

**CITY OF EAST PALO ALTO  
RENT STABILIZATION BOARD MEETING  
WEDNESDAY, OCTOBER 28, 2009  
REGULAR SESSION  
2415 UNIVERSITY AVENUE  
City Council Chambers  
EAST PALO ALTO, CA  
Minutes**

**1. CALL TO ORDER**

Chair Dorn called the meeting to order at 7:10 p.m.

**2. ROLL CALL**

Board Members Present: Dorn, Hart, Hernandez, Mitchell  
Board Members Absent: Randolph. Webster  
Board Alternates Present: Allen  
Board Alternates Absent:  
Staff Present: Ford, Alvarado

Board Member Allen announced that he would be sitting in the Tenant Representative seat.

**3. APPROVAL OF AGENDA**

**Motion:** It was moved (Hernandez) and seconded (Mitchell) to move item 12, **Community Forum** after item 4, and approve the agenda, as modified. Motion passed unanimously.

**4. APPROVAL OF MINUTES**

There were no minutes available for approval.

**12. COMMUNITY FORUM**

Adrian Marquez, 132 Verbena Drive, representing Youth United for Community Action (YUCA), mentioned submitting a letter making changes to the Rules and Regulations with regard to Section 1600.

Board Member Allen asked that the letter be read because Board Members did not have copies.

Anthony Clark, 1043 Alborni Street, YUCA, read the letter which supported changes to Section 1600 of the Rules and Regulations.

Chair Dorn asked the Rules and Regulations Committee if this matter should be put on the next agenda.

Board Member Allen responded that the next Rules and Regulations Committee was scheduled for 5:30 p.m. prior to the November 18 Regular Board meeting. The item would be discussed at the Committee meeting and then again at the Regular Board meeting.

Mr. Clark submitted another letter to the Board which supports the Rent Board and addresses three issues: YUCA wants its changes formally recognized; YUCA would like the Rent Board to institutionally advocate for the tenants; and YUCA would like the Rent Board to hold Page Mill Properties accountable for the money they owe. He referred to a recent meeting where Housing staff was in attendance but there was no one from the Rent Board there.

Board Member Allen responded that the Rent Board members were unaware of the meeting on October 3.

Board Member Hart explained that, unofficially, he was aware of the meeting but agreed that the Rent Board was not notified.

Legal Counsel Alvarado explained that Mr. Ewing was the lead attorney for the October 3 meeting; it was an oversight that the Rent Board was not included. Mr. Ewing did and will continue to advocate the City's position on fees and issues relating to litigation involving Page Mill Properties.

## **5. AGENDIZED ITEMS FOR POLICY AND ACTION**

### **5.1 Presentation by Community Legal Services (CLS) staff on outreach and education activities that could be carried out by CLS.**

Chair Dorn commented that the Rent Board had a contract with CLS in the past to do outreach and she wants to see how the Board wants to proceed.

Board Member Hart added that the request came through the Education Committee to CLS to make a presentation.

Victor Ramirez, CLS, 2117 University Avenue, said there are many issues, in addition to the problems with Page Mill Properties, that need to be addressed, and CLS hopes to work with the Rent Board in trying to address the issues.

Jeanne Merino, Supervising Attorney, CLS, expressed hope that this meeting is the beginning of a larger conversation about the Rent Board's education and outreach needs in terms of educating the members of the community, landlords and tenants about their rights and responsibilities. A big concern in the City, expressed by many, is defining the maximum legal rent.

Board Member Hart wants to advocate for more language pertaining to landlords in terms of educating them further. Landlords should feel they can contact CLS to find out how they can deal with difficult tenants.

Ms. Merino responded that the CLS Board has decided that CLS cannot give legal advice to landlords. She recalled at one point working with the Rent Stabilization Program who hired another lawyer to do particular presentations. CLS did prepare pamphlets which were given to both landlords and tenants regarding eviction, maximum legal rent, and security deposit issues. CLS would like to have a conversation with the Rent Board about who CLS might partner with in terms of doing outreach and education. One suggestion was the Peninsula Conflict Resolution Center which is a resource that can be used by both tenants and landlords.

Mr. Ramirez spoke about the issue where new owners come in and try to force tenants out without following legal procedures and asked that this issue be included as part of the outreach efforts. CLS would like to have workshops with the City's Housing Department on issues such as how to file applications with the Rent Board and how to file reports with Code Enforcement or the County of San Mateo.

Chair Dorn pointed out that the Rent Board had money budgeted for outreach.

Staff Ford commented that the budget amount is \$21,000.

Mr. Ramirez mentioned the difficulty of getting people to attend outreach sessions.

Board Member Hernandez commented that a good way to get people involved is to go directly to the tenants and hold meetings at apartment complexes that have space available for meetings.

Board Member Hart agreed with partners such as YUCA.

Board Member Allen asked CLS to review venues that were used for previous workshops.

Ms. Merino explained that workshops have been held at the Senior Center, St. Francis Church, Free at Last, and apartment complexes.

Chair Dorn suggested that someone from CLS attend an Education/Outreach Committee to discuss brochures that have been published in the past and the priorities.

Ms. Merino recalled that at one point in the past, the Rent Board issued a Request for Proposals; if that is the process, CLS would submit a proposal again.

Board Member Mitchell recommended that staff research the process and bring the information back to the Board's next meeting. Board Members concurred.

## 5.2 Discussion on proposed changes to Rules and Regulations Section 626 (rules of attendance)

Board Member Allen reported that this item came before the Board in November 2008; the Rules and Regulations Committee suggested language to bring the rules of attendance in line with the common practice that the Board had for 15 years. He presented a handout where the language was cleaned up for consistency.

