the last page of this packet for more information, including filing instructions and how to contact the Rent Adjustment Program ("RAP") with questions. Additional information is also available on the RAP website. CONTACT A HOUSING COUNSELOR TO REVIEW YOUR RESPONSE BEFORE SUBMITTING. To make an appointment email RAP@oaklandca.gov.

Rental Unit Information			
#2809	8TH AVE	4	Oakland, CA 94610
Street Number	Street Name	Unit Number	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 type="checkbox"/> Apartment, room, or live-work	Number of units on property: 11	Date acquired property: 2/2016
Case number(s) of any relevant prior Rent Adjustment case(s): THIS TENANT HAS HAD SEVERAL COMPLAINTS			
Tenant Information			
Name of Tenant Petitioner(s): R THORNTON			
Date tenant(s) moved into rental unit: UNKNOWN	Initial rent amount: \$ UNKNOWN	Is/are tenant(s) current on rent?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Property Owner Information			
First Name	Last Name		
Company/LLC/LP (if applicable): BENECIA LAKE LLC			
Mailing address: 3049 FLORIDA ST, OAKLAND, CA 94602			
Primary Telephone: 6506421154	Other Telephone:	Email: BENECIALAKE@gmail.com	
Property Owner Representative (Check one): <input checked="" type="checkbox"/> No Representative <input type="checkbox"/> Attorney <input checked="" type="checkbox"/> Non-attorney			
PROPERTY OWNERS DONT HAVE ACCESS TO FREE COUNCIL			
First Name	Last Name	Firm/Organization (if any)	
Mailing Address:			
Phone Number:			
Email:			

GENERAL FILING REQUIREMENTS

To file a Response to a Tenant Petition, the property owner must be current on the following requirements and submit supporting documentation of compliance. Property Owner Responses that are submitted without proof of compliance with the below requirements will be considered incomplete and may limit your participation in the hearing.

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	Attach a signed and dated copy of the <u>first</u> RAP Notice provided to the petitioning tenant(s) or check the appropriate box below. <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.

PROPERTY OWNER CLAIM OF EXEMPTION

If you believe that the subject property is exempt from the Rent Adjustment Ordinance (pursuant to O.M.C. § 8.22.030), check each box below that is the claimed basis of exemption. Attach supporting documentation together with your response form. If you do not claim any exemption, proceed to the "Response to Tenant Petition" section on the following page.

- The unit is a single-family residence or condominium exempted by the Costa Hawkins Rental Housing Act (Civil Code 1954.50, et seq.). **If claiming this exemption, you must answer the following questions. Attach a separate sheet if necessary.**
1. Did the prior tenant leave after being given a notice to quit (Civil Code Section 1946)?
 2. Did the prior tenant leave after being given a notice of rent increase (Civil Code Section 827)?
 3. Was the prior tenant evicted for cause?
 4. At the time the prior tenant vacated were there any outstanding violations of building housing, fire or safety codes in the unit or building?
 5. Is the unit separately alienable, meaning it can be sold separately from any other unit on the parcel?
 6. Did the petitioning tenant have roommates when he/she moved in?
 7. If the unit is a condominium, did you purchase it? If so: 1) From whom? 2) Did you purchase the entire building?
- The rent for the unit is controlled, regulated, or subsidized by a governmental unit, agency, or authority other than the City of Oakland Rent Adjustment Ordinance. (Attach documentation.)
- The unit was newly constructed and issued a Certificate of Occupancy on or after January 1, 1983. (Attach copy of Certificate of Occupancy.)
- The unit is located in a motel, hotel, or rooming/boarding house, which the tenant petitioner has occupied for less than 30 days.
- The unit is in a building that was previously issued a certificate of exemption from RAP based on substantial rehabilitation. (Attach copy of Certificate of Exemption.)
- The unit is an accommodation in a hospital, convent, monastery, extended care facility, convalescent home, non-profit home for the aged, or dormitory owned and operated by an educational institution. (Attach documentation.)

RESPONSE TO TENANT PETITION

Use the chart(s) below to respond to the grounds stated in the Tenant Petition. Enter your position on each claim in the appropriate section(s) below. You may attach any documents, photographs, or other tangible evidence that support your position together with your response form. If you need more space, attach additional copies of this page or state your response in a separate sheet attached to this form.

A. Unlawful Rent Increase(s)

Complete this section if any of the grounds for the Tenant Petition fall under Category A on the Tenant Petition.

List all rent increases given within the past five years, starting with the most recent increase.

Date tenant given notice of rent increase: (mm/dd/yy)	Date rent increase went into effect: (mm/dd/yy)	Amount of increase:		Did you provide a RAP Notice with the notice of rent increase?		Reason for increase (CPI, banking, or other):
		FROM	TO	YES	NO	
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>	N/A
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>	
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>	
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>	
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>	

If the Tenant Petition is based on either of the following grounds, state your response in the space below or in a separate sheet attached to this form.

Tenant Petition Grounds	Owner Response
(A2) Tenant did not receive proper notice, was not properly served, and/or was not provided with the required RAP form with rent increase(s).	TENANT MADE THE COMPLAINT ABOUT WASHER/DRYER.
(A3) A government agency has cited the unit for serious health, safety, fire, or building code violations.	TECHNICALLY THE LAUNDRY AREA SHOULD BE GRANDFATHERED IN.

B. Decreased Housing Services

Complete this section if any of the grounds for the Tenant Petition fall under Category B on the Tenant Petition.

Tenant Petition Grounds	Owner Response
(B1) The owner is providing tenant(s) with fewer housing services and/or charging for services originally paid for by the owner.	TENANTS RARELY IF EVER USED THE LAUNDRY FACILITY.
(B2) Tenant(s) is/are being unlawfully charged for utilities.	TENANTS RENT IS \$836.00 BEFORE SUBSIDIES.

C. Other

Complete this section if any of the grounds for the Tenant Petition fall under Category C on the Tenant Petition.

Tenant Petition Grounds	Owner Response
(C1) Rent was not reduced after a prior rent increase period for capital improvements.	TENANT REQUESTED THAT THE LAUNDRY FACILITY BE REMOVED.
(C2) Owner exemption based on fraud or mistake.	NO FRAUD OR MISTAKE
(C3) Tenant's initial rent amount was unlawful because owner was not permitted to set initial rent without limitation (O.M.C. § 8.22.080 (C)).	TENANT WAS NEVER CHARGED FOR LAUNDRY IT WAS PROVIDED AS PERK

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 response is true and that all of the documents attached to the response are true copies of the originals.

Michael Joyce
Property Owner 1 Signature

7/5/2023
Date

Property Owner 2 Signature

Date

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 may send certain documents 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 response.

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.

Michael Joyce
Property Owner Signature

7/5/2023
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 RESPONSE-

Benicia Lake LLC,
3049 Florida Street,
Oakland,

Mike Joyce, Manager
Phone 650 642 1154
7/7/2023

**To Oakland City Attorney and Neighbourhood Law Corps Attorneys
Cara Reichards**

July 11 2023

Dear sir or Madam,

My name is Mike Joyce. I am the sole owner of Benicia Lake LLC, which owns and manages 2809 8TH Ave, Oakland. I own small apartment buildings in Oakland which I manage with my partner Onelia.

I purchased the 2809 8TH Ave property in February 2016. The building was fully occupied upon acquisition

Ron Thornton lived in #4 and still lives in that same apartment. We increased his rent once, only to be denied by the Rent Board. His rent is lower now than when we acquired the building in 2016. He has never been asked to move out. However, he has been asked to be respectful to other tenants on many occasions.

Thornton has harassed myself, Onelia, my workers and most of my tenants ever since.

1. He has accused me of calling him "a faggot" at some point. This is not true. However, Onelia and I were leaving Thornton's apartment about two years ago after completing some maintenance work, I had a minor disagreement with Thornton, when out of the blues he muttered "You want to call me a faggot, dont you?" He has repeated that same particular phrase to me several times since. I can only assume he does this to provoke me into directing that phrase towards him.
2. Thornton has harassed my tenants in #2, #6, #9 and #10 into moving out. The current tenants in #9 are moving out this weekend, they moved in in March, they are the second tenant to be forced out from #9 this calendar year and are the eighth tenant to be harassed into leaving the building during my management. Apartment #9 is directly above #4. The previous tenant in #9 was harassed for two years. He banged on her walls and ceiling and sometimes went to her door and banged and screamed at her through the closed door and periodically called the police. She eventually moved out in February 2023, this is a well documented harassment case. The new tenants that moved into #9 got the same treatment, starting the first day they moved in. In 2018 Thornton banged on a new tenant's door #10 four times in one afternoon because her child was crying. She eventually moved out after two weeks of harassment.

3. He constantly calls the police to ticket anyone encroaching into the driveway. Our curb cut is 32 feet long. City Standard is 7 feet. Once while doing maintenance work in the building, Thornton called the police and had them write me a parking ticket for blocking my own driveway.
4. He has called the Building Department several times in the last two years, sometimes every day reporting illegal work (maintenance) to fabricate building violations. During one of those complaints the Building inspector asked to remove the Washer/Dryer which was provided for tenants' use before my time. Now Thornton is requesting a rent reduction because of his own action.
5. He had a "meltdown" in front of Benson Wong, one of the building inspectors he had summoned to our building last year. Benson had to comfort him and ask him to go back into his apartment.
6. On another occasion Onelia was taking a video of Thornton having another one of his tantrums. He told her "Stupid, go do the cleaning or go back to your country, you're like all the other stupid Latinos who are in the way here"
7. He has approached my potential tenants and told them our building is full of criminals and drug dealers. **This is not sharing information.** He knows this is not true.
8. When he requests maintenance, he copies his free attorney. This is abuse of resources that are of more importance to the public.
9. Recently he has requested that I give him a "positive referral" for new housing. This is not going to happen, I'm not going to lie for him. I offered him a \$20,000 buyout two years ago when he was embroiled in a battle with the previous tenants in #9 and #2 I want to be clear that the offer expired a long time ago.

Let's be serious about who is harassing who here. Nowadays, I make it a priority to have someone accompany me to the building because of his false accusations.

For the record, I never had a problem with any of my tenants here other than Thornton.

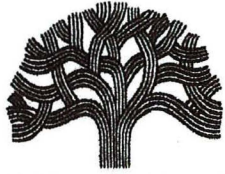
Thornton has made some serious accusations over the years. I have never called him a faggot. I have never argued with him or asked him to move out even though I wouldn't be heartbroken if he left. There are several other instances that have occurred but we try to ignore his nasty behavior. I do believe he has serious mental issues.

The previous owners sold the building primarily because Thornton was using similar tactics against them to disrupt management.

I am a very busy man and have no time or interest in participating in any of Thornton's squabbles.

Michael Joyce

 7/11/2023.



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

JUL 14 2023

OAKLAND RENT
ADJUSTMENT PROGRAM

PROOF OF SERVICE

NOTE: YOU ARE REQUIRED TO SERVE A COPY OF YOUR RESPONSE (PLUS ANY ATTACHMENTS) ON THE TENANT(S) PRIOR TO FILING YOUR RESPONSE WITH RAP.

- 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 Response. Your Response will not be considered complete until this form has been filed indicating that service has occurred.

On the following date: 7/11/2023 served a copy of (check all that apply):

- PROPERTY OWNER RESPONSE TO TENANT PETITION plus 1 attached pages
(number of pages attached to Response not counting the Response form or PROOF OF SERVICE)
- 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	



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 PROPERTY OWNER OF TENANT PETITION

ATTENTION: IMMEDIATE ACTION REQUIRED

If you are receiving this NOTICE together with a completed TENANT PETITION form, it means that a tenant 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 **PROPERTY OWNER RESPONSE** form found on the RAP website. (<https://www.oaklandca.gov/services/respond-to-a-tenant-petition-for-the-rent-adjustment-program>)
- 2) Serve a copy of your **PROPERTY OWNER RESPONSE** form on the tenant (or the tenant's representative listed on the petition) by mail or personal delivery.
- 3) Complete a **PROOF OF SERVICE** form (which is attached to the Response form and also available as on the website) and provide a copy to the tenant (or tenant's representative) together with your **PROPERTY OWNER RESPONSE** form.
- 4) Submit your **PROPERTY OWNER 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 tenant has been served with a copy.*

DOCUMENT REVIEW: The tenant is required to serve on you all documents the tenant filed in this case in addition to the petition. Additionally, all documents are available for review at RAP.

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 PROPERTY OWNER RESPONSE form.

ACTION NEEDED - Owner's Response for T23-0071 is Deficient

AS Silveira, Ava
To: Eddie Hugley <benecialake@gmail.com>

Thu 7/20/2023 3:36 PM

- Property-Owner-Response-t... 272 KB
- OMC 8.22.090__Petition_and... 65 KB

2 attachments (337 KB) Save all to OneDrive - City of Oakland Download all

Dear Mike Joyce-

The Rent Adjustment Program has received your property owner response on July 14, 2023. In your response, you indicated that you've paid the RAP fee and possess a current business license; however, you did not submit a current City business license and receipt of payment of the RAP fee as proof. Additionally, you did not indicate whether you have served the RAP notice on the tenants and whether you have substantially complied with the rent registry reporting obligation as required under OMC 8.22.510.

In order for your response to be considered, you must provide evidence of the following:

1. Possession of a current City business license;
2. Payment of the RAP fee;
3. Service of the RAP notice;
4. Compliance with the rent registry registration reporting requirement.

To better understand the rules governing owner responses to tenant petitions, please refer to O.M.C. 8.22.090B1 attached. I have also attached the most updated response form for your reference.

If you have any questions or concerns, please do not hesitate to contact me.

Best wishes,

Ava Silveira, MPA
 Administrative Analyst I | Rent Adjustment Program
 City of Oakland | Housing and Community Development
 250 Frank H. Ogawa Plaza, Suite 6301, Oakland, CA 94612
 Ph: (510) 238-7093 | Cell: (510) 631-6958

PROOF OF SERVICE

Case Number: T23-0071

Case Name: Thornton v. Benecia Lake, LLC

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

Order Reassigning Hearing Officer & Setting Remote Hearing

Owner

Mike Joyce, Benecia Lake, LLC
3049 Florida Street
Oakland, CA 94602

Tenant

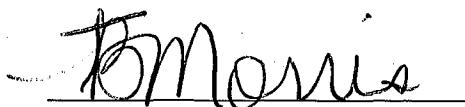
Ronald Thornton
2809 8th Avenue Unit 4
Oakland, CA 94610

Tenant Representative

Kaitlyn Willison, AIDS Legal Referral Panel
1663 Mission Street Suite 500
San Francisco, CA 94103

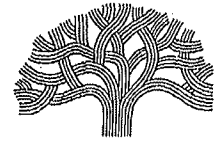
I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first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

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **September 06, 2023** in Oakland, California.



