

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: August 19, 2020

Final Decision Date Deadline: August 19, 2020

**STATEMENT OF THE ISSUE:** The minutes of the July 15, 2020, 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 July 15, 2020, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

**F-2.**

**RICHMOND, CALIFORNIA, July 15, 2020**

The Regular Meeting of the Richmond Rent Board was called to order at 5:00 P.M. via videoconference.

Due to the coronavirus (COVID-19) pandemic, Contra Costa County and Governor Gavin Newsom have issued multiple orders requiring sheltering in place, social distancing, and reduction of person-to-person contact. Accordingly, Governor Gavin Newsom has issued executive orders that allow cities to hold public meetings via teleconferencing.

Public comments were confined to items appeared on the agenda and were limited to the methods provided below. DUE TO THE SHELTER IN PLACE ORDERS, and consistent with Executive Order N29-20, the meeting utilized video/teleconferencing only. The following provides information on how the public participated in this meeting.

The public was able to view the meeting using Zoom at the following link:

<https://us02web.zoom.us/j/89511837378?pwd=d1ZRdXVocTJrbnBqd3pSTzZ5WGhHQT09>  
Password: rentboard

**Or By Telephone:**

US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1  
301 715 8592  
or +1 312 626 6799 or +1 646 558 8656  
Webinar ID: 895 1183 7378  
International numbers available:  
<https://us02web.zoom.us/j/89511837378?pwd=d1ZRdXVocTJrbnBqd3pSTzZ5WGhHQT09>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, July 15, 2020, to the Rent Board Clerk, Cynthia Shaw at [cynthia\\_shaw@ci.richmond.ca.us](mailto:cynthia_shaw@ci.richmond.ca.us), to be considered into the record.

**PLEDGE TO THE FLAG**

**ROLL CALL**

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

**Staff Present:** Staff Attorney Charles Oshinuga, Deputy Director Paige Roosa and Executive Director Nicolas Traylor.

**Absent:** None.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

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

**PUBLIC FORUM**

Cordell Hindler commented by email, inviting the Rent Board to attend the Contra Costa Mayors conference on August 6<sup>th</sup>, hosted by the City of Richmond, event pending due to COVID-19. He also mentioned that he is in support of the Rent Board Governance on how the meetings are running.

**RENT BOARD CONSENT CALENDAR**

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

\*F-2. Receive the June 2020 Rent Program Monthly Report.

\*F-3. Receive the Rent Program FY 2019-20 Monthly Revenue and Expenditure Report through June 2020.

**CONSIDERATION OF APPEALS**

F-1. The matter to approve the minutes of the June 17, 2020, Regular Meeting of the Richmond Rent Board was presented by Boardmember Finlay. Boardmember Finlay requested to remove this item from the Consent Calendar because the motions made by Boardmembers Duncan and Conner during the appeal hearing were not mentioned in the June 17, 2020, minutes. A motion by Boardmember Finlay, seconded by Boardmember Conner, to direct staff to revise Item F-1 under Consent Calendar on the June 17, 2020 minutes, to include all motions, and to agendaize as an item under the Consent Calendar for the August 19, 2020, meeting, passed by the following vote: **Ayes:** Boardmembers Conner, Finlay, Vice Chair Gerould and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** None

G-1. Chair Maddock presented on the matter of Appeal regarding Petition Number RC19-T048. Appellants appeal a Hearing Examiner's Decision that awarded Respondents a rent reduction for decreases in both space and services in the amount of \$9,117 and reduced Respondents' Maximum Allowable Rent (hereinafter, "MAR") by 22%. Specifically, the Hearing Examiner found that Respondents' Rental Unit contained enough mold in a bedroom to render that particular bedroom unusable for a period of three years. Consequently, the Hearing Examiner found that the Respondents' Space and/or Services were decreased and awarded Respondents \$8,269.72 in Excess Rent and reduced their MAR by 20%. Additionally, the Hearing Examiner found Appellant caused Respondents to suffer a Decrease in Services where Respondents' Rental Unit contained an inoperable oven, inadequate tub caulking, broken tub spout, and a dysfunctional shower wand. As a result, the Hearing Examiner awarded Respondents an additional \$847.28 in Excess Rent and further reduced their MAR by 2%. On appeal, Appellant challenges the scope of the Hearing Examiner's award, asserting that the Hearing Examiner erred and improperly exercised his discretion. There were no public comments on this item. Discussions began with a brief overview from Chair Maddock and Boardmember Finlay of the Boardmember discussions held at the June 17, 2020 meeting. Chair Maddock reminded Boardmembers that this case was continued to this meeting for further discussion and that Boardmembers do not have to take further argument from the parties as they gave their arguments at the previous meeting. She also mentioned if the parties are present, Boardmembers may ask questions if they wish to do so. After continued discussion among Boardmembers, a motion by Boardmember Conner, seconded by Boardmember

