

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: May 15, 2024

Final Decision Date Deadline: May 15, 2024

**STATEMENT OF THE ISSUE:** The minutes of the April 17, 2024, 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 April 17, 2024, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

**G-1.**

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**RICHMOND, CALIFORNIA, April 17, 2024**

The Open Session to Hear Public Comments before Closed Session was called to order at 5:16 PM.

**ROLL CALL**

**Board Members Present:** Dockens, Espinoza, Hite, and Vice Chair Guadalupe.

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

**Absent:** Chair Cantor.

**PUBLIC COMMENT BEFORE CLOSED SESSION**

None.

**ADJOURN TO CLOSED SESSION**

The Open Session to Hear Public Comments Before Closed Session adjourned at 5:19 PM.

**CLOSED SESSION – Shimada Room, City Council Chambers**

The Regular Meeting of the Richmond Rent Board was called to order at 6:02 PM.

**PLEDGE TO THE FLAG**

**ROLL CALL**

**Board Members Present:** Dockens, Espinoza, Hite, and Vice Chair Guadalupe.

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

**Absent:** Chair Cantor.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**REPORT FROM LEGAL COUNSEL OF FINAL DECISIONS MADE IN CLOSED SESSION**

General Counsel Charles Oshinuga reported that there were no final decisions made during closed session.

**AGENDA REVIEW**

None.

**PUBLIC FORUM**

Iiona Clark, a Housing Provider in Richmond began her comment by apologizing in advance for her statements if they seemed patronizing or disrespectful and expressed frustration. She read the mission statement of the Rent Board. She said nothing is mentioned in the mission statement to spend time and money on self-congratulatory placards or public art projects. She also noted that we are in a significant housing crisis. She added that there is a housing shortage that the Rent Board cannot directly address because nothing in the mission statement adds units to Richmond's housing stock. However, there is still plenty to do regarding housing specifically. She also added if the Board lacks ideas, to contact her or other members of the housing providers group, The Association of United Richmond Housing Providers. She said they are housing providers struggling to provide housing for a community under many layers of regulations and cost burdens. She added that they are a part of the solution and cannot do it alone. She also mentioned a few ideas about how the Rent Program could help people in the community. For example, the RAP website advertises sources for rental assistance, does its research effectively, determines how much money has been given out, and determines how many renters or units have benefited. She added that there's nothing about down payment assistance for would-be homeowners. Something like this could make a difference. Another idea would be to revisit the regulations that the previous boards passed and make them more practical, beneficial, and easier to understand for those who are not experts in the housing industry or are experiencing a housing crisis. She added that the Rent Program processes should be researched to make them more streamlined, user-friendly, and accessible. She mentioned that the Rent Board could assist in making robust processes to address HLRs, which was promised to us by Mr. Traylor. Another idea would be to help provide reliable

interpretation for all meetings, whether Ms. Espinoza is present or not. Richmond is more than half Latinx, and the meetings should be interpreted regardless. There are so many things the Board can do in the position of a Rent Board Member. The staff doesn't have to listen to the community, but the staff does have to listen to the Board. She feels the Board should use its position to benefit the Richmond community within the mission statement. Otherwise, the Board should ask themselves, what are you doing here?

**RENT BOARD CONSENT CALENDAR**

Rent Board Clerk Cynthia Shaw read the Consent Calendar items.

On motion from Board Member Hite, seconded by Board Member Dockens, the item(s) marked with an (\*) were approved with Chair Cantor absent.

**\*G-1.** Approve the minutes of the January 17, 2024, Regular Meeting of the Richmond Rent Board. This item was continued from the April 9, 2024, Special Rent Board Meeting.

**\*G-2.** Receive letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100.

**\*G-3.** Receive the Fiscal Year 2023-24 Monthly Activity Report through March 2024.

**\*G-4.** Receive the Rent Program FY 2023-24 Monthly Revenue and Expenditure Report through March 2024.

**\*G-5.** Receive the Budgeted versus Actual Revenue and Expenditures Report for the third quarter ending March 31, 2024.

