

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: October 19, 2022

Final Decision Date Deadline: October 19, 2022

**STATEMENT OF THE ISSUE:** The minutes of the September 21, 2022, 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 September 21, 2022, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

**F-1.**

***This page intentionally left blank***

**RICHMOND, CALIFORNIA**, September 21, 2022.

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/86385763394?pwd=aU9LWmtTSE0wTmd0cFE1VHJpdDJQZz09>  
Password: rentboard

**Or By Telephone:**

US: +1 669 444 9171 or +1 669 900 9128 or +1 346 248 7799 or +1 719 359 4580 or +1 253 215 8782 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or +1 386 347 5053 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860

**Step 2:** Webinar ID: 863 8576 3394

International numbers available:

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

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, September 21, 2022, 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**

**Board Members Present:** Conner, Johnson, Vasilas, Vice Chair Mishek and Chair Finlay.

**Staff Present:** General Counsel Charles Oshinuga, Deputy Director Fred Tran, and Executive Director Nicolas Traylor.

**Absent:** Staff Attorney Palomar Sanchez.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

Board Member Johnson requested removing Item F-3, and Chair Finlay requested removing Item F-7 from the Consent Calendar for discussion before Item H for Reports of Officers. On a motion of Board Member Conner, seconded by Board Member Vasilas, to remove Items F-3 and F-7 from Consent Calendar for discussion before Item H for Reports of Officers, passed by the following vote: **Ayes:** Board Members Conner, Johnson, Vasilas, Vice Chair Mishek, and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** None.

**PUBLIC FORUM**

Cordell Hindler restated his comments from the August meeting about Consent Calendar Item F-6 regarding City legislative bodies continuing to meet via videoconference and teleconference. He mentioned that he attended the City of El Cerrito's City Council meeting, which was held as a hybrid meeting. He feels since other cities are holding hybrid meetings, the Rent Board should consider holding hybrid meetings as well. He feels holding hybrid meetings would be beneficial because it will allow the public to participate. He also invited the Board to attend the Richmond Rotary Club Weekly Meeting on Friday, September 30th, held at the Richmond Country Club.

Richard Alexander presented on behalf of his client Jimmy Smith regarding Item F-7 for consideration of approval of the request for reconsideration of the previously filed MNOI petition. He mentioned that he is primarily available to answer any questions the Board may have regarding this client's request. Mr. Alexander said that the Board received the original, new, and previously filed MNOI applications and the Request for

Reconsideration form. He feels his client's request for reconsideration should be considered because it meets all the requirements for a good cause due to extraordinary circumstances. He also thinks the applications should meet the requirements to move forward to approve a rent increase.

Denika Andrews name called to speak but she was not present.

Ilon Clark requested to speak regarding Items F-3 and F-6 under the Consent Calendar. Since Item F-3 was moved for discussion before Item H, Chair Finlay asked Ms. Clark if she'd like to make her comment during Public Forum for Item F-3 or make her comment when the item is called later in the meeting. Ms. Clark agreed to speak on Item F-3 when it's called. Chair Finlay approved Ms. Clark's time to restart to comment on Item F-6. Ms. Clark expressed her feelings regarding the Zoom meetings, mentioning that she liked them but felt the public should be able to see each other, not only Board Members and Staff. She feels the public should be able to see how many people attend the meetings. She also said the public does not have to reveal their names or pictures, but it'll be good to know how many people are attending and who is attending. She said that the Zoom meetings should follow the same in-person formats for public meetings as before. She asks that the Board considers allowing the public to see each other during the Zoom Rent Board meetings.

Chair Finlay allowed Denika Andrews to speak since her name was called, and she was not present. Denika Andrews expressed that she is noticing an influx in the homeless population, and homeless people live in a crawl space near her residence. Ms. Andrews mentioned that she notified her landlord that there was a burning candle in the area where the homeless people live, and no one was there. She also stated that no one arrived to remedy the situation until today, and it is still not resolved. She was informed that she would need to call the police to report this issue. One of the officers told her that the police could contact the property manager, but they were also limited on what they could do to resolve the issue. She also mentioned that she has mold growing in her apartment and would like to know her rights as a Tenant. Executive Director Nicolas Traylor said he would contact Ms. Andrews regarding her issues.

