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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Vice Mayor Rebecca Kaplan

RE: Ordinance Amending Chapter 8.22 (Rent Adjustment Program) Of The Oakland Municipal Code To: (1) Increase The Number Of Alternate Board Members; (2) Change The Length Of The Board Member Holdover Period; And (3) Authorize More Cases Be Heard By Board Appeals Panels

RECOMMENDATION

It is recommended that the City Council approve the amendments to the Rent Adjustment Ordinance to alleviate the quorum problem.

EXECUTIVE SUMMARY

This past year, 2015, there have been multiple Rent Board meetings that have been cancelled due to lack of a quorum, delaying the conduct of business and frustrating members of the public, members of the Rent Board, and staff alike. The intentions for amending Chapter 8.22 is to increase the number of alternate board members from three to six (two in each of the three categories); change the length of the Board Member holdover period from one year to two years; authorize more cases be heard by Board Appeal Panels; and define the responsibilities of the Appeal Panels.

BACKGROUND / LEGISLATIVE HISTORY

The composition and functions of the Rent Board and its members are defined in the Rent Adjustment Ordinance, O.M.C. Section 8.22.040. At present, the Ordinance provides for seven members: two residential rental property owners, two tenants, and three persons who are neither tenants nor residential rental property owners. At present, the Ordinance also provides for three alternate members, one residential rental property owner, one tenant and one person who is neither a tenant nor residential rental property owner – where an alternate member may act at Board meetings in the absence of a regular Board member of the same category.

Currently, the Ordinance provides for a report of attendance be provided semiannually to the Office of the Mayor, and under terms and holdover, no person may serve more than two consecutive terms, where a Board member whose term has expired may remain as a Board member for up to one year following the expiration of his or her term or until a replacement is appointed, whichever is earlier.

ANALYSIS AND POLICY ALTERNATIVES

At present, the Rent Board consists of seven members, two residential rental property owner members, two tenant members and three neutral members. There are three alternate

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members, one residential rental property owner, one tenant and one neutral. One member from each group must be present in order to meet the quorum requirement.

In the past year, we have seen a rise in the number of cases brought forth to the Rent Board to be heard. There has also been a back-log of cases in-part due to the rise of number of cases and in-part due to the lack of a quorum of the Rent Board, which in-turn creates a larger back-log of cases waiting to be heard. Due to the extreme back-log of cases, it has been difficult for cases to be heard in a timely manner.

To address the quorum problem, alleviate the back-log of cases, and have cases be heard in a timely manner, it is recommended that the City Council adopt the following amendments to the Rent Adjustment Ordinance O.M.C. Chapter 8.22:

- Under the Rent Adjustment Ordinance O.M.C. Chapter 8.22.020 add definition for "Appeal Panel" to mean a three-member panel of Board Members authorized to hear appeals of Hearing Officer decisions. Appeal panels must be comprised of one residential rental property owner, one tenant, and one person who is neither a tenant nor a residential rental property owner. Appeal panels may be made up of all regular Board Members, all alternates, or a combination of regular Board Members and alternates.
- Under Rent Adjustment Ordinance O.M.C Chapter 8.22.040 (A) amend the number of alternates to from three to six, two residential rental property owners, two tenants, and two persons who are neither tenants nor residential rental property owners appointed pursuant to Section 601 of the Charter; (B) amend report of attendance to be provided annually to both the Office of the Mayor, and to the City Council; (C1) amend that no person may serve more than two consecutive terms as a board member, nor more than two consecutive terms as an alternate and time served as a Board Member shall be considered separately from time served as an alternate; (C2) amend a Board Member whose term has expired may remain as a Board member for up to two years following the expiration of his or her term or until a replacement is appointed, whichever is earlier; (D1) amend appeals to allow for the Board or an Appeal Panel to hear appeals from decisions of hearing officers under the procedures set out in O.M.C. Section 8.22.120, and add (D5) Regular Meetings. The Board or an Appeal Panel shall meet regularly on the second and fourth Thursdays of each month unless cancelled. Rent Program staff is authorized to schedule these regular meetings either for the full Board or for an Appeal Panel.; add (D6) Special Meetings. The Board or an Appeal Panel may meet at additional times as scheduled by the Board Chair or Rent Program staff; add sub-section (E) Appeal Panels.; (E1) Appeal Panels shall hear appeals of Hearing Officer decisions.; (E2) Rent Program staff shall determine whether an appeal should be heard by an Appeal Panel or the full board. A party to an appeal may, however, elect not to have his/her case heard by a panel and instead to be heard by the full Board. A party may so elect by notifying the Rent Adjustment Program not less than five (5) days prior to the first scheduled date for the appeal hearing; (E3) All Appeal Panel members must be present for a quorum. A majority of the Appeal Panel is required to decide an appeal.; (E4) Membership on an Appeal Panel is determined by Rent Program staff. Membership need not be permanent but may be selected for each panel meeting.
- Under Rent Adjustment Ordinance O.M.C. Chapter 8.22.120 section (B) apply the procedures to all Board and Appeal Panel appeal hearings; B(1) amend to add that the Board or Appeal Panel shall have a goal of hearing the appeal within thirty (30) days of

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filing the notice of appeal; (B2) amend so that all appeal hearings conducted by the Board or Appeal panel shall be public and recorded; (B4) and (B5) amend to add "or Appeal Panel" to areas where the Board is invoked. (C) Amend so that both Board and Appeal Panel's decision are final. Parties are cannot appeal to the City Council. Parties cannot appeal the decision of an Appeal Panel to the full board.

FISCAL IMPACT

The fiscal impact is minimal.

SUSTAINABLE OPPORTUNITIES

Economic:

- Preserving the affordable housing inventory for families, seniors, and disabled people in Oakland
- Mitigating the adverse economic pressure on surrounding neighborhoods caused by new housing development.

Environmental:

- Preventing social disruption of established neighborhoods with rental housing.

Social Equity:

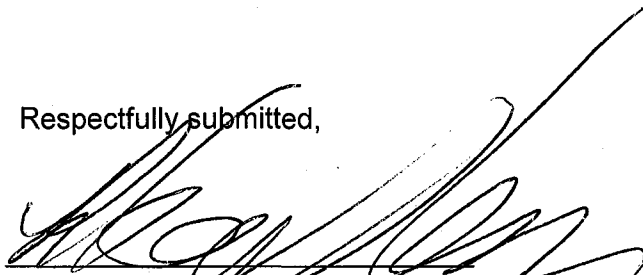
- Improving the landscape and climate of Oakland's neighborhoods by encouraging longer-term tenancies in rental housing.

ACTION REQUESTED OF THE CITY COUNCIL

It is recommended that the City Council adopt the proposed amendments to the Rent Adjustment Ordinance O.M.C 8.22 and approve the resolution that sets forth these changes.

For questions regarding this report, please contact Sheng Thao, Policy Director – Office of Vice Mayor Rebecca Kaplan, at (510) 238-7082.

Respectfully submitted,



[Department Head Signature]
REBECCA KAPLAN
Vice Mayor Kaplan, City Council

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