

**CITY OF EAST PALO ALTO  
RENT STABILIZATION BOARD MEETING  
WEDNESDAY, March 09, 2011  
REGULAR SESSION  
2415 UNIVERSITY AVENUE  
City Council Chambers  
EAST PALO ALTO, CA  
Minutes**

**7:00 P.M.**

**REGULAR RENT STABILIZATION BOARD MEETING**

**1. CALL TO ORDER**

Chair Dorn called the meeting to order at 7:15 p.m.

**2. ROLL CALL**

Board Members Present: Dorn, Fremont, Hart, Webster (7:15)  
Board Members Absent: Ndegwa, Randolph  
Board Alternates Present: Allen  
Board Alternates Absent:

Staff Present: S. Ford, M. Packard, N. Naidu

Board member Allen: Seated in the vacant seat.

**3. APPROVAL OF AGENDA**

Hart/Fremont M/S/C (Motion/Second/Carried): Approve agenda. Vote: 5-0-0

**4. AGENDIZED ITEMS FOR POLICY AND ACTION**

4.1 Report on and discussion of Rules and Regulations Committee meetings.  
Board took up 4.2 while waiting for Board member Webster to arrive.

4.2 Second Reading: Rent Stabilization Program Initial Certification Rules and Regulations –  
Second Reading

Board member Fremont reported on the responses that consultant Ken Baar had to the Board's questions regarding the placement and need for the portion of the State Civil Code as an Appendix to the draft Initial Certification Rules and Regulations. Board member Fremont that Mr. Baar reported that the Petris Act § 1947.8(c) refers to certifications following the initial certifications and provides for 15 days to object to a certification. Whereas the Board is considering time periods for objections to initial certifications which is not related to the time period for objections to certifications after the initial certification. Board member Fremont reported that the Rules and Regulations Committee decided to omit Civil Code sections from Rules but to put those sections on the Rent Board web page.

Webster/Allen M/S/C (Motion/Second/Carried): Waive the reading of the text of the proposed Rules and Regulations for Initial Certification. Vote: 5-0-0

Allen/Hart M/S/C (Motion/Second/Carried): Re-open the public hearing on the proposed changes to the Rules and Regulations for the Initial Certification of Rents. Vote: 5-0-0

Jessica Kirton of YUCA, YUCA agrees with the draft of the Initial certification rules.

Webster/Hart M/S/C (Motion/Second/Carried): Close the public hearing on the proposed changes to the Rules and Regulations for the Initial Certification of Rents. Vote: 5-0-0

Webster/Allen M/S/C (Motion/Second/Carried): Adopt changes to Rules and Regulations for Initial Certification. Vote: 5-0-0.

#### 4.1.a Report on and discussion of Rules and Regulations Committee meetings

Board member Webster reported on Rules and Regulations Committee meeting of March 8, 2011. The Rules and Regulations Committee voted to move Draft Regulations on Certification of Permissible Rent Level Following Establishment of an Initial Rent to the full Board. Next Rules Committee meeting is scheduled for March 30, 2011.

Mr. Fremont said that the Rules and Regulations Committee recommended that the Rent Stabilization Board rescind the Base Rent determination of the Rules and Regulations because that section of the Rules and Regulations is obsolete. He said that section is superseded by the Initial Certification section in the current Rent Stabilization Ordinance and the Rules and Regulations that cover Initial Certification.

Webster/Fremont M/S/C (Motion/Second/Carried): Rescind Base Rent Section (Section 1000 of the Rules and Regulations) of the Rent Stabilization Program Rules and Regulations. The Base Rent determination no longer applies because the current Rent Stabilization Ordinance and Rules and Regulations allow for an Initial Certification and a Vacancy re-certification process. Vote: 4-1-0. (Allen).

#### 4.3 Discussion of Rent Stabilization Program brochures

Board member Fremont. There was a question on the petition process where evictions are involved. Interim Administrator Packard said that she would have the City Attorney review the language and have Outreach and Education Committee members review any revised language.

#### 4.4 Interim Administrator's Report

##### a. Recruitment for Permanent Administrator position

Interim Packard gave an update on the process for choosing a Program Administrator. She said the City Manager had scheduled interviews with the candidates.

##### b. 2010 – 2011 Registration

Total fees collected so far: \$535,000.00. Staff will follow-up on received incomplete registration forms.

