



**STATEMENT OF PROCEEDINGS FOR THE
REGULAR MEETING OF THE
LOS ANGELES COUNTY
RENTAL HOUSING OVERSIGHT COMMISSION
HALL OF RECORDS
320 WEST TEMPLE STREET, ROOM 150
LOS ANGELES, CALIFORNIA 90012**

<https://dcba.lacounty.gov/rental-housing-oversight-commission/>

Monday, October 2, 2023

1:00 PM

Present: Vice Chair Ani Papirian, Commissioner Pamela Agustin-Anguiano, Commissioner Odest T. Riley Jr. and Commissioner Clint Patterson.

Absent: Chair KeAndra Cylear-Dodds

Call to Order, Land Acknowledgement and Roll Call of the October 2, 2023, Rental Housing Oversight Commission meeting.

Vice Chair Ani Papirian, called the regular meeting to order at 12:59 p.m. followed by Roll Call. Commission staff played a recording of the land acknowledgement.

I. GENERAL PUBLIC COMMENT

Public Comment

1. Opportunity for members of the public to address the Commission on items of interest that are within the jurisdiction of the Commission.
No members of the public were present.

II. ADMINISTRATIVE MATTERS

2. Review and take appropriate action on the Rental Housing Oversight Commission draft regular meeting minutes of September 18, 2023.

On motion of Commissioner Clint Patterson., seconded by Commissioner Odest Riley Jr., this item was approved with the following vote:

**Ayes: 4 - Vice Chair Ani Papirian,
Commissioner Pamela Agustin-Anguiano, Commissioner
Odest T. Riley Jr. and Commissioner Clint Patterson.**

Absent: 1- Chair KeAndra Cylear-Dodds

III. PUBLIC HEARING

- 3. Appeal Hearing and possible action for Case number RSQ22-08787 for subject property 1115 ¾ W. 93rd Street, Los Angeles, CA 90044. Shawna Wilson, Commission staff, reported that the Department and Appellant and were present and the Respondent was participating in the hearing remotely.**

Mr. George Cerda, Department of Consumer and Business Affairs (DCBA), gave a self-introduction and provided the Commission with a Power Point Presentation and summary of findings. Mr. George Cerda noted that the subject property is within the unincorporated area of Los Angeles County, is a triplex and has an effective occupancy date of 1928 making the subject property a fully covered unit. The case being heard before the Commission is for unpermitted rent increases. Mr. Cerda reported that both parties entered into a rental agreement in August 2018 with a base rent of \$1200.00 per month. Rent was then increased to \$1600.00 in January 2019, to \$1760.00 in January 2021 and \$1936.00 in January 2022 during the rent freeze. Mr. George Cerda noted that the Landlord gave a rent credit of \$2400.00 total for September and October 2022.

Mr. George Cerda added that in accordance of California Civil Code 8.72, if rent is increased more than 10%, the tenant must be given a 90-day notice. Additional ordinance portions cited for the determination were 8.52.50, requiring a written 30-day notice for rent increase, one rent increase allowable within a 12-month period, additional occupants do not authorize a rent increase, waiver prohibited clause stating a tenant cannot waive their rights under the ordinance and the rent freeze for fully covered units between March 2020 and March 2023.

At the conclusion of the investigation, DCBA's determination showed that an overpayment refund was due to the tenant for \$21,280.00, and rent should be set at \$1200.00 per month.

