

RICHMOND, CALIFORNIA, January 15, 2020

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

PLEDGE TO THE FLAG

ROLL CALL

Present: Boardmembers Duncan, Finlay, and Chair Maddock.

Absent: Boardmember Conner and Vice Chair Gerould.
(Vice Chair Gerould present as of 5:21 P.M.)

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

None.

PUBLIC FORUM

Cordell Hindler invited the Board to attend the Council of Industries monthly luncheon held at Hotel Mac in the month of February. He also invited the Board to attend the Contra Costa Mayors Conference, hosted by the City of Pittsburgh, held at the California Theatre also in the month of February.

Iiona Clark expressed concerns regarding a matter that she wrote to the Executive Director, Nicolas Traylor and Rent Boardmembers over a year ago, about how the eviction data is presented in the monthly report. She mentioned that more than 200 evictions are counted by staff. She also mentioned that on the website, there is one place to click for evictions and it says "Termination of Tenancy/3-Day Notice." She feels that a 3-Day Notice is not an eviction and counting them as an eviction makes housing providers seem very eviction happy while they are not. She also mentioned that housing providers are in the business of providing housing, not evictions or vacancies, as the press might want everyone to believe. She also feels that skewing data to make housing providers look bad further polarizes an issue that does not need further polarizing. She also feels that we need to work together and the Rent Program needs to see what our part in this is

and bring people together rather than splitting people apart with misinformation and skewed data.

RENT BOARD CONSENT CALENDAR

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

*F-1. Approve the minutes of the December 18, 2019, Regular Meeting of the Richmond Rent Board.

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

*F-3. Receive the December 2019 Rent Program Monthly Report.

*F-4. Receive the Rent Program FY 2019-20 Monthly Revenue and Expenditure Report through December 2019.

RENT BOARD AS A WHOLE

G-1. The matter to receive a presentation from Rent Program staff members including a summary of termination of tenancy notices filed with the Rent Program by property type, proposed policy options regarding a proposed Owner Move-In eviction regulation, and an analysis of the anticipated fiscal impact of administering an Owner Move-In eviction regulation, and provide policy direction to staff, which includes a revised Policy Option Matrix, provided in attachment 3, was presented by Deputy Director Paige Roosa and Rent Program Services Analyst Vickie Medina. The presentation included the background and purpose, policy considerations for Policy Question #2, policy considerations and a hypothetical example for Policy Question #6, a proposed OMI compliance process that applies to all rental units for Policy Question #9, next steps and the recommended action. Chair Maddock called to hear public comments before discussing this item. The following individuals gave comments: Ilona Clark and Marilyn Langlois. The Board continued discussions on this item from the December 18, 2019, Regular Meeting.

Staff Attorney Charles Oshinuga introduced guest speaker Jean Shrem, an Attorney who specializes in trusts, to provide the

Rent Board with a general understanding of trusts as it relates to Policy Question #2, and to address any questions or concerns from Boardmembers. Discussion ensued.

A motion by Chair Maddock, seconded by Boardmember Finlay, regarding Policy Question #2, Option #2, that the beneficiary must hold legal title to at least 50% interest in a trust that owns the property with the exclusion of Real Estate Investments Trusts, LLC's with a Corporate Member, Corporations or Land Trusts, failed by the following vote: **Ayes:** Boardmembers Finlay, and Chair Maddock. **Noes:** Boardmember Duncan and Vice Chair Gerould. **Abstentions:** None. **Absent:** Boardmember Connor.

A alternative motion by Vice Chair Gerould, seconded by Boardmember Duncan, regarding Policy Question #2, Option #1, requiring that only natural persons should be able to conduct an Owner Move-In eviction, failed by the following vote: **Ayes:** Boardmembers Duncan, and Vice Chair Gerould. **Noes:** Boardmember Finlay and Chair Maddock. **Abstentions:** None. **Absent:** Boardmember Conner.

A new motion by Boardmember Finlay, regarding Policy Question #2, with modifications to Option #2 & #3, to require that a Landlord is defined as a natural person who has 50% recorded ownership interest in a trust that owns the property, failed for lack of a second to the motion.

