

SANTA MONICA RENT CONTROL BOARD
REGULAR MEETING MINUTES
April 14, 2011

1. CALL TO ORDER

Commissioner Braun called the Rent Control Board meeting to order at 7:00 p.m. followed by the pledge of allegiance.

2. ROLL CALL

Members Present: Christopher Braun
Todd Flora
Marilyn Korade-Wilson
Robert Kronovet
William Winslow

Others Present: Tracy Condon, Administrator
Michaelyn Jones, General Counsel
Hakhamanesh Mortezaie, Staff Attorney
Amy Regalado, Staff Attorney
Glenda Jacobs, Board Secretary

3. APPROVAL OF THE MINUTES: March 10, 2011

Commissioner Winslow, seconded by Commissioner Korade-Wilson, moved to adopt the minutes of March 10, 2011. The motion unanimously passed in a voice vote.

4. SPECIAL AGENDA ITEMS

Administrator Tracy Condon announced that staff will be mailing the Spring newsletter by month's end. The newsletter will contain the tenant's maximum allowable rent (MAR) and owners will receive their annual report of the MARs in the summer mailing in July. The next tenant seminar will be held on Tuesday, May 10, 2011 at the Main Library Multi-Purpose Room from 9:30 a.m. to noon and anyone interested in attending should contact the agency at (310) 458-8751 to make a reservation. Administrator Condon also mentioned the Santa Monica Festival, which will be held on Saturday, May 7th at Clover Park from 11 a.m. to 6 p.m. This is the festival's 20th anniversary and rent control staff will have a booth and be available to answer questions for the public.

Lastly, she announced that May 12th will be the Rent Board's next meeting which will address the annual report for 2010, a recommendation for the 2011 general adjustment and a presentation of the 2011-2012 operating budget. The public hearings for the proposed general adjustment and budget will be held on June 9, 2010.

6. CONSENT CALENDAR (Public discussion is permitted)

A. Appeals

- 1) D-4546 (untimely): 1421 25th St., #1423-5, Appellants – G. Ihde (LL) and J. Cords (LL)
Landlords appeal a hearing officer's decision to grant rent decreases.

Staff Attorney Hakhamanesh Mortezaie presented a summary of the staff report. Following a discussion, Commissioner Flora, seconded by Commissioner Winslow, moved to adopt the staff recommendation. After more discussion, Commissioner Flora moved to deny the appeal as untimely but the motion died for lack of a second. Commissioner Kronovet made a substitute motion to accept the appeal as timely and deny the rent decrease. This motion was seconded by Commissioner Winslow who after further discussion withdrew his second.

Finally, Commissioner Kronovet, seconded by Commissioner Winslow, moved to accept the appeal as timely and adopt staff recommendation to affirm the hearing officer decision. The motion passed in a 4-1 roll call vote. Commissioner Flora voted no.

- 2) D-4542: 2930 Colorado Ave., #9-C, Appellant – M. McKinsey (TT) by B. Barnes (Rep.)
Tenant appeals hearing officer decision to deny rent decreases for certain claimed reductions of amenities.

Staff Attorney Mortezaie presented a summary of the staff report. Jerry Rappaport, owner representative, and Brenda Barnes, tenant representative, addressed the Board. Following a discussion, Commissioner Kronovet, seconded by Commissioner Winslow, moved to adopt the staff recommendation to affirm the hearing officer decision. The motion unanimously passed in a roll call vote.

- 3) I-1504 (untimely): 2021 Cloverfield Blvd., Appellant – Brentwood Investments, (LL) by J. Shir (Rep.)
Landlord appeals dismissal of a rent increase petition.

Staff Attorney Mortezaie presented a summary of the staff report. Prior to the motion, General Counsel Michaelyn Jones announced that there were a few errors in the text of the document and noted the corrections. Commissioner Korade-Wilson, seconded by Commissioner Winslow, moved to deny the appeal as untimely and thereby affirm the Administrator's dismissal of the petition. The motion passed in a 4-1 roll call vote. Commissioner Kronovet voted no.

