

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: March 19, 2025

Final Decision Date Deadline: March 19, 2025

STATEMENT OF THE ISSUE: The minutes of the February 19, 2025, 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 February 19, 2025, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

G-1.

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RICHMOND, CALIFORNIA, February 19, 2025

The Regular Meeting of the Richmond Rent Board was called to order at 5:09 P.M.

PLEDGE TO THE FLAG

ROLL CALL

Board Members Present: Espinoza, Hite, Tipton, and Chair Cantor.

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

Absent: Board Member Dockens.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Executive Director Nicolas Traylor recommended moving Item H-1 under Rent Board as A Whole, to the March 19, 2025, Regular Rent Board Meeting, since the Item was submitted by Board Member Dockens Item and she should be in attendance to present her Item. He also mentioned that Board Member Dockens's absence is excused. A motion by Chair Cantor, and seconded by Board Member Espinoza, passed by the following vote: **Ayes:** Board Members Espinoza, Hite, Tipton, and Chair Cantor. **Noes:** None. **Abstentions:** None. **Absent:** Board Member Dockens.

PUBLIC FORUM

Cordell Hindler welcomed the new Rent Board Member Whitney Tipton to the Rent Board. He also requested that the Board add two items to the next Rent Board Agenda: the election of a Vice-Chair and the awards item that was previously scheduled but not discussed. He also invited Rent Board Members to the Contra Costa Mayors Conference in the City of Lafayette on March 6, 2025.

RENT BOARD CONSENT CALENDAR

On motion from Board Member Hite, seconded by Board Member Espinoza, the Item(s) marked with an (*) were approved, with Board Member Dockens absent.

***F-1.** Approve the Minutes of the December 18, 2024, Regular Meeting of the Richmond Rent Board. *This item was continued from the January 15, 2025, Regular Rent Board Meeting.*

***F-2.** Approve the Minutes of the December 12, 2024, Special Meeting of the Richmond Rent Board. *This item was continued from the January 15, 2025, Regular Rent Board Meeting.*

***F-3.** Receive letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100. *This item was continued from the January 15, 2025, Regular Rent Board Meeting.*

***F-4.** Receive the Fiscal Year 2024-25 Monthly Activity Report through January 2025.

***F-5.** Receive the Rent Program FY 2024-25 Monthly Revenue and Expenditure Report through January 2025.

***F-6.** Receive the Budgeted versus Actual Revenue and Expenditures Report for the second quarter ending December 31, 2024. *This item was continued from the January 15, 2025, Regular Rent Board Meeting.*

***F-7.** Approve late fee waiver(s) for February 2025 pursuant to Regulation 425.

CONSIDERATION OF APPEALS

G-1. General Counsel Charles Oshinuga presented on the matter of an Appeal regarding Petition No. RC20-L023: A Landlord of a 20-unit building filed a Maintenance of Net Operating Income petition (hereinafter, “MNOI”), seeking a \$165 rent increase per unit due to his assertion that he was no longer maintaining his Base Year Net Operating Income. After holding a hearing, the Hearing Examiner determined that Landlord’s Current Year Net Operating Income did not fall below his Base Year Net Operating Income. Thus, he was not entitled to a rent increase. Consequently, the Hearing Examiner denied the Landlord’s petition. Landlord/Appellant filed an appeal challenging the Hearing Examiner’s decision on the singular ground that the

Hearing Examiner erred by failing to include in the Current Year operating expenses those tax expenses that were not incurred in the Current Year. The summation of the Landlord/Appellant's appeal challenges whether the Hearing Examiner abused his discretion by excluding tax expenses that were not incurred in the Current Year when determining Current Year expenses.

The Appellant(s) to this case were present. Respondents to this case were not present. The Appellant was given the entire 7 minutes to present since no Respondents were present and presented for 6:01 minutes. The Appeal hearing began, and the following individual presented their case: Jimmy Smith. Discussion ensued. There were no public comments on this item.

After hearing the issues brought on appeal and discussing the matter amongst themselves, Chair Cantor motioned to deny the Appellant's appeal. Since the Appellant only challenged the Hearing Examiner's exclusion of 2020 tax expenses, the remaining portions of the Hearing Examiner's decision are unreviewable, unappealable, and final and affirm the Hearing Examiner's Decision as the Regulations require that Current Year operating expenses include only those tax expenses paid in the Current Year; and direct General Counsel to replace the word "incur/incurred" wherever it appears in legal staff's recommendation, with the word "paid." Board Member Hite seconded the motion. The motion passed by the following vote: **Ayes:** Board Members Espinoza, Hite, Tipton, and Chair Cantor. **Noes:** None. **Abstentions:** None. **Absent:** Board Member Dockens.

Rent Board Clerk Cynthia Shaw concluded the hearing and informed the Appellant that all parties would receive a Rent Board Decision within 30 days.

RENT BOARD AS A WHOLE

H-1. Moved to March 19, 2025, Regular Rent Board Meeting

H-2. Executive Director Nicolas Traylor presented the matter to receive a presentation detailing Potential external funding sources, including private and government grants, concerns and limitations of seeking such funds, and the fiscal year 2025–26 Budget and Fee Study timeline. The presentation included the Statement of the Issue, the background, Rent Program funding structure, staff research and findings, nonprofit vs. government funding, other types of grants available and associated restrictions, external funding sources, other

types of funding sources, City classifications who can manage or assist with grants, an overview of practical and legal considerations, Rent Program financial stability and City cost pool charges, the Conclusion, FY 2025-26 budget timeline and the recommended action. Discussion ensued. There were no public comments on this item. The Board received the presentation, and no formal action was taken.

REPORTS OF OFFICERS

Executive Director Nicolas Traylor welcomed Board Member Whitney Tipton to the Rent Board and added that the proclamation honoring past Rent Board Members will be presented at the next meeting in March.

General Counsel Charles Oshinuga announced to Board Members that Rent Board Member terms expire in March and that they should reapply if they wish to continue serving.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:23 P.M.

Cynthia Shaw
Staff Clerk

(SEAL)

Approved:

Rent Board Chair