Teresa Brown-Morris
Oakland Rent Adjustment Program

CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 5313 • OAKLAND, CALIFORNIA

Housing and Community Development Department
Rent Adjustment Program

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

HEARING DECISION

CASE NUMBER: T23-0071 Thornton v. Benecia Lake LLC

PROPERTY ADDRESS: 2809 8th Avenue, Unit 4, Oakland, CA

DATE OF HEARING: October 11, 2023

DATE OF DECISION: February 20, 2024

APPEARANCES: Seth Tuthall – Tenant Representative
Jamie Rush – Tenant Representative
Ronald Thornton – Tenant
Mike Joyce - Owner

SUMMARY OF DECISION

The tenant's petition is granted.

CONTENTIONS OF THE PARTIES

The tenant filed a petition on May 18, 2023, alleging decreased housing services due to loss of laundry facilities.

The owner filed an untimely response but failed to submit proof of business license, proof of payment of RAP fee, or proof of compliance with rent registration requirements. The owner appeared for the hearing, but his participation was limited to cross examination.

THE ISSUES

1. Have the tenant's housing services been decreased and, if so, by what percentage of the total housing services that are provided by the owner?

EVIDENCE

Rent History

The tenant testified that he moved into his unit in 1993 at an initial monthly rent of \$500.00. His current monthly rent is \$886.00. He stated on his petition and testified at the hearing that he does not recall if he ever received Notice of the Residential Rent Adjustment Program (RAP Notice).

Decreased Housing Services

Removal of Laundry Room

The tenant testified that there were coin-operated laundry facilities on the property since the inception of his tenancy. The use of the laundry machines was provided at no extra charge to the tenants. He testified that the laundry facilities were removed on March 7, 2023. He emailed the owner on April 11, 2023, asking if or when the laundry facilities would be re-installed.¹ The owner informed him that he had been instructed to remove the laundry room by the City of Oakland Building Department because it was unpermitted. The tenant testified that he now has to go to the laundromat, which is very inconvenient.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Decreased Housing Services

Under the Oakland Rent Ordinance, a decrease in housing services is considered to be an increase in rent and may be corrected by a rent adjustment.² However, in order to justify a decrease in rent, a decrease in housing services must be the loss of a service that seriously affects the habitability of a unit or one that is required to be provided in a contract between the parties. The tenant has the burden of proving decreased housing services by a preponderance of the evidence. The tenant also has the burden of proving notice to the owner about a complaint and the owner must be afforded a reasonable opportunity to respond to the complaint.

Laundry Room

The loss of the laundry room constitutes a loss of a service that was originally provided by the owner. The tenant is entitled to restitution for decreased housing services as of March 7, 2023, the date the laundry room was removed.

¹ The email was admitted into evidence as Exhibit 1.

² O.M.C. Section 8.22.070 (F)

No Remedy available

Pursuant to the Rent Adjustment Ordinance, the Hearing Officer may order a rent adjustment as restitution for any overcharges or undercharges due, subject to guidelines set out in the regulations.³

On December 20, 2023, the tenant notified the Rent Adjustment Program that he had vacated the subject unit. Any restitution due to decreased housing services would be applied against future rent payments. Since the tenant no longer resides at the subject unit, there is no remedy available. While the tenant may seek remedy in a civil court, there is no remedy available to the tenant under the Rent Adjustment Ordinance.

ORDER

1. Tenant petition T23-0071 is granted.
2. The claim of decreased housing services is granted. However, the Rent Adjustment Program cannot fashion a remedy as the tenant has vacated the subject unit.

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

Dated: February 20, 2024

Maimoona Ahmad
Maimoona Sahi Ahmad
Hearing Officer
Rent Adjustment Program

³ O.M.C. §8.22.110 E

PROOF OF SERVICE

Case Number T23-0071

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

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

Documents Included

Hearing Decision

Owner

Mike Joyce
Benecia Lake, LLC
3049 Florida Street
Oakland, CA 94602

Tenant

Ronald Thornton
2809 8th Avenue, Unit# 4
Oakland, CA 94610

Tenant Representative

Kaitlyn Willison, AIDS Legal Referral Panel
1663 Mission Street, Suite 500
San Francisco, CA 94103

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 22, 2024** in Oakland, CA.



Robert F. Costa
Oakland Rent Adjustment Program



Fax: 510-238-6181
 To: R.A.P. - APPEAL
 From: JAIME RUSH obo RONALD THORNTON
 Re: Case No. T23-0071
 Pages: 7
 Date: 3/11/2024

RECEIVED

MAR 11 2024

OAKLAND RENT
ADJUSTMENT PROGRAM

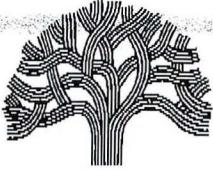
Fax Memo

Please see enclosed:
 Appeal to Hearing Decision (in part) in
 Case Number T23-0071, submitted by
 Tenant-petitioner Ronald Thornton.

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is attorney privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the address below via US Postal Service at our expense. Thank you.

AIDS Legal Referral Panel
 1663 Mission St, Ste 500
 San Francisco, CA 94103

Voice: (415) 701-1200
 Fax: (415) 701-1400

 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 MAR 11 2024 OAKLAND RENT ADJUSTMENT PROGRAM

APPEAL

Appellant's Name Ronald Thornton	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant
Property Address (Include Unit Number) 2809 8 TH AVENUE, UNIT 4, OAKLAND, CA	
Appellant's Mailing Address (For receipt of notices) (via Representative) c/o JAIME RUSH 1663 MISSION ST. SUITE 500 SAN FRANCISCO, CA 94103	Case Number T23-0071 Date of Decision appealed 2/20/2024
Name of Representative (if any) Jaime Rush	Representative's Mailing Address (For notices) 1663 Mission St. Suite 500 SAN FRANCISCO, CA 94103

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must below includes directions as to what should be the question or the explanation for each ground for appeal listed.


- 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: 4.

• 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 March 11, 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:

Name	MIKE JOYCE, BENECIA LAKE, LLC
Address	3049 FLORIDA ST.
City, State Zip	OAKLAND, CA 94602
Name	
Address	
City, State Zip	

 (JAIME RUSH, DESIGNATED REPRESENTATIVE)	3/11/2024
---	-----------

SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE

DATE

ATTACHMENT TO APPEAL, CASE NO. T23-0071**Appellant/Tenant-Petitioner: Ronald Thornton****Property Address: 2809 8th Avenue, Unit 4, Oakland, CA**

Date of Petition: May 18, 2023

Date of Hearing: October 11, 2023

Date of Decision: February 20, 2023

Tenant-Petitioner/Appellant appeals the Hearing Decision in Case No. T23-0071, only as to the section pertaining to the remedy. In the Decision, dated 2/20/2024, the Hearing Officer includes a section on page 3 which is captioned "No Remedy Available." Hearing Officer Ahmad finds that "[s]ince the tenant no longer resides at the subject unit, there is no remedy available ... under the Rent Adjustment Ordinance." This finding is inconsistent with Oakland Municipal Code Ch. 8.22 et seq., Rent Board Regulations, and prior decisions of the Board; is not supported by substantial evidence from the case record; is unfair and arbitrary; and constitutes an abuse of discretion.

1. Procedural and Factual Background

Tenant-Petitioner Ronald Thornton filed the underlying Petition on May 18, 2023, alleging decreased housing services due to loss of laundry facilities. The matter was initially scheduled for hearing on August 7, 2023, but was postponed by the Rent Adjustment Program and reset for October 11, 2023. The Landlord-Respondent, Mike Joyce, filed an untimely response and failed to produce several required documents, as detailed in the Hearing Decision. Due to Landlord-Respondent's failure to comply with procedural and evidentiary requirements, Hearing Officer Ahmad correctly limited Mr. Joyce's hearing participation to cross-examination only. At the conclusion of the October 11, 2023 hearing, the case record was closed.

2. Argument

- a. The finding of "no remedy" is unfair and arbitrary, and the Hearing Officer abused her discretion in finding that there is no remedy available to Tenant-Petitioner Thornton.

Applying the evidence from the case record at the close of the hearing, Hearing Officer Ahmad found that Tenant-Petitioner Thornton had been subjected to a decrease in housing services going back to March 7, 2023. There was **no** evidence in the case record disputing Mr. Thornton's claims that: 1. laundry was a housing service provided in the original agreement between tenant and landlord, 2. the laundry has a significant impact on the use and habitability of the subject premises, 3. the laundry service was removed as of March 7, 2023 and was not restored as of the hearing date, and 4. Landlord Mike Joyce had notice on that same date that the laundry was removed. These undisputed facts should, and did, lead to a decision granting the Tenant's claim of decreased housing services.

However, instead of taking the appropriate next step of calculating the restitution owed to the Tenant-Petitioner for the months during which the housing service was removed, the Hearing Officer looked at information that was not in the record and based her decision concerning the remedy on that alone. Specifically, several months after the hearing took place, when it seemed clear that his full housing services would never be restored, Tenant-Petitioner Thornton saw no choice but to seek alternate housing. When he eventually moved out of the subject unit, more than two months had passed since the hearing. There had not yet been a decision rendered, and efforts by Mr. Thornton and his representatives to obtain an update from the RAP were not successful. In compliance with his obligations, Tenant-Petitioner Thornton promptly advised the RAP of his new mailing address on December 20, 2023. According to the hearing decision in this case, the Hearing Officer found on the sole basis of this *new* information that there is no remedy available.

There are numerous problems with the Hearing Office's finding about the lack of a remedy. Most obvious is the simple fact that evidence and information extrinsic to the case record should never be considered in the decision-making process. Under OMC 8.22.110, "[t]he decision of the examiner shall be based entirely on evidence placed into the record." (emphasis added to highlight non-discretionary language). Just as neither party would be allowed to present new or further evidence after the record was closed following the hearing, neither may the Hearing Officer do so. (See T05-0245 *Hobbs v. Bernstein*, in which the Board affirmed a hearing decision for decreased services in spite of the Landlord's attempt to present additional evidence, finding that the *only evidence it could consider is within the Hearing record*). The Hearing Officer's decision in the present case is premised on information that not only is absent from the record, but also did not even occur until well after the record closed. In finding that there is no remedy here, the Hearing Officer rendered a decision which has no basis in the case record, and which therefore constitutes an abuse of discretion.

b. The Decision is inconsistent with OMC 8.22.

As set forth above, the consideration of evidence and information outside of the case record contradicts with OMC 8.22.110. Furthermore, the inexcusable delays in every step of this petition process are in direct opposition to OMC 8.22.110. Under these provisions, the decision in this case should have been rendered and finalized well before December 20, 2023, the date when Tenant-Petitioner Thornton notified the RAP of his new mailing address. The petition was filed on May 18, 2023. Under the Ordinance, the Officer "shall have the goal of hearing the matter within sixty (60) days of the original petition's filing date." In this case, 60 days would have been July 17, 2023; but the hearing was set for August 7, 2023, a couple of weeks past the 60-day timeline. However, the hearing was later postponed by decision of the RAP (not per the request or fault of either party), and reset more than 2 months later on October 11, 2023. Rather than hearing the matter within 60 days after the filing date, it was not heard until nearly **5 months** after the petition was filed.

The Ordinance further sets forth that the Officer should render a final decision "within sixty (60) days after the conclusion of the hearing or the close of the record, whichever is later." In the present matter, the record closed at the conclusion of the hearing on October 11th. The 60th day following that date would have been December 10, 2023, at which time the Tenant-Petitioner was still residing at the subject premises. Even with the excessive delay in hearing the matter, the decision should have been rendered within the time that the Tenant-Petitioner continued to reside in the subject unit. Instead, the decision was rendered on February 20, 2024- a period of **more than four months after the hearing and close of the record**, and more than **eight months** after the petition was filed.

The expediency goals set forth in the OMC have a clear and deliberate purpose, namely the protection of the parties bringing petitions to the RAP. The underlying "Findings and Purpose" set forth in the OMC recognize "that a shortage of decent, safe, affordable and sanitary residential rental housing continues to exist in Oakland." OMC 8.22.010. Among the primary purposes are "encouraging rehabilitation of rental units" and "reducing the financial incentives to rental property owners" to create vacancies in the rental units. OMC 8.22.010. The outcome of the present petition is in direct services that have been removed or decreased, anticipating that the substandard conditions will drive the tenant to vacate the unit, thus eliminating the chance for restitution. Landlords who want to push out long-term, rent-controlled tenants could simply make the unit uninhabitable by eliminating necessary housing services, knowing that the RAP petition process takes long enough that the tenant is likely to vacate before a final decision.

The Ordinance cannot possibly fulfill its stated purposes when the RAP's mishandling of timelines can directly deprive a tenant of his due remedy. The decision in this case acknowledges that the tenant's loss of services and overpayment of rent are indisputable. Thus, had the decision been rendered promptly as directed in the Ordinance, it would have necessarily included an order granting restitution to the tenant for the unabated loss of services. Instead, the landlord - who admits in the record that he caused the removal of the housing service and did not intend to restore it - walks away with a vacant unit that can be re-rented at market rate (after a 30-year rent-controlled tenancy), and freedom from any financial restitution to the tenant. The tenant meanwhile has had to incur the strenuous financial, physical, and emotional burden of moving out of his rent-controlled home of **30 years**, without any restitution for the many months of lost services.

3. Conclusion

Tenant-Petitioner/Appellant recognizes that this Appeal is not the appropriate venue to ask for an amendment to the Ordinance that would preclude the type of paradoxical outcome that is at issue here. It is, however, within the purview of this Board to examine whether a Hearing Officer's application of the case record to the relevant sections of the Ordinance is reasonable and supportable. Here, the case record is absolutely clear that Tenant Ron Thornton was deprived of a basic housing service for several months,

without a corresponding reduction in his rent. Nothing in the record negates these facts or findings, nor does the record contain evidence that would negate a remedy in the form of restitution. The decision should have been based on this case record alone, and not on information provided months later by the Tenant, who was acting in good faith and never imagined that it would be used to his detriment. Had this matter proceeded with anything even close to the expediency that the Ordinance prescribes, the decision would have been rendered before December 20th, 2023, and certainly well before the actual decision date - February 20, 2024.

The Tenant-Petitioner/Appellant respectfully asks the Board to overturn the portion of the Hearing Decision concerning the remedy. This is an instance in which principles of fairness and justice, and the letter of the law lead to the same conclusion: the portion of the Order finding "no remedy" must be overturned, and the Landlord-Respondent must be ordered to make restitution to Mr. Thornton for his overpayment of rent.

