

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

January 23, 2025

6:00 P.M.

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

AGENDA

PUBLIC PARTICIPATION

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

OBSERVE:

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

When: **January 23, 2025 06:00 PM Pacific Time (US and Canada)**

Please click the link below to join the webinar:

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

One tap mobile: +16694449171,88184786602# US, +16699009128,,88184786602# US
(San Jose)

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

Webinar ID: 881 8478 6602

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

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

PARTICIPATION/COMMENT:

There is one way to submit public comments:

• To participate/comment during the meeting, you must attend in-person. Comments on all agenda items will be taken during public comment at the beginning of the meeting. Comments for items not on the agenda will be taken during open forum towards the end of the meeting.

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

HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD MEETING

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

- a. Comments on all agenda items will be taken at this time. Comments for items not on the agenda will be taken during open forum.

4. CONSENT ITEMS

- a. Approval of Board Minutes, 01/09/2025 (pp.4-6)

5. APPEALS*

- a. T24-0138, Little v. Advent (pp.7-70)

6. INFORMATION AND ANNOUNCEMENTS

- a. Board Training Session- Rules of Evidence & Appeals (pp.71-84)

7. NEW BOARD BUSINESS

8. SCHEDULING AND REPORTS

9. OPEN FORUM

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

10. ADJOURNMENT

**Staff appeal summaries will be available to review at the end of the packet. The Rent Adjustment Program and the Clerk's office has at least 72 hours prior to the meeting to post all meeting materials pursuant to O.M.C. 2.20.080.C and 2.20.090*

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

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

Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en Español, Cantonés, Mandarín o de lenguaje de señas (ASL) por favor

envíe un correo electrónico a RAP@oaklandca.gov o llame al (510) 238-3721 o 711 por lo menos cinco días hábiles antes de la reunión.

需要殘障輔助設施, 手語, 西班牙語, 粵語或國語翻譯服務, 請在會議前五個工作天電郵 RAP@oaklandca.gov 或致電 (510) 238-3721 或 711 California relay service.

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

January 9, 2025

6:00 P.M.

CITY HALL

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

MINUTES

1. CALL TO ORDER

- a. The Board meeting was administered in-person by Nyila Webb from the Rent Adjustment Program (RAP), Housing and Community Development Department. Nyila Webb explained the procedure for conducting the meeting. The HRRRB meeting was called to order by Nyila Webb at 6:15 p.m.

2. ROLL CALL

a.

MEMBER	STATUS	PRESENT	ABSENT	EXCUSED
D. WILLIAMS	Tenant	X		
M. CUCULLU LIM	Tenant	X		
Vacant	Tenant Alt.			
M. GOOLSBY	Tenant Alt.			X
C. OSHINUGA	Undesignated			X
C. MUNOZ RAMOS	Undesignated	X		
Vacant	Undesignated Alt.			
K. BRODFUEHRER	Landlord	X		
C. JACKSON	Landlord Alt.	X		
Vacant	Landlord Alt.			

Staff Present

Oliver Luby

Marguerita Fa-Kaji

Nyila Webb

Deputy City Attorney

Senior Hearing Officer (RAP)

Administrative Assistant II (RAP)

- b. Deputy City Attorney Oliver Luby informed the Board that, in the absence of a Chair, Robert's Rules of Order permit the Board to make a motion to appoint an eligible member as Chair pro tem. The Chair pro tem would then preside over the meeting for the evening.

000004

- c. Member C. Munoz Ramos made a motion to appoint Member M. Cucullu Lim as pro tem. Member K. Brofueher seconded.**

The Board voted as follows:

Aye: C. Munoz Ramos, M. Brodfueher, C. Jackson, D. Williams, M. Cucullu Lim
Nay: None
Abstain: None

The motion was approved.

3. PUBLIC COMMENT

- a. No speaker cards were submitted.

4. CONSENT ITEMS

- a. **Approval of Board Minutes, 11/14/2024:**

Member K. Brodfueher made a motion to approve the Board Minutes from 11/14/2024. Member D. Williams seconded the motion.

The Board voted as follows:

Aye: C. Munoz Ramos, M. Brodfueher, C. Jackson, D. Williams
Nay: None
Abstain: M. Cucullu Lim

The motion was approved.

5. APPEALS*

- a. **L24-0025, Sun v. Tenants (pp.8-64)**

Member K. Brodfueher made a motion remand case back for a hearing on the merits. Member D. Williams seconded

The Board voted as follows:

Aye: C. Munoz Ramos, M. Brodfueher, C. Jackson, D. Williams, M. Cucullu Lim
Nay: None
Abstain: None

The motion was approved.

b. L24-0026, Samaniego v. Tenants (pp.65-144)

Member M. Cucullu Lim made a motion to remand the petition back to the hearing officer to determine whether all tenants were included in the petition and whether all tenants were served the petition. And should the hearing office determine that all tenants were not included or served, to then determine the impact, if any on the failure to include and or serve all tenants. If the hearing officer determines the petition may move forward, the hearing officer shall provide an analysis as to the evidentiary standard for rent increase based on fair return. Member C. Jackson seconded.

The Board voted as follows:

Aye: C. Munoz Ramos, M. Brodfueher, C. Jackson, D. Williams, M. Cucullu Lim
Nay: None
Abstain: None

The motion was approved.

6. INFORMATION AND ANNOUNCEMENTS

- a. Member C. Munoz Ramos informed public of resources City of Oakland offer.

7. NEW BOARD BUSINESS

- a. The Board invited RAP staff to upcoming meeting and potential RAP training/overview of department updates.

8. SCHEDULING AND REPORTS

- a. Reiterating reaching out to RAP for any upcoming training for Board.

9. OPEN FORUM

- a. No speaker cards were submitted.

10. ADJOURNMENT

- a. Meeting adjourned at 8:28PM.

CHRONOLOGICAL CASE REPORT

Case No.: T24-0138

Case Name: Little v. Advent Properties Inc.

Property Address: 8343 International Blvd. Oakland, CA 94621

Parties: Mario Little (Tenant)
Amie Chang (Owner)
Kelly Gurly- Manager (Owner)
Brian Schoonover-Representative (Owner)

TENANT APPEAL:

<u>Activity</u>	<u>Date</u>
Tenant Petition Filed	August 27, 2024
Remote Hearing Date Scheduled	October 9, 2024
Administrative Decision Mailed	October 3, 2024
Owner Response to Petition	October 7, 2024
Appeal Filed	October 22, 2024

000007



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

T24-0138 AM/RC

TENANT PETITION

RECEIVED

10/9

AUG 27 2024

RENT ADJUSTMENT PROGRAM
OAKLAND

Property Address: 8343 INTERNATIONAL BLVD
Case: Petition: 17808
Date Filed: 08-27-2024

Party	Name	Address	Mailing Address
Owner	Advent Properties Inc.	1600 MacArthur Blvd Oakland, CA 94602	1600 MacArthur Blvd Oakland, 94602 (510) 250-7918 team@adventpropertiesinc.c
Manager	Kelly Gurly Advent Properties Inc.	1600 MacArthur Blvd Oakland, CA 94602	1600 MacArthur Blvd Oakland, 94602 (510) 250-7918 team@adventpropertiesinc.c
Tenant	Mario J Little	8343 International Boulevard Oakland, CA 94621	(510) 372-4607 MI9800@yahoo.com

Number of units on the property 8

Type of unit you rent Condominium

Are you current on your rent? Yes

If you are not current on your rent, please explain. (If you are legally withholding rent state what, if any, habitability violations exist in your unit.)

Grounds for Petition

For all of the grounds for a petition see OMC 8.22.070 and OMC 8.22.090. I (We) contest one or more rent increases on one or more of the following grounds:
 I received a rent increase above the allowable amount.

Rental History

Date you moved into the Unit

Initial Rent \$ 1,995.00 /month

Current Rent \$ 2,409.00 /month

Is your rent subsidized or controlled by any government agency, including HUD (Section 8)? No

When, if ever, did the property owner first provide you the City form, NOTICE TO TENANTS OF THE RESIDENTIAL RENT ADJUSTMENT PROGRAM ('RAP Notice')? I first received the RAP Notice on 7/27/2024

000008



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

TENANT PETITION

List the case numbers of any relevant prior Rent Adjustment case(s):

t22-0084



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

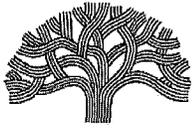
TENANT PETITION

List all rent increases that you want to challenge*.

Date you received the notice	07-27-2024
Date increase goes into effect	09-01-2024
Monthly rent increase From	\$2,409.00
Monthly rent increase To	\$2,649.90
Did You Receive a Rent Program Notice With the Notice Of Increase?	Yes

Date you received the notice	06-01-2023
Date increase goes into effect	07-01-2023
Monthly rent increase From	\$2,190.00
Monthly rent increase To	\$2,409.00
Did You Receive a Rent Program Notice With the Notice Of Increase?	Yes

** You have 90 days from the date of notice of increase or from the first date you received written notice of the existence of the Rent Adjustment program (whichever is later) to contest a rent increase. (O.M.C. 8.22.090 A 2) If you did not receive a RAP Notice with the rent increase you are contesting but have received it in the past, you have 120 days to file a petition. (O.M.C. 8.22.090 A 3)*



CITY OF OAKLAND

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

TENANT PETITION

**List case number(s) of all Petition(s) you have ever filed for this rental unit
and all other relevant Petitions:**

t22-0084

000011



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

TENANT PETITION

Description of Decreased or Inadequate Housing Services

Decreased or inadequate housing services are considered an increase in rent. If you claim an unlawful rent increase for problems in your unit, or because the owner has taken away a housing service, you must complete this section.

Mediation

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

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

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

Consent to Electronic Service

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

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

Interpretation Services

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

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



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

TENANT PETITION

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

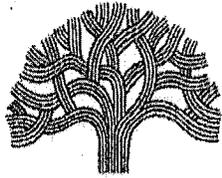
Mario Little

8/27/2024

Signature

Date

000013



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 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: 08 / 24 / 2024 I served a copy of (check all that apply):

- TENANT PETITION** plus [redacted] 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: [redacted]

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:

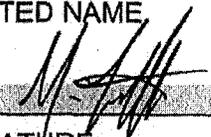
Name	Advent Properties Inc. c/o Brian Schonover
Address	1600 MacArthur Blvd, Oakland, Ca 94602
City, State, Zip	Oakland, CA, 94602

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.

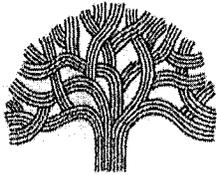
Mario Little

PRINTED NAME



SIGNATURE

8/27/2024
DATE SIGNED



CITY OF OAKLAND

CITY OF OAKLAND RENT ADJUSTMENT PROGRAM

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

For Rent Adjustment Program date stamp.

