

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: February 15, 2023

Final Decision Date Deadline: February 15, 2023

**STATEMENT OF THE ISSUE:** The minutes of the January 18, 2023, 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 January 18, 2023, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

**F-1.**

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**RICHMOND, CALIFORNIA**, January 18, 2023.

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/83626019097?pwd=NEtrUTRZMHIKWEo5WUs4a3Nzb281UT09>

Password: rentboard

**Or By Telephone:**

US: +1 669 900 9128 or +1 669 444 9171 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 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

**Step 2:** Webinar ID: 836 2601 9097

International numbers available:

<https://us02web.zoom.us/j/kd9IL9IMcv>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, January 18, 2023, 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:** Executive Director Nicolas Traylor, Deputy Director Fred Tran, General Counsel Charles Oshinuga, and Staff Attorney Palomar Sanchez.

**Absent:** None.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

General Counsel Charles Oshinuga, recommended to move Item H-2 under Rent Board As A Whole, for discussion before Item G-1 under Consideration of Appeals. On a motion of Chair Finlay, seconded by Vice Chair Mishek, to move Item H-2 from Rent Board as A Whole for discussion before Item G-1 under Consideration of Appeals, 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 invited the Board to attend the Contra Costa Mayors Conference on February 2nd. He will provide additional information to Mrs. Shaw after his comment. He also requested to speak under Item H-2 regarding the videoconference Resolution after the Consent Calendar Item.

Iiona Clark commented on the decision of the Rent Board regarding Appeal case number RC21-T145, a hearing held at the December 21, 2023, Rent Board meeting. She mentioned that the decision contradicted the letter of the law, per the Regulations. The case involved a fire, and it was stated in the hearing that the cause of the fire was unknown and still under investigation. She added that the fire was explicitly a natural disaster which is an exclusion under the regulations, and the appellant was not asking for a ruling. They were asking for an appeal. The Board's conclusion was to

deny this because this non-English-speaking family does not know the Regulations any better than the Board or the Hearing Examiner. She stated she didn't think it was fair and asked the Board to care about the case. She said the decisions made by the Board become legal precedence, affecting more than just the appellant and defendant before the Board.

**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 December 21, 2022, Regular Meeting of the Richmond Rent Board.

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

**\*F-3.** Receive the Rent Program FY 2022-23 Monthly Revenue and Expenditure Report through December 2022.

**\*F-4.** Receive the Budgeted versus Actual Revenue and Expenditures Report for the second quarter ending December 31, 2022.

**\*F-5.** Approve late fee waiver(s) for January 2023 pursuant for Regulation 425.

**H-2.** General Counsel gave an oral update on the matter to 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, the City legislative bodies shall continue to meet via videoconference and teleconference. Mr. Oshinuga informed the Board and the public that Governor Gavin Newsom has indicated that he will end the State of Emergency as of February 28, 2023. Mr. Oshinuga provided a brief background about the State of Emergency. The State of Emergency, based on Covid-19 allowed the governor to have certain emergency powers that he wouldn't otherwise have, as well as state and local officials. One of those powers was to modify the Brown Act to allow meetings to occur virtually, much easier than usual. Typically, you could meet, but it was difficult to do that.

Given that Governor Newsom suspended some of those requirements, it made meeting virtually a lot easier. Nonetheless, he plans to end that state of emergency which would remove his powers and undo many amendments he has done that were temporary. Mr. Oshinuga said he is currently researching its impact on the Brown Act; he'd imagine it would reverse some of those temporary changes. He thinks the Rent Board would be transitioning to a hybrid or entirely to in-person meetings. Mr. Oshinuga and the Rent Program staff have been speaking with other city officials to ensure that they are in lockstep with the City because the same chambers are shared. The City and Rent Board are in the same jurisdiction, so the justification for virtual meetings would be the same since both services nearly the same population. He also added that if the governor doesn't change what he said, he imagined that March would be a different meeting. He added that Richmond has the highest number of Covid-19 infections in Contra Costa County and the third leading city in deaths due to Covid-19. He said it's still a severe problem, and we all probably know someone or even ourselves have been impacted by Covid-19. It is still a serious virus, and we all still need to take precautions. He added he thinks the City of Richmond still has its local emergency, which allows the City and the City Manager to have powers she wouldn't otherwise have. Those powers include requiring staff to wear masks at work and, among other things we have seen. Those powers would likely not go away until our local emergency ends, but in terms of the Brown Act and virtual meetings, at the very least, he imagines it would be modified to a more hybrid type meeting. The following individual gave comments: Cordell Hindler. Discussion ensued. A motion by Board Member Conner to 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, our body shall continue to meet via videoconference and teleconference and seconded by Board Member Vasilas, passed by the following vote: **Ayes:** Board Members Conner, Johnson, Vasilas, Vice Chair Mishek, and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** None.

