



Proposed Options for Utilizing \$10,000 Rent Relief Partner Grant

CITY OF RICHMOND
RENT PROGRAM

OCTOBER 19, 2022
ITEM G-2

NICOLAS TRAYLOR, EXECUTIVE DIRECTOR

Statement of the Issue

- ▶ The Richmond Rent Program has received a check for \$10,000 for participating in the creation and development of Richmond's rent assistance program.
- ▶ At the meeting on August 17, 2022, the Richmond Rent Board directed staff to return with proposed options for utilizing the Rent Assistance Partner Grant.

Rent Program Staff propose three (3) options:

1. Mediation training for Public Information Unit Staff.
2. Mass Mailing Outreach Campaign to inform the Richmond Landlords and Tenants about Rent Program services, eviction protections and rent assistance resources.
3. Use grant to fund general operating purposes.

Background

- ▶ Prior to the COVID-19 pandemic, the Rent Program's Executive Director organized a series of meetings with the City of Richmond, past Richmond Rent Board members and Richmond City Council members to discuss the creation of a rent assistance program dedicated to Richmond Tenants and Landlords.
- ▶ In the Spring of 2020, the Executive Director and Deputy Director of the Rent Program organized a meeting with the City of Richmond's Community Development Department to urgently address the anticipated increase in demand for rent assistance services in Richmond and began the process of developing a permanent rent assistance program.
- ▶ Local non-profits already engaged in providing rent assistance resources were invited to meet with Rent Program and City Staff to collaborate in the development of a permanent rent relief program for Richmond Landlords and Tenants.

Background Continued

- ▶ Meeting weekly to strategize efforts, the Rent Relief Committee, has raised hundreds of thousands of dollars, integrated itself into the Richmond Rapid Response Fund (R3F), and disbursed over \$385,000 in rent assistance to 77 Richmond renters and landlords.
- ▶ On August 3, 2022, the Richmond Rent Program received an email from Jessica Travenia, Program Coordinator for the Richmond Rapid Response Rent Relief Committee informing the Rent Program that it had been awarded a \$10,000 grant to support development of Richmond's rent assistance program.

Option 1: Mediation Training for Staff

- In fiscal year 2018-19, the Rent Program enrolled three Rent Program Services Analysts (housing counselors) and the Rent Program's Hearing Examiner in mediation training. The Rent Program utilized Steve Rosenberg Mediation Training program, one of the most well established and highly rated mediation training programs in the San Francisco Bay Area.
- One of the main purposes of the Richmond Rent Ordinance is to protect Tenants against unwarranted and arbitrary evictions. To enforce those eviction protections, Rent Program staff help resolve eviction disputes, not only by educating Landlords and Tenants on their rights and recourse, but also by engaging in mediation. The most common eviction related issues brought to the Rent Program are non-payment of rent disputes.
- The COVID-19 pandemic has led to an increase in non-payment of rent and rental debt disputes. Non-payment of rent and rental debt disputes can often be resolved through mediation, saving both the Landlord and Tenant from an unnecessary litigation, and reducing displacement. Mediations that deal with nonpayment of rent often require the negotiating of repayment plans. Mediations also allow Tenants and Landlords to resolve other issues related to the tenancy, such as nuisance, habitability complaints, lease violations, among others. The ability to conduct effective mediations around disputes that often have multiple, intersecting concerns, requires a keen understanding and expertise in mediation practices.

Option 1: Mediation Training for Staff

- The Rent Program has performed over a hundred mediations on issues such as breach of lease disputes, security deposits, rent overcharges, habitability issues, non-payment of rent and rental debt, nuisance, relocation assistance, and other issues.
- Since the beginning of the COVID-19 pandemic, the Rent Program has had almost a complete turnover of its public information staff. There is only one staff member with the Rent Program that completed the 2019 mediation training. There are currently 6 Rent Program staff who may perform mediations and would benefit from mediation training: two Rent Program Services Analysts, one supervising Analyst, the Program's Deputy Director, the Staff Attorney that supports Public Information staff, and the Rent Program's Hearing Examiner.
- **The total cost to train for 6 employees is \$9,750 or \$1,625 per staff (Attachment 1).** Staff recommend using Steve Rosenberg's Mediation Training program, based on feedback from staff who attended the last training.

