

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: January 18, 2023

Final Decision Date Deadline: January 18, 2023

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

AGENDA ITEM NO:

**F-1.**

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**RICHMOND, CALIFORNIA, December 21, 2022.**

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/82099802247?pwd=c0tRMXJrdENXbnBSM29YMndqUINOQT09>  
Password: rentboard

**Or By Telephone:**

US: +1 669 900 9128 or +1 669 444 9171 or +1 253 215 8782 or +1 346 248 7799 or +1 719 359 4580 or +1 253 205 0468 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860

**Step 2:** Webinar ID: 820 9980 2247

International numbers available:

<https://us02web.zoom.us/j/kbrOQo8slW>

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

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

**Absent:** Board Member Johnson and Staff Attorney Palomar Sanchez. *(Staff Attorney Palomar Sanchez present as of 5:17 P.M. and left the meeting at 7:00 P.M.)*

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

None.

**PUBLIC FORUM**

Cordell Hindler restated his comment from previous Rent Board Meetings regarding City legislative bodies continuing to meet via videoconference and teleconference. He does not support Consent Calendar Item F-7 because he attended a hybrid meeting at the City of El Cerrito, which went well. He hopes the Rent Board would consider holding hybrid meetings and return to the City Council Chambers at some point because it will allow the public to participate in person or via zoom. He also invited the Board to attend the Contra Costa Mayors Conference on the first Thursday in January hosted by the City of Hercules. He was still determining the location and will provide additional information later.

Iлона Clark reiterated her concurrence with the previous commentor regarding the Rent Board holding hybrid meetings. She stated she likes the convenience of using the Zoom format but does not like the that she cannot see or is aware of how many other people are in attendance. Iлона also feels that since this is a public meeting, it should follow the traditional format of public meetings. She added there is a capability to see everyone in the room under whichever name the attendee chooses to use (or none). She said

that in a physical room, attendees would have the opportunity to visit with one another, chat, and exchange private communications within the context of the meeting. She hopes the Rent Board would accept this new world and consider holding hybrid meetings so people can attend in person. She stated holding hybrid meetings would be more inclusive and better. She added that she is surprised that this topic has yet to be discussed at a meeting and asked how to get this topic on the agenda. She feels the Board should at least talk about it.

**RENT BOARD CONSENT CALENDAR**

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

\*F-1. Approve the minutes of the October 19, 2022, Regular Meeting of the Richmond Rent Board.

\*F-2. Receive the Fiscal Year 2022-23 Monthly Activity Report through October 2022. *This item was continued from the November 16, 2022, meeting.*

\*F-3. Receive the Fiscal Year 2022-23 Monthly Activity Report through November 2022.

\*F-4. Receive the Rent Program FY 2022-23 Monthly Revenue and Expenditure Report through October 2022. *This item was continued from the November 16, 2022, meeting.*

\*F-5. Receive the Rent Program FY 2022-23 Monthly Revenue and Expenditure Report through November 2022.

\*F-6. Approve late fee waiver(s) for November 2022 pursuant for Regulation 425. *This item was continued from the November 16, 2022, meeting.*

\*F-7. 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. *This item was continued from the November 16, 2022, meeting.*

**CONSIDERATION OF APPEALS**

**G-1.** General Counsel Charles Oshinuga presented on the matter of Appeal regarding Petition number RC21-T145. The Appellant filed an appeal of the Hearing Examiner's Decision that found that the Respondent was entitled to relocation payments in the amount of \$11,723.82 because the Respondent vacated the Rental Unit pursuant to a Government Agency's Order to Vacate. In their filing, the Appellant states, "I would like to appeal to the Rent Board". No other statements within the Appellant's filing are substantively related to this appeal. On appeal and as a threshold matter, the Board must decide whether the Appellant's appeal should be dismissed for a failure to state a specific ground on which the appeal is based. The following individual gave public comment: Ilona Clark. All parties to this case were present. Board Clerk Cynthia Shaw swore in translator Jacqueline Huynh to assist the Appellant and swore in the parties. The Rent Board extended both parties' time due to translation assistance. The Appellant was given 10 minutes to present. The Appellant presented for 6:15 minutes, then the Respondent was given 14 minutes to present and presented for 12:52 minutes. Finally, the Appellant was given 4 minutes to close but waived the time. The Appeal hearing began, and the following individuals presented their case: Nam Nguyen, Em Le, and Donielle Robinson. After hearing the issues brought on appeal and considering the arguments of all parties on appeal, Chair Finlay declared the hearing closed as of 6:00pm to allow Board Members to discuss the case. Discussion ensued. A motion by Chair Finlay and seconded by Vice Chair Mishek to adopt the Staff Attorney's recommendation to dismiss the Appellant's appeal for failure to state specific grounds on which the appeal is based and/or facts supporting the appeal and approve the Hearing Examiner's decision as the final decision of the Rent Board. Therefore, the Respondent is entitled to Relocation Payments in the amount of \$11,723.82, passed by the following vote: **Ayes:** Board Member Conner, Vice Chair Mishek and Chair Finlay. **Noes:** Board Member Vasilas. **Abstentions:** None. **Absent:** Board Member Johnson.

