

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: April 19, 2023

Final Decision Date Deadline: April 19, 2023

STATEMENT OF THE ISSUE: The minutes of the March 15, 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 March 15, 2023, 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, March 15, 2023

The Regular Meeting of the Richmond Rent Board was called to order at 5:02 P.M.

PLEDGE TO THE FLAG

ROLL CALL

Board Members Present: Conner, Vasilas, and Chair Finlay.

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

Absent: Board Member Johnson and Staff Attorney Palomar Sanchez.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

None.

PUBLIC FORUM

None.

RENT BOARD CONSENT CALENDAR

On motion from Board Member Conner, seconded by Board Member Vasilas, the item(s) marked with an (*) were approved with Board Member Johnson absent.

***F-1.** Approve the minutes of the February 15, 2023, Regular Meeting of the Richmond Rent Board.

***F-2.** Receive the Fiscal Year 2022-23 Monthly Activity Report through February 2023.

***F-3.** Receive the Rent Program FY 2022-23 Monthly Revenue and Expenditure Report through February 2023.

***F-4.** Approve late fee waiver(s) for March 2023 pursuant to Regulation 425.

RENT BOARD AS A WHOLE

G-1. The matter to approve the City Council’s request for the Rent Program to provide policy recommendations related to mitigating the impact of the termination of Richmond’s Eviction Moratorium and direct staff to present their findings and recommendations first to the Rent Board for approval and then to the City Council for consideration and possible adoption was presented by Shiva Mishek, Chief of Staff to Mayor Eduardo Martinez. Ms. Mishek presented a request to the Rent Board on behalf of the City Council due to the concern that the ending of Richmond’s Eviction Moratorium on April 28, 2023, will result in an influx of evictions. To address this anticipated eviction increase, City Council requests that the Rent Board allow the Rent Program to provide its expertise and policy recommendations to mitigate the impact of the Richmond Eviction Moratorium ending. Discussion ensued. There were no public comments on this item. A motion by Board Member Vasilas to approve the City Council’s request for the Rent Program to provide policy recommendations related to mitigating the impact of the termination of Richmond’s Eviction Moratorium and direct staff to present their findings and recommendations first to the Rent Board for approval and then to the City Council for consideration and possible adoption, seconded by Chair Finlay, failed by the following vote: **Ayes:** Board Member Vasilas and Chair Finlay. **Noes:** Board Member Conner. **Abstentions:** None. **Absent:** Board Member Johnson.

G-2. The matter to receive an oral update on the Rent Board appointments was presented by Executive Director Nicolas Traylor. Director Traylor reminded current Rent Board Members that whether Board Members are re-appointed, not re-appointed, or replaced, that they are allowed to continue to serve until new Board Members are appointed if they choose. He also mentioned this item will need to be agendaized for further discussion. Discussion ensued. There were no public comments on this item. The Board received the item, and no formal action was taken.

CONSIDERATION OF APPEALS

H-1. General Counsel Charles Oshinuga presented an appeal for Petition number RC21-T143. Both parties appealed a portion of the Hearing Examiner’s Decision that awarded Respondents/Tenants \$270.76, due to a mice problem impacting their Rental Unit. Specifically, the Hearing Examiner found that the Respondents/Tenants met their burden in demonstrating that

mice impacted the Rental Unit for a total of twenty-eight (28) days. Appellant/Landlord challenged the Hearing Examiner with a claim that “there was zero hard evidence on a rodent problem. We had at least 5 people checked [sic] this issue, including handymen, manager, exterminator [sic], no one saw anything related to mice. No other units in the same building had mice problems.” On the other hand, Respondents/Tenants argued the Hearing Examiner should have awarded a greater amount because “the mice issue was a huge inconvenience that [they] dealt with for almost 2 years...[That they] have provided a lot of proof and evidence that seems [sic] to be overlooked. 28 days doesn’t even begin [sic] to cover everything we’ve had to go through dealing with this situation”. The Summation of both parties’ appeal challenges the Record which contains substantial evidence to support the Hearing Examiner’s decision. Rent Board Clerk Cynthia Shaw signed in both the parties. All parties to the case were present. The Appeal hearing began, and the following individuals presented their cases: Yazheng Song, Karina Guadalupe, and Kaliya Cunningham (joint Appellants). The Landlord Appellant presented her case for 5 minutes, the Tenant Respondents was provided 7 minutes to present and presented for 3.97 minutes, and finally, the Appellant closed with a 2-minute presentation. The Tenant Appellants Appeal began, and the Tenant Appellant presented for 5 minutes. The Landlord Respondent was given 7 minutes to present and presented for 5.56 minutes, and finally, the Tenant Appellants closed and was given 2 minutes to present but presented for 95 seconds. The following individuals gave public comments: Melvin Willis and Shannon Cunningham. Discussion ensued. After hearing the issues brought on Appeal and considering the arguments of all parties on Appeal, a motion by Board Member Conner and seconded by Board Member Vasilas to adopt the General Counsel's recommendation to affirm the Hearing Examiner's Decision, finding that Respondents experienced a decrease in Housing Services which mice impacted their Rental Unit for a total of twenty-eight (28) days and the consequent award of \$270.76 passed by the following vote: **Ayes:** Board Member Conner, Vasilas and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** Board Member Johnson.

Rent Board Clerk Cynthia Shaw concluded the hearing and dismissed the parties for Appeal RC21-T143.

REPORTS OF OFFICERS

Executive Director Nicolas Traylor gave a brief report about the upcoming pre-recorded micro-workshop titled "How to file a Termination of Tenancy Notice with the Rent Board," which will be posted to the website on Friday, March 31, 2023. He also mentioned that staff would bring a preliminary draft of the budget at the next Rent Board meeting held in April.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:20 P.M.

Cynthia Shaw
Staff Clerk

(SEAL)

Approved:

Rent Board Chair