

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: December 18, 2019

Final Decision Date Deadline: December 18, 2019

**STATEMENT OF THE ISSUE:** The minutes of the November 20, 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 November 20, 2019 Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

**F-1.**

**RICHMOND, CALIFORNIA, November 20, 2019**

The Open Session to Hear Public Comment before Closed Session was called to order at 5:01 P.M.

**ROLL CALL**

**Present:** Boardmembers Conner, Finlay, Duncan and Chair Maddock.

**Absent:** Vice Chair Gerould.

**PUBLIC COMMENT BEFORE CLOSED SESSION**

Cordell Hindler expressed that he heard good things about Mr. Traylor from several organizations that he has spoken with and that many of them were pleased with the presentations on Rent Control that Mr. Traylor and staff provided at their meetings. He mentioned that they felt that the presentations provided good information about the Rent Program. He also asked the Board to consider all of the great work that Mr. Traylor has provided to the Community while evaluating him during Closed Session.

**ADJOURN TO CLOSED SESSION**

The Open Session to Hear Public Comment before Closed Session adjourned at 5:03 P.M.

**CLOSED SESSION**

**REPORT FROM LEGAL STAFF ON FINAL DECISIONS MADE IN CLOSED SESSION**

Staff Attorney Charles Oshinuga stated that the Rent Board met in closed session to discuss evaluation of the Executive Director. No final action was taken.

The Regular Meeting of the Richmond Rent Board was called to order at 5:30 P.M.

**PLEDGE TO THE FLAG**

**ROLL CALL**

**Present:** Boardmembers Conner, Finlay, Duncan and Chair Maddock.

**Absent:** Vice Chair Gerould.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

None.

**PUBLIC FORUM**

Cordell Hindler invited the Board to attend a community event in the month of November. He also invited the Board to attend the Contra Costa Mayors Conference, hosted by the City of Martinez held at their Event Center in the month of December. He also invited the Board to attend the Council of Industries monthly luncheon, held at Hotel Mac, also held during the month of December. He also mentioned that he would speak with the members of the next Neighborhood Council meeting to see if they are interested in Rent Program staff members providing a presentation on Rent Control at their meeting.

Jerrilee Doss thanked the Board for hearing their Appeal Case held on October 29, 2019. She provided a letter to the Board expressing her concerns about the lengthy petition process. She also mentioned that she wanted to update the Board on three matters. She reminded the Board that their case has been in the making for 33 months and did not go into further details about the case since the Board were already aware of the matter: 1.) After the hearing on October 29, 2019, Mr. Traylor spoke with other landlords in the audience, and said that he wished they tried a different tactic and that he wished that they had argued about the CPI because they had not taken it years in advance of 2015. She also mentioned that Mr. Traylor said that he wished that they had hired an attorney; 2.) The Board ordered that Mr. Cohen provide instructions for implementation of the rent increase with 10 business days. She mentioned that they never received any written notice of rent implementation. She also mentioned that on Monday, November 18, 2019, she sent out an email about her dismay. She expressed concerns about an email she received at almost 5:00 P.M. on November 19, 2019, from Mrs. Shaw that did

not indicate a date, signature or any notice of authorship. She felt that it was a quick response to her email. She also mentioned that Mr. Oshinuga said that the 10 days started after the Rent Program completed the minutes for the hearing on November 4<sup>th</sup>. She also mentioned that as of this day, no parties have received the mailed document; 3.) She informed staff about a few math errors on the email she received, and that Mr. Traylor advised them to seek judicial resolution. She mentioned that Mr. Oshinuga advised her to seek judicial resolution as well and that he said that their decision is final. She also expressed concern that one of the items she mentioned at the hearing were not addressed in the decision and the calculations was incorrect on the decision. She feels the figures should have included the CPI amounts for 2018 and 2019. She would like the Board to examine this issue further.

**RENT BOARD CONSENT CALENDAR**

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

\*F-1. Approve the minutes of the October 16, 2019, Regular Meeting of the Richmond Rent Board.

\*F-2. Approve the minutes of the October 29, 2019, Special Meeting of the Richmond Rent Board.

\*F-3. Receive letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100.

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

\*F-5. Receive the Rent Program FY 2019-20 Monthly Revenue and Expenditure Report through October 2019.

\*F-6. Receive a response letter to the constituent letter received by the Board at the June 19, 2019, Regular Meeting.