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		
8343	International Blvd	Oakland, CA 94621
Street Number	Street Name	Unit Number Zip Code
Move-in Date: _____	Initial Rent at Move-In: \$ 1,995.00	Current Rent: \$ 2,409.00
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)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not sure
[Reserved]		
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 checked="" type="checkbox"/> I first received the RAP Notice on: 7-27-2024 <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): T22-0084		
Tenant Information (List each tenant petitioner in unit. If you need more space, attach additional sheet.)		
Mario Little	Little	
First Name	Last Name	
Mailing Address (if different from above): _____		
Primary Telephone: (510) 372-4607	Other Telephone: _____	Email: ML9800@yahoo.com
First Name	Last Name	
Mailing Address (if different from above): _____		
Primary Telephone: _____	Other Telephone: _____	Email: _____
Tenant Representative (Check one) <input type="checkbox"/> No Representative <input type="checkbox"/> Attorney <input checked="" type="checkbox"/> Non-Attorney		
First Name	Last Name	Firm/Organization (if any)
Mailing Address: _____		
Phone Number: _____	Email: _____	

Property Owner Information		
Property Owner		
First Name	Last Name	
Company/LLC/LP (if applicable): <u>Advent Properties Inc.</u>		
Mailing Address: <u>1600 MacArthur Blvd, Oakland, CA</u>		
Phone Number: <u>(510) 250-7918</u>	Email: <u>Team @ adventpropertiesinc.com</u>	
Property Manager (if applicable)		
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 checked="" 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. (You must attach a copy of the citation to your petition.)
		<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 <i>(Complete section B on page 3)</i>	<input 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. (Check this box for petitions based on bad conditions/failure to repair.)
		<input type="checkbox"/> (B2) I am being unlawfully charged for utilities.
C.	Other	<input type="checkbox"/> (C1) My rent was not reduced after: a) a prior rent increase period for capital improvements, or b) after the owner received undeclared capital improvement benefits, or c) 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)
 (Complete this section if any of the grounds for petition fall under category A, above)

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
7/27/2024	9/1/2024	\$ 2409.00	\$ 2649.90	<input checked="" 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
 (Complete this section if any of the grounds for petition fall under category B, above)

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 <https://www.oaklandca.gov/services/file-a-complaint-with-code-enforcement>. *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 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					\$

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

8-24-2024
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.

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

MEDIATION PROGRAM

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

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

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

Tenant Signature

Date

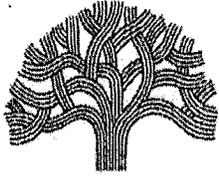
INTERPRETATION SERVICES

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-



CITY OF OAKLAND

**CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM**

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Oakland, CA 94612-0243
(510) 238-3721
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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: 08 / 24 / 2024 I served a copy of (check all that apply):

- TENANT PETITION** plus [redacted] 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: [redacted]

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:

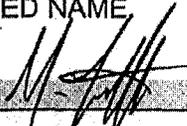
Name	Advent Properties Inc c/o Brian Schconover
Address	1600 MacArthur Blvd, Oakland, Ca 94602
City, State, Zip	Oakland, CA, 94602

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.

Mario Little

PRINTED NAME



SIGNATURE

8/27/2024

DATE SIGNED



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

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

NOTICE OF REMOTE SETTLEMENT CONFERENCE AND HEARING

File Name: Little v. Advent Properties Inc.
Property Address: 8343 International Boulevard, Oakland California, 94621
Case Number: T24-0138

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

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

Date: October 9, 2024
Time: 10:00 AM
Place: REMOTELY via Zoom

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

Submitting Evidence

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

We request that all documents you submit be numbered sequentially, but submissions of more than 15 pages must be numbered. Please black out all sensitive information, such as bank or credit card account numbers and Social Security numbers. The Hearing Officer can also use the official records of the City of Oakland and Alameda County Tax Assessor as evidence if provided by the parties for consideration. If you do not have access to email, the documents may be submitted to the Case Analyst by mail.

Request to Change Date

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

Hearing Record

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

Representatives

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

Interpreter

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

Failure to Appear for Hearing

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



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

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

September 05, 2024

Petitioner

Tenant
Mario J Little
8343 International Boulevard
Oakland, CA 94621

Manager

Manager
Kelly Gurly
Advent Properties Inc.
1600 MacArthur Blvd
Oakland, CA 94602

000025

RE: Notice to Parties of Petition Filed

Dear Parties:

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

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

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

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

The case has been assigned Case No. T24-0138

The case title is Little v. Advent Properties Inc.

The analyst assigned to your case is , who can be contacted either by telephone at or by email at

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

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

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

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

Thank you.

Rent Adjustment Program

000026

PROOF OF SERVICE

Case Number: T24-0138

Case Name: Little v. Advent Properties Inc.

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

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

Documents Included

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

Manager

Kelly Gurly
Advent Properties Inc.
1600 MacArthur Blvd
Oakland, CA 94602

Tenant

Mario J Little
8343 International Boulevard
Oakland, CA 94621

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 05, 2024**, in Oakland, California.

Deborah Griffin

Deborah Griffin
Oakland Rent Adjustment Program

000027



ADMINISTRATIVE DECISION

CASE NUMBER: T24-0138
CASE NAME: Little v. Advent Properties
PROPERTY ADDRESS: 8343 International Blvd. Oakland, CA
PARTIES: Mario Little, Tenant
Advent Properties, Owner

SUMMARY OF DECISION

The Tenant's petition is granted in part.

INTRODUCTION

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

BACKGROUND

On August 27, 2024, the Tenant filed the petition herein. The petition contests two rent increases: from \$2,190.00 to \$2,409.00, effective July 1, 2023; and from \$2,409.00 to \$2,649.00, effective September 1, 2024, on the following ground:

- The rent increase was above the allowable amount.

The petition was completed under penalty of perjury and stated that the Tenant received a RAP Notice with each rent increase.

No Owner Response was filed by the response deadline.¹

RATIONALE FOR ADMINISTRATIVE DECISION

Rent Increases

The Rent Adjustment Ordinance (Ordinance) requires an owner to serve a RAP Notice at the start of a tenancy¹ and together with any notice of rent increase or change in any term of the tenancy.²

Here, the petition states under penalty of perjury that the Tenant received the RAP Notices with the Notices of Rent Increase for 2023 and 2024. When a rent increase is served with a RAP Notice, a tenant has 90 days to challenge the rent increase.²

Tenant Little received a notice of rent increase on June 1, 2023, effective July 1, 2023, for a rent increase from \$2,190.00 to \$2,409.00 per month. According to the Ordinance, Tenant Little had 90 days from the date of the notice to challenge the increase, which means that he would have had to file a petition challenging this increase by August 30, 2023. Tenant Little filed his petition on August 24, 2024, nearly one year *too late* to challenge this rent increase.

Accordingly, the tenant's challenge of the 2023 rent increase is denied as untimely filed.

For the 2024 rent increase, Tenant Little received a notice of rent increase on July 27, 2024, effective September 1, 2024, for a rent increase from \$2,409.00 to \$2,649.90 per month. Any challenge would be due by October 25, 2024. Tenant Little filed his petition on August 24, 2024, which is well before the deadline of October 25, 2024, and therefore his challenge to this rent increase is timely.

As of August 1, 2024, the annual Consumer Price Index (CPI) rate is 2.3%. Therefore, the maximum allowable CPI increase to the Tenant's base rent is 2.3%, or \$55.41 per month. Even if the proposed rent increase includes banking in addition to a CPI rent increase, the maximum allowable increase to the Tenant's rent would be three times the CPI as of the effective date of the rent increase, which is 6.9% (three times the CPI on September 1, 2024), or \$166.22 per month.³ The proposed increase of the Tenant's rent from \$2,409.00 to \$2,649.90 is an increase of \$240.90 per month— which amounts to 10% – and therefore exceeds the maximum allowed.⁴

Therefore, the 2024 rent increase is invalid, and the tenant's legal rent remains

¹ The response deadline was 35 days from the date on the Proof of Service, August 27, 2024, which was October 1, 2024.

² O.M.C. §8.22.090A(2)(b)

³ Regulations Section 8.22.070.B.1

\$2,409.00 per month.⁴

ORDER

1. Petition T24-0138 is granted in part.
2. The challenge to the 2023 rent increase is denied as untimely filed.
3. The 2024 rent increase is invalid. The legal rent for the subject unit remains \$2,409.00 per month. If the Tenant has paid an amount over the legal rent for the subject unit, then the parties are instructed to calculate the total rent overpayment and deduct the credit amount in two or fewer monthly installments from the Tenant's monthly rent after this decision becomes final. The decision becomes final if no party files an appeal within twenty (20) days after service.
4. Nothing in this order prevents the Owner from increasing the rent according to the laws of the Rent Adjustment Ordinance and the State of California at any time, at least 12 months from the last rent increase.
5. The Remote Settlement Conference and Hearing, scheduled for October 9, 2024, is canceled.

Right to Appeal: This decision is the final decision of the Rent Adjustment Program Staff. Either party may appeal this decision by filing a properly completed appeal using the form provided by the Rent Adjustment Program. The appeal must be received within twenty (20) days if served by first-class mail. If the last day to file is a weekend or holiday, the appeal may be filed on the next business day. The date and service method are shown on the attached Proof of Service.

Dated: October 2, 2024



Helene Momita
Hearing Officer
Rent Adjustment Program

⁴ The figure of 10% also exceeds the current state cap on rent increases, which is 8.8%.

PROOF OF SERVICE

Case Number T24-0138

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

Administrative Decision

Owner

Kelly Gurly
Advent Properties Inc.
1600 McArthur Blvd.
Oakland, CA 94602

Tenant

Mario J. Little
8443 International Boulevard
Oakland, CA 94621

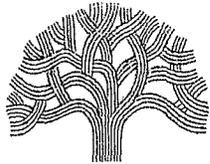
I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first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

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **October 03, 2024** in Oakland, CA.



Robert F. Costa
Oakland Rent Adjustment Program

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.

