

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 19, 2018

Final Decision Date Deadline: September 19, 2018

**STATEMENT OF THE ISSUE:** The minutes of the August 15, 2018, 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 August 15, 2018 Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

**G-1.**

**RICHMOND, CALIFORNIA, August 15, 2018**

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

**PLEDGE TO THE FLAG**

**ROLL CALL**

**Present:** Boardmembers Combs, Finlay, Maddock, Vice Chair Gerould and Chair Gray.

**Absent:** None

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

None.

**PUBLIC FORUM**

Mitchell Jamerson expressed concern regarding the Richmond Police Department visiting his home after being called by Mr. Traylor, claiming harassment. He mentioned the issue about his home being foreclosed and how he discussed this issue with the Rent Program for advice and resolution. He also mentioned that his home was fraudulently foreclosed by an investment company and feels that the Rent Program will not help him with correcting the title of ownership with county records.

Cordell Hindler invited the Rent Board to attend a community event in the month of August. He expressed concern about how Rent Program Workshop attendees ask questions during the presentation and how it would be a courtesy to others to hold questions until the end of the workshop. He suggested that staff remind attendees of the rules so that the presenter isn't interrupted while giving the presentation. He also mentioned that he received an email from the President of the Point Richmond Neighborhood Council, confirming that Executive Director, Nicolas Traylor, will give a presentation on Rent Control at their August 29<sup>th</sup> meeting and that Nicolas will provide an update to the Board on the outcome.

Brian (no last name given) expressed concern about how landlords are not given the opportunity to pass through registration fees to tenants. He asked the Rent Board to consider small landlord's expenses when making decisions that may impact their ability for rent increases.

Iiona Clark mentioned a conversation between housing providers and the Executive Director, Nicolas Traylor regarding a situation that a housing provider had with a tenant in regards to laundry use and noise. She mentioned that the housing provider received advice from Nicolas Traylor in regards to an option of evicting the tenant. She expressed concern on the advice given to the housing provider and feels that it was inappropriate to offer the option of evicting the tenant. She also feels that housing providers should receive more support from the Rent Program in regards to resolving issues between housing providers and tenants rather than providing the option of eviction.

### **RENT BOARD CONSENT CALENDAR**

On motion of Boardmember Maddock, seconded by Vice Chair Gerould, the item(s) marked with an (\*) were approved.

\*F-1. Approve the minutes of the July 18, 2018, Regular Meeting of the Richmond Rent Board.

\*G-3. Receive the July 2018 Rent Program Monthly Report.

### **REGULATIONS**

G-1. The matter to amend Chapter 7 of the Rent Board Regulations to: (1) add Regulation 703.5 to create a petition process whereby a Landlord may challenge whether the Rental Unit is the original occupant's Primary Residence; (2) add Regulation 706.5 to create a petition process allowing both Landlords and Tenants to challenge the resetting of the initial rental rate based on vacancy decontrol; (3) provide a reference to the Rent Ordinance's definition of Primary Residence; (4) replace references to "signed lease" with the Rent Ordinance's definition of Rental Housing Agreement; and (5) replace the phrase "written notice" with notice, consistent with existing case law was presented by Staff Attorney, Charles Oshinuga. The presentation included background information, a statement of the issue, the staff proposal regarding petitions based on qualifying events of vacancy decontrol, the staff proposal regarding potential definitional

conflicts, potential conflicts and technical issues, the staff proposal to address principle residence through amendment, the staff proposal to address the phrases “agreement” and “lease” through amendment, excerpts of Regulation 706(C), the staff proposal to address concerns with the phrase “written notice” through amendment, proposed Regulation 703.5, proposed Regulation 706.5, and the recommended action. Discussion ensued. The following individual gave a comment: Ilona Clark. A motion by Chair Gray, seconded by Boardmember Combs, amending Chapter 7 of the Rent Board Regulations to: (1) add Regulation 703.5 to create a petition process whereby a Landlord may challenge whether the Rental Unit is the original occupant’s Primary Residence; (2) add Regulation 706.5 to create a petition process allowing both Landlords and Tenants to challenge the resetting of the initial rental rate based on vacancy decontrol; (3) provide a reference to the Rent Ordinance’s definition of Primary Residence; (4) replace references to “signed lease” with the Rent Ordinance’s definition of Rental Housing Agreement; and (5) replace the phrase “written notice” with notice, consistent with existing case law, passed by the following vote: **Ayes:** Boardmembers Combs, Finlay, Maddock, Vice Chair Gerould and Chair Gray. **Noes:** None. **Abstentions:** None. **Absent:** None.

