

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: October 21, 2020

Final Decision Date Deadline: October 21, 2020

STATEMENT OF THE ISSUE: The minutes of the September 16, 2020, 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 September 16, 2020, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

G-2.

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RICHMOND, CALIFORNIA, September 16, 2020

The Regular Meeting of the Richmond Rent Board was called to order at 5:01 P.M. via videoconference.

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/87025995341?pwd=dE1ienZyYjEzbkhDWmlDNzMONFI0Zz09>

Password: rentboard

Or By Telephone:

US: +1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or
+1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592

Webinar ID: 870 2599 5341

International numbers available:

<https://us02web.zoom.us/j/kc53P5k3AY>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, September 16, 2020, to the Rent Board Clerk, Cynthia Shaw at cynthia_shaw@ci.richmond.ca.us, to be considered into the record.

PLEDGE TO THE FLAG

ROLL CALL

Boardmembers Present: Conner, Finlay, and Chair Maddock.

Staff Present: Staff Attorney Palomar Sanchez, Deputy Director Paige Roosa and Executive Director Nicolas Traylor.

Absent: Vice Chair Gerould and Staff Attorney Charles Oshinuga.

(Vice Chair Gerould present as of 6:10 P.M. and Staff Attorney Charles Oshinuga present as of 5:20 P.M.)

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

On a motion of Boardmember Conner, seconded by Chair Maddock, a recommendation to remove Item F-1, the Minutes of August 19, 2020, from the Consent Calendar, for correction of Boardmember Conner's last name, under the Item F-1 section and to be agendized for review on the October 21, 2020 meeting Agenda, under the Consent Calendar, passed by the following vote: **Ayes:** Boardmembers Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

PUBLIC FORUM

Cordell Hindler commented by email, expressing that he feels that the public should be able to return to Rent Board meetings because the Rent Board should be able to hear what the community has to say in person. He also invited the Rent Board to the Contra Costa Mayors Conference on December 3rd, hosted by the City of Lafayette in-person or virtual, depending on the COVID situation.

RENT BOARD CONSENT CALENDAR

On motion of Boardmember Finlay, seconded by Boardmember Conner, the item(s) marked with an (*) were approved with Vice Chair Gerould absent:

*F-2. Receive the August 2020 Rent Program Monthly Report.

*F-3. Received the Rent Program FY 2019-20 Monthly Revenue and Expenditure Report through August 2020.

REGULATIONS

G-1. The matter to receive and consider adoption of proposed Owner Move-In Eviction Regulations 1009 and 1010 was presented by Executive Director Nicolas Traylor. The presentation included a statement of the issue and background, Rent Board policy direction question #1, addressing question #1 regarding Regulation 1009(C), Rent Board policy direction question #2, addressing policy question #2 regarding Regulation 1009 (B) 1 and 1009 (B) 2, Rent Board direction question #3, addressing policy question #3 regarding Regulation 1009 (C) 1, 1009 (C) 2, and 1009 (C) 3, Rent Board policy direction, Rent Board direction question #4, Rent Board policy direction question #5, address policy question #5 regarding Regulation 1010 (C) 6, Rent Board policy direction question #6, addressing policy question #6 regarding Regulation 1010 (C) 1 and C (5), Rent Board policy direction question #7, addressing policy question #7 regarding Regulation 1010 (C) 4, Rent Board policy direction question #8, addressing policy question #8 regarding Regulation 1010 (C) 4, Rent Board policy direction regarding question #9 and associated proposed Regulations, good faith requirements, and the recommended action. The following individuals gave public comments: Marilyn Langlois, Ilona Clark and Turner Newton. The Board discussed the proposed Regulations and gave the following direction to staff:

1009(B) 1: clarify language to include a Natural Person shall include Owner of a trust.

1009 (C) 4: clarify language regarding if any Landlord as defined by Richmond Municipal Code Section 11.100.050(a)(6) or enumerated relative already occupies one unit on a property, no eviction pursuant to Richmond Municipal Code Section 11.100.050(a)(6), may take place unless there is a demonstrated need for a Reasonable Accommodation based on a qualifying Disability as defined by Government Code Section 12955.3.