OAKLAND RENT ADJUSTMENT PROGRAM

CASE NUMBER T - 24-0138

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

8343 International Boulevard Oakland, CA 94621
Street Number Street Name Unit Number Zip Code

Is there more than one street address on the parcel? [] Yes [x] No If yes, list all addresses:

Type of unit(s) (check one): [x] Single family home [] Condominium [] Apartment, room, or live-work
Number of units on property: 1
Date acquired property: 6/21/2013

Case number(s) of any relevant prior Rent Adjustment case(s): T22-0084

Tenant Information

Name of Tenant Petitioner(s): Mario J. Little

Date tenant(s) moved into rental unit: 5/14/2018 Initial rent amount: \$ 1,800 Is/are tenant(s) current on rent? [x] Yes [] No

Property Owner Information

Amie Chang
First Name Last Name

Company/LLC/LP (if applicable):

Mailing address: 27741 Via Cerro Gordo, Los Altos Hills, CA, 94022

Primary Telephone: 650-948-9339 Other Telephone: Email: tennislady88@gmail.com

Property Owner Representative (Check one): [] No Representative [] Attorney [x] Non-attorney

Brian Schoonover Advent Properties, Inc
First Name Last Name Firm/Organization (if any)

Mailing Address: 1600 MacArthur Blvd, Oakland, CA, 94602

Phone Number: 510-250-7918 Email: Team@AdventPropertiesInc.com

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") or evidence of exemption from the RAP Fee	Attach proof of payment of the current year's RAP Fee for the subject property or evidence of exemption from the RAP Fee (e.g., Certificate of Occupancy).
<input checked="" type="checkbox"/> Service of the required City form entitled "NOTICE TO TENANTS OF THE RESIDENTIAL RENT ADJUSTMENT PROGRAM" ("RAP Notice") on all tenants <small>*Exception for units not covered by the Residential Rent Adjustment Program</small>	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 checked="" type="checkbox"/> I first provided tenant(s) with the RAP Notice on (date): <u>May 8, 2018</u> <small>*If RAP Notice was first provided on or after September 21, 2016, RAP Notice must be provided in English, Spanish, and Chinese.</small> <input type="checkbox"/> I have never provided a RAP Notice. <input type="checkbox"/> I do not know if a RAP Notice was ever provided.
Evidence of registration for all affected cover units (check one of the following boxes) <input checked="" type="checkbox"/> On <u>3/9/2024</u> , I/we used all reasonable diligence in preparing my annual registration statement, reviewed it and submitted it to the Rent Adjustment Program, and, to the best of my knowledge, the information contained in the statement was true and complete. To the extent I was unable, despite the use of reasonable diligence, to ascertain the exact information to be reported, I provided the most accurate approximation possible based on information and belief where possible or, where such approximation was not feasible, I stated that the information was unknown. <input type="checkbox"/> The subject unit(s) are exempt from the registration requirement	To support this declaration, I am providing: <input type="checkbox"/> If property not registered online: Copy of the Property Registration and Residential Unit Registration forms submitted to RAP for the affected covered unit in the building. <input checked="" type="checkbox"/> If property registered online: Copy of a document containing the registration data related to property registration and residential unit registration of the affected covered unit since the registration was done online. OR Declaration of Exemption: <input type="checkbox"/> The residential property involved in this petition matter is not covered by either the city's Rent Adjustment Ordinance or the Just Cause Ordinance. Thus, the subject unit(s) are not subject to the registration requirements under the Oakland Municipal Code, Section 8.22.090.B.1.c.ii.

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)? **NO**
2. Did the prior tenant leave after being given a notice of rent increase (Civil Code Section 827)? **NO**
3. Was the prior tenant evicted for cause? **NO**
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? **NO**
5. Is the unit separately alienable, meaning it can be sold separately from any other unit on the parcel? **Yes**
6. Did the petitioning tenant have roommates when he/she moved in? **Yes**

7. If the unit is a condominium, did you purchase it? If so: 1) From whom? 2) Did you purchase the entire building?
 The unit is not a condominium

- 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:	Date rent increase went into effect:	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	
(mm/dd/yy)	(mm/dd/yy)					
4/28/2019	5/1/2019	\$ 1,995.00	\$ 2,190.00	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4/28/2023	6/1/2023	\$ 2,190.00	\$ 2,409.00	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7/23/2024	9/1/2024	\$ 2,409.00	\$ 2,649.00	<input checked="" 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).	
(A3)	A government agency has cited the unit for serious health, safety, fire, or building code violations.	

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.	
(B2)	Tenant(s) is/are being unlawfully charged for utilities.	
C.	Other	
	<i>Complete this section if any of the grounds for the Tenant Petition fall under Category C on the Tenant Petition.</i>	
Tenant Petition Grounds		Owner Response
(C1)	Rent was not reduced after: a) a prior rent increase period for capital improvements, or b) after the owner received undeclared capital improvement benefits, or c) after an additional tenant for whom the owner was allowed an increase, vacated from the premises.	
(C2)	Owner exemption based on 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)).	

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.

Amie Chang
Property Owner 1 Signature

10-3-2024
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 and other parties may send certain documents (except a response) 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.

Amie Chang
Property Owner Signature

10-3-2024
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-

IMPORTANT INFORMATION REGARDING FILING YOUR RESPONSE

TIME TO FILE YOUR RESPONSE

Your Property Owner Response form must be received by the Rent Adjustment Program within 35 days after the Tenant Petition was mailed to you (30 days if the Petition was delivered in-person). RAP staff cannot grant an extension of time to file.

CONTACT A HOUSING COUNSELOR TO REVIEW YOUR RESPONSE BEFORE SUBMITTING

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

DOCUMENTS SUBMITTED IN SUPPORT OF RESPONSE

All attachments submitted together with your Response must be numbered sequentially. You may submit additional evidence in support of your Response up to seven days before your hearing.¹ You must serve a copy of any documents filed with RAP on the other party and submit a PROOF OF SERVICE form.

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

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

SERVICE ON TENANT(S)

You are required to serve a copy of your Property Owner Response form (plus any attachments) on the tenant or the tenant's representative and submit a PROOF OF SERVICE form together with your Response.

- (1) Serve a copy of your Response on the tenant(s) by mail or personal delivery.
- (2) Complete a PROOF OF SERVICE form (*included in this Response packet and available on RAP website*) indicating the date and manner of service and the person(s) served.
- (3) Provide the tenant with a completed copy of the PROOF OF SERVICE form together with the document(s) being served.
- (4) File a completed copy of the PROOF OF SERVICE form together with your Response when submitting to RAP.

You may serve the tenant(s) and/or the tenant's representative by mail or personal delivery. A copy of the completed PROOF OF SERVICE form must be submitted to RAP together with your Response. Your Response will not be considered complete until a PROOF OF SERVICE form is filed indicating that the tenant has been served. Note that you cannot serve a Response by email, even if you have an agreement to electronic service between the parties, because the Ordinance requires service by mail or in person.

FILING YOUR RESPONSE

Although RAP normally does not accept filings by email or fax, RAP is temporarily accepting Responses via email during the COVID-19 local state of emergency. You may also fill out and submit your Response online through the RAP website or deliver the Response to the RAP office by mail. If the RAP office is closed on the last day to file, the time to file is extended to the next day the office is open. If you send your

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

Response by mail, a postmark date does not count as the date it was received. Remember to file a PROOF OF SERVICE form together with your Response.

Via email: hearingsunit@oaklandca.gov

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

File online: <https://www.oaklandca.gov/services/respond-to-a-tenant-petition-for-the-rent-adjustment-program>

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

AGREEMENT TO ELECTRONIC SERVICE

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

AFTER RESPONSE IS FILED

In most cases, RAP will schedule a hearing to determine whether the Tenant Petition should be granted or denied. You will be mailed a Notice of Hearing indicating the hearing date. If you are unable to attend the hearing, contact RAP as soon as possible. The hearing will only be postponed for good cause.

FILE/DOCUMENT REVIEW

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

FOR MORE INFORMATION

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

THIRTY-DAY NOTICE OF CHANGE OF MONTHLY RENT
(Properties Exempt from AB 1482)

TO: Amir A. Elmhdi, Mario J. Little

All Residents (tenants and subtenants) in possession (full name) and all others in possession

of the premises located at:

8343 International Blvd.

(Street Address)

, Unit # (if applicable)

Oakland

(City)

, CA 94603

(Zip)

You are hereby notified, in accordance with Civil Code Section 827, that 30 days after service upon you of this Notice, or

July 1, 2023

(Date)

, whichever is later, your monthly rent which is payable in advance on or before the 1st

day of each month, will be the sum of \$ 2,409.00, instead of \$ 2,190.00, the current monthly rent.

Except as herein provided, all other terms of your tenancy shall remain in full force and effect.

If you fail to fulfill the terms of your credit obligations, a negative credit report may be submitted to a credit reporting agency.

Amie Chang

Landlord

by

William Lynn

Individual Signing for Landlord

Advent Properties, Inc.

Management Co. (If Applicable)

Agent for Landlord

April 28, 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 28th day of April, 2023 (month), 2023 (year), on the above-mentioned resident(s) in possession, in the manner indicated below. (Select one)

[X] BY MAILING by first class mail on said date a copy to each resident by depositing said copies in the United States Mail, in a sealed envelope, with postage fully prepaid, addressed to the above-named resident(s) at their place of residence

Place of Mailing: Oakland, California

Date of Mailing: April 28, 2023

[] BY DELIVERING a copy of the Notice to the following resident(s) PERSONALLY:

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.

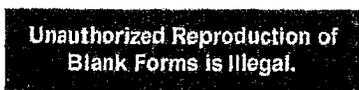
Executed this 28th day of April, 2023 (month), 2023 (year), in Oakland (city), CA (state).

William Lynn

Name of Declarant (Print)

William Lynn

(Signature of Declarant)



CITY OF OAKLAND
BUSINESS TAX CERTIFICATE

ACCOUNT
NUMBER
00158751

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

DBA

CHANG AMIE TR

BUSINESS LOCATION

8343 INTERNATIONAL BLVD
OAKLAND, CA 94621-1801

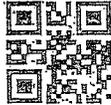
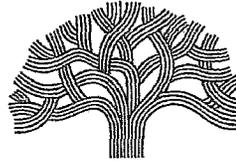
BUSINESS TYPE

O2 Rental - Residential Property

EXPIRATION DATE

12/31/2024

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



CHANG AMIE TR
ADVENT PROPERTIES INC
1600 MACARTHUR BLVD
OAKLAND, CA 94602-1607

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

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

PUBLIC INFORMATION ABOVE
THIS LINE TO BE
CONSPICUOUSLY POSTED!

000040

Overview

Parcel Number : 042425502900 | Site Address : 8343 INTERNATIONAL BLVD OAKLAND CA 94621 US

Year Built : 1987 | Assessor Total Unit Count : 1 | Total Units Added : 1

Property Status : Registration Completed

← Back

INSTRUCTIONS TO REGISTER YOUR PROPERTY

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

Step 2: Add Units. Scroll down to "Unit Inventory."

- To add units to Unit Inventory: Click on "Add Unit" (top right) and add ALL residential units to the unit inventory. If the property has 10 or more units, use the "Import Units" button to upload the required unit information. After adding units to inventory, you may claim individual unit(s) exempt by clicking on each unit's yellow "Action" button.
- If all units on the property have already been added to the Unit Inventory: Go to Step 3.

Step 3: Update Registered Units. Review all previously registered unit information. If there are no changes, go to Step 5. To update occupancy and rent information for registered units:

- Update Occupancy. If the occupancy of a unit has changed, scroll down to Unit Inventory and use yellow "Action" button to "Report New Occupancy."
- Report Rent Increase for Current Tenancy. Use yellow "Action" button to "Report Rent Increase."
- Claim an Exemption. Use yellow "Action" button to "Apply for Exemption."

Step 4: Claim Exemption(s) . Use each unit's yellow "Action" button to claim an exemption for individual units (e.g., "Owner-occupied"). Note: If you believe your entire property is exempt from rent registration requirements, then use the blue property "Action" button to submit a property-wide exemption.

Step 5: Submit Registration: After you have reviewed/updated all tenancy information and/or claimed any exemptions, click on the blue property "Action" button at the top right corner of the page and select "Submit Rent Registration." After submitting, you will receive a confirmation email from RAP.