Option 2: Outreach Campaign to Promote Rent Assistance Resources

Another proposed option is to spend the \$10,000 grant on outreach and community education related to evictions and rent assistance resources. Rent Program staff recommend utilizing a mass outreach approach, such as:

- *Billboard Ad in Richmond:* \$10,000 would pay for a billboard on a major intersection of Richmond for approximately 3-6 months depending on location. The billboard would inform Richmond residents about the Rent Program, eviction protections and rent relief.
- *Mass Mailing:* \$10,000 would pay for a mass mailing (postcard) that would reach all Richmond Landlords and Tenants. The postcard would inform Tenants and Landlords about the Rent Program's services (e.g.; mediation, etc.), eviction protections and rent relief resources.

Option 3: Use the \$10,000 Grant for General Operating Purposes

- The \$10,000 grant may be used for general operating purposes or could be set aside for reserves.

Proposed Timeline

- ▶ If the Rent Board directs staff to spend the \$10,000 grant on Option 1: Mediation Training or Option 2: A Mass Outreach Project, Rent Program staff will present a project timeline and update the Rent Board of the project's progress during "Reports of Officers."

Recommended Action

- ▶ RECEIVE proposed options for utilizing the \$10,000 Rent Assistance Partner Grant and APPROVE and AUTHORIZE one of the three proposed options to spend the funds.

The Brown Act & Rosenberg Rules of Order

Charles Oshinuga, General Counsel
October 19, 2022, Regular Meeting of the
Richmond Rent Board

Contents

1. Meetings
2. Notice
3. Public Comment
4. Closed Session

Government Transparency: Brown Act

Brown Act: All meetings of a legislative body of a local agency shall be open and public, unless an exception applies

- Purpose – Conduct the people’s business in the open and give the public access to decision making
- “Public commissions, boards and councils and other public agencies in this State exist to aid in the conduct of the people’s business...”

What is a Meeting?

- ▶ A meeting occurs whenever a majority of the members of a **legislative body** come together at the same time or place to hear, discuss or deliberate on an item within its jurisdiction.
- ▶ **Legislative body** includes any body created by formal action of the City Council or other legislative body.
 - Includes standing committees, appointed bodies, advisory committee/ task force. Does not include temporary advisory committee composed solely of less than a quorum.

Government Transparency: Brown Act

▶ Meetings:

- *Includes:* direct communication, use of technology, and serial meetings
- *Excludes, for example:* individual contacts, conferences that are open to the public, community meetings, or social or ceremonial occasions. However, majority of members cannot discuss among themselves business within their local agency's subject matter jurisdiction.

Unlawful Meetings

- Pre-meetings
- Post-meetings
- Seriatim or serial meetings



• “A majority of the members of a legislative body shall not, outside a meeting . . . Use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.”

Types of Serial Meetings

Sequential: A talks to B, B talks to C, C talks to D

Hub-and-spoke: A or staff talks to B, A or staff talks to C, A or staff talks to D

Note: Beware of email (no reply all) and social media

Posting the Agenda

- Post at least 72 hours before meeting (for regular meetings – set by resolution or other formal action by body)
- Post at least 24 hours before meeting (for special meetings – called by presiding officer or majority of body to discuss discrete items)
- Post where “freely accessible to members of the public”

Describing an Agenda Item

- Meaningful description:
 - “ [S]ufficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item ”
- Identify as action or discussion item
- Members of the public allowed to speak on all items – time limits OK

The Public's Place on the Agenda

- ▶ Every agenda for a regular meeting must allow members of the public to speak on any item of interest that is within the subject matter jurisdiction of the legislative body
 - Open forum
 - Can limit time, but not content and cannot prohibit criticism

Why does it matter what is listed on the agenda?

