

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: June 19, 2019

Final Decision Date Deadline: June 19, 2019

STATEMENT OF THE ISSUE: The minutes of the May 30, 2019, 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 May 30, 2019, Special Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-2.

RICHMOND, CALIFORNIA, May 30, 2019

The Special Meeting of the Richmond Rent Board was called to order at 6:05 P.M.

PLEDGE TO THE FLAG

ROLL CALL

Present: Boardmembers Finlay, Maddock, and Chair Gray.

Absent: Vice Chair Gerould.

(Vice Chair Gerould present as of 6:29 P.M.)

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

None.

PUBLIC FORUM

Cordell Hindler invited the Rent Board to attend community events that will be held during the months of May and June. He also mentioned that he will speak to his Neighborhood Council to coordinate a time for Rent Program Staff Members to provide a presentation on Rent Control at their meeting sometime in the fall. He will discuss with the Council President to see if they are interested in hearing a presentation from Rent Program and will give an update to the Board at a later time.

Jerry Miller addressed the Board asking the following question: when it says on a document from the city Richmond that they are improving the property does that mean that the owner is taking care of their property and it is a tax write off? He expressed concerns about habitability issues at the property he lives in and the issues with Castle Management Property Management Company. He claims that Castle Management owns several properties in the City of Richmond and has been writing off millions of dollars of unclaimed improvements to the properties. He claims that none of the improvements were made but the owners were able to write the expenses off. He also expressed that he has been living at the property for the past four years with mold issues and has issued several complaints but there has been no resolution. He presented photos of the mold issues to

Boardmembers for viewing. He also mentioned that his wife experienced health issues due to the severity of the mold issues. He feels that the Property Manager, Daryl Moore, is a slum lord and he mentioned that the City of Richmond has issued 13 violations on his properties. He also claims that the Property Manager has been covering the mold with paint instead of repairing the problem. Chair Gray responded to Mr. Miller that he will have a staff member follow up with him to try and resolve the issues.

Rosie Miller expressed concerns about the habitability issues in the property that she lives in. She also mentioned that she is experiencing health issues caused by the mold issues in her unit. She mentioned that she cannot cook for her grandchildren because of her health conditions. She blames her health issues on Castle Property Management and she feels as if they don't care. She expressed that she cannot fulfill her motherly duties to her children and grandchildren and cannot fulfill the duties of a wife to her husband because of her condition caused from mold. She asked the Rent Board for help to resolve the mold issues in the unit.

RENT BOARD CONSENT CALENDAR

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

*F-1. Approve the minutes of the April 29, 2019, Special Meeting of the Richmond Rent Board.

*F-2. Receive the April 2019 Rent Program Monthly Report.

*F-3. Receive the Rent Program FY 2018-19 Monthly Revenue and Expenditure Report through April 2019.

CONSIDERATION OF APPEALS

G-1. Staff Attorney Charles Oshinuga presented on the matter of Appeal regarding Petition No. RC18-T022. Landlord appeals a Hearing Examiner's decision that (1) found that the Appellant retained rents in excess of permissible rent levels by failing to return Respondent's security deposit; and (2) required the Appellant return Respondent's entire security deposit in the amount of \$3,400.00. On appeal, Landlord asserts that the Rent Program does not have jurisdiction to hear this matter and "rejects

all conclusions of the Hearing Examiner.” Staff Attorney Charles Oshinuga, recommended the Rent Board dismiss this appeal as the claim brought forth in this appeal is barred as a matter of law because the Superior Court has already ruled on an identical claim, involving the same parties. There were no public speakers on this item. The Appellant on this case was absent and the Respondent, Talia Rubin was present. The appeal hearing began and the Respondent presented her case. The Respondent stated for the record that she has not received payment from the Appellant and that she reached out to the Appellant’s attorney and wasn’t given any direction as to when she would receive payment. After hearing the issues brought on appeal and considering the testimony of the Respondent on appeal, the Board adopted Legal Staff’s recommendation and dismissed the Appeal.

G-2. Legal Counsel Michael Roush presented on the matter of Appeal regarding Petition No. RC18-T011. Landlord appeals a Hearing Examiner's decision that found (1) there was no proper window for emergency egress for 12 months; (2) there were plumbing/sewer issues adversely affecting the Tenants for one month; (3) there kitchen stove and gas issues that adversely affected the Tenants for one month; (4) there were dust issues that adversely affected the Tenants for 30 days; (5) there was a water leak affecting the Tenants for two days; and, as a result, (6) the Tenants were owed \$5733.33 as Excess Rent. On appeal, Landlord challenges these findings. There were no public speakers on this item. All parties of this case were present. The appeal hearing began and the following individuals presented their case: Attorney Edward Lai and Attorney Tony Ruch. Mr. Lai, Attorney for the Appellant, requested a Remand Hearing on the basis of the Hearing Examiner’s review of the evidence regarding the windows and plumbing. Attorney Tony Ruch argued that there exist substantial evidence in the Record justifying the Hearing Examiner’s Decision. After hearing the issues brought on appeal and considering the testimony of all parties on appeal, the Board adopted the Legal Counsel’s recommendation and affirmed the Hearing Examiner’s Decision.

REPORTS OF OFFICERS

Boardmember Finlay inquired about the status of the remanded case heard on appeal at the meeting held on May 15, 2019, regarding 844 37th St. #A and wanted to know when the Expedited Appeal Hearing would be scheduled. Executive Director Nicolas Traylor responded that the Tenant withdrew the petition and that no further action is required on this case. He also

confirmed that all parties were notified that the case has been dismissed.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:07 P.M.

Cynthia Shaw and Paige Roosa
Staff Clerks

(SEAL)

Approved:

David Gray, Chair