Address





Image View

Map View

Address

8343 INTERNATIONAL BLVD OAKLAND CA 94621 US

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

Contacts

Contact Preferences

Columns



Search...



Associated to asset as	Contact Type	Business Name	Name	Address	Phone Number
Property Manager	Individual	Advent Properties Inc	Advent Properties Inc	1600 MacArthur Boulevard Oakland CA 94602 US	(510) 866-124
Owner	Individual		AMIE TR CHANG	27741 VIA CERRO GORDO LOS ALTOS HILLS CA 94022 US	

1

5

items per page

1-2 of 2 items

To add units to the Unit Inventory : Click on green "Add Unit" button and add ALL residential units on the property, including exempt units, to the unit inventory. If property has 10 or more units, click on "Import Units" to download a formatted spreadsheet that can be used to upload unit information. Instructions are included in first tab of spreadsheet. After adding all units to inventory, you may claim individual unit(s) exempt by clicking on each unit's yellow "Action" button and selecting "Apply for Exemption."

To update previously registered units : To report a new occupancy for a previously reported unit, click on the yellow "Action" button and select "Report New Occupancy." To report a change in the rent for an already-registered tenancy, click on the yellow "Action" and select "Report Rent Increase." To claim a non-exempt unit exempt, click on the yellow "Action" button and select "Apply for Exemption."

After reviewing/updating all unit information: Click on the blue "Action" button at top of page to submit registration.

Unit Inventory

Export to Excel

Search...

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

Unit Site Address	Unit Name	Status	Occupancy Type	Initial Rent	Current Rent	Occupancy Start Date	Date of Most Recent Rent Increase
8343 INTERNATIO NAL BLVD OAKLAND CA 94621 US		Non-Exempt	Tenant	\$ 1,995.00	\$ 2,409.00	05/14/2018	07/01/20

1

5 Items per page

1-1 of 1 items

My Cases

Columns ▶

Export to Excel

Search...

Case Number	Created On Entity	Case Type	Created On ↓	Updated Date

Unit:,8343			
INTERNATIONAL BLVD OAKLAND CA 94621 US	Rent Increase for Current Tenant	05/21/2024	05/21/2024
APN: 042425502900	Rent Registry	03/29/2024	05/21/2024
APN: 042425502900	Rent Registry	04/05/2023	07/06/2023

1

10 items per page

1-3 of 3 items

Property Action Menu

[← Back](#)



NOTICE TO TENANTS OF THE RESIDENTIAL RENT ADJUSTMENT PROGRAM

- Oakland has a Rent Adjustment Program (“RAP”) that limits rent increases (Chapter 8.22 of the Oakland Municipal Code) and covers most residential rental units built before 1983. For more information on which units are covered, contact the RAP office.
- Starting on February 1, 2017, an owner must petition the RAP for any rent increase that is more than the annual general rent increase (“CPI increase”) or allowed “banked” rent increases. These include, but are not limited to, capital improvements and operating expense increases. For these types of rent increases, the owner may raise your rent only after a hearing officer has approved the increase. No annual rent increase may exceed the maximum increase which changes annually with a 10% cap. You have a right to contest the proposed rent increase by responding to the owner’s petition.
- **Contesting a Rent Increase:** You can file a petition with the RAP to contest unlawful rent increases or decreased housing services. To contest a rent increase, you must file a petition (1) within ninety (90) days of the notice of rent increase if the owner also provided this Notice to Tenants with the notice of rent increase; or (2) within 120 days of the notice of rent increase if this Notice to Tenants was not given with the notice of rent increase. If the owner did not give this Notice to Tenants at the beginning of your tenancy, you must file a petition within ninety (90) days of first receiving this Notice to Tenants. Information. The petition forms are available from the website at [Rent Adjustment Program Petition and Response Forms](#).
- If you contest a rent increase, you must pay your rent with the contested increase until you file a petition. If the increase is approved and you did not pay the increase, you will owe the amount of the increase retroactive to the effective date of increase.
- Oakland has eviction controls (the Just Cause for Eviction Ordinance and Regulations, O.M.C. 8.22) which limit the grounds for evictions in covered units. For more information contact the RAP office.
- Oakland charges owners a Rent Program Service Fee per unit per year. If the fee is paid on time, the owner is entitled to get half of the fee from you. Tenants in subsidized units are not required to pay the tenant portion of the fee.
- Oakland has a Tenant Protection Ordinance (“TPO”) to deter harassing behaviors by landlords and to give tenants legal recourse in instances where they are subjected to harassing behavior by landlords (O.M.C. 8.22.600).
- The owner ___ is ___ is not permitted to set the initial rent on this unit without limitations (such as pursuant to the Costa-Hawkins Act). If the owner is not permitted to set the initial rent without limitation, the rent in effect when the prior tenant vacated was _____.

TENANTS’ SMOKING POLICY DISCLOSURE

- Smoking IS NOT permitted in the unit you intend to rent.
- Smoking IS NOT permitted in other units of your building. (If both smoking and non-smoking units exist in tenant’s building, attach a list of units in which smoking is permitted.)
- There IS NOT a designated outdoor smoking area.

I received a copy of this notice on _____ (Date) _____ (Tenant’s signature)

此份屋崙 (奧克蘭) 市租客權利通知書附有中文版本。請致電 (510) 238-3721 索取副本。
La Notificación del Derecho del Inquilino está disponible en español. Si desea una copia, llame al (510) 238-3721.



AVISO A LOS INQUILINOS DEL RESIDENTIAL RENT ADJUSTMENT PROGRAM

- Oakland tiene un Programa de Ajustes en el Alquiler (“RAP”) que limita los aumentos en el alquiler (Capítulo 8.22 del Código Municipal de Oakland) y cubre a la mayoría de las unidades residenciales en alquiler construidas antes de 1983. Para obtener más información sobre las viviendas cubiertas, contacte a la oficina del RAP.
- A partir del 1.º de febrero de 2017, un propietario debe presentar una petición ante el RAP para todo aumento en el alquiler que sea mayor que el aumento general anual en el alquiler (“aumento CPI”) o para todo aumento del alquiler “guardado” que esté permitido. Estos incluyen, entre otros, mejoras de capital y aumentos en los gastos operativos. En lo que respecta a este tipo de aumentos, el propietario puede aumentar su alquiler sólo después de que un funcionario de audiencia haya autorizado el incremento. Ningún aumento anual en el alquiler podrá exceder el aumento máximo que cambia de manera anual con un 10 % de capitalización. Usted tiene derecho a disputar el aumento en el alquiler propuesto respondiendo a la petición del propietario.
- **Cómo disputar un aumento en el alquiler:** Puede presentar una petición ante el RAP para disputar aumentos ilícitos en el alquiler o la disminución de servicios en la vivienda. Para disputar el aumento en el alquiler, debe presentar una petición (1) en un plazo de (90) días a partir de la fecha del aviso de aumento en el alquiler si el propietario también proporcionó este Aviso a los Inquilinos con la notificación del aumento en el alquiler; o (2) en un plazo de 120 días a partir de la fecha de recepción del aviso de aumento en el alquiler si este Aviso a los Inquilinos no fue entregado con la notificación de aumento en el alquiler. Si el propietario no entregó este Aviso a los Inquilinos al inicio del periodo de arrendamiento, usted deberá presentar una solicitud en un plazo de (90) días a partir de la fecha en que recibió por primera vez este Aviso a los Inquilinos. Información. Encontrará los formularios de petición disponibles en el sitio web, donde dice Rent Adjustment Program Petition and Response Forms “Formularios de Petición y Respuesta del Programa de Ajustes en el Alquiler”.
- Si usted disputa un aumento en el alquiler, debe pagar su alquiler con el aumento disputado hasta que presente la petición. Si el aumento es aprobado y usted no lo pagó, adeudará la suma del incremento retroactivo a la fecha de inicio de vigencia del aumento.
- Oakland tiene controles de desalojo (Ordenanza y Reglamentos de Desalojo por Causa Justa, O.M.C. 8.22) que limitan los motivos de desalojo en las viviendas cubiertas. Para obtener más información contacte a la oficina RAP.
- Oakland cobra a los propietarios una Tarifa de Servicio del Programa de Ajustes en el Alquiler por vivienda al año. Si la tarifa se paga a tiempo, el propietario tiene derecho a cobrar la mitad del costo de esta tarifa al inquilino. No se requiere que los inquilinos de viviendas subsidiadas paguen la parte de la tarifa que correspondería al inquilino.
- Oakland posee una Ordenanza de Protección al Inquilino (Tenant Protection Ordinance, “TPO”) para impedir el comportamiento abusivo por parte de los propietarios y para ofrecer a los inquilinos recursos legales en instancias donde hayan sido víctimas de comportamiento abusivo por parte de los propietarios (O.M.C. 8.22.600).
- El propietario _____ tiene _____ no tiene permitido establecer el alquiler inicial de esta unidad sin limitaciones (por ejemplo, de conformidad con la Ley Costa-Hawkins). Si el propietario no tiene permitido establecer el alquiler inicial sin limitaciones, el alquiler vigente cuando el inquilino anterior desalojó la vivienda era de _____.

INFORMACIÓN PARA LOS INQUILINOS SOBRE LAS POLÍTICAS PARA FUMADORES

- Fumar NO ESTÁ permitido en la Unidad _____, la unidad que

CIUDAD DE OAKLAND
PROGRAMA DE AJUSTE A LA RENTA
250 Frank H. Ogawa Plaza, Suite 5313, Oakland, CA 94612-0243
(510) 238-3721
CA Relay Service 711
www.oaklandca.gov/RAP



- usted pretende alquilar.
- Fumar NO ESTÁ permitido en otras unidades de su edificio. (Si hay disponibilidad de ambas unidades, para fumadores y no fumadores, en el edificio del inquilino, adjunte una lista de las unidades en donde se permite fumar).
 - NO HAY un área designada al aire libre para fumar.

Recibí una copia de este aviso el _____
(Fecha) (Firma del inquilino)

此份屋崙 (奧克蘭) 市租客權利通知書附有中文版本。請致電 (510) 238-3721 索取副本。
La Notificación del Derecho del Inquilino está disponible en español. Si desea una copia, llame al (510) 238-3721.



