

RICHMOND, CALIFORNIA, December 20, 2017

The Regular Meeting of the Richmond Rent Board was called to order at 4:00 PM.

PLEDGE TO THE FLAG

ROLL CALL

Present: Boardmembers Combs, Finlay and Maddock.

Absent: Chair Gray and Vice Chair Gerould.

A motion made by Boardmember Combs to nominate and elect Boardmember Finlay as temporary Chair, seconded by Boardmember Maddock passed unanimously with Chair Gray and Vice Chair Gerould absent.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item G-3 was removed from Consent Calendar for discussion under Rent Board as a Whole.

INTRODUCTIONS FROM RENT PROGRAM STAFF

PUBLIC FORUM

Cordell Hindler distributed fliers inviting the Board to attend community events in the month of December. He also invited the board to the Library Commission meeting in the month of January. He thanked the Rent Board personally for allowing him to come to hear more about rent control at the Community Workshops held in December. He commended the board for their great work and training on the requirements of the Brown Act.

Mario Cuellar requested more information on the rent ordinance and rules.

RENT BOARD CONSENT CALENDAR

On motion of Boardmember Combs, seconded by Boardmember Maddock, the item(s) marked with an (*) were approved with Chair Gray and Vice Chair Gerould absent.

*G-1. Approve the minutes of November 15, 2017, Regular Meeting of the Richmond Rent Board.

*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 and recommend to the Richmond City Council proposed amendments to Chapter 11.102 of the Richmond Municipal Code, and a revised resolution, concerning relocation requirements for Tenants of residential Rental Units. This item was continued from the November 15, 2017 meeting. **This item was moved to the end of the Agenda for discussion.**

REGULATIONS

H-1. The matter to adopt Regulation 17-08, regarding Written Warning Notices to Cease before Terminating Tenancies due to a Breach of Lease or Creating a Nuisance. A presentation was made by Michael Roush, Legal Counsel. The presentation included a statement of the issue, background, proposed definition of a reasonable period of time, a general eviction timeline where a tenant breaches the lease or creates a nuisance, a proposed exception for criminal activity, a proposed definition of criminal activity, a general eviction timeline where the tenant commits a violent or drug-related crime, and a recommended action. Discussion ensued. The following individuals gave comments: Francisco Torres, Melvin Willis, Cordell Hindler, and Sarah Aguirre. A motion by Vice Chair Gerould, seconded by Boardmember Combs to adopt Regulation 17-08 regarding Written Warning Notices to Cease before Terminating Tenancies due to a Breach of Lease or Creating a Nuisance with the change that a landlord must provide the tenant five business days to cure a breach of lease or nuisance before serving an eviction notice required under state law. The motion passed by the following vote: **Ayes:** Boardmembers Combs,

Finlay, Maddock and Vice Chair Gerould (*present as of 4:45 PM*). **Noes:** None. **Abstentions:** None. **Absent:** Chair Gray.

H-2. The matter to adopt Regulation 17-09, regarding the right to raise the Rent up to the Maximum Allowable Rent level, also known as “banking” rent increases, with the limitation, such that the net rent increase in any 12-month period as a result of the application of the current plus any deferred or “banked” AGAs does not exceed five percent (5%) plus the current AGA. This Regulation (17-09) would not become effective until September 1, 2018. This item was continued from the November 15, 2017 meeting. A presentation was made by Nicolas Traylor, Executive Director. The presentation included information about the recommended action. Discussion ensued. A motion made by Vice Chair Gerould, seconded by Boardmember Combs, to adopt Regulation 17-09 regarding banking. The motion passed by the following vote: **Ayes:** Boardmembers Combs, Finlay, Maddock and Vice Chair Gerould. **Noes:** None. **Abstentions:** None. **Absent:** Chair Gray.

RENT BOARD AS A WHOLE

I-1. The matter to (1) receive an update from staff concerning billing and collection of the Fiscal Year 2016-2017 and Fiscal Year 2017-18 Rental Housing Fees; and (2) approve by motion a Reimbursement Agreement between the Rent Board and the City of Richmond was presented by Executive Director Nicolas Traylor and Deputy Director Paige Roosa. The presentation included information about the purpose of the reimbursement agreement, background, the status of rental housing fee collection, the Rent Program Department financial summary, revised terms, and the recommended action. Discussion ensued. A motion by Boardmember Finlay, seconded by Vice Chair Gerould, to approve the reimbursement agreement between the Rent Board and City of Richmond. The motion passed by the following vote: **Ayes:** Boardmembers Combs, Finlay, Maddock and Vice Chair Gerould. **Noes:** None. **Abstentions:** None. **Absent:** Chair Gray.

I-2. The matter to (1) receive an update from staff concerning recent community workshops regarding setting standards for changes in the maximum allowable rent; (2) receive a memorandum from Kenneth Baar regarding the Maintenance of Net Operating Income (MNOI) fair return standard; and (3) direct staff to prepare implementing regulations utilizing the MNOI standard for the Rent Board's consideration in January and February 2018 was presented by Dr. Kenneth Baar and Executive Director Nicolas Traylor. The presentation included information regarding the purpose, the background, community engagement, fair return basics, fair return basics according to the Courts, possible fair rent standards, an illustration of MNOI standard, alternative fair return standards, next steps and the recommended action. Discussion ensued. The following individuals gave comments: Marilyn Langlois and Sherry Zallabach. A motion by Vice Chair Gerould, seconded by Boardmember Maddock, to direct staff to prepare implementing regulations utilizing the MNOI standard for the Rent Board's consideration in January and February 2018. The motion passed by the following vote: **Ayes:** Boardmembers Combs, Finlay, Maddock and Vice Chair Gerould. **Noes:** None. **Abstentions:** None. **Absent:** Chair Gray.

I-3. The matter to receive the 2018 Rent Program Community Workshop Calendar was presented by Executive Director Nicolas Traylor. Discussion ensued. No action was taken on this item.

G-3. The matter to receive and recommend to the Richmond City Council proposed amendments to Chapter 11.102 of the Richmond Municipal, and a revised resolution, concerning relocation requirements for Tenants of residential Rental Unit was presented by Legal Counsel Michael Roush. The presentation included the purpose of a revised Relocation Ordinance, background, an overview of the existing ordinance and the proposed policy amendments. Discussion ensued. The following individuals gave comments: Alana Clark and Marilyn Langlois. A motion by Boardmember Finlay seconded by Boardmember Combs to recommend to the Richmond City Council the proposed amendments to Chapter 11.102 of the Richmond Municipal Code and a revised resolution concerning relocation requirements for residential rental units. The motion passed by the following vote: **Ayes:**

Boardmembers Combs, Finlay, Maddock and Vice Chair Gerould. **Noes:** None. **Abstentions:** None. **Absent:** Chair Gray.

REPORTS OF OFFICERS

Vice Chair Gerould and Boardmember Finlay recommended that the regularly scheduled Rent Board meeting start at 5:00 PM instead of 4:00 PM, every third Wednesday of the month. Vice Chair Gerould made a motion seconded by Boardmember Maddock. The motion passed with Chair Gray absent.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:00 PM.

Cynthia Shaw, Ramona Howell
Staff Clerks

(SEAL)

Approved:

David Gray
David Gray, Chair