

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: April 21, 2021

Final Decision Date Deadline: April 21, 2021

**STATEMENT OF THE ISSUE:** The minutes of the February 17, 2021, Regular Meeting of the Richmond Rent Board require approval.

## INDICATE APPROPRIATE BODY

- |   |   |  |  |   |
|---|---|--|--|---|
| <input type="checkbox"/> City Council               | <input type="checkbox"/> Redevelopment Agency                             | <input type="checkbox"/> Housing Authority     | <input type="checkbox"/> Surplus Property Authority          | <input type="checkbox"/> Joint Powers Financing Authority |
| <input type="checkbox"/> Finance Standing Committee | <input type="checkbox"/> Public Safety Public Services Standing Committee | <input type="checkbox"/> Local Reuse Authority | <input checked="" type="checkbox"/> Other: <u>Rent Board</u> |   |

## ITEM

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) |  |  |
| <input type="checkbox"/> Public Hearing   | <input type="checkbox"/> Regulation  | <input checked="" type="checkbox"/> Other: <u>CONSENT CALENDAR</u> |
| <input type="checkbox"/> Contract/Agreement   | <input type="checkbox"/> Rent Board As Whole                                     |  |
| <input type="checkbox"/> Grant Application/Acceptance                                 | <input type="checkbox"/> Claims Filed Against City of Richmond                   |  |
| <input type="checkbox"/> Resolution   | <input type="checkbox"/> Video/PowerPoint Presentation (contact KCRT @ 620.6759) |  |

**RECOMMENDED ACTION:** APPROVE the minutes of the February 17, 2021, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

**J-1.**

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**RICHMOND, CALIFORNIA, February 17, 2021**

The Regular Meeting of the Richmond Rent Board was called to order at 5:00 P.M.

Due to the coronavirus (Covid-19) pandemic, Contra Costa County and Governor Gavin Newsom have issued multiple orders requiring sheltering in place, social distancing, and reduction of person-to-person contact. Accordingly, Governor Gavin Newsom has issued executive orders that allow cities to hold public meetings via teleconferencing.

Public comments were confined to items appeared on the agenda and were limited to the methods provided below. DUE TO THE SHELTER IN PLACE ORDERS, and consistent with Executive Order N29-20, the meeting utilized video/teleconferencing only. The following provides information on how the public participated in this meeting.

The public was able to view the meeting using Zoom at the following link:

<https://us02web.zoom.us/j/87053071080?pwd=em1HQ1ZuZ20wOEpxKzlxUUEzRGFQdz09>

Password: rentboard

+1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or  
+1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128

Step 2: Webinar ID: 870 5307 1080

International numbers available:

<https://us02web.zoom.us/j/kUWB3nRj1>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, February 17, 2021, to the Rent Board Clerk, Cynthia Shaw at [cynthia\\_shaw@ci.richmond.ca.us](mailto:cynthia_shaw@ci.richmond.ca.us), to be considered into the record.

**PLEDGE TO THE FLAG**

**ROLL CALL**

**Boardmembers Present:** Finlay, Conner and Chair Maddock.

**Staff Present:** Staff Attorney Charles Oshinuga, Deputy Director Paige Roosa and Executive Director Nicolas Traylor.

**Absent:** Vice Chair Gerould.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

A motion by Chair Maddock, seconded by Boardmember Conner, to move Item I-2 under Regulations, for discussion before Item H-1, under Rent Board as a Whole, passed by the following vote: **Ayes:** Boardmember Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

**PUBLIC FORUM**

Cordell Hindler commented by email, expressing that he feels that the public should be allowed to attend Rent Board meetings because the Board likes to hear from the public, to address their concerns. He also invited Boardmembers to attend the Contra Costa Mayors Conference held on March 4, 2021, at 6:30 PM.