Discussion was held on allowing the Homeowner alternate to sit in the Tenant or Landlord position in the absence of either. Legal Counsel Alvarado pointed out that the Ordinance was silent on the issue; however, the Board has discretion on the procedures.

Board Member Allen recalled that the practice of allowing the Homeowner alternate to sit in either position occurred when there was no quorum. He suggested adding “with the acknowledgement of the Chair” after items a, b, and c on page 3 of the handout which would make the language more consistent.

Legal Counsel Alvarado explained that the Board needs at least 20 days prior to the hearing where the Rules and Regulations Section 626 would be introduced; he was unsure whether there was enough time prior to the November 18 meeting.

Staff Ford explained that the hearing announcement would have had to be submitted to the newspaper today in order to make the November 18 meeting.

**Motion:** It was moved (Allen) and seconded (Hart) to accept the Rules of Attendance changes as proposed on page 3 of the handout he prepared, with the addition to items (d)(1)(a), (b), and (c) “with the acknowledgement of the Chair” and the removal of the word, “immediately” before the added wording. Motion passed unanimously.

Legal Counsel Alvarado explained that he will edit the language and give it to the Board for review.

### 5.3 Discussion on process for decisions regarding non-payment of registration fees.

Staff Ford explained that one letter has been sent out to everyone telling them that they need to pay their registration fees; the letter included the fee but not the penalty. Another letter is required that states both the fee and the penalty. His proposal is to prepare the letters and send them out in November and return to the Board in December with a list of properties that have not paid. The City Manager will have to approve any actions that staff takes with regard to Page Mill Properties.

Board Member Allen suggested that the letter mention that penalties might be negotiable but if fees are not paid, steps could be taken to put a lien on the property. His suggestion was that the City Manager come to the Board and ask for permission to act on the Rent Board’s behalf. He further suggested that, for this fiscal year, the Board pursue unpaid 2009-2010 registration fees by Woodland Park Management and Page Mill Properties/Wald Realty and suggest that liens would be imminent; also that penalties be negotiated with the full Rent Board.

Board Member Hart recommended that a letter be drafted by the Board and presented to the City Manager with the Board’s concerns and ask that the City Manager meet with the Board or with the Rules and Regulations Committee.

Board Member Allen concurred with the recommendation but suggested that, rather than drafting a letter, the Board prepare a resolution listing items of concern which would then be directed to the City Manager.

Chair Dorn agreed that the City Manager needs to know what the Rent Board is doing; a meeting to go over the concerns and issues would be important.

Board Member Allen would like to see a commitment from the City Manager to meet with the full Board after meeting with the Council Liaison Committee.

Board Member Mitchell suggested forming an ad hoc committee related to fee payment which would meet within the next two weeks to produce recommendations to discuss with the City Manager.

Chair Dorn concurred with the idea of an ad hoc committee.

Staff Ford pointed out that in the past when there were issues of concern, the Chair and Vice Chair contacted the City Manager and had an informal meeting with the City Manager.

Mr. Alvarado pointed out that ad hoc committee meetings did not require posting of notices and were limited in time, duration and purpose.

Chair Dorn, and Board Members Hart and Allen volunteered to be on the ad hoc committee. They will decide when to meet.

#### 5.4 Review and possible change of status of City Council Liaison

Chair Dorn explained that the Liaison Committee does not meet regularly and could meet when there are items or concerns to discuss with the City Council. The Board needs to vote to make the change to an ad hoc committee.

Board Member Hart agreed that the City Council Liaison Committee has been inactive. He felt that the Committee's charge was to talk about issues relating to ordinance implementation and the budget but that was not happening. His preference was to leave the City Council Liaison Committee as it is.

Board Mitchell agreed with Board Member Hart and asked whether there were descriptions of committees. His suggestion was to come up with descriptions for the committees to know what is expected. He also suggested that the City Council Liaison Committee schedule a meeting to discuss its charge and then bring that information to the full Board.

Board Member Allen provided some historical perspective. The City Council Liaison Committee was formed out of a state of conflict that the Board had with the City and to form relationships with the Council Members.

Concurrence of the Board was to leave the City Council Liaison Committee as it is.

6. **CONSENT CALENDAR**
7. **PUBLIC HEARING**
8. **RESOLUTIONS or RULES**
9. **REPORTS OF COMMITTEES AND STAFF**

Chair Dorn reported that the Retreat will be held at City Hall at 9 a.m. on November 7, 2009.

Board Member Hart reported attending a meeting with YUCA and tenants at Page Mill Properties. Concerns were heard, and the Receiver talked about rolling back rents although there was nothing definitive at the meeting.

- 9.1 Report out from RS Board Members and Committees:
  - a. Operational Excellence (**Allen**, Mitchell & Hernandez) – no report
  - b. Outreach/Education (Dorn & Hart) – no report
  - c. City Council Liaison (Hart & Mitchell) – no report
  - d. Rules and Regulations (**Webster**, Allen & Randolph)

Board Member Allen reported that the next Rules and Regulations Committee will be November 18 at 5:30 and will discuss the Fair Rent Coalition's revisions to Section 1600 of the Rules and Regulations.

10. **ADMINISTRATIVE ITEMS**
11. **WRITTEN COMMUNICATIONS**
13. **RECOMMENDATIONS FOR FUTURE ACTIONS AND AGENDA ITEMS**

Chair Dorn suggested that an item relating to setting up procedures for nonpayment of registration fees be on the January agenda.

Legal Counsel Alvarado added that staff will be coming back with information on a recommendation for a contract with CLS.

14. **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:59 p.m.