**A LEGISLATIVE BODY
CANNOT DISCUSS OR ACT
ON ITEMS NOT ON AN AGENDA.**

Very Limited Exceptions

1. Public health/safety emergency
2. Need to take immediate action before next regular meeting and comes to the attention of the agency after the agenda is posted (2/3 vote)
3. Item on previous agenda, and continued to next meeting no more than 5 days later

Brown Act: Closed Session

Limit Closed Sessions:

- ▶ Allowable only for specific matters
 - Your attorney will determine, but could include, e.g., hiring Executive Director and existing/anticipated litigation
- ▶ Do not disclose closed session info unless authorized
- ▶ Public Comment before going into closed session

Brown Act: Penalties and Remedies

- **Criminal Penalties** – misdemeanor if undertaken intentionally to deprive public of information to which the public is entitled
- **Civil Remedies** – invalidation of actions and attorneys' fees

Public Records Act

- ▶ **Reminder:** Emails, documents, voicemails, text messages, etc. about the Board work are public records and are subject to disclosure to the public under the Public Records Act
- ▶ Supreme Court Case *San Jose v. Superior Court*. Personal email accounts used for conduct of public business = public records.

Public Records Act

- ▶ Public record = any writing containing information relating to conduct of people's business prepared, owned, used or retained by any local agency regardless of physical form or characteristic
- ▶ Disclosable to public unless specific exemption applies
 - Example: Attorney–client privileged, personnel files

Conflicts of Interest

- ▶ Training in November/December
- ▶ Prohibition on having a financial interest in a contract made by the board
- ▶ Prohibition on participating in decision or influencing a decision when you have a disqualifying financial interest (Political Reform Act)
 - 1-866-ASK-FPPC
- ▶ Form 700 from Clerk's office within 30 days of assuming office and April 1 annually
 - Gift restrictions (\$500 in calendar year)

Rosenberg's Rules of Order

- ▶ No longer feel overwhelmed by the complexities of parliamentary procedure
- ▶ Able to use the rules freely to navigate the meeting
- ▶ Feel comfortable presiding over meetings

Purpose of the Rules

- ▶ Establish Order
- ▶ Promote clarity
- ▶ Easily understood by the public
- ▶ Enforce the will of the majority while protecting the rights of the minority

The Role of the Chair

- ▶ Must understand the rules
- ▶ Moves the meeting and agenda
- ▶ Takes the lead role on process
- ▶ Takes less active role in debate

Basic Format for Agenda Item

- ▶ Announce the agenda item
- ▶ Report on the item
- ▶ Technical questions for clarification
- ▶ Public comments
- ▶ Discussion and debate
- ▶ Invite a motion
- ▶ Second for the motion
- ▶ Understand the motion and vote

Voting

- ▶ Richmond Municipal Code Section 11.100.060(j)
 - The affirmative vote of three (3) Members of the Board is required for a decision including all motions, regulations, and orders of the Board

Counting ‘Abstain’ Votes

- ▶ The general (and default rule) is that you count all votes that are “present and voting”. Abstain votes are NOT counted. Members who abstain are counted for purposes of determining quorum, but it is as if the abstain votes on the motion don’t exist.

Motions

- ▶ Basic motions
- ▶ Motions to amend
- ▶ Substitute motion

To Debate or Not to Debate

- ▶ The basic rule: All motions are subject to debate or discussion
- ▶ The exceptions:
 - Motion to adjourn
 - Motion to recess
 - Motion to fix the time to adjourn
 - Motion to table
 - Motion to limit debate

Super-Majority Votes

- ▶ The basic rule: All motions require a simple majority vote to pass.
- ▶ Exceptions:
 - Motion to limit debate
 - Motion to close nominations
 - Motion to object to consideration of a question
 - Motion to suspend rules (Debatable)
 - *Richmond Municipal Code 11.100.060(j)
 - 3 Vote Exception

The Motion to Reconsider

- ▶ Special motion and special rule
- ▶ Must be made at a certain time
- ▶ Can only be made by certain members

Courtesy and Decorum

- ▶ Create the right atmosphere
- ▶ One person at a time
- ▶ Point of privilege
- ▶ Point of order
- ▶ Withdrawing a motion