



CITY OF OAKLAND  
**newsrelease**  
Office of the City Attorney

Wednesday, July 13, 2011  
FOR IMMEDIATE RELEASE

Contact: (510) 238-3148  
On line at: [www.oaklandcityattorney.org](http://www.oaklandcityattorney.org)

## **Judge orders notorious Oakland landlords to sell properties Court order also bars landlords from owning multi-unit rental properties in Oakland**

OAKLAND, CA – The City of Oakland’s Neighborhood Law Corps and the Alameda County District Attorney’s Office have prevailed in a lawsuit against a pair of infamous Oakland landlords responsible for years of inhumane living conditions at four Oakland apartment buildings.

On July 6, Superior Court Judge Gail Brewster Bereola [ordered](#) landlords Hong Gardner and John Gardner to immediately turn over possession of the properties to a court-appointed receiver, who will be responsible for paying overdue utility bills, fixing major building code and fire code violations and hiring a property management company approved by the City and the District Attorney.

“Families who pay rent in this city have a right to safe and humane living conditions,” Acting City Attorney Barbara Parker said. “Oakland has many great landlords. Unfortunately, there are some who shirk their legal responsibilities and treat their tenants as little more than ATMs while their buildings literally fall apart.”

“If a landlord won’t abide by the law, we will use all available legal means to assure that tenants’ rights to safe and decent housing are protected,” Parker said.

Parker thanked Neighborhood Law Corps Attorney Jesse Newmark for his work on the case.

Significant health and safety problems have been documented for years at the Oakland properties owned by the Gardners. Problems have included infestations of cockroaches and mold, frequent water and power shut-offs, broken windows, crumbling balconies and broken security gates, as well as missing fire extinguishers, fire escapes and sprinkler systems. One building (on Seminary Avenue) caught fire last November. At the time, the building had no working smoke detectors.

The four properties with a total of 55 units are located at 2011 Rutherford Street, 5142 Bancroft Avenue, 1501 23<sup>rd</sup> Avenue and 1733 Seminary Avenue.

The judge’s order directs the Gardners to stay away from the properties and “permanently refrain from owning or operating multi-unit rental properties of four or more units within the City of Oakland in the future.”

The order helps tenants by cancelling back rent and prohibiting the receiver from collecting rent until repairs are completed. The receiver also must pay for relocation for tenants who choose to move. Under the order, the City will recover more than \$60,000 from the sale of the properties for legal fees and other expenses, including \$10,000 spent to relocate some tenants after their apartments were red-tagged due to dangerous structural conditions.

The Neighborhood Law Corps – the community law unit in the Oakland City Attorney’s Office – first sued Hong Gardner in June 2009 (**case #RG09455940**) to force improvements at the Rutherford Street building. District Attorney Nancy O’Malley’s office joined the lawsuit as a plaintiff last year.

\*\*\*