Affordable housing developers Denise Carter and Alexis Gevorgian expressed concerns about their major housing development projects in progress or soon to begin. Gevorgian expressed that there is no rational nexus for the fees that the Rent Program charges their project. He feels that the fees are over the top and added that they are not saying that they should not pay any fees that a government agency may incur, or that they should get a free ride and not pay, but they feel they should be paying reasonable fees and they will adamantly object to unreasonable fees. He also feels that the Rental Housing Fees are not legal, justified or recoverable. Mr. Gevorgian's time expired at two minutes. Chair Maddock allowed him an additional two minutes to complete his comment. Mr. Gevorgian added that the vast majority of their tenants already have a public agency they can call for questions or complaints. He also mentioned that his project might have had only one or two complaints and for the agency to impose a \$40,000 per year fee resizes their loan into the millions, and it hinders the foundation of affordable housing. He also expressed that they are only going to pay their fair share and requested that the Board conduct a special study that has a sliding scale, based on critical mass, and they have the critical mass, wherein if anyone is calling from their project, all the agency needs is one person for a couple of hours per month to help with this study and that they will follow the government code. He also would like to know what the Rent Program is willing to do, to sit down in good faith to resolve

this, so that they could move on with their project because the Housing Fee is killing their project and it is not fair that the fee be imposed against them. He also added that their project is a good project and they do not have tenants calling the Rent Program all of the time. Denise Carter added that their project is 60% Project Based vouchers through the Housing Authority and that they will govern people moving in and they will be monitoring the development long-term to make sure that Tenants adhere to the requirements of those vouchers.

**RENT BOARD CONSENT CALENDAR**

On motion of Boardmember Finlay, seconded by Boardmember Conner, the item(s) marked with an (\*) were approved with Vice Chair Gerould absent:

\*F-1. Approve the minutes of the January 20, 2021, Regular Meeting of the Richmond Rent Board.

\*F-2. Receive letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100.

\*F-3. Receive the January 2021 Rent Program Monthly Report.

\*F-4. Receive the Rent Program FY 2020-21 Monthly Revenue and Expenditure Report through January 2021.

\*F-5. Approve a contract for interpretation services with Interpreters Unlimited with a payment limit not to exceed \$3,000 for the term March 1, 2021, through June 30, 2021.

**CONSIDERATION OF APPEALS**

G-1. Staff Attorney Charles Oshinuga presented on the matter of Appeal regarding Petition numbers RC20-T093, T094, and T106. Appellant appeals a Hearing Examiner's Decision that awarded Respondents Excess Rent in the amount of \$13,248.01, based on the notion that the Appellant failed to remit full Relocation payments, failed to return a portion of the Security Deposit, and charged utilities despite the lack of submetering. On appeal, Appellant challenges whether the Record contained substantial evidence to warrant the Hearing Examiner's decision to grant an Excess Rent award based on a failure to return Respondents' Security Deposit and unlawfully charging utilities

despite the lack of submetering. Appellant does not appeal the Hearing Examiner's Relocation award of \$4,396 to Upper Unit Respondents; however, the Appellant does contest the Relocation award of \$6,486 given to the Lower Unit Respondents. There were no public comments on this item. All parties of the case were present. Appellant presented for 5 minutes, then both Respondents presented for 7 minutes each, and finally the Appellant closed for 2 minutes. The Appeal began and the following individuals presented their case: Naresh Sharma, Nischal Rajbhandari and Roshan KC. After hearing the issues brought on appeal and considering the arguments of all parties on appeal, a motion by Boardmember Finlay, seconded by Boardmember Conner, to adopt the Staff Attorney's recommendation unchanged and remand this matter back to the Hearing Examiner, passed by the following vote: **Ayes:** Boardmember Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

Rent Board Clerk Cynthia Shaw concluded and dismissed parties for appeal RC20-T093/T094/T106 and informed them that they will receive a decision within 30 days.

