



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: April 15, 2021

TO: Honorable Members of the Rent Stabilization Board

FROM: Matt Brown, Acting Executive Director
By: Matthew Siegel, Staff Attorney *MS*

RE: Discussion and Possible Action regarding RWN-1649 (*Knighon v. Magganas*)

Background

On April 22, 2020, the Hearing Examiner issued a decision in RWN-1649, holding that three rental units at the property located at 1915 Essex St. were not exempt from the ordinance and needed to be registered.

The owner appealed and the appeal was heard on August 20, 2020. At the appeal hearing, an attorney appeared for the owner stating he had just been retained and was seeking a continuance in order to give him sufficient time to fully prepare and represent his client.

The Board heard argument on the request for continuance, denied it and then proceeded to hear argument from the owner's attorney on the merits of the case. After argument, the Board upheld the Examiner's decision.

Subsequently, the attorney for the owner filed a Petition for Writ of Administrative Mandamus in the Alameda County Superior Court seeking to either overturn the Board's decision or have the matter remanded back to the Hearing Examiner for a new hearing. One of the arguments raised by the landlord is a denial of due process stemming from the failure to grant the continuance at the August 2020 Board hearing.

Possible Action: Since this matter is pending litigation, the Board will meet in closed session to discuss various legal and procedural alternatives regarding how to proceed. Options the Board may discuss may include but not be limited to; proceeding to trial, setting aside the Decision on Appeal and hearing a new appeal or setting aside the Decision on Appeal and remanding the matter back to the Hearing Examiner for a new hearing.