General Counsel Charles Oshinuga provided a brief statement to inform the landlords that the result of the hearing today means the Hearing Examiner's decision will become the Rent Board's final decision. The amount the Hearing Examiner determined will be owed to the tenant by the landlord are considered the relocation payments. However, the landlords have a right to appeal the Rent Board's decision in Superior Court. If the

landlords fail to appeal the decision in Superior Court by a certain period, the Rent Board decision becomes enforceable. The tenant could enforce a payment requirement against the landlord. In the coming days, all parties will receive a written statement of the Rent Board's decision in the mail and information regarding the right to appeal the decision in Superior Court. Because the document requires translation, it may take longer to receive the decision and statements. He informed the parties to check their mail and call the Rent Program if they have any concerns or if not received. He added that we would send the documents by email and mail. He also stated that the rules and timing are critical and encouraged the parties and anyone else to contact the Rent Program if they have any questions regarding rules and timing and any potential legal assistance to which the Rent Program could refer.

Rent Board Clerk Cynthia Shaw concluded the hearing and dismissed the parties for Appeal RC21-T145.

#### **RENT BOARD AS A WHOLE**

**H-1.** The matter of receiving the 2020-21 Affordable Housing Report summarizing Low-Income Housing Tax Credit (LIHTC) developments' compliance in Richmond and determining the next steps for LIHTC properties and exemptions under Regulation 202 was presented by Executive Director Nicolas Traylor. The presentation included the statement of issue, background, introduction, purpose of the report, an overview of Richmond's affordable housing stock, an overview of government-subsidized notices of termination of tenancy, an overview of services for government-subsidized tenants and affordable housing providers, a charted summary of compliance with Resolution 19-01 for FY 2020-2021, next steps, and the recommended action. The following individual gave comments: Ilona Clark. Discussion ensued. A motion by Chair Finlay, seconded by Vice Chair Mishek to receive the 2020-21 Affordable Housing Report summarizing Low-Income Housing Tax Credit (LIHTC) developments' compliance in Richmond and wait for the new report for 2021-22 to be presented to the Board for discussion and recommendation at a later time passed by the following: **Ayes:** Board Members Conner, Vasilas, Vice Chair Mishek and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** Board Member Johnson.

A motion by Vice Chair Mishek, seconded by Chair Finlay, to continue Item H-2 to be heard at the January 18, 2023, meeting and to extend the meeting past the 3-hour time limit to allow

enough time to hear and vote on Item H-3 under Rent Board as A Whole passed by the following: **Ayes:** Board Member Vasilas, Vice Chair Mishek and Chair Finlay. **Noes:** Board Member Conner. **Abstentions:** None. **Absent:** Board Member Johnson.

**RENT BOARD AS A WHOLE**

**H-3.** The matter to authorize and direct Rent Program staff to work with the City of Richmond to support the development and research the ability and potential costs for the Rent Program to administer a City of Richmond-funded rental assistance program and continue to assist with the processing of rent assistance applicants for the remaining ARPA funds. Rent Program staff would seek the Rent Board's recommendation on a proposed rent assistance program model prior to presenting options and recommendations to the City Council for its consideration and approval was presented by Executive Director Nicolas Traylor. The presentation included an overview of the previous Council action, fiscal impact, the statement of issue, a summary of the background and discussion, and the recommended action. There were no public comments on this item. Discussion ensued. A motion by Board Member Conner, seconded by Vice Chair Mishek, to continue the discussion on this item until the Executive Director or his designee determines the time and cost to develop a model and to ascertain whether the City Council will pay for the time to conduct the research necessary passed by the following: **Ayes:** Board Members Conner, Vasilas, and Vice Chair Mishek. **Noes:** Chair Finlay. **Abstentions:** None. **Absent:** Board Member Johnson.

**REPORTS OF OFFICERS**

**I-1.** There were no reports provided by staff and Board Members due to the extension of the meeting time.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:38 P.M.

Cynthia Shaw  
Staff Clerk

(SEAL)

Approved:

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Virginia Finlay, Rent Board Chair

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