### **CONSIDERATION OF APPEALS**

**G-1.** General Counsel Charles Oshinuga presented on the matter of an Appeal regarding Petition number RC21-T128. The Appellant filed an appeal of the Hearing Examiner's Decision that

found the Respondent was entitled to relocation payments in the amount of \$18,310.04 due to the Appellant taking action to terminate the Respondent's tenancy based on a notice to withdraw the Appellant's property from the rental market. On appeal, the Appellant disagrees with many of the Hearing Examiner's characterization of the facts. The summation of the Appellant's appeal challenges whether the Record contained substantial evidence to warrant the Hearing Examiner's decision that found the Respondent was entitled to relocation payments in the amount of \$18,310.04. There were no public comments on this item. All parties to this case were present. The Appellant presented for 5 minutes, then the Respondent's Counsel was given 7 minutes to present and presented for 3.32 minutes. Finally, the Appellant closed for a 2-minute presentation. The Appeal hearing began, and the following individuals presented their case: Georgia Chambers and Lauren Russo, Counsel for the Respondent Thelma Randles. After hearing the issues brought on appeal and considering the arguments of all parties on appeal, a motion by Board Member Johnson and seconded by Vice Chair Mishek to adopt the Staff Attorney's recommendation to affirm the Hearing Examiners Decision, finding that the Respondent was entitled to a permanent relocation payment in the amount of \$18,310.04, as the Appellant took an action to terminate Respondent's tenancy by serving the March 17, 2021, Notice of Termination of Tenancy for withdrawal from the rental market, and failed to pay Respondent \$18,310.04, in relocation payments, passed by the following: **Ayes:** Board Members Conner, Johnson, Vasilas, Vice Chair Mishek, and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** None.

Rent Board Clerk Cynthia Shaw concluded the hearing and dismissed the parties for Appeal RC21-T128.

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

**H-1.** The matter to receive an update from Executive Director, Nicolas Traylor, on Measure P being passed by voters on the November 8, 2022 ballot, and direct staff to draft amendments to Chapter 6 of the Rent Board Regulations to align with Measure P. The presentation included the statement of the issue, the fiscal impact, the background, a summary of Measure P, the required Rent Board action, and the Recommended action. There were no public comments on this Item. Discussion ensued. A motion by Vice Mishek, and seconded by Board Member Johnson that the Board receive the update from the Executive Director, Nicolas Traylor, on Measure P being passed by voters on the November 8,

2022, ballot and directed staff to draft amendments to Chapter 6 of the Rent Board Regulations to align with Measure P passed by the following: **Ayes:** Board Members Conner, Johnson, Vasilas, Vice Chair Mishek and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** None.

**REPORTS OF OFFICERS**

**I-1.** Executive Director Nicolas Traylor gave a brief report about the upcoming pre-recorded micro-workshop titled "How to Submit Rent Increase Notices to the Rent Program," would be posted on the website on Friday, January 27, 2023. He also reminded Board Members that their term is expiring soon, and they would need to let the Rent Program staff and the City Clerk's Office know if they are interested in continuing to serve. He said that he believes the Boards term expires in early March and to contact the City Clerk's Office if they wish to reapply for reappointment. Mr. Traylor also congratulated Vice Chair Mishek for her appointment as the newly elected Mayor's Chief of Staff. He added that he knows she will greatly impact what happens in the City of Richmond.

Chair Finlay gave a brief comment to remind everyone that depending on the number of Board Members who decide to continue or not to continue to serve will influence the planning of future agenda items. This must be done to bring the new Board Members up the same level as quickly as possible. The new Board Members will also need to take the ethics and other required courses. She added that all participation would be appreciated.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 6:11P.M.

Cynthia Shaw  
Staff Clerk

(SEAL)

Approved:

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Virginia Finlay, Rent Board Chair