住宅租金調整計劃的租客通知書

- 屋崙(奧克蘭)市的租金調整分部(RAP)旨在限制租金調漲(屋崙(奧克蘭)市政法規 8.22 章),且主要是針對建於 1983 年以前大多數的出租住宅單位。若要了解哪些單位在本計劃限制範圍內,請聯絡 RAP 辦事處。
- 從 2017 年 2 月 1 日起,如果租金調漲幅度超出一般租金年漲幅(「CPI 漲幅」)或允許的「調整存放」漲幅,業主就必須向 RAP 陳情。調漲原因可包括但不限於固定資產整修和營運支出增加。對於這些類型的租金調漲方案,業主必須在聽證官同意調漲後才能提高您的租金。任何租金年漲幅不得超過每年最變動且最多 10% 的漲幅。如果不同意建議的租金調幅,您有權對業主的陳情提出抗辯。
- 對租金調漲提出抗辯:您可以租金調漲違法或者住房服務縮為由,向 RAP 陳情抗辯。如果您要對租金調漲提出抗辯,(1)且業主隨同這份「租客通知」一併提供租金調漲通知,則您必須在收到租金調漲通知後九十(90)天內提出陳情;(2)但業主未隨這份「租客通知」提供租金調漲通知,則您必須在收到租金調整通知後的 120 天內提出陳情。如果業主在租期一開始時沒有提供這份租客通知,您就必須在第一次收到這份租客通知後的九十(90)天內提出請願。若需要請願書表格,可上網站 [Rent Adjustment Program Petition and Response Forms](#) (租金調整分部請願書和回應表格)取得。
- 如果您對租金調漲有異議,在提出陳情之前,您仍必須支付所要抗辯的調漲租金。若調漲金額獲准但您並未支付,您將積欠從調漲生效日期算起的調漲金額。
- 屋崙(奧克蘭)市的驅逐管制規則(屋崙(奧克蘭)市政法規 8.22 中的「驅逐正當理由»)對所管制單位的驅逐理由設有限制。若要瞭解更多資訊,請聯絡 RAP 辦公室。
- 屋崙(奧克蘭)市政府每年會向業主收取每個出租單位的「租金分部服務費」(Rent Program Service Fee)。若業主準時支付這筆費用,就有權向您收取一半費用。受補助單位的租客無需支付該費用的租客部分。
- 屋崙(奧克蘭)市的租客保護法令(Tenant Protection Ordinance, TPO)旨在遏阻房東的騷擾行為,並且在租客受房東騷擾的情況下賦予租客法律追索權(屋崙(奧克蘭)市政法規 8.22.600)。
- 業主 ___ 得以 ___ 不得對本單位設下毫無限制的起租租金(例如根據 Costa-Hawkins 法案規定)。如果業主不得設下毫無限制的起租租金,則前任房客遷出後生效的租金是 _____。

針對租客的吸煙政策聲明

- 住房單位 _____ (您有意承租的單位)「不允許吸煙」。
- 您所住建築物中的其他單位不允許吸煙。(若租客所住的建築物中同時包含可吸煙和不可吸煙的單位,應附上一張可吸煙單位列表。)

屋崙 (奧克蘭) 市政府

租金調整分部

250 Frank H. Ogawa Plaza, Suite 5313, Oakland, CA 94612-0243

(510) 238-3721

CA Relay Service 711

www.oaklandca.gov/RAP



- 本建築物沒有指定的戶外吸煙區。

我於 _____ 收到本通知書 _____
(日期) (租客簽名)

本份屋崙 (奧克蘭) 市租客權利通知書附有中文版本。請致電 (510) 238-3721 索取副本。
La Notificación del Derecho del Inquilino está disponible en español. Si desea una copia, llame al (510) 238-3721.



Notice of Tenant Protection Ordinance

(O.M.C. 8.22.600 et seq.)

On November 5, 2014, the Oakland City Council adopted the Tenant Protection Ordinance (TPO), which prohibits various harassing behaviors against tenants by owners and their agents (for example, property managers and contractors) – thereby bolstering existing laws and leases that protect tenants. The TPO creates remedies that can be enforced by private civil rights of action.

Among other things, the Tenant Protection Ordinance prohibits conduct that may coerce a tenant to vacate a rental unit involuntarily. The following is only a summary of the illegal conduct; for a complete list, you are advised to review the attached copy of the Tenant Protection Ordinance or review Oakland Municipal Code 8.22.600.

Property owners and their agents must not, in bad faith, engage in any of the following conduct:

1. Disruption of services to the rental unit.
2. Fail to perform repairs and maintenance.
3. Fail to exercise due diligence when completing repairs (ex. unreasonable delays) or follow appropriate industry protocol.
4. Abuse the owner's right of access to the rental unit.
5. Remove personal property, furnishings, or any other items without the prior written consent of the tenant, except when authorized by law.
6. Threaten to report a tenant or their known associates to law enforcement based on their perceived or actual immigration status.
7. Influence a tenant to vacate through fraud, intimidation, or coercion.
8. Offer payments to a tenant to vacate more than once in six (6) months if the tenant has stated in writing that they don't want to receive such offers
9. Try to intimidate a tenant into accepting a buyout.

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

CITY OF OAKLAND
Rent Adjustment Program



10. Threaten the tenant or their guests, by word or gesture, with physical harm.
11. Interfere with a tenant's right to quiet use and enjoyment of the rental unit.
12. Refuse to accept or acknowledge receipt of a tenant's lawful rent payment.
13. Refuse to cash a rent check for over thirty (30) days unless a written receipt for payment has been provided to the tenant.
14. Interfere with a tenant's right to privacy, including unnecessarily inquiring into a tenant's immigration status.
15. Unilaterally impose new material terms of tenancy.
16. Remove a housing service for purpose of causing the tenant to vacate.
17. Commit violations of certain state laws, including discrimination prohibited under the Unruh Civil Rights Act and illegal lockouts and utility shutoffs prohibited by other laws.
18. Misrepresent to a tenant that they are required to vacate their unit.

Note: A tenant who has experienced violations of the Tenant Protection Ordinance may bring a civil action in court against the property owners. Elderly, disabled, and/or catastrophically ill tenants have heightened protections under the TPO. Violators may be held liable for treble (three times) damages, including emotional distress. For violations related to repairs, tenants must first provide fifteen (15) days' notice of violation.

The TPO requires owners to post a notice of the TPO in rental units located in a building with an interior common area. The notice must be placed in at least one such common area in the building using the form prescribed by the City Staff.

If you are experiencing any of the conduct detailed above, you may contact the Rent Adjustment Program for more information, at (510) 238-3721 or rap@oaklandca.gov.

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



Aviso de Ordenanza sobre la Protección de Inquilinos

(O.M.C. 8.22.600, y subsig.)

El 5 de noviembre de 2014, el Concejo de la Ciudad de Oakland adoptó la Ordenanza sobre la Protección de Inquilinos (Tenant Protection Ordinance, o TPO), la cual prohíbe diversas conductas de hostigamiento a los inquilinos por parte de los propietarios de viviendas y sus agentes (por ejemplo, administradores de propiedades y contratistas), fortaleciendo así las leyes y los arrendamientos vigentes actualmente que protegen a los inquilinos. La TPO crea medidas correctivas que se pueden ejecutar a través de los derechos privados de acción civil.

Entre otras cosas, la Ordenanza sobre la Protección de Inquilinos prohíbe la conducta que puede coaccionar a un inquilino para que desocupe una unidad de alquiler involuntariamente. Lo siguiente es solo un resumen de las conductas ilegales; para obtener una lista completa, se le aconseja que revise la copia adjunta de la Ordenanza sobre la Protección de Inquilinos o que revise el Código Municipal de Oakland 8.22.600.

Los propietarios de viviendas y sus agentes no deben, de mala fe, participar en ninguna de las siguientes conductas:

1. Interrumpir los servicios en la unidad de alquiler.
2. No realizar reparaciones ni mantenimiento.
3. No ejercer la diligencia debida al terminar las reparaciones (p. ej., demoras injustificadas) o no seguir el protocolo adecuado de la industria.
4. Abusar del derecho de acceso del propietario a la unidad de alquiler.
5. Retirar propiedad personal, muebles o cualquier otro artículo sin el consentimiento previo por escrito del inquilino, salvo que esté autorizado por la ley.
6. Amenazar con denunciar al inquilino o a sus socios conocidos ante las autoridades de aplicación de la ley en cuanto a su situación migratoria real o percibida.

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Oakland, CA 94612
(510) 238-3721

CIUDAD DE OAKLAND
Programa de Ajustes en el Alquiler



7. Influenciar a un inquilino a desalojar a través del fraude, de la intimidación o de la coerción.
8. Ofrecer pagos a un inquilino para desalojar más de una vez en seis (6) meses si este ha indicado por escrito que no quiere recibir tales ofertas.
9. Intentar intimidar a un inquilino para que acepte una compra.
10. Amenazar al inquilino o a sus invitados con daño físico a través de palabras o gestos.
11. Interferir en el derecho del inquilino a un uso y disfrute silencioso de la unidad de alquiler.
12. Negarse a aceptar o acusar recibo del pago legal del alquiler de un inquilino.
13. Negarse a cobrar un cheque de alquiler por más de treinta (30) días, a menos que se le haya entregado al inquilino un recibo de pago por escrito.
14. Interferir en el derecho de privacidad del inquilino, como preguntar innecesariamente sobre su situación migratoria.
15. Imponer de forma unilateral nuevos términos sustanciales de arrendamiento.
16. Eliminar un servicio de vivienda con el fin de hacer que el inquilino desaloje.
17. Cometer infracciones de ciertas leyes estatales, incluidos la discriminación prohibida según la Ley de Derechos Civiles Unruh y los impedimentos y las interrupciones ilegales de servicios públicos prohibidos por otras leyes.
18. Declarar falsamente ante un inquilino que debe desalojar su unidad.

Nota: Un inquilino que haya experimentado infracciones a la Ordenanza sobre la Protección de Inquilinos puede entablar una acción civil ante un tribunal contra los propietarios de viviendas. Los inquilinos de edad avanzada, discapacitados o gravemente enfermos tienen mayores protecciones según la TPO. Los infractores pueden ser considerados responsables de daños triplicados (tres veces), incluida la angustia emocional. Para las infracciones relacionadas

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

CIUDAD DE OAKLAND

Programa de Ajustes en el Alquiler



con reparaciones, los inquilinos deben dar aviso dentro de los quince (15) días a partir de la infracción.

La ordenanza TPO exige que los propietarios publiquen un aviso de la TPO en las unidades de alquiler ubicadas en un edificio con un área común interior. El aviso se debe colocar en, al menos, una de esas áreas comunes en el edificio usando el formato designado por el personal municipal.

Si usted está experimentando alguna de las conductas detalladas anteriormente, puede comunicarse con el Programa de Ajustes en el Alquiler para obtener más información al (510) 238-3721 o en rap@oaklandca.gov.

