

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: November 14, 2018

Final Decision Date Deadline: November 14, 2018

**STATEMENT OF THE ISSUE:** The minutes of the September 19, 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 September 19, 2018 Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

**G-1.**

**RICHMOND, CALIFORNIA, September 19, 2018**

The Regular Meeting of the Richmond Rent Board was called to order at 5:01 P.M.

**PLEDGE TO THE FLAG**

**ROLL CALL**

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

**Absent:** Vice Chair Gerould.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

None.

**DEPARTMENT UNIT PRESENTATION – PUBLIC INFORMATION UNIT**

**PUBLIC FORUM**

Cordell Hindler invited the Rent Board to attend a community event that will be held during the months of September and October. He also expressed that there was an error in the August minutes shown on the website, and requested the name be corrected from Richmond Neighborhood Council to Point Richmond Neighborhood Council, and that the website be updated to reflect this correction. He also reported on the presentation by Executive Director, Nicolas Traylor at the Point Richmond Neighborhood Council. He also 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 and suggested that workshop attendees complete a comment card to submit questions to staff members with their questions or concerns.

Robin Lape, a resident of Heritage Park Apartments, expressed concern about a recent rent increase she received and that she is enrolled in the Section 8 program. She also expressed the feeling of not knowing what's next and questioning will management sell the property or will the residents be kicked out? She also mentioned that residents face several issues with Heritage Park management when it comes to taking care of the appliances and other issues that she didn't have time to mention. She mentioned her experience dealing with management to receive a refrigerator and how the process was lengthy and time consuming and feels that the issues with management are getting out of hand.

Mitchell Jamerson discussed the issue about his home being fraudulently foreclosed and how he discussed this issue with Executive Director, Nicolas Traylor and Rent Program staff for advice and resolution and no action was taken. He feels that Mr. Traylor lied to him saying that the Rent Program can assist him but refused to assist him because of his race and that Mr. Traylor had no interest in assisting him with the foreclosure issue.

Elsa Stevens, a resident of Heritage Park, expressed gratitude to Mr. Nicolas Traylor for negotiating a lower rent increase for residents this summer. She also mentioned how several residents moved out in fear of the 12% rent increase given this year. She mentioned that the residents held a meeting and that several residents mentioned the security issues on the property. She mentioned how several cars have been broken into, the issues with drug trafficking, some tenants allow guests to stay more than 2 weeks or a year. She also mentioned that residents have spoken to management about the problems on the property, but they are not addressing the problems. She also expressed concern about the conditions of the washers and dryers in the laundry area. She mentioned how many residents were not given an orange complaint form to submit to management. She also mentioned difficulties faced by tenants with a disability. She also mentioned that management talked about providing security cameras, but they were never installed. Finally, she expressed that a tenant with a disability was charged \$300 by management to move his furniture for renovations and wasn't given a receipt of payment.

Audrey Jenkins, a resident of Heritage Park Apartments expressed concerns about the unsanitary state of the washing machines. She shared a photo of the washing machine that had an item of clothing with feces on it. She mentioned that she has found feces in both the washing machine and the dryers, located in the A & B building of the property and feels that it is a health hazard to

residents. She also feels that this issue should be taken care of by a higher power other than a resident. She also mentioned hearing from residents of drug dealings in the building on the 1<sup>st</sup> and 3<sup>rd</sup> floors. She mentioned the high traffic of non-residents who come in and out of the building and that they pose a threat to the elderly residents. She also mentioned that she asked management for new blinds for her apartment, since they were 18 years old and was told that she had to pay \$156 to have them replaced.

### **RENT BOARD CONSENT CALENDAR**

On motion of Chair Gray, seconded by Boardmember Maddock, the item(s) marked with an (\*) were approved with Vice Chair Gerould absent and with the correction to the public comment made by Cordell Hindler, to change Richmond Neighborhood Council to Point Richmond Neighborhood Council, on the August 15, 2018, minutes.

\*G-1. Approve the minutes of the August 15, 2018, Regular Meeting of the Richmond Rent Board.

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

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

### **REGULATIONS**

H-1. The matter to adopt amendments to Rent Board Regulation 503 (Notice Requirements) to: (1) reorganize the steps of withdrawing a rental property to reflect a more consistent process; (2) clarify the permissible use of authorized agents to file, serve, and record required documents; (3) remove the obligation that a Landlord record a “certificate” indicating that they have initiated actions to terminate tenancies of their rental properties; and (4) remove the obligation that Landlords provide Tenants with stamped postcards, whereby a Tenant may indicate that they are entitled to relocation benefits was presented by Executive Director, Nicolas Traylor. The presentation included a statement of the issue, Ellis Regulation background information, staff’s proposal addressing Landlords’ various concerns, step-by-step reorganization of the withdrawal process, clarification that landlords are permitted to use designated agents to satisfy most of Regulation 503 requirements, removing duplicative steps, and the

recommended action. Discussion ensued. The following individual gave comments: Olga Eaglin. A motion by Chair Gray, seconded by Boardmember Combs, to adopt amendments to Rent Board Regulation 503 (Notice Requirements) to (1) reorganize the steps of withdrawing a rental property to reflect a more consistent process; (2) clarify the permissible use of authorized agents to file, serve, and record required documents; (3) remove the obligation that a Landlord record a “certificate” indicating that they have initiated actions to terminate tenancies of their rental properties; and (4) remove the obligation that Landlords provide Tenants with stamped postcards, whereby a Tenant may indicate that they are entitled to relocation benefits, passed by the following vote: **Ayes:** Boardmembers Combs, Finlay, Maddock, and Chair Gray. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