CHRONOLOGICAL CASE REPORT

Case No.: T23-0176

Case Name: Bamer v. Shahoian

Property Address: 2000 East 30th Street Oakland, CA 94606

Parties: Vanessa Barner (Tenant)
Jon & Joan Shahoian (Owner)
Mark Hester (Manager/Owner)

TENANT APPEAL:

<u>Activity</u>	<u>Date</u>
Tenant Petition filed	December 1, 2023
Tenant Exhibits Submitted	December 1, 2023
Notice of Incomplete Tenant Petition	January 2, 2024
Tenant Petition/POS Resubmitted	January 31, 2024
Dismissal of Incomplete Tenant Petition	February 7, 2024
Tenant Appeal filed	February 16, & 20, 2024

**CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM**

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

T23-0176
SM/AS

For Rent Adjustment Program Use Only

RECEIVED

DEC - 1 2023

RENT ADJUSTMENT PROGRAM
OAKLAND

CITY OF OAKLAND

TENANT PETITION

Please fill out this form as completely as you can. Use this form to contest a rent increase, seek a rent decrease, and/or contest an owner exemption from the Rent Adjustment Program. Failure to provide the required information may result in your petition being rejected or delayed. See the last pages of this petition packet ("Important Information Regarding Filing Your Petition") or the RAP website for more information. **CONTACT A HOUSING COUNSELOR TO REVIEW YOUR PETITION BEFORE SUBMITTING.** To make an appointment email

Rental Unit Information

2000 East 30th Street 8 Oakland, CA 94606
Street Number Street Name Unit Number Zip Code

Move-in Date: 09/07/2019 Initial Rent at Move-In: \$ 1,550.00 Current Rent: \$ 1,596.50

Is your rent subsidized or controlled by a government agency (such as HUD or Section 8), other than Oakland Rent Adjustment Program? (See page 5 "Jurisdiction" for more information)

Yes
 No XX
 Not sure

Are you current on rent? Yes (*Note: You must be current on your rent or lawfully withholding rent in order to file a petition. Checking "No" without providing an adequate explanation may result in your petition being dismissed.)
 No*

If not current on rent, explain why: _____

When (if ever) did the property owner first provide you with the City form, NOTICE TO TENANTS OF THE RESIDENTIAL RENT ADJUSTMENT PROGRAM ("RAP Notice")?

I first received the RAP Notice on: _____
 I was never provided with the RAP Notice
 I do not remember if I ever received the RAP Notice

Case number(s) of any relevant prior Rent Adjustment case(s): _____

Tenant Information (List each tenant petitioner in unit. If you need more space, attach additional sheet.)

Vanessa Barner
First Name Last Name
Mailing Address (if different from above): _____
Primary Telephone: (510) 355-2009 Other Telephone: _____ Email: somevanessa@hotmail.com

First Name Last Name
Mailing Address (if different from above): _____
Primary Telephone: _____ Other Telephone: _____ Email: _____

Tenant Representative (Check one): XX No Representative Attorney Non-Attorney I'm seeking Legal Counsel

First Name Last Name Firm/Organization (if any)
Mailing Address: _____
Phone Number: _____ Email: _____

Property Owner Information

Property Owner

Jon & Joan

Shahonian

First Name

Last Name

Company/LLC/LP (if applicable): The Lapham Company /JR & Associates

Mailing Address: 4844 Telegraph Ave, Oakland, CA 94609

Phone Number: (510) 594-7600

Email: jon@laphamcompany.com

Property Manager (if applicable)

Mark

Hester

East 30th Street Oakland, CA & The

Lapham Company /JR & Associates

First Name

Last Name

Name of Management Company

Mailing Address: 4844 Telegraph Ave, Oakland, CA 94609

Phone Number: (510) 563-9715

Email: N/A

GROUNDS FOR PETITION

Select the grounds for this petition from the list below. Check all that apply. You must check at least one box. To contest a rent increase, select item(s) from Category A. If you have experienced a decrease in housing services and/or have issues with the condition of your unit, or are being charged for utilities in violation of the law, select item(s) from Category B. For more information on each of the grounds, see Oakland Municipal Code (O.M.C.) Sections 8.22.070 and 8.22.090 (Rent Adjustment Ordinance) and the corresponding Regulations. A copy of the Ordinance and Regulations are available here:

A.	Unlawful Rent Increase(s) <i>(Complete section A on page 3)</i>	<input type="checkbox"/> (A1) I received a rent increase above the allowable amount.
		<input type="checkbox"/> (A2) I received a rent increase that I believe is unlawful because I was not given proper notice, was not properly served, and/or was not provided with the required RAP Notice ("Notice to Tenants of the Residential Rent Adjustment Program").
		<input type="checkbox"/> (A3) I received a rent increase and do not believe I should be required to pay it because a government agency has cited my unit for serious health, safety, fire, or building code violations. <i>(You must attach a copy of the citation to your petition.)</i>
		<input type="checkbox"/> (A4) Before serving the rent increase notice, the property owner failed to substantially comply with the annual registration and reporting obligations as required under Oakland Municipal Code, Section 8.22.510.
B.	Decreased Housing Services	XX (B1) The property owner is providing me with fewer housing services than I previously received and/or I am being charged for services originally paid for by the owner. <i>(Check this box for petitions based on bad conditions/failure to repair.)</i>

	<i>(Complete section B on page 3)</i>	<input type="checkbox"/> (B2) I am being unlawfully charged for utilities.
C.	Other	<input type="checkbox"/> (C1) My rent was not reduced after a prior rent increase period for capital improvements or after an additional tenant for whom the owner was allowed an increase, vacated from the premises.
		<input type="checkbox"/> (C2) I wish to contest an exemption from the Rent Adjustment Ordinance because the exemption was based on fraud or mistake.
		<input type="checkbox"/> (C3) The initial rent amount when I first moved in was unlawful because the property owner was not permitted to set the initial rent without limitation. O.M.C. § 8.22.080 (C).

A.	Unlawful Rent Increase(s)
	<i>(Complete this section if any of the grounds for petition fall under category A, above)</i>

List all rent increases you wish to contest. Begin with the most recent increase and work backwards. If you never received the RAP Notice, you can contest all past increases. See the "Important Information" page at the end of this petition packet for more information on time limits for contesting rent increases. If you need additional space, attach a separate sheet or an additional copy of this form.

- For petitions contesting a rent increase on the grounds that the unit has been cited by a government agency for serious health, safety, fire, or building code violations, **you must attach a copy of the citation** to your petition. Failure to attach a copy of the citation may result in your petition being dismissed.

Date received rent increase notice: (Month/Day/Year)	Date rent increase went into effect: (Month/Day/Year)	Amount of increase:		Received RAP Notice with notice of rent increase?	
		FROM	TO	YES	NO
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>

B.	Decreased Housing Services
	<i>(Complete this section if any of the grounds for petition fall under category B, above)</i>

List all the conditions that you believe entitle you to a rent decrease. If your petition is based on problems related to your unit, or because the owner has taken away service(s) or is charging for services originally provided by the owner, you must complete this section. If you need more space, attach a separate sheet or an additional copy of this form.

- You are strongly encouraged to submit documentary evidence** (photographs, inspection reports, correspondence with your landlord, etc.) together with your petition. Evidence may be submitted up to seven calendar days prior to your hearing.
- You may wish to have a City inspector come inspect your unit** for possible code violations in advance of your hearing. Copies of any inspection report(s) may be submitted in support of your petition. To schedule an inspection, contact the City of Oakland Code Enforcement Unit at (510) 238-3381, or file a complaint online at [http://www.oaklandca.gov/cce](#). *Note: if additional items are cited in an inspection report that were not included in your original petition (below), you must file an additional petition listing those items in order for RAP staff to consider them as a part of your claim.*

Description of problem or	Date problem or	Date first notified	Date problem or	What is the
---------------------------	-----------------	---------------------	-----------------	-------------

	decreased housing service (list separately):	decreased service started: (Month/Day/Year)	owner or manager of problem: (Month/Day/Year)	service was fixed, if ever: (Month/Day/Year)	dollar value of your claimed loss?
1.	Please see California Civil Code 1941.1	Oct 10, 2023	Oct 10, 2023		\$
2.	Rent for Oct & Nov & Dec 2023	10/10/2023	10/10/2023		\$3,968.00
3.					
4.					

TENANT 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 Tenant Petition is true and that all of the documents attached to the Petition are true copies of the originals.

Tenant 1 Signature

Date

Tenant 2 Signature

Date

CONSENT TO ELECTRONIC SERVICE

(Highly Recommended)

Check the box below if you agree to have RAP staff and the OTHER PARTY/PARTIES 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 petition) only electronically and not by first class mail.

XX 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 response.

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.

Tenant Signature

Date


INTERPRETATION SERVICES

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

I request an interpreter fluent in the following language at my Rent Adjustment proceeding:

- Spanish (Español)
- Cantonese (廣東話)
- Mandarin (普通話)
- Other: _____

-END OF PETITION-

 <p>CITY OF OAKLAND RENT ADJUSTMENT PROGRAM 250 Frank H. Ogawa Plaza, Suite 5313 Oakland, CA 94612-0243 (510) 238-3721 CA Relay Service 711</p>	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 PROPERTY OWNER PRIOR TO FILING YOUR PETITION WITH RAP. You must include a copy of the RAP form "NOTICE TO PROPERTY OWNER OF TENANT PETITION" (the preceding page of this petition packet) and a completed PROOF OF SERVICE form together with 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 complete but unsigned copy of this PROOF OF SERVICE form to the person(s) being served together with the documents being served.
- 4) File your completed and signed 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: 11, 30, 2023 I served a copy of (check all that apply): @ 3:13 P.M.

- TENANT PETITION plus _____ attached pages (number of pages attached to Petition not counting the Petition form, NOTICE TO PROPERTY OWNER OF TENANT PETITION, or PROOF OF SERVICE)
- NOTICE TO PROPERTY OWNER OF TENANT 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	Najha Audsley
Address	3450 Burlin Way
City, State, Zip	Oakland Ca 94602

Name	
Address	
City, State, Zip	

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

Najha Audsley
PRINTED NAME

Najha Audsley
SIGNATURE

11-30-2023
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

NOTICE TO PROPERTY OWNER OF TENANT PETITION

ATTENTION: IMMEDIATE ACTION REQUIRED

If you are receiving this NOTICE together with a completed TENANT PETITION form, it means that a tenant 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 **PROPERTY OWNER RESPONSE** form found on the RAP website.
()
- 2) Complete a **PROOF OF SERVICE (POS)** form (which is attached to the Response form and also available on the website) and provide an unsigned copy of the **POS** to the tenant (or tenant's representative) together with a copy of your signed **PROPERTY OWNER RESPONSE** form.
- 3) Submit your signed **PROPERTY OWNER RESPONSE** form and 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 tenant has been served with a copy.**

DOCUMENT REVIEW: The tenant is required to serve on you all documents the tenant filed in this case in addition to the petition. Additionally, all documents are available for review at RAP.

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 **PROPERTY OWNER RESPONSE** form.

2000 East 30th Street # 8 Oakland, CA Emails regarding Mold

vanessa barner <somevanessa@hotmail.com>

Thu 11/30/2023 8:13 AM

To: jon@laphamcompany.com <jon@laphamcompany.com>; joan@laphamcompany.com <joan@laphamcompany.com>

📎 5 attachments (12 MB)

Closet and Mark 10-12-2023(3).htm; Closet and Mark 10-12-2023(2).htm; Pictures Mold On Clothing(1)(1).zip; Closet - vanessa barner - Outlook.htm; Screenshot_20231012_073100_Messages(1) (1).jpg;

Good Morning,

I have sent several emails regarding the mold in this apartment.

I'm sure to why you have not answered any of my emails or communicate with me and what actions you and or JR & Assocaites would take to resolve the matter.

I understand you and or JR & Assocaites use the day workers here in the complex.

My health is very important to me. I now have to a dress and deal with health issue I have developed from breathing in the mold . I didn't have any health issues when I moved here and being a senior citizen I won't settle for less. I was never made aware that the people under me had mold until two weeks ago.

Kind regards,
Vanessa Barner

From: vanessa barner <somevanessa@hotmail.com>

Sent: Wednesday, November 29, 2023 8:48 PM

To: jon@laphamcompany.com <jon@laphamcompany.com>; joan@laphamcompany.com <joan@laphamcompany.com>

Subject: Fw: Fw: 2000 East 30th Street # 8 Oakland, CA Mold On Clothing 2 of 2

Hello,

I'm asking to be reimbursed for my clothing damage by the mold in the closet that was noticed on Oct 10,2023. My claim was denied from the renter's insurance per Mark Hester's statement.

Kind regards,
Vanessa Barner

From: postmaster@outlook.com <postmaster@outlook.com>

Sent: Wednesday, November 29, 2023 8:15 PM

To: jon@laphamcompany.com <jon@laphamcompany.com>

Subject: Undeliverable: Fw: 2000 East 30th Street # 8 Oakland, CA Mold On Clothing 2 of 2

Delivery has failed to these recipients or groups:

Your message is too large to send. To send it, make the message smaller, for example, by removing attachments.

Fw: Notice To Enter Dwelling - A Request for Nov 27,2023 be the Start Date for Repairs

vanessa barner <somevanessa@hotmail.com>

Wed 11/29/2023 8:17 PM

To:info@awolfflaw.com <info@awolfflaw.com>

📎 1 attachments (435 KB)

Notice To Enter Dwelling 11-15-2023.pdf

From: vanessa barner <somevanessa@hotmail.com>

Sent: Friday, November 17, 2023 5:34 AM

To: jon@laphamcompany.com <jon@laphamcompany.com>

Subject: Fw: Notice To Enter Dwelling - A Request for Nov 27,2023 be the Start Date for Repairs

Good Morning,

I would like to request Nov 27, 2023 be the start date for the repairs to start and be completed by Jorge Miranda along with receiving how the work will be done, how long it will take for the work to be completed, how my belongings will be safe guarded before and while the repairs are being done along with Lapham Company/J&R Associates will insurance my belongings in writing on or before the start date for the repairs.

Also, I'm not comfortable with Hime/Jamie coming into my apartment. Our past experiences and difficulties due to his lack of truth and communication have been proven over the years that there is a conflict. My health and safety living here has been stressful and overwhelming dealing with Himie/Jamie (ex) Stove, Heater & Kitchen Sink etc.

Kind regards,
Vanessa Barner

From: vanessa barner <somevanessa@hotmail.com>

Sent: Thursday, November 16, 2023 7:29 PM

To: Torres, Michael <MTorres2@oaklandca.gov>

Subject: Fw: Notice To Enter Dwelling Lapham Company/J&R Associates Name Not Listed

Good Evening,

Please see the email and attachment I sent to Jon @Lapman Company 11-15-2023. the word is listed/shown is incorrect and should be isn't listed/shown on the notice.

I would like to request what repairs are going to be done or corrected, what steps will be used to correct the repairs? How long will it take to complete the repairs, What steps are Jorge going to use to protect my belonging before the repairs began in writing? from Jorge the day he starts the work. Is their liability insurance to protect my belongs while the work is being done by Lapham Company/J&R Associates or should I file a lien?

Also, because of professional/personality differences Hime/Jamie is not allowed in my apt.

