

**Rent Stabilization Commission
City of West Hollywood
Thursday, April 26, 2018 @ 7:00 PM
West Hollywood Park Public Meeting Room – Council Chambers
625 North San Vicente Boulevard**

Minutes

CALL TO ORDER: Chair Kurpies called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE: Chair Kurpies led the Pledge of Allegiance.

ROLL CALL: Commission Secretary Tom Trevor took roll call.

PRESENT: Commissioner Richard Maggio, Commissioner David Gregoire, Commissioner Agassi Topchian, Commissioner Garrett Charity, Vice Chair Rob Bergstein, Chair Josh Kurpies.

ABSENT:

STAFF PRESENT: Rent Stabilization and Housing Manager Peter Noonan, Legal Counsel to the Commission Alison Regan, Deputy City Attorney Trevor Rusin, Assistant City Attorney Lauren Langer, Deputy City Attorney, Commission Secretary Tom Trevor.

(Official Roll Call taken in Closed Session)

APPROVAL OF AGENDA: A motion was made by Vice Chair Bergstein to approve the agenda for the April 26, 2018 meeting. Commissioner Charity seconded the motion. The motion was approved.

APPROVAL OF MINUTES: A motion was made by Commissioner Gregoire to approve the minutes of the April 12, 2018 meeting as amended. The motion was seconded by Commissioner Charity. The motion was approved, with Commissioner Maggio and Vice Chair Bergstein abstaining.

PUBLIC COMMENTS: None.

DIRECTOR'S/MANAGER'S REPORT: Rent Stabilization and Housing Manager Peter Noonan reviewed the Look Ahead calendar.

COMMISSIONER COMMENTS: Commissioner Maggio attended a meeting of the New Renters Alliance at Plummer Park and congratulated the organizers.

PUBLIC HEARING:

1991 Investment Co. LLC v. City of West Hollywood (Barkley), L.A.S.C. Case No. SC126375, vacating in part the Commission's May 12, 2016 action to affirm the Hearing Examiner's decision on Application D-4078.

PUBLIC COMMENT: There were no public comments on this item.

Following Commission deliberation, a motion was made by Vice Chair Bergstein to adopt Resolution 18-526, a resolution of the Rent Stabilization Commission of the City of West Hollywood vacating in part the May 12, 2016 action (Resolution RSC 16-485) to affirm the hearing examiner's decision consistent with the peremptory writ of mandate issued by the Los Angeles Superior Court on March 22, 2018 in the case title 1991 Investment Co. LLC v. City of West Hollywood (Case No. SC126375). The motion was seconded by Commissioner Gregoire. The motion was approved by a vote of 6-0-0.

APPEAL:

Seeing that neither party to the appeal of D-4268 (the first of the two appeals on the agenda) was present, D-4296 was heard prior to the appeal of D-4268).

D-4296

836 N. Westbourne Drive, #102
(Rent Reduction)

Legal Counsel Alison Regan provided a case summary and analysis of the appeal as provided in the staff report.

Carolyn David, Los Angeles, representative for the landlord, spoke on the appeal.

Daniel Zimmer, West Hollywood, tenant, spoke on the appeal.

Following Commission deliberation, a motion was made by Commissioner Maggio to adopt Resolution 18-519, affirming-in-part and reversing-in-part the hearing examiner's decision. The motion was seconded by Commissioner Topchian. The motion was approved by a vote of 6-0-0.

D-4268

8231 Fountain Avenue
(Rent Reduction)

Legal Counsel Alison Regan provided a case summary and analysis of the appeal as provided in the staff report.

Neither the tenant nor the landlord was present to speak on the appeal.

Following Commission deliberation, a motion was made by Commissioner Charity to adopt Resolution 18-518, affirming-in-part and reversing-in-part the hearing examiner's decision. The motion was seconded by Commissioner Maggio. The motion was approved by a vote of 6-0-0.

UNFINISHED BUSINESS:

- a. COST SHARING FOR MANDATORY SEISMIC RETROFITTING: The Commission reviewed an updated calendar of events and community involvement opportunities related to the further analysis of the upward rent adjustment application and exploration of an alternative direct cost pass-through for the mandatory seismic retrofitting project, and considered establishing an ad hoc subcommittee.

PUBLIC COMMENT: There were no public comments on this item.

COMMISSION DISCUSSION: The Commission discussed the formation of an ad hoc subcommittee to further analyze rent adjustments using net operating income, explore a possible direct cost pass through alternative, and be involved in community engagement events and activities. Following discussion, the Commission agreed to the formation of an ad hoc committee for the purpose of assisting in outreach on the issue. Chair Kurpies and Commissioner Bergstein volunteered to be on the ad hoc subcommittee.

The Commission received the updated calendar and Commissioners confirmed their availability to be present at upcoming Rent Stabilization Commission meetings and community meetings.

- b. **PROACTIVE CODE ENFORCEMENT:** The Commission received a final report from Vice Chair Bergstein on the ad hoc subcommittee study of proactive code enforcement.

PUBLIC COMMENT: There were no public comments on this item.

COMMISSION DISCUSSION: Commissioner Maggio said that proactive code enforcement had been a topic at the New Renters Alliance meeting and that there was concern about the process being an invasion of privacy.

Commissioner Topchian addressed the privacy issue by clarifying that the intention would be for proactive code enforcement to be a voluntary process: a tenant could decline the inspection.

Vice Chair Bergstein indicated the subcommittee was sensitive to the needs of tenants who may have hoarding issues and that the program would relieve tenants of the burden of having to force reticent landlords to make needed repairs. The Vice Chair stated that he hoped that Council would direct staff to move forward with a study that would come back to the Commission.

Commissioner Charity thanked the ad hoc subcommittee for the report and would be strongly in favor of making a recommendation to have Council direct staff to explore a routine inspection program.

Chair Kurpies said he wants to ensure that any proactive code enforcement be a voluntary program. He would prefer that a landlord not be required to be present at any proactive inspections. He would like inspections to include research into whether or not a unit is registered with the City, posting of manager hours, and other items required in the RSO. Expand report to signage (management hours, etc.). He thanked the ad hoc subcommittee for the report.

Commissioner Maggio stated that he hoped Council would direct staff to move forward with a study.

A motion was made by Vice Chair Bergstein to adopt a recommendation that City Council

direct City staff to study the desirability and feasibility of implementing a routine inspection program of the City's rent stabilized housing stock. Commissioner Topchian seconded the motion. The motion was approved by a vote 6-0-0.

PUBLIC COMMENTS: Rick Watts, West Hollywood, inquired about the process of obtaining a cease and desist order.

COMMISSIONER COMMENTS: Commissioner Maggio reported that he attended the Disabilities Advisory Board. He stated he was impressed by the meeting and the agencies present to explain services available to constituents with disabilities.

STAFF COMMENTS: There were no staff comments.

ADJOURNMENT:

The meeting was adjourned at 8:24 p.m. The next regular meeting of the Rent Stabilization Commission will be held at 7:00 p.m. on May 10, 2018 in the West Hollywood Park Public Meeting Room – Council Chambers.

These minutes were submitted by Tom Trevor, Commission Secretary and approved by a motion of the Rent Stabilization Commission on this 10th day of May 2018.

A copy of the audio recording of this meeting can be obtained from the City Clerk's office upon request. You may also view a video of this meeting at <http://www.weho.org/weho-tv/other-city-meetings>
(Disclaimer: Staff records the meetings for the sole purpose of composing the official meeting minutes; therefore the audio recordings are not of commercial quality.)

ATTEST:



Josh Kurpies, Chair



Commission Secretary