

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: November 18, 2020

Final Decision Date Deadline: November 18, 2020

**STATEMENT OF THE ISSUE:** The minutes of the October 21, 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 October 21, 2020, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

**F-1.**

**RICHMOND, CALIFORNIA, October 21, 2020**

The Open Session to Hear Public Comment before Closed Session was called to order at 5:00 P.M.

**ROLL CALL**

**Boardmembers Present:** Conner, Vice Chair Gerould and Chair Maddock.

**Staff Present:** Staff Attorney Charles Oshinuga, Deputy Director Paige Roosa and Executive Director Nicolas Traylor.

**Absent:** Boardmember Finlay.

**PUBLIC COMMENT BEFORE CLOSED SESSION**

None.

**ADJOURN TO CLOSED SESSION**

The Open Session to Hear Public Comment before Closed Session adjourned at 5:03 P.M.

**CLOSED SESSION – VIA VIDEOCONFERENCE**

The Regular Meeting of the Richmond Rent Board was called to order at 5:14 P.M.

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/85205436302?pwd=eFgrS2RkT3BicUNWdXhCZUlxRk9lUT09>

Password: rentboard

**Or By Telephone:**

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

Webinar ID: 852 0543 6302

International numbers available:

<https://us02web.zoom.us/j/kc7gSx8mQU>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, October 21, 2020, to the Rent Board Clerk, Cynthia Shaw at [cynthia\\_shaw@ci.richmond.ca.us](mailto:cynthia_shaw@ci.richmond.ca.us), to be considered into the record.

**PLEDGE TO THE FLAG**

**ROLL CALL**

**Boardmembers Present:** Conner, Vice Chair Gerould and Chair Maddock.

**Staff Present:** Staff Attorney Charles Oshinuga, Deputy Director Paige Roosa and Executive Director Nicolas Traylor.

**Absent:** Boardmember Finlay.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**REPORT FROM LEGAL COUNSEL ON FINAL DECISIONS MADE IN CLOSED SESSION**

Staff Attorney Charles Oshinuga stated that the Rent Board met in closed session to discuss existing litigation. No final action was taken.

**AGENDA REVIEW**

None.

**PUBLIC FORUM**

Cordell Hindler commented by email, expressing that he feels ten people should be allowed to attend Rent Board meetings

in the Council Chambers so that the Rent Board can hear what the public has to say. He also requested that the topic of stipends for Rent Boardmembers for their service to the community be considered as a future meeting agenda item.

Iiona Clark was present and called to make a public comment, but due to technical difficulties, was unable to be heard by the Board and members of the public. In recognition of these technical difficulties, Chair Maddock allowed additional time for her to speak under Item I-2, under Regulations.

**RENT BOARD CONSENT CALENDAR**

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

\*G-1. Approve the minutes of the August 19, 2020, Regular Meeting of the Richmond Rent Board. *This item was continued from the September 16, 2020, meeting.*

\*G-2. Approve the minutes of the September 16, 2020, Regular Meeting of the Richmond Rent Board.

\*G-3. Receive letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100.

\*G-4. Receive the September 2020 Rent Program Monthly Report.

\*G-5. Receive the Rent Program FY 2019-20 Monthly Revenue and Expenditure Report through September 2020.

**RENT BOARD AS A WHOLE**

I-1. The matter to receive a presentation on Assembly Bill 3088 was presented by Staff Attorney Charles Oshinuga. The presentation included information regarding the purpose of the law, the components of AB 3088, Covid-19 Tenant Relief Act of 2020, what the Act does, Summons and Complaint, Notice of Rights, definitions, Notice of Termination of Tenancy for Nonpayment of Rent, Declaration of Covid-19 related financial distress, returning the declaration, high income Tenants, Unlawful Detainers, Unlawful Detainer Records, Small Claims, Contra Costa County Order and the recommended action. Discussion ensued.

There were no public comments on this item. The Board received the presentation and requested that staff provide an electronic copy of the presentation to Boardmembers. No formal action was taken on this item.

### REGULATIONS

I-1. The matter to adopt revised Chapter 2 Regulations, concerning the process whereby property owners may seek an exemption or determination of inapplicability of a dwelling unit from the provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance was presented by Deputy Director Paige Roosa. The presentation included the background, the purpose of revised Chapter 2 Regulations, existing Regulations 205 and 206, the proposed process, summary of proposed amendments to Regulations 205 and 206, next steps and the recommended action. Discussion ensued. There were no public comments on this item. A motion by Vice Chair Gerould, seconded by Boardmember Conner to adopt revised Chapter 2 Regulations, concerning the process whereby property owners may seek an exemption or determination of inapplicability of a dwelling unit from provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance, passed by the following vote: **Ayes:** Boardmember Conner, Vice Chair Gerould and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Boardmember Finlay.