Fw: Fw: 2000 East 30th Street # 8 Oakland, CA Mold On Clothing 2 of 2

vanessa barner <somevanessa@hotmail.com>

Wed 11/29/2023 8:48 PM

To: jon@laphamcompany.com <jon@laphamcompany.com>; joan@laphamcompany.com <joan@laphamcompany.com>

5 attachments (12 MB)

Closet and Mark 10-12-2023(3).htm; Closet and Mark 10-12-2023(2).htm; Pictures Mold On Clothing(1)(1).zip; Closet - vanessa barner - Outlook.htm; Screenshot_20231012_073100_Messages(1) (1).jpg;

Hello,

I'm asking to be reimbursed for my clothing damage by the mold in the closet that was noticed on Oct 10,2023. My claim was denied from the renter's insurance per Mark Hester's statement.

Kind regards,
Vanessa Barner

From: postmaster@outlook.com <postmaster@outlook.com>
Sent: Wednesday, November 29, 2023 8:15 PM
To: jon@laphamcompany.com <jon@laphamcompany.com>
Subject: Undeliverable: Fw: 2000 East 30th Street # 8 Oakland, CA Mold On Clothing 2 of 2

Delivery has failed to these recipients or groups:

Your message is too large to send. To send it, make the message smaller, for example, by removing attachments.

The maximum message size that's allowed is 36 MB. This message is 37 MB.

Diagnostic information for administrators:

Generating server: PH7PR16MB6342.namprd16.prod.outlook.com
jon@laphamcompany.com
Remote server returned '550 5.2.3 RESOLVER.RST.RecipSizeLimit; message too large for this recipient'
Original message headers:

Received: from SN4PR16MB4877.namprd16.prod.outlook.com (2603:10b6:806:21d::13)
by PH7PR16MB6342.namprd16.prod.outlook.com (2603:10b6:510:313::12) with
Microsoft SMTP Server (version=TLS1_2,
cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.7025.29; Thu, 30 Nov
2023 04:15:23 +0000

Received: from SN4PR16MB4877.namprd16.prod.outlook.com
([fe80::4ca4:969d:2a29:3d0f]) by SN4PR16MB4877.namprd16.prod.outlook.com
([fe80::4ca4:969d:2a29:3d0f%6]) with mapi id 15.20.7046.023; Thu, 30 Nov 2023
04:15:22 +0000
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: vanessa barner <somevanessa@hotmail.com>
To: "jon@laphamcompany.com" <jon@laphamcompany.com>
Subject: Fw: 2000 East 30th Street # 8 Oakland, CA Mold On Clothing 2 of 2
Thread-Topic: 2000 East 30th Street # 8 Oakland, CA Mold On Clothing 2 of 2
Thread-Index: AQHaADwUemfYQOcoBka2EuvFrX8PurCSHvo0
X-MS-Exchange-MessageSentRepresentingType: 1
Date: Thu, 30 Nov 2023 04:15:21 +0000
Message-ID: <SN4PR16MB48776A5E808EE2E3121DD310A682A@SN4PR16MB4877.namprd16.prod.outlook.com>
References: <BY5PR13MB3491A8AA8E21D668A8EAED29A6D7A@BY5PR13MB3491.namprd13.prod.outlook.com>
In-Reply-To:
<BY5PR13MB3491A8AA8E21D668A8EAED29A6D7A@BY5PR13MB3491.namprd13.prod.outlook.com>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
<SN4PR16MB48776A5E808EE2E3121DD310A682A@SN4PR16MB4877.namprd16.prod.outlook.com>
msip_labels:
MIME-Version: 1.0
X-TM: [x9Nz31+fbjNkukDHX1HrcMKOeEpQYF1S]
X-MS-PublicTrafficType: Email
X-MS-TrafficTypeDiagnostic: SN4PR16MB4877:EE_|PH7PR16MB6342:EE_
Return-Path: somevanessa@hotmail.com
X-MS-Office365-Filtering-Correlation-Id: d42beaff-7932-408b-308e-08dbf15af844



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA ■ SUITE 2340 ■ OAKLAND, CALIFORNIA 94612-2031

Planning and Building Department

(510) 238-3381

Bureau of Building

TDD:(510) 238-3254

Building Permits, Inspections and Code Enforcement Services

bbcode-inspect@oaklandca.gov

NOTICE OF VIOLATION

11-8-2023

Certified and Regular mail

2000 EAST 30TH ST. LLC & J & R LAND & CATTLE ETAL

364 41ST ST #2

OAKLAND CA 94609

Code Enforcement Case No.: 2305947

Property: 2000 E 30TH ST Unit 8

Parcel Number: 022 036903500

Re-inspection Date: 12-13-2023

Violation(s) must be corrected

Re-inspection will occur either on: 12-13-2023 12-14-2023 12-15-2023

Code Enforcement Services inspected your property on 11-7-2023

and confirmed:

- that the violations of the Oakland Municipal Code (OMC) identified below (p. 2) are present and must be remedied as specified under "Required Actions". Photographs of the violations are enclosed where applicable.
- that work was performed without permit or beyond the scope of the issued permit and you are receiving this Notice of Violation because you did not get the required permit within three (3) days of receiving the Stop Work Order. You must contact the inspector indicated below before the Re-inspection Date to stop further code enforcement action.

To stop further code enforcement action, you must correct **all** violations and contact Inspector MIke Torres who is assigned to your case, before the re-inspection to schedule an inspection. **Your inspector is available by phone at 510-238- 2389**

and by email at Mtorres2 @oaklandca.gov.

If the Property Owner Certification is included in this notice you may, in the alternative, complete the form and submit along with photographs of the corrected violations at least three (3) days prior to the reinspection date.

If it is necessary for tenants to temporarily relocate so that repairs can be made, you are required to comply with all state and local laws regarding the relocation of tenants included the Code Compliance Relocation Program (OMC 15.60.010).

If all violations have not been corrected at the time of re-inspection:

- You will be charged for inspection and administrative costs that can total \$2,718.00.
- Administrative citations may be assessed against you beginning the day of the re-inspection and continuing until all violations are corrected. Citations are \$100 the first day, \$250 the second day, and \$500 for each day thereafter until all violations are cured up to a total of \$5,000.
- The property may be declared a public nuisance.
- The City may abate Property Blight using City contractors and you will be charged for the contracting and administrative costs.
- The Notice of Violation may be recorded on your property title with associated fees for processing and recording.

Note: If a complaint is filed regarding the same or similar violation(s) and it is confirmed within 24 months from the date of this notice an immediate assessment of \$1,323.00 will be charged as a Repeat Violation. In addition, if violation(s) remain uncorrected after you receive a Re-inspection notice, further enforcement action(s) will include additional fees.

000054

Violations

Zoning (Minor) OMC Title 17

Description of Violation	Required Action	OMC Section

Zoning (Major) OMC Title 17 – *Violations require a Zoning Determination before an appeal to the Planning Commission. If you wish to appeal a Major Zoning violation, please follow the process for Filing a Zoning Determination in the Appeal section of this notice.*

Description of Violation	Required Action	OMC Section

Property Maintenance (Blight) – OMC 8.24

Description of Violation	Required Action	OMC Section
Visible mold in Rooms including Bedroom, Bathroom, Kitchen and living room	Remove/Repair affected areas. Provide qualified third party report removal/findings.	15.08.230.R

Building Maintenance (Housing) – OMC 15.08

Description of Violation	Required Action	OMC Section

Appeal Information

You have a right to appeal.

In order to appeal any violations described in this Notice of Violation, you must complete the enclosed Violation Appeal form and submit it with supporting documentation along with the applicable appeal fee(s) by the Appeal deadline. The following describes the process for appealing each type of violation described in the Notice of Violation. In some cases, separate appeal processes may be required.

The Appeal Deadline is: 12-4-2023

The Bureau of Building must receive your written appeal by the Appeal Deadline, or you will waive your right to administrative review of all violations described in this Notice of Violation. Incomplete appeals including, but not limited to an oral notification of your intention to appeal, a written appeal postmarked but not received by us within the prescribed deadline or a written appeal received by us without a filing fee are not acceptable and will be rejected.

Failure to file a timely appeal will result in the determinations made in this Notice of Violation becoming the City's final decision on this matter. The decision becomes final on the day following the appeal deadline. Once the decision is final, it can be appealed by filing a petition for writ of mandate with the Superior Court no later than the 90th day following the date on which decision becomes final. The time within which judicial review must be sought is governed by Cal. Code of Civil Procedure 1094.6.

For Property Maintenance (Blight), Building Maintenance (Housing) and Minor Zoning Appeals: A filing fee in the amount of \$142 is due at the time of submittal. Payments may be made in person at the Bureau of Building, 250 Frank Ogawa Plaza, 2nd Floor, or by phone by calling 510-238-4774 (Please include the receipt number and date on your appeal). MasterCard and Visa are accepted. A hearing will be scheduled before an independent hearing officer.

For Zoning Determinations/Appeals of Major Zoning violations: If you wish to appeal a Major Zoning violation(s), you must submit the enclosed Appeal form requesting a Zoning Determination to the Zoning Manager. Your supporting documentation to the Zoning Manager should explain a) why the use of your property conforms to the zoning designation for the property or b) why the activity should be approved as set forth in Planning Code Title 17. A filing fee in the amount of \$512.93 is due at the time of submittal in the manner described above. Additionally, a \$230.65 per hour fee will be assessed as needed to complete the review of the determination. The determination fee is not refundable once the letter has been issued, regardless of outcome.

The Zoning Manager will issue written decision within 45 days from the end of the appeal period. If you disagree with the decision you may appeal to the Planning Commission within 10 days from the written decision. Unless special circumstances require otherwise, you will be expected to work with the Bureau of Building to resolve the Building Code violations (s) and any Minor Zoning Violation(s) during the Major Zoning appeal process.

Sincerely,

Michael Torres

Digitally signed by Michael Torres
Date: 2023.11.07 14:24:06 -08'00'

Specialty Combination Inspector
Planning and Building Department

Attached as applicable:

- | | | |
|---|--|---|
| <input type="checkbox"/> Blight brochure | <input type="checkbox"/> Residential Code Enforcement brochure | <input type="checkbox"/> Vehicular Food Vending brochure |
| <input type="checkbox"/> Property Owner Certification | <input type="checkbox"/> Mold and Moisture brochure | <input type="checkbox"/> Pushcart Food Vending brochure |
| <input type="checkbox"/> Lead Paint brochure | <input type="checkbox"/> Undocumented Dwelling Units brochure | <input type="checkbox"/> Smoke Alarms brochure |
| <input checked="" type="checkbox"/> Photographs | <input type="checkbox"/> Stop Work brochure | <input type="checkbox"/> Condominium Conversion brochure |
| <input type="checkbox"/> Housing - Relocation Assistance Program | <input type="checkbox"/> Investor Owned Property brochure | <input type="checkbox"/> Foreclosed and Defaulted Property brochure |
| <input checked="" type="checkbox"/> Description of Property Maintenance Code Sections | <input type="checkbox"/> Major and Minor Zoning Violation Descriptions | |

cc:



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA ▪ SUITE 2340 ▪ OAKLAND, CALIFORNIA 94612-2031

Planning and Building Department
Bureau of Building
Building Permits, Inspections and Code Enforcement Services
(510) 238-3381
bbcode-inspect@oaklandca.gov

PROPERTY OWNER CERTIFICATION
CORRECTED OR REMOVED VIOLATIONS

Date:

Property: 2000 E 30TH ST Unit 8

Parcel no. 022 036903500

Case no.: 2305947

Owner: 2000 EAST 30TH ST. LLC & J & R LAND & CAT

Courtesy Notice date:

Re-Inspection Date: 12-13-2023

Return to: Mtorres2@oaklandca.gov

I certify that I have corrected the following violation(s) identified in the Notice of Violation I received from the City of Oakland.

I understand that if a complaint is filed regarding the same or similar violation(s) and it is confirmed within 24 months from the date of this notice an immediate assessment of \$1,323.00 will be charged as a Repeat Violation fee. If the violation remains uncorrected after I receive Re-inspection notice further enforcement action(s) will be taken that will include additional fees.

I have corrected the following violations identified in the Notice of Violation I received from the City of Oakland:

Print Name

Date

Property Owner Signature

(_____) _____
Day time telephone

E-mail

Instructions

1. Review the property address and owner information shown at the left and make any necessary corrections.
2. If applicable, before the Re-inspection date shown at the left, complete and return this signed form with dated photographs of your property to verify the violations were removed or not present:

E-mail: bbcode-inspect@oaklandca.gov

Mail: City of Oakland
Bureau of Building
250 Frank H. Ogawa Plaza Suite 2340
Oakland, CA 94612-2031
(Envelope enclosed – no postage required)

NOTICE TO ENTER DWELLING UNIT

Pursuant to California Civil Code Section 1954, Owner/Agent hereby gives notice to:

VANESA PARKER

and all persons in the premises located at:

2000 E 30th ST # 8

Owner, Owner's Agent, or Owner's employee(s) will enter said premises on or about 11-16-23 during normal business hours for the reason set forth in the checked item below: BETWEEN 2:00 - 3:00 PM

1. To make necessary or agreed repairs **CITY NOTICE OF VIOLATION**
2. To do necessary or agreed decorating
3. To make necessary or agreed alterations or improvements
4. To supply necessary or agreed services
5. To exhibit the rental unit to prospective or actual purchasers*
6. To exhibit the rental unit to prospective mortgagees
7. To exhibit the rental unit to prospective tenants
8. To exhibit the rental unit to workmen or contractors
9. Pursuant to Court Order
10. To inspect waterbed or liquid-filled furniture
11. To test the smoke detector
12. To verify Resident has abandoned premises
13. To inspect the unit prior to the termination of the tenancy if requested by Resident

Date: 11-15-23 Owner/Agent Jorge Miranda

* If the purpose of the entry is to exhibit the dwelling unit to prospective or actual purchasers, the notice can be given orally, in person, or by telephone if the owner or his or her agent has notified the resident in writing within 120 days of the oral notice that the property is for sale and that the owner or agent may contact the Resident orally for the purpose described above. Twenty-four hours is presumed reasonable notice in the absence of evidence to the contrary. At the time of entry, the owner or agent is required to leave written evidence of the entry inside the unit.

Proof of Service To be filled out by Server AFTER service on Resident is complete

I, the undersigned, being at least 18 years of age, declare that I served this notice, of which this is a true copy, on the Wednesday day of November (month), 2023 (year), in Oakland (city), California, on the above mentioned Resident in possession in the manner indicated below.

BY DELIVERING the notice personally to the Resident or to someone of suitable age and discretion at the premises at least 24 hours prior to the intended entry, or at least 48 hours prior to entry in the case of an initial inspection prior to terminating the tenancy as required by Civil Code Section 1950.5(f).

BY LEAVING a copy of the notice at, near, or under the usual entry door of the premises at least 24 hours prior to the intended entry in a manner in which a reasonable person would discover the notice, or at least 48 hours prior to entry in the case of an initial inspection prior to terminating the tenancy as required by Civil Code Section 1950.5(f).

BY MAILING a copy of the notice addressed to the Resident at least 6 days prior to intended entry.

I declare under penalty of perjury that the foregoing is true and correct and if called as a witness to testify thereto, I could do so competently.