**\*G-6.** Approve late fee waiver(s) for April 2024 pursuant to Regulation 425.

**CONSIDERATION OF APPEALS**

**H-1.** General Counsel Charles Oshinuga presented on the matter of an Appeal regarding Petition No. RC22-T155: The Appellants appealed the Hearing Examiner's Decision that awarded Respondent \$1,141.46, due to defective conditions existing in Respondent's Rental Unit. Specifically, the Hearing Examiner found that the Appellant failed to meet their obligation under a settlement agreement, where they failed to repair the windows,

refrigerator, and remediate mold within Respondent's Rental Unit. On appeal, Appellants contend the following:

1) The amount of Rent the Hearing Examiner relied on is incorrect. The proper Rent amount is \$800, not \$955.11.

2) The refrigerator should not be included in an award because the issue was immediately addressed. On the same day Respondent made the request for a new refrigerator, Appellants purchased a new refrigerator; however, delivery was going to take a few days. In the interim, Appellants offered Respondent a temporary refrigerator, but Respondent rejected it, opting to wait for the new one.

All parties to this case were present. The Respondent requested Spanish interpretation and time allotted to each party was doubled. The Appellant spoke for 8:10 minutes and was given 10 minutes. The Respondent presented for 10:31 minutes and was given 14 minutes. Finally, the Appellant closed for 1:57 minutes and was given 4 minutes. The Appeal began, and the following individuals presented their cases: Carlos Magana and Juana Trejo. Discussion ensued. There were no public comments on this item.

After hearing the issues brought on the Appeal and considering the arguments of both parties, a motion was made by Vice Chair Guadalupe and seconded by Board Member Dockens regarding Petition No. RC22-T155 to adopt the staff's recommendation to reverse the Hearing Examiner's Decision in its entirety. The settlement agreement is still in effect, less the provision that reserves the Tenant's right to a hearing. The parties do, however, reserve the right to pursue civil claims flowing from any alleged breach of the contract, passed by the following vote: **Ayes:** Board Members Dockens, Espinoza, Hite, and Vice Chair Guadalupe. **Noes:** None. **Abstentions:** None. **Absent:** Chair Cantor.

Rent Board Clerk Cynthia Shaw concluded the hearing and informed the parties that they would receive a Rent Board Decision within 30 days. Parties were dismissed for Appeal RC22-T155.

General Counsel Charles Oshinuga gave a brief overview of the board's decisions. He informed the parties that if they are confused about the outcome of the Appeal hearing and need further assistance, they can contact the Rent Program office for an appointment to speak with a Housing Counselor.

## **REGULATIONS**

**I-1.** The matter to amend the language of Regulation 322A, 322A(b) and 322A(c) was presented by Board Member Dockens. She briefly went over the information included in the presentation from the How to Agendize Agenda

Items and Staff Roles training presented by General Counsel Oshinuga on May 8, 2023, specifically the section regarding the process for an Individual Board Member agendaizing an item for discussion, examples of the language to include in staff reports, a proposed timeline for staff to return to the Rent Board with the amended language for the Regulation, and the next steps. Discussion ensued. There were no public comments on this item. A motion made by Board Member Hite, seconded by Board Member Espinoza, directing staff to return to the Board with the amended language of Regulation 322A, 322A(b), and 322A(c) at the next Regular Meeting in May passed by the following vote: **Ayes:** Board Members Dockens, Espinoza, Hite, and Vice Chair Guadalupe. **Noes:** None. **Abstentions:** None. **Absent:** Chair Cantor.

## **RENT BOARD AS A WHOLE**

**J-1.** The matter to establish an Ad-Hoc Committee to: (1) Communicate with the Richmond Public Arts Committee concerning the preservation of the Mural, (2) Monitor the progress to Recognize, Restore and Preserve the Rent Program Mural (Mural), and (3) Report back to the entire Rent Board on a quarterly basis was presented by Board Member Dockens. The presentation began with viewing photos of the Rent Program mural on Ohio St. and 23rd St., in Richmond. It included the background, community expression to honor the Voter Initiative, and organizations who created the Mural, the purpose to recognize, restore, and preserve the Mural by establishing an Ad Hoc Committee to be the official communication channel between the Rent Board and the Committee on Public Art (CPA) regarding the Mural, the proposed timeline, and the next steps. Discussions ensued. The following individual requested to speak during public comment but was not present: Ilona Clark.