7. JURISDICTIONAL ITEMS (Public discussion is permitted)

B. Exemptions – Owner Occupancy

- 1) 1618: 1850 Euclid St., Applicants – Ali

Applicants request an exemption of a three-unit or less property based upon owner-occupancy pursuant to section 1801(c)(4) of the Rent Control Law.
Recommendation: Grant

General Counsel Michaelyn Jones presented a summary of the staff report. Following a discussion, Commissioner Korade-Wilson, seconded by Commissioner Kronovet, moved to adopt staff recommendation to grant exemption to Rasheema Ali on the basis of owner-occupancy, three or fewer units but to deny the exemption application of Rayza Ali because he does not currently

reside on the property, and to adopt the proposed Findings of Fact and Conclusions of Law. The motion unanimously passed in a roll call vote.

C. Removal

- 1) 445R-C: 2906 3rd St., Applicant – 128th Street Associates by S. LaRue (Rep.)
Applicant seeks removal permit claiming two units are not habitable and cannot be made habitable. Recommendation: Grant

Staff Attorney Mortezaie presented a summary of the staff report. Kirk Morrow addressed the Board. Following a discussion, Commissioner Winslow, seconded by Commissioner Korade-Wilson, moved to adopt staff recommendation to grant the removal application on the grounds that units 22 and 26 are uninhabitable and cannot be made habitable within section 1803(t)(2)(i) of the Rent Control Law including adopting the proposed Findings of Fact and Conclusions of Law. The motion passed in a 4-1 roll call vote. Commissioner Flora voted no.

8. PUBLIC HEARING

- A. Proposed Amendments to Regulation 11200(d) Deadline for Payment of Registration Fees

Staff Attorney Mortezaie presented a summary of the proposed amendment. Commissioner Braun opened the public hearing and as there were no requests to speak, he closed the public hearing. After a brief discussion, Commissioner Flora, seconded by Commissioner Winslow, moved to adopt Regulation 11200(d). The motion unanimously passed in a roll call vote.

9. ADMINISTRATIVE ITEM

- A. Proposed Amendments to Chapter 12 Regulations 12051, 12053, 12055 and 12070-12073 Lapse of Exemptions

Staff Attorney Mortezaie presented a summary of the proposed amendments. Following a discussion, Commissioner Korade-Wilson, seconded by Commissioner Winslow, moved to set this matter for public hearing on May 12, 2011. The motion unanimously passed in a roll call vote.

11. BOARD DISCUSSION ITEM

- A. Request of Commissioner Korade-Wilson that the Rent Control Board agendize for action the support of three housing-related bills in the state legislature – AB 934 (Feuer) amending California's litigation privilege, Civil Code 47(b), to ensure that tenants have access to the courts when subjected to illegal eviction activity; AB 265 (Ammiano), extending California's three day pay-or-quit eviction law to allow for a longer period in which the tenant may pay the rent in order to avoid eviction; and SB 184 (Leno) to protect locally enacted inclusionary housing programs, which help ensure that a percentage of all new developments include homes affordable to lower income households.

Commissioner Korade-Wilson began the discussion by presenting a summary of the three housing-related bills. After a discussion, Commissioner Korade-Wilson, seconded by Commissioner Flora, moved to agendize these items for a staff report

and further action. The motion passed in a 4-1 roll call vote. Commissioner Kronovet voted no.

13. REQUESTS TO SPEAK

The following persons addressed the Board: Carol Riel and Esther Schiller.

14. REPORT OF CLOSED SESSION

In the case of *Action v. SMRCB*, the Board in closed session on Wednesday, April 6, 2011 with Commissioners Flora, Korade-Wilson and Winslow present, unanimously agreed to settle the case and to modify the way the Board computes its general adjustment with respect to local taxes.

15. ADJOURNMENT

Prior to adjournment, Commissioner Korade-Wilson acknowledged the letter from Frank McFarlane. At 9:20 p.m., Commissioner Braun adjourned the meeting.