G-2. The matter to amend Regulation 905(a)(6)(b)(viii) to reflect the definition of “Capital Improvement” provided in Section 11.100.070 of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance was presented by Staff Attorney, Charles Oshinuga. The presentation included excerpts of Regulation 905(A)(6)(b)(viii) and background information, a statement of the issue, the proposed policy amendment from staff, proposed amendment to Regulation 905(A)(6)(b)(viii) and the recommended action. Discussion ensued. A motion by Boardmember Finlay, seconded by Chair Gray, to amend Regulation 905(a)(6)(b)(viii) to reflect the definition of “Capital Improvement” provided in Section 11.100.070 of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance passed by the following vote: **Ayes:** Boardmembers Combs, Finlay, Maddock, Vice Chair Gerould and Chair Gray. **Noes:** None. **Abstentions:** None. **Absent:** None.

Chair Gary, seconded by Boardmember Finlay, made a motion to suspend Rosenberg’s Rules of Order in regards to Public Comment, to allow community member, Gloria Scoggins, to address the Board, after the Public Comment period. The motion passed by the following vote: **Ayes:** Boardmembers Combs,

Finlay, Maddock, Vice Chair Gerould and Chair Gray. **Noes:** None. **Abstentions:** None. **Absent:** None.

**RENT BOARD AS A WHOLE**

H-1. The matter to receive a memorandum from Dr. Kenneth Baar concerning a Capital Improvement Regulation and direct staff to collaborate with the Planning and Building Services Department to monitor the frequency with which property owners are investing in seismic safety improvements and devise Rent Board policy and/or program options for encouraging such improvements and educating community members about how to prepare for earthquakes was presented by Executive Director, Nicolas Traylor. The presentation included background information, contributing factors, nexus with the Rent Ordinance, existing local policy framework, seismic safety in the context of Rent Control, proposed next steps and the recommended action. Discussion ensued. The following individuals gave comments: Ilona Clark and Olga Eaglin. A motion by Boardmember Finlay, seconded by Chair Gray, to receive a memorandum from Dr. Kenneth Baar concerning a Capital Improvement Regulation and direct staff to collaborate with the Planning and Building Services Department to monitor the frequency with which property owners are investing in seismic safety improvements and devise Rent Board policy and/or program options for encouraging such improvements and educating community members about how to prepare for earthquakes, passed by the following vote: **Ayes:** Boardmembers Combs, Finlay, Maddock, Vice Chair Gerould and Chair Gray. **Noes:** None. **Abstentions:** None. **Absent:** None.

H-2. The matter to direct staff members to study the issue of the Short-Term Rental housing market as it relates to withdrawn accommodations and propose policy solutions that the Board could recommend to the City Council for consideration to mitigate possible adverse effects of Short-Term Rentals on the City's rental housing supply, was presented by Staff Attorney, Charles Oshinuga. The presentation included background information, statement of the issue, a brief summary regarding the City's sole jurisdiction to regulate the use of short term rentals, such as Air B&B, VRBO, etc., a brief summary about how cities with Rent Stabilization programs collaborate with their respective Building and Planning Departments, excerpts of San Francisco's Conversion and Demolition Ordinance, excerpts of San Jose's Short-term Rental Ordinance, findings, and the recommended action. Discussion ensued. There were no public comments on this item. A motion by Boardmember Maddock, seconded by Chair Gray,

directing staff to study the issue of the Short-Term Rental housing market as it relates to withdrawn accommodations and propose policy solutions that the Board could recommend to the City Council for consideration to mitigate possible adverse effects of Short-Term Rentals on the City's rental housing supply, passed by the following vote: **Ayes:** Boardmembers Combs, Finlay, Maddock, Vice Chair Gerould and Chair Gray. **Noes:** None. **Abstentions:** None. **Absent:** None.

**REPORTS OF OFFICERS**

Executive Director, Nicolas Traylor, addressed the Board, responding to a comment made by a community member, during the Public Comment period. He provided a brief explanation of the holistic counseling approach that he and other staff members employ to assist Landlords and Tenants. He also mentioned that during a counseling session, staff members are trained to advise and provide options, to mediate issues between Landlords and Tenants and do not provide legal advice regarding evictions. He also commended staff on their great work and commitment to community members.

Deputy Director, Paige Roosa reminded the Board of the Appeals Training scheduled for Saturday, September 22<sup>nd</sup> at 10:00 AM, in the Richmond Room, located in City Hall. She also mentioned the launch of the Petitions forms page and the new and improved Laws and Regulations page on our website. She also reminded the Board of the Tenant focused, Handling Habitability Issues workshop scheduled for Saturday, August 18<sup>th</sup> at 10:00 AM, located in the City Council Chambers.

Chair Gray wished Deputy Director, Paige Roosa a happy belated birthday on the behalf of the Board and commended her on her great service to the Richmond Community.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:00 P.M.

Cynthia Shaw and Ramona Howell  
Staff Clerks

(SEAL)

Approved:

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David Gray, Chair