



# City of San Leandro

Civic Center  
835 East 14th Street  
San Leandro, California

## Minutes

### Rent Review Board

*Daniel Johnson, Landlord*  
*Sandra Johnson Simon, Tenant*  
*Mia Ousley, Homeowner*  
*Maria Luisa Penaranda, Tenant*  
*Thomas Silva, Landlord*

---

Tuesday, June 28, 2016

7:00 PM

City Council Chambers

---

#### 1. ROLL CALL

*Meeting called to order at 7:03 p.m.*

*Present 4 - Johnson, Simon, Penaranda, and Silva. Absent 1 - Ousley.*

#### 2. PUBLIC COMMENTS

*None.*

#### 3. MINUTES

##### 3.A Minutes of meeting of May 24, 2016

*Motion to approve Minutes of May 24, 2016 Rent Review Board Meeting. A motion was made by Board member Johnson, seconded by Vice-Chair Simon. Minutes approved with 4 ayes (Johnson, Simon, Penaranda, and Silva), 0 nay.*

#### 4. CORRESPONDENCE

*None.*

#### 5. HEARINGS

*Board Chair Silva requested that the tenant and landlord at 327 Haas Avenue #430 and tenant and landlord at 141 Estabrook Street #8 to discuss their respective rent increase dispute outside the City Council Chambers while the Rent Review Board first reviewed the Continuance Hearing for RRB2015-96 case for 125 Euclid Avenue.*

##### 5.A. Continaunce of RRB2015-96 - 125 Euclid Avenue

*Mr. Thilloh Bramah stated that the \$800 rent increase ia a "get out of my apartment" rent increase. He also stated that his landlord did offer him a \$250 rent increase, but this 14% rent increase is double that of the 7% rent increase in the City's (Rent Review) ordinance. He requested that his landlord increase his rent sensibly and cautiously rather than pushing him out.*

*Mr. Alex McDow and Mr. Vince Lotti, who are the owners at MG Capital, the owner of Mr. Bramah's rental property, were accompanied by Ms. Pat Lee, who is the property*

manager for the property. Mr. McDow stated that it was not their intent to push out Mr. Bramah, though, it was their mistake in not giving a rent increase to Mr. Bramah for 5 years. He further explained that Mr. Bramah's unit will still be below the current market rents even after a \$800 rent increase. He also stated that Mr. Bramah did not accept their rent increase proposal offer that would have gradually increase the rent to the eventual \$800 rent increase.

Board Chair Silva explained that a \$800 rent increase is not reasonable, and that such rent increase has the perception of an "eviction by rent increase".

Mr. McDow responded that the market rate for Mr. Bramah's unit (with a storage, backyard, and parking) is \$2,900 (the \$800 rent increase will increase Mr. Bramah's rent to \$2,500).

Board member Johnson stated that it was an oversight on MG Capital not to increase Mr. Bramah's rent for 5 years.

Board member Peneranda stated that a \$250 rent increase is reasonable.

Board Chair Silva proposed the following recommendation.

- \$250 rent increase (\$1,700 increases to \$1,950) from July 1, 2016 - November 30, 2016.
- \$100 rent increase (\$1,950 increases to \$2,050) from December 1, 2016 - November 30, 2017.
- \$150 rent increase (\$2,050 increases to \$2,200) from December 1, 2017 - May 31, 2018.

Mr. McDow requested time to review this proposal.

Mr. McDow accepted the proposal, but wanted a \$200 (rather than \$100) rent increase from December 2016 - November 2017.

Mr. McDow accepted the following proposal.

- \$250 rent increase (\$1,700 increases to \$1,950) from July 1, 2016 - November 30, 2016.
- \$200 rent increase (\$1,950 increases to \$2,150) from December 1, 2016 - November 30, 2017.
- \$150 rent increase (\$2,050 increases to \$2,300) from December 1, 2017 - May 31, 2018.