11-15-23
Date

Jorge Miranda
(Signature of Declarant)

TWENTY-FOUR HOUR NOTICE TO ENTER DWELLING UNIT/PREMISES

Pursuant to California Civil Code Section 1954, Landlord hereby gives notice to:

Vanessa Ranner, and all persons
All Residents (tenants and subtenants) in possession (full name) and all others in possession

in the premises located at:

2000 E. 30th Street # 8, Unit # (if applicable) 8
(Street Address)

OAKLAND, CA 94606
(City) (Zip)

Landlord or Landlord's agent or employee(s) will enter said premises on or about Monday November 27th 2023
(Date/Time)

during normal business hours for the reason checked below:

- 1. To make necessary or agreed repairs
- 2. To do necessary or agreed decorating
- 3. To make necessary or agreed alterations or improvements
- 4. To supply necessary or agreed services
- 5. To exhibit the rental unit to prospective or actual purchasers
- 6. To exhibit the rental unit to prospective or actual mortgagees
- 7. To exhibit the rental unit to prospective tenants
- 8. To exhibit the rental unit to workmen or contractors
- 9. Pursuant to Court Order
- 10. To inspect balconies, decks, and other exterior elevated elements to comply with Health & Safety Code Sec. 17973, et seq.
- 11. To inspect any area where the tenant is engaging in personal agriculture pursuant to Civil Code Sec. 1940.10
- 12. To inspect waterbed or liquid-filled furniture
- 13. To install, repair, test, and/or maintain the smoke detector and/or carbon monoxide detector
- 14. In case of abandonment/surrender

9 am - 11 am

JR Associates by Jorge Miranda JR Associates Agent for Landlord
Landlord Individual Signing for Landlord Management Co. (if Applicable)

11/17/2023
Date

Proof of Service

I, the undersigned, being at least 18 years of age, declare that I served this notice, of which this is a true copy, on the Friday day of November (month), 2023 (year), on the above-mentioned resident(s) in possession, in the manner indicated below.

- BY DELIVERING** the notice personally to the Resident or to someone of suitable age and discretion at the premises at least 24 hours prior to the intended entry.
- BY LEAVING** a copy of the notice at, near, or under the usual entry door of the premises at least 24 hours prior to the intended entry in a manner in which a reasonable person would discover the notice
- BY MAILING** a copy of the notice addressed to the Resident at least 6 days prior to intended entry.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and if called as a witness to testify thereto, I could do so competently.

Executed this 17 day of November, 2023 in Oakland, CA
(month) (year) (city) (state)

Jorge Miranda (Name of Declarant (Print))
[Signature] (Signature of Declarant)



We've helped over 6 million people

However, if you are unable to leave for a valid reason or if you cannot stop the leak on your own, then you will most likely not be held liable. The duty to mitigate is only as reasonably required, so the tenant would not be expected to do anything that another reasonable person (in a similar situation) would not do.

Can I Sue My Landlord for Damages from the Mold in My Home?

In some situations, you may be able to sue your landlord in civil court for damages from the mold in your rental home. As previously mentioned, if there is mold that has not been remediated, your landlord may be held liable for your damages. They may also be held liable if they knew about leaks, flooded carpets, and ventilation and plumbing issues but fail to take action to prevent mold from developing.

As with other personal injury cases, you will need to prove duty, damage, and causation. Additionally, you will need to prove that you actually suffered damage as a result of the landlord's failure to maintain habitable conditions. Further, if the mold damages your personal possessions, causing you to suffer property damage, you may have a claim for those damages as well.

In some cases, a tenant may have a mold related illness as a result of their landlord's violation of California's building code laws. Examples of mold related illnesses

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causation. Additionally, you will need to prove that you actually suffered damage as a result of the landlord's failure to maintain habitable conditions. Further, if the mold damages your personal possessions, causing you to suffer property damage, you may have a claim for those damages as well.

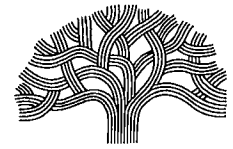
In some cases, a tenant may have a mold related illness as a result of their landlord's violation of California's building code laws. Examples of mold related illnesses include:

- Asthma;
- Coughing;
- Weezing;
- Various lung conditions;
- Throat, eye, or skin irritation; or
- Upper respiratory issues.

If your landlord is found liable for your mold related illnesses, you may be able to sue your landlord for your damages. These damages typically include the costs of medical expenses such as past or future medical bills related to the condition, as well as lost wages and other financial losses caused by the illness.

Do I Need an Attorney to Help Resolve My Mold Dispute with My California Landlord?

If there is mold in your rental home, you should immediately contact a skilled and knowledgeable California landlord tenant lawyer. They will be able to explain your rights and options, and help you file a lawsuit against your landlord in order to recover any available damages. Further, they will be able to advise as to when you are legally able to vacate the premises or withhold rent, due to the mold growth.



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

Housing and Community Development Department
Rent Adjustment Program

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

NOTICE OF INCOMPLETE TENANT PETITION

CASE NAME/NUMBER: Bamer v. Shahoian/T23-0176

PROPERTY ADDRESS: 2000 East 30th Street, Unit 8, Oakland, CA
94606

The Rent Adjustment Program (hereinafter "RAP") received a *Tenant Petition* from you on December 1, 2023.

In order to be complete and considered filed, a petition by a tenant must include:

- a. A statement that the tenant is current on his/her rent or lawfully withholding rent;
- b. A substantially completed petition on the form prescribed by the Rent Adjustment Program, signed under oath.
- c. If your claim involves a claim of decreased housing services, a statement of the services that have been reduced or eliminated (along with a document listing the claimed value of the services.)**

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

Name of Document	Needed
A statement that the tenant is lawfully withholding rent	<input type="checkbox"/>
Decreased services claim did not include a statement of what services were reduced or eliminated	<input checked="" type="checkbox"/>
Select the grounds for the petition	<input type="checkbox"/>
Proof of service by first-class mail or in person of the Tenant Petition and supporting documents on the owner(s)	<input checked="" type="checkbox"/>

Since your petition is not complete, the RAP is unable to accept the petition. You have 30 days from the date of the service of this letter to provide a completed petition. If you do not do so, your petition will be dismissed.

If you have any questions or concerns, feel free to consult the undersigned by email or phone. The email address is asilveira@oaklanca.gov and the telephone number is (510) 631-6958.

Dated: December 27, 2023



Ava Silveira, Analyst
City of Oakland
Rent Adjustment Program

PROOF OF SERVICE
Case Number T23-0176

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

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

Documents Included

Notice of Incomplete Tenant Petition
Decrease Services Chart
Proof of Service form

Tenant

Vanessa Bamer
2000 East 30th Street Unit 8
Oakland, CA 94606

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 **January 2, 2024** in Oakland, CA.



Ava Silveira
Oakland Rent Adjustment Program



**CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM**

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

For Rent Adjustment Program date stamp.

TENANT PETITION

Please fill out this form as completely as you can. Use this form to contest a rent increase, seek a rent decrease, and/or contest an owner exemption from the Rent Adjustment Program. Failure to provide the required information may result in your petition being rejected or delayed. See the last pages of this petition packet ("Important Information Regarding Filing Your Petition") or the RAP website for more information. **CONTACT A HOUSING COUNSELOR TO REVIEW YOUR PETITION BEFORE SUBMITTING.** To make an appointment email

Rental Unit Information			
<u>2000</u>	<u>East 30th Street</u>	<u>8</u>	Oakland, CA <u>94606</u>
Street Number	Street Name	Unit Number	Zip Code
Move-in Date: <u>09/07/2019</u>		Initial Rent at Move-In: \$ <u>1,550.00</u>	Current Rent: \$ <u>1,596.50</u>
Is your rent subsidized or controlled by a government agency (such as HUD or Section 8), other than Oakland Rent Adjustment Program? (See page 5 "Jurisdiction" for more information)			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No XX <input type="checkbox"/> Not sure
Are you current on rent?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*	(*Note: You must be current on your rent or lawfully withholding rent in order to file a petition. Checking "No" without providing an adequate explanation may result in your petition being dismissed.)	
If not current on rent, explain why: _____			
When (if ever) did the property owner first provide you with the City form, NOTICE TO TENANTS OF THE RESIDENTIAL RENT ADJUSTMENT PROGRAM ("RAP Notice")?		<input type="checkbox"/> I first received the RAP Notice on: _____ <input type="checkbox"/> I was never provided with the RAP Notice <input type="checkbox"/> I do not remember if I ever received the RAP Notice	
Case number(s) of any relevant prior Rent Adjustment case(s): _____			
Tenant Information (List each tenant petitioner in unit. If you need more space, attach additional sheet.)			
<u>Vanessa</u>		<u>Barner</u>	
First Name		Last Name	
Mailing Address (if different from above): _____			
Primary Telephone: (510) 355-2009		Other Telephone: _____ Email: <u>somevanessa@hotmail.com</u>	
_____ First Name		_____ Last Name	
Mailing Address (if different from above): _____			
Primary Telephone: _____		Other Telephone: _____ Email: _____	
Tenant Representative (Check one): <input checked="" type="checkbox"/> No Representative <input type="checkbox"/> Attorney <input type="checkbox"/> Non-Attorney I'm seeking Legal Counsel			
_____ First Name		_____ Last Name	
Mailing Address: _____			
Phone Number: _____		Email: _____	

Property Owner Information

Property Owner

Jon & Joan

Shahoian

First Name

Last Name

Company/LLC/LP (if applicable): The Lapham Company /JR & Associates

Mailing Address: 4844 Telegraph Ave, Oakland, CA 94609

Phone Number: (510) 594-7600

Email: jon@laphamcompany.com

Property Manager (if applicable)

Mark

Hester

East 30th Street Oakland, CA & The

Lapham Company /JR & Associates

First Name

Last Name

Name of Management Company

Mailing Address: 4844 Telegraph Ave, Oakland, CA 94609

Phone Number: (510) 563-9715

Email: N/A

GROUNDS FOR PETITION

Select the grounds for this petition from the list below. Check all that apply. You must check at least one box. To contest a rent increase, select item(s) from Category A. If you have experienced a decrease in housing services and/or have issues with the condition of your unit, or are being charged for utilities in violation of the law, select item(s) from Category B. For more information on each of the grounds, see Oakland Municipal Code (O.M.C.) Sections 8.22.070 and 8.22.090 (Rent Adjustment Ordinance) and the corresponding Regulations. A copy of the Ordinance and Regulations are available here:

A.	Unlawful Rent Increase(s) <i>(Complete section A on page 3)</i>	<input type="checkbox"/> (A1) I received a rent increase above the allowable amount.
		<input type="checkbox"/> (A2) I received a rent increase that I believe is unlawful because I was not given proper notice, was not properly served, and/or was not provided with the required RAP Notice ("Notice to Tenants of the Residential Rent Adjustment Program").
		<input type="checkbox"/> (A3) I received a rent increase and do not believe I should be required to pay it because a government agency has cited my unit for serious health, safety, fire, or building code violations. <i>(You must attach a copy of the citation to your petition.)</i>
		<input type="checkbox"/> (A4) Before serving the rent increase notice, the property owner failed to substantially comply with the annual registration and reporting obligations as required under Oakland Municipal Code, Section 8.22.510.
B.	Decreased Housing Services	XX (B1) The property owner is providing me with fewer housing services than I previously received and/or I am being charged for services originally paid for by the owner. <i>(Check this box for petitions based on bad conditions/failure to repair.)</i>

	<i>(Complete section B on page 3)</i>	<input type="checkbox"/> (B2) I am being unlawfully charged for utilities.
C.	Other	<input type="checkbox"/> (C1) My rent was not reduced after a prior rent increase period for capital improvements or after an additional tenant for whom the owner was allowed an increase, vacated from the premises.
		<input type="checkbox"/> (C2) I wish to contest an exemption from the Rent Adjustment Ordinance because the exemption was based on fraud or mistake.
		<input type="checkbox"/> (C3) The initial rent amount when I first moved in was unlawful because the property owner was not permitted to set the initial rent without limitation. O.M.C. § 8.22.080 (C).

A.	Unlawful Rent Increase(s)
	<i>(Complete this section if any of the grounds for petition fall under category A, above)</i>

List all rent increases you wish to contest. Begin with the most recent increase and work backwards. If you never received the RAP Notice, you can contest all past increases. See the "Important Information" page at the end of this petition packet for more information on time limits for contesting rent increases. If you need additional space, attach a separate sheet or an additional copy of this form.

- For petitions contesting a rent increase on the grounds that the unit has been cited by a government agency for serious health, safety, fire, or building code violations, **you must attach a copy of the citation** to your petition. Failure to attach a copy of the citation may result in your petition being dismissed.

Date received rent increase notice: (Month/Day/Year)	Date rent increase went into effect: (Month/Day/Year)	Amount of increase:		Received RAP Notice with notice of rent increase?	
		FROM	TO	YES	NO
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>

B.	Decreased Housing Services
	<i>(Complete this section if any of the grounds for petition fall under category B, above)</i>

List all the conditions that you believe entitle you to a rent decrease. If your petition is based on problems related to your unit, or because the owner has taken away service(s) or is charging for services originally provided by the owner, you must complete this section. If you need more space, attach a separate sheet or an additional copy of this form.

- You are strongly encouraged to submit documentary evidence** (photographs, inspection reports, correspondence with your landlord, etc.) together with your petition. Evidence may be submitted up to seven calendar days prior to your hearing.
- You may wish to have a City inspector come inspect your unit** for possible code violations in advance of your hearing. Copies of any inspection report(s) may be submitted in support of your petition. To schedule an inspection, contact the City of Oakland Code Enforcement Unit at (510) 238-3381, or file a complaint online at [http://www.oaklandca.gov/cce](#). *Note: if additional items are cited in an inspection report that were not included in your original petition (below), you must file an additional petition listing those items in order for RAP staff to consider them as a part of your claim.*

	Description of problem or	Date problem or	Date first notified	Date problem or	What is the
--	---------------------------	-----------------	---------------------	-----------------	-------------

	decreased housing service (list separately):	decreased service started: (Month/Day/Year)	owner or manager of problem: (Month/Day/Year)	service was fixed, if ever: (Month/Day/Year)	dollar value of your claimed loss?
1.	Please see California Civil Code 1941.1	Oct 10, 2023	Oct 10, 2023		\$
2.	Rent for Oct & Nov & Dec 2023	10/10/2023	10/10/2023		\$3,968.00
3.					
4.					

TENANT 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 Tenant Petition is true and that all of the documents attached to the Petition are true copies of the originals.

Tenant 1 Signature

Date

Tenant 2 Signature

Date

11/30/2023

CONSENT TO ELECTRONIC SERVICE

(Highly Recommended)

Check the box below if you agree to have RAP staff and the OTHER PARTY/PARTIES 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 petition) only electronically and not by first class mail.

XX 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 response.

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.

