

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: December 19, 2018

Final Decision Date Deadline: December 19, 2018

**STATEMENT OF THE ISSUE:** The minutes of the November 14, 2018, Special 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 November 14, 2018, Special Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

**H-1.**

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**RICHMOND, CALIFORNIA, November 14, 2018**

The Special Meeting of the Richmond Rent Board was called to order at 5:04 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**

Item G-2 was removed from the Consent Calendar to be discussed after approval of the Consent Calendar.

Item J-2 was moved from Rent Board as a Whole for discussion after Item G-2 under Study and Action Session.

**DEPARTMENT UNIT PRESENTATIONS – FRONT OFFICE AND HEARINGS UNITS**

Administrative Aide Michelle Arriaga presented on the duties of the Rent Program Front Office.

Hearing Examiner Paul Cohen presented an update on the Rent Program Hearings Unit.

**PUBLIC FORUM**

Cordell Hindler requested an amendment to his comment in the September minutes to correct the name of the organization he mentioned to the Richmond Neighborhood Coordinating Council. He also invited the Rent Board to attend community events that will be held during the months of November and December. He reported that he has reached out to other neighborhood councils on their interest in learning about Rent Control, and that he is awaiting a response.

Iiona Clark expressed concerns about the creditability of the Rent Program and its budget. She expressed that since the Boardmembers are up for reappointment in a few months, she feels the Rent Program should be audited by an independent auditor. She also expressed that she mentioned an audit of the Rent Program to Executive Director Nicolas Traylor and he agreed with her. She also expressed concerns about how the Staff Monthly Report statistics are reported with regard to the number of termination of tenancy notices filed with the Rent Program. She also expressed concern regarding the process for uploading the notices on to the website and how the number of days for submitting the notices online is calculated. Specifically, she stated that she feels holidays should not be considered in this calculation. She also feels that a “Three Day Notice to Pay Rent or Quit” should not be considered a termination of tenancy and should not be included in the monthly report as such. She also feels that if the notices are counted as such, the data is incorrect.

Eviction Defense Center Attorney Lauren Russo gave comments about Rent Program staff referrals. She mentioned that there are approximately 12 tenants referred by Rent Program staff to their office per month, and that this is in addition to 20 new clients a month served by the EDC who do not receive referrals from the Rent Program. She also gave comments on her experience working with Richmond tenants and mentioned that of the termination of tenancy notices she has seen, approximately 90% were defective and shouldn’t stand judicial scrutiny. She expressed concerns about unrepresented parties and commended the Rent Program on their efforts to educate the community about tenant rights and just cause for eviction requirements. She expressed that more needs to be done in regards to educating the community and judges on Just Cause for Eviction and Rent Control in Richmond.

### **RENT BOARD CONSENT CALENDAR**

On motion of Chair Gray, seconded by Vice Chair Gerould, the item(s) marked with an (\*) were approved by the unanimous vote of the Rent Board:

\*G-1. Approve the minutes of the September 19, 2018, Regular Meeting of the Richmond Rent Board. **This item was continued from the October 17, 2018, meeting.**

G-2. The matter to receive letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100, was

presented by Vice Chair Gerould. Discussion ensued. No action was taken.

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

\*G-4. Receive the October 2018 Rent Program Monthly Report.

### **STUDY AND ACTION SESSION**

J-2. The matter to receive an update from the Ad Hoc Committee on their efforts to reach an agreement with affordable housing providers to address rent increases and living conditions in Low-Income Housing Tax Credit developments and discuss proposed strategies to mitigate destabilizing rent increases and address living conditions in Low-Income Housing Tax Credit developments was presented by Executive Director Nicolas Traylor and Rent Program Services Analyst Philip Verma. The presentation included a statement of the issue, Low Income Housing Tax Credit (LIHTC) background information, the purpose of the Ad Hoc Committee, results of conversations with stakeholders, findings on “Rent Shock,” findings on safety and habitability in LIHTC units, the proposal by the Ad Hoc Committee, and the recommended action. Discussion ensued. The following individuals gave comments: Melvin Willis, James Daniels, Ana Ore, Elsa Stevens, Stephen Heninger, Debra Harkness, Linda Hudson, Sheila Norflis, Marion Laurant, Elaine Dockens, Steve McElroy, Herman Hudson, Marilyn (no last name given), Jennifer Wood, Tim Kinnicutt, Alan Bogomilsky, and Bryan Russell. No action was taken.