H-2. The matter to adopt Regulation 911.5 (Determining the Lawful Rent in Master Tenant – Subtenant Occupancies), prohibiting Master Tenants from charging subtenants more Rent than that which is actually and lawfully due and payable to the Landlord of the Controlled Rental Unit, and permit subtenants to petition the Rent Board for an adjustment in Rent and/or exercise rights and obligations pursuant to Regulation 911 (Overcharges and Other Violations), was presented by Executive Director, Nicolas Traylor. The presentation included a statement of the issue, the background, a summary of Regulation 911.5, and the recommended action. Discussion ensued. There were no public comments on this item. A motion by Boardmember Maddock, seconded by Boardmember Finlay, to adopt Regulation 911.5 (Determining the Lawful Rent in Master Tenant – Subtenant Occupancies), prohibiting Master Tenants from charging subtenants more Rent than that which is actually and lawfully due and payable to the Landlord of the Controlled Rental Unit, and permit subtenants to petition the Rent Board for an adjustment in Rent and/or exercise rights and obligations pursuant to Regulation 911 (Overcharges and Other Violations), passed by the following vote: **Ayes:** Boardmembers Combs, Finlay, Maddock, and Chair Gray. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

H-3. The matter to adopt amendments to Regulation 402 (Required Rent Registration), Regulation 405 (Enrollment with the Richmond Rent Program) and Regulation 406 (Failure of a Landlord to Enroll or File) to clarify the following requirements: (1) all rental properties containing at least one Rental Unit, as defined in Section 11.100.030(m) of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, must be enrolled

with the Rent Program; (2) all tenancies in Controlled Rental Units, as defined in Section 11.100.030(d) of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, must be registered with the Rent Program; and (3) the failure to enroll a rental property and/or register a tenancy in a Controlled Rental Unit may be asserted as an affirmative defense to an unlawful detainer (eviction) lawsuit, was presented by Deputy Director, Paige Roosa. The presentation included a statement of the issue, the background and purpose, information captured in enrollment and tenancy registration forms, proposed applicability of enrollment and tenancy registration, and the recommended action. Discussion ensued. There were no public comments on this item. A motion by Chair Gray, seconded by Boardmember Combs, to adopt amendments to Regulation 402 (Required Rent Registration), Regulation 405 (Enrollment with the Richmond Rent Program) and Regulation 406 (Failure of a Landlord to Enroll or File) to clarify the following requirements: (1) all rental properties containing at least one Rental Unit, as defined in Section 11.100.030(m) of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, must be enrolled with the Rent Program; (2) all tenancies in Controlled Rental Units, as defined in Section 11.100.030(d) of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, must be registered with the Rent Program; and (3) the failure to enroll a rental property and/or register a tenancy in a Controlled Rental Unit may be asserted as an affirmative defense to an unlawful detainer (eviction) lawsuit, passed by the following vote: **Ayes:** Boardmembers Combs, Finlay, Maddock, and Chair Gray. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

H-4. The matter to adopt an amendment to Regulation 603(A), modifying the requirement that Landlords file notices of rent increase with the Rent Board within two business days to require that Landlords file notices of rent increase with the Rent Board within 10 business days was presented by Executive Director, Nicolas Traylor. The presentation included a statement of the issue, background information, and the recommended action. Discussion ensued. The following individual gave comments: James Burns. A motion by Chair Gray, seconded by Boardmember Maddock, to adopt an amendment to Regulation 603(A), modifying the requirement that Landlords file notices of rent increase with the Rent Board within two business days to require that Landlords file notices of rent increase with the Rent Board within 10 business days, passed by the following vote: **Ayes:** Boardmembers Combs, Finlay, Maddock, and Chair Gray. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

**STUDY AND ACTION SESSION**

I-1. The matter to receive a case study matrix and presentation from Rent Program staff members concerning Tenant Buyout Agreement policies and provide direction to staff was presented by Deputy Director, Paige Roosa. The presentation included a statement of the issue, the background and purpose, case study research, case study research that included common and unique elements of buyout agreements, next steps and the recommended action. Discussion ensued. There were no public comments on this item. A motion by Chair Gray, seconded by Boardmember Combs, to receive a case study matrix and presentation from Rent Program staff members concerning Tenant Buyout Agreement policies and direct staff to present three types of policy options to the Board in regards to buyouts; a stringent option, a moderate option and a non-stringent option, allowing the Board to study and provide further direction to staff, passed by the following vote: **Ayes:** Boardmembers Combs, Finlay, Maddock, and Chair Gray. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

**REPORTS OF OFFICERS**

Executive Director, Nicolas Traylor, gave a brief report on the success of the Handling Habitability Issues workshop, Landlord oriented, held on Saturday, September 15, 2018. He also gave a brief report on the Rent Control presentation he and Deputy Director Paige Roosa presented to The Point Richmond Neighborhood Council and that they received good feedback from attendees. He also mentioned that they will continue to give presentations on Rent Control to other Neighborhood Councils in the city and that the next presentation will be held at the Iron Triangle Neighborhood Council meeting.

Deputy Director, Paige Roosa reminded the Board of the upcoming Appeals Training scheduled for Saturday, September 22<sup>nd</sup> at 10:00 AM, to 12:00 PM, in the Richmond Room, located in City Hall and that it will be publicly noticed since all Boardmembers will be attending. Board Clerk, Cynthia Shaw also added that she will send reminders to Boardmembers on the logistics of the Appeals Training and that she will email the training literature to Chair Gray since he will be absent.

**ADJOURNMENT**

There being no further business, the meeting adjourned at  
6:55 P.M.

Cynthia Shaw and Ramona Howell  
Staff Clerks

(SEAL)

Approved:

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David Gray, Chair