**RENT BOARD CONSENT CALENDAR**

On motion of Vice Chair Mishek, seconded by Board Member Johnson, the item(s) marked with an (\*) were approved unanimously:

\*F-1. Approve the minutes of the August 17, 2022, Regular Meeting of the Richmond Rent Board.

\*F-2. Receive the Fiscal Year 2022-23 Monthly Activity Report through August 2022.

\*F-4. Receive the Rent Program FY 2022-23 Monthly Revenue and Expenditure Report through August 2022.

\*F-5. Approve late fee waiver(s) for August 2022 pursuant for Regulation 425.

\*F-6. Adopt a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference.

**CONSIDERATION OF APPEALS**

G-1. Staff Attorney Charles Oshinuga presented on the matter of Appeal regarding Petition No. RC21-T126. Appellant appeals only the portion of the Hearing Examiner's Decision that awarded Respondents \$2,096 due to reduction of Housing Services related to various impairments contained within the bathroom. Specifically, the Hearing Examiner found that Respondents met their burden in demonstrating a decrease in Housing Services where the Respondents showed that use of the bathtub and bathroom were diminished/impaired as it contained broken tile that was a cutting hazard, grouting issues, and holes, which allowed pest to crawl into the tub and reside. Additionally, the Hearing Examiner found that the Respondents provided notice to Appellant of the bathroom issues and the Appellant failed to adequately address the issue for 1,003 days. There were no public comments on this item. All parties were present. Appellant was given 5 minutes but presented for 3.23 minutes, then the Respondent was given 7 minutes, but presented for 2.74 minutes and finally the Appellant was given an additional 2 minutes to close but presented for 1.23 minutes. The Appeal began and the following individuals presented their case: Mac Guzman, Rachid

Amghar and Salwa Kassi. Discussion ensued. After hearing the issues brought forward on appeal and considering the arguments of all parties on appeal, the Board voted on the following:

A motion made by Board Member Conner, seconded by Board Member Vasilas to modify the Hearing Examiner's decision regarding the award to reflect the dates from November 5, 2020, through September 15, 2021, and affirm Hearing Examiner's decision award of \$1,728.78. Motion withdrawn by Board Member Conner to clarify the motion.

A new motion made by Board Member Conner, seconded by Board Member Vasilas to Modify the Hearing Examiner's findings that the Appellant decrease the Respondents' Housing Services concerning the impaired bathtub and other related bathroom issues, and the consequent award of \$656.26.

General Counsel Charles Oshinuga offered clarification to Board Members Conner's motion explaining that her motion might be better understood if it were to Affirm the Hearing Examiners findings that the Appellant decrease the Respondents' Housing Services concerning the impaired bathtub and other related bathroom issues and Modify the consequent award of \$2,096.27 to \$656.26.

Board Member Conner acknowledged the clarification and restated that her motion was to Affirm the Hearing Examiners findings that the Appellant decrease the Respondents' Housing Services concerning the impaired bathtub and other related bathroom issues and Modify the consequent award of \$2,096.27 to \$656.26. Board Member Conner also moved to Affirm the remainder of the Hearing Examiner's decision and consequent award of \$1,728.78, as Appellant only appealed those portions of the Hearing Examiner's decision that related to the notice requirements concerning the bathroom/bathtub issues, and thus the portions of the Hearing Examiner decision that was not appealed was final. Board Member Vasilas seconded the motion. The Board voted and the motion passed by the following vote: **Ayes:** Board Members Conner, Johnson, Vasilas, Vice Chair Mishek and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** None.

Rent Board Clerk Cynthia Shaw concluded and dismissed the parties for Appeal RC21-T126 and informed them that they will receive a decision.