Tenant Signature

Date

INTERPRETATION SERVICES

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

I request an interpreter fluent in the following language at my Rent Adjustment proceeding:

- Spanish (Español)
- Cantonese (廣東話)
- Mandarin (普通话)
- Other: _____

-END OF PETITION-



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

NOTICE TO PROPERTY OWNER OF TENANT PETITION

ATTENTION: IMMEDIATE ACTION REQUIRED

If you are receiving this NOTICE together with a completed TENANT PETITION form, it means that a tenant 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 **PROPERTY OWNER RESPONSE** form found on the RAP website.
()
 - 2) Complete a **PROOF OF SERVICE (POS)** form (which is attached to the Response form and also available on the website) and provide an unsigned copy of the **POS** to the tenant (or tenant's representative) together with a copy of your signed **PROPERTY OWNER RESPONSE** form.
 - 3) Submit your signed **PROPERTY OWNER RESPONSE** form and 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 tenant has been served with a copy.**

DOCUMENT REVIEW: The tenant is required to serve on you all documents the tenant filed in this case in addition to the petition. Additionally, all documents are available for review at RAP.

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 **PROPERTY OWNER RESPONSE** form.

CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM

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

For Rent Adjustment Program date stamp.

PROOF OF SERVICE

NOTE: YOU ARE REQUIRED TO SERVE A COPY OF YOUR PETITION (PLUS ANY ATTACHMENTS) ON THE PROPERTY OWNER PRIOR TO FILING YOUR PETITION WITH RAP. You must include a copy of the RAP form "NOTICE TO PROPERTY OWNER OF TENANT PETITION" (the preceding page of this petition packet) and a completed PROOF OF SERVICE form together with 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 complete but unsigned copy of this PROOF OF SERVICE form to the person(s) being served together with the documents being served.
- 4) File your completed and signed 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: 11, 30, 2023 served a copy of (check all that apply): @ 3:13 P.M.

- TENANT PETITION** plus 4 attached pages (number of pages attached to Petition not counting the Petition form, NOTICE TO PROPERTY OWNER OF TENANT PETITION, or PROOF OF SERVICE)
- NOTICE TO PROPERTY OWNER OF TENANT 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	Najha Audsley ^{VB} Served documents
Address	← 3750 Burling Way
City, State, Zip	Oakland Ca. 94602

Name	Laptham Co. / SR & Associates
Address	4844 Telegraph Ave
City, State, Zip	Oakland, CA 94609

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

Najha Audsley
PRINTED NAME

Najha Audsley
SIGNATURE

11-30-2023
DATE SIGNED

2000 East 30th Street # 8 Oakland, CA Emails regarding Mold

vanessa barner <somevanessa@hotmail.com>

Thu 11/30/2023 8:13 AM

To: jon@laphamcompany.com <jon@laphamcompany.com>; joan@laphamcompany.com <joan@laphamcompany.com>

📎 5 attachments (12 MB)

Closet and Mark 10-12-2023(3).htm; Closet and Mark 10-12-2023(2).htm; Pictures Mold On Clothing(1)(1).zip; Closet - vanessa barner - Outlook.htm; Screenshot_20231012_073100_Messages(1) (1).jpg;

Good Morning,

I have sent several emails regarding the mold in this apartment.
I'm sure to why you have not answered any of my emails or communicate with me and what actions you and or JR & Associates would take to resolve the matter.
I understand you and or JR & Associates use the day workers here in the complex.

My health is very important to me. I now have to a dress and deal with health issue I have developed from breathing in the mold . I didn't have any health issues when I moved here and being a senior citizen I won't settle for less. I was never made aware that the people under me had mold until two weeks ago.

Kind regards,
Vanessa Barner

From: vanessa barner <somevanessa@hotmail.com>

Sent: Wednesday, November 29, 2023 8:48 PM

To: jon@laphamcompany.com <jon@laphamcompany.com>; joan@laphamcompany.com <joan@laphamcompany.com>

Subject: Fw: Fw: 2000 East 30th Street # 8 Oakland, CA Mold On Clothing 2 of 2

Hello,

I'm asking to be reimbursed for my clothing damage by the mold in the closet that was noticed on Oct 10,2023. My claim was denied from the renter's insurance per Mark Hester's statement.

Kind regards,
Vanessa Barner

From: postmaster@outlook.com <postmaster@outlook.com>

Sent: Wednesday, November 29, 2023 8:15 PM

To: jon@laphamcompany.com <jon@laphamcompany.com>

Subject: Undeliverable: Fw: 2000 East 30th Street # 8 Oakland, CA Mold On Clothing 2 of 2

Delivery has failed to these recipients or groups:

Your message is too large to send. To send it, make the message smaller, for example, by removing attachments.

000074

11/30/2023, 8:14 AM

Fw: Notice To Enter Dwelling - A Request for Nov 27,2023 be the Start Date for Repairs

vanessa barner <somevanessa@hotmail.com>

Wed 11/29/2023 8:17 PM

To: info@awolfflaw.com <info@awolfflaw.com>

📎 1 attachments (435 KB)

Notice To Enter Dwelling 11-15-2023.pdf;

From: vanessa barner <somevanessa@hotmail.com>

Sent: Friday, November 17, 2023 5:34 AM

To: jon@laphamcompany.com <jon@laphamcompany.com>

Subject: Fw: Notice To Enter Dwelling - A Request for Nov 27,2023 be the Start Date for Repairs

Good Morning,

I would like to request Nov 27, 2023 be the start date for the repairs to start and be completed by Jorge Miranda along with receiving how the work will be done, how long it will take for the work to be completed, how my belongings will be safe guarded before and while the repairs are being done along with Lapham Company/J&R Associates will insurance my belongings in writing on or before the start date for the repairs.

Also, I'm not comfortable with Hime/Jamie coming into my apartment. Our past experiences and difficulties due to his lack of truth and communication have been proven over the years that there is a conflict. My health and safety living here has been stressful and overwhelming dealing with Himie/Jamie (ex) Stove, Heater & Kitchen Sink etc.

Kind regards,

Vanessa Barner

From: vanessa barner <somevanessa@hotmail.com>

Sent: Thursday, November 16, 2023 7:29 PM

To: Torres, Michael <MTorres2@oaklandca.gov>

Subject: Fw: Notice To Enter Dwelling Lapham Company/J&R Associates Name Not Listed

Good Evening,

Please see the email and attachment I sent to Jon @Lapman Company 11-15-2023. the word is listed/shown is incorrect and should be isn't listed/shown on the notice.

I would like to request what repairs are going to be done or corrected, what steps will be used to correct the repairs? How long will it take to complete the repairs, What steps are Jorge going to use to protect my belonging before the repairs began in writing? from Jorge the day he starts the work.

Is their liability insurance to protect my belongs while the work is being done by Lapham Company/J&R Associates or should I file a lien?

Also, because of professional/personality differences Hime/Jamie is not allowed in my apt.

000075

11/30/2023, 8:00 AM

Fw: Fw: 2000 East 30th Street # 8 Oakland, CA Mold On Clothing 2 of 2

vanessa barner <somevanessa@hotmail.com>

Wed 11/29/2023 8:48 PM

To: jon@laphamcompany.com <jon@laphamcompany.com>; joan@laphamcompany.com <joan@laphamcompany.com>

📎 5 attachments (12 MB)

Closet and Mark 10-12-2023(3).htm; Closet and Mark 10-12-2023(2).htm; Pictures Mold On Clothing(1)(1).zip; Closet - vanessa barner - Outlook.htm; Screenshot_20231012_073100_Messages(1) (1).jpg;

Hello,

I'm asking to be reimbursed for my clothing damage by the mold in the closet that was noticed on Oct 10,2023. My claim was denied from the renter's insurance per Mark Hester's statement.

Kind regards,
Vanessa Barner

From: postmaster@outlook.com <postmaster@outlook.com>**Sent:** Wednesday, November 29, 2023 8:15 PM**To:** jon@laphamcompany.com <jon@laphamcompany.com>**Subject:** Undeliverable: Fw: 2000 East 30th Street # 8 Oakland, CA Mold On Clothing 2 of 2**Delivery has failed to these recipients or groups:**

Your message is too large to send. To send it, make the message smaller, for example, by removing attachments.

The maximum message size that's allowed is 36 MB. This message is 37 MB.

Diagnostic information for administrators:

Generating server: PH7PR16MB6342.namprd16.prod.outlook.com

jon@laphamcompany.com

Remote server returned '550 5.2.3 RESOLVER.RST.RecipSizeLimit; message too large for this recipient'

Original message headers:

Received from SN4PR16MB4877.namprd16.prod.outlook.com (2603:10b6:806:21d::13)

by PH7PR16MB6342.namprd16.prod.outlook.com (2603:10b6:510:313::12) with

Microsoft SMTP Server (version=TLS1_2,

cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.7025.29; Thu, 30 Nov 2023 04:15:23 +0000

000077

11/30/2023, 7:59 AM

Received: from SN4PR16MB4877.namprd16.prod.outlook.com
([fe80::4ca4:969d:2a29:3d0f]) by SN4PR16MB4877.namprd16.prod.outlook.com
([fe80::4ca4:969d:2a29:3d0f%6]) with mapi id 15.20.7046.023; Thu, 30 Nov 2023
04:15:22 +0000
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: vanessa barner <somevanessa@hotmail.com>
To: "jon@laphamcompany.com" <jon@laphamcompany.com>
Subject: Fw: 2000 East 30th Street # 8 Oakland, CA Mold On Clothing 2 of 2
Thread-Topic: 2000 East 30th Street # 8 Oakland, CA Mold On Clothing 2 of 2
Thread-Index: AQHaADwJemfYQOcoBka2EuvFrX8PUrCShvo0
X-MS-Exchange-MessageSentRepresentingType: 1
Date: Thu, 30 Nov 2023 04:15:21 +0000
Message-ID: <SN4PR16MB48776A5E808EE2E3121DD310A682A@SN4PR16MB4877.namprd16.prod.outlook.com>
References: <BY5PR13MB3491A8AA8E21D668A8EAED29A6D7A@BY5PR13MB3491.namprd13.prod.outlook.com>
In-Reply-To:
<BY5PR13MB3491A8AA8E21D668A8EAED29A6D7A@BY5PR13MB3491.namprd13.prod.outlook.com>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
<SN4PR16MB48776A5E808EE2E3121DD310A682A@SN4PR16MB4877.namprd16.prod.outlook.com>
msip_labels:
MIME-Version: 1.0
X-TMN: [x9Nz31+fbjNkukDHX1HrcMKOeEpQYF1S]
X-MS-PublicTrafficType: Email
X-MS-TrafficTypeDiagnostic: SN4PR16MB4877:EE_|PH7PR16MB6342:EE_
Return-Path: somevanessa@hotmail.com
X-MS-Office365-Filtering-Correlation-Id: d42beaff-7932-408b-308e-08dbf15af844

From: Hearings Unit <hearingsunit@oaklandca.gov>
Sent: Wednesday, January 31, 2024 3:00 PM
To: vanessa barner <somevanessa@hotmail.com>
Cc: michelle@awolfflaw.com <michelle@awolfflaw.com>
Subject: RE: Hearing Date

Hello –

The only record we have of a petition in your name is a petition that was submitted on 1/31/24 and has not yet been processed.


We are ccing the attorney of record on that petition in case they are representing you on another matter that you may be referencing.


Hearings Unit
City of Oakland Rent Adjustment Program

From: vanessa barner <somevanessa@hotmail.com>
Sent: Wednesday, January 31, 2024 1:16 PM
To: Hearings Unit <hearingsunit@oaklandca.gov>
Subject: Hearing Date

You don't often get email from somevanessa@hotmail.com. [Learn why this is important](#)

Good Afternoon,
I would like to request information for my hearing date in Feb 2024.
I did receive a letter with the information and instructions, but I'm moving and have mis-placed the letter. Can you please send me the information, instructions and the date for my hearing with Lapham Company.
Should you have any questions please feel free to contact me @ (510) 355-2009.
Kind regards,
Vanessa Barner

 Reply

 Forward

000079

	decreased housing service (list separately):	decreased service started: (Month/Day/Year)	owner or manager of problem: (Month/Day/Year)	service was fixed, if ever: (Month/Day/Year)	dollar value of your claimed loss?
1.	Please see California Civil Code 1941.1 Mold in Every room	Oct 10, 2023	Oct 10, 2023		\$
2.	Rent for Oct & Nov & Dec 2023 Mold in Every room	10/10/2023	10/10/2023		\$3,968.00
3.					
4.					

Pls. Note I had to stay
with other's because ~~the~~ contact
Breast & cough while being
in the apt. Once I was
away I had problem Breasting &
Didn't cough I have attached
the Hospital Bill per the Physician
I should be in the apt.

Request for Service: Tenant Complaint

Property Address: 2000 E 30th St Unit No. 8 Inspection Date: 11-7-2023
Complaint No. 2305947 Inspector: Mike Torres Phone No. 510-238-2389
Complainant's Name: Vanessa Barner Phone No. 510-355-2009
Owner/Manager: _____ Phone No. _____

INSPECTION:

PROPERTY MAINTENANCE:

- Overgrown vegetation: _____
- Trash & debris: _____
- Lack of/Inadequate garbage service: _____
- Unapproved open storage _____
- Unapproved parking _____

- Window defects: _____
- Lack of window egress: _____
- Lack of light/ventilation: _____
- Mice/rodents/roaches: _____
- Roof leaking/damaged: _____
- Damaged/non-functional Doors/locks: _____
- Stairs/decks/railing: _____
- Exterior walls/windows/trim: _____
- Blocked exits: _____
- No resident manager (required 16 units or more)
- Unpermitted work: _____
- Unpermitted work: _____
- Undocumented residential unit: _____
- Missing/Inoperative smoke/carbon monoxide detectors: _____

BUILDING MAINTENANCE:

- Electrical: _____
- Plumbing: _____
- Plumbing leak: _____
- Clogged sink/toilet: _____
- Building sewer blockage: _____
- Lack of/defective heating system: _____
- Mechanical: _____
- Wall/ceiling/floor defects: mold
- Others: _____
- Others: _____
- Others: _____

Extensive surface mold present on walls, ceiling and belonging.
See brochure for remediation guild lines. (Description required, e.g. bedroom wall under window, tub ceiling)

Note: Items identified on this form above are for investigation purposes only. If they are determined to be code violations, they will be specified in an official Notice to Abate by the inspector.

Complainant Only: I certify that I have notified the owner/manager of the above identified item(s) and I will allow the owner or agents with proper notice as governed by State law to enter my unit in order to make all necessary repairs.

Signature: _____ Date: _____

	decreased housing service (list separately):	decreased service started: (Month/Day/Year)	owner or manager of problem: (Month/Day/Year)	service was fixed, if ever: (Month/Day/Year)	dollar value of your claimed loss?
1.	Please see California Civil Code 1941.1	Oct 10, 2023	Oct 10, 2023		\$
2.	Rent for Oct & Nov & Dec 2023	10/10/2023	10/10/2023		\$3,968.00
3.					
4.					