Finlay, to modify the Hearing Examiner's award amount based on mold impairment from \$8,269.72 to \$2,190.02, and the downward adjustment in the Maximum Allowable Rent from 20% to 0% and to reverse the Hearing Examiner's award of Excess Rent in the amount of \$847.28 to \$0 and corresponding Maximum Allowable Rent reduction of 2% to 0%, as Respondents failed to provide evidence supporting impairment due to an inoperable oven, inadequate tub caulking, broken tub spout, and dysfunctional shower wand, passed by the following vote: **Ayes:** Boardmembers Conner, Finlay, Vice Chair Gerould and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** None

G-2. Staff Attorney Charles Oshinuga presented on the matter of Appeal regarding RC19-T059. Appellant appeals a Hearing Examiner's Decision that awarded Respondent Excess Rent in the amount of \$6,198.58, and awarded Excess Rent \$3,428.08 based on a decrease in both space and services. Specifically, the Hearing Examiner found that Respondent was an original occupant entitling her to a Base Rent of \$600, and the Appellant's failure to roll back Respondent's rent resulted in a rent overcharge in the amount of \$6,198.58. Moreover, the Hearing Examiner found multiple habitability issues existed in Respondent's Rental Unit, entitling her to an award of \$3,428.08. On Appeal, Appellant challenges the sufficiency of the evidence and contends Respondent is not an original occupant. There were no public comments on this item. All parties of the case were present. Charles Oshinuga, swore in translator Beatriz Guerrero to assist the Respondent. The Rent Board extended both parties time due to translation assistance. The timing was broken down as follows: Appellant presented for 14 minutes, then Respondent presented for 18 minutes, and finally the Appellant closed for 4 minutes. The appeal hearing began and the following individuals presented their case: Lewis White, Attorney Rob Biniaz presented for Respondent Sergi Gonzalez. After hearing the issues brought on appeal and considering the arguments of all parties on appeal, a motion by Boardmember Finlay, seconded by Chair Maddock, to affirm the Hearing Examiner's award of Excess Rent in the amount of \$6,198.58, as Respondent and her son were Tenants as early as June 2015, and Appellant failed to roll back the rent, to affirm the Hearing Examiner's setting of the Maximum Allowable Rent to \$659.87 and to modify the Hearing Examiner's award amount based on decrease in space and/or services downward from \$3,428.08, to \$2,278.10, passed by the following vote: **Ayes:** Boardmembers Conner, Finlay, Vice Chair Gerould and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** None

Before dismissing parties to the appeal, Staff Attorney Charles Oshinuga recommended that the Appellant Mr. Lewis White contact our office to speak with a Housing Counselor for options to increase rents on his property.

Rent Board Clerk Cynthia Shaw concluded and dismissed parties for appeal RC19-T059 and informed them that they will receive a decision within 30 days.

Chair Maddock reiterated what Staff Attorney Charles Oshinuga expressed and informed Mr. White that he does have rights that are available to him as a Landlord to adjust the rents under the Rent Ordinance through the Maintenance of Net Operating Income (MNOI) petition process. She also mentioned that there are rent increases available when there are additional Tenants living in the unit. She strongly encouraged Mr. White to make an appointment to speak with a Housing Counselor to understand what options may be available to him.

### **REGULATIONS**

H-1. The matter to adopt revised Chapter 2 Regulations, concerning the process whereby property owners may seek an exemption or determination of inapplicability of a dwelling unit from provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance was presented by Deputy Director Paige Roosa. The presentation included the background, the purpose of revised Chapter 2, a summary of the proposed regulations, next steps and the recommended action. Discussion ensued. There were no public comments on this item. During discussion, Chair Maddock mentioned that the meeting had reached the 3-hour meeting time limit. A motion by Boardmember Finlay, seconded by Boardmember Conner, to continue this item for further discussion at the August 19, 2020, meeting, passed by the following vote: **Ayes:** Boardmembers Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

A motion by Boardmember Conner, seconded by Chair Maddock, to extend the meeting past the 3-hour time limit, to receive Item I under Reports of Officers, prior to concluding the meeting, passed by the following vote: **Ayes:** Boardmembers Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

**REPORTS OF OFFICERS**

Executive Director Nicolas Traylor gave a brief update about the upcoming community workshop webinar titled “Rights and Responsibilities for Landlords” that will be held on Saturday, July 18, 2020 at 10:00 AM.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:12 P.M.

Cynthia Shaw and Mónica Bejarano  
Staff Clerks

(SEAL)

Approved:

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Lauren Maddock, Chair