

RICHMOND, CALIFORNIA, August 21, 2019

The Regular Meeting of the Richmond Rent Board was called to order at 5:00 P.M.

PLEDGE TO THE FLAG

ROLL CALL

Present: Boardmembers Conner, Finlay, Duncan, Vice Chair Gerould and Chair Maddock.

Absent: None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item I-1 was moved to be heard after the Consent Calendar, before Item G-1, under Rent Board as a Whole.

PUBLIC FORUM

Cordell Hindler invited the Board to attend The Point Richmond Business Association monthly luncheon at Hotel Mac, held in the month of August. He also invited the Board to attend the Contra Costa Mayors Conference at the Fireside Hall, in the City of San Pablo, held in the month of September. He also requested that the possibility of Rent Boardmembers to receive a stipend for their service be added to the September Rent Board meeting agenda. He mentioned that he researched other Rent Control jurisdictions and their Boardmembers receive some sort of stipend for their service.

RENT BOARD CONSENT CALENDAR

On motion of Vice Chair Gerould, seconded by Boardmember Duncan, the item(s) marked with an (*) were approved by a unanimous vote of the Rent Board:

*F-1. Approve the minutes of the July 17, 2019, Regular Meeting of the Richmond Rent Board.

*F-2. Receive the July 2019 Rent Program Monthly Report.

*F-3. Receive the Rent Program FY 2018-19 Monthly Revenue and Expenditure Report through July 2019.

RENT BOARD AS A WHOLE

I-1. The matter to receive a presentation from staff members concerning community feedback regarding a proposed Owner Move-In eviction regulation and an analysis of Owner Move-In eviction cases filed with the Rent Program through July 1, 2019, and provide direction to staff was presented by Executive Director Nicolas Traylor, Deputy Director Paige Roosa, and Rent Program Services Analyst Vickie Medina. The presentation included background information, an overview of existing laws, the impetus for an Owner Move-In Regulation, case study research, a report on community engagement efforts, including survey results, workshop comments and focus group comments, an analysis of previously filed Owner Move-In eviction cases, a proposed timeline and next steps. Discussion ensued. There were no public comments on this item. No formal action was taken on this item; however, Boardmembers directed staff to (1) provide a report of all evictions from 2017 to present by property type; (2) present policy options for the Rent Board's consideration; and (3) report on the fiscal impact of administering a proposed OMI regulation and maintaining information about OMI evictions through the rental database at the September Rent Board Meeting.

G-1. The matter to receive training on the Richmond Rent Board Appeals Process was presented by Staff Attorney Charles Oshinuga. The presentation included a general overview of the appeal process, including an overview of terms, appeal process, appeal steps, submitting an appeal form, responding to an appeal, what happen when an appeal is filed, general structure of an appeal hearing, standard of review on appeal, the De Novo appeal hearing process, ruling on an appeal, and decorum. Discussion ensued. There were no public comments on this item. No action was taken.

CONSIDERATION OF APPEALS

H-1. The matter of Appeal regarding Petition No. RC18-T016 was presented by Staff Attorney Charles Oshinuga. Landlord appealed a Hearing Examiner's Decision that found that the Tenants' Rental Unit (1) lacked functioning permanent heating for a period of 25 months, (2) contained a cockroach infestation for a period of 25 months, (3) lacked adequate cooking facilities for a period of 25 months, (4) lacked an operable refrigerator for a

period of 20 months, (5) possessed inadequate safety due to the lack of exterior and garage door locks for a period of 22 months, (6) contained defects in the bathroom—inadequate caulking, leaking shower, nonfunctional bathroom window—for a period of 25 months, (7) contained mold impacting the health and/or safety of the Tenants for a period of 25 months, and (8) contained defective bedroom windows for a period of 25 months. Based on these issues, the Hearing Examiner awarded the Tenants Excess Rent in the amount of \$13,280.87 and reduced the Tenants Maximum Allowable Rent from \$905 to \$384.62. On appeal, Landlord contends that neither she nor the prior owner had notice of the alleged defects and, in any event, Respondents are solely responsible for any damage caused or habitability issues affecting the Rental Unit. All parties of the case were present. Initially, the Rent Board extended both parties' time to present due to translation assistance; however, the Respondents declined translation assistance and gave her representative the approval to present on her behalf. Each party was given 7 minutes to present its case. The timing was broken down as follows: Appellant presented first for 5 minutes, then Respondent presented for 7 minutes and finally, Appellant closed for 2 minutes. The appeal hearing began and the following individuals presented their case: Lorraine Tyler and Attorney Sarah McCracken. After hearing the issues brought on appeal and considering the arguments of all parties on appeal, the Board adopted Legal Staff's recommendation unchanged.

ORAL UPDATES

J-1. Executive Director Nicolas Traylor gave an oral update about the Rent Program's policy on Excess Rent Refunds. The presentation included background, new excess rent return policy and the recommended action. Discussion ensued. There were no public comments on this item. No action was taken on this item.

J-2. Staff Attorney Charles Oshinuga gave an oral update about the question regarding a stay of a hearing examiner's decision. He informed the Board that he is still researching the conflict between the Ordinance and Regulation 842 (b). He also gave information regarding the legality definition of what "stayed" means in the judicial system and the difference between decisions being stayed verses being effective pending appeal. He mentioned that he intends to provide a Regulation to the Board in September addressing this matter. There were no public comments on this item. No action was taken.

REPORTS OF OFFICERS

Executive Director Nicolas Traylor gave a brief update on the selection of the Rent Services Analyst position. He informed the Board that the position was offered to Philip Verma, who was formerly a temporary Rent Services Analyst. He also mentioned that interviews for the Staff Attorney position are scheduled for the week of August 26th and the week of September 3rd. He also mentioned that there are two Administrative Aide positions open. One of them is a result of the approved budget in March and the other position is a result from the retirement of Michelle Arriaga, effective August 1st.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:51 P.M.

Cynthia Shaw and Ramona Howell
Staff Clerks

(SEAL)

Approved:

LAUREN MADDOCK
Lauren Maddock, Chair