A motion was made by Board Member Dockens for Board approval to establish an Ad Hoc Committee, in conjunction with Staff and General Counsel to determine the purpose and subject of the Ad Hoc Committee, which consists of no more than two Board Members. Vice Chair Guadalupe asked for clarification about establishing the Ad Hoc Committee from General Counsel Oshinuga. After receiving clarification, Board Member Dockens withdrew her motion. General Counsel Oshinuga mentioned to Vice Chair Guadalupe that Board Member Hite may have made a motion regarding the murals. Board Member Hite responded that if he did make a motion, he would withdraw his motion to allow for individual discussions with staff. The Board received the presentation and discussed the item. No formal action was taken on this item.

A motion was made by Board Member Hite to recess for 5 minutes before continuing Item K-1, seconded by Board Member Dockens. The motion to recess for 5 minutes passed with Chair Cantor absent. The meeting was

adjourned for recess at 7:34 PM. The meeting was called back to order at 7:42 PM.

## **BUDGET**

**K-1.** The matter to receive a presentation regarding the Rent Program Budget timeline and requirements for the Fiscal Year 2024-25 Rent Program operating Budget was presented by Executive Director Nicolas Traylor. The overview of the Budget Requirements and Process presentation included the statement of the issue, the fiscal impact, the staff budget development process and timeline, a summary of what budget items are necessary and reasonable, a summary of program-based line-item budgeting, the purpose of the Rent Ordinance and Mission of the Rent Program, a summary about key activities to administer and enforce the Rent Ordinance, a summary about key program activities and a status of activities compared to last fiscal year regarding the rental housing data and collection of the Rental Housing Fee, outreach and community education, Rent Adjustment Petitions and Appeals, a brief review of last fiscal year's budget priorities, a summary on budget development that includes internal staff, budget presentations to the Rent Board to facilitate feedback and direction from the Board, a summary of initial staff budget recommendations, and the recommended action.

Before discussing Item K-1, Rent Board Clerk Cynthia Shaw recommended to Vice Chair Guadalupe that the Board vote to extend the meeting past the 3-hour mark. A motion by Vice Chair Guadalupe, seconded by Board Member Hite to approve extending the meeting past the 3-hour time limit to hear the remaining items on the agenda passed by the following vote: **Ayes:** Board Members Dockens, Espinoza, Hite, and Vice Chair Guadalupe. **Noes:** None. **Abstentions:** None. **Absent:** Chair Cantor.

Discussion ensued. The following individual requested to speak during public comment but was not present: Ilona Clark.

Board Member Hite made a motion to receive the presentation of the Rent Program Budget timeline and requirements for the Fiscal Year 2024-25 Rent Program Operating Budget. General Counsel informed Vice Chair Guadalupe and the Board that a motion to receive the presentation is unnecessary because it has already been received. If there were a motion, it would likely be related to whatever priorities were brought back to the Board. He also went over the budget development process and timeline to inform the Board that if they don't feel prepared to make a recommendation at this time, they could provide feedback and direction, and staff will return at the next meeting with a draft budget. He also informed the Board that we are on a strict timeline and that they can add additional feedback for as long as it takes until the deadline, but it

must be passed in time to present the approved Rental Housing fee amounts to the City Council. After receiving clarification from General Counsel Oshinuga, Board Member Hite withdrew his motion.

Vice Chair Guadalupe made a new motion, seconded by Board Member Hite, to direct staff to make outreach and education a priority for the budget meeting held on April 29th and for continued Board discussions about the Fiscal Year 2024-25 Budget, passed by the following vote: **Ayes:** Board Members Dockens, Espinoza, Hite, and Vice Chair Guadalupe. **Noes:** None. **Abstentions:** None. **Absent:** Chair.

**ANNOUNCEMENTS & SCHEDULING**

Executive Nicolas Traylor reminded the Board that the next Special Meeting will be held on April 29th. He wanted to poll the Board members on their availability to ensure a quorum for the meeting. He mentioned that if we don't have a quorum for that meeting, we will need to hold another Special Meeting on May 7th. He also announced that the Rent Program hired an Office Assistant, and we will invite her to meet the Board at the next meeting.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:53 P.M.

Cynthia Shaw  
Staff Clerk

(SEAL)

Approved:

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Rent Board Chair

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