In response to questions posed by the Commission, Ana Zakaryan Nunez, DCBA, noted that the waiver right within the Interim ordinance went into effect in April 2020. Mr. George Cerda added that the department gave two calculations for the Commission to compare. One calculation without a 3% increase that would have been permitted in 2019 with proper notice, and a calculation with the 3% increase. Mr. George Cerda noted that the landlord could also file rent adjustment application to further increase rent if they have proof that the additional tenants

created an additional expense for the subject property. Ms. Catherine Delu, landlord and property owner, gave a brief self-introduction as well as her husband Mr. Harry Delu. Ms. Delu reported that she allowed the tenant access to the property three days before the lease began as a courtesy. Ms. Delu stated that within 5 days of moving into her property, Ms. Jones, the tenant had allowed her mother, sister and her sister's children to move into the unit increasing the occupants in the property from two to eight. This violated the terms of the lease by subletting to other occupants and violating the parking agreement of one car on the premises. During discussion Ms. Delu noted that the increase of occupants also put more wear and tear on the property than average and forced her to increase rent due to having additional maintenance and repair costs. She further noted that Ms. Jones, tenant, had inquired how much additional occupants would increase rent and that the mutually agreed upon rent increase for January 2019 was \$1600 due to the extra occupants in the home despite the rental agreement stating no subletting of the unit was allowed. In response to questions posed by the Commission, Ms. Delu noted that there was no proof showing the tenant offered to pay additional rent for the increased occupants in the property. In response to further questions from the Commission, Mr. George Cerda, DCBA, noted that when there is a lease agreement that has rent increases built into it, the department honors that, however in this case the reason the landlord did not receive the three percent allowed increase credit was due to no written 30-day notice given to the tenant as mandated in the ordinance. Mr. George Cerda, DCBA, further stated that the landlord also has the opportunity to submit an application for rent increase to DCBA for consideration. In response to questions posed by the Commission regarding new landlord documents brought to the hearing for the Commission to review, Brigit Greeson Alvarez, County Counsel, stated that per the Los Angeles County ordinance, the Commission cannot review new evidence that was not introduced during the initial DCBA investigation. Commissioner Pamela Agustin-Anguiano noted that just as the tenant had the right to file for an adjustment in rent, the landlord also has a right to apply for an increase in rent by DCBA. After hearing testimony from the appellant, Ms. Brigit Greeson-Alvarez, County Counsel, noted for the record that in accordance to Los Angeles County ordinance 8.52.15083, no new evidence was brought before the Commission.

Ms. Jones, tenant, provided the Commission with a brief summary of her account of events regarding rent increases she has been subject to since moving into the property in August of 2018. During discussion, Ms. Jones clarified she had not shared keys or asked anyone in her family to move in with her during her initial occupancy of the property. As a single mother of one, working nights, she asked her mother, to babysit her son in her home while she worked. She had also explained this to Ms. Delu, Landlord. During further discussion, Ms. Jones stated that due to pregnancy, Ms. Jones' sisters and their children also moved into the property to help her in November, 2018. Ms. Delu, landlord, agreed to allow Ms. Jones' mother to move in to assist Ms. Jones with her son with an increase of rent to \$1600.00 in November 2018 but then imposed subsequent annual increases. Ms. Jones added she became concerned with the increases became larger and larger. After discussing the large increases in rent and failed attempts to lower the rent with Ms. Delu, Ms. Jones filed for a rent adjustment with the Los Angeles County Department of Consumer and Business Affairs. Ms. Jones noted that after

filing for a rent adjustment and receiving a decision, Ms. Delu refused to accept two months' rent totalling \$2400.00 and was therefore given credit for those amounts. In response to questions posed by the Commission, Ms. Jones confirmed that she was in agreement with the initial \$1600.00 imposed in the beginning of 2019, however she stated she did so under duress.

During discussion, Ms. Ana Zakaryan Nunes stated that although there was testimony attesting to and the Commission would like to consider items such as wear and tear to the property, the focal point of the appeal solely involves whether or not the rent increases were valid, whether the tenant had the ability to waive her rights under the ordinance, and whether proper notice was given for rent increases. During further discussion, Ms. Ana Zakaryan Nunez added that the landlords can also file for a rent adjustment with the department for an increase in rent and the current allowable maximum increase in rent is 8%. Following discussion, the Commission requested that Mr. George Cerda, DCBA, recalculate the rent figure to include the mutually agreed to amount of \$1600.00 per month and report back to the Commission following the Commission break.

