

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: July 17, 2019

Final Decision Date Deadline: July 17, 2019

STATEMENT OF THE ISSUE: The minutes of the June 19, 2019, 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 June 19, 2019 Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

H-1.

RICHMOND, CALIFORNIA, June 19, 2019

The Regular Meeting of the Richmond Rent Board was called to order at 5:12 P.M.

PLEDGE TO THE FLAG

ROLL CALL

Present: Boardmembers Finlay, Maddock, and Vice Chair Gerould.

Absent: None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

On motion of Boardmember Finlay, seconded by Vice Chair Gerould, a request to move Item F-3 from the Consent Calendar for discussion before Item G-1 under Regulations, passed by the following vote: **Ayes:** Boardmembers, Finlay, Maddock and Vice Chair Gerould. **Noes:** None. **Abstentions:** None. **Absent:** None.

PUBLIC FORUM

Cordell Hindler mentioned that he spoke with the North and East Neighborhood Council and they agreed to have Executive Director Nicolas Traylor provide a presentation on Rent Control at their meeting during the week of June 24th. He also invited the Rent Board to attend community events that will be held in the months of July and September. He also mentioned that he discussed the possibility of Executive Director Nicolas Traylor presenting on Rent Control at their meeting in the fall with his Neighborhood Council. He is still working on the logistics and will provide more information at a later date.

RENT BOARD CONSENT CALENDAR

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

*F-1. Approve the minutes of the May 15, 2019, Regular Meeting of the Richmond Rent Board.

*F-2. Approve the minutes of the May 30, 2019, Special Meeting of the Richmond Rent Board.

*F-4. Receive the May 2019 Rent Program Monthly Report.

*F-5. Receive the Rent Program FY 2018-19 Monthly Revenue and Expenditure Report through May 2019.

*F-6. Approve an amendment to the contract for translation services with Document Tracking Services increasing the amount by \$15,000, to a total not to exceed \$34,999, and extending the term to June 30, 2020.

*F-7. Approve an amendment to the contract for community legal services with the Eviction Defense Center modifying the Service Plan to specify that the Eviction Defense Center will serve at least 30 Richmond Tenants per month, increasing the contact amount by \$125,000 for Fiscal Year 2019-20, to a total not to exceed \$237,500, and extending the term to June 30, 2020.

*F-8. Approve amendments to the contract for community legal services with Bay Area Legal Aid (1) modifying the Service Plan with respect to the number of participants assisted at legal clinics, provided legal representation, and referred to peer legal services agencies; (2) increasing the contact amount by \$75,000 for Fiscal Year 2019-20, to a total not to exceed \$100,000; and (3) extending the term to June 30, 2020.

REGULATIONS

*F-3. The matter to receive letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100 **was moved from the Consent Calendar for discussion before Item G-1 under Regulations.** Boardmember Finlay requested to remove this item from the Consent Calendar because a vendor submitted a letter to the Board asking for clarification regarding a Landlord installing a solar system on their property to stabilize electric costs for their tenants. Boardmember Finlay directed staff to continue to review the letter and to conduct research on the solar system issue and prepare a report to present to the Board for discussion of a possible

Regulation in future.

G-1. The matter to amend Chapter 8 of the Rent Board Regulations to: (1) amend Regulation 835 to create parameters guiding both how the Record is to remain open and when the Record must be closed; (2) add Regulation 841.5 to articulate the Standard of Review on appeal; and (3) amend Regulation 842 to allow the Executive Director or assigned designee to treat appeals as requests for reconsideration where there is a clear misapplication of the law, the law has changed, there is a problem with the Record, or any other matter where reconsideration would be appropriate considering administrative efficacy (this amendment would also clarify that the Executive Director or assigned designee is the individual who grants a request for reconsideration and not the Hearing Examiner) was presented by Staff Attorney, Charles Oshinuga. The presentation included the statement of the issue, record background, a proposal by staff addressing parameters of the record, background that included standard of review on appeal, a proposal by staff addressing the standard of review, background that included treating an appeal as a request for reconsideration, a proposal by staff addressing treatment of appeals as a request for reconsideration and the recommended action. Discussion ensued. There were no public comments on this item. A motion by Boardmember Maddock, seconded by Vice Chair Gerould, to (1) approve the amendment to Regulation 835 to create parameters guiding both how the Record is to remain open and when the Record must be closed; (2) add Regulation 841.5 to articulate the Standard of Review on appeal; and (3) direct staff to amend Regulation 842 to reflect that the order be issued within 15 days after the 35 day appeal period has expired passed by the following vote: **Ayes:** Boardmembers, Finlay, Maddock and Vice Chair Gerould. **Noes:** None. **Abstentions:** None. **Absent:** None.