H-1. A motion by Chair Gray, seconded by Vice Chair Gerould, to continue the matter to receive Tenant Buyout Agreement Policy Options and direct staff to present the Rent Board’s selected policy option during a study session at a meeting of the City of Richmond City Council and work with City staff to develop a Buyout Agreement Ordinance to the December 19, 2018 meeting, passed by the following vote: **Ayes:** Boardmembers Combs, Finlay, Maddock, Vice Chair Gerould and Chair Gray. **Noes:** None. **Abstentions:** None. **Absent:** None.

### **REGULATIONS**

I-1. The matter to adopt amendments to Regulation 602 to clarify the banking provisions of the Regulation, where Landlords

may apply up to 5% of deferred rent increases in a twelve-month period, and establish the utilization of a compound interest formula, rather than a simple interest formula, in the calculation of the Maximum Allowable Rent was presented by Executive Director Nicolas Traylor. The presentation included a statement of the issue, background on the banking regulation, proposed amendments to clarify the banking provisions of Regulation 602, an overview of the compounding vs. simple interest issue, a summary of why compounding interest should be used, and the recommended action. Discussion ensued. A motion by Chair Gray, seconded by Boardmember Finlay, to adopt amendments to Regulation 602 to clarify the banking provisions of the Regulation, where Landlords may apply up to 5% of deferred rent increases in a twelve-month period, and establish the utilization of a compound interest formula, rather than a simple interest formula, in the calculation of the Maximum Allowable Rent, passed by the following vote: **Ayes:** Boardmembers Combs, Finlay, Maddock, Vice Chair Gerould and Chair Gray. **Noes:** None. **Abstentions:** None. **Absent:** None.

I-2. The matter to adopt an amendment to Regulation 842(F), removing the provision that if the Board has not acted on an appeal at two consecutive Board meetings, the appeal is deemed denied, was presented by Executive Director Nicolas Traylor. The presentation included a statement of the issue, background and purpose of the proposed amendment to Regulation 842, and the recommended action. Discussion ensued. A motion by Boardmember Finlay, seconded by Chair Gray, to adopt an amendment to Regulation 842(F), removing the provision that if the Board has not acted on an appeal at two consecutive Board meetings, the appeal is deemed denied, 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**

J-1. The matter to direct staff to negotiate and execute community legal services contracts for qualifying Richmond residents in a total contract amount not to exceed \$37,500 for the second half of Fiscal Year 2018-19 (January 2019 – June 2019), was presented by Deputy Director Paige Roosa. The presentation included a statement of the issue, the definition of “Qualifying Richmond Residents,” background information, service review of the Eviction Defense Center, service review of Centro Legal de la Raza, the proposed reissuance of an RFP for legal services, and the

recommended action. Discussion ensued. A motion by Vice Chair Gerould, seconded by Boardmember Combs, to direct staff to negotiate and execute community legal services contracts for qualifying Richmond residents in a total contract amount not to exceed \$37,500 for the second half of Fiscal Year 2018-19 (January 2019 – June 2019), 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 gave a brief report on the success of the Community Workshop series on handling difficult Tenant and Housemate situations, held on October 20, 2018, and November 10, 2018. He also complimented staff members Ramona Howell and Moises Serano on their great work with establishment of the Billing and Registration Unit. He also complimented staff members Paul Cohen and Cynthia Shaw on their great work in the Hearings Unit.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:56 P.M.

Cynthia Shaw and Ramona Howell  
Staff Clerks

(SEAL)

Approved:

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David Gray, Chair

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