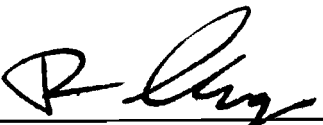


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OFFICE OF THE CITY CLERK  
OAKLAND

2011 OCT 13 PM 2:27

# Oakland City Council

RESOLUTION No. 83624 - C.M.S.

  
Approved as to Form and Legality

**RESOLUTION APPROVING AN AMENDMENT TO THE RENT ADJUSTMENT PROGRAM REGULATIONS REVISING REGULATION 10.2.2 (3) (APPENDIX A) REGARDING JUSTIFYING RENT INCREASES FOR CAPITAL IMPROVEMENTS TO CORRECT HAZARDOUS OR UNINHABITABLE CONDITIONS**

**WHEREAS**, the Rent Adjustment Program Regulations (“Regulations”) provide that a landlord may not pass along capital improvements undertaken in order to repair a hazardous condition, referred to in the Regulations as “Priority 1 or Priority 2 Conditions” (Regulation 10.2.2, subsection 3 (Appendix A); and

**WHEREAS**, the Housing, Residential Rent and Relocation Board (“Rent Board”) has considered appeals of hearing officer decisions that involve interpretations of Regulation 10.2.2, subsection 3; and

**WHEREAS**, the landlord and tenant parties to the appeals and members of the Rent Board have disagreed over the interpretation of Regulation 10.2.2, subsection 3 and the procedures for allowing or disallowing repairs to Priority 1 Priority 2 Conditions; and

**WHEREAS**, more specifically the disagreements of interpretation have included: whether a citation of the condition from the city is required in order to disallow the repair as a capital improvement, whether prior notice to the landlord of the condition is required, and whether the landlord should have a reasonable opportunity to make the repair prior to being denied the cost of the repair as a capital improvement; and

**WHEREAS**, the City Council and Rent Board believes it is in the best interests of Rent Adjustment Program and landlords and tenants to revise Regulation 10.2.2, subsection 3 such that the landlord must know of the Priority 1 or Priority 2 Condition prior, which notice is not required to be made through a citation, and that the landlord should have a reasonable time following notice to repair the conditions; and

**WHEREAS**, the Rent Board at its meeting of July 28, 2011 approved the amendment to the Regulations set out in Attachment A; and

**WHEREAS**, the Rent Board hereby requests that the Oakland City Council approve amendment to the Regulations amending and restating Regulation 10.2.2, subsection 3 to read as set out in Attachment A attached hereto and made a part hereof; now therefore be it

**RESOLVED:** That the City Council hereby approves the amendment to the Rent Adjustment Program Regulations set out in Attachment A, and be it

**FURTHER RESOLVED:** That said amendment shall be effective seven (7) days after the date of City Council approval.

IN COUNCIL, OAKLAND, CALIFORNIA,                      NOV 15 2011

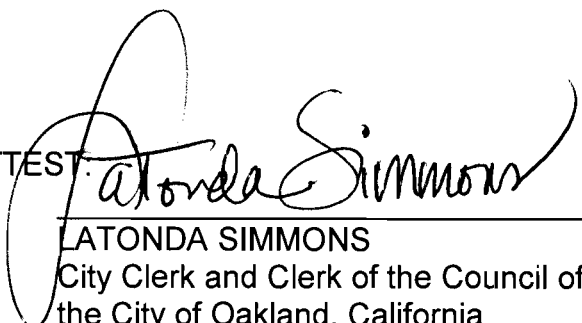
PASSED BY THE FOLLOWING VOTE:

AYES -        BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL,  
                  SCHAAF, AND PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST   
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California