Terms of the agreement was motioned by Board member Penaranda, and seconded by Vice Chair Simon. Motion approved with 4 ayes (Johnson, Simon, Penaranda, and Silva), 0 nay.

Mr. Bramah also accepted the proposal, and his rent review case was closed/resolved.

## 5.B. Continuanuce of RRB2015-98 - 237 Haas Avenue #430

Mr. Frank Agodi explained that he can pay \$1,700 (a \$145 rent increase instead of the original \$215 rent increase). He explained that he is currently in a training that will allow him to get a job, but relocating will affect his ability to secure interviews. He stated that his landlord can only accept \$1,700 for only 3 months, and afterwards, his rent will increase to \$1,770.

*Ms. Diana Fox, representative for Davidon Homes, the owner of Woodside Apartments, presented to the Rent Review Board a written offer that was proposed to Mr. Agodi. When asked by Board Chair Silva why the current offer is lower than the original \$25 rent increase reduction (a total of \$300 savings for 12 months), Ms. Fox explained that Mr. Agodi declined that offer, and that she, on the other hand, explained that she declined the offer recommended by the Rent Review Board at the previous Rent Review Board hearing on June 28, 2016. She also explained that the new offer is a deferment (will need to repay) (rather than a rent increase reduction) to accommodate Mr. Agodi's cash flow of obtaining a new job beginning in October.*

*Board Chair Silva proposed the following:*

- \$1,770 rent beginning July 1, 2016.*
- \$1,670 net rent for 3 months (July, August, September 2016) as Mr. Agodi will be given a \$100 rent credit each month for 3 months.*
- \$1,770 rent beginning in October 2016.*

*This is equivalent to the original offer of a total of \$300 savings for 12 months. Ms. Fox agreed to this proposal. Mr. Agodi also accepted this proposal.*

*Terms of the agreement was motioned by Board member Peneranda, and seconded by Board Vice-Chair Simon. Motion approved with 4 ayes (Johnson, Simon, Peneranda, and Silva), 0 nay.*

## 5.C. RRB2015-99 - 141 Estabrook Street #8

*Mr. Eduardo Diaz is the tenant at 141 Estabrook Street #8. He stated that rent increases are not being put back into the property. He also stated that his pay increases are not matching the 9.9% rent increase. When asked by Board Vice-Chair Simon and Board Chair Silva, he explained that the following need repairs: fan in the bathroom, door frame, dishwasher, garbage disposal, and washer/dryer.*

*Ms. Lorri Marcotte is the representative for Charles J. Marcotte, LLC, the owner of Mr. Diaz's apartment complex. She stated that Mr. Diaz has only received 5 rent increases in 15 years. The requested rent increase is \$1,699 for Mr. Diaz's 3 BR / 1.5 bath, 1,000sqft unit is still \$300 less than incoming rent for a similar unit. She further explained that their market analysis reflect \$2,100 as the current market for a 3 BR unit in San Leandro while the 2 BR units in her 16-unit building is renting for \$1,795.*

*Ms. Marcotte was not agreeable to a reduction to the original \$154 rent increase as she reasoned that her tenants stay for a long time due to her low rent.*

*Board Chair Silva proposed approving the \$154 rent increase along with the condition that Ms. Marcotte will repair/replace the bathroom fan and replaced the busted door jab within the next 10 days and that she will also address the mold issue in the unit which Mr. Diaz discussed with her for the first time.*

*Terms of agreement was motioned by Board Chair Silva, and seconded by Board member Johnson. Motion approved with 4 ayes (Johnson, Simon, Penaranda, and Silva), 0 nay.*

*Both Mr. Diaz and Ms. Marcotte agreed to the Board's recommendation.*

## 6. MISCELLANEOUS

*None.*

**7. BOARD MEMBER COMMENTS**

*None.*

**8. STAFF COMMENTS**

*None.*

**9. ADJOURN**

*Meeting adjourned at 8:50 p.m.*