##### c. Update on Creekside Mobile Home Park collection of fees and penalties

This item will be on the agenda on March 23, 2011. The Board will have the opportunity to set the matter for a public hearing at that time.

d. **Petitions and Appeals**

Staff Ford reported that there are 10 petitions left over from the Page Mill rent increase period. Staff will contact these tenants and let them know that they can move forward with their petitions. Three landlords had appealed the 2008 certifications that the court subsequently ruled invalid. Staff informed those landlords that they would receive rent certifications in 2011 based on the new Ordinance.

Board member Allen: What rent is used to calculate certified rents if the initial rent is not reported on the registration statement?

Interim Administrator Packard: The landlord signs the registration form under penalty of perjury. She said all certified rents are subject to appeal by landlords or tenants.

Board member Fremont: The Board adopted registration regulations that addresses lack of required registration information. He suggested that, if in reviewing the registration information supplied by landlords, that staff felt that additional registration rules are needed, that the staff inform the Board of that.

**5. CONSENT CALENDAR**

**APPROVAL OF MINUTES**

- Minutes for the February 9, 2011 regular RS Board meeting

Hart/Webster M/S/C (Motion/Second/Carried): Remove minutes of February 9, 2011 from consent calendar. Vote: 5-0-0.

Board member Hart: Item 4.3. There is no dialogue about what Chair Dorn or board member Hart said and no mention of the landlord brochure. He said that in the Community Forum section that his main point was that the disabled solar panels were creating a health hazard. He said he felt there was more information needed in the minutes. Chair Dorn suggested those two points be added to the minutes.

Board member Fremont: If there is an important point it should be reflected in the minutes.

Mr. Webster: Clarification needed that the Tax Assessor record for each unit at the Palo Mobile, Mobile Home Park reflects the ownership of the mobile home, not the pad.

Hart/Webster M/S/C (Motion/Second/Carried): accept minutes of with the changes to items 4.3 (Outreach and Education Committee working on a brochure aimed at landlords) and 5.a (broken solar panels creating a health hazard): Vote: 4-0-1 (Fremont).

**6. COMMUNITY FORUM**

At this time, any member of the public may address the Board on any matter that is not on the agenda (2 minutes per person time limit).

No speakers

**7. PUBLIC HEARING**

**8. RESOLUTIONS or RULES**

**9. REPORTS OF COMMITTEES AND STAFF** (Members of the Public who wish to speak on these items may do so during Community Forum)

9.1 Report out from RS Board Members and Committees:

- a. Operational Excellence (**Allen** & Fremont)  
Board member Allen announced Mid Peninsula Open Space District would have a spring social on April 19<sup>th</sup> , 5:30 – 7:30 p.m. Board member Allen announced that the City Council is having medical marijuana study sessions on March 15<sup>th</sup> and March 29<sup>th</sup>.
- b. Outreach/Education (Dorn & **Hart**, Ndegwa)  
Board member Hart: The committee is scheduled to meet soon. He said he would email Chair Dorn about the next meeting.
- c. City Council Liaison (**Hart** & Fremont)  
Board member Hart said that he had met with Council member Abrica. Board member Hart said that he would try to set a meeting with Council member Abrica, Mr Fremont and Ms. Packard.
- d. Rules and Regulations (**Webster**, Fremont & Randolph)  
No additional information reported.
- e. Ad hoc Budget Committee;  
No report.

9.2 Report out from Staff

No additional information provided.

## 10. ADMINISTRATIVE ITEMS

## 11. WRITTEN COMMUNICATIONS

## 12. RECOMMENDATIONS FOR FUTURE ACTIONS AND AGENDA ITEMS

- a. March 9, 2011: Second reading and Adoption of Initial Certification Rules
- b. March 22, 2011 Special Board meeting Tenant Workshop
- c. March 23, 2011 (tentative): Set a public hearing for Creekside mobile home park
- d. March 23, 2011 (tentative): Discussion of the 2011 Consumer Price Index figures
- e. March 24, 2011: Special Board meeting: Landlord workshop
- f. April 13, 2011 (tentative): Public hearing for Creekside mobile home park
- g. April 13, 2011 (tentative): Public hearing for Certification of Permissible Rent Level Following Establishment of an Initial Rent, Rules and Regulations
- h. April 27, 2011 (tentative): Second reading of Certification of Permissible Rent Level Following Establishment of an Initial Rent, Rules and Regulations

## 13. ADJOURNMENT 8:50 p.m.

Webster/Hart M/S/C (Motion/Second/Carried): Approve adjournment. Vote: 5-0-0.