I-2. The matter to consider adoption of proposed Owner Move-In Eviction Regulation 1010 and discuss proposed Owner Move-In Eviction Regulation 1009 in the context of Richmond Municipal Code Section 11.100.050(a)(6)(B) was presented by Executive Director Nicolas Traylor. The presentation included the statement of the issue and background, revisions to Regulation 1009 (B) 1, (D) 5, and (E): Owner Move-in Eviction Pursuant to RMC 11.100.050(a)(6), discussion on proposed Regulations that limit the number of Owner Move-in evictions to one per property which included a discussion of whether Section 11.100.050 (a) (6) (B) of the Rent Ordinance harmonizes with a policy limiting OMI evictions revisions, Regulation 1010: post Owner Move-in eviction requirements, revisions to Regulation 1010(B) 2, and (C), clarification on rental rate after an Owner Move-in eviction that included Regulations 701 (A) (1) (a), (A) (1) (5), 707 (B), and the recommended action. The following individuals gave comments: Marilyn Langlois and Ilona Clark. Discussion ensued. Boardmembers made the following requests of staff:

1010(C) 3: Boardmember Conner recommended that staff change the language to be less passive and to consider that the process mentioned in this section may be an additional burden on the owner to reach out to the tenant and may take too much time because the process to resolve the eviction noticing requirements within 30-days may not be enough time.

1010(C) 3: Chair Maddock recommended that staff remove the language in regards to the Rent Program facilitating an update of the change of address between the displaced Tenant and Landlord. The proposed language stated: “Where the Rent Program chooses to facilitate an update of the displaced Tenant’s change of address, the Rent Program shall send the Landlord written notification of the displaced Tenant’s new address. This written notification shall be sent to the address that the Landlord performed an eviction pursuant to RMC Section 11.100.050(a) (6).” She expressed that the displaced Tenant should be responsible for providing any change of address to the Landlord.

1010 (C) 5: Chair Maddock recommended that staff remove the entire section that references if the Landlord does not have the displaced Tenant’s contact information, the Landlord shall request the Rent Program provide the Landlord with the Tenant’s contact information. The proposed language states, “in such an event, the Rent Program shall seek written permission of the displaced Tenant to release their contact information to the Landlord. If the displaced Tenant elects not to provide the sought after permission, the Rent Program shall serve as the intermediary, and assist the Landlord in providing the displaced Tenant with the Landlord’s written offer for re-renting the Rental Unit to the displaced Tenant.” She expressed that the displaced Tenant should be responsible for providing any change of address and communicate directly with the Landlord.

1010 (C) 3: Vice Chair recommended that the Rent Program maintain the contact information for the displaced Tenants, to minimize the Program’s back and forth communication between Tenants and Landlords, and to make the process more efficient. She also inquired about how other Rent Control jurisdictions involve themselves with helping Tenants and Landlords communicate about updated contact information.

Chair Maddock made a motion, seconded by Vice Chair Gerould, concerning adoption of proposed Owner Move-In Eviction Regulations 1010, directing staff to consider revising Regulation

1010 (C) 3 & (C) 5, so that the language outlines a role for the Rent Program that is less passive than currently proposed and that makes efficient use of staff time. Boardmember Conner made a friendly amendment to the original motion to also direct staff to consider how to be more efficient and balancing the Rent Board's obligation to assist in the process of maintaining contact information. The seconded motion was withdrawn by Vice Chair Gerould.

A new motion made by Chair Maddock, seconded by Vice Chair Gerould, concerning Regulation 1010(C) sections 3 and 5, directing staff to: (a) consult with other Rent Control jurisdictions regarding the maintenance of Tenant contact information and potentially rewrite sections 3 and 5; (b) consider the legal risk to the Rent Board of maintaining Tenant contact information and provide a recommendation to the Board regarding section 5; and (c) consider revising the language to make the process more efficient whereby Tenant contact information is provided to the Landlord, passed by the following vote: **Ayes:** Boardmember Conner, Vice Chair Gerould and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Boardmember Finlay.

Concerning proposed Regulation 1009, no formal action was taken on this item. Boardmembers agreed to continue discussion on this item at a future Rent Board meeting.

### **REPORTS OF OFFICERS**

Deputy Director Paige Roosa gave a brief report about the Community Workshop Webinar titled "Handling Habitability Problems" held on October 17, 2020. She also mentioned that a recording of the Community Workshop Webinar, along with all other Community Workshop Webinars presented during the Covid-19 pandemic, are accessible on the Rent Program website at <http://www.ci.richmond.ca.us/3541/Workshops>. She also reported that at the City Council meeting held on October 20, 2020, the Council approved allocating \$150,000 of their CARES Act funding to go to the Richmond Rapid Response Fund (R3F), \$100,000 of which has been allocated specifically for the Rent Assistance Program as part of the R3F. She also added that the Rent Program is working very closely with our partners to make sure that we have a program in place to be able to get that money into the hands of Richmond Landlords before the end of the year, which is the requirement for the CARES Act funding. She concluded stating that we will continue to keep the Board apprised of our progress.

Executive Director Nicolas Traylor added that we will be holding a community presentation on AB 3088 in November and will send out information to Boardmembers with the details.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:33 P.M.

Cynthia Shaw and Mónica Bejarano  
Staff Clerks

(SEAL)

Approved:

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Lauren Maddock, Chair