Before dismissing parties to the appeal, Staff Attorney Charles Oshinuga thanked the parties for their patience and briefly explained the Board's actions, informing them that the Hearing Examiner's decision is now void and that this case will go back to the Hearing Examiner, without a new hearing. He added that the Hearing Examiner has to look at all of the evidence again that was submitted during the petition and the hearing. In addition, the Hearing Examiner has to make certain findings and evaluate certain facts that were pointed out in the recommendation. After he does that, he has to reach certain conclusions that he deems reasonable, and then issue a new decision. He also added that after that decision is issued, any party of this case can appeal that decision. He also added that the only issue that will not be considered by the Hearing Examiner and that is final is that the Landlord failed to appeal the relocation benefits, only as it related to Nischal, the Upper unit Tenant. Because the Landlord failed to do that, that \$4,396 portion of the award is due. Mr. Oshinuga asked the Board to correct him if he was incorrect regarding the relocation award and that if they wish to address it, they should do that before concluding the hearing. The Boardmembers agreed that Mr. Oshinuga's statement was correct and that their vote remains. Mr. Oshinuga concluded and informed the parties that if they have any questions to reach out to Board Clerk Cynthia Shaw. Board Clerk Cynthia Shaw informed parties to be sure to keep their

mailing address up to date with the Board, in order to receive hearing correspondence related to the remanded decision.

**RENT BOARD AS A WHOLE**

I-2. The matter to adopt the revised Richmond Rent Board Special Revenue Fund Operating Reserve Policy was presented by Deputy Director Paige Roosa. The presentation included the reserve policy background, objectives of revised reserve policy, proposed reserve policy, status of existing fund balances, proposed next steps, and the recommended action. Discussion ensued. The following individual gave comment: Ilona Clark. A motion by Boardmember Finlay, seconded by Boardmember Conner, to adopt the revised Richmond Rent Board Special Revenue Fund Operating Reserve Policy, passed by the following vote: **Ayes:** Boardmember Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

H-1. The matter to (1) receive a draft Fiscal Year 2021-22 Rent Program budget, corresponding Rental Housing Fee study, and 10-year financial projection and provide direction to staff; and (2) determine the date and time of a public hearing concerning adoption of the Fiscal Year 2021-22 budget and approval of the fee study consistent with Sections 11.100.060(n) and (l) of the Rent Ordinance, was presented Deputy Director Paige Roosa. The presentation included the background, contents of the presentation, proposed Rent Program organizational chart, proposed General Counsel Classification, proposed Senior Analyst Classification, proposed Public Info & Enrollment Unit, proposed FY 2021-22 Budget that included salaries and wages, benefits, professional and administrative services, travel and training, dues and publications, advertising and promotion, administrative expenses, office expenses – postage and mailing, office expenses – printing and binding, equipment rental, office supplies, utilities and supplemental insurance, cost pool and noncapital assets; Financial status and 10-year projection included, expense and revenue summary, the background and the high-level summary; Proposed Rental Housing Fee Study included, introduction and background, proposed fee structure and example services, applicable unit counts, proposed budget and Rental Housing Fees, comparison of proposed FY 2021-22 Rental Housing Fee to prior years, the recommended action and possible dates for budget hearing. The following individual gave comment: Ilona Clark. Discussion ensued.

A motion by Boardmember Conner, seconded by Boardmember Finlay, to direct staff to move the Regular Rent

Board meeting scheduled for Wednesday, March 17, 2021, to Tuesday, March 9, 2021, at 5:00 PM and to include the budget review requested by staff, passed by the following vote: **Ayes:** Boardmember Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

A motion by Boardmember Finlay, seconded by Chair Maddock, to extend the meeting past the 3-hour time limit, to adjourn by 8:30 PM, for continued discussion on Item H-1 under Rent Board as a Whole and to receive Item I-1 under Regulations and Item J under Reports of Officers, passed by the following vote: **Ayes:** Boardmember Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

A motion by Boardmember Finlay, to receive a draft Fiscal Year 2021-22 Rent Program budget, corresponding Rental Housing Fee study, and 10-year financial projection, and direct staff to present the item at the meeting scheduled for Tuesday, March 9, 2021, failed for lack of a second motion.