Pls Note I had to stay
 with other's because ~~the~~ landlord
 Brenton & caught while being
 in the apt. Once I was
 away I had problem Brenton &
 didn't caught I have attached
 the hospital bill per the physician
 I should be in the apt.

AFTER VISIT SUMMARY



Vanessa M. Barner MRN: 16122822 11/10/2023 Highland Hospital Emergency Department 510-437-4800

Instructions



Your medications have changed

- START taking:
 - albuterol HFA (PROVENTIL HFA)
 - naproxen sodium (ANAPROX)

Review your updated medication list below.



Read the attached information

Cough Adult Easy-to-Read (English)



Pick up these medications at Walgreens #01625 - OAKLAND, CA - 5055 TELEGRAPH AVE AT TELEGRAPH & 51ST STREET

- albuterol HFA 90 mcg/actuation inhaler
- naproxen sodium 375 mg tablet

Address: 5055 TELEGRAPH AVE, OAKLAND CA 94609-2040
Phone: 510-595-3605



Schedule an appointment with Judith H Wofsy, MD as soon as possible for a visit in 2 days (around 11/12/2023)

Specialty: Internal Medicine
Contact: 1411 E 31st Street, QIC 22130
Dept of Medicine, Primary Care
Oakland CA 94602
510-437-5039



Follow up with Highland Hospital Emergency Department

Why: As needed, If symptoms worsen
Specialty: Emergency Medicine
Contact: 1411 E 31st St
Oakland California 94602
510-437-4800

What's Next

You currently have no upcoming appointments scheduled.

Today's Visit

You were seen by agitated in route and Kelly L Sherwood, PA-C

Reason for Visit

- Cough
- mold exposure

Diagnosis

Acute cough



Blood Pressure
143/91



BMI
24.21



Weight
150 lb



Height
5' 6"



Temperature (Oral)
98.1 °F



Pulse
72



Respiration
20



Oxygen Saturation
98%

MyAHS Sign-Up

Send messages to your doctor, view your test results, renew your prescriptions, schedule appointments, and more.

Go to <https://my.alamedahealthsystem.org/mychart/>, click "Sign Up Now", and enter your personal activation code: **SS6HB-7GM3S-X6XHK**. Activation code expires 11/24/2023.

From: Hearings Unit <hearingsunit@oaklandca.gov>
Sent: Wednesday, January 31, 2024 3:00 PM
To: vanessa barner <somevanessa@hotmail.com>
Cc: michelle@awolfflaw.com <michelle@awolfflaw.com>
Subject: RE: Hearing Date

Hello –

The only record we have of a petition in your name is a petition that was submitted on 1/31/24 and has not yet been processed.

We are ccing the attorney of record on that petition in case they are representing you on another matter that you may be referencing.

Hearings Unit

City of Oakland Rent Adjustment Program

From: vanessa barner <somevanessa@hotmail.com>
Sent: Wednesday, January 31, 2024 1:16 PM
To: Hearings Unit <hearingsunit@oaklandca.gov>
Subject: Hearing Date

You don't often get email from somevanessa@hotmail.com. [Learn why this is important](#)

Good Afternoon,

I would like to request information for my hearing date in Feb 2024.

I did receive a letter with the information and instructions, but I'm moving and have mis-placed the letter. Can you please send me the information, instructions and the date for my hearing with Lapham Company.

Should you have any questions please feel free to contact me @ (510) 355-2009.

Kind regards,

Vanessa Barner

000084

Hi Vanessa,

Your hearing date is scheduled on 2/13/2024, at 10:00 a.m., but your petition is incomplete and we have not received any response from you. If you still wish to proceed with this petition, you must serve the Tenant Petition and supporting documents on the owner. In the petition, you listed Jon and Joan Shahoian/Lapham Company as the property owner/manager. However, in your proof of service, you indicated that you served Najha Audsley at 3150 Burlin Way, Oakland CA 94602. It is also signed by Najha Audsley. Please correct this discrepancy and provide a description of each decrease services claim if you wish to proceed with this petition.

From: vanessa barner <somevanessa@hotmail.com>

Sent: Wednesday, January 31, 2024 4:29 PM

To: Hearings Unit <hearingsunit@oaklandca.gov>

Subject: Re: Hearing Date

You don't often get email from somevanessa@hotmail.com. [Learn why this is important](#)

Hello,

The petition was filed in 10/2023 for 2000 East 30th #8, Street Oakland, CA 94606

Lapham Company / JR & Associates.

The letter has a hearing date for Feb 2024.

The petition filed today has nothing to do with the petition what was filed back in Oct 2023.

Kind regards,

Vanessa Barner

000085

Sent: Thursday, February 1, 2024 8:04 AM
To: vanessa barner <somevanessa@hotmail.com>
Subject: RE: Hearing Date

I **know** the proof of service has been attached and have already reviewed all documents.

Please read the Notice of Incomplete Petition **carefully** for instructions.

From: vanessa barner <somevanessa@hotmail.com>
Sent: Wednesday, January 31, 2024 5:40 PM
To: Silveira, Ava <ASilveira@oaklandca.gov>
Subject: Re: Hearing Date

You don't often get email from somevanessa@hotmail.com. [Learn why this is important](#)

Hello,

The proof of service has been attached

Please review all the documents.

Thank you

Vanessa Barner

From: Silveira, Ava <ASilveira@oaklandca.gov>
Sent: Wednesday, January 31, 2024 5:25 PM
To: somevanessa@hotmail.com <somevanessa@hotmail.com>
Subject: RE: Hearing Date

Hi Vanessa,

000086

Vanessa Barner

From: Silveira, Ava <ASilveira@oaklandca.gov>
Sent: Thursday, February 1, 2024 8:51 AM
To: vanessa barner <somevanessa@hotmail.com>
Subject: RE: Hearing Date

Good morning,

I am attaching the Notice of Incomplete Tenant Petition again.

You filed your petition on 12/1/2023, but it takes time to process. Moreover, I was not notified that your petition was deficient by the person who processed the petition, so I was not aware of the deficiency until I reviewed your file.

From: vanessa barner <somevanessa@hotmail.com>
Sent: Thursday, February 1, 2024 8:11 AM
To: Silveira, Ava <ASilveira@oaklandca.gov>
Subject: Re: Hearing Date

You don't often get email from somevanessa@hotmail.com. [Learn why this is important](#)

Good Morning,

I don't see anything regarding incomplete instructions. Can you send it to me?

I'm not understand why no one from RAB didn't contract me early to make what ever corrections needed. The documents were submitted 12/01/2023.

Best,

Vanessa Barner

From: Silveira, Ava <ASilveira@oaklandca.gov>
Sent: Thursday, February 1, 2024 8:04 AM

000087

Jessie Leavitt, Assistant Program Manager
Rent Adjustment Program
Department of Housing & Community Development
City of Oakland | 250 Frank H. Ogawa Plaza, Suite 5313 | Oakland, CA 94612
TEL: (510) 238-3262
Email: jleavitt2@oaklandca.gov | <http://www.oaklandca.gov>

From: Silveira, Ava <ASilveira@oaklandca.gov>
Sent: Thursday, February 1, 2024 9:27 AM
To: vanessa barner <somevanessa@hotmail.com>
Cc: Leavitt, Jessica <JLeavitt2@oaklandca.gov>
Subject: RE: Hearing Date

It is signed December 27, 2023, but mailed on January 2, 2024.
My supervisor is cc'd.

From: vanessa barner <somevanessa@hotmail.com>
Sent: Thursday, February 1, 2024 9:18 AM
To: Silveira, Ava <ASilveira@oaklandca.gov>
Subject: Fw: Hearing Date

You don't often get email from somevanessa@hotmail.com. [Learn why this is important](#)

Hello,
I have reviewed the notice you just sent me and the actual documents I sent to RAB.
Your notice dated 12/27/2023 is wrong/incorrect. Please see the page 3 for the decreased services along with the proof of service.

Best,
Vanessa

From: vanessa barner <somevanessa@hotmail.com>
Sent: Thursday, February 1, 2024 9:03 AM
To: Silveira, Ava <ASilveira@oaklandca.gov>
Subject: Re: Hearing Date

Hello,
I never received this document. It's signed dated 12/27/2023.
Today is 02/01/2024 so the 30 days has pasted er the notice.

Can I have a supervisor's name and email address?

Kind regards,

Vanessa Barner

000088

From: Silveira, Ava <ASilveira@oaklandca.gov>
Sent: Thursday, February 1, 2024 11:47 AM
To: Leavitt, Jessica <JLeavitt2@oaklandca.gov>; vanessa barner <somevanessa@hotmail.com>
Subject: RE: Hearing Date

Her signature is no longer visible, just as her name is no longer visible in the Person(s) served section.

Please cross out her name under the person(s) served section, but leave the signature and date.

From: Leavitt, Jessica <JLeavitt2@oaklandca.gov>
Sent: Thursday, February 1, 2024 11:39 AM
To: vanessa barner <somevanessa@hotmail.com>
Cc: Silveira, Ava <ASilveira@oaklandca.gov>
Subject: RE: Hearing Date

Copying Ava into this correspondence for her response.

Thanks.

From: vanessa barner <somevanessa@hotmail.com>
Sent: Thursday, February 1, 2024 11:38 AM
To: Leavitt, Jessica <JLeavitt2@oaklandca.gov>
Subject: Re: Hearing Date

You don't often get email from somevanessa@hotmail.com. [Learn why this is important](#)

Thank you.

The proof of service is signed and dated by Najha 11/30/2023 who actually served the petition.

Thank you
Vanessa Barner

From: Leavitt, Jessica <JLeavitt2@oaklandca.gov>
Sent: Thursday, February 1, 2024 11:23 AM
To: Silveira, Ava <ASilveira@oaklandca.gov>; vanessa barner <somevanessa@hotmail.com>
Subject: RE: Hearing Date

Dear Ms. Barner,

Thank you for contacting us.

Per the Notice of Incomplete, we need a "statement of the services that have been reduced or eliminated." Please refer to the Decreased Services Chart that Ms. Silveira sent you as helpful guidance. The description needs to clearly name specific deficiencies.

Regarding the proof of service, although you have corrected the person(s) served, the proof of service form is not signed/dated, so it is still deficient.

Best,
• Jessie

Jessie Leavitt, Assistant Program Manager

000089

Kind regards,
Vanessa Barner

From: vanessa barner <somevanessa@hotmail.com>
Sent: Monday, February 5, 2024 3:46 PM
To: Silveira, Ava <ASilveira@oaklandca.gov>
Subject: Re: Hearing Date

Good Afternoon,

Okay I will resend it.

Thank you
Vanessa Barner

From: Silveira, Ava <ASilveira@oaklandca.gov>
Sent: Monday, February 5, 2024 9:56 AM
To: vanessa barner <somevanessa@hotmail.com>
Subject: RE: Hearing Date

The signature is still not visible.

From: vanessa barner <somevanessa@hotmail.com>
Sent: Monday, February 5, 2024 6:57 AM
To: Silveira, Ava <ASilveira@oaklandca.gov>
Subject: Re: Hearing Date

You don't often get email from somevanessa@hotmail.com. [Learn why this is important](#)

Good Morning,
Please see the attached proof of service dated 11/30/203 per your request.

Thank you so much and enjoy your day.

Kind regards,
Vanessa Barner

From: vanessa barner <somevanessa@hotmail.com>
Sent: Thursday, February 1, 2024 11:51 AM
To: Silveira, Ava <ASilveira@oaklandca.gov>
Subject: Re: Hearing Date

Will do.
Thank you
Vanessa Barner

From: Silveira, Ava <ASilveira@oaklandca.gov>

From: Silveira, Ava <ASilveira@oaklandca.gov>
Sent: Tuesday, February 6, 2024 1:34 PM
To: vanessa barner <somevanessa@hotmail.com>
Subject: RE: Hearing Date

Hi Vanessa,

The proof of service form is now fixed and we will accept it; however, the description of decreased services is still deficient. California Civil Code 1941.1 states that a dwelling shall be deemed untenable if it substantially lacks (1) effective waterproofing; (2) plumbing; (3) water supply capable of producing hot and cold running water; (4) heating; among other things. You cannot refer to CA Civil Code 1941.1 generally, without specifically what the issue is, as that does not provide sufficient notice to the owner regarding what the issue is and how to respond to it.

If you wish to proceed with this petition, you must provide a list of decreased services describing what the issue is.

From: vanessa barner <somevanessa@hotmail.com>
Sent: Tuesday, February 6, 2024 1:22 PM
To: Silveira, Ava <ASilveira@oaklandca.gov>
Subject: Re: Hearing Date

You don't often get email from somevanessa@hotmail.com. [Learn why this is important](#)

Per your request, Please see the attached pages 1 and 4 that are in the original packet I sent on 11/30/2023. There was only 1 document served and I don't see where that is located.

Kind Regards,
Vanessa Barner

From: Silveira, Ava <ASilveira@oaklandca.gov>
Sent: Tuesday, February 6, 2024 8:54 AM
To: vanessa barner <somevanessa@hotmail.com>
Subject: RE: Hearing Date

Thank you for correcting page 2 of the proof of service form.

You also need to correct page 1 because you did not mark the Tenant Petition box. You also did not indicate how many pages of attached documents you served on the owner. Moreover, we still did not receive a list of decreased services.

From: vanessa barner <somevanessa@hotmail.com>
Sent: Tuesday, February 6, 2024 6:07 AM
To: Silveira, Ava <ASilveira@oaklandca.gov>
Subject: Re: Hearing Date

You don't often get email from somevanessa@hotmail.com. [Learn why this is important](#)

Good Morning,
Please see the attached pg 2 per your request.

Kind regards,

000091

From: Silveira, Ava <ASilveira@oaklandca.gov>
Sent: Tuesday, February 6, 2024 1:59 PM
To: vanessa barner <somevanessa@hotmail.com>
Subject: RE: Hearing Date

Received, thank you.

These two pages need to be served on the owner because it contains new information that was not included in the original petition.

After service of these two pages of documents on the owner, please complete the proof of service form attached. You also sent me a copy of your medical record on 11/20/2023. If you would like that document to be part of your file, you must serve that on the owner as well.

Thank you,
Ava

From: vanessa barner <somevanessa@hotmail.com>
Sent: Tuesday, February 6, 2024 1:52 PM
To: Silveira, Ava <ASilveira@oaklandca.gov>
Subject: Re: Hearing Date

You don't often get email from somevanessa@hotmail.com. [Learn why this is important](#)

Please see pg 4 per your request and the information from the city of Oakland.

Thank you
Vanessa Barner

From: Silveira, Ava <ASilveira@oaklandca.gov>
Sent: Tuesday, February 6, 2024 1:45 PM
To: vanessa barner <somevanessa@hotmail.com>
Subject: RE: Hearing Date

if that is the issue, then yes.

We are looking for a description of what's wrong with the property, not a description of your physical symptoms. A description of your symptoms can be supplemental evidence to support there is mold, but mold should be listed as the decreased service.