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



住宅租金調整計劃的租客通知書

- 屋崙 (奧克蘭) 市的租金調整分部 (RAP) 旨在限制租金調漲 (屋崙 (奧克蘭) 市政法規 8.22 章) , 且主要是針對建於 1983 年以前大多數的出租住宅單位。若要了解哪些單位在本計劃限制範圍內, 請聯絡 RAP 辦事處。
- 從 2017 年 2 月 1 日起, 如果租金調漲幅度超出一般租金年漲幅 (「CPI 漲幅」) 或允許的「調整存放」漲幅, 業主就必須向 RAP 陳情。調漲原因可包括但不限於固定資產整修和營運支出增加。對於這些類型的租金調漲方案, 業主必須在聽證官同意調漲後才能提高您的租金。任何租金年漲幅不得超過每年最變動且最多 10% 的漲幅。如果不同意建議的租金調幅, 您有權對業主的陳情提出抗辯。
- 對租金調漲提出抗辯: 您可以租金調漲違法或者住房服務縮為由, 向 RAP 陳情抗辯。如果您要對租金調漲提出抗辯, (1) 且業主隨同這份「租客通知」一併提供租金調漲通知, 則您必須在收到租金調漲通知後九十 (90) 天內提出陳情; (2) 但業主未隨這份「租客通知」提供租金調漲通知, 則您必須在收到租金調整通知後的 120 天內提出陳情。如果業主在租期一開始時沒有提供這份租客通知, 您就必須在第一次收到這份租客通知後的九十 (90) 天內提出請願。若需要請願書表格, 可上網站 [Rent Adjustment Program Petition and Response Forms](#) (租金調整分部請願書和回應表格) 取得。
- 如果您對租金調漲有異議, 在提出陳情之前, 您仍必須支付所要抗辯的調漲租金。若調漲金額獲准但您並未支付, 您將積欠從調漲生效日期算起的調漲金額。
- 屋崙 (奧克蘭) 市的驅逐管制規則 (屋崙 (奧克蘭) 市政法規 8.22 中的「驅逐正當理由」) 對所管制單位的驅逐理由設有限制。若要瞭解更多資訊, 請聯絡 RAP 辦公室。
- 屋崙 (奧克蘭) 市政府每年會向業主收取每個出租單位的「租金分部服務費」 (Rent Program Service Fee)。若業主準時支付這筆費用, 就有權向您收取一半費用。受補助單位的租客無需支付該費用的租客部分。
- 屋崙 (奧克蘭) 市的租客保護法令 (Tenant Protection Ordinance, TPO) 旨在遏阻房東的騷擾行為, 並且在租客受房東騷擾的情況下賦予租客法律追索權 (屋崙 (奧克蘭) 市政法規 8.22.600)。
- 業主 ___ 得以 ___ 不得對本單位設下毫無限制的起租租金 (例如根據 Costa-Hawkins 法案規定)。如果業主不得設下毫無限制的起租租金, 則前任房客遷出後生效的租金是 _____。

針對租客的吸煙政策聲明

- 住房單位 _____ (您有意承租的單位) 「不允許吸煙」。
- 您所住建築物中的其他單位不允許吸煙。(若租客所住的建築物中同時包含可吸煙和不可吸煙的單位, 應附上一張可吸煙單位列表。)

屋崙 (奧克蘭) 市政府

租金調整分部

250 Frank H. Ogawa Plaza, Suite 5313, Oakland, CA 94612-0243

(510) 238-3721

CA Relay Service 711

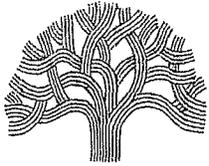
www.oaklandca.gov/RAP



- 本建築物沒有指定的戶外吸煙區。

我於 _____ 收到本通知書 _____
(日期) (租客簽名)

本份屋崙 (奧克蘭) 市租客權利通知書附有中文版本。請致電 (510) 238-3721 索取副本。
La Notificación del Derecho del Inquilino está disponible en español. Si desea una copia, llame al (510) 238-3721.



CITY OF OAKLAND

**CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM**

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

For Rent Adjustment Program date stamp.

RECEIVED

OCT - 7 2024

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

On the following date: 10 / 4 / 2024 served a copy of (check all that apply):

PROPERTY OWNER RESPONSE TO TENANT PETITION plus 20 attached pages (number of pages attached to Response not counting the Response form or PROOF OF SERVICE)

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	Mario S. Little
Address	8343 International Blvd
City, State, Zip	Oakland, CA, 94603

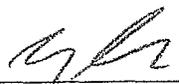
Name	Amir A Elmhidi
Address	8343 International Blvd

City, State, Zip	Oakland, CA, 94603
------------------	--------------------

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

Brian Schenover

PRINTED NAME



SIGNATURE

10/4/23

DATE SIGNED



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

For Rent Adjustment Program date stamp.

APPEAL

Appellant's Name C. Sandoval	<input type="checkbox"/> Owner <input type="checkbox"/> Tenant
Property Address (Include Unit Number) 1111 Broadway, Oakland, CA 94612	
Appellant's Mailing Address (For receipt of notices) S. Sandoval C. Sandoval 1111 Broadway, Oakland, CA 94612	Case Number VG 22FH Date of Decision appealed F0/22/2024
Name of Representative (if any) Angelica Sandoval Montenegro, Esq. Fried, Williams & Grice Conner LLP	Representative's Mailing Address (For notices) 1939 Harrison Street, Suite 460 Oakland, CA 94612

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

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

- f) I was denied a sufficient opportunity to present my claim or respond to the petitioner’s claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
- g) The decision denies the Owner a fair return on the Owner’s investment. (You may appeal on this ground only when your underlying petition was based on a fair return claim. You must specifically state why you have been denied a fair return and attach the calculations supporting your claim.)
- h) Other. (In your explanation, you must attach a detailed explanation of your grounds for appeal.)

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

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

I served a copy of: Appeal (insert name of document served)

And Additional Documents

and (write number of attached pages) 8 attached pages (not counting the Appeal Form or the Proof of Service) to each opposing party, whose name(s) and address(es) are listed below, by one of the following means (check one):

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

<u>Name</u>	Mario J. Little
<u>Address</u>	8443 International Boulevard
<u>City, State Zip</u>	Oakland, CA 94621
<u>Email Address</u>	
<u>Name</u>	
<u>Address</u>	
<u>City, State Zip</u>	
<u>Email Address</u>	

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and the documents were served on / 10/ 22 /2024 (insert date served).

Sean Grey

PRINT YOUR NAME

Sean Grey

SIGNATURE

10/22/2024

DATE

IMPORTANT INFORMATION:

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

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

- You must sign and date this form or your appeal will not be processed.
- The case record is available to the Board, but sections of audio recordings that you want the Board to review must be pre-designated to Rent Adjustment Staff.

1 Clifford E. Fried, Esq., SBN 118288
2 Angelica S. Montenegro, Esq., SBN 318093
3 FRIED, WILLIAMS & GRICE CONNER LLP
4 1939 Harrison Street, Suite 460
5 Oakland, California 94612
6 Telephone: (510) 625-0100
7 Email: asandoval@friedwilliams.com

8
9
10 Attorneys for Appellant/Respondent/Owner
11 Advent Properties, Inc.
12

13
14 **ATTACHMENT / ADDITIONAL DOCUMENTS IN SUPPORT OF APPEAL**
15 **CASE NO.: T24-0138**
16 Decision date: October 2, 2024
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Advent Properties (hereafter “Appellant” or “Owner”) is the property manager of the real property commonly known as 8342 International Blvd., Oakland, CA (the “Premises”). Appellant is requesting that the matter be remanded and be given an opportunity to respond to the Tenant’s petition. The Appellant, through a clerical error and misunderstanding missed the deadline to file a response. As a result, the hearing officer issued an administrative hearing and dismissed the hearing date. The Appellant should be given an opportunity to be heard.

I. The Appellant was denied a sufficient opportunity to present a claim and respond to Tenant’s petition/claim.

The Appellant has demonstrated good cause to allow the Board to remand. In *Wiley v. Weiss* (T01-0047) the board remanded to allow the tenant to demonstrate good cause for failing to appear at a 3rd hearing. In *Cuevas v. Newell* (T01-0159) the Board remanded the case for a new hearing when the tenant failed to appear because of an error in the notice. The Board remanded to determine good cause for failure to appear in *Helmantoler v. Jonsson* (T05-0252). Also California Code of Civil

1 Procedure §473 excuses a party from a judgment, dismissal, or order through his or
2 her mistake, inadvertence, surprise, or excusable neglect. The Owner here is asking
3 to be given the same opportunity.

4 Due to an internal clerical error, the Appellant missed the deadline to file a
5 response to the Tenant’s Petition. The hearing officer issued a decision without
6 conducting a hearing. If the hearing officer had conducted a hearing, it would have
7 been discovered that the premises it outside the the rent board’s jurisdiction because
8 the property is a townhouse. The Appellant asks the RAP to acknowledge the
9 appellant's registration with RAP, which indicates that there is only one unit on this
10 parcel. A true and correct copy of Appellant’s unit regristration is attached hereto as
11 **Exhibit A.**

12 This unit is exempt from the Oakland Rent Adjustment Program's
13 jurisdiction according to section 8.22.030.A.7 and the California Civil Code §
14 1954.52, as it is a single-family home, townhouse, or condo.

15 The Appellant has demonstrated good cause for its failure to appear at the
16 hearing and requests that this matter be remanded to the hearing officer for a hearing
17 on the merits.

18 Date: October 22, 2024

FRIED, WILLIAMS & GRICE CONNER LLP

DocuSigned by:
Angelica Sandoval Montenegro
3FD3AA6FDD0C407...

Angelica S. Montenegro
Attorneys for Appellant/Respondent/Owner

EXHIBIT A

000065

Overview

Parcel Number : 042425502900

Site Address : 8343 INTERNATIONAL BLVD OAKLAND CA 94621 US | **Year Built** : 1987

Assessor Total Unit Count : 1 | **Total Units Added** : 1

Property Status : Registration Completed

← Back

INSTRUCTIONS TO REGISTER YOUR PROPERTY

Step 1: Update Contact Information. Scroll down to "Contacts" and click on white three-dot action button next to Primary Owner contact to complete Primary owner contact information. **You must complete the Primary Owner information to complete registration.** Use the green "Add Contacts" button to add a property manager contact or additional owner contacts. Click on the green "Contact Preferences" button to select or change the Primary Owner and RAP Contacts.

Step 2: Add Units. Scroll down to "Unit Inventory."

- **To add units to Unit Inventory:** Click on "Add Unit" (top right) and add ALL residential units to the unit inventory. If the property has 10 or more units, use the "**Import Units**" button to upload the required unit information. After adding units to inventory, you may claim individual unit(s) exempt by clicking on each unit's yellow "Action" button.
- **If all units on the property have already been added to the Unit Inventory:** Go to Step 3.

Step 3: Update Registered Units. Review all previously registered unit information. If there are no changes, go to Step 5. To update occupancy and rent information for registered units:

- **Update Occupancy.** If the occupancy of a unit has changed, scroll down to Unit Inventory and use yellow "Action" button to "Report New Occupancy."
- **Report Rent Increase for Current Tenancy.** Use yellow "Action" button to "Report Rent Increase."
- **Claim an Exemption.** Use yellow "Action" button to "Apply for Exemption."

Step 4: Claim Exemption(s) . Use each unit's yellow "Action" button to claim an exemption for individual units (e.g., "Owner-occupied"). Note: If you believe your entire property is exempt from rent registration requirements, then use the blue property "Action" button to submit a property-wide exemption.

Step 5: Submit Registration: After you have reviewed/updated all tenancy information and/or claimed any exemptions, click on the blue property "Action" button at the top right corner of the page and select "Submit Rent Registration." After submitting, you will receive a confirmation email from RAP.

