

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: December 16, 2020

Final Decision Date Deadline: December 16, 2020

STATEMENT OF THE ISSUE: The minutes of the November 18, 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 November 18, 2020, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-1.

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RICHMOND, CALIFORNIA, November 18, 2020

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

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/82634860096?pwd=QWNYeTdBVndCeUxuU1pobHdwRXh1UT09>

Password: rentboard

Or By Telephone:

US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 826 3486 0096

International numbers available:

<https://us02web.zoom.us/j/kothKpMrk>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, November 18, 2020, to the Rent Board Clerk, Cynthia Shaw at cynthia_shaw@ci.richmond.ca.us, to be considered into the record.

PLEDGE TO THE FLAG

ROLL CALL

Boardmembers Present: Finlay, Conner and Chair Maddock.

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

Absent: Vice Chair Gerould.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

None.

PUBLIC FORUM

Cordell Hindler commented by email, expressing that he feels that the public should be allowed to attend Rent Board meetings so that the public can address their concerns. He also invited Boardmembers to attend the Contra Costa Mayors Conference held on December 3, 2020, at 6:30 PM.

Sherry Zalabak was called to speak but was not present. Board Clerk Cynthia Shaw called Ms. Zalabak to inform her that her name was called to speak during Public Comment and that the Rent Board Chair wished to allow her to speak after Item G-1 under Consideration of Appeals. Ms. Zalabak declined to speak and opted to have her comments mentioned in the meeting minutes. Ms. Zalabak had concerns regarding the Contra Costa County Urgency Ordinance regarding the Prohibition on Rent Increases and requested clarity.

RENT BOARD CONSENT CALENDAR

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

*F-1. Approve the minutes of the October 21, 2020, Regular Meeting of the Richmond Rent Board.

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

*F-3. Receive the Rent Program FY 2020-21 Monthly Revenue and Expenditure Report through October 2020.

*F-4. Receive the budgeted versus actual revenue and expenditures report for the first quarter ending September 30, 2020.

CONSIDERATION OF APPEALS

G-1. Staff Attorney Charles Oshinuga presented on the matter of an appeal regarding RC19-T067. Appellant appeals only the portion of the Hearing Examiner's Decision that awarded Respondents Excess Rent in the amount of \$18,944.01, based on the theory of Original Occupancy. Specifically, the Hearing Examiner found that Respondents were Original Occupants with a Base Rent of \$1,900, and that the Appellant's failure to roll back Respondents' Rent resulted in an Excess Rent charge of \$18,944.01. On Appeal, Appellant argues that "because there is no proof other than hearsay evidence that the Petitioners resided at the property prior to July 21, 2015, and certainly no proof that the owner was aware of the supposed tenancy, the petitioners must not be considered as Original Occupants. Therefore, under law, once all Original Occupants moved out, the Landlord had the right to enter into a new Rental Agreement at a higher agreed to rent amount with the Petitioner Shrestha as per the Rental Agreement signed by the Petitioner on Jan 2017." The summation of Appellant's assertions challenge whether the Record contained substantial evidence to warrant the Hearing Examiner's decision related to Original Occupant status and Excess Rent thereof. There were no public comments on this item. All parties of the case were present. Board Clerk Cynthia Shaw swore in translator Prabhakar Shrestha to assist the Respondent. The Rent Board extended both parties' time due to translation assistance. Appellant presented for 14 minutes, then Respondent presented for 14 minutes, and finally the Appellant closed for four minutes. The Appeal hearing began and the following individuals presented their case: Bal Divaydeep Singh and Sabin Shrestha. After hearing the issues brought on appeal and considering the arguments of all parties on appeal, a motion by Boardmember Finlay, seconded by Boardmember Conner, to adopt the Staff Attorney's recommendation modifying the portion of the Hearing Examiner's Excess Rent award premised on Respondents' alleged Original Occupant status, from \$18,944.01 to \$7,622.40, passed by the following vote: **Ayes:** Boardmember Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

REGULATIONS

H-1. The matter to (1) receive a presentation of policy options and a staff recommendation concerning the extent to which the Rent Program should facilitate the transfer of contact information between Tenants and Landlords to support a Tenant's ability to exercise their right of first refusal to re-rent a unit from

which they were previously evicted on the grounds of Owner Move-In; (2) provide direction to staff concerning proposed Regulation 1010; and (3) continue discussion on proposed Regulation 1009 in the context of Richmond Municipal Code Section 11.100.050(a)(6)(B) was presented by Executive Director Nicolas Traylor. The presentation included the statement of the issue, policy discussion and direction from the October 21, 2020, Regular Meeting of the Rent Board, right of first refusal requirement, case study research from peer jurisdictions, including Santa Monica, West Hollywood and Berkeley, the extent to which the Richmond Rent Program should assist with the facilitation of the Tenant's current contact information between Landlords and Tenants, staff recommendation, whether 11.100.050 (a)(6)(B) of the Rent Ordinance harmonizes with a policy limiting OMI evictions and the recommended action. The following individual gave comment: Ilona Clark. Discussion ensued. A motion by Boardmember Conner, seconded by Chair Maddock, directing staff to revise proposed Regulation 1010 to (1) provide that Tenants are strongly encouraged, but not required, to update the Rent Program of any changes to their permanent contact information; (2) advise Tenants that the information they provide to the Rent Program will be shared; and (3) for the Rent Program to actively assist in facilitating the exchange of the updated contact information between Tenants and Landlords, passed by the following vote: **Ayes:** Boardmember Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

Concerning the continuation of the discussion on proposed Regulation 1009 in the context of Richmond Municipal Code Section 11.100.050(a)(6)(B) proposed Regulation 1009, a motion by Boardmember Finlay, seconded by Boardmember Conner, to continue discussion on this item at the December 16, 2020 Rent Board meeting, passed by the following vote: **Ayes:** Boardmember Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

REPORTS OF OFFICERS

Deputy Director Paige Roosa gave a brief report about the Richmond Rapid Response Fund (R3F). She mentioned that the Rent Assistance Program, an initiative of the R3F, received \$100,000 of CARES Act from the City of Richmond. She also mentioned that partner agencies have started receiving and processing applications with the goal of awarding the funds by the deadline of December 31, 2020. She also mentioned to hope to continue raising funds. She also mentioned the Community

Workshop Webinar titled “Understanding the COVID-19 Tenant Relief Act of 2020 (AB 3088)” scheduled for Saturday, November 21, 2020, from 10:00 AM to 12:00 PM.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:30 P.M.

Cynthia Shaw and Mónica Bejarano
Staff Clerks

(SEAL)

Approved:

Lauren Maddock, Chair

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