1009(D) 5: clarify language regarding Good Faith requirements.

1009(E) to clarify or remove section regarding failure to occupy the rental unit.

1010(C) 3: revise language regarding the change of address/contact information form to include shall contain a statement informing the Tenant that failure to update the Landlord and to remove and/or the Rent Program and add language that the Rent Program may facilitate an update of change of address between the displaced Tenant and Landlord.

1010(B) 2: to state that the Rent Program shall send a written courtesy reminder to a Landlord who submitted a notice of termination of tenancy.

1010(C): regarding continued occupancy certification, to revise the language and add other options for certification but to remove including but not limited to a copy of a valid California Driver's License or government issued for identification and provide clarification that after the Landlord has met the obligations can conduct another Owner Move-in on the property in the future.

Discussion ensued among Boardmembers and Staff regarding the rental rate of a unit after an owner move in, if the Tenant does not exercise the right to first right of refusal. The Board decided to table this discussion regarding the rental rate after an owner move-in, to allow Staff Attorney Charles Oshinuga to research further.

Boardmember Conner made a request for consideration that the Protected Status Claim by Tenant be included in the revised Regulations. This would include language that after the Tenant has received the notice that they intend to make that claim. Staff Attorney Charles Oshinuga and Executive Director Nicolas Traylor added that with the current owner move in form packet, there is a Tenant Assertion form template provided for completion by the Tenant to assert if they are in a protected status. With the agreement among Boardmembers, all directions provided to staff were approved and no formal action was taken.

REPORTS OF OFFICERS

Deputy Director Paige Roosa gave a brief report about the upcoming Community Workshop Webinar titled "How to File a Rent Decrease Petition" that will be held on September 26, 2020. She also mentioned that we have sent out the bulk of the invoices and very pleased with the collection rate, in terms of the fee and that we have collected more revenue earlier than in previous years.

She also added that we look to be in good shape to continue our operations throughout the year. She also acknowledged all of the Landlords for making their payments promptly and she mentioned that there are some Landlords who are working with staff for payment plans due to their financial circumstances, but by in large, we have seen a lot of compliance and very pleased with that and wanted to acknowledge everyone's efforts. Chair Maddock added that she was very pleased to see so many collection efforts early and that she understand that staff had to take extra efforts to get the invoices out, while working remotely, could be a challenge and that she appreciate that.

Staff Attorney Charles Oshinuga gave thanks to all of the Landlords who paid their invoices early. He also gave a brief report that he will provide a thorough presentation on State Law AB3088 at the October 21, 2020 Rent Board Meeting. He mentioned that this state law makes a series of changes to existing state laws that fixes some of the issues regarding statewide Rent Control, it addresses issues with home mortgage issues on the small homeowner's side, it creates some COVID relief for the Tenants and procedures for the Landlords. He also added that this law is very complicated and he has been trying to figure out ways to navigate it. He also added that he has been working with the City Attorney for some time as well as the Deputy Director and Executive Director on ways to disseminate the information the best way possible. He also added that it allows for better loan modifications for homeowners and extends the homeowners bill of rights, to Landlords who are owners of less than 4 units, it also creates relief for Tenants who have COVID related distress and financial issues, creates procedures for those Tenants to follow, in order for that debt not to be forgiven but protected under the Unlawful Detainer Law, so that the Tenant will not be evicted for that debt, it allows for landlords to collect that debt through small claims in an unlimited amount, and it also provides for Cities to create a grace period, not to exceed a year. He also added that we are trying to put something together for the public, in partnership with the non-profits in the City of Richmond. He also added that there is a CDC Fall Eviction Moratorium in place, but it does not apply to Richmond because of the State Law.

Executive Director Nicolas Traylor commended Billing and Registration staff for navigating the billing process and handling the invoices remotely, without coming into the office much. He also mentioned that the Housing Counselors have been receiving a very high volume of calls and emails from Landlords who are not collecting rent and Tenants who have been affected by the

pandemic and unable to pay rent. He also commended Housing Counselors for the hard work.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:20 P.M.

Cynthia Shaw and Mónica Bejarano
Staff Clerks

(SEAL)

Approved:

Lauren Maddock, Chair