Address

000066

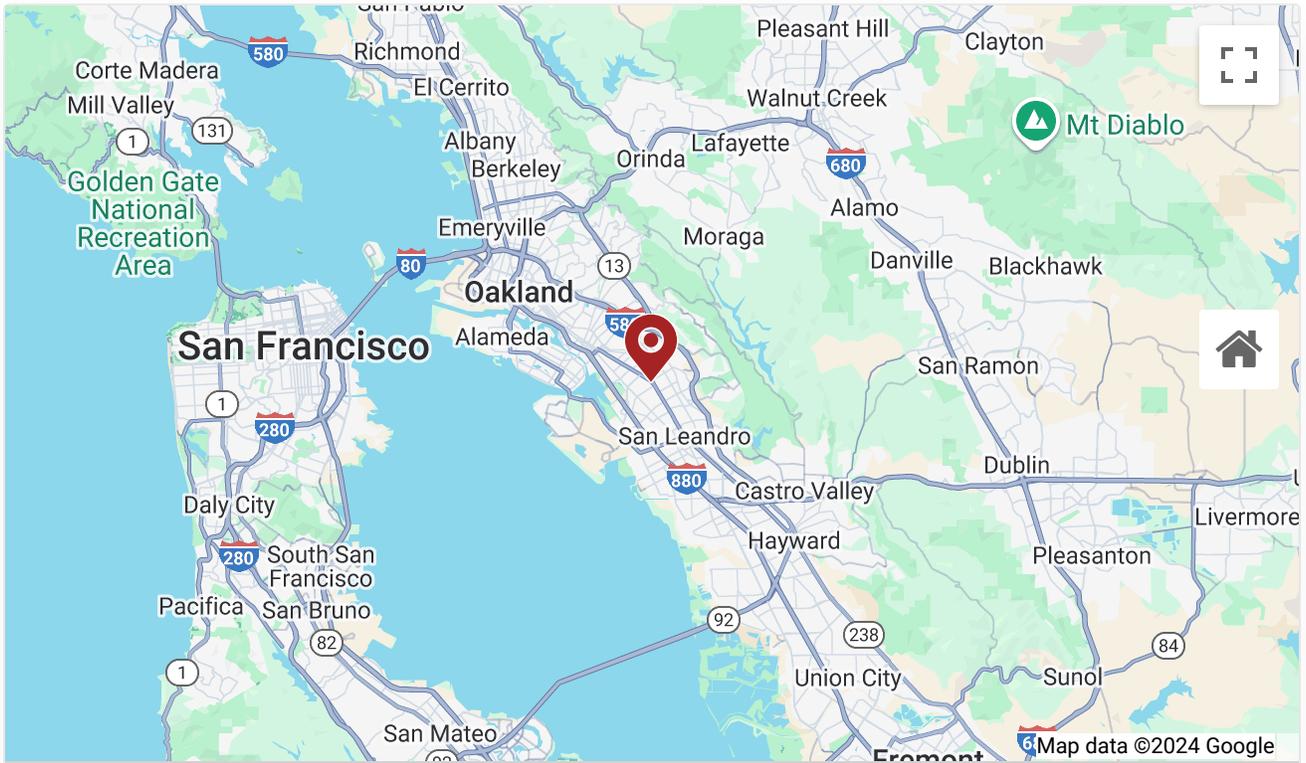


Image View

Map View

Address

8343 INTERNATIONAL BLVD OAKLAND CA 94621 US

Click on the white three-dot action button next to the "Primary Owner Contact" to complete Primary Owner contact information. **You must provide complete Primary Owner Contact information in order to submit the property for registration.** Click on the green "Add Contact" button to add additional contacts such as property manager or additional owners. Click on the green "Contact Preferences" button to select or change Primary Owner and RAP Contacts. The RAP Contact will receive future rent registry communications.

Contacts

+ Contact Preferences

Columns ▶



Search...



000067

Associated to asset as	Contact Type	Business Name	Name	Address ↑
Property Manager	Individual	Advent Properties Inc	Advent Properties Inc	1600 MacArthur Boulevard Oakland 94602 US
Owner	Individual		AMIE TR CHANG	27741 VIA CERRO GORDO LOS ALTOS HILLS CA 94022 U

1

5 items per page

1-2 of 2 items

To add units to the Unit Inventory : Click on green “Add Unit” button and add **ALL residential units** on the property, including exempt units, to the unit inventory. If property has 10 or more units, click on “Import Units” to download a formatted spreadsheet that can be used to upload unit information. Instructions are included in first tab of spreadsheet. After adding all units to inventory, you may claim individual unit(s) exempt by clicking on each unit’s yellow “Action” button and selecting “Apply for Exemption.”

To update previously registered units : To report a new occupancy for a previously reported unit, click on the yellow “Action” button and select “**Report New Occupancy.**” To report a change in the rent for an already-registered tenancy, click on the yellow “Action” and select “**Report Rent Increase.**” To claim a non-exempt unit exempt, click on the yellow “Action” button and select “**Apply for Exemption.**”

After reviewing/updating all unit information: Click on the blue “Action” button at top of page to submit registration.

Unit Inventory

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

000068

Unit Site Address	Unit Name	Status	Occupancy Type	Initial Rent	Current Rent	Occupan Date
8343 INTERNATIO NAL BLVD OAKLAND CA 94621 US		Non-Exempt	Tenant	\$ 1,995.00	\$ 2,409.00	05/14/20

1

5 items per page

1-1 of 1 items

My Cases

Columns ▶ Export to Excel Refresh Q

Case Number	Created On Entity	Case Type	Created On ↓	U
	Unit: ,8343 INTERNATIONAL BLVD OAKLAND CA 94621 US	Rent Increase for Current Tenant	05/21/2024	0
	APN: 042425502900	Rent Registry	03/29/2024	0
	APN: 042425502900	Rent Registry	04/05/2023	0

1

10 items per page

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1-3 of 3 items

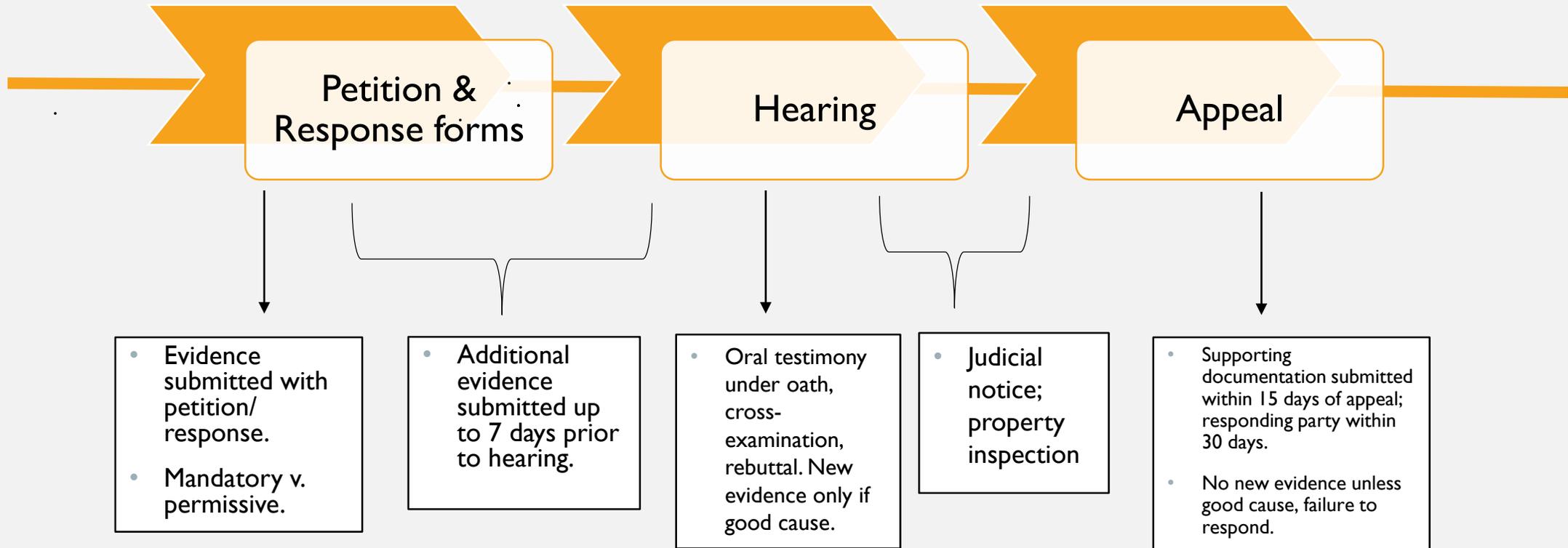
Property Action Menu

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EVIDENCE & APPEALS

Rent Board Training January 2025
Deputy City Attorney Braz Shabrell

TIMELINE FOR EVIDENCE SUBMISSION



EVIDENCE REQUIRED WITH PETITION OR RESPONSE (OMC 8.22.090)

Tenants

- Completed petition or response form
- For petitions contesting increase due to code violations (8.22.090A4d) → copy of citation

Landlords

- Current City business license
- Payment of RAP fee
- Service of RAP Notice prior to petition being filed*
- Compliance with Rent Registry
- Documentation supporting justification for increase or exemption

IMPACT OF INCOMPLETE OR UNTIMELY EVIDENCE

- Petition or Response may be deemed incomplete and dismissed
- RAP may issue an Administrative Decision
- Owner Response dismissed if filing requirements not met
- Evidence not served on other party or not timely filed may be disregarded.
- Non-responding party prohibited from calling or examining witnesses or introducing oral or written evidence and is limited to cross-examination unless good cause for failure to file response

HEARINGS (OMC 8.22.110)

Purpose

- Determine facts
- Witness testimony
- Weigh conflicting evidence
- Due process (opportunity to be heard)

Procedure

- Opportunity to call witnesses, present exhibits, cross-examine, rebut evidence
- Formal rules of evidence do not apply
- Oral testimony must be under oath

JUDICIAL NOTICE

- Hearing Officer may take “official notice” of “any generally accepted technical or scientific matter within the agency's special field, and of any fact which may be judicially noticed by the courts[.]” (Gov't Code § 11515)
- Laws, Regulations, legislative acts, official documents, common knowledge.

HEARING OR ADMINISTRATIVE DECISIONS

- Must be based entirely on evidence placed into the record. (*OMC 8.22.110D3*)
- Hearing Officers must make written findings of fact. (*Regs OMC 8.22.110F1*).
- Hearing Officer weighs witness credibility, burden of proof, availability of evidence, direct versus substantial evidence, etc.

APPEALS

- Appeal is based on the record as presented to Hearing Officer. (*OMC 8.22.120B4*).
- Board generally should not consider new evidence.
- Exceptions: good cause for failure to respond or appear at hearing, or evidence “could not have been available” at Hearing Officer proceeding.