A motion by Boardmember Conner, seconded by Chair Maddock, to receive a draft Fiscal Year 2021-22 Rent Program budget, corresponding Rental Housing Fee study, and 10-year financial projection, and direct staff to provide a revised, proposed 2021-22 budget that reduces the amount of the Rental Housing Fee in order to provide relief to property owners, with a friendly amendment by Chair Maddock, and accepted by Boardmember Conner, to also reduce the amount of the reserves, failed by the following vote: **Ayes:** Boardmember Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould

A motion by Boardmember Finlay, to receive a draft Fiscal Year 2021-22 Rent Program budget, corresponding Rental Housing Fee study, and 10-year financial projection, and direct staff to present the item at the meeting scheduled for Tuesday, March 9, 2021, failed for lack of a second motion.

A motion by Boardmember Finlay, seconded by Chair Maddock, to receive a draft Fiscal Year 2021-22 Rent Program budget, corresponding Rental Housing Fee study, and 10-year financial projection, and direct staff to present the item at the meeting scheduled for Tuesday, March 9, 2021, with a revised proposal reflecting a reduction of the projected reserves and revised budget resulting in a \$1.00 reduction of the Rental Housing Fee for Fully and Partially Covered Rental Units, passed by the



following vote: **Ayes:** Boardmember Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

**REGULATIONS**

I-1. The matter to adopt Regulation 301.5 to permit Boardmembers whose terms have expired to continue serving until they are replaced, was presented by Executive Director Nicolas Traylor. The presentation included the background, proposed policy and alignment with Measure L, the City Charter and relevant State law, next steps and the recommended action. Discussion ensued. There were no public comments on this item. A motion by Boardmember Finlay, seconded by Boardmember Conner, to adopt Regulation 301.5 to permit Boardmembers whose terms have expired to continue serving until they are replaced, passed by the following vote: **Ayes:** Boardmember Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

**REPORTS OF OFFICERS**

Executive Director Nicolas Traylor acknowledged Rent Board Chair Lauren Maddock and thanked her on the behalf of staff for her service to the community and leadership while serving as Chair of the Rent Board.

Staff Attorney Charles Oshinuga, Deputy Director Paige Roosa and Board Clerk Cynthia Shaw also acknowledged Chair Maddock for her service, thanked her for her work and for serving on the Ad Hoc Committee, acknowledged her dedication and fairness to the community, and expressed gratitude to her for laying a good financial foundation and bringing great financial expertise to the Rent Board.

Boardmembers Conner and Finlay also acknowledged Chair Maddock for her service, noting that they enjoyed working with her. They also mentioned that she brought a lot of knowledge, especially when it comes to fiscal matters, to the Rent Board and presented great passion for the City of Richmond community and that they appreciate all of the work she has done. They also mentioned that she would be missed and wished her and the family the best of luck.

Chair Maddock responded to staff and Boardmember comments, noting that she has been here since the beginning of the

program and agreed to serve until the maximum allowed time to serve. She also mentioned that she will be moving out of the City of Richmond for a new career position and will therefore not be able to serve. She also added that birthing a new program has truly been an eye-opening experience. She acknowledged staff and congratulated them for their hard work. She also acknowledged Boardmember Finlay for sharing her expertise about serving as a member of a board in the City of Richmond, and that she is grateful to have had her teachings and knowledge. She further acknowledged Boardmember Conner, thanking her for her expertise and encouraging her to hang in there. She noted that being a Boardmember is a lot of work, but is rewarding and that the City of Richmond deserves the best. She also added that she hopes that other boards and commissions can examine the work we have done, see how diligent we are, and observe how we interact with our staff appropriately and support open lines of communication.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:29 P.M.

Cynthia Shaw and Sarah Schaff  
Staff Clerks

(SEAL)

Approved:

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Rent Board Chair