BREAK

The Commission paused the meeting for a recess at 2:31 p.m. and reconvened at 2:52 p.m.

IV. REPORT

4. Staff report back, have a discussion, and possible action on alternate locations for Commission hearings and meetings.

Following the Commission break, this item was taken out of order while Mr. George Cerda, DCBA, recalculated the rent amounts due for the hearing participants and Commission. Shawna Wilson, Commission staff reported on the available Los Angeles County location in East Los Angeles that has two rooms available for the Commission to hold meetings and hearings. She noted that the location is secure, has security, free parking and is large enough to meet the Commissions' meeting needs. After discussion, on motion of Commissioner Odest T. Riley Jr., seconded by Commissioner Clint Patterson, this item was approved with the following vote:

**Ayes: 4 - Vice Chair Ani Papirian,
 Commissioner Pamela Agustin-Anguiano,
 Commissioner Odest T. Riley Jr. and Commissioner
 Clint Patterson.**

Absent: 1- Chair KeAndra Cylear-Dodds

V. DISCUSSION

5. Discussion and possible action on meeting schedule, structure, and location for October 2023.

The Commission discussed the benefit to constituents of the Commission revising the meeting time to 12:30 p.m. in order to conduct the Commission's administrative matters such as role call and Minutes approval prior to the start of the pre-scheduled 1:00 p.m. hearings.

After discussion, on motion of Commissioner Pamela Agustin-Anguiano, seconded by Commissioner Odest T. Riley Jr., this item was approved with the following vote:

Ayes: 4 - Vice Chair Ani Papirian, Commissioner Pamela Agustin-Anguiano, Commissioner Odest T. Riley Jr. and Commissioner Clint Patterson.

Absent: 1- Chair KeAndra Cylear-Dodds

VI. PUBLIC HEARING (Continued)

3. Appeal Hearing and possible action for Case number RSQ22-08787 for subject property 1115 $\frac{3}{4}$ W. 93rd Street, Los Angeles, CA 90044.
Mr. George Cerda provided the Commission with a new breakdown of rent including the \$1600.00 previously agreed to by the tenant and landlord. He noted that the rent overpayment amount due changed from \$21,280.00 to the tenant to \$1980.00 due to the landlord. During discussion, the tenant and landlord agreed to accept previously agreed rent of \$1600.00 and waive all outstanding amounts due. During further discussion, Brigit Greeson- Alvarez noted that although the Commissioners were selected and nominated by the Board of Supervisors for their valuable individual expertise, their recommendations to the landlord and tenant should not be construed as legal advice. After discussion, this hearing concluded and the roll call vote is deferred to the next meeting.

Public Comment

- 3a. Opportunity for members of the public to address the Commission regarding Case number RSQ22-08787.
No members of the public were present.

VII. MISCELLANEOUS

Matters Not Posted

6. Matters not on the posted Agenda to be presented and placed on the Agenda of a future meeting.
During discussion, in response to questions posed by the Commission, Shawna Wilson, staff, confirmed the following will be placed on the Agenda for the next meeting:
Report back from County Counsel regarding the differences in state vs County ordinances, specifically AB1482 and SP567 and how they impact the Commission. Report back and clarification from Staff if there are any updated ordinances that impact the Commission. Discussion and clarification on the ordinances impacting the Commission, specifically impacting 30-day notice vs 90-day notice and relocation assistance. Staff report on the status of new Commissioner nominations. In response to questions posed by the Commission, Dana Pratt, DCBA and Shawna Wilson, Staff agreed to provide a quarterly status update to the Commission on previously heard cases in order to determine the impact of the Commission and it's work. During further discussion, Shawna Wilson, staff, confirmed a quorum for the October 16, 2023 hearings. There being no further discussion or objections, this item was received and filed.

Adjournment

7. Adjournment for the regular meeting of August 2, 2023.
On motion of Vice Chair Ani Papirian, there being no objections, this meeting was adjourned at 3:38 p.m.