**RENT BOARD AS A WHOLE**

G-1. The matter to receive a presentation from Rent Program staff members including a summary of termination of tenancy notices filed with the Rent Program by property type, proposed policy options regarding a proposed Owner Move-In

eviction regulation, and an analysis of the anticipated fiscal impact of administering an Owner Move-In eviction regulation, and provide policy direction to staff was presented by Deputy Director Paige Roosa and Rent Program Services Analyst Vickie Medina. The presentation included background information, statement of the issue, an analysis of termination of tenancy notices, policy considerations, case study research, methods of community engagement, requested policy direction, fiscal impact, next steps and the recommended action. Chair Maddock recommended that the Board discuss and make a motion on each policy option. Discussion ensued. The following individuals gave comments: Edith Pastrano, Guillermo Monares, Blanca Refano, Marilyn Langlois, and Ilona Clark.

A motion by Boardmember Duncan, regarding Policy Question #1, Option #1, directing staff to develop a policy that allows only one Owner Move-In Eviction to be permitted to take place on the property failed for lack of a second to the motion. Chair Maddock requested a substitute motion.

A substitute motion by Boardmember Conner, seconded by Chair Maddock, regarding Policy Question #1, Option #2, directing staff to develop a policy that will allow each individual owner with 50% interest on the property to conduct an Owner Move-in eviction at the property failed by the following vote: **Ayes:** Boardmember Conner and Chair Maddock. **Noes:** Boardmembers Finlay and Duncan. **Abstentions:** None. **Absent:** Vice Chair Gerould.

A new motion by Boardmember Finlay, regarding Policy Question #1, Option # 2, directing staff to develop a policy that will allow each individual owner who holds 50% of interest in the property to conduct an Owner Move-In eviction on the property once every 3 years failed for lack of a second to the motion. No second motion was received. The motion was withdrawn by Boardmember Finlay.

A new motion by Boardmember Finlay, seconded by Chair Maddock, regarding Policy Question #1, Option #2, directing staff to develop a policy that will allow each individual owner who holds 50% interest in the property to conduct an Owner Move-In eviction on the property, passed by the following vote: **Ayes:** Boardmembers Conner, Finlay, and Chair Maddock. **Noes:** Boardmember Duncan. **Abstentions:** None. **Absent:** Vice Chair Gerould.

A motion by Chair Maddock, seconded by Boardmember Conner, to take a recess for 5 minutes, passed by the following vote: **Ayes:** Boardmembers Conner, Finlay, Duncan and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

*Chair Maddock called a recess at 7:40 P.M.; the meeting was called back to order at 7:45 P.M.*

A motion by Chair Maddock, seconded by Boardmember Conner, to continue the remainder of Item G-1, and move Items G-3 and G-4 for discussion at the December 18, 2019, Regular Meeting, passed by the following vote: **Ayes:** Boardmembers Conner, Finlay, Duncan and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

G-2. The matter to receive and approve the 2018-19 Rent Program Annual Report and direct staff to present the report to the City Council in November or December 2019 was presented by Executive Director Nicolas Traylor and Rent Program Services Analyst Philip Verma. The presentation included staff, volunteer, and Boardmember acknowledgements, an overview of the Rent Program's mission, the connection between health and housing, recourse for Tenants and Landlords seeking healthier housing, the connection between housing stability and health outcomes, the connection between housing affordability and health, how the Rent Program enforces the Rent Ordinance through (1) property enrollment and tenancy registration; (2) counseling, mediation and community education; and (3) the rent adjustment petition process; a profile of rental housing and Richmond Landlords, an analysis of rent increase and termination of tenancy notices, and a Fiscal Year 2018-19 financial summary. Discussion ensued. There were no public speakers on this item. A motion by Boardmember Conner, seconded by Boardmember Duncan, to receive and approve the 2018-19 Rent Program Annual Report and direct staff to present the report to the City Council in November or December 2019, passed by the following vote: **Ayes:** Boardmembers Conner, Finlay, Duncan and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

### **ORAL UPDATES**

H-1. Executive Director Nicolas Traylor gave an oral update regarding proposed Rent Board governance regulations that were discussed at a previous meeting. He informed the Board that staff is currently working on the governance regulations and will

return to the Board for further discussion in January 2020. There were no public comments on this item. No action was taken.

**REPORTS OF OFFICERS**

Executive Director Nicolas Traylor introduced The Rent Program's newest staff member, Administrative Aide Monica Bejarano. Monica gave a brief summary about her background and mentioned that she is happy to be working with a team who cares about protecting the rights of Landlords and Tenants. Chair Maddock responded and welcomed Monica to the Rent Program.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:25 P.M.

Cynthia Shaw and Ramona Howell  
Staff Clerks

(SEAL)

Approved:

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Lauren Maddock, Chair