G-2. The matter to adopt Regulation 607, establishing the 2019 Annual General Adjustment in the amount of 3.5% for tenancies commencing prior to September 1, 2018, was presented by Staff Attorney, Charles Oshinuga. The presentation included the statement of the issue, background information on the Annual General Adjustment (AGA), staff's proposal regarding the 2019 AGA, and the recommended action. Discussion ensued. There were no public comments on this item. A motion by Vice Chair Gerould, seconded by Boardmember Maddock, to approve Regulation 607, establishing the 2019 Annual General Adjustment in the amount of 3.5% for tenancies commencing prior to September 1, 2018, passed by the following vote: **Ayes:**

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

G-3. The matter to adopt an amendment to Regulation 805 A (4), Petition and Noticing Procedures, to extend the staff review period from five to ten business days was presented by Deputy Director, Paige Roosa. The presentation included the statement of the issue, background of the current process that included an excerpt of the current process flow chart, the proposed amendment and the recommended action. Discussion ensued. There were no public comments on this item. A motion by Boardmember Finlay, seconded by Vice Chair Gerould, to amend Regulation 805 A (4), Petition and Noticing Procedures, to extend the staff review period from five to ten business days, passed by the following vote: **Ayes:** Boardmembers, Finlay, Maddock and Vice Chair Gerould. **Noes:** None. **Abstentions:** None. **Absent:** None.

G-4. The matter to rescind Regulation 605(C), and allow for the Rent Program to establish policies to enhance Landlords' ability to bring themselves into compliance with the Rent Ordinance's prohibition on retention of rents in excess of the Maximum Allowable Rent, was presented by Executive Director, Nicolas Traylor. The presentation included the statement of the issue, background and discussion, the proposed rescission of Regulation 605 (C), and the recommended action. Discussion ensued. There were no public comments on this item. A motion by Boardmember Finlay, seconded by Boardmember Maddock to rescind Regulation 605(C), and allow for the Rent Program to establish policies to enhance Landlords' ability to bring themselves into compliance with the Rent Ordinance's prohibition on retention of rents in excess of the Maximum Allowable Rent and direct staff to draft a policy to include alternative payment methods to allow secure electronic payment systems to assist Landlords in returning any excess rent amounts to the Tenant and return the policy to the Board for approval, passed by the following vote: **Ayes:** Boardmembers, Finlay, Maddock and Vice Chair Gerould. **Noes:** None. **Abstentions:** None. **Absent:** None.

RENT BOARD AS A WHOLE

H-1. The matter to direct staff to negotiate and execute a contract with a Collection Services Agency, utilizing a contingency-based payment plan, was presented by Deputy Director, Paige Roosa. The presentation included background information including a chart of Richmond Landlords by numbers of units owned and Landlords who have not paid any Rental

Housing Fees for FYs 2016-17, 2017-18 and 2018-19, a chart of Rental Housing Fee Payments (by number of Landlords) and Rental Housing Fee Payments (by amount of \$), information about why utilizing services from a collection agency is recommended, the proposed scope of services, a proposed timeline, and the recommended action. Discussion ensued. There were no public comments on this item. A motion by Vice Chair Gerould, seconded by Boardmember Finlay, to direct staff to negotiate and execute a contract with a Collection Services Agency, utilizing a contingency-based payment plan, and to take into consideration best business practices concerning collection agency practices, credit reporting process, and prohibiting selling owner contact information to 3rd parties passed by the following vote: **Ayes:** Boardmembers, Finlay, Maddock and Vice Chair Gerould. **Noes:** None. **Abstentions:** None. **Absent:** None.

H-2. The matter to approve the proposed staff evaluation plan for the Rent Program and direct staff to begin implementing the evaluation plan beginning in Fiscal Year 2019-20, was presented by Executive Director, Nicolas Traylor. The presentation included the statement of the issue, a general plan, staff evaluations templates to model the City's, information about the proposed 360-degree evaluation of the Executive Director, information about who would evaluate the Executive Director and how this evaluation would be tied to any proposed salary adjustment, and the recommended action. Discussion ensued. There were no public comments on this item. A motion by Vice Chair Gerould, seconded by Boardmember Maddock, to approve the proposed staff evaluation plan for the Rent Program and direct staff to begin implementing the evaluation plan beginning in Fiscal Year 2019-20, passed by the following vote: **Ayes:** Boardmembers Finlay, Maddock and Vice Chair Gerould. **Noes:** None. **Abstentions:** None. **Absent:** None.

REPORTS OF OFFICERS

Executive Director Nicolas Traylor acknowledged former Rent Board Chair, David Gray and thanked him on the behalf of staff for his service and leadership while serving as Chair of the Rent Board.

Vice Chair Gerould, Boardmember Maddock, and Boardmember Finlay also acknowledged David Gray for his service as the Rent Board Chair, noting that they enjoyed working with him. They also mentioned that he brought a lot of knowledge and passion about the City of Richmond to the Rent Board and that

they appreciate all the work he has done. They also mentioned that he will be missed and wished him and his family the best of luck in their future endeavors.

Former Chair, David Gray responded, saying thank you to everyone on the Board and staff members. He also mentioned that it has been a privilege and honor to have worked with staff and Boardmembers and to have the trust and the confidence of Mayor Butt and the City Council to Chair Richmond's Rent Board.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:02 P.M.

Cynthia Shaw and Bailey Maher
Staff Clerks

(SEAL)

Approved:

Emma Gerould, Vice Chair