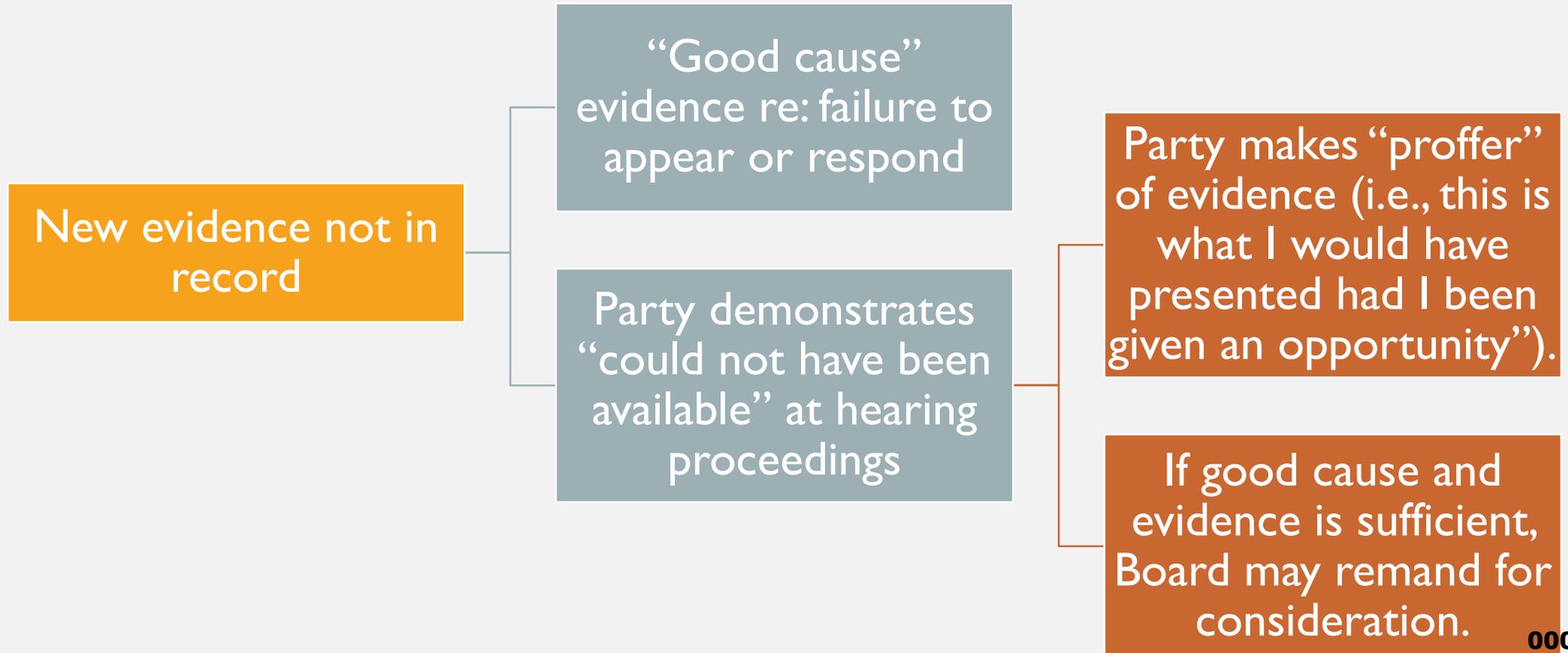
REQUEST FOR APPEAL

Party makes proffer of evidence (this is what I would have presented if given opportunity) → Board determines if evidence is significant and good cause exists.

BOARD SHOULD NOT SOLICIT OR ASK
PARTIES ABOUT EVIDENCE OUTSIDE OF
RECORD, INCLUDING TESTIMONY

PARTY ARGUMENTS \neq TESTIMONY

EVIDENCE ON APPEAL



STANDARD OF REVIEW

- Hearing Officer findings must be supported by substantial evidence.



EVIDENCE → FINDINGS → CONCLUSION

STANDARD OF REVIEW

Hearing Officer

- “Preponderance of evidence.”
 - Party w/ BOP must convince HO >50% chance what they’re saying is true.
 - HO weighs evidence, including credibility.

Board

- “Substantial evidence.”
 - Reasonable person could come to same conclusion.
 - Appellant has burden of presenting evidence and demonstrating it was not substantial.

JUDICIAL REVIEW



- Decision must be supported by findings, findings must be supported by evidence.
- Court may overturn decision if findings not supported by substantial evidence in light of whole record.
- Deferential.

QUESTIONS?



MEMORANDUM

Date: January 16, 2025
To: Members of the Housing, Rent Residential & Relocation Board (HRRRB)
From: Braz Shabrell, Deputy City Attorney
Re: Appeal Memo T24-0138, Little v. Advent Properties
Appeal Hearing Date: January 23, 2025

Property Address: 8343 International Blvd., Oakland CA
Appellant/Owner: Advent Properties Inc.
Respondent/Tenant: Mario Little

BACKGROUND

On August 27, 2024, the Tenant filed a petition contesting two rent increases on the basis that they exceeded the permissible increase amount(s): \$2,190.00 to \$2,409.00, effective July 1, 2023, and \$2,409.00 to \$2,649.00, effective September 1, 2024. The petition indicated that the Owner was served with a copy of the petition the same day it was filed. On September 5, 2024, the Rent Adjustment Program mailed the Owner a notice of hearing, notice and copy of the petition, and a landlord response form.

No timely response from the Owner was received.

RULING ON THE CASE

On October 2, 2024, the Hearing Officer issued an Administrative Decision, granting the Tenant's petition with respect to the 2024 increase, and denying the petition with respect to the 2023 increase due to timeliness. The Decision was served on the parties on October 3, 2024.

GROUNDINGS FOR APPEAL

On October 7, 2024, the Owner filed a response to the Tenant petition, alleging that the unit is exempt from the Rent Adjustment Ordinance pursuant to Costa-Hawkins (Civil Code 1954.50). On October 22, 2024, the Owner filed an appeal of the Administrative Decision on the grounds that the Owner was denied a sufficient opportunity to respond to the Tenant's claim. The Owner alleges that they had good cause for missing the response deadline because of an "internal clerical error" and "misunderstanding." Had the Hearing Officer conducted a hearing, it would have been discovered that the unit is outside of RAP's jurisdiction because it is a townhouse.

ISSUES

1. Has the Owner established good cause for failure to file a timely response?
2. Has the owner made a sufficient proffer of evidence demonstrating that good cause exists to conduct a factual hearing on the issue of exemption?

APPLICABLE LAW AND PAST BOARD DECISIONS

I. Owner response requirements and filing deadline

- In order to file a response to a tenant petition, the owner must submit a completed response form, evidence of a current City business license, evidence of payment of the RAP fee or exemption from the fee, evidence of service of a RAP notice on affected tenants in covered units, evidence of registration with the rent registry, organized documentation supporting the owner's claimed justifications or claim of exemption, and a proof of service. *OMC 8.22.090B1.*
- An owner must file a response to a tenant petition within 30 days of service of the tenant petition if served in-person, or 35 days if served via mail. *OMC 8.22.090B2.*
- Responses that are incomplete or untimely may be dismissed. *Reg. 8.22.090C2.* At the hearing, an owner who fails to file a timely response is prohibited from calling or examining witnesses or introducing written evidence and is limited to cross-examination. *Reg. 8.22.110E3g.*
- Failure to properly or timely submit a response may result in the Hearing Officer issuing a decision without a hearing. *OMC 8.22.110F1.*

II. Administrative Decision in lieu of hearing

- A hearing on the petition may not be scheduled and a Hearing Officer may issue a decision without a hearing if the petition or response are incomplete or untimely, a certificate of exemption was previously issued and is not challenged by the tenant, or the petition or response forms raise no genuine dispute as to any material fact and the petition may be decided as a matter of law. *OMC 8.22.110F*.

III. New evidence on appeal

- Appeals shall be based on the record as presented to the Hearing Officer unless the Appeal Body determines that an evidentiary hearing is required. If the Appeal Body deems an evidentiary hearing necessary, the case will be continued and the Appeal Body shall issue a written order setting forth the issues on which the parties may present evidence. All evidence submitted to the Appeal Body must be submitted under oath. *OMC 8.22.120C4*.
- In order for new evidence to be considered, the party offering the new evidence must show that the new evidence could not have been available at the Hearing Officer proceedings. *Regs. 8.22.120F3*.

IV. Impact of exemption / lack of RAP jurisdiction

- The decision of an administrative agency must be within the agency's constitutional or statutory powers. *Motor Transit Co. v. Railroad Commission of California* (1922) 189 Cal. 573.
- The question of subject-matter jurisdiction of an administrative agency over the subject matter generally may be raised at any time during the pendency of an adjudicative proceeding before the agency or at any stage of an appeal thereafter. *Stuck v. Board of Medical Examiners of State* (1949) 94 Cal. App. 2d 751.
- Administrative action that is not authorized by, or is inconsistent with, acts of the legislature is void. Acts of agencies undertaken wholly without the power to do so generally may be collaterally attacked at any time without regard to a statute of limitations. Thus, where subject-matter jurisdictional requirements are not satisfied, the action of the agency is a nullity and may be attacked collaterally at any time. 2 Cal. Jur. 3d Administrative Law § 471; *In re J.G.* (2008) 159 Cal. App. 4th 1056; *Schneider v. California Coastal Com.* (2006) 140 Cal. App. 4th 1339; *City of Lodi v. Randtron* (2004) 118 Cal. App. 4th 337; *Hamilton v. Gourley* (2002) 103 Cal. App. 4th 351; *Miller v. Board of Medical Quality Assurance* (1987) 193 Cal. App. 3d 1371; *City and County of San Francisco v. Padilla* (1972) 23 Cal. App. 3d 388.
- “A court lacks jurisdiction in a fundamental sense when it has no authority at all over the subject matter or the parties, or when it lacks any power to hear or determine the case. (*Abelleira v. District Court of Appeal* (1941) 17 Cal.2d 280,

288, 109 P.2d 942.) If a court lacks such “ ‘fundamental’ ” jurisdiction, its ruling is void. (*People v. Lara* (2010) 48 Cal.4th 216, 225, 106 Cal.Rptr.3d 208, 226 P.3d 322.) A claim based on a lack of fundamental jurisdiction may be raised for the first time on appeal. (Ibid.)” *People v. Ford* (2015) 61 Cal. 4th 282, 286.

V. Relevant past Board decisions

- T01-0178, *Parfait v. Miller*: Owner letter claiming exemption not a valid response to tenant petition since owner did not pay filing fee, submit evidence of current business tax certificate, or submit any documentary evidence in support of his claim of exemption. On appeal, the Board agreed to hear new evidence regarding exemption and overturned administrative decision which granted tenant petition.
- T14-0150, *Harris v. Sullivan Management*: Board remanded hearing decision to determine if RAP has jurisdiction under Costa Hawkins.
- T08-0077, *English v. Nero*: Board found owner’s excuse for failure to file response, that she was confused about procedure because of confusion with prior cases, insufficient.
- T15-0316, *Benitez v. Tang*: Board affirmed hearing decision that issued an administrative decision granting tenant petition due to owner failure to file a response.