From: vanessa barner <somevanessa@hotmail.com>
Sent: Tuesday, February 6, 2024 1:40 PM
To: Silveira, Ava <ASilveira@oaklandca.gov>
Subject: Re: Hearing Date

You don't often get email from somevanessa@hotmail.com. [Learn why this is important](#)

So Do I just list MOLD

000092

From: Silveira, Ava <ASilveira@oaklandca.gov>

RE: Hearing Date



Silveira, Ava <IMCEAEX-_O=EXCHANGELABS_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29_CN=RECIPIENTS_CN=06813144A6364818B9426CCDA7B5EA0D-SILVEIRA+2C+20A@namprd09.prod.outlook.com>

To: vanessa barner <somevanessa@hotmail.com>



Hi Vanessa,

Your hearing is scheduled on 2/13/2024, and all documents must be served on the opposing side at least seven days before the hearing. Today is seven days before the hearing, so to answer your question – yes, those two/three documents that you submitted must be served on the owner by mail today.

From: vanessa barner <somevanessa@hotmail.com>

Sent: Tuesday, February 6, 2024 2:14 PM

To: Silveira, Ava <ASilveira@oaklandca.gov>

Subject: Re: Hearing Date

You don't often get email from somevanessa@hotmail.com. [Learn why this is important](#)

Thank you.

From: Silveira, Ava <ASilveira@oaklandca.gov>

Sent: Tuesday, February 6, 2024 2:12 PM

To: vanessa barner <somevanessa@hotmail.com>

Subject: RE: Hearing Date

I will double check with the hearing officer if that is due today or if you can serve the documents later. I will get back to you once I receive a response.

From: vanessa barner <somevanessa@hotmail.com>

Sent: Tuesday, February 6, 2024 2:07 PM

To: Silveira, Ava <ASilveira@oaklandca.gov>

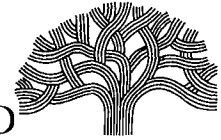
Subject: Re: Hearing Date

You don't often get email from somevanessa@hotmail.com. [Learn why this is important](#)

Well, I'm not sure how I'm supposed to get the new documents served today and the information back to you by 5:00 p.m.

Vanessa Barner

000093



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

Housing and Community Development Department
Rent Adjustment Program

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

DISMISSAL OF INCOMPLETE PETITION

CASE NUMBER: T23-0176

CASE NAME: Bamer v. Shahoian

PROPERTY ADDRESS: 2000 East 30th Street, Unit 8, Oakland, Ca

On January 2, 2024, a *Notice of Incomplete Tenant Petition* was served on the petitioner, and the petitioner was given 30 days to file a statement of what housing services were reduced or eliminated by the property owner. The petitioner was also given 30 days to provide a valid *Proof of Service (POS)* of the petition and any supporting documents on the property owner. The petitioner was also served with a blank decreased housing services chart and a blank *POS* form as guidance.

On February 6, 2024, the petitioner submitted a *POS*. On the *POS*'s first page, "Personal Service" is marked. On the *POS*'s second page, the initial entry for "Person Served" was crossed out and the second entry was written "Lapham Co./ JRO Associates."¹ Personal service requires the process server to name the individual who was served. In this instance, only the name of the business was written on the second entry and not the individual's name.

On February 6, 2024, the petitioner e-submitted two attachments which included a revised list of decreased housing services; however, a *POS* proving that the owners were also served with the five pages was not included.

As of February 7, 2024, 36 days after January 2, 2024, no valid *POS* of the petition and any supporting documents on the property owner was received for the *Notice of Incomplete Petition*.


Therefore, the petition is dismissed. The hearing scheduled for February 13, 2024, is hereby canceled.

Right to Appeal: This decision is the final decision of a 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*

¹ California Civil Procedure Code section 413.10 and California Corporations Code sections 1700 and 17701.16 dictate the rules when serving on a corporation, LLC, or LP.

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 7, 2024



Susan Ma
Hearing Officer
Rent Adjustment Program

PROOF OF SERVICE

Case Number T23-0176

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

Dismissal of Incomplete Petition

Manager

Mark Hester, JR & Associates c/o The Lapham Company
4844 Telegraph Avenue
Oakland, CA 94609

Owner

Jon & Joan Shahoian, The Lapham Company
4844 Telegraph Avenue
Oakland, CA 94609

Tenant

Vanessa Barner
2000 East 30th Street, Unit 8
Oakland, CA 94606

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, CA.



Ava Silveira
Oakland Rent Adjustment Program



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

For Rent Adjustment Program date stamp.

APPEAL

Appellant's Name Vanessa Barner	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant
Property Address (Include Unit Number) 2000 East 30 th Street # 8, Oakland, CA 94606	
Appellant's Mailing Address (For receipt of notices) 3542 Fruitvale Ave # 340, Oakland, CA 94602	Case Number T23-0176
	Date of Decision appealed 02/07/2024
Name of Representative (if any)	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.)*

	decreased housing service (list separately):	decreased service started: (Month/Day/Year)	owner or manager of problem: (Month/Day/Year)	service was fixed, if ever: (Month/Day/Year)	dollar value of your claimed loss?
1.	Please see California Civil Code 1941.1 Mold in Every room	Oct 10, 2023	Oct 10, 2023		\$
2.	Rent for Oct & Nov & Dec 2023 Mold in Every room	10/10/2023	10/10/2023		\$3,968.00
3.					
4.					

Pls Note I had to stay
with other's because ~~the~~ contact
Brenton & caught while being
in the apt. Once I was
away I had no problem Brenton &
Didn't caught I have attached
the hospital bill per the physician
I should be in the apt.



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	Vanessa Barner	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant
Property Address (Include Unit Number)	2000 East 30 th Street # 8, Oakland, CA 94606	
Appellant's Mailing Address (For receipt of notices)	Case Number	T23-0176
3542 Fruitvale Ave # 340, Oakland, CA 94602	Date of Decision appealed	02/07/2024
Name of Representative (if any)	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):

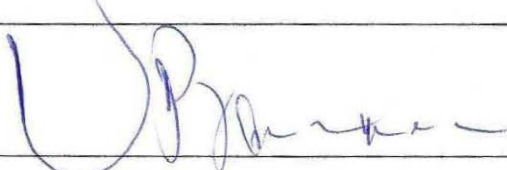
- a) The decision is inconsistent with OMC Chapter 8.22, Rent Board Regulations, or prior decisions of the Board. *(In your explanation, you must identify the Ordinance section, Regulation or prior Board decision(s) and describe how the description is inconsistent.)*
- b) The decision is inconsistent 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.)

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: 01.

• 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 FEB 20, 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:

Name	Lapham Company / JR & Associates, Mark Hester/Jon Shahoian
Address	4844 Telegraph Ave
City, State Zip	Oakland, CA 94609
Name	
Address	
City, State Zip	

	<u>02/20/2024</u>
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

	decreased housing service (list separately):	decreased service started: (Month/Day/Year)	owner or manager of problem: (Month/Day/Year)	service was fixed, if ever: (Month/Day/Year)	dollar value of your claimed loss?
1.	Please see California Civil Code 1941.1 Mold in Every room	Oct 10, 2023	Oct 10, 2023		\$
2.	Rent for Oct & Nov & Dec 2023 Mold in Every room	10/10/2023	10/10/2023		\$3,968.00
3.					
4.					

PLS Note I had to stay
 with other's because ~~DE~~ Couldn't
 breathe & cough while being
 in the Apt. Once I was
 away I had NO problem breathing &
 didn't cough I have attached
 the hospital bill per the physician
 I should be in the Apt.



MEMORANDUM

Date: April 22, 2024
To: Members of the Housing, Rent Residential & Relocation Board (HRRRB)
From: Kent Qian, Deputy City Attorney
Re: Appeal Memo in T23-0071 Thornton v Benecia Lake LLC
Appeal Hearing Date: April 25, 2024

Property Address: 2809 8th Avenue, Unit 4, Oakland, CA

BACKGROUND

On May 18, 2023, the tenant filed a petition alleging decreased housing services due to loss of laundry facilities. The owner filed an untimely response but failed to submit proof of business license, proof of payment of RAP fee, or proof of compliance with rent registration requirements.

A hearing was held on October 11, 2023.

RULING ON THE CASE

The hearing officer issued the decision on February 20, 2024. The hearing decision found that tenant's housing services were decreased due to the owner's removal of laundry facilities. However, the hearing decision did not order any rent adjustments because the hearing decision found that no remedy can be fashioned because the tenant notified RAP on December 20, 2023 that he had vacated the subject unit.

GROUND FOR APPEAL

The tenant appealed the hearing decision on the following grounds:

1. The hearing officer based her finding that tenant vacated on evidence not in the record;

2. Tenant should not be penalized for the delay of hearing date and delay in issuance of decision beyond the timelines stated in the ordinance.

ISSUES

1. Did substantial evidence support the hearing officer's determination that no remedy was available if a tenant vacated the unit before the hearing decision was issued?

APPLICABLE LAW AND PAST BOARD DECISIONS

I. Schedule of Rent Adjustments for Overpayments and Underpayments

Reg 8.22.110.F.4

4. The Hearing Officer may order Rent adjustment for overpayments or underpayments over a period of months, however, such adjustments shall not span more than a twelve (12) month period, unless longer period is warranted for extraordinary circumstances. The following is a schedule of adjustments for underpayment and overpayments that Hearing Officers must follow unless the parties otherwise agree or good cause is shown:
 - a. If the underpayment or overpayment is 25% of the Rent or less, the Rent will be adjusted over 3 months;
 - b. If the underpayment or overpayment is 50% of the Rent or less, the Rent will be adjusted over 6 months;
 - c. If the underpayment or overpayment is 75% of the Rent or less, the Rent will be adjusted over 9 months;
 - d. If the underpayment or overpayment is 100% of the Rent or more, the Rent will be adjusted over 12 months.

II. Prior board decisions

A. Restitution may not be awarded as lump sum

T07-0237 *Kosmos v. Negrete*

On second appeal, Board held that tenant's request to have her overpayments returned to her in a lump sum could not be granted, as under Regulation 8.22.110.F, the board is limited to a decrease in rent to effect restitution.

B. Restitution calculation should not include periods after hearing date

T19-0272 & T19-0325, *Jeffers v. BD Opportunity 1 LP*

Hearing officer granted restitution that extended after the hearing date. Board remand the case back to the Hearing Officer with the following specifications 1.)

Limit the restitution period to the hearing date 2.) Consider prior decisions of the Board regarding rent reductions for similar housing service reductions so that the decision is consistent with prior decisions and 3.) Identify prior cases and decisions regarding rent reductions for similar housing service reductions that are being relied on

T19-0278, Ivory v. SF Rents

This case involved an owner appeal of a tenant petition alleging decreased housing services for an unclean elevator and common areas, a broken security gate, and missing and defective security cameras. The decision granted decreased housing services awards for the conditions in the amount of 4% of rent for the unclean elevator and common areas, 4% of rent for the broken security gate, and 3% of rent for the missing and defective security cameras. The board affirmed the Hearing Officer's decision in regard to the decreased housing services and rent reduction, and to remand the case back to the Hearing Officer to recalculate the restitution amount and to limit the restitution to 90 days prior to the petition being filed up until the Hearing Date.

RECOMMENDED OUTCOME

The Office of City Attorney recommends the board to remand the case to the hearing officer to reconsider the decision using only evidence in the record with a new hearing if necessary.



MEMORANDUM

Date: April 22, 2024
To: Members of the Housing, Rent Residential & Relocation Board (HRRRB)
From: Kent Qian, Deputy City Attorney
Re: Appeal Memo in T23-0176 Barner v. Shahoian
Appeal Hearing Date: April 25, 2024

Property Address: 2000 East 30th Street, Unit 8, Oakland, CA

BACKGROUND

On December 1, 2023, the tenant filed a petition alleging decreased housing services. On the petition, she listed “Rent for Oct & Nov & Dec 2023” as the decreased housing service. The proof of service indicated that the petition was served on “Najha Audsley” at 3150 Burlin Way on November 30, 2023.

On December 27, 2023, RAP sent the tenant notice that the petition was incomplete on the basis that decreased housing services claim did not include a statement of what services were reduced or eliminated. The deficiency notice also notified the tenant that the petition is missing a proof of service. The notice requires the tenant to provide a complete petition within 30 days from the date of service, January 2, 2024.

On February 6, 2024, the petitioner also submitted a proof of service alleging personal service of the petition on ‘Lapham Co./JRO Associates’ at 4844 Telegraph Avenue on November 30, 2023. On the same date, the tenant submitted two attachments which revised decreased housing service to “mold in every room.”

No owner response was filed.

RULING ON THE CASE

On February 7, 2024, the hearing officer dismissed the petition as incomplete on the basis that no valid proof of service was received in response to Notice of Incomplete Petition. The hearing officer stated that the proof of service was invalid because personal service requires the process server to name the individual that was served. Here, only the name of the business was written on the proof of service.

In addition, hearing decision noted that the initial petition that was served was incomplete, and no separate proof of service was submitted with the revised listing of decreased housing services.

GROUND FOR APPEAL

The tenant appealed the hearing decision on the following grounds:

1. The tenant tried to make corrections and did not understand what corrections were needed.

ISSUES

1. Does proof of service for personal service on a business entity require the proof of service to identify the name of the person served?
2. Does substantial evidence support the hearing decision's dismissal of the petition on the basis that no proof of service was submitted with tenant's revised list of decreased housing services?

APPLICABLE LAW AND PAST BOARD DECISIONS

I. Petition Requirements

OMC 8.22.090.A.4

4. In order to file a petition or respond to petition, a tenant, including a subtenant contesting overcharges by a primary tenant, must provide the following at the time of filing the petition or response:
 - a. A completed tenant petition or response on a form prescribed by the rent adjustment program;
 - b. Evidence that the tenant's rent is current or that the tenant is lawfully withholding rent;
 - c. A statement of the services that have been reduced or eliminated, if the tenant claims a decrease in housing services;
 - d. A copy of the applicable citation, if the tenant claims the rent increase need not be paid because the covered unit has been cited in an

inspection report by the appropriate governmental agency as containing serious health, safety, fire, or building code violations pursuant to Section 8.22.070D.6; and

- e. Proof of service by first-class mail or in person of the tenant petition or response and any supporting documents on the opposing party (owner, subtenant, or primary tenant).

II. Service of Summons on Corporations under California law

When effecting substituted service on a corporation, the proof of service must specify the particular individual to be served. *Ramos v Homeward Residential, Inc.* (2014) 223 Cal.App.4th 1434, 1441.

RECOMMENDED OUTCOME

Issue 1:

Under California law, effectuating substitute service of a summons and complaint on a corporation requires a proof of service to identify the person served. It is up to the board to determine whether the service requirement in the Ordinance incorporates the California law requirement on service of summons.

Issue 2:

Because no proof of service was submitted with the tenant's revised listing of decreased housing services, the City Attorney's Office recommends the Board affirm the hearing officer's decision without prejudice for the tenant to file a new petition.