

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: July 21, 2021

Final Decision Date Deadline: July 21, 2021

**STATEMENT OF THE ISSUE:** The minutes of the June 16, 2021, 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 16, 2021, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

**F-1.**

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**RICHMOND, CALIFORNIA, June 16, 2021**

The Regular Meeting of the Richmond Rent Board was called to order at 5:01 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/82056074052?pwd=cWhCM0xXSzFkKytzclJSL3ZhVVJuZz09>

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: 820 5607 4052

International numbers available:

<https://us02web.zoom.us/j/82056074052?pwd=cWhCM0xXSzFkKytzclJSL3ZhVVJuZz09>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, June 16, 2021, 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, Johnson, Vasilas and Chair Finlay.

**Staff Present:** Staff Attorney Charles Oshinuga and Executive Director Nicolas Traylor.

**Absent:** Vice Chair Mishek.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

None.

**PUBLIC FORUM**

Cordell Hindler commented by email and teleconference to invite the Board to attend the Contra Costa Mayor's Conference, held on August 5, 2021, at 6:30 PM. He added that it would be an in-person event. He also mentioned that he would provide the location information at July 21, 2021, Rent Board Meeting. He also mentioned that he appreciates the Brown Act training provided by Staff Attorney Charles Oshinuga at April 21, 2021, Rent Board Meeting. He feels as a newly appointed Board and Commission member, that it was essential to learn about what could be or could not be said at a public meeting. He feels that the public should have the option to attend Rent Board meetings in person. He also feels that it is an excellent way to interact with people. He also expressed that it has been a year and two months and prefers to be in person.

**RENT BOARD CONSENT CALENDAR**

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

\*F-1. Approved the minutes of the May 19, 2021, Regular Meeting of the Richmond Rent Board.

\*F-2. Receive letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100.

\*F-3. Receive the Fiscal Year 2020-21 Monthly Activity Report through May 2021.

\*F-4. Recieve the Rent Program FY 2020-21 Monthly Revenue and Expenditure Report through May 2021.

### **CONSIDERATION OF APPEALS**

G-1. Staff Attorney Charles Oshinuga presented on the matter of Appeal regarding Petition number RC20-T107. Appellant appeals a Hearing Examiner's Decision that awarded Respondent Excess Rent in the amount of \$3,532.22, based on the notion that the Appellant failed to maintain installed heating facilities in good working order, and caused a reduction in both refrigeration and ventilation services, impairing Respondent's use and/or benefit of the Rental Unit. On Appeal, Appellant argues that any complained of defects were timely repaired and any otherwise delay was the product of the Respondent's scheduling issues. As to the ventilation services, Appellant contends that Respondent did not meet her burden at the hearing as she failed to demonstrate that she provided Appellant with notice related to the decrease in ventilation services and she failed to demonstrate that the change in skylight contributed to the alleged decrease in ventilation. In sum, Appellant's assertions challenge whether the Record contained substantial evidence to warrant the Hearing Examiner's decision to grant an Excess Rent award based on a failure to maintain installed heating facilities in good working order, decrease in refrigeration services, and a decrease in ventilation services caused by a replaced skylight. There were no public comments on this item. All parties to this case were present. Appellant presented for 5 minutes, then the Respondent presented for 7 minutes and finally the Appellant closed for 2 minutes. The Appeal began and the following individuals presented their case: Lary Hanshaw and [REDACTED]. Discussion ensued. After hearing the issues brought on appeal and considering the arguments of all parties on appeal, the Board voted on the following in three parts:

A motion made by Boardmember Conner, seconded by Boardmember Johnson to affirm the Hearing Examiner's findings that Appellant failed to maintain heating facilities in good working order in conformance with applicable law, and the consequent award of \$1,125.63, passed by the following vote: **Ayes:** Boardmembers Conner, Johnson, Vasilas, and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Mishek.

A motion made by Boardmember Conner, seconded by Boardmember Johnson to affirm the Hearing Examiner's findings that Appellant decrease Respondent's refrigeration services and the

consequent award of \$100.73, passed by the following vote: **Ayes:** Boardmembers Conner, Johnson, and Chair Finlay. **Noes:** Boardmember Vasilas. **Abstentions:** None. **Absent:** Vice Chair Mishek.

A motion made by Boardmember Johnson to deny the reversal of the Hearing Examiner's findings of decrease in ventilation services due to a replaced skylight and subsequent award of \$2,305.86 to \$0, as Respondent did not raise the claims in her Petition nor does the Record contain substantial evidence that Respondent informed Appellant of the decrease in ventilation due to the replaced skylight, failed due to lack of a second motion.

A new motion made by Boardmember Conner, seconded by Boardmember Vasilas to reverse the Hearing Examiner's findings of decrease in ventilation services due to a replaced skylight and subsequent award of \$2,305.86 to \$0, as Respondent did not raise the claims in her Petition nor does the Record contain substantial evidence that Respondent informed Appellant of the decrease in ventilation due to the replaced skylight, passed by the following vote: **Ayes:** Boardmembers Conner, Vasilas, and Chair Finlay. **Noes:** Boardmember Johnson. **Abstentions:** None. **Absent:** Vice Chair Mishek.

Rent Board Clerk Cynthia Shaw concluded and dismissed the parties for Appeal RC20-T107 and informed them that they will receive a decision within 30 days.

## **REGULATIONS**

H-1. The matter to amend Regulation 904(B)(4)(b), to correct the typo of Civil Code Section 1941, to Civil Code Section 1941.1, and update the nomenclature of Civil Code 1941.1 (b), (c), and (d), to Civil Code Section 1941.1 (a)(2), (a)(3), and (a)(4) was presented by Executive Director Nicolas Traylor. The presentation included the statement of the issue, next steps and the recommended action. There were no public comments on this item. Discussion ensued. A motion by Boardmember Conner, seconded by Boardmember Johnson, to adopt revised Regulation 904 (B) (4), by correcting the typo so that the current iteration which reads Civil Code 1941 is replaced with the amended Civil Code 1941.1 and update the nomenclature of 1941.1 in Regulation 904 (B) (4) to "Civil Code 1941.1 (a) (2), (a) (3), and (a)(4)" replacing what was formerly "Civil Code 1941.1 (b), (c), and (d)", passed by the following vote: **Ayes:** Boardmembers Conner, Johnson, Vasilas, and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** Vice

Chair Mishek.

**REPORTS OF OFFICERS**

Executive Director Nicolas Traylor gave a brief update about the recruitment for the Deputy Director position. He mentioned that the interviews will start the week of June 21, 2021 and that there were 12 applicants for consideration for an interview. He also added that the final interview for the invited candidates would be resume the week after the July 4<sup>th</sup> holiday, tentatively scheduled for July 10, 2021. He also added that he is looking forward to bringing on our new Deputy Director, hopefully by the end of July.

Chair Finlay asked Executive Director Nicolas Traylor, if the Rent Program will be reopening our offices to the public soon. He responded that the city and the Rent Program offices would be reopening on June 21, 2021, however, the Rent Program office visits by the public will be by appointment only, during normal business hours, Monday through Friday, 9:00 AM to 12:00 PM and 1:00 PM to 4:00 PM. He also added that staff has already set up safety measures to protect staff and members of the public. He also added that we have plastic shields on the reception counter in the lobby as well as on the counseling stations, and PPE materials will be provided to staff. Chair Finlay also asked Executive Director Nicolas Traylor if Rent Board meetings would continue to be virtual or will the July meeting be held in the City Council Chambers. He responded that he is unsure at this time and that more than likely, the Rent Board will mirror what the City Council does in terms of their physical City Council meetings.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 6:07 P.M.

CYNTHIA SHAW AND SARAH SCHAFF  
Staff Clerks

(SEAL)

Approved:

VIRGINIA FINLAY  
Rent Board Chair

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