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 presented by Board Member Johnson. Board Member Johnson requested that this item be removed from the Consent Calendar because she would like an update from staff on the letters received from constituents who addressed their concerns at the August meeting. She mentioned that she didn't want the Tenants to feel like their concerns were not heard or addressed. Executive Director Nicolas Traylor responded and provided an update to the Board. He mentioned that this update was regarding the list of complaints made at the August 17 Rent Board meeting concerning the issues at Heritage Park Apartments at Hilltop. He said that he and other city department officials and Councilmember Willis set up a task force walkthrough with the Fire Department at Heritage Park on September 7, 2022. They conducted a walkthrough with the Tenants to inspect the issues and met with management afterward. The Code Enforcement Manager, Fire Marshal, several Code Enforcement Officers, Project Manager, Director of Water Resource Recovery, a Compliance Officer for Water Resource Recovery, and a Senior Building Inspector were in attendance at the walkthrough. The Task Force met with the property management after the walkthrough to discuss the various issues. Heritage Park Management was very responsive and has been responsive to complaints elevated to a city level. Heritage Park also provided a list of its upgrades and plans. They also promised to go through the list of Tenant complaints and address them. Mr. Traylor also mentioned that when these issues arise, the Rent Program offers mediation to help mediate the issues between management and the residents to help resolve the problems. Discussion ensued. The following individual gave comment: Ilona Clark. The Board received the update on the letters from community members, and no formal action was taken.

F-7. The matter to consider for Approval of a Request for Reconsideration of a Previously Filed Maintenance of Net Operating Income Petition during the Local Emergency for 420-430 Golden Gate Avenue was presented by Nicolas Traylor. Mr. Traylor gave a brief report regarding the recommendation for the filed Request for Reconsideration of a Previously Filed Maintenance of Net Operating Income submitted by Mr. Smith. Chair Finlay requested that this item be removed from the Consent Calendar because she didn't understand why this item was agendaized under the Consent Calendar instead of an agenda item.

Chair Finlay also had concerns about the Boards participation in this application. She also mentioned that this request only provides approval for the petition to move forward and not to decide on the issue. Discussion ensued. The following individuals gave comments: Ilona Clark and Tuan Ngo.

A motion by Board Member Vasilas, seconded by Board Member Conner, to approve the Request for Reconsideration of a Previously Filed Maintenance of Net Operating Income Petition during the Local Emergency for 420-430 Golden Gate Avenue, passed by the following vote: **Ayes:** Board Members Conner, Vasilas, and Vice Chair Mishek. **Noes:** Chair Finlay. **Abstentions:** Board Member Johnson. **Absent:** None.

### **REPORTS OF OFFICERS**

H-1. Executive Director Nicolas Traylor gave a brief report about the upcoming pre-recorded workshop on September 30, 2022, titled "Understanding Evictions in Richmond."

General Counsel Charles Oshinuga gave a brief report and informed the Board that three Appeals are pending, and he intends to bring them before the Board within the next three months. He appreciated the Board for their patience and asked if they had any suggestions about the Appeal recommendations process. He also said that he understands that the recommendations are lengthy, but if we ever get sued on the Superior Court level, they would want to see the Board's rationale.

Mr. Oshinuga mentioned that he and Staff Attorney Palomar Sanchez are working on an Appeal Digest. He also said that the digest would include all of the recommendations that were put forth to the Board, and it would be made public. That would mean a lot of redactions would be done. He also mentioned that the cover sheet for every recommendation would have a cover sheet. That sheet would summarize the issues on the Appeal and the Board's decision. That way, the Public would be able to see the Boards precedence, and the parties could present their case a little better by viewing past cases, and they will learn and understand how the Appeal processes work.

Chair Finlay asked General Counsel Charles Oshinuga about the training that is required by the state of California for Board Members to participate in and asked when it will be held. Mr. Oshinuga responded that October is when Board Members will receive the Brown Act and Conflict of Interest Training. He also

mentioned that he might separate the conflicts of interest training for the sake of time if we also have an Appeal hearing.

Board Member Conner asked General Counsel Charles Oshinuga a question about redacting hearing documents when hearings are public. Mr. Oshinuga responded that hearings are public; however, some documents included in the petition file may be considered exempt under the public records act law and must be redacted.

Chair Finlay asked Executive Director about including a cover sheet at the beginning of the Late Fee Waiver packet and listing how many waivers are being submitted for approval. She also mentioned including the owner or property manager's name and addresses to alert the Board of how many properties they will review and to make it easier to study. Mr. Traylor and Mr. Oshinuga responded that staff would include a cover page to help segregate the properties.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:04 P.M.

Cynthia Shaw  
Staff Clerk

(SEAL)

Approved:

---

Virginia Finlay, Rent Board Chair