Vice Chair Gerould recommended that the Board continue Policy Question #2 for discussion at the February 19, 2020, Regular Meeting. All Boardmembers agreed and no formal action was taken.

A motion by Boardmember Finlay, seconded by Boardmember Duncan, regarding Policy Question #6, Option #3, requiring that the initial rent when the Tenant moves back into the unit should be the amount of Rent that the Tenant was paying when they moved out; however, the Landlord may increase the rent (with proper notice) up to the Maximum Allowable Rent (calculated by adding each year's AGA to the Tenant's Base Rent, as if their tenancy had never been terminated) subject to the Board's adopted banking limitations (Regulation 602), passed by the following vote: **Ayes:** Boardmembers Duncan, Finlay, Vice Chair Gerould and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Boardmember Conner.

A motion by Vice Chair Gerould, seconded by Boardmember Duncan, regarding Policy Question #9, Option #2, regarding additional forms or documentation that will be required for compliance and monitoring passed by the following vote: **Ayes:** Boardmembers Duncan, Finlay, Vice Chair Gerould and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Boardmember Conner.

G-2. The matter to receive a presentation on possible Rent Board governance regulations and approve staff policy recommendations concerning (a) procedural requirements for the adoption, amendment, or repeal of Rent Board regulations; (b) Rent Board meeting procedures; and (c) Boardmember conflicts of interest was presented by Executive Director Nicolas Traylor. The presentation included the statement of the issue, background, historical context from peer jurisdictions, the need for additional rules on governance, policies regarding procedural requirements for the adoption, amendment, and repeal of Rent Board regulations, pros and cons of requiring two readings for the adoption of regulations, staff's recommendation on Policy Question #1, policies regarding procedural requirements for the adoption, amendment and repeal of Rent Board Regulations, pros and cons of immediate effectiveness of adopted Regulations, staff recommendation on Policy Question #2 – immediate versus delayed effectiveness of adopted Regulations, Rent Board governance policies regarding meeting procedures, Policy Question #3 which includes when are where are the Rent Board meetings held, when is the agenda packet published and how are meetings conducted, staff recommendation regarding meeting procedures, policies concerning conflicts of interest, staff recommendation regarding conflict of interest regulations, timeline and next steps and the recommended action. Discussion ensued. The following individual gave comments on this item: Ilona Clark.

A motion by Vice Chair Gerould, seconded by Boardmember Duncan, regarding Policy #1, policies concerning procedural requirements for the adoption, amendment, and repeal of Rent Board Regulations, to continue the status quo of requiring one reading for the adoption of regulations, passed by the following vote: **Ayes:** Boardmembers Duncan, Finlay, Vice Chair Gerould and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Boardmember Conner.

A motion by Boardmember Finlay, seconded by Vice Chair Gerould, regarding Policy #2, policies concerning procedural requirements for adoption, amendment and repeal of Rent Board

Regulations, to be effective 30 calendar days from the date of adoption by the Board, passed by the following vote: **Ayes:** Boardmembers Duncan, Finlay, Vice Chair Gerould and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Boardmember Conner.

A motion by Boardmember Duncan, seconded by Boardmember Finlay, regarding Policy #3, concerning the date, time and location of Rent Board meetings, when are agenda packets published and how are meetings conducted, passed by the following vote: **Ayes:** Boardmembers Duncan, Finlay, Vice Chair Gerould and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Boardmember Conner.

A motion by Boardmember Duncan, seconded by Boardmember Finlay, regarding Policy #4, that the Board consider a policy for conflict of interest Regulations, passed by the following vote: **Ayes:** Boardmembers Duncan, Finlay, Vice Chair Gerould and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Boardmember Conner.

REPORTS OF OFFICERS

Deputy Director Paige Roosa gave a brief update on the upcoming community workshop titled “Understanding Statewide Anti-gouging and Eviction Protection Law (AB 1482)” scheduled for Saturday, January 18, 2020, and invited Boardmembers to attend.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:25 P.M.

Cynthia Shaw and Mónica Bejarano
Staff Clerks

(SEAL)

Approved:

